Critique & Praxis: A Pure Theory of Illusions, Values, and Tactics, and An Answer to the Question: "What is to Be Done?"

Bernard E. Harcourt
Columbia Law School, bharcourt@law.columbia.edu

Follow this and additional works at: https://scholarship.law.columbia.edu/faculty_scholarship

Part of the Law and Philosophy Commons, Law and Politics Commons, and the Public Law and Legal Theory Commons

Recommended Citation

This Working Paper is brought to you for free and open access by the Faculty Publications at Scholarship Archive. It has been accepted for inclusion in Faculty Scholarship by an authorized administrator of Scholarship Archive. For more information, please contact cls2184@columbia.edu.
BERNARD E. HARCOURT

CRITIQUE & PRAXIS

A PURE THEORY OF ILLUSIONS, VALUES, AND TACTICS
AND
AN ANSWER TO THE QUESTION: “WHAT IS TO BE DONE?”

~~~

A FIRST DRAFT

September 1, 2018
New York, New York
Version 1.0
NOTE TO READER

This is the first draft of a book manuscript. As such, it is not a final book, but rather a work-in-progress. Because it addresses such pressing issues, at such a critical time of crises, I have decided to share this first draft with readers. I am eager to receive your comments and feedback. I apologize for typographical errors, stylistic infelicities, and substantive errors—all mine. Please send me your thoughts and comments, preferably by way of comments on the website that hosts this first draft, “Critique & Praxis 13/13.” I thank you in advance, Bernard E. Harcourt.

© Bernard E. Harcourt 2018 – All Rights Reserved
Columbia Center for Contemporary Critical Thought
Columbia University, New York City


**TABLE OF CONTENTS**

**PREFACE** ........................................................................................................... 5

**INTRODUCTION: A TIME FOR PRAXIS** ......................................................... 11

**PART I: THEORIA — RECONSTRUCTING CRITICAL THEORY** ............ 15
  Chapter 1: Our Theoretical Quandary .............................................................. 17
  Chapter 2: The Problem of Truth ................................................................. 25
  Chapter 3: Reconstructing Critical Theory .................................................. 31
  Chapter 4: A Pure Theory of Illusions ......................................................... 45

**PART II: UTOPIA — REIMAGINING A CRITICAL HORIZON** ............ 51
  Chapter 5: Our Utopian Predicament ......................................................... 53
  Chapter 6: The Political Condition .............................................................. 63
  Chapter 7: The Illusion of Liberalism ........................................................... 69
  Chapter 8: A Pure Theory of Values ............................................................ 83

**PART III: PRAXIS — REMAKING CRITICAL PRACTICE** ............... 91
  Chapter 9: Our Practical Dilemma ............................................................... 93
  Chapter 10: The Trouble with Violence ..................................................... 115
  Chapter 11: A Way Forward ....................................................................... 131
  Chapter 12: A Pure Theory of Tactics ....................................................... 151

**PART IV: WHAT IS TO BE DONE?** .......................................................... 173
  Chapter 13: Crisis — New York, September 1, 2018 .............................. 175
  Chapter 14: Critique — New York, September 1, 2018 .......................... 185
  Chapter 15: Praxis — New York, September 1, 2018 ............................. 189

**CONCLUSION** ................................................................................................. 197

**BIBLIOGRAPHY** ............................................................................................ 201

**NOTES** ............................................................................................................ 217
We live in dark times. Extreme-right populist movements are on the rise once again. Xenophobic sentiment is mounting in many quarters around the world. Strong-men political leaders are gaining power on the back of a global war on terror and years of neoliberal economic reform. As I write, the democratic process and inclusive politics in the United States—as faulty as they are—teeter on the verge of collapse, and it is no longer unimaginable that the country may be headed toward authoritarianism. Many even worry, not without reason, about the risk of fascism. The question on many people’s minds today is: What is to be done to prevent slipping into chaos and tyranny? Or, even more pointedly: What can I do, personally, to stop this dangerous descent?

Others before us faced similar dilemmas—and their fates are what worry many of us even more. France and Germany in the 1920s and ’30s. Chile in the 1970s. Russia and Turkey at the turn of the century. Democratic processes, it turns out—especially faulty democratic regimes that desperately need reform—are fragile, especially when they are confronted by authoritarian leaders bent on fomenting political chaos in order to consolidate political power.

History reveals a number of conventional responses to these democratic crises: bolster parliament as a bulwark against an encroaching executive; build a more independent judiciary; enforce the rule of law; produce more and better facts to counter the propaganda; invigorate the public sphere; spark a grassroots counter-movement; or just get more people to the polls. And all of these are, undoubtedly, worthwhile undertakings in such critical times.

But for many critical thinkers, these remedies feel like band-aids and stand on fragile footing. They rest, for the most part, on illusions that may well have contributed to the crises we find ourselves in today. The rule of law, for instance, is far more malleable than its proponents imagine and can easily be distorted in the hands of autocratic leaders, as happened under the Third Reich or in post 9/11 America. (Recall the Bush torture memos that immunized unconscionable practices like waterboarding, stress positions, and inhumane deprivations.) Facts also—particularly social facts—are far more malleable than we would like to admit. Many legal facts, for instance, depend on contested notions of materiality, proximity, or intent that are more influenced by relations of power than by objective measurement. Truth, it turns out, is not
immune to politics; there is no wall, but instead a tight relation between truth, knowledge, and power.

Now, dressings are of course useful to stop the bleeding. A more independent judiciary, a legislative check, honest law enforcement can have positive effects in critical times like these, and are surely more desirable than raw authoritarianism. They are necessary correctives in these times. But they are not solutions—and, in all likelihood, they postpone the reckoning, particularly when a right-wing populist wave engulfs parliament and packs the judiciary as well. These remedies are not bulwarks against encroaching right populism, but just temporary measures and are easily appropriated by the right. They are no more than stopgap measures in an ongoing political struggle.

Contrary to liberal tenets, there are no neutral principles or universal charters of civil and political rights that will protect us against a downward spiral to authoritarianism. There is no institutional fix, no permanent or lasting legal protection against tyranny. The rule of law will not save us—it is plied instead in the hands of brilliant lawyers to the will of their handlers, as we witnessed so starkly under the presidency of George W. Bush. As a result, putting in place these temporary remedies will not suffice.

The reason is that our political condition does not achieve the kind of equilibrium characterized by liberal political theory. Our political condition is, instead, a constant never-ending struggle to shape distributions of resources. It is an unending political competition, one that never reaches a stable equilibrium, but rather churns endlessly, dramatically, and often violently, redistributing wealth, security, influence, liberty, well-being—and, yes, life itself.

This is a central insight of critical theory, and it remains as sound today as it was one hundred years ago: our political condition is an unremitting struggle over values, ideals, and material existence. It is a constant battle to realize contested visions and ambitions for life and social existence. We are inevitably steeped in these ongoing political struggles. They cannot be avoided through institutional or legal fixes.

Another central insight of critical theory is that these struggles are fought, and often won, on the basis of illusions: by getting people to believe so deeply in the truth of social facts that they are then willing to sacrifice their lives for their beliefs. In recent decades, with the collapse of communism and the rise of neoliberalism, the illusion of free markets has done most of the work. But today, increasingly, the specter of
immigrant invasion, of loss of white identity, and of the Islamification of the West are now converting many more people to extreme-right populist movements.

In times past, critical theory would have had a ready-made answer to these troubled times. In the late nineteenth and most of the twentieth centuries, Marxist thinkers dominated the critical Left. Traditional critical theory was tethered to class struggle and historical materialism. Critical practice—what became known as praxis—was oriented toward revolution. To be sure, there were internecine conflicts and rivalries over tactics. The heated debate between Rosa Luxembourg and Lenin on the question of what was to be done is a good illustration. But the broad outline of the path forward was well defined: class struggle, international solidarity, and revolutionary social transformation. This vision of praxis shaped the first generation of the Frankfurt School and represented a common horizon for the critical Left in the early to mid-twentieth century.

But with peasant and anti-colonial insurrections in the East and South at mid-century, and in the wake of the repression following May 1968, many critical voices began to fracture the consensus of traditional critical theory. The decline of syndicalism and of more radical factions of the international labor movement gradually transformed and pacified labor movements during the second half of the twentieth century. The events in the 1950s and 60s, especially in Hungary and the East Bloc, began to unveil some of the illusions of traditional critical theory itself; as did the streets of 1968 where the vitality of the student and worker movements slammed against the rigidity of leftist parties, especially Western communist parties still beholden to the Soviet Union. At that point, the grip of Marx’s philosophy of history began to loosen. And once that glue dissolved, the critical prescriptions got muddied. Since that time, critical praxis has lacked its earlier coherence—leaving many critical thinkers today somewhat disarmed in the face of renewed right-wing populism.

There is today no longer an intelligible critical response to the question “What is to be done?” Apart from a dwindling core, few critical theorists would explicitly advocate the answers that most on the critical Left would have imagined in the early or mid-twentieth century. Today, right-wing populist movements have cannibalized segments of the proletarian base of the former Left, turning old-style class warfare into anti-immigrant, xenophobic, and ethno-racist conflict. The cleavage is no longer between the workers and the bourgeoisie, but between a populist
white class versus minorities and immigrants, or children of immigrants, predominantly of color. In the United States, it is between destitute whites and impoverished blacks and Latinos. The problems this raises are acute.

The questions are pressing—but critical theory no longer provides a straightforward answer. To the contrary, in recent decades, critical theory has been mired in internecine struggles of influence among its different branches—Marxist, Lacanian, Foucaultian, deconstructive, feminist, post-colonial, queer—or worse, in tribal politics and gossip around its illuminati. These internal wars of influence and political games have prevented critics from building on the core of critique and taking on the challenge of elaborating a contemporary critical theory of practice—a critical praxis for our critical times.

It is time, then, to rejuvenate critical theory and critical praxis for the twenty-first century. In these pages, I will set forth a new vision for critical theory and praxis, and answer the specific question of what is to be done today, here, and now. In brief, I will propose that we understand critical theory, at its core, as a pure theory of illusions that calls for a pure theory of values and entails a pure theory of tactics. Let me prefigure the argument as succinctly as possible.

Critical theory is the constant endless unveiling of illusions in order to demonstrate the distributional consequences of our belief systems, material conditions, and political economies. It traces the effects in reality of our beliefs and material practices, recognizing that, as it unveils illusions, it creates new ones that will need to be unpacked next. It is relentless in this way—this is its anti-foundational basis. It engages in a form of recursive unmasking—an infinite regress—that endlessly exposes the distributional effects of belief systems and material conditions. It entails, in this sense, a pure theory of illusions.

In the same way in which reconstructed critical theory, understood as a pure theory of illusions, liberates us from unfounded positivist foundations, it also frees us from the foundational constraints of traditional critical utopias. There is no unique form of political economy that will satisfy a critical utopian vision. All political economic regimes are regulated in unique ways and produce material distributions that are the direct effect of the specific rules and regulations of that particular regime, not of the abstract regime type. A state-controlled economy can distribute to its apparatschik, just as a privately-owned corporation can distribute to its workers: it is not the type, but the detailed mechanisms and regulations of the specific regime that shape
the social order. All that we can judge, as critical theorists, is how close a specific regime approximates the values and ideals that the critical tradition shares. In this sense, critical theory calls for judgment about the values that a political economic regime instantiates through its material outcomes and distributions, not for a particular political economy. Hand-in-hand with a pure theory of illusions, reconstructed critical theory must be agnostic about the form of political economic regime, but adamant about its values. It entails, in this sense, a pure theory of values.

In terms of praxis, then, reconstructed critical theory calls for entirely situated, contextualized analyses of how to push specific, really-existing, situated political economic regimes—whether capitalist, socialist, or communist—in the proper direction. Each historical, temporal, and geopolitical situation will differ, calling for different tactics—with nothing off the table. This is an inherently combative enterprise because critical theorists are necessarily opposing and confronting the values and material projects of others. Politics is a constant battle over values, and we are all inevitably in a state of competition to realize our ideals. In such a contested space, it is only possible to develop tactics in a situated and contextualized way. Since there is no war to be won, but an endless series of battles, critical theory must focus on tactics. These are not portable or generalizable. What might have been appropriate in 1930s Germany was completely different than what worked in 1940s India. In the latter context, non-violent resistance may have been appropriate; in the former it would have been useless. Battle tactics cannot be universalized. In this sense, reconstructed critical theory calls for a pure theory of tactics.

The upshot is that there is no single or abstract answer to the question “What is to be done?” In the same way in which reconstructed critical theory overcomes unfounded positivist foundations, the question “What is to be done?” does not have a unique or correct answer in the abstract. The answer is not a vanguard party, a leaderless movement, non-violent resistance, or any general mode of uprising, in the abstract. There is no one right way to proceed in general terms. We immediately go off track when we seek one generalizable answer to the question. Instead, the question must be answered differently for each situation, specified and contextualized in space and time. There must be a GPS-, time-, and date-stamp to every answer.

In this book, I propose one such time, place, and date stamped answer to the question: “What is to be done in the United States on September 1, 2018?” That is the only style of question that is worth a
critical response. I hope that others will answer the question with their own time, place, and date stamp wherever they are now—and I will facilitate a forum to post those answers. Critical theory cannot simply understand our crises and unveil our illusions. It cannot content itself with reflection or contemplation as a form of practice. It must articulate tactics and praxis.

Critical times call for radical revaluation. Earlier similar epochs were foundational moments for critical theory and praxis. The 1920s, especially in the Weimar Republic, gave rise to a whole generation of critical theorists—many of whom would emigrate in exile around the world and spawn a critical diaspora. The 1960s, with its global student uprisings and government repression, stimulated another wave of critical theory and praxis, giving way to a formidable decade of critical thought during the 1970s. Our critical times today demand an equal response from contemporary critical theorists. That is what I propose here: a new vision for critical theory and critical praxis for the twenty-first century.

Bernard E. Harcourt
September 1, 2018
New York City
INTRODUCTION: A TIME FOR PRAXIS

We have inherited a rich tradition of critical theories that has served us well to identify and analyze our contemporary crises. So much so that the terms “crisis and critique”—Krise und Kritik—have become today homologues. With regard to critical praxis, however, we are in a slightly different situation. The trajectory of critical praxis, although influenced by similar historical forces as that of critical theory, landed us in a somewhat different place. As a result, many contemporary critical theorists are disarmed today before the most fundamental and critical question of these critical times: “What is to be done?”

This predicament is the product of centuries or millennia of privileging philosophical inquiry, contemplation, and reason over what the Greeks referred to as πρᾶξις—praxis, or practice, the ethical and political form of being. The former, theoria, involved predominantly understanding and comprehension—in essence, knowing—and it was oriented towards wisdom. The latter, praxis, revolved around activity, action, performance—in essence, doing—and it was oriented towards proper behavior in ethical and political life.3

For the ancients, these were two different modes of engaging the world—two among others, poesis being another—and these two categories have shaped human experience ever since. The early Christian writers drew on them in their struggle to square contemplative faith with acts of charity. Medieval scholars pursued the debates and refined an idea of the practical application of theoretical knowledge. With Enlightenment philosophy, from Descartes through Kant to the German Idealists, the privilege of reason tilted the field further toward the mind and away from praxis.4

Many critical thinkers during the nineteenth and twentieth centuries struggled to correct the imbalance—Marx, the first among them, as so strikingly encapsulated in his Theses on Feuerbach.5 The second thesis: “The question whether objective truth can be attributed to human thinking is not a question of theory but is a practical question.” The eighth: “Social life is essentially practical.” And, of course, the eleventh.

But Marx was by no means alone in his ambition to elevate praxis. Many critical thinkers followed in his footsteps. Hannah Arendt privileged the vita activa before turning, in her later years, to the
contemplative realm in *The Life of the Mind*. Michel Foucault extricated critical theory from the dominant Socratic way—*gnōthi seauton*, “know thyself”—and took the path less travelled: practices of the self, techniques of the self, or what he called “care of self.”

The tension played out in different ways and under different rubrics, from the invisible hand that undermined collective action to debates over “dirty hands.” But every time that we, critical theorists, came close to *praxis*—from antiquity to the present—it seems we found a way to divert the conversation back to the contemplative realm.

Socrates got close in the first *Alcibiades* and the *Statesman*. There, he confronted young men who wanted to live the life of *praxis*, rather than contemplation. But quickly Socrates made them realize they did not know much about justice or governing others, and what they needed first was to gain knowledge. So he convinced them to know themselves first. Politics is a skill. It requires *techne*. Like being the captain of a ship, or shepherd of a flock, there is skill and knowledge to be had. It requires wisdom first. Knowledge. Contemplation. And that then pushed everything back to philosophy. It pushed the inquiry back to the *Republic* and definitions of justice, and the just person. And Socrates never got back to the original question: how to act politically.

Foucault got close in *The Hermeneutics of the Subject* and his final volumes of *The History of Sexuality*. We had spent too much time on Socrates’ “know-thyself,” Foucault argued there. There was a whole other tradition of *practice* that we had ignored. Foucault too returned to the first *Alcibiades* as a way to explore those practices. He interpreted the Socratic dialogue as a move toward practices of the self, toward care of self, rather than simply knowledge of self. But he then pivoted to the permanent practices of the self in the Stoics and Epicureans; and from there on, the analysis was almost exclusively trained on practices of the self. The dimension of subjectivity would dominate the analysis at the expense of the government of others.

Truth-telling, *parrhesia*, and the courage of truth are of course essential elements to engage politics. Speaking out and denouncing injustice is central. Emile Zola’s *J’accuse* is a classical example—for which Zola was convicted of libel and had to flee France. Foucault too staked out important political positions in manifestos, editorials and signed statements on many occasions. But notice the model: the influential intellectual, even as a specific intellectual, taking a stance against the state, at personal risk to be sure, often alone or in a small collective, standing against authority. That may be important. It may be
necessary. But surely, it cannot exhaust praxis. Yet, it seemed to, practically always.

Most recently, I was reading my friend and colleague Axel Honneth’s new book, _The Idea of Socialism_—an engaged intervention seeking to rehabilitate socialism and breathe new life into it. A deeply committed engagement. A real crie de coeur. Then I hit this passage:

I make no attempt to draw connections to current political constellations and possibilities for action. I will not be dealing with the strategic question of how socialism could influence current political events, but solely how the original intention of socialism could be reformulated so as to make it once again a source of political-ethical orientations.\(^6\)

No attempt to discuss “possibilities for action”: that is our predicament. Somehow, praxis invariably takes a second seat to theory. Practice, practical knowledge, clinical activities become the handmaid of theoretical knowledge—whether in philosophy, physics, law, engineering, or critical theory. To the point where, today, in our own field, we laud critical theories, but cannot even properly identify critical praxis.

No more. This has to end. It is time to take stock and begin to chart new directions for critical praxis. In times like these, there is a burning need for a new vision and renewed critical praxis. What does or should political action look like from a critical perspective today, especially when the underlying theoretical structure of the dialectical imagination has become so fractured?

This is the most important question for critical theory in the twenty-first century. It is the task that I have set for this book: to counter centuries of contemplative complacency and return critical praxis to its central place in the order of things. In doing so, this book will strive to address what is, today, the most pressing question of all: What is to be done?\(^7\)
PART I: THEORIA — RECONSTRUCTING CRITICAL THEORY

Critical theory foundered in the mid-twentieth century on the shoals of positivism. Since then, a succession of anti-foundational challenges to traditional critical theory fragmented the landscape of critical theory.

This part offers a way forward to reconstruct critical theory by means of what I call “counter-critical theory”: it is a critical method that indexes the original impulse of critical theory, but liberates it from its positivist foundations, in order to allow for a more open-ended and permanent reexamination of how power circulates and recirculates in society. It calls for the constant and unending unveiling of illusions, to expose how belief systems and material conditions distribute resources in society, attuned to the fact that the very unveiling will produce new illusions that themselves need to be unmasked and exposed.

Counter-critical theory is a pure theory of illusions and calls for an ongoing and unrelenting theoretical stance of resignification, reinterpretation, and reevaluation.
Chapter 1: Our Theoretical Quandary

We face many of the threats that earlier critics stared down. Like Walter Benjamin, Theodore Adorno, Max Horkheimer, and others in the 1920s and 30s, we too face a troubling conjuncture of world-historic crises that are challenging our own understanding of both our present and possible futures. But something important has changed. The unity of critical theory has fractured. Critical theory finds itself today in an uncomfortable predicament. It was not always this way.

In the late nineteenth and for most of the twentieth century, those advocating for a more equitable society—those on the critical Left—were mostly influenced by Marxist ideology and the category of class struggle. Class struggle defined the historical narrative, identified the central political problematic, and provided the basic solution. For a century or more after Marx wrote The Communist Manifesto, the critical Left was under the spell of class struggle.

Whether you agreed or not with Marx about the centrality of class conflict—and I would argue that today, most critical theorists no longer do, or at least not within the classically Marxist framework of workers versus the bourgeoisie—what is plain is that the dominance of the category of class struggle produced a far more coherent and unified vision on the critical Left of what was to be done. The struggle was to take the form of a social revolution—either through a vanguard party or through more democratic processes. The first approach was captured well by Lenin, the second by Rosa Luxembourg. Lenin, in his April Theses, argued for a second truly proletarian revolution to succeed the first bourgeois revolution of February 1917. Lenin’s Theses were highly controversial among Marxists at the time because of their vanguardism, and there were, naturally, sharp differences in strategy and tactics.

But on one thing everyone agreed: social revolution. The question of political action—or what was referred to, at the time, as praxis—predominantly passed through a workers’ revolution that would bring about complete social transformation. It would translate, depending on the context, into internationalism, syndicalism, anti-imperialism, or anti-colonialism. It extended to agricultural workers, or what were referred to as “peasants,” and colonial subjects. But regardless, there was a coherence and straightforward answer to the question of what was to be done: a people’s revolution against capitalism. This revolution was grounded on a Marxist philosophy of history, and it was inevitable.
The interwar period serves as a good illustration. The political situation was at least as confounding as today, with the rise of fascism. But back then, critical praxis was far more coherent and unified, even among the most intellectual of intellectuals. So, for instance, when Walter Benjamin and Bertolt Brecht were planning the launch of a new journal, *Krise und Kritik*, in 1930, the critical scaffolding was firmly embedded in a Marxist register—as you will see.\(^9\)

I.

“A new journal is at issue, and indeed the only one to have overcome my firmly rooted conviction that I could never again get involved in anything like it […] and it will be called *Krise und Kritik*.”

— Walter Benjamin, letter to Gershom Scholem, October 1930.\(^10\)

“The journal is political. By that is meant that its critical activity is consciously anchored in the critical situation of present society—that of class struggle.”

— *Krise und Kritik* Memorandum, c. 1930.\(^11\)

In January 1930, the crises were equally troubling, but the critical framework was far more unified and cohesive. When Walter Benjamin and Bertolt Brecht planned the launch of their new journal, *Krise und Kritik*, along with the writer Bernard von Brentano and the drama critic Herbert Ihering, the critical framework was firmly Marxist. They all agreed on what was needed: scientific expertise by critical intellectuals to demonstrate the validity of the dialectical materialist method, the foundational role of class struggle, and their implications for understanding the crisis—and even perhaps contributing to it. They understood, or at least Benjamin did clearly, that the economic and political crises had begun to produce, or in Benjamin’s own words, “must produce manifestations of crisis in the superstructure.”\(^12\) The disagreements surrounding critical theory were far less dramatic. To be sure, Brecht was perhaps too crude or vulgar theoretically for Theodor Adorno, Max Horkheimer, or Friedrich Pollock, and troublingly supportive of Stalin; the Institute members were perhaps too bourgeois still for Brecht; and Benjamin was a source of concern for all as he navigated between them.\(^13\) But everyone was working in the same
register of class struggle, dialectical materialism, and a certain kind of positivism.

Benjamin’s plans for *Krise und Kritik* were starkly positivist and foundationalist. The role of the intellectual, Benjamin declared in conversation with Brecht, was not to lead the proletariat, but rather to fulfill “a subordinate function” of proving the validity of the dialectical materialist method—essentially, of providing scientific research to solidly establish the proper and necessary sociological positions. The journal was intended, Benjamin maintained, to publish the scientific expertise of scholars, to engage not in journalism but in academic research. The program that Benjamin and Brecht set was clear: “The journal’s field of activity is the present crisis in all areas of ideology, and it is the task of the journal to register this crisis or to bring it about, and this by means of criticism.”

“Interventionist thinking” was the order of the day. “Inconsequential thought” was to be avoided. *Krise und Kritik*—also for a short time called *Kritische Blätter* (literally *Critical Pages* but more metaphorically *Critical Notebooks* or *Critical Papers*)—was to be a journal that would permit “an active, interventionist role, with tangible consequences, as opposed to [the] usual ineffectual arbitrariness.” Benjamin clearly expressed what he had in mind for *Krise und Kritik*:

The journal was planned as an organ in which experts from the bourgeois camp were to undertake to depict the crisis in science and art. This was meant to demonstrate to the bourgeois intelligentsia that the methods of dialectical materialism are dictated to it by its own most necessary characteristics—necessities of intellectual production, research, and existence. The journal was meant to contribute to the propaganda of dialectical materialism by applying it to questions that the bourgeois intelligentsia is forced to acknowledge as those most particularly characteristic of itself.

The project was thus deeply positivistic, in a scientific Marxist sense. Critique would lay the foundation for revolutionary political change. As Brecht wrote, in the context of that projected journal, the concept of *Kritik* was “to be understood in the sense that politics is its continuation by other means.” It should not come as a surprise that Erdmut Wizisla, who published the extensive materials recording the
planned publication of *Krise and Kritik*, compared, as “near equivalents,” the intended method of Benjamin and Brecht with the logical positivism of the Vienna School.\textsuperscript{20}

Ultimately, this positivist ambition foiled the project. Benjamin felt that the first three articles received were not in fact expert science. They had not lived up to the ambition of the journal and could not “claim to have been written by an expert authority.”\textsuperscript{21} The German translation of the article by Georgi Valentinovich Plekhanov, a Russian Marxist who had died in 1918, titled “Idealist and Materialist World Views,” for instance, was decades old and outdated. If it could have claimed expert authority, Benjamin wrote, that would have been twenty-five years earlier.\textsuperscript{22} Benjamin withdrew from the project at the end of February 1931, followed by Ihering, then the financial collapse of Rowohlt and the emergency press restrictions of July 1931—which finally ended the project.\textsuperscript{23}

The terms *Krise and Kritik* would be taken up again and again, inverted, resignified, but for the most part, they remained associated with a deeply Marxist and post-Marxist tradition until the 1960s at least. The 1988 English translation of Koselleck’s 1959 book, *Kritik und Krise*, did not get past the period of Rousseau and Raynal and so did not directly engage the twentieth century, though it was written explicitly for a post-war “state of permanent crisis.”\textsuperscript{24} Koselleck of course had no reason to elaborate on Benjamin and Brecht’s interventionist thinking or their planned journal, *Krise und Kritik*—focusing instead on the way in which the Kantian conception of critique had so influenced the utopianism that would, apparently and recurrently, lead to terror—but his work forwarded in different ways their earlier project.

II.

Today, by contrast, the critical framework has been fractured by anti-foundationalist interventions that have fissured the cohesion of the Marxist scaffold.\textsuperscript{25} In the 1960s, radically different conceptions of power, of desire, of subjectivity challenged post-Marxist thought from within the critical framework. Gilles Deleuze, in his 1962 monograph, *Nietzsche et la philosophie*, turned Nietzsche into the critical philosopher, the founder, the inventor, in Deleuze’s words, of “une philosophie critique,” in the process displacing even Kant, who, according to Deleuze, missed the target and did not do “real critique.”\textsuperscript{26} Deleuze located in an anti-foundationalist Nietzsche the pure form of critique, the very essence, the core: namely, the questioning of the value
of values. The critical element, Deleuze wrote—italicizing the word “critique” in “l’élément critique”—is precisely “the creative element of meaning and of values.” Michel Foucault as well, and many after him, drew from Nietzsche the model of a truly critical approach. Nietzsche’s work, in Foucault’s words, “seems to me to be the best, the most effective, the most pertinent of the models that one can draw upon” to do genealogical work. These critical interventions would violently upend the traditional link between critique, power, and the Marxist and post-Marxist tradition.

In the aftermath of May ’68 and the repression of the student uprisings and anti-Vietnam War movements, critical theorists then, again, refashioned their conceptual tools to better grasp the circulation of power and the troubled times in which they found themselves. It was a time of intellectual ferment. The decade of the 1970s was particularly fruitful for critical theory, but it sent critical theory in many different directions. Some critics returned to foundations and enriched the earlier generation of critical theory. Louis Althusser supplemented his scientific interpretation of Marx with concepts of ideology and ideological state apparatuses, in his Notes Towards an Investigation published in 1970. Hannah Arendt returned to notions of civil disobedience, violence, and revolution, to reconsider the active political life in her 1972 collection of essays, Crises of the Republic. Jürgen Habermas reworked legitimation theory to offer a new diagnosis of crisis tendencies specific to advanced capitalism in Legitimation Crisis published in 1973. Other critics challenged foundations and charted new directions for critique. Gilles Deleuze and Félix Guattari upended notions of desire and reconceived the will to power, turning the Oedipal myth into a bourgeois conspiracy, in their Anti-Oedipus published in 1973. Michel Foucault reconceptualized relations of power, this time on the matrix of civil war, in his lectures on Penal Theories and Institutions in 1972, on The Punitive Society in 1973, and then in his book, Discipline and Punish published in 1975.

A series of other critical interventions erupted at the same time, including Frederic Jameson’s Marxism and Form (1971), Jean Baudrillard’s The Mirror of Production (1973), Hayden White’s Metahistory (1973), Silvia Federici’s Wages Against Housework (1975), Cornelius Castoriadis’ The Imaginary Institution of Society (1975), Perry Anderson’s Considerations on Western Marxism (1976), Luce Irigaray’s This Sex which is Not One (1977), Mario Tronti’s On the Autonomy of the Political (1977), Stuart Hall’s Policing the Crisis (1978), Nicos
Poulantzas’ *The State, Power, Socialism* (1978), Edward Said’s *Orientalism* (1978), among others. The critical production from the 1970s was truly remarkable—stimulated by a period of global political upheaval—but it substantially fractured the coherence of Marxist thought.

In the decades that followed, new critical theorists augmented and, at times, rebelled against these various frameworks, and in the process developed new critical tools and concepts to address their own critical times. Some turned to the concept of the Anthropocene to capture humankind’s effect on the earth and to historicize the phenomenon of global climate change—31—with some even extending this into the domains of surveillance and digital technologies. Others turned to the framework of neoliberalism and biopolitics to capture the globalization of a new political economy of profiteering, financialization, and consumerism. Others looked for new definitions of populism in order to capture the rise of right-wing political developments in Hungary, Poland, or the Philippines, the election of Donald Trump, Brexit, or the electoral turn-out of the Front National in France and of right-wing candidates in the Netherlands, Austria, and elsewhere. Still others crafted new concepts of precarity, necropolitics, racialized assemblages, intersectionality, critical anthropology, decolonizing, and other theoretical frameworks to make sense of our present.

These new or retooled critical concepts often invigorated critical theory, but they also at times splintered critical theory, at least from the perspective of traditional Frankfurt School writings. And since that time, the intellectual framework has remained fractured, and critical theory caught in debates over influence and intellectual genealogies—with some returning to Kant, others turning to deliberative democratic thought, or even Rawls, and still others drawing on Nietzsche or Freud. Subsequent generations of the Frankfurt School gravitated first toward Kantian liberalism, then toward Hegelian recognition, then back to Kant—leaving students of critical theory somewhat bewildered and also démuni before the crises that would come, in waves, with neoliberalism, then neoliberal penalty, then neoliberal warfare, and on and on.

The different epistemological sensibilities fragmented the critical project. The contrast, even with the more literary and aesthetic thinkers like Benjamin, was deep. In his notes from the time of *Krise und Kritik* in 1930, under the telling header “Some Remarks on Theoretical Foundations,” Benjamin underscored his “thesis,” in his own words, that “true validity,” “fruitful validity,” “genuine validity” is only “guaranteed
by the closest possible connection to social reality,” because, he said, “Truth cannot be established by digression, by the collection and addition of all that’s thinkable, above all by arbitrary flight from its consequences. Rather must it repeatedly be confronted with reality at every stage and point.” 35 The contrast with the anti-foundational approaches of the 1960s could hardly have been greater.
Chapter 2: The Problem of Truth

The central rub—what really brought contemporary critical theory to its knees—was the problem of truth. For the Frankfurt School, and for those who believed in class struggle, there was always ultimately a notion of genuine interests, of real class interests, that grounded ideology critique. But with the anti-foundationalist challenges, the rug was pulled from under that consensus.

Many critical thinkers tried to soften the tension—and I would include myself here, regretfully. But none of those efforts could truly overcome, in the end, the breach that anti-foundationalist critical theories introduced into the debate. Critical theory was born of an Enlightenment drive to separate truth from falsity—of the critical impulse to seek the limits of reason and perform the work of discrimination at the root of the Greek term, krinein, that is at the base of both critique and crisis. Criticism, as Koselleck demonstrated, was fundamentally “the art of arriving at proper insights and conclusions via rational thought.” The anti-foundational critique went to the heart of that. And to date, the critical tradition has not been able to reconcile the chasm.

I.

“This great myth needs to be dispelled. It is this myth which Nietzsche began to demolish by showing that, behind all knowledge, behind all attainment of knowledge, what is involved is a struggle for power. Political power is not absent from knowledge, it is woven together with it.”

— Michel Foucault, “Truth and Juridical Forms” (1973)

It is crucial here to get a full sense of the chasm. The tension between the traditional critical framework and its anti-foundational challenges is illustrated best by the confrontation between the method of ideology critique and that of regimes of truth. The conflict, at heart, always came down to questions of knowledge, truth, and falsity.

At one end, the critique of ideology constituted itself as a particular form of knowledge that rested on a specific epistemological conception tied to the facticity of class interests. Ideology critique was a cognitive enterprise that produced a kind of knowledge intended to lead to enlightenment and emancipation.
At the other end, Foucault’s theory of knowledge-power, of *savoir*-pouvoir, amounted to a radical critique of knowledge. It aimed to unmask precisely that “great Western myth,” the illusion that it is possible to sever knowledge from power or achieve objectivity. That myth, Foucault declared, had to be, in his words, “liquidé”—liquidated, a far more forceful expression than “dispelled” as in the official English translation. Foucault’s was a searing critique of the possibility of powerless knowledge.

To be more concrete, in the early 1970s, Foucault directly challenged the idea of class interests and proposed, instead, that social relations be modeled on the matrix of civil war. That matrix would call for a constant reexamination of how power circulates through society, always questioning the categories through which we even analyze power, always reexamining the ways in which power and subjectivity are transformed. As he explained in December 1972, a month before launching into his lectures on *The Punitive Society*, his project was to study power relations on the basis of “the most criticized of all wars: not Hobbes, nor Clausewitz, nor class struggle, but civil war.” At the time, and focusing on early nineteenth-century France, what he developed—in contrast to those other three approaches—was the idea of a generalized civil war involving the production of a “criminal-social enemy” that facilitated a disciplinary form of power permeating society and transforming the entire time of life and subjectivity into a productive force. Foucault’s matrix of civil war did not rest on a binary or stable structure, but sought instead to upend our conventional ways of thinking about knowledge in a realm he himself characterized as power-knowledge.

It was precisely this tension that motivated Steven Lukes’s radical theory of power, and his defense of the idea of false consciousness, in which Lukes emphasized that “there is truth to be attained,” a “correct view that is not itself imposed by power.” Lukes argued that on Foucault’s view, by contrast, there can be no normative judgment because there is power all the way down: for Foucault, Lukes wrote, “there can be no liberation from power, either within a given context or across contexts; and there is no way of judging between ways of life, since each imposes its own ‘regime of truth’ . . .”

In an earlier essay, challenging Lukes, I tried to reconcile these differences, but in hindsight I realize that I did not do justice to the fundamental tension between the Frankfurt School’s epistemology and
Foucault’s critique of knowledge.\textsuperscript{49} I should not have dismissed the inexorable chasm so quickly.

This is evident if we return to the passages in which Foucault explicitly engaged the question of ideology and proposed certain revisions to (what he understood as) the concept of ideology. The passages occur at the end of Foucault’s Rio lectures from May 1973, \textit{Truth and Juridical Forms}—and so the context is important. As we all know well, Foucault frequently used the concept of ideology as a foil to his own thought.\textsuperscript{50} He often insisted that our ways of thinking about madness, delinquency, and sexuality were not mere ideological fabrications; that his own project was not to demonstrate that these categories were no more than “ideological products that must be dissipated in the light of reason”.\textsuperscript{51} Foucault maintained that these categories—the mad, the delinquent, the abnormal—were the product of a whole series of practices and discourses that gave birth to something that did not exist beforehand and ultimately still does not exist—a complicated idea—but has a real presence (and does not fit within the rubric of ideology).\textsuperscript{52} The categories, Foucault emphasized, could not fully be captured by the notion of ideologies.\textsuperscript{53} And so, in \textit{Truth and Juridical Forms}, Foucault explored various ways in which different legal forms—for instance, the practice of testing the accused or the evidence (what he refers to as \textit{épreuve}), of inquiring into the facts (what he calls \textit{enquête}), or of examining witnesses, oneself, or one’s conscience (what he calls \textit{examen})—function as ways of producing truth in resolving disputes, as forms of veridiction through jurisdiction. The Rio lectures thus represent a frontal assault on the idea or the possibility of objective knowledge.

At the conclusion of the Rio lectures, Foucault discusses the theory of alienated labor—the claim, which he attributes to Hegel and Marx, that “man’s concrete essence is labor.”\textsuperscript{54} Foucault does not provide a pin cite, but we could point to the \textit{Economic and Philosophical Manuscripts of 1844}, where Marx defines what is quintessentially human, as opposed to animal, as precisely laboring freely and productively.\textsuperscript{55} Foucault critiques the claim that man’s essence is labor, arguing first that this is by no means true (“labor is absolutely not man’s concrete essence,” Foucault declares),\textsuperscript{56} but second that we come to believe in its truth by means of certain practices that are intimately connected to capitalist relations of production themselves. These are the practices, Foucault argues, that shape the body, that render bodies docile. Foucault refers to them in Rio as “infrapower”: “a set of political
techniques, techniques of power … by which people’s bodies and their time would become labor power and labor time so as to be effectively used and thereby transformed into [surplus value]”; 57 a “web of microscopic, capillary political power … at the level of man’s very existence …”; “the whole set of little powers, of little institutions situated at the lowest level,” in contrast to the state or even to a notion of class. 58 Marx’s theory of capital accumulation, on Foucault’s reading, depends on these disciplinary techniques (which are themselves intimately connected with capitalist production) to shape bodies and render workers docile.

Foucault develops this insight two years later in *Discipline and Punish* where, specifically citing Marx’s *Capital* (Vol. I, Chap. XIII), he argues that the economic revolutions that made possible the accumulation of capital during the nineteenth century cannot be separated from the production of these docile bodies—or what he refers to as “the methods for administering the accumulation of men.” 59 These methods are the disciplinary techniques at the heart of *Discipline and Punish*, which replaced “the traditional, ritual, costly, violent forms of power, which soon fell into disuse and were superseded by a subtle, calculated technology of subjection.” 60 On Foucault’s view, these methods were as important to capitalist production and the exploitation of surplus value as the modes of production. 61 And, drawing on Georg Rusche and Otto Kirchheimer’s *Punishment and Social Structure* (1939)—published under the auspices of the Frankfurt School—Foucault transforms traditional Marxist political economy into a “political economy of the body,” effectively into “a history of bodies” that focuses on the “political investment of the body” and the “political technology of the body.” 62 These disciplinary forms—themselves embedded in relations of production—rendered docile the modern body, simultaneously making possible factory workers and the idea that free labor is man’s essence. As he would say in *Psychiatric Power*, “we can say that disciplinary power, and this is no doubt its fundamental property, fabricates subjected bodies; it pins the subject-function exactly to the body. It fabricates and distributes subjected bodies; it is individualizing [only in that] the individual is nothing other than the subjected body.” 63

Foucault could not have been clearer—or more challenging to ideology critique: the idea that “man’s concrete essence is labor” is itself fabricated, alongside these docile bodies, by disciplinary techniques that are embedded in relations of production and that themselves make those
relations of production possible. These techniques also bring about feelings of alienation because they deprive us of the rich, substantive meaning that our lives could have. These techniques of power give rise to knowledges—such as the idea that labor is “the essence of man,” but more broadly the idea of man as an object of science. In Rio, Foucault specifically proposes that this infrapower “gave rise to a series of knowledges—a knowledge of the individual, of normalization, a corrective knowledge—that proliferated in these institutions of infrapower, causing the so-called human sciences, and man as an object of science, to appear.” This rehearses the argument at the end of Les mots et les choses (1966)—the image of man written in sand, disappearing under the waves.

As Foucault explains: “If what I have said is true, it cannot be said that these forms of knowledge [savoirs] and these forms of power, operating over and above productive relations, merely express those relations or enable them to be reproduced.” The reason is that ideologies themselves are made possible by relations of production that are themselves made possible by knowledge-power; there is no priority to relations of production that would privilege or place first production as the driving force of history. Ideas are necessary to enable political economy. The relations of production are themselves shaped by conceptions of the self that enable docile bodies to man the factories. These are interlocking: relations of production/knowledge/relations of power. Foucault writes:

In order for the relations of production that characterize capitalist societies to exist, there must be, in addition to a certain number of economic determinations, those power relations and forms of operation of knowledge. Power and knowledge are thus deeply rooted—they are not just superimposed on the relations of production but, rather, are very deeply rooted in what constitutes them.

From a regimes-of-truth perspective, then, it is not possible to speak of interests that are, in some sense, foundational. Instead, stated interests and conceptions of self are shaped by relations of power and are historically situated; they are interwoven with and make possible the modes of economic production within which they find themselves; they are not exterior, in any way, to relations of production. It is possible to show how they are born and maintained and evolve, and to what effect. And, despite all that, they have real force and staying power. They
cannot just be lifted, like a veil. They have real effects—des effets de vérité. They are real. They cannot simply or easily be proven wrong. They are not susceptible to demonstrations of falsity. And it may take a whole series of complex techniques of power and knowledges, deeply embedded in relations of production, for other beliefs to form.

In both critical approaches, to be sure, there is a form of enlightenment—but enlightenment by different means. On the first view, access to truth, to true facts—and thereby emancipation from illusions—is achieved by acquiring the right social theory. On the second view, there is no access to powerless knowledge; there can be at best an unveiling of current forms of oppression or relations of power, achieved through the denaturalization of dominant ideas. On this second view, we do not achieve an end-state, but reach another place from which we will again need to emancipate ourselves. We do not escape relations of power; we never do. We are always embedded in them. We may make progress, perhaps on the basis of an aesthetics of existence, but at best we bring about a new condition that will itself need to be reassessed and reexamined, so that we can understand how power recirculates. When we shed illusions, when regimes of truth shift, we are merely at another place where power relations are thickly at play, may be problematic, may become entrenched—and where we will need to revalue how we are governing and being governed.

II.

The anti-foundational critique jabbed at the heart of traditional critical theory, and to date, the critical tradition has not been able to recover.

The effects are especially acute today. The critical tradition, mired in tribal politics and internecine struggles for influence among its different offshoots—Deleuzian, Lacanian, post-colonial, queer, Foucauldian, feminist, Derridean, to name a few—has struggled to elaborate a coherent contemporary critical theory. With class struggle no longer a unifying theme, and the prospect of a proletarian uprising faded, especially in the absence today of robust self-consciousness among workers or students, the core of traditional critical theory evaporated.

At this point, the critical question becomes: What should critical theory sound like in these fragmented theoretical times? What does critical theory look like when the underlying theoretical structure of the dialectical imagination is so fractured?
Chapter 3: Reconstructing Critical Theory

The chasm between traditional critical theory and its anti-foundational challenges cannot be resolved, it must be overcome. And it can be overcome, I propose, through what I would call “counter-critical theory.”

The notion of counter-critical theory is not anti-critical theory, but a form of contemporary critical thought that goes beyond traditional critical theory. It operates what I call a counter-move that rests on the importance of thinking in terms of “counter” rather than “anti”. The conceptual particle “counter” in “counter-critical theory” indexes the opposition to the foundationalism and positivism of early critical theory, and simultaneously overcomes the opposition from which it is born, in order to generate a fully autonomous critical approach. It overcomes the opposition, not in the Kantian or Hegelian sense of a synthesis that resolves the opposition between thesis and antithesis (not least because the conceptual particle “counter” functions very differently than the particle “anti”), but rather as a form of contestation that becomes so potent as to liberate itself from the oppositional relationship entirely and to transform itself into a free-standing idea, principle, or even method. Counter-critical theory becomes something greater than just a constant resistance to traditional critical foundationalism; it turns into something independent, overcoming its mere oppositional character. It becomes self-sufficient—no longer dependent on its relationship to earlier critical theory.

Counter-critical theory becomes autonomous, in this way, when it becomes a pure theory of illusions—a pure theory of relations of power in flux such that every critical unmasking forces us to reexamine the resulting redistribution of power relations. At that point, it can continue to index, but need not concern itself with or argue against the foundations. At that point, the original anti-foundationalist insight no longer needs to refer back to the object challenged. At that point, counter-critical theory develops fully into its own independent form of thinking. This is an ambitious project perhaps, but realizable, I believe.
I.

“It is necessary to institute a counter-city or a counterpower in the face of legitimate power that has become the mere property of those who exercise it or the expression of governmental or administrative routine.”


A similar conceptual movement at times runs through Etienne Balibar’s writings, as evidenced in this epigraph, and in Foucault’s writings and method as well. A good illustration is from Foucault’s inaugural lesson to the 1981 Louvain lectures on *Wrong-Doing, Truth-Telling: The Function of Avowal in Justice*. At the close of that inaugural lesson, Foucault offers, as the overarching framework of his intervention, the notion of a *counter-positivism* which, he explains, “is not the opposite of positivism, but rather its counterpoint.” The full passage is as follows:

We often speak of the recent domination of science or of the technical uniformity of the modern world. Let’s say that this is the question of “positivism” in the Comtian sense, or perhaps it would be better to associate the name of Saint-Simon to this theme. In order to situate my analysis, *I would like to evoke here a counter-positivism that is not the opposite of positivism but rather its counterpoint*. It would be characterized by astonishment before the very ancient multiplication and proliferation of truth-telling, and the dispersal of regimes of veridiction in societies such as ours.

This notion of a “counter-positivism” provides the key to the Louvain lectures. The notion conveys more than merely an opposition to positivism, since Foucault is admitting that he is embracing something akin to a positivistic view of a history of shifting truth-telling forms. There is, in fact, a history in the lectures—or a genealogy. Foucault traces a series of truth-telling forms. This is a history of regimes of truth—more specifically, of regimes of veridiction and of speaking truth,
which fit neatly into the broader arc of his research and lectures at the Collège de France.

In effect, Foucault’s method, at Louvain and at the Collège, is not anti-positivist, but instead a “counterpoint,” deploying positivistic sensibilities against narrow positivism. And the central point is that Foucault’s counter-positivist method culminates in a philosophical intervention that is independent of both positivism and of anti-positivism, that does not depend on either, and that no longer merely responds to the opposition—but becomes its own autonomous method: a pure philosophical method, a way of seeing the world. In fact, it is perhaps the most important compass to decipher the Louvain lectures—which is why, incidentally, the passage ended up on the quatrième de couverture, where it remains in the French edition as the most significant words of those lectures. It is the point of perfection.

In a similar way, we can imagine a counter-critical theory—distinct from this counter-positivism—that is not anti-critical, but instead overcomes the foundationalism of critical theory. It indexes traditional critical theory insofar as it holds on to its core insight. At its core, critical theory has always been a theory of illusions: the world we find ourselves in, rife with inequalities, injustice, and prejudice, is made tolerable by means of a series of illusions—the myths of individual responsibility and merit, the illusions of liberalism and free markets, the fantasy of upward social mobility, and so on. These fantasies are what make our unequal world tolerable to too many of us. And they are what critical theory unmasks, unveils, reveals. But not to give way to a truth underlying those illusions. Not to reveal real interests, or genuine class interests. The illusions instead give way to another set of ambitions that eventually we will need to unmask again. In this sense, counter-critical thought becomes a pure theory of illusions.

II.

“The terrorist and the policeman both come from the same basket. Revolution, legality—counter moves in the same game; forms of idleness at bottom identical. He plays his little game—so do you propagandists. But I don’t play…”

— The Professor in Joseph Conrad’s The Secret Agent (1907).
The idea of counter-critique is precisely to get beyond the ordinary play of “countermoves in the same game,” in the Professor’s words. Of overcoming the opposition from which it is born and generate a fully autonomous conceptual form. Again, not in the Kantian or Hegelian sense (not the least of which, because the particle “contre-” functions differently than the particle “anti-”), but rather as an original counterpoint that itself becomes so powerful as to liberate itself from the oppositional relationship and transform itself into a free-standing concept, intervention, or even mode of governmentality.

Such a counter-critique would have to become greater than simply resistance to the foundationalism of critical theory. In order for it to achieve its full potential, it would need to liberate itself from its originary opposition and transform itself into an autonomous, self-referential, fully articulated form of critique. This alone could guarantee that the “contre-” move would develop into its own independent mode of critical theory.

A model for this can be found in Joseph Conrad’s novel, The Secret Agent. The character of the Professor in that novel had strapped on him, at all times, a flask of explosives and carried a small detonator in his hand—ready to blow himself and everyone around him to bits. By means of these devices, he claimed to have gotten past the conventional opposition between revolutionaries and the police. He claimed to have overcome the mere “game” of moves and countermoves, and reached a higher—and more threatening—stage. He claimed to have transformed his reactivity into a pure force. Into perfection.

You will recall that it was the figure of the Professor, more so than Conrad’s other characters, who inspired later anarchists and some terrorists, prominently among them the Unabomber, Ted Kaczynski. Conrad, who always labeled his characters for us, referred to the Professor as “the perfect anarchist.” And what exactly, you may ask, was the ambition of this “perfect anarchist”? “What is it you are after yourself?” his comrade Ossipon asked him with indignation. “A perfect detonator,” Conrad writes, in a response he describes as “the peremptory answer.”

One can infer from Conrad’s novel that the Professor himself had begun as an anarchist caught in the counter-moves that he himself disparaged—caught in the play, in the game, in the parry. One can assume that the Professor was originally part of that dance, or that judo of countermoves. But the implication is clear: The Professor had gone beyond the mere tit-for-tat and had achieved instead a more perfect form
of anarchism. What made this the most perfect or peremptory anarchist state was precisely getting beyond the *contre*-move to another level—a level that was autonomous of the opposition itself, and in that way, absolute. It was a pure state, independent from the back and forth between the revolutionaries and the police.

Because of the explosives he strapped on himself at all times, the Professor remarked, “They know… I shall never be arrested. The game isn’t good enough for any policeman of them all. To deal with a man like me you require sheer, naked, inglorious heroism.” The Professor may have sounded almost delirious, and self-aggrandizing for sure, but the Professor had achieved something unique: He had gotten beyond the ordinary relation of opposition.

The Professor ultimately has the last scene of *The Secret Agent*. After the counter-intelligence and counter-espionage is all over—after Winnie Verloc’s story has reached, in Conrad’s words, “its anarchistic end of utter desolation, madness, and despair,” after her brother’s accidental explosion at Greenwich Station, her own murder of her husband, and her suicide—it is the Professor who closes the book, “the incorruptible Professor” as Conrad adds. Conrad closes:

“He was a force. His thoughts caressed the images of ruin and destruction. He walked frail, insignificant, shabby, miserable—and terrible in the simplicity of his idea calling madness and despair to the regeneration of the world. Nobody looked at him. He passed on unsuspected and deadly, like a pest in the street of full men.”

The Professor had become sheer force, ruin and destruction. He had overcome his opposition to the system to become something as deadly as the pest. He had achieved the full effect of the *contre*-move. Not a very attractive overcoming here, but we do not always have total control over the consequences of our conceptual moves.

In a parallel way, Foucault’s counter-positivism in the Louvain lectures becomes a full-fledged method, fully detached from any dispute with positivism.

The *contre*-move—by which I mean, to be clear, the movement of thought and practice, the action that is captured by adding the prefix *contre*- or *counter*- to another concept—is itself a conceptual factory. Its generative power is remarkable. It is not so much a concept itself, but instead the creator, the producer of concepts. The *contre*-move produces
rich, constructed mental representations. It practically defines the distinction between concept and notion: nothing here is intuitive and immediate, as are notions; on the contrary, the contre-move is complex, constructed, and stabilized over time. It is intellectual work product. It is the infrastructure to myriad new concepts. In fact, if one looks in the Oxford English Dictionary, for instance, the entry for “counter” becomes a litany, a catalogue, an enumeration of counter-concepts: “Counter-address; counter-advise; counter-affirm; counter-ambush; counter-avouch; counter-beat; counter-bid; counter-bore,” and I am still only at the beginning of the B’s. Each term with its own early etymological use and history.

Foucault made use of the contre-move extensively—in fact, one could argue that it was one of his most productive devices, a veritable conceptual-production technique. Nietzsche did too, referring for instance to “art” as the “countermovement” against nihilism; and Nietzsche coincidentally adds, in Twilight of the Idols, that “in art, man takes delight in himself as perfection.”

In conversation with Étienne Balibar, during his seminar on Foucault at Columbia University in the Fall of 2015, we began to identify and catalogue the occurrences of the contre-move in Foucault’s work: the concept of “contre-pouvoir” in his debate with Maoists; the concept of “counter-history” in “Society Must Be Defended”; the concept of “counter-conduct” in Security, Territory, Population, or in the same lectures, the concepts of “counter-society”: “[I]n some of these communities there was a counter-society aspect, a carnival aspect, overturning social relations and hierarchy”; or the concept of “counter-justice” again in his debate with Maoists, of the “counter-weight” to governmentality in the Birth of Biopolitics, of the idea of psychoanalysis as a “counter-science” in The Order of Things. Throughout his writings, his lectures, his interviews, Foucault constantly returned to the prefix contre- to create concepts, to fashion new and autonomous ideas.

It is of central importance in reading and understanding Étienne Balibar’s writings as well. There are, in his Equaliberty essays and many other brilliant writings, multiple deployments of the contre-move: Balibar speaks of “counter-racism,” and of counter-populism—as Michel Fehrler discusses in his public concepts entry; there is the “counter-city” and the “counterpower.” Then, there is also this important contre-move, which may fall on the darker side of the ledger:
The crisis of the national-social state correlative to globalization and the re-proletarianization that constitutes both its result and one of its objects from the side of the dominant classes (of financial capitalism) gives rise to a whole series of national or international political initiatives that relate to what could be called a preventative counterrevolution, even more than neoimperialism.⁸⁶

There is also the contre-move that counters the counter-revolution with a “counter-counterrevolution,” setting things somewhat more straight for the resisters and the disobedients:

The whole question is whether a policy of this kind, more or less deliberate but perfectly observable in its effects, which combines financial, military, and humanitarian aspects and which I believe can be characterized as preventive counterrevolution, elicits a revolutionary response, or, if you like, a counter-counterrevolution, according to the schema of “going to extremes” that was largely shared among Marxist and Leninist representations of the socialist transition after the experience of the insurrections of the nineteenth century.⁸⁷

In his culminating seminar in the Fall of 2015, Étienne Balibar proposed that Foucault had developed a “counter-politics”—in contrast to “le politique,” the a-political, or even the un-political. Following that, at a conference at the University of Paris—Créteil on “Assujettissement et subjectivation” on June 1, 2016, Balibar developed his contre-move further, suggesting that the central element of truth-telling in Foucault’s work—of parrhesia, of veridiction and all its associated forms of diction—is a form of “contre-diction” and “contre-conduite,” effectively placing the element of the contre-move at the very center of Foucault’s thought. Balibar pointed us in particular to the quatrième de page of both Volumes 2 and 3 of the History of Sexuality, which reproduce the following quote by René Char:

« L’histoire des hommes est la longue succession des synonymes d’un même vocable. Y contredire est un devoir. »
To contre-dict is a duty: for Balibar, this notion of parrhesiastic contradiction has within it the seeds of a counter-democratic principle, not in Pierre Rosanvallon’s sense, but as was exercised by certain parrhesiasts such as Socrates or Diogenes. This reflects an element of the counter-majoritarian in Foucault’s work. And by means of the contre-move, Foucault’s intervention and turn to parrhesia becomes an autonomous, independent theory based on a “contradiction” that is indexed but that we barely see.

In an essay titled “In praise of counter-conduct,” Arnold Davidson underscores how so many of the forms of resistance that we admire in Foucault’s writings take us back to the concept of “counter-conduct”:

In a series of remarkable formulas concerning freedom, Foucault speaks of the ‘insubordination of freedom’, the ‘rebelliousness of the will and the intransitivity of freedom’, the ‘art of voluntary inservitude’ and of ‘deliberative indocility’ (Foucault, 2001b: 1056; 1990: 39). All of these phrases belong to the semantic field of counter-conduct and make evident the double ethical and political scope of this counter-conduct.88

One can hear, in Davidson’s essay, a kind of admiration for the concept of counter-conduct. But it is important to emphasize that the contre-move is not always or necessarily progressive. As with concepts such as solidarity89 or internal frontiers,90 there is an equivocal nature to counter-concepts. They too can go a bit all over the place—and be deployed against the interests of a progressive agenda. This is reflected in what Robespierre referred to as the “counter-revolutionary,”91 or, depending on your political interpretation, what Pierre Rosanvallon referred to as “Counter-Democracy.” I am here again in Balibar’s Equaliberty – or rather, in his footnotes – always inescapably in Balibar’s work.

Many of us bear an almost romantic attachment to the counter-practice itself. It feels so intimately linked to notions of disobedience, resistance, and countering power. But it is important not to get carried away.
III.

Let me set forth as systematically as possible this notion of counter-critique. There is a particularity to the contre- move that distinguishes it from other political devices or mechanisms. It does not function like a dialectic. It is not an opposition that leads to a synthesis, but instead to a stage of “perfection,” in Conrad’s terms, that (1) merely indexes its former counter-partner, and (2) becomes a fully independent concept, all to itself, that does not incorporate its opposition and is no longer a reaction against anything. This is very different than the way that concepts generally work. It is markedly different, for instance, from the Nietzschean idea that concepts are the cumulative effect of dead metaphors; or that only when its history is forgotten can something become a concept.

It may be useful, then, to delineate three dimensions of the contre- move.

The first dimension distinguishes it from the more classic or simple opposition associated with the prefix “anti-”. Adding the prefix anti- serves only to defeat or eradicate its object, directly. For instance, anti-terrorism aims to eliminate terrorism by stamping it out, in contrast to counter-terrorism that uses the logic and strategies of terrorism to undermine it. The contre- move is more internal: it engages in a play, a movement, a dance with its object, using the force of the object against itself, in order to get beyond that game. It uses the energy of the object, and the internal logic of the object, to defeat it. It starts in a game with the object—as in chess, or fencing, or martial arts—but then transcends it.

There is, in this sense, some proximity between the contre- move and the term “against”—as in Paul Feyerabend’s Against Method, or in my book Against Prediction (2007). “Against” is closer to contre- than to anti- insofar as it attempts to develop a new method in the oppositional work rather than simply defeat its object.

In any event, the contre- move is different than the anti- move.92 Returning to the example of security, specifically of counter-insurgency: Counterinsurgency uses the internal logic of Maoist insurgency to defeat the insurrection. It adopts and accepts the logic, in fact it fully embraces the logic; but it tries to do it better, to reappropriate it, to redeploy it even more aggressively. It does not rest on the idea that there would be two opposing views that are contrary to each other in a dialectical
confrontation. Instead, it burrows into the logic and deploys it against its opponent.

The *contre*-move differs as well from the Socratic dialectic (the testing of an opposing view), the Kantian model of dialectics (thesis-antithesis-synthesis), and the Hegelian method (abstract-negative-concrete). It differs, in its very foundation, from an Adornian negative dialectics. It differs as well from Marx’s dialectical materialism—which rests on a notion of direct opposition, as expressed in his *Capital*:

My dialectic method is not only different from the Hegelian, but is its direct opposite. To Hegel, the life-process of the human brain, i.e. the process of thinking, which, under the name of 'the Idea', he even transforms into an independent subject, is the demiurgos of the real world, and the real world is only the external, phenomenal form of 'the Idea'. With me, on the contrary, the ideal is nothing else than the material world reflected by the human mind, and translated into forms of thought.93

To be sure, there is of course a family resemblance between all these forms of opposition. Foucault was keenly aware of this and in fact suggested as much in an interview discussing what he called “countereffects,” where he added: “I dare not use the word dialectics—but this comes rather close to it.”94 The *contre*-move “comes rather close” to a dialectic, but is not the same thing. It also comes close to the *anti*-move, but again differs. One can hear that as well in Foucault’s writing, with passages for instance in *Security, Territory, Population* that read as follows: “the first element of anti-pastoral or pastoral counter-conduct is asceticism.”95 Here and elsewhere, Foucault is struggling to pin down the conceptual move, using the term “anti-pastoral struggles” interchangeably with “pastoral counter-conducts,” but trying to correct and replace the first with the second.96

A second dimension concerns the *internal* logic of the *contre*-move. It is almost an imminent form of critique: The object that is being opposed is taken as such, it already exists fully, and the *contre*-move effectively goes into the object to oppose it. Notice how the *Oxford English Dictionary* defines the term: “Done, directed, or acting against, in opposition to, as a rejoinder or reply to another thing of the same kind already made or in existence.”97
Arnold Davidson points directly to this notion of immanence in his essay “In praise of counter-conduct,” where Davidson writes that, as in the interiority of the relationship between points of resistance and relations of power:

In *Security, Territory, Population*, Foucault also emphasizes the nonexteriority, the immanent relation, of conduct and counter-conduct. The fundamental elements of the counter-conduct analysed by Foucault are not absolutely external to the conduct imposed by Christian pastoral power. Conduct and counter-conduct share a series of elements that can be utilized and reutilized, reimplanted, reinserted, taken up in the direction of reinforcing a certain mode of conduct or of creating and recreating a type of counter-conduct.”

There is, Davidson explains, a “tactical immanence” of counter-conduct to conduct. Counter conduct is not “simply a passive underside, a merely negative or reactive phenomenon, a kind of disappointing after-effect.” In the words of Foucault, counter-conducts are not “les phénomènes en creux.” There is a “productivity of counter-conduct which goes beyond the purely negative act of disobedience.” As a methodological matter, the “counter-” element of “counter-conduct” works in a similar way as “resistance” to power: as something internal, that does not reach beyond, that is not a gap or absence. Foucault talks about counter-conduct that is “used against and to short-circuit, as it were, the pastorate.” Notice the use of the term “against” and the idea of short-circuiting. The short-circuit is tied to the internal dimension of the contre- move. It uses the circuit, the flow of electricity against itself. Davidson comes back to this in regard to homosexuality:

Foucault describes these relations with the same expression, court-circuit, that he had used to describe religious counter-conduct: “these relations create a short-circuit, and introduce love where there should be law, rule, habit.”

A third dimension, and perhaps most important, is the ultimate emancipation of the contre- move, which goes beyond its oppositional object, is liberated from it, becomes autonomous. At that point, it is no longer “counter-” It is more like the Professor in Conrad’s *The Secret*
Agent: outside the game, outside the dance, beyond the counter-moves in the same game. But it always indexes the original opposing object. The Professor is perhaps the “perfect anarchist,” but he is still an anarchist. When the counter-move works, it gives rise to something that is neither the opposite, nor even the dance partner, but instead is perfectly autonomous and self-sufficient—a concept that functions all on its own. Counter-conduct is no longer conduct that resists something, but conduct that has become its own form, a pure form of force, or disobedience, or of resistance.

IV.

Let me offer a more tangible or concrete illustration: the example of jujutsu, a form of judo. (I must emphasize up front that I am not an enthusiast of martial arts; but I do believe the illustration is instructive here). As I see it, jujutsu is the perfect illustration of the contre-move.

“Ju” stands for pliable or yielding to another. “Jutsu” means techne or art. Together, the term signifies the art of yielding to the other’s force. “The word jujutsu may be translated freely as ‘the art of gaining victory by yielding or pliancy.’”

The central idea of jujutsu is to use someone’s own force against them. Rather than confront the other with one’s force, the idea is to turn the force of the opponent into your own weapon and use it against them. In other words, to turn one’s opponent’s energy against them, rather than trying to oppose that energy directly. In an article from 1887, “Jujutsu and the origins of Judo,” the authors explain: “its main principle being not to match strength with strength, but to gain victory by yielding to strength.” And the first principle of the art: “Not to resist an opponent, but to gain victory by pliancy.”

I would identify this as that first moment of the contre-move: to parry, to block, to ward off by a corresponding move. But what I would suggest is that, forms of jujutsu as judo transcend that parry. The philosophy of jujutsu is that of the counter-move: to use the force of the attack and transform it into something else, something that is neither an attack nor a block.

When the counter-move can exist on its own, without responding to its counter, always perhaps indexing it, but fully unmoored, detached, independent, above its counter, doing what it does without responding to its counter, countering without reference to its counter—that, I take it, is the final productive moment of contre.
V.

The darkest illustration of the *contre*- move—one that, paradoxically, demonstrates well its fullest potential—lies right before our own eyes: the American Counterrevolution. As I demonstrate in my book, *The Counterrevolution: How Our Government Went to War Against Its Own Citizens* (2018), a new form of governmentality characterized by counterinsurgency strategies has come to dominate our government. Developed as a counter-move to insurgencies that drew extensively on Maoist theories of insurrection, this new form of governmentality has liberated itself from its oppositional object and become a form of governing *despite the absence of any domestic insurgency*. It has become an autonomous form of government.\[107\]

Since 9/11, the United States has undergone a dramatic transformation in the way it carries itself abroad and governs itself at home. Long in the making—at least since the colonial wars abroad and the domestic turmoil of the 1960s—this historic transformation has come about in three waves. First, militarily: in Vietnam and now in Afghanistan and Iraq, U.S. military strategy shifted importantly from a conventional model of large-scale battlefield warfare to unconventional forms of counterinsurgency warfare. Second, in foreign affairs: as the counterinsurgency paradigm took hold militarily, U.S. foreign policy began to mirror the core principles of unconventional warfare—total information awareness, targeted eradication of the radical minority, and psychological pacification of the masses. Third, at home: with the increased militarization of police forces, irrational fear of Muslims, and over-enforcement of anti-terrorism laws, the United States has begun to domesticate the counterinsurgency and to apply it to its own population.

The result has been radical: the emergence of a domestic counterinsurgency model of government, imposed on American soil, in the absence of any domestic insurgency. The counterinsurgency has liberated itself from its oppositional object to become a new and radical form of government. It is a *counter*-insurgency without an insurgency, an autonomous form of unconventional warfare unmoored from reality.

This illustrates perfectly the *contre*- move: born in an opposition, it soon exceeds it. Neither inherently good nor bad, it can take us in multiple directions. It is not thesis, anti-thesis, synthesis. It is not anti-. There is no inherent necessity to these logical steps. Not with counter also. Counter can fail. But when it succeeds, it tends to be a powerful
device, born of contestation. It has worked powerfully on the other side. It is time to reappropriate it.
Chapter 4: A Pure Theory of Illusions

The core of critical theory—at least, of a reconstructed critical theory—is the endless, recurring unveiling of illusions, in order to denaturalize the present and expose the distributional consequences of those illusions. The task of critical theory is to demonstrate how the myths that we believe so deeply distribute resources and power in society—knowing that, as we unveil one set of illusions and allow others to take their place, we will need immediately, once again, to unpack the next set of myths. This constant unveiling and demonstration of its distributional effects is an infinite regress.

Reconstructed critical theory is, in this sense, a pure theory of illusions. It is about tracing, over and over, endlessly, the real effects—les effets de réalité—of our belief systems. And performing this unveiling means, at all times, challenging interpretations and offering new ones. It means engaging in an endless form of reinterpretation, fully cognizant of the fact that there is no end to interpretation. It is interpretations all the way down. Or as others might say, it is turtles all the way down. The task is to ceaselessly explore how the next set of interpretations produce a new social order and trigger distributional consequences.

I.

Nietzsche set us on this path, but we must now go beyond Nietzsche. Nietzsche, with Marx and Freud, represented a break in the nineteenth century. A new way of thinking. A new way of interpreting the world—a new hermeneutic. An interpretation of a world made up of interpretations. A world of infinite regress of interpretations, going down vertically. In his essay “Nietzsche, Freud, Marx,” Foucault identified in Nietzsche’s writings this modern hermeneutic: a different style or system of interpretation with its own devices, techniques, strategies, methods. It was a hermeneutic in which interpretation always precedes the sign. Interpretations do not escape interpretation, but rather fold back on them. Signs are deceptive; and all that we are left with is an endless series of meaning-making.

Nietzsche, Marx, and Freud constituted, at least on Foucault’s reading, a nineteenth century épisteme that had to be understood by opposition to the epistemological system of resemblance and similitude that marked the 16th century. Foucault inscribes his interpretation of Nietzsche in the framework of his writing, at the time, of Les mots et les
choses. His reading is fully inscribed in that period and its central philosophical work. Nietzsche becomes a crystalized object, an insect caught in amber; but one that has implications for the present—at the time, the debates with semiologists: Nietzsche’s hermeneutic, Foucault claims, is a dead enemy of semiology, which itself puts in place “the reign of terror of the sign.”

“Interpretation finds itself with the obligation to interpret itself to infinity,” Foucault wrote, “always to resume… Interpretation must always interpret itself.”

What does that mean, you may ask? It is a world in which we never get to the original meaning or first source. Take for instance the question “Why do we punish?”, a question that my friend and colleague Didier Fassin asks in his lectures on *The Will to Punish*. Well, we can offer an interpretation: you are familiar with them, so to get beneath the obvious first answers—deterrence, retribution, incapacitation, rehabilitation—no, we punish to maintain a social order, one that is characterized by white supremacy and capitalist consumption. So we punish to control the poor by imposing small fines and attaching their wages, if they have any—or adding their fines to their water bills, in La Grange and those small towns in Georgia. But where does that come from? Well, perhaps from earlier forms of social ordering, such as the debt prisons and the relation between debtors and creditors, as Didier Fassin discusses. And that? Well, it might trace back earlier to forms of indentured service, of owing work for one’s freedom… and so on, and so on… But one never gets to the original meaning. And in the end, we do not know anymore why we punish: we just punish. Or as Nietzsche said so eloquently in *The Genealogy of Morals* in 1887: “Today it is impossible to say for certain why people are really punished: all concepts in which an entire process is semiotically concentrated elude definition; only that which has no history is definable.”

There is, then, no first origin. There is no omega, as my friend and colleague Jesús Velasco would say. The interpretations do not end. This is a way of thinking, Foucault wrote, that these nineteenth century thinkers inaugurated:

“There is nothing absolutely primary to interpret, for after all everything is already interpretation, each sign is in itself not the thing that offers itself to interpretation but an interpretation of other signs.
There is never, if you like, an *interpretandum* that is not already *interpretans*, so that it is as much a relationship of violence as of elucidation that is established in interpretation. Indeed interpretation does not clarify a matter to be interpreted, which offers itself passively; it can only seize, and violently, an already-present interpretation, which it must overthrow, upset, shatter with the blows of a hammer.”

Doing philosophy with the blows of a hammer—yes, indeed, there is violence in these interpretations. The violence of a will to power. As Nietzsche reminded us, again in his *Genealogy*, meanings and interpretations “are only *signs* that a will to power has become master of something less powerful and imposed upon it the character of a function,” the character of a meaning.  

To properly address our political situation today, then, and get beyond it, we need to return to these insights. This is what Foucault did: “In Nietzsche, one finds a type of discourse”—Foucault writes—“that undertakes a historical analysis of the formation of the subject itself, a historical analysis of the birth of a certain type of knowledge—without ever granting the preexistence of a subject of knowledge.”

But we must go further.  

To move forward, from a counter-critical perspective, we need not simply to understand, but to *deploy* the infinite regress of interpretations—knowing that even we do not preexist the meanings that we impose on the world, that our subjectivity is shaped by those infinite interpretations, that the struggle, in the end, is a struggle over life and death, a struggle over our subjectivity, a battle over the imposition of those interpretations. We need to deploy that infinity of interpretations.

II.

“At Buddha was dead, people showed his shadow for centuries in a cave,—a tremendous, gruesome shadow. God is dead: but given the ways of men, there may still be caves for thousands of years in which his shadow will still be shown.—And we—we still have to vanquish his shadow, too.
Critique & Praxis


Counter-critical theory calls for these constant and better interpretations. The political struggle today demands trenchant and forceful resignifications, along with an unbending commitment to resist the shadows from the past.

A world made up of interpretations, an infinite regress of interpretations, all the way down: if that is where we find ourselves, then we must continue to struggle through resignification. If we live in a world in which we never get to the original meaning or first source, where there is no omega, then interpreting is what we must do, always. This represents a way of thinking, Foucault reminds us, that Nietzsche inaugurated, doing critique with the blows of a hammer. There is force to that method.

But again, we need to go even further. And we must test our new interpretations as we would sound out our beliefs and faiths, as we would test our past idols. Yes, we are at the twilight of old idols. But even more importantly now, we are at the dawn of new ones that we will need to interrogate immediately and ruthlessly.

Today, more than ever, we need to go counter with our critical theory both in the sense of counter-play, offering better and more compelling interpretations, and in the sense of exceeding the ideologies we counter, of achieve a higher playing field. This is what happens when, for instance, counterpositivism becomes a philosophical method that no longer refers back to positivism. When the Counterreformation becomes something greater than a response to the Protestant reformation, but instead a new form of governmentality. When jujutsu becomes an art form. When the American Counterrevolution becomes a form of governmentality in the absence of any insurgency or revolution. When, in Joseph Conrad’s book, the Professor becomes himself the “perfect anarchist” who has gotten past the play of the game of counter-moves. Or when, in our case, counter-critical theory becomes a pure theory of illusions—autonomous, and no longer tied to the rejection of traditional critical theory. It may also offer us a model for resistance.

In the end, counter-critical theory must bring us to the heart of revolt and disobedience as well. It may be possible to develop a theory of the counter-move as a decisive form of critical practice. This may be the counter-Counterrevolution that Étienne Balibar had in mind in *Equaliberty*. But here too we will need to be less suggestive and develop it in detail. We will need to develop a new critical practice for the
twenty-first century.\textsuperscript{116} But first, we need to address a common vision—what we used to call a utopia. Practices can only be sharpened in light of a vision of the future. Let’s turn there next.
PART II: UTOPIA — REIMAGINING A CRITICAL HORIZON

For most of its history, the critical tradition has been wedded to a communalist utopian vision closely tied either to the withering of the state (for Marxists and libertarian deconstructionists) or to a solidaristic state (for socialists). In the same way in which a reconstructed critical theory of pure illusions liberates us from unfounded positivist foundations and dogmatic first principles, a renewed critical utopia must also be freed from these foundational constraints.

What a reconstructed critical theory reveals and teaches us is that illusions—the illusion of free markets or its inverse, the myths surrounding state-controlled economies—ground our utopian visions. They too have distributional impacts and effects of reality. But they too are illusions. And once we recognize this, it is no longer possible ex ante to determine which political economic regime most fairly distributes wealth and resources.

All political economic regimes are regulated and distribute wealth and resources, how they do so is the central question, and the answer will depend on the specific organizing rules and principles in operation—not on whether they are based on private property, communal ownership, or nationalized economies. The fact is, state-controlled enterprises that distribute to centralized party members may be less desirable than privately-owned corporations that distribute primarily to their workers.

Accordingly, a critical utopia must not aim at a specific regime type. What must guide a critical vision of the future is how well the really-existing regime achieves or approximates the values it holds dear—the values that serve to judge distributional outcomes. In other words, a pure theory of illusions calls for a focus on values. We cannot agree on a utopian type of political economy, we can only ever strive to promote certain critical values, namely equity, compassion, and respect. In this sense, critical theory needs to reconstruct its critical horizon on the basis of a pure theory of values.

This is particularly significant today because it means that reconstructed critical theory can operate—and should operate—within any political economic regime. Naturally, it must operate under the dominant conditions of neoliberalism. But it must be equally vocal
within the context of state-controlled economies, communist countries, and Leftist regimes. It must remain the source of robust critique regardless of the political economic regime in place in any specific locality.
Chapter 5: Our Utopian Predicament

I have written previously about the illusion of free markets—about the misleading idea that “less regulated” political economies are more efficient or optimal, or that there could even exist a “less regulated” or an “unregulated” market. As I demonstrated in The Illusion of Free Markets, all political economies are fully regulated, and the regulatory mechanisms produce distributions of wealth and resources. The purportedly “free market” does that primarily through a complex enforcement mechanism involving private property; but it is just as “regulated” as state-controlled economies.

The upshot of that earlier work is that the type of political economic regime does not determine distributional equity. It is the minutiae of the second-order rules and regulations that do so. A nationalized, state-controlled economy can distribute wealth in a hideously unequal manner, by for instance privileging a central party apparatschik. On the other hand, a privately-owned corporation can distribute most of its wealth to its workers, or to charity, if the owners are so inclined. We’ve seen cases of that in the United States, for instance, with Chobani or Ben & Jerry’s. And vice versa. State-owned enterprises could distribute to the public or workers, and private corporations could distribute primarily to shareholders and executive officers, as they tend to do.

The fact is, capital does not have an inherent distributional tilt. Capital—as accumulated wealth or machinery or human potential—exists at both extremes of nationalized and private economies. Capital itself does not dictate distributions. It is only greedy capitalists who deploy capital in selfish ways. It is only the advanced capitalist tradition—tied to certain values—that has produced increasing disparities between workers and executives. None of this is natural or inevitable. It rests instead on myths, in the sense that illusions about the “free market” naturalize what we say about these different regimes—namely, that capitalism has proven to be more efficient, or that capitalism necessarily entails inequality. Every political economy is regulated, regulated in a particular way, and all we can do is judge the distributional outcomes that result from its operating rules and mechanisms.

The result is that we, critical theorists, cannot say ex ante that one type of political economic regime—centralized, nationalized, communist, socialist, syndicalized, guilded, unionized, private, or
anarchist—is more favorable to our ideals than another. We cannot promote, in the abstract, a socialist state or a communalist regime. We can only judge the distributional outcomes of already-existing political economies, and we can only judge them based on our values, values that are associated with certain traditions, in this case, critical Left values.

This represents a foundational break from traditional critical theory, which oriented its praxis around a specific utopian vision generally involving a particular political economy. To embrace a pure theory of illusions, in other words, creates a genuine conflict with earlier critical utopias. It triggers an authentic dilemma. The history, again, is telling and reveals a structural transformation of critical utopias.

I.

For most of its history, critical theory was oriented toward a communalist utopia.118 To be sure, there are still critical voices today calling for traditional Marxist utopias—for a communist horizon or a communist hypothesis.119 But the prospect of a traditional proletarian future has faded, especially in the absence of a robust self-consciousness among workers or students. Etienne Balibar is surely right that such futures may still be possible; as he suggests, “civic and democratic insurrections, with a central communist component against ultra-individualism, also involving an ‘intellectual and moral reform’ of the common sense itself (as Gramsci explained), are probably not destructible.”120 And Balibar might still want to call those possible futures “revolution.” “Call ‘revolution’ the indestructible? I would suggest that possibility,” Balibar adds.121 But any such future would probably be better understood through other rubrics than traditional Marxist revolution—for instance, through the different modalities of risings, riots, revolts, disobedience, and so on. And it is not clear whether or how traditional critical theory would guide us through these modalities.122 Words matter, of course. As Koselleck reminds us, “In politics, words and their usage are more important than any other weapon.”123 But if that is true, we are indeed in a radically anti-foundationalist place. Truth is, critical theory is in disarray when it comes to utopias and visions for the future.

The reasons for this trace in large part to a disenchantment with the conventional Marxist philosophy of history and an exhaustion with the notion of a social revolution, which were at the heart of nineteenth century critical utopias. In an earlier time, dialectical materialism remained more central to critical theory, either as an animating force (for
instance, in much of the critical thought and writings on insurgency even in the 1970s, or as a foil and point of resistance, reconceptualization, or augmentation (for instance, in Foucault’s and Deleuze’s writings through the mid-1970s). But the geopolitical changes at the turn of the twenty-first century, the dissipation of segments of the left-leaning working class—with the rise of alt-right and far-right groups that have cannibalized the white working class base of the communist parties—and the exhaustion of meta-histories have dramatically eroded the hold of ambitious philosophies of history. The result is that today, even the writings of first-generation Frankfurt School authors feel out-of-touch with present critical sensibilities.

The reasons also trace, in part, to the transformation of the concept of “revolution” that was embedded in more traditional critical theory. Reinhart Koselleck and Hannah Arendt famously traced the emergence of the modern concept of revolution to the eighteenth and nineteenth centuries. By contrast to ancient conceptions tied to the etymology of revolving cycles—of the cyclical returning to the point of origin, of the astronomical cycle of the stars, or of the ancient philosophical progression of constitutions (from monarchy to its dark twin tyranny, to aristocracy and then oligarchy, and finally democracy and ultimately ochlocracy, or mass rule)—the “modern” concept of revolution signified a watershed transformation or a binary break, a singular moment represented by the collective concept of “Revolution,” in capital and in the singular. What characterized this conception of revolution was the passage from the idea of a political to a social revolution: the idea that a revolution is about social change, about “the social emancipation of all men, [about] transforming the social structure.”

Toward the latter half of the twentieth century, this modern concept of revolution seemed to collapse under the weight of its own exigency, leading to other late-modern concepts of uprising, insurgency, and insurrection. The transformation was brought about, in part, by the anticipated failure of the revolution, which nourished a certain expectation or fear of miscarriage—what Etienne Balibar refers to as an “accumulation of factors which make the failure of revolutions their only possible outcome, therefore depriving them of their historical meaning and their political effectivity.” The transformation was due, in part also, to the recurring idea that revolutions lead only to terror—or, in Simona Forti’s words, that revolution “hosts in its genetic code the mark of terror and totalitarianism”—a thesis notoriously made famous by
François Furet and other mid-century historians. It was partly due, as well, to the omnipresent fear that the prospect of revolution brings about a more powerful preemptive counterrevolution; and to the fact that words and things have become so intertwined that it is practically impossible to talk about revolution without merely interpreting it—hoisted, as we are, by our own discursive and disciplinary practices in a time when knowledge and gewalt (power, violence, action) have become so reflexively imbricated.

These historical transformations pushed critical theory and praxis from their origins in Marxist class struggle, through the disruption of Maoist-inspired forms of insurrection, to more contemporary models of assemblies, occupations, strikes, and hashtag social movements that have a completely different texture and offer a different vision of the future. The move from Marx to Maoist insurrection and ultimately to these forms of uprising and occupation has laid a new foundation for critical utopias. It was driven by forces that will have a lasting impact on our present. Two in particular.

A. The Hold of History

The first was the loosening grip of the philosophy of history. This was a gradual process, first in Mao’s thought, but more so in the later receptions of his writings starting in the 1960s and 70s. Mao started with a strongly Marxist philosophy of history, no doubt; but it slowly dissipated from his writings, and even more so, out of their reception. Today even insurrectional writings that are still inspired by Maoist thought have a far less determinist historical tone.

Mao’s early writings—or, at least, the official English translations of his early writings produced by the Foreign Languages Press of the Chinese government in the late 1960s—were heavily influenced by a Marxist philosophy of history. His Report on an Investigation of the Peasant Movement in Hunan (March 1927) firmly embraced dialectical materialism, trumpeting the coming revolution in resolute terms—echoing the Marxist inevitability of social revolution. Similarly, Mao’s more philosophical writings from the period, for instance his essay On Contradiction (1937), represented a vigorous appropriation of Marxist dialectical materialism by contrast to what Mao called the metaphysical or vulgar evolutionist world view—what we might refer to today as the liberal progressive view of history. But even early on, Mao’s emphasis on internal contradiction as the driving force of history, of social science, of physics, in sum of everything, already felt less historical than Marx, particularly than the Marx of The Eighteenth
Critique & Praxis

Brumaire of Louis Napoléon. There was already in Mao an almost mechanical feel to the notion of contradiction, as it passed from the human to the natural realm and back. Drawing on Lenin, Mao illustrated “the universality of contradiction” in the following terms:

- In mathematics: + and -. Differential and integral.
- In mechanics: action and reaction.
- In physics: positive and negative electricity.
- In chemistry: the combination and dissociation of atoms.
- In social science: the class struggle

In war, offence and defence, advance and retreat, victory and defeat are all mutually contradictory phenomena. One cannot exist without the other.128

This reflected a mechanical dimension to Mao’s philosophy of contradiction that, at least on my reading, sounded more in natural science than in history. The problem may well be in the translation; but the imposition of a natural science framework and rhetoric on history and human affairs foreshadowed an eventual loosening of the grip of history.

By the time of the Cultural Revolution, the urgency of the laws of history had dissipated. Already in 1957, right after the uprisings in Hungary, Mao began to acknowledge that the classical Marxist teachings and doctrines were no longer as compelling as they were before. “It seems as if Marxism, once all the rage, is currently not so much in fashion.”129 And by 1964, certainly, there had been a loosening of the bind of history. Class struggle remained key, but the call to churn society through the Cultural Revolution was presented more as a productive pragmatic idea than as historical necessity. The universality, the absolute, the mechanical was now muted, and instead, there was more of a practical sense to politics. Almost a recommendation now, rather than a command of nature:

You intellectuals sit every day in your government offices, eating well, dressing well, and not even doing any walking. That’s why you fall ill. Clothing, food, housing and exercise are the four great factors causing disease. If, from enjoying good living conditions, you change to somewhat
worse conditions, if you go down to participate in the class struggle, if you go into the midst of the ‘four clean-ups’ and the ‘five antis’, and undergo a spell of toughening, then you intellectuals will have a new look about you.  

Notice how the tone had changed, the relation to history, the form of argument. The grip of history had loosened. There was now a certain pragmatism and softening to the discourse and to the argumentation (once again, at least in the translation). There was cajoling and reasoning that sounded of a different nature.

The loosening of the grip of history became even more accentuated with the Western European reception of Mao in the 1960s and 70s. When Maoism became a form of Dadaism, for instance, with the Mao-Dadaism of the 1970s in Italy and the publication of the review A/traverso, which pursued “a ‘poetic of transformation’ and invented a language called Mao-Dadaism, whose starting point was the idea that Mao’s declarations, if read under the right light, are pure Dadaism”131; or when Jean-Luc Godard portrayed Maoism in La Chinoise (1967) as a form of summer training camp for youngsters in love and in depression—at that point, the siren call of determinist history was hard to hear.

Of course, the reception of Mao by young critical leftists in the 1960s and 70s—as well as by more mature philosophers and activists, such as Simone de Beauvoir and Jean-Paul Sartre—was entirely situational—as I will discuss shortly. They needed an alternative to Soviet communism, and the only demonstrable alternative on offer was Maoism. Mao became a mirror on which they projected their ideas and desires—and internecine conflicts. (One can get a good sense of this rereading the debate between two young Maoists, Benny Lévy and André Glucksmann, and Michel Foucault that took place in June 1971, “On Popular Justice: A Debate with Maoists”).

But by the time we get to the twenty-first century, even the most Maoist-inspired insurrectional writings have lost their Marxist history. This is evident, for instance, in the Maoist-inspired book of the Invisible Committee, The Coming Insurrection (2007). The grip of the philosophy of history has been loosened. Rather than a determinist future, the situation is described as a doomsday scenario. Dialectical materialism and theories of contradiction have been replaced by the powder keg: things are about to explode, the pressure is too great. The insurrection is coming because everyone is sick, depressed, pushed to the limit. We are
in a state, the Invisible Committee tells us, of “the most extreme alienations—from our selves, from others, from worlds.”132 Political representation is over. “The lid on the social kettle is shut triple-tight, and the pressure inside continues to build.”133 There is no theory of institutional change here, but instead a movement from institutions to the personal, to the subjective. “Organizations are obstacles to organizing ourselves,” the Committee writes.134 Instead of forming organizations, there is a turn inward to transform the self. There is little hope for social change, and no use for traditional political means. “There will be no social solution to the present situation,” the Committee states.135 Instead of politics, if anything, there is a negation of politics. Instead of history, there is a ticking time bomb.

B. The Soviet Conjuncture

The second factor is more conjunctural. The movement away from traditional Marxism and the reception of Maoist thought in the West and South in the 1960s was influenced by the historical conjuncture of, on the one hand, European communist parties that were captured by the Soviet Union, with a Stalinist shadow, and, on the other hand, the absence of an attractive socialist alternative. Young militants projected onto Maoism their hope for a substitute to Soviet communism. This was true across the political Left—from the more hard-core Leninist or Jacobin or Bolshevik politics of someone like Alain Badiou and his Union des communistes français marxistes-léninistes at one end, to the more aesthetic, libidinal, and subjective politics of the Vive la revolution! group in France at the other. In this regard, incidentally, the reception of Mao in the West and South has to be understood through the lens of orientalism and of the projection of Western leftist desires onto China.136

From lengthy conversations with Daniel Defert and François Ewald, who were both Maoists in the late 60s and early 70s, it is clear that they turned to Maoism primarily as an alternative, as a way to avoid both the Stalinism of the PCF and the dogmatism and top-down hierarchies of the French socialist party.137 Maoism had on offer—or at least, it was perceived by these young militants as offering—an opening to a new left politics and a new form of insurrection. A fresh alternative. For some, a more creative and aesthetic politics. For others, a more dynamic and engaged politics. And still for some others, a more extreme insurrectional politics. But a new horizon all around.

There is a passage from Simone de Beauvoir’s memoir from the period, All Said and Done, that captures perfectly this dynamic:
Despite several reservations—especially, my lack of blind faith in Mao’s China—I sympathize with the Maoists. They present themselves as revolutionary socialists, in opposition to the Soviet Union’s revisionism and the new bureaucracy created by the Trotskyists; I share their rejection of these approaches. I am not so naïve as to believe that they will bring about the revolution in the near future, and I find the “triumphalism” displayed by some of them puerile. But whereas the entirety of the traditional Left accepts the system, defining themselves as a force for renewal or the respectful opposition, the Maoists embody a genuinely radical form of contestation. In a country that has become sclerotic, lethargic, and resigned, they stir things up and arouse public opinion. They try to focus “fresh forces” in the proletariat—youth, women, foreigners, workers in the small provincial factories who are much less under the influence and control of the unions than those in the great industrial centers. They encourage action of a new kind—wildcat strikes and sequestrations—and sometimes they foment it from within… I shall never regret whatever I may have done to help them. I should rather try to help the young in their struggle, than to be the passive witness of a despair that has led some of them to the most hideous suicide.¹³⁸

C. A Restructuring of the Landscape

These two forces brought about a structural transformation in the landscape of critical utopias over the course of the twentieth century. The influence of Maoism on European militants during the late 1960s and 1970s represented a rejection of a more classical, unified, or coherent Marxist vision of proletarian revolution led by an organized, industrialized working class, guided by an intellectual vanguard, and determined by history.

The Maoist shift represented in part the replacement of the proletarian working class with agricultural workers or “peasants,” one important dimension. It would mirror other anti-colonial voices that opposed the universalism of the proletariat worker. Frantz Fanon too, and other post-colonialist thinkers, challenged the Euro-centric notion of
the proletariat. As Fadi Bardawil notes, “In opposition to the colonized militants dabbling in ‘abstract’ slogans of power to the proletariat, Fanon elevate[d] the ‘wretched of the earth,’ who are not assimilated to the colonial world and whose bodies bear its brunt, to the role of the primary revolutionary agent.”

But an equally important shift was from a unitary notion of revolution (with a capital R and in the singular, as Koselleck emphasized) involving a tidal wave of one class rising up against another, to the idea of micro-insurrections by minority insurgents that would culminate in a massive movement of the people. It thus entailed far more insurrectional strategies at the micro level, insurgent tactics, and game-theoretic strategizing—which inspired the movements of May ’68, the groupuscules and anarchist cells of the 1970s and 80s, and the more strategic activism of the last decades of the twentieth.

The evolution produced a fundamental shift in the map of revolutionary visions. At first, for Marx and still for the first-generation of the Frankfurt School, the driving force of history was class struggle, imagined as a struggle between the bourgeoisie and the proletariat. In other words, it was a struggle between two classes, two entities, two enemies. By contrast, for Mao, the struggle involved three parties: the active insurgents, the active counterinsurgents (early on, the Kuomintang), and the peasant masses. The central Maoist strategy was for the small minority of active insurgents to gain the allegiance of the masses in order to seize power from the counterrevolutionary minority. (To a certain extent, Marxist Leninism got closer to this tripartite mapping, but it was still far more binary than Maoist insurgency theory). Mao’s discourse was all about embracing the peasant masses—about striving to win over their hearts and minds. This was evident not only during the original insurgency leading to his victory against Chiang Kai-shek in 1949, but even as late as the end of the Cultural Revolution in 1968. One can still hear it when, in confronting the Red Guards—the young radical high school and university students empowered under the Cultural Revolution—Mao told them that their mission had been precisely to embrace all segments of society, to serve the people.

In the following decades, the map of the political struggle was essentially similar to Mao’s—in the sense that there was a demarcation between the small minority of activists, the police state, and the general population; however, it often felt that the more radical activists viewed themselves as an embattled minority with little interest and even some disdain for the masses. The discourse of uprising became that of a
pitched battle against the counterrevolutionary forces of the state (as was the case against the Kuomintang), but at a distance from the majority of the population—masses that did not seem movable or winnable. The general population had become the consumerist, neoliberal bulk of individuals, more objects of disdain than a popular force to be won over.

The resulting vision was very different. It did not start with a union of workers uniting to take power and end with the withering of the state, but instead, it started with a small cell of activists disrupting and causing havoc, or an assembly prefiguring a new democratic form, without much of an end-game. Although Mao insisted on the idea of winning the hearts and minds of the masses, it is not at all clear that later cellular uprisings hoped any more to bring the masses to their side. There was a far more separatist element to critical activism, a desire to live apart, in a commune, away from others. Critical visions embraced cellular, secessionist futures.

The shift from Marx to Mao and to later insurrectional visions can be characterized as a transformation from the Marxist theory of binary class struggle that leads to revolutionary upheaval and a communalist condition as a necessary product of dialectical materialism, to a paradigm of tripartite warfare in which a small minority of insurgents win over the masses through insurgent theory and practices, to a micro-strategic insurrectional notion of an embattled minority in violent struggle against a police state, with little hope of gaining the allegiance of the neoliberal masses. The critical utopias had morphed, and fragmented.
Chapter 6: The Political Condition

The fragmentation of critical utopias reflected a deeper problem within critical theory, namely its failure to come to terms with the anti-foundational challenge. By their very nature, the post-‘68 forms of critique, of a post-structuralist or deconstructive nature, did not mobilize a critical utopia. Foucault developed an aesthetics of existence. Deleuze and Guattari gestured toward vitalist desires. Derrida was even more elusive, frequently deconstructing his own critical horizons. But few critical theorists were able to reconcile these newer forms of postmodern critique with a positive political vision.

 Few critical theorists could come to terms with the idea that there might not be a foundational utopia, a fixed object on the horizon—that there may be no singular type of political economic arrangement that guarantees equitable distributions, no single communalist regime that could ensure equity and a just society, no one utopic social organization on the critical horizon. This is, after all, destabilizing. It is hard to accept the idea that, just as there is no institutional fix or charter of rights that would guarantee liberal democracy, there is no institutional or structural way to ensure a utopic future. It is difficult to concede that an equitable social outcome must depend on reconfiguring the specific minutia of rules and principles that are instantiated in whatever political economic arrangements already exist. It is practically unbearable, especially among those who aspire to equity and just distribution. The fact that a proletarian revolution could so easily lead to a terribly unjust society, as could a state-controlled economy or the absence of the state; the fact that the style, the type, the form of economic and political organization is hardly relevant to the justness of the outcomes—that what matters are the values that regulate the production and distributions—these are all difficult to imagine from within the critical tradition.

Few critics were willing to acknowledge the unbearable core of critical theory—namely, that there is no end to the political struggle, or that, given the endless political contest, the political struggle must ground our critical utopias. In effect, that struggle is our political condition and our political horizon—a constant unending struggle that never reaches a stable equilibrium, but endlessly redistributes wealth, well-being, freedom, and life itself, through the organization and reorganization of political economies.

Our political condition is that endless combat, in which some seek solidarity, others self-interest, and yet others openly pursue
supremacy and domination. Our condition is a relentless contest over resources, possessions, ideals and identity, over existence itself. Not a war, nor a civil war as Foucault suggested. The notion of a war has an end in sight—our political condition of endless struggle does not. The concept of civil war is too binary. We face instead endless battles in which alliances are fluid and shifting. This is precisely what makes it so difficult and painful to admit.

Political economies are constructed, deconstructed, reconstructed, and constantly shifting as we pursue survival in times of scarcity and social competition. Our political condition is not merely a Hobbesian state of brutal, solitary, and short-lived existence in a natural condition of war of all against all that comes to an end in the mutual submission to sovereign authority. Neither fear of loss or even of death, nor hope, nor reason, not even pragmatism propels us out of this predicament or puts an end to the endless power struggles. No, the political condition rather provides the weapons, the vehicles, new strategies and tactics, new venues, and jurisdictions, and the space and time of combat. Not just through parliamentary debate rules and executive orders, not only in electoral campaigns or in the drawing of district lines, but in the very minutiae of locating a polling place, granting or not a protest permit, enforcing orderly conduct, infiltrating a political movement, prosecuting—always inevitably selectively prosecuting—an individual or organization or demographic.

Over the centuries, we rarely have had the strength or courage or perhaps the stamina to confront our political condition. Most often, instead, we have found ways to mask our predicament by means of creative, but fanciful, illusions: liberalism and the rule of law, the myth of natural order, the imaginary of a general democratic will, the illusion of free markets or of economic equilibria, or even the fantasy of really-existing socialism. Our desperate desire for security and stability has blinded us, over centuries, to our inescapable political condition—to the constancy of the recurring battles, the succession of confrontations and competitions, the instability of it all, even within established leftist regimes. We wish, we fantasize our way out of our political predicament—only to find ourselves engulfed in it, again and again, and again.

Throughout history, political thinkers have merely played with shadows trying to avoid the depth of our political condition. Even the most aware perhaps, like Niccolo Machiavelli, earnestly believed they could propose a set of tools, a bag of tricks to tame political
providence—to domesticate fortuna. Thomas Hobbes imagined the towering sovereign as a means to steady the strife and enable civil society—terrorized, as Hobbes was, by the fear of war and death. Hobbes let us fantasize an end to the war of all against all, even if temporary, and the possibility of a civil condition. John Locke hungered for a parliamentary solution to appease the sovereign’s authoritarian impulses. Montesquieu made up checks and balances. Marx, a commune of like-minded workers and the withering of the state. Rawls, procedural mechanisms to ensure justice. And after the Holocaust, perhaps one of the most brutal forms of politics—openly exterminative, supremacist, eugenic politics—Western thinkers timidly placed their hope in liberal legal mechanisms, legal process theory, human and civil rights, as safeguard against the recurrence of fascism first, and later, especially after the collapse of the Soviet Union, of communism. Some would even fancy the expansion of liberal democracy as the end of history—in effect, an end to politics, to our endless condition of political struggle.

But these political pipe dreams have done nothing more than exacerbate the hold of illusions and obfuscate the true lines of battle. They have diverted attention from our inescapable political condition: That there is no institutional fix or structural redesign or practical trick that will stem the conflict or avoid political upheaval, let alone guarantee political stability. Truth is, any form of purported political stability is itself a moment of brutal consolidation at the expense of others whose interests we are not even acknowledging. It is always at the expense of others. And there is no way to put in place a system of rights or of agencies, or of laws, of judges or ombudsmen, or even of men and women, that will protect against political contest and resulting harms—small or large, from mere corruption to expropriation, to genocide. There is no procedural mechanism, no judicial review that can, independently, ensure justice. Nor are there any laws of economics, or politics, or human nature that push history forward—or backwards. There is, in effect, no teleology, and no possibility even of a determinist philosophy of history.

Our political fate and our present circumstances are, and always will be determined by what we struggle for. —By who we are. The individuals creating or operating or manipulating the institutions, what they are made of—those individuals and their values—will shape our political condition. It is what we do—each one of us, in terms of the justice and equity, and liberty that each one of us fights for—that does and will transform our political condition. Ultimately, our political
circumstances depend on our actions: when we protest, whether we vote, what we endorse, where we contribute, what we say, how we act, where we fight. Institutions are no safeguard. Rights are not self-enforcing. Political parties go astray. It is what we are made of and what we fight for—each and every one of us, individually, collectively, and severally—that shape our human condition and social and political relations.

In the end, there is no place for any of us to hide. No refuge. No private sphere. No shelter. There is no intimate realm to retreat to. No personal domain that will protect us. No way to avoid it: We make our political condition at every moment in pursuit of our values. In every little thing we do. That is our political predicament. Invariably and at all times, each one of us is both the author and subject of our political condition. Every microscopic choice, every decision, even the most minute, will have consequences for the world we live in. This is the utterly excruciating reality of existence—from the smallest gesture to the greatest, we shape our social relations and human condition: Whether we mindlessly ignore the homeless panhandler on the street or deliberately pull the execution switch, what newspaper we buy and book we read, whether we retire and cede the ground or blog or hack—entire political economies are built on those choices, a world is shaped by each one. Each and every one, minute or profound—these shape our human condition.

This is why—although it may sound entirely counterintuitive—work on ourselves, transformations of our selves in the narrowest sense, must necessarily accompany political action and the quest for justice. There is here no tension between ethics and politics. There is no priority of one over the other—there is no passage from one to the other. The two are inextricably linked insofar as our every choice, our every action is the foundation of our political condition. To act or not to act, and how to act, or not, is an ethical choice that is entirely political as well. There is no natural equilibrium in politics—and there never will be. Each moment is produced by infinite actions and inactions of each and every one of us. There is nothing but a constant struggle over resources, wealth, reputation, force, influence, values and ideals—constant power struggles.

Those who understand this, for the most part, try to dissimulate it in order to gain the upper hand. The art in politics is to put up a façade, a veneer of civility and normality. To make it seem as though politics is not battle. To calm and appease, at the very same time that we strategize and engage. “The presidency is bigger than any of us,” we are told. “We must all work hard to ensure a successful transition,” since “one
presidential administration must follow the other."¹⁴³ These are the arts, the techné of politics, intended to soothe and distract, and simultaneously to lead or rather mislead the subject and citizen. To make them believe that they need not always preoccupy themselves with politics, or truly get their hands dirty, or get too involved, or protest too vehemently. That they should contain themselves, play by the rules, or let their elected representatives take care of matters. That politics is not warfare. That things are under control.

"Enjoy your family and private life," "go shopping again," "pursue your personal projects and ambitions," we are told—and all will work out for the best. Nothing could be further from the truth! No, things will not work out for the best, instead others will decide how to restructure laws and taxes, and redistribute wealth, and benefit themselves. "The pursuit of self-interest will lead to the common good"—that is perhaps the greatest illusion of all. A farce, if it were not so tragic. A strategy that will merely allow others to determine the "common good." Or allow others to claim, reassuringly, that our political condition is under control, or well regulated, or controlled by norms. But it is not. It is not under control, except insofar as it is entirely controlled. It is shaped by our every action and inaction.
Chapter 7: The Illusion of Liberalism

With the collapse of the Marxist utopia, the main resistance to recognizing our political condition today comes not from the critical Left, but from the center and center Left—from liberals. The liberal view—the liberal utopia, in essence—is the very antithesis to this vision of endless struggle.* It is a political imaginary of neutral laws, of “rules of the game,” that supposedly allow citizens to pursue their personal interests without interfering with others. There is no battle, on this view, there is simply a regimented game with rules that allows us all to pursue our ambitions independently and autonomously. There is no imposition of values on others on this view, and no need for that.

The liberal view is, today, the most seductive alternative to critical theory, at least in the United States. It represents the greatest challenge. It is not so much the fragmentation of critical utopias, but rather the promise of a ceasefire that undermines critical theory: on the left liberal view, there is no need for an endless struggle over values, since, with the rule of law, everyone can pursue their vision of society without encroaching on others. We do not need to impose our values on others; we can keep our values personal, pursue them respectfully by following the rules of the game, and ultimately everyone will be able to achieve their ideals in their lives. All we need to do, on this view, is enforce the rules of the game.

The power of the liberal view is the result, in part, of the fragmentation of critical theory. As the Marxist foundation began to erode—as the concept of class struggle and the vision of proletarian

* Naturally, I am using the term “liberal” here in its political theoretic meaning—not in its journalistic usage of liberal versus conservative. Liberalism here should be understood as the belief that the political collectivity should not impose its own vision of what ideals or values individuals should seek and pursue in life, but rather establish and enforce rules that allow individuals to freely pursue their own ideals and interests without getting in the way of each other. The political collectivity, then, merely sets up the rules of society—the rules of the game—in order to allow political subjects to pursue their own interests unimpeded by others. This is the traditional Millian view that privileges the rules, or rights and obligations, of citizens over any particular vision of the good life; it involves, what Michael Sandel and others call, “the priority of the right over the good.” This translates, in the legal liberal register, into the idea that a liberal regime is governed by the rule of law, and not the rule of men: that neutral rules, not self-interested arbiters, decide and adjudicate between conflicting claims of justice.
revolution began to eclipse—traditional critical theory reoriented towards Left liberalism. Jürgen Habermas, for instance, embraced communicative ethics and deliberative processes that placed him more in conversation with John Rawls than with the critical Left. Gradually, the later generations of the Frankfurt School gravitated toward Kant and liberal theory. Today, many inheritors of the Frankfurt School are essentially liberals. Regardless, the result is that the single greatest challenge to critical theory today is Left liberalism: the idea that we should conform to the rule of law as a way to avoid political strife.

I.

The liberal view, however, rests on a profound illusion because there is simply no way to set up rules of the game that do not already have inscribed in them values and ideals. All legal frameworks—all systems of laws, all codifications, all laws, all rules of the game—necessarily instantiate a political structure that imposes a vision of the good society and the good life on the subjects of law. This occurs, first and foremost, in contemporary advanced capitalist societies, through the legal definition of property and the resulting system of private property rights. The fact is, the supposedly neutral rules of the game are founded on definitions of property that necessarily and inevitably impose a vision of the good on all subjects of law.

Now, as a historical matter, liberalism did not have to be coterminous with the heightened, almost absolute, protection of individual private property rights that effectively shapes the kind of society we live in. The rules of the game, for instance, could have been designed to cap individual possession at a certain point, prohibit inequality from going beyond a certain ratio, require universal rights to shelter, employment, or food. Or, they could and more often were designed to allow unlimited accumulation of private property and wealth, to allow unlimited inequality as between the wealthiest and the poorest in society, to require no mandatory assistance to the most destitute. These are simply different ways of writing the rules of the game, but they entail entirely different visions of the good society, and they facilitate or impede individuals’ specific vision of the good life. They tranche the question. These rules determine what is and is not possible in terms of the individual pursuit of a good life. They interfere—physically, concretely—with an individual’s pursuit of happiness. In this sense, the rules of the game shape the vision of the good society and enable or disable individuals from pursuing their vision of the good. They thus survive and function, in fact, on a deep illusion.
Today, it is that illusion of liberal legalism, more than the fragmentation of critical theory, though in part reinforced by it, that threatens critical theory and obfuscates the critical horizon. So it is that illusion we need most to unveil—especially since proponents of liberalism will deny that the rules of the game are so determinative or that they impose a particular vision of the good.

To be sure, it would be naïve to suggest that liberalism does not embrace any values, or that it does not promote any vision of the good life. Most liberal theorists will concede it does. It embraces a love of liberty, which is in its root etymology. It also incorporates, at its very core, an ideal of tolerance that is reflected in the notion that people should be free to pursue their own conception of the good so long as it does not harm others. It reflects a discomfort with state authority, and certainly a great distaste for authoritarianism. It privileges individual preferences over collective ones. It is not, and does not claim to be, entirely neutral; but liberal theory does suggest that, within those bounds, it is possible to set up rules of the game that allow individuals to pursue their own self-interest without fundamentally imposing any specific vision of the good life on others—that the rules of the game are not rigged to a particular vision of the good.

This, then, would functionally put an end to the endless political struggles we find ourselves in: a Left liberal legal rights regime, on this view, would mostly solve the political quandary we find ourselves in, halt the slippage to authoritarianism, and offer the most viable utopian vision. No need for endless political struggle, just for the implementation and enforcement of the rule of law. And many people in the advanced capitalist West believe this. Most of our contemporaries believe in the rule of law, and believe there is some neutrality to the rule of law.

Now, if we lived in an arbitrary authoritarian dictatorship, I too would argue for the advantages of rules and laws—I would clutch any straw. But insofar as we are surrounded, instead, by excessive faith in the neutrality of the rule of law, that, I take it, is what we must interrogate. Why? Because it is the illusion of liberal legalism that renders too many of us docile subjects and prevents us from seeing that we are engaged in political battle all the time. It is what encourages individuals to put politics aside, to not get involved, to let others decide their fate. It is what renders so many of us “immature” in the Kantian sense in “What Is Enlightenment?”: servile to others.

The liberal illusion alone is not what stifles political action entirely. There is also desperation, depression, a growing sense of
futility, and the problems of collective action. For many, there is a feeling that nothing would change anyways. There is a sense of powerlessness. Indeed, there are many other forces dampening political engagement. But all of them are facilitated by the overarching sense that there are rules of the game that need to be followed and that can be neutral. That is an illusion.

II.

The notion of the rule of law was born in antiquity, especially during the Roman republic, but found its most solid footing during the emergence of modern political theory with Thomas Hobbes—a most illiberal progenitor of liberalism in other respects. On the question and definition of law, paradoxically, Hobbes was the most important precursor to contemporary legal liberalism. Hobbes articulated, in his famous *Leviathan* of 1651, a modern positivist conception of laws and justice that laid the foundation for legal liberalism.

For Hobbes, laws are what allow individuals to pursue their own interests without getting into each other’s way. Laws, Hobbes wrote, are like “hedges”: they are not intended to stop us from pursuing our ends, but rather to help us achieve those ends without going astray, without knocking into others, without harming others. They are not intended to shackle us, but rather to make us free. They are not intended to “bind the People from all Voluntary actions,” but instead “to direct and keep them in such a motion, as not to hurt themselves by their own impetuous desires, rashness, or indiscretion.” Hobbes then added, in what is perhaps the most important passage:

as Hedges are set, not to stop Travellers, but to keep them in the way.

This notion of “hedges” is absolutely crucial to understanding the premise of modern liberal thought: namely, that laws are intended to facilitate individuals’ quest for their self-interest, rather than impose upon them ideals or values. That laws are what render subjects free: laws are what guarantee our liberty to pursue our private ends. They function as rules of the game, allowing each individual then to play their own game and achieve their own objectives. Hobbes, in fact, helped coin the notion of laws as rules of the game. He explicitly compared the laws of a commonwealth to the “laws of gaming,” in order to underscore the idea that whatever the subjects of a commonwealth agree to, just as whatever the players of a game agree to, will necessarily be just to all players.
Laws are also what ensure that the sovereign achieve its *raison d’être*—namely, to guarantee the people their “contentments of life.” Not just security or safety in a narrow sense, but their contentment writ large “which every man by lawfull Industry, without danger, or hurt to the Common-wealth, shall acquire to himselfe.” 147 What is especially important, and telling, is that the core of this contentment is that every subject be secure in his possessions. At the heart of Hobbes’ vision, justice consists in making sure that everyone remains in possession of their property—or, in Hobbes’ words, it consists “in taking from no man what is his.” 148 Hobbes spelled this out, making clear that property and possession are at the very center of good laws: men must be taught, Hobbes declared, “not to deprive their Neighbours, by violence, or fraud, of any thing which by the Sovereign Authority is theirs.” 149 Hobbes then added:

Of things held in propriety, those that are dearest to a man are his own life, & limbs; and in the next degree, (in most men,) those that concern conjugal affection; and after them riches and means of living. Therefore the People are to be taught, to abstain from violence to one anothers person, by private revenges; from violation of conjugal honour; and from forcible rapine, and fraudulent surreption of one anothers goods. 150

The emphasis on possessions and propriety is what led a scholar like C.B. Macpherson to place Hobbes at the fountainhead of a strain of liberal thought he called—coining the term—“possessive individualism.” 151 It is this idea that every subject possesses these things—life, limb, conjugal relations, riches and possessions—on their own, that they owe nothing to others, and that they have full entitlement to them as a result. As if man’s possessions are entirely the fruit of his own labor and he owes nothing to anyone else.

More important for us here: laws are what allow subjects to possess what is their own, to pursue their own possessive interests, to maintain their possessions. Law is what prevents others from interfering, through force or fraud, in another man’s possessions.

This is in effect the central thrust of laws as “hedges”—perhaps the single most important metaphor in modern political theory because it conveys perfectly the implicit assumptions undergirding the concept of “the rule of law.” The metaphor of a hedge conveys objectivity and neutrality: we agree on where we place the hedge, and it does not impose
values or interests on us, we do all the work—within the limits of the agreed upon rules.

The metaphor resurfaces in John Locke’s *Second Treatise of Government* and becomes the central allegory for law. Laws, Locke wrote, as Hobbes had, are not confining or limiting of freedom, they are what allow us to pursue our interests, they enable us to be free. And for this reason, Locke emphasized, laws should not be called “confinement”: “that [the Law] ill deserves the Name of Confinement which hedges us in only from Bogs and Precipices.”¹⁵² Locke’s editor, Peter Laslett, notes in the margin, after observing the similarity in language with Hobbes, “Presumably a verbal coincidence or an unconscious re-echo, though see Gough, 1950, 32.”¹⁵³ Concordence? Unconscious re-echo? That seems inconceivable because the notion of “hedges” is so central to Hobbes’s thought. And so central to Locke’s as well: laws are those hedges that make possible our pursuit of self-interest and our liberty. Locke spells this out as clear as day:

> For Law, in its true Notion, is not so much the Limitation as the direction of a free and intelligent Agent to his proper Interest […] So that, however it may be mistaken, the end of Law is not to abolish or restrain, but to preserve and enlarge Freedom. […] For Liberty is to be free from restraint and violence from others which cannot be, where there is no Law.¹⁵⁴

The central notion, here again, is that the legal hedges allow us to be free and to pursue our interests and our visions of the good life. They enlarge our liberty, and do not restrict it: they do not shape who we are or what we want, they make it possible for us to achieve our vision of ourselves and the good life.

As with Hobbes, for Locke this vision of legal hedges is intimately tied to a conception of the propertied self: what is foremost, after life and safety, are man’s possessions, from a private property perspective. Locke emphasized:

> Freedom is not, as we are told, *A Liberty for every Man to do what he lists* […] But a *Liberty* to dispose, and order, as he lists, his Person, Actions, Possessions, and his whole Property, within the Allowance of those Laws under which he is; and
therein not to be subject to the arbitrary Will of another, but freely follow his own.²⁵⁵

This notion of man’s independence to pursue his own will and interests, to dispose of his own possessions, to instantiate his own vision of a good life—so long as he does not do violence or fraud to another—is at the very heart of the conception of law as hedges.

And it reappears in various other guises in Locke’s analysis, as well as in that of later liberal thinkers. It appears through the image of the “Fence” in the Second Treatise. In discussing the right to use force against a robber—which, as Andrew Dilts suggests, paradoxically founds the ideal of liberty—²⁵⁶ Locke refers to the framework of rights, specifically “the Right of my freedom,” as the safeguard of his own preservation, using the term “Fence” to describe that safeguard.²⁵⁷ Michael Walzer, in his essay on “Liberalism and the Arts of Separation,” added the image of the “wall,” emphasizing in his words that “Liberalism is a world of walls.”²⁵⁸

Hedges, fences, walls: in liberal thought, laws represent these ostensibly neutral constructs that allow us to pursue our utopias without getting in each others’ way.

III.

Many before me have critiqued this view, but not always for the right reason. More often than not, the critique challenged what it perceived as the false image of man embedded in these liberal assumptions. Man was, instead, by nature more compassionate, or empathetic, or solidaristic. In other words, the selfish possessive individual of liberalism did not reflect our true species-being—to borrow Marx’s terminology. These critiques were useful, insofar as they exposed the hidden assumptions of liberalism, but they did not go far enough. They too went off-track, enacting new illusions about the real nature of subjectivity.

Marx offered a stinging critique of liberal legalism in On the Jewish Question.²⁵⁹ The model of civil and political rights, Marx argued, is premised on the notion of a liberal subject that is self-interested and self-centered, and pursues only his private self-interest. On the basis of this atomistic subject, in his private space, pursuing his private interests, liberal theory envisages law as what protects one subject from the harm of another. The theory, however, assumes an atomistic subject who is not
tied to a community, and does not belong to a community, who depends in no way on others.

Marx argued that the liberal construct of civil and political rights rests on a particular view of man: “the egoistic man, man as he is, as a member of civil society.” This conception of the subject is one of “an individual separated from the community, withdrawn into himself, wholly preoccupied with his private interest and acting in accordance with his private caprice.” He pursues his own individual interests, and as such needs to be protected against others who are doing the same. The conception of law is that of “hedges” in Hobbes’s terms; and liberty is conceived of as that which permits the pursuit of individual interests. “Liberty is, therefore, the right to do everything which does not harm others.” Law—as in civil and political rights—is what serves to protect that: “The limits within which each individual can act without harming others are determined by law, just as the boundary between two fields is marked by a stake.”

What grounds this concept of law is that of the atomistic individual pursuing his own interests and needing to be protected from the pursuits of others, Marx emphasized. Political rights depend on the self-interested, isolated man. “The only bond between men is natural necessity, need and private interest, the preservation of their property and their egoistic persons.” This is detrimental to how men view men. “It leads every man to see in other men, not the realization, but rather the limitation of his own liberty.”

Rights produce what Marx referred to as an “optical illusion”: an inversion of political or collective association and the protection of individual rights. They prevent us from seeing the true nature of man. The contrast, here, is to a vision of man as interconnected and interdependent. This is the notion of man as a “species-being” for Marx: drawing, as he does, on Rousseau, this is the notion of man as “part of something greater than himself, from which in a sense, he derives his life and his being.”

There is, then, an embedded conception of subjectivity hidden in liberal theory: there is already, baked into liberal theory, a biased view of the subject as a highly individual, self-centered, and self-interested, egotistical agent who is primarily focused on his own possessions and private property, and feels no solidarity or no debt to others.

This critique of possessive individualism resurfaced throughout the history of political thought. Foucault, for instance leveled this
critique against American neoliberalism in his discussion of Gary Becker’s writings in *The Birth of Biopolitics*: it was his critique that a particular conception of the subject was already baked into the cake of human capital theory.167 Similarly, Michael Sandel argued that liberalism embeds a particular self-centered conception of the individual and a specific vision of the good life. So it does not ensure the priority of the right over the good, because it assumes a propertied notion of rights; it has embedded within it a notion of the good as being linked to private property and the independence of subjects. It does not have an idea of human emancipation as the end or goal; it has already picked a vision of the good tied to private property. Here too, though, Sandel embraced a different conception of subjectivity that is more communitarian—embedded in the community.

None of these critiques go far enough, though. None of them come to terms with their own illusions. None of them recognize the pure theory of illusions. The crux of the problem is not that the liberal vision of the subject is false or inaccurate, and that another view of human nature is more exact. It is not that we are actually empathetic animals or inherently part of the collective, rather than individualistic. It is not that we are in truth social animals, or political animals. The problem is not even with the content of the presupposition—not with the substance of the vision of man as individualistic.

The problem is that all of these claims about human nature are entirely constructed and, when they become naturalized, they have political effects. They have effects of reality.

The distinction is crucial: we will never get at human nature. The concept itself is deeply problematic. Hobbes was not necessarily right about our primordial fear of conflict and death; and Rousseau was not necessarily right about our empathy for each other, though he was surely right that assumptions about the self have subconsciously driven most political thought. We do not need an alternative conception of the self, but rather, to critically understand that all these conceptions of human nature are constructed, as are the political conditions that we build on top of them. The idea of merit is constructed. So is the idea of desert, or of responsibility—of what we owe each other, etc. The level of equality and freedom in society is constructed, and we have total control over political outcomes. We can decide whether humans are generous and altruistic or not, selfish and self-centered, by setting up society in a certain way: to be generous and altruistic, or not.
This is where Sartrian existentialism remains vibrant: we are our actions. We are our political decisions. It is the type of society that we construct that tells us who we are, not the other way around. We do not have inner qualities that dictate what kind of society will emerge and develop. We have control over the kind of society we make—with as much or as little equality, equity, justice, as we see fit. We are not pre-defined, and have no human nature. We are malleable constructs, shaped for the most part by our prevailing beliefs and materials surroundings. Deeply caught in language and ways of thinking and speaking—in our forms of rationality. Yes, perhaps even blinded at times by our ways of thinking.

IV.

That is the crux of the problem: the naturalization of the liberal vision of man—the fact that this liberal vision of man is surreptitiously baked into the theory—produces a series of illusions that then justifies claims to objective truth: namely, the belief in individual responsibility and individual merit, that then justifies the ratcheting up of unequal social institutions and processes.

Now, nothing is wrong with individual striving and ambition. But the idea that politics can neutrally set up rules of the game that allow everyone equally to pursue their goals is a fiction. It is an illusion that has detrimental effects, specifically that (a) facilitate particular individuals, well situated and well endowed, to achieve their own objectives and (b) allow us to impugn those individuals who are not well situated when, because of the ways the laws are set up, they inevitably fail to achieve their goals. The rules of the game are not neutral, but distribute opportunity. Just as the height of the basketball hoop will statistically favor tall players, limitless inheritance, for instance, will statistically favor children of wealthy parents.

The point is, there is no neutral notion of merit. There is no way to objectively speak about individual responsibility. A child who grows up in the inner city, with poor educational and work opportunities, is simply not on equal footing as a child who attends the best private schools and has unpaid internships throughout their adolescent years. Those differences are the direct product of the ways in which the rules of the game are established—they are a direct consequence of unlimited rights to property, tax laws, etc. The rules of the game create these differences, and maintain them. As a statistical matter, as a question of probabilities, they reproduce the social inequalities. To be sure, there
will be exceptions, and some individuals will be able to transcend their likely outcomes—for better or for worse. Some will fall, some will rise. But those are the outliers. For the most part, the rules of the game will determine the fate of most individuals.

The central problem, then, is not the embedded idea of individual ambition and self-reliance, but the way in which the accompanying notion of laws and legal structures hides the reproduction of wealth and power. How it creates a fictitious idea of individual merit and responsibility. How it advantages some and disadvantages others. And how ultimately it facilitates an increasingly unequal social condition.

To emphasize an important point: There is nothing inherently wrong with individualism. In fact, Jean-Paul Sartre may indeed be right that «l’enfer, c’est les autres»—that hell is other people. But despite that, our human condition requires forms of cohabitation that demand a modicum of equity and equality between us all. It requires that we live in solidarity one with another. Our social condition and mutual interdependence force upon us the need for solidarity. And liberalism makes this difficult because it has been, historically, built on notions of private property that have facilitated the accumulation of wealth. Of course, it need not have been that way, and there were potential limits for instance in the Lockian notion of possession based on labor, on what can be used and consumed, etc.; but that is not he way in which the liberal tradition evolved. So that today, liberalism facilitates, rather than hinders, the hoarding and grabbing of property. It masks selfish accumulation under the guise of individual merit and responsibility. And more and more—as we see with the Piketty research—it is facilitating the grabbing of the public commons. The only restraint was world war and the threat of communism—the specter of Marx—that forced liberal democracies to redistribute; but those are (for the first, at least, hopefully) things of the past. Liberalism today faces no more competition, and as a result capital accumulation is exceeding all bounds. This is facilitated by the illusion of the rule of law.

The crux of the problem today, then, is the illusion of liberal legalism. Let me emphasize here, though, the historically situated nature of my claim. This is the case for those, in the West, today, who live in liberal democratic regimes. There, it is the naturalization of liberalism that is most problematic. That is not necessarily the case in authoritarian regimes elsewhere. Moreover, liberalism is not the only political construct that produces illusions. Communism as well carries its own illusions: the very idea that state institutions could wither away, for
instance, is a myth. There will always be regulatory mechanisms, whether we call them the state or not. There will always be forms of government. To speak of the withering of the state is a dangerous illusion that draws our attention away from the fact that regulatory mechanisms will always exist and will necessarily distribute wealth, power, and opportunities. But in the West today, we are not facing a political condition in which communism is shaping us, so that particular illusion is not affecting us right now. By contrast, liberalism is dominant, hegemonic, and only increasing—and for that reason, it is the illusions of liberalism that are the most damaging today in the twenty-first century.

V.

What are these “rules of the game” that tilt the playing field, you may ask. In a country like the United States, they are the protection of limitless private property, tax rates on income and capital gains, the tax rules about deductions (for instance, for mortgage interest, investment losses, etc.), the lack of an inheritance tax, the privileging of civil and political rights at the expense of social and economic rights, to name a few. These are the intricate legal rules—the rules of the game—that make possible capital accumulation and growing inequalities.

Some liberal thinkers will argue that these are not the rules of the game, but the outcomes, and that the rules are the higher order constitutional norms that determine how political decisions are made—in effect, that there are two (or perhaps even more) levels of laws, and that it is only the higher order rules that qualify as the real rules of the game: so, for instance, federalism, the separate powers of the executive, legislative, and judiciary, bicameralism, the presidential veto power, freedom of the press and religion, etc.\textsuperscript{168}

But those rules too are malleable and affect the tilt of the playing field. Redistricting following the 2020 Census will have significant effects on our political condition. Voter eligibility laws and felon disenfranchisement turned presidential and congressional elections in past years.\textsuperscript{169} The Electoral College can trump the popular vote. All of these purportedly neutral institutions and rules have political consequences, and to suggest that they are neutral or objective is to mask, once again, the political struggles that underlie our political condition. To be clear: redistricting in 2020 is probably the biggest looming political battle in the United States and should be a bloody battle.

~~~
In the end, the central illusion of liberal legalism—that laws are neutral rules of the game—favors certain political outcomes (for instance, capital accumulation and increased inequality) that should be the product of political contestation. It does this, first, by naturalizing the rules of the game, by convincing us that laws are neutral devices that promote our individual liberty. But secondly and equally importantly, it also favors certain political outcomes through the way in which it conceptualizes violence, something I will return to in Part III.
Chapter 8: A Pure Theory of Values

Left liberalism and the rule of law is tempting, but of no avail. It does not prevent authoritarianism, but instead can be plied by it. In certain discrete political situations—for instance, in the power struggle between President Trump and former F.B.I. Director James Comey or Special Counsel Robert Mueller—the rule of law can be a potent weapon in the hands of Left liberals. But it is equally forceful in the hands of law-and-order conservatives, especially in the battles over Supreme Court nominations. In the end, the rule of law is infinitely malleable, and can be reshaped easily by skilled lawyers, particularly in times of crises.

What matters, then, is not the formality of law as hedges or fences to keep everyone from interfering with each other, nor the rule of law as enforcing a neutral set of principles, but instead the values, ideals, and ambitions that underlie the interpretation and enforcement of legal norms. The Third Reich followed a strict rule of law. The problem was the values and ambitions of the political leaders. The formal structure of legal regimes is not at issue. What matters is the direction in which those formal structures are oriented.

This applies as well to political economic structures. Here too, there is no inherent tilt to either free markets or controlled economies—for several reasons. The first, and most important, is that there is no such thing as a free market. The notion of the free market is itself an illusion—one of the strongest. All markets are deeply regulated in different fashions, and those regulatory mechanisms are what distribute resources. As a result, second, there are no necessary correlations between the formal structures of market regulation—e.g. private property regimes versus nationalized industries—and outcomes. There is no necessary correlation, for instance, between a planned economy and equitable distributions or production.

We cannot say, as critical theorists, that any specific type of political economic regime is more likely than not to produce just outcomes. History bears this out. The horrors associated with Stalinism bear this out. The gulag. The corruption of the Soviet Communist Party—and of other communist parties in the former Eastern Bloc. The millions of deaths caused by the Great Famine under Maoist China. The killing fields of the Communist Khmer Rouge leaders. The complete ineffectuality of the Socialist government of French President François Hollande. These are all clear evidence that state-directed political economies, or their derivatives, are no more likely to produce just
distributions than regimes built on private property. There is hardly any room for discussion on this.

Here too, then, what matters is not a particular form or regime of political economy, it is the minutia of rules and regulations that determine distributions of resources, wealth, well-being, and life itself. It is the inevitable regulatory web and how it allocates materiality. Every regime is regulated, there is no deregulated space, and all that matters are those specific rules and regulations—not the form, not the category, not the type of political economy. Only the material distributions matter.

This has dramatic consequences for a critical utopian vision. The critical horizon can no longer be a collectivist state, a socialist government, a planned economy, or the withering of the state. All of those forms are essentially empty. What matters, in terms of the vision of a future, is how an already-existing set of political economic regulations shape the production, distribution, and enjoyment of material wealth and well-being in society. What matters is how closely the resulting interactions approximate our political values—specifically, those of the tradition of the critical Left.

In terms of a critical horizon, then, all that we can judge, as critical theorists, is those material effects, and we can only do that by assessing how closely they approximate our values. This explains why a pure theory of illusions must be accompanied by a pure theory of values. It explains why we need to be both idealist and materialist at the same time—entirely so. When we unveil the myths of the free market and of controlled economies, we are only left with an analysis of how the internal gears function and actually distribute. And we can only assess that in relation to our values. We are, in effect, face to face with values—and only values.

I have argued elsewhere, in “The Collapse of the Harm Principle,” that this is paradoxically the fate of the harm principle in John Stuart Mills’ hands. Although the “harm to others” principle was invented to serve as a neutral liberal principle—one that would prevent the state from imposing values on its citizens—Mill’s harm principle nevertheless enshrined an ideal of human self-development and perfection that derived from von Humbolt’s writings. This was inevitable because the notion of “harm” ultimately collapses onto a substantive notion of human flourishing or well-being. It is impossible to define “harm” absent a vision of human well-being.
There are, then, several roads that lead to the same conclusion: everything turns on the values that undergird the mechanisms, and not the abstract category of political economy. As a result, the critical horizon is not an institutional set-up, nor a type of economic structure, nor a political organization. Nor is it a particular constitutional arrangement. The British do not have a constitution, but that may actually allow them to move left. Hungary, by contrast, was recently given a constitution, but that may have facilitated a rightward turn. Nor is it a centrally planned economy—we’ve been through that. It can never be, simply, these structures, organizations, or institutions. It is and can only be a set of shared values.

Those values do not come from thin air. They derive from long traditions, often with significant conflicts within those traditions. There are, for instance, within the Christian tradition, Franciscan sets of values that differ from Benedictine. Within the Muslim tradition as well, there are varying ways of interpreting the sacred text, leading to some more conservative, backward looking branches like Salafism, others like Qutbism that are more radical; there is an Islamic Left as well; there is a progressive Left spiritualism, as evidenced in the writings and life of Ali Shariati. Within native American heritage as well, there are different traditions. Elsewhere there are at times national values, party values, family specific values. There are Burkean values. And there are as well leftist values and traditions that have emerged from lengthy discussion and contestation. These are not spur of the moment, or individual, or simply personal preferences. This is not a matter of simple taste, but of lengthy discussions and conversations—and readings, and poetry, of Rousseau, Robespierre, Dewey, Luxembourg, Rorty, and so on.

Richard Rorty is particularly important in this genealogy because he too was anti-foundationalist and ended up in a similar political position, though he disparaged so cuttingly what he called the Foucauldian Left. His polemics were extreme. “Foucauldian theoretical sophistication,” he wrote, “is even more useless to leftist politics than was Engels’ dialectical materialism.” Rorty wrote out of anger and frustration, but nevertheless contributed to this lengthy and ongoing conversation about the values of the Left as the party of hope and moral identity. Rorty tried to push the critical Left away from stigma and identity, toward greater attention to matters of wealth, economics, and unionization. Despite his polemics and theoretical disagreements, Rorty ended up in a similar practical space: debating core critical Left values.
These questions of values are not simply a matter of faith—not even the more directly religious traditions, like the Christian or Muslim or Jewish values. There are texts to read, hermeneutics, generational discussions, debates, and even, as evidenced with Rorty, deep disagreements, excommunications, heresies, and departures.

For most of its history, critical theory has drawn on a leftist tradition that values equity, compassion, and respect. These are closely tied to ideals of solidarity, although they have been at times more or less communalist. They tend to respect the community. They are shared by critical theorists—who are tied by a particular tradition of thought and debate.

The critical task, then, is to pursue these values of equity, compassion, and respect. That is the critical utopic vision. Not a particular type of state or economy, but a social order that promotes those critical values.

This is a necessarily situated task: we pursue these values, as critical theorists, in confrontation with our really-existing political circumstances. We have to examine how the regulatory mesh we find ourselves in—whether in a capitalist, socialist, or communist state—produces our material and spiritual world, how it distributes material wealth and well-being. We are temporally and spatially located, and can only judge the political economic circumstances within which we find ourselves. Some of us may be in capitalist liberal democracies, others in socialist democracies, others in communist countries, and still others in authoritarian regimes. Each of us, critical theorists, may need to push those regimes in different directions in order to realize our values better. The critical work is inescapably and deeply situated.

This is an inherently violent confrontation because we are, inevitably, and necessarily, in opposition and in competition with other people’s projects and values. Politics is a battlefield, in this sense. It is not a regulated game. We are inevitably in a state of competition against others who have different utopic sets of values. In this struggle, critical theorists need to be strategic in their deployment of tactics—which I will turn to next in Part III. Everything has to be aimed at achieving our shared critical values.

In this sense, then, the pure theory of illusions calls for a pure theory of values: What is to be done—in the sense of what utopic vision critical theory should embrace—involves a situated assessment of really-existing regulatory mechanisms and material distributions, an analysis of
how far those are from our desired values, and a determination of the ways to get there.

It is important to emphasize—even though this may sound like anathema to many critical theorists—that critique, itself, does not have an inherent or necessary political valence. Critical theory, understood as a pure theory of illusions that endlessly unmasks the mythic structures of our thought and material distributions, does not have an embedded necessary set of values. It has, historically, been tied to a particular tradition of concerns and ambitions, but those values are not internal or inherent to critique. The unmasking of illusions is not just a theoretical intervention for the critical left. Conservatives can do it as well. In fact, the tradition of nineteenth century critical thought—what has often been referred to as the hermeneutics of suspicion—includes Freud and Nietzsche, who had different sets of values than Marx. Being suspicious of specters and illusions is not just a condition or technique of the Left. This explains why, for instance, some alt-right thinkers recently, such as Steve Bannon or Julia Hahn, deploy critical theoretic insights.

There is no inherent leftist valence to critical theory. Precisely for that reason, a pure theory of illusions must be tied to a pure theory of values.

~~~

We live in a world of scarce resources—of scarcity, as Sartre emphasized—and those scarce resources are inequitably distributed. The concentration and accumulation of resources in the hands of a global elite is unjustified and unjustifiable, and defies any possible ethical understanding. It is made possible by illusions: the illusions of political liberalism and free markets, the fantasy of individual responsibility and merit, the myth of upward social mobility. These illusions are what make our unequal world tolerable.

Critical theory can and must unveil these myths and illusions. Whether it does so in the language of ideology critique and legitimation theory, or of power/knowledge and regimes of truth, does not matter as long as it does not then reify an new set of illusions or a political utopia. Truth is, critical theory has now wasted too much energy on internecine struggles between Marxists and Foucaultians, between materialists and interpretivists, when all along critical theorists have been making the same core point: that power undergirds knowledge and that we are surrounded by illusions and myths that construct our world in these
unjust ways. Critical theory needs to move forward now, first to recognize its shared set of values and second to praxis.

Nietzsche spoke of the death of God, but the proliferation of his shadow. We seem to be constantly living in new shadows. It is time to get out from under them. You may ask how Nietzsche fits with the critical tradition. But here too, it is a question of interpretation. There is, naturally, the Nietzsche of the noble and strong predator, of the Viking warrior, of the prophet Zarathustra who leads a small band of chosen ones, of “men of knowledge.” There is this Nietzsche of the few who know and can see. Of the select among us who can get beyond man—of the Über-mensch. Recall Nietzsche saying, through the voice of the prophet Zarathustra, “For thus, justice speaks to me: ‘humans are not equal.’ And they shouldn’t become so either! What would my love for the overman be if I spoke otherwise?” But if that may feel at odds with the critical Left tradition, there is also the Nietzsche of §10 of the second essay of On the Genealogy of Morals. Of that nobleness of spirit that comes from a consciousness of power: the way in which we can rise above resentment and petty rivalries when we are confident of ourselves. That Nietzsche is at the heart of this pure theory of illusions and values. It is, after all, Nietzsche who taught us the value of values.

In the end, the critical theory tradition has thrown its lot on the side of greater equality, equity, compassion, respect, and justice in society. The notion of liberty is empty when citizens do not have equal access to education, health care, and living conditions. We must ensure that everyone has equal educational opportunities—a first-rate public education, available to all, at least through college, with graduate opportunities restricted, if at all, on the basis of interest. Basic health care should be provided to everyone in need. And everyone should have a basic subsistence and shelter. Most importantly, there should not be gross disparities in income or wealth.

This brings us then to the next and final question. Having reconstructed critical theory as a pure theory of illusions and the critical utopia as a pure theory of values, what is the way forward, from a critical perspective, to achieve these shared values and a more just society? What is to be done, to borrow a famous turn of phrase, from a critical viewpoint? And beyond that, what form should critical action take? Does it imply revolutionary action? Or an insurgency? Or an uprising, a revolt, or disobedience? Civil disobedience—or is that too wedded to liberal legalism? Political disobedience? Speaking out or breaking silence? Or self-governance, as a form of Swaraj? Self-mastery or care of self?
Social protest, like #BlackLivesMatter or Black Youth Project 100? Liberation movements? Or anarchistic disruption? Hacking? Or occupation? Or the creation of new imagined communities, like Standing Rock? If there is such a thing as a critical praxis that differs from liberal or alt-right practices, how do we instantiate it? In the end, the burning question is: What is to be done?
PART III: PRAXIS — REMAKING CRITICAL PRACTICE

In line with a pure theory of illusions and of values, it is time for a new understanding of critical praxis liberated from its foundational constraints. Critical praxis cannot be wedded to absolutes—whether they consist in a vanguard party or leaderlessness. A reconstructed critical theory must go hand-in-hand with a purely tactical approach that seeks not to realize a preconceived foundational praxis, but to find the best way to push against really-existing forms of oppression and inequity, cognizant of the need to constantly reexamine how power recirculates through our own practices.

The central point is that critical praxis is situated. What is to be done, in the end, does not call for abstract categories, but requires instead an individually tailored, specific assessment and tactical engagement in each different context. There is no one size fits all, and nothing is off the table. There is no portability or universality to critical praxis. Praxis must be determined in a highly contextualized manner. We need single answers to the question “What is to be done here?” with unique date, location, and time stamps. Praxis must always be situated, decided in situ, responsive to the unique time and place constraints, since there is no identifiable end point and no single utopian foundation, but rather always another place where power is recirculating, often in unprecedented ways. In this sense, a reconstructed critical praxis calls for a pure theory of tactics.
Chapter 9: Our Practical Dilemma

The past few years have witnessed productive experiments with modalities of revolt and fruitful attempts at theorizing forms of resistance. The Indignados uprising, the Arab revolutions, the global Occupy movement, Nuit Debout, and the Movement for Black Lives have reimagined political protest, and led to promising theories of the performativity of assembly in Judith Butler’s writings, of the political potential of assemblies in Michael Hardt and Toni Negri’s work, and of renewed concepts of civil and political disobedience in the works of W.J.T. Mitchell and Mick Taussig, Brandon Terry, Sandra Laugier and Albert Ogien, Frédéric Gros, and Robin Celikates. The #BlackLivesMatter and #MeToo movements have inspired important reflections on new modes of leadership and representation in the writings of Cathy Cohen, Barbara Ransby, Keeanga-Yamatha Taylor, Deva Woodly, and others.

But often, those very practices—of general assemblies, of leaderless and ideologically-agnostic occupations, of spiritually-tinged uprisings, of standing ground and nation-building, of hunger strikes or hashtags—clashed with more traditional conceptions of critical praxis and triggered uneasy reactions among many critical theorists. There was often a sense of frustration at the newer modalities of uprising. Leaderlessness was particularly fraught, and substantial disagreement emerged about the practices at Occupy Wall Street.

At other times, the political crises gave way to low-grade paralysis among critical thinkers, an unexpected quiescence at least by contrast to the more vocal interventions of liberal dissent, such as the ACLU, Human Rights Watch, or the Center for Constitutional Rights in New York. The critical responses appeared somewhat muted. The critical Left, as opposed to the liberal Left, appeared disarmed. It often felt that critical praxis was missing in action—as opposed, that is, to liberal forms of protest.

The critical Left has tended to mobilize using mostly traditional liberal devices, and has folded back on liberal legal institutions. In the United States at least, the principal forms of critical resistance to the Trump administration have involved, first, civil rights litigation against the Muslim Ban, the military transgender ban, and other executive orders; second, permitted protest marches, such as the Women’s March, or, even, the March for Science; and third, myriad on-line petitions, letters, and statements of protest by individuals and institutions,
including universities. Alongside these peaceful protests and social movements, anti-fascist rallies have spread, sometimes devolving into minor violence. For the most part, though, the resistance has taken the path of liberal democratic protest, even among the more critically oriented. The resistance to the Muslim Ban followed precisely a liberal civil and political rights model: civil rights lawyers and even state attorney generals went to court and sued President Trump, while others offered their expertise as area experts or translators. In effect, the critical resistance predominantly used liberal courts as a bulwark against the intolerable.

Critical praxis, it seems, has not caught up with these critical times. It is precisely for this reason that we now need to rejuvenate a critical praxis for the twenty-first century. The question becomes: What could or should critical praxis look like today when the dialectical imagination is so fractured? What should critical action look like within this new reconstructed paradigm of critical theory, especially at a time when right-wing populist movements have cannibalized segments of the working class, turning old-style class warfare into anti-immigrant and ethno-racist conflict? What is to be done?

Our times call for renewed praxis freed from prior foundational commitments. To move forward, though, we first need to understand clearly where we are and how we got here.

I.

Alongside the structural transformation of critical horizons over the course of the twentieth century, the field experienced as well a structural transformation of critical praxis. The shift from Marx to Mao and to later insurrectional utopias, discussed in Part II, moved critical theory away from the modern concept of revolution to more situated localized events of insurrection, revolt, and disobedience—to new modalities of uprising. This reflected, in part, a movement away from the Eurocentric model of revolution toward practices of insubordination that were historically shaped in the colonial wars. “In the dominated colonial peripheries,” Balibar explains, “there were no ‘revolutions’ but only ‘resistances,’ ‘guerillas,’ ‘uprisings’ and ‘rebellions,’” and by contrast to the latter, the great revolutions of the nineteenth century “were supposed to be political processes typical for the center because they involved the participation of ‘citizens’ who exist only in the nation-states.” In effect, the mid-twentieth century insurrections were to the modern concept of revolution what the periphery was to the center.
Critique & Praxis

From revolution to uprising, from Europe to its colonies: This captures well the shift and the resulting fragmentation of critical *praxis* during the twentieth century. It produced, by mid-century, four different models. There was, first, an *insurgency model of uprising* that could be traced directly to Mao’s military strategies pre-1949. This model rested on Mao’s tripartite division of society, and it inspired the growth of small, separatist cells or wider national liberation movements. This was the model of the FLN in Algeria and of other liberation movements throughout the global South. It was the model of insurgency that eventually gave rise to counterinsurgency warfare practices in Indochina, Algeria, Malaya, and Vietnam.

There was, second, a model of the *constant upending of revolutionary accomplishments*, based on Mao’s Cultural Revolution from 1966 to 1968 (or at least to the time of the disbanding of the Red Guards). This model rested on the idea of the inevitable return of self-dealing and self-interest, of elitism and complacency. It reflected Mao’s idea that the Chinese Communist Party had become the bourgeoisie. This model was one that gave rise to the call for “permanent revolution” that we heard in Latin and South America.

There was, third, a model of more *creative insubordination*, especially in some of the receptions of Maoism in the West in the 1960s and 70s as an alternative to the Soviet archetype of communism. Militants in France, Italy, and elsewhere drew on Mao’s writings to develop alternative ways of thinking and challenging relations of power, some through new forms of popular justice, others through leaderless inquiries. A good illustration here, again, is the debate between Foucault, Benny Lévy, and Glucksmann in 1971.

And then, finally, there emerged a model of *Maoist-inspired insurrection* that had elements of early insurgency theory, but was far more isolationist and separatist from the general population. Mao here is less an explicit point of reference, than a central but silent identifier. This model is what I would call *separatist insurrectional*, and it was reflected in the more extreme violent movements of the 1970s and 80s in Western Europe and the United States, such as the Baader-Meinhof Group, the Red Brigades in Italy, or the Weather Underground Organization. The model differs sharply from the modern concept of revolution. It has a sharply different episteme: a small-bore, tactical episteme of the guerilla fighter, associated with rebellion and insurrection, as opposed to the modern revolution.
These structural transformations greatly influenced practices of critical resistance at the turn of century. There were, naturally, a range of practices, but two major styles, or poles, emerged in the West in the first decade of the twenty-first: at one end, a set of more radical insurrectional movements in continuity with the historical transformations already discussed; and at the other end, a set of more open, prefigurative social movements that have evolved in part in opposition to the previous models—including, for instance, Occupy Wall Street, #BlackLivesMatter, and Standing Rock in the United States. Each of these styles and movements have been fruitfully theorized by contemporary collectives and thinkers such as the Invisible Committee for the first, or Michael Hardt and Toni Negri, Judith Butler, and others for the second.

A. Insurrectional Cells

The first style of separatist insurrectional movements manifested around the world, from El Salvador and Peru in the 1980s to Nepal and Kashmir in the 1990s. These insurrectional practices took different forms and inspired separatist cells in Europe and elsewhere. The Invisible Committee, an anonymous group of anarchist activists in France, gave theoretical expression to this approach in a series of books, beginning with their first, The Coming Insurrection, published in 2007.

The Coming Insurrection views the world through the prism of civil war. What lies ahead is the “emergence of a brute conflict,” the Committee writes.\textsuperscript{180} It is a civil war between different visions of society—between “irreducible and irreconcilable ideas of happiness and their worlds.”\textsuperscript{181} It is useless, the Committee tells us, to get indignant, to get involved in citizens’ groups, to react to the news, or to wait for change or the revolution. “To no longer wait is, in one way or another, to enter into the logic of insurrection. It is to once again hear the slight but always present trembling of terror in the voices of our leaders. Because governing has never been anything other than postponing by a thousand subterfuges the moment when the crowd will string you up, and every act of government is nothing but a way of not losing control of the population.”\textsuperscript{182}

Rather than join citizens’ groups or assemblies, the Committee advocates a form of separatism, secession, and isolation. France, the Invisible Committee tells us, is “the land of anxiety pills,” “the Mecca of neurosis”\textsuperscript{183}; rather than embrace the people, the insurrectional project is to withdraw to communes, to isolate oneself, to remove oneself from the people. “Far more dreadful are social milieus, with their supple texture,
their gossip, and their informal hierarchies,” the Invisible Committee writes. “Flee all milieus. Each and every milieu is orientated towards the neutralization of some truth.”184 Even anarchist milieus must be forsaken because what they do is “blunt the directness of direct action.”185 Activists today must form communes instead of blending into the population. They must remove themselves from the toxicity of the general population. The masses are to be viewed with caution and suspicion, not the least of which because “we expect a surge in police work being done by the population itself.”186

The Committee sets forth strategies for insurrection: demonstrations need to be wild and unexpected, not disclosed in advance to the police; they must lead the police, rather than be herded by them; they must take the initiative; harass and distract the police, in order to attack elsewhere; chose the terrain; take up arms and maintain an armed presence, even if this does not mean an armed struggle, using arms sparingly and infrequently.187 The central idea is of an uprising that represents “a vital impulse of youth as much as a popular wisdom.”188 This was one important model at the turn of century, inspired clearly by Mao’s trajectory of insurrectional practices over the course of the twentieth century.

B. Leaderless Assemblies and Prefigurative Movements

At the other extreme, another broad style embraced a very different ethic. Reacting in part against the patriarchal, “great man,” and top-down character of most traditional critical praxis, these movements aspired to leaderless—or inversely, what could be called “leaderful”—and more egalitarian, ideologically open, democratic procedures. They attempted to prefigure the political processes that they aspired to, rather than view their militancy as a temporary necessary means to achieve the society they wanted to live in.

Naturally, these movements took different forms. Some of the organizations within the Movement for Black Lives, for instance, were more centralized and hierarchical, such as the Black Youth Project 100 (“BYP100”), but most of the others aspired to be leaderless, such as Occupy Wall Street, Nuit Debout, or other organizations within #BlackLivesMatter. Many of the movements were ideologically open, in the sense that there was often no policing of views, censorship of political ideologies, or establishment of a party line. There was rarely, in these new movements, a vanguard party. To the contrary, many of the militant movements had a unique ethical and political stance of equality and respect that went against the very idea of hierarchical power, the
latter being mostly viewed as patriarchal. They deployed new technologies and had a strong digital presence on social media—using FaceBook, Twitter, Instagram, Google+, and every other digital medium as a way to horizontalize authority.\textsuperscript{189} They honed their political ethos and strategies around notions of equality, and skillfully deployed digital disobedience toward that end.

Some of these new movements were more attentive to membership and representation. BYP100, for instance, restricted membership to persons who are between 18 and 35, and it was by definition black and young. Beyond that, to become a member of BYP100, the person had to attend an orientation meeting, had to participate in two chapter meetings, and had to attend a public event. The organization was wedded to democratic principles: “Leaders are nominated, elected, and constantly rotated; the bulk of decisions must be ratified by a majority vote.”\textsuperscript{190} Other large-scale protests like Occupy Wall Street or Nuit Debout, were more leaderless and equally egalitarian. What these movements all shared, though, was that they did not endorse political parties or political actors. For the most part, they maintained themselves outside of mainstream politics.

In their very organization, many of these movements inserted their principles of equality into the way they functioned and operated. The aspirations and values were included in the movement structures themselves. In this sense, they were acting out what Barbara Ransby called “group-centered leadership practices.” This did not mean that there were never recognized individuals, even some celebrities in these movements. What it meant, according to Ransby, was that everyone in the group responded to the will of its members. “The Movement for Black Lives is distinctive because it defers to the local wisdom of its members and affiliates, rather than trying to dictate from above,” Ransby explained. This was, in Ransby’s words, a “better model for social movements,” and it represented “a choice, not a deficiency.” The reason that it represented a better model, Ransby argued, was that it turned over the decision making to those people on the ground who had the best understanding of the problems they faced and who were in the best position to carry out their own solutions. “People are better prepared to carry out solutions they themselves created, instead of ones handed down by national leaders unfamiliar with realities in local communities,” Ransby wrote.\textsuperscript{191}

In \textit{Notes Toward A Performative Theory of Assembly} (2015), Judith Butler explored the performative dimensions of these assembly-
based movements, in order to expose how the physical gathering of bodies and the material element of assemblies precede, constitute, and make possible political expression. For Butler, the performative nature of assembly is a precondition for expression, and the materiality of assembly fashions the discursive realm. As Butler writes: “The assembly is already speaking before it utters any words, [...] [B]y coming together it is already an enactment of a popular will. [...] The “we” voiced in language is already enacted by the gathering of bodies, their gestures and movements, their vocalizations, and their ways of acting in concert.”

This enactment of a “we” by means of physical assembly—both being present and being absent for those who are in prison or have been disappeared—is, for Butler, an essential precondition to expression and speech. It forms—or it performs—the medium within which claims for inclusion are expressed. It is the way to initiate claims to be “we the people” or, even more, “we are still the people.”

Butler argues that “acting in concert can be an embodied form of calling into question the inchoate and powerful dimensions of reigning notions of the political” and this works in two ways, first, by enacting contestation and, second, by exposing precarity.

In other words, assemblies serve as incipient forms of popular sovereignty. They give rise to forms of popular will, and help shape our conception of the will of the people. The bodily nature of assemblies exposes the precarity of these lives. They reveal the lived existence in the shadows, but also the resounding claim that this condition of precarity is intolerable. “[T]he bodies assembled ‘say’ we are not disposable, even if they stand silently.”

Butler’s central point is that the materiality of assembly, the corporeal presence of people assembled in the square, has a force of its own, independent of what is said, and serves as the precondition for what gets said. Assembly, in and of itself, matters. It says and does a lot. Or, as Butler writes: “the basic requirements of the body are at the center of political mobilizations—those requirements are, in fact, publicly enacted prior to any set of political demands.”

This is, for Butler, the power and importance of these types of assemblies.

II.

The historical context, though, changed once again in the first decades of the twenty-first century. The liberal veil was lifted off the true face of the right across the globe. More openly conservative and xenophobic parties surfaced around the world—with the rise of alt-right
parties in Europe, of the Tea Party and the Trump presidency in the United States, authoritarian leaders in Turkey, Russia, the Philippines, India, and elsewhere. Across a spectrum of political issues, from immigration to sexual orientation, the gloves came off and we faced a far more vocal and expressive authoritarianism and extreme right—with even the more traditional conservative parties revealing their ugliest underbellies. The lines of political demarcation became more polarized, violent, and confrontational.

This presented a real challenge to critical praxis. The truth is, critique was always sharper when it confronted liberal ideology. The reason is simple: critique operates most often and most powerfully as an immanent form of criticism, using the aspirations and ideals of its object of critique to motivate a reassessment. Critique was always more cutting when it could show up liberal ideals—e.g., the promise of equality in the face of an unequal world, or the potential of freedom in an unjust society. It was always stronger when it could leverage the rhetoric of its interlocutor. But when the opposition is openly racist, sexist, homophobic, xenophobic, nationalistic, and supremacist, there is little to be gained from immanent critique. In the struggle over values, there is hardly any need for sophisticated critical theory.

In the early twentieth, critique faced precisely that: political leaders who were openly and proudly—and vociferously—Islamophobic and mysogenist; or who campaigned on their willingness to kill their own citizens accused of drug dealing; who openly imprisoned political opponents in the name of democracy. While critique may function well in the face of liberalism, it is disarmed against these forms of authoritarianism. It is powerful at mapping a civil war matrix onto relations of power when the dominant regime is liberal; but when the opponent is more extreme, and there is effectively an open civil war, the subtleties of critique become less useful.

It should not come as a surprise that the leading critical theorists in wartime have so often joined the ranks of the state apparatuses that they previously or ordinarily would have critiqued. After all, where was the Frankfurt School in wartime? At the U.S. Office of Strategic Services (the “OSS”), which was the forerunner to the C.I.A. Franz Neumann, who had just published his book on Nazi Germany Behemoth: The Structure and Practice of National Socialism in 1942, as well as Herbert Marcuse and Otto Kirchheimer, author of Punishment and Social Structure with Georg Rusche in 1939, all worked for the OSS under its head, the Republican Wall Street lawyer, William Donovan. Neumann in
fact took charge of the Research and Analysis Branch of the OSS for Donovan. As John Herz, who worked in Neumann’s unit, quipped, “It was as though the left-Hegelian World Spirit had briefly descended on the Central European Department of the OSS.” Max Horkheimer was also reportedly part of the OSS. Meanwhile, Theodor Adorno, Herta Herzog, and Paul Lazarsfeld became involved in the Princeton Radio Project, which became later the Columbia University’s Bureau of Applied Research, and which served intelligence functions. And, to be honest, what else would one do, faced with a regime like the Third Reich and Nazi Germany—especially as a Jew in exile in the United States?

Similarly, today, we face a new constellation. The rise of the alt-right and extreme right parties has shifted the landscape of critical praxis. Critical theory no longer faces the spineless liberalism that merely fed mass incarceration and workfare to America. It no longer faces a Democratic administration that ratchets up drone strikes and legally justifies the first targeted assassination of an American citizen abroad. Rather, it faces political leaders who are openly Islamophobic, homophobic, xenophobic, mysogenist, and racist.

In response, a lot of critical theorists fold back today on the ACLU, the NAACP Legal Defense Fund, or Human Rights Watch. They fall back on liberal bastions—as critical theorists did at mid-century. And it may well be that one effective strategy today is to lock arms with liberals, tone down the critique, and work together until better times. But few critical theorists openly take that position. Instead, contemporary critics advocate for an array of new or reconstructed practices. It is possible to map out these different avenues. There are at least eight broad categories that critics advocate, plus a polyvalent approach that draws on them all. Let’s review them one at a time.

#1. Return to a Vanguard Party

Some critical theorists urge a return to vanguard revolutionary practices. In the context of the Arab Uprisings of 2011, for instance, thinkers such as Tariq Ali and Perry Anderson advocated for a more concerted anti-imperialist strategy and vanguard revolutionary practice. The only way for the Arab uprisings “to become a revolution,” Anderson wrote in 2011, was for the region as a whole to undo the 1979 Camp David Accords: “The litmus test of the recovery of a democratic Arab dignity lies there.” Tariq Ali, for his part, pointed us back to Lenin as the proper guide to rethink the Arab uprisings—and uprisings more generally.
In his 2017 book, *The Dilemmas of Lenin: Terrorism, War, Empire, Love, Revolution*, Ali draws our attention back to Lenin’s *April Theses*, discussed earlier. Lenin pronounced his theses at meetings of soviets in Saint Petersburg in early April 1917 (in between the first revolution of February 1917 and the Bolshevik Revolution of October 1917). The *April Theses* were, as Ali reminds us, a clarion call to vanguard action at a time when the revolutionary leadership was adrift—a provocative, in Ali’s words “explosive,” and extremely controversial call for a second, truly socialist revolution to overcome the first, bourgeois political revolution. At that time, Lenin called on his party members to unleash in effect a second revolution—in terms that would have had a special resonance in Egypt in 2011:

The specific feature of the present situation in Russia is that the country is passing from the first stage of the revolution—which, owing to the insufficient class-consciousness and organisation of the proletariat, placed power in the hands of the bourgeoisie—to its second stage, which must place power in the hands of the proletariat and the poorest sections of the peasants.

These words, Ali notes, “paved the way for the revolution in October 1917.” They laid the groundwork for a leaderful vanguard revolution—precisely the type of practice that was consciously avoided by many in Tahrir Square, and latter in Zuccotti Park and at the Place de la République. Ali’s message is clear: what is needed at our assemblies today is a second uprising, a truly vanguard revolution. That alone will produce lasting change, according to Ali.

Revolutionary class struggle has and can always serve as a model for critical praxis. It is worth recalling, though, the dark side of vanguard communism: how Leninism led to Stalinism, to the Terror-Famine in Ukraine in 1932-33, to the Molotov–Ribbentrop Pact of non-aggression in 1939, and the Soviet Gulag; or how Maoism led to the Great Chinese Famine of 1959-61 and to unconscionable violence during the Cultural Revolution. In armed warfare, naturally, there have been successful models of vanguard insurgencies based on the military strategies of Mao, Che, and others; but those were armed insurrections led by armed insurgents attempting to gain independence or violently overthrow a government. That might still be a model for critical praxis today, but it is important to emphasize that it would likely be violently repressed and lead to wide scale incarceration and death. It should not lightly be
advocated by theorists who are not willing to put themselves at the forefront and risk their own lives. It also should remind us of the courage of those women and men who engage in uprisings. It reminds me of the words of Mina Daniel (1991-2011) who was killed in October 2011 by the Egyptian military in Maspero, near Tahrir Square, during a peaceful Coptic protest: “You are not going out to make a revolution and live; you are going out to make a revolution and die… for your siblings, for your children, for anyone, so that others can enjoy this beautiful thing.”

#2. Continue with Insurrectional Practices

Other critical thinkers strenuously advocate for insurrectional practices. Critical theorists, such as Giorgio Agamben and Jacques Rancière for instance, are often associated with the anonymous collective, the Invisible Committee, discussed earlier, which explicitly militates for insurrection in its series of books, from *The Coming Insurrection* (2007), *To Our Friends* (2014), and *Now* (2017). Some commentators have suggested that the writings of the Invisible Committee, in certain passages, bear striking resemblance to those of Agamben and Rancière.

In *The Coming Insurrection*, the Committee explicitly calls for a cellular, separatist insurgency. It offers very precise prescriptions for action, including the following:

- Expect nothing from organizations. Beware of all existing social milieus, and above all, don’t become one (100)
- Form communes (100)
- Get organized in order to no longer have to work (104)
- Plunder, cultivate, fabricate (106)
- Flee visibility. Turn anonymity into an offensive position (115)
- Organize Self-Defense (117)
- Abolish general assemblies (125)
- Liberate territory from police occupation. If possible, avoid direct confrontation (130)
Take up arms. Do everything possible to make their use unnecessary. Against the army, the only victory is political. (133)

Depose authorities at a local level (136)

“Abolish general assemblies”: the Committee signals, in no uncertain terms, that it is writing against the recent tradition of occupations and general assemblies, and advocating a far more radical posture. The Committee goes so far as to propose a weaponized insurgency, although it is careful to emphasize that it does not fetishize armed resistance. It embraces weapons in order not to use them. The idea is that an a priori refusal to arm oneself or to handle weapons is equivalent to powerlessness. Power is achieved by having weapons but not using them. The idea is to get us to the point where it is no longer necessary to use arms through all the other strategies of unseating local authorities. “When power is in the gutter,” the Committee writes, “it’s enough to walk over it.”

Many of these tactics that have been deployed recently in anti-fascist and anti-government protests that draw on these insurrectional writings. In protests in 2018 in Berkeley, Oakland, and Paris, for instance, the “black bloc” tactics were inscribed within an insurrectional frame. These tactics generally involve breaking windows, burning garbage, tires, or cars, and throwing projectiles at the police, and are generally carried out by black-clad protesters equipped with helmets, goggles, and face coverings. The tactics trace back to the squatter and other autonomist movements in Europe in the 1980s and to the 1999 Seattle WTO protests. In certain locations, such as in Western Europe, they have become routine at protest marches.

In France, protests were traditionally headed, in what was called the cortège, by union representatives, and were strictly policed by union security forces. In more recent times, though, the protest marches have been preceded, in what is called the tête de cortège, by individual protesters, including black bloc protesters, who defy the march permits and take on law enforcement agents (national police, CRS, military gendarmes) that are policing the march. Individual protesters now also regroup in smaller clusters outside the perimeter of the permitted protest route in order to expand the space of protest and inject the protest more into the public space. These tactics violate the protest permit and are often severely repressed by the police, resulting in large-scale confrontations and arrests.
These insurrectional practices are fraught with potential violence and are physically dangerous. At the 2018 May Day protests in Paris, for instance, a tête de cortège with hundreds of black bloc protesters violently encountered a police force, resulting in over 200 arrests and a handful of injuries. In some cases, the practices have lead to accusations of sabotage, conspiracy, and terrorism. This was the case of the Tarnac Nine—a group of nine or ten alleged anarchists living collectively in the French rural commune of Tarnac in the Corrèze department of France and purportedly associated with the Invisible Committee— who were accused in 2008 of obstructing power cables of the high-speed railroad in France. Those charges were ultimately dismissed; but the accusations weighed on the activists and continue to circulate.

Like vanguard revolutionary practices, these insurrectional strategies involve radically militant, dangerous, potentially treasonous practices that expose individuals to incarceration, physical injury, and possibly death. In this sense, they should not lightly be advocated, especially not by armchair critical theorists. Nothing is off the table, but it is important to emphasize the risks of any strategy—and the trade offs.

#3. Defend Autonomous Zones

There have also emerged non-violent, non-insurrectional separatist movements that seek to create communities, often through a squatting model that does not involve violence, but instead community, new forms of property, and various forms of collaboration. The ambition of these temporary spaces is generally to avoid formal state structures of control. They are often referred to as Temporary Autonomous Zones (“TAZs”), in part in homage to the poetic anarchist writings of Hakim Bey by that name. They can also aspire to be permanent autonomous zones, or as Bey suggested “Permanent TAZs” in article in 1994 of that title.

A well-known example of a TAZ, which has attempted to become a permanent autonomous zone, is the autonomous zone of Notre-Dame-des-Landes outside of Nantes, France. This zone and others in France—in Rouen, Lyon, and elsewhere—are referred to as “Zones à defender” or “ZADs,” and have generally involved peaceful occupations of lands often with a significant environmental aspect. In the case of the Notre-Dame-des-Landes, the zone began as a protest movement against the building of a large new airport outside Nantes to service all of Western France. The physical presence of the protesters, through a form of squatting of agricultural lands where the airport was going to be built, started a long-term alliance between leftist activists, anarchists,
environmentalists, and local farmers. The ZAD eventually brought down the airport construction project after 10 years of occupation and protest. In the process, the activists invented new forms of non-property, which the French state has tried to violently repress and demolish.

#4. Engage in Civil and Political Disobedience

Civil and political disobedience have also recently received increased attention in critical circles. These practices build on the traditional notion of civil disobedience made famous in David Thoreau’s *On the Duty of Civil Disobedience*, Mahatma Gandhi’s writings on *Satyagraha* or non-violent resistance, Martin Luther King’s *Letter from Birmingham Jail*, and Hannah Arendt’s writings on civil disobedience as a form of lobbying in the *Crises of the Republic*. It is conventionally defined as the act of disobeying a positive law in order to suffer legal punishment and thereby convince others of the injustice of the law.

A number of contemporary critical theorists advocate a renewed attention to civil disobedience in democracies as a powerful tool to achieve social reform. Sandra Laugier and Albert Ogien in their work *Pourquoi désobéir en démocratie?* address head-on the counter-majoritarian difficulties typically associated with civil disobedience and resolve in its favour. Frédéric Gros, in a book titled *Désobéir* (2017), explores and maps out the various forms of disobedience that mirror the different types of expected obedience to authority in political theory. Others as well have enriched the conversations including especially Robin Celikates, Candice Delmas, Alexander Livingston, Todd May, and Brandon Terry.

By contrast to civil disobedience, political disobedience can be defined as a form of insubordination that contests not only unjust positive law, but also the very political system that gives rise to those laws. It thus challenges the docility of civil disobedience, refusing to respect the punishment associated with breaking the law. It involves flouting rules, not to challenge their legality, but because they are simply intolerable. W.J.T. Mitchell, Mick Taussig, and I theorized these new forms of political disobedience in the Occupy context in *Occupy: Three Inquiries in Disobedience* (2013). This type of practice has become increasingly common along state borders, where local farmers are giving aid and assistance to undocumented immigrants in defiance of the law, as well as in sanctuary cities that openly resist the legal enforcement of immigration laws. The ambition here is not to suffer punishment, as a way to reveal the immorality of the law, but to defy laws that are considered immoral. It takes a different ethical position toward praxis. It
is much closer to what Foucault described in his 1978 lecture, “What is Critique?”, where he suggested that critique is not being governed “like this.” Not, as he had originally formulated, in being governed less or not at all, but in not being governed in this way.²⁰⁶

#5. Gather in Assemblies, Occupations, and Movements

A number of critical theorists, including Judith Butler, Michael Hardt, Toni Negri, Barbara Ransby, Keeanga-Yamahtta Taylor, and Deva Woodly, among others, rally around new practices of assembly, occupation, and non-violent social movements. These practices build on the many occupations and assemblies that proliferated in the early twentieth century—such as Occupy, Standing Rock, Nuit Debout—as well as on many ongoing social movements, such as #BlackLivesMatter, or more broadly the Movement for Black Lives, and #MeToo. These assemblies and movements offer new models of political disobedience.

Deva Woodly emphasizes how the organizations within the Movement for Black Lives repoliticize the public sphere and demonstrate the potential of democratic experimentation. These movements revive the public sphere by countering the growing “politics of despair,” Woodly writes.²⁰⁷ The different manifestations of #BlackLivesMatter protest, she explains, are not just “pre-political” or prefigurative, they are inherently political practices that allow democracy to correct itself.

Judith Butler explicitly embraces these new political forms. A frequent speaker at the global Occupy movement, Butler sees promise in such non-violent strategies. In her 2017 book discussed earlier, Notes Toward a Performative Theory of Assembly, Butler elaborates on the productive ways in which already-existing assemblies shape our politics. Butler praises the productive performative dimensions that emanate from the materiality and physicality of people assembling either in public or virtually on digital platforms.

Michael Hardt and Toni Negri in their book Assembly (2017) provide a handbook intended not just to analyze, as does Butler, but to stimulate, encourage, and foster assembly-style social movements. Hardt and Negri offer guidance on how to organize, how to assemble, how to revolt, how to seize power, and how to transform society. “Smash the state,” they write.²⁰⁸ “Blow the dam!”²⁰⁹ “Take power.”²¹⁰

Their book is a manual, a how-to guide, with both concrete instructions on how to seize power and also rich theorization of our current political condition—both in terms of our subjective existence in
our social milieu and in terms of our political economic condition that affects as well our subjectivities. Hardt and Negri locate the productivity of assembly as a new mode of politics within the power of the “multitude”—a notion that grounded their last book. Their strategies, such as inverted leadership and claimed entrepreneurship, are each individually to be viewed “as a simple operator of assembly within a multitude that is self-organized and cooperates in freedom and equality to produce wealth.”

At the most concrete level and faced with leaderless social movements like Occupy Wall Street or the Arab Uprisings, Hardt and Negri offer a list of concrete organizational advice, almost commands, for leftist revolt: Do not give up on leadership. Do not go leaderless. Instead, “transform the role of leadership by inverting strategy and tactics”: let the multitude decide on strategy, but the leaders decide on tactics. Do not give up on institutions and organizations, but instead build new institutions—specifically non-sovereign institutions. “Smashing the state means [...] creating political and administrative institutions that immanently organize the collective, democratic decision-making of the entire population.”

Most importantly, Hardt and Negri argue, seize power. Many of the current social movements focus all their attention on the movement itself, its general assemblies, and the insulated world of the resistance movement, rather than on taking power from the state. Many now create a hermetically sealed space of protest and militance—en vaso clos—separate and independent from ordinary politics and political power. At Occupy, for instance, there was a palpable and deliberate resistance to power, legislative politics, or party politics—to any engagement with conventional political representation and practices. Hardt and Negri push in a very different direction: Leftist movements must take power. They must seize the conventional instruments, institutions, and pathways of politics. “[W]e have little sympathy with those who want to maintain their purity and keep their hands clean by refusing power,” they proclaim. “[I]n order to change the world we need to take power.”

Many of these sentiments are echoed in other non-violent movements, such as #MeToo or #BLM. Many activists in these social movements seek to leverage the momentum of gatherings and non-violent protest to push assemblies into a more direct political process. As Jelani Cobb documents in the *New Yorker*, the Movement for Black Lives is pushing in new directions, getting more involved in public policy platforms, and some activists are even jumping into the electoral
fray, such as DeRay McKesson who ran a mayoral campaign in Baltimore in 2016.

Some critical thinkers criticize these new political formations as disorganized, episodic, and doomed to failure. Critics argue that they will gradually transform into more ordinary party politics (like Podemos in Spain) or worse, play into the hands of completely different actors (like the Muslim Brotherhood in Egypt). Disavowing the more radical approaches, some argue, may appear safer, but may disarm critical theory. The practices may become more ad hoc and small bore. In certain contexts, though, this may be for the better. In any event, these new formations have been increasingly deployed.

#6. Jam the System

Another direction is to disrupt, to cause chaos, to jam the system—perhaps in a less constructive way than assemblies or social movements. It can take many forms, but is captured well today, for instance, by denial of service attacks and other forms of hacking. This approach is traditionally associated with marginalized and disempowered populations. It has been theorized by James C. Scott (1990) under the umbrella of infrapolitics and ordinary acts of resistance.

Infrapolitics is, according to Scott, the space of struggle of the non-elites and involves “surreptitious resistance.” It is, for instance, “poaching and squatting on a large scale that restructures the control of property, or peasant tax evasion, or massive desertion by serfs or peasant-conscripts bringing down a regime.” These are down-to-earth, low-profile stratagems designed to minimize appropriation. In the case of slaves, these stratagems have typically included “theft; pilfering; feigning ignorance; shirking or careless labor; foot-dragging; secret trade and production of – for sale; sabotage of crops, livestock, and machinery; arson; flight; etcetera.” We are talking about the mob and the riot, the moral economy of the English crowd, in E. P. Thompson’s terms. Scott argues that these stratagems of infrapolitics are a foundational form of politics. They are “the building block for the more elaborate institutionalized political action that could not exist without it.” They reflect the situation of being cornered, dominated, powerless in the face of an all-powerful state with all the tools—and lashing back in whatever way you can.

On a personal note, this is the place where I have found myself for the past three decades as counsel for death row inmates in Alabama. It is a space where the opponent—the state’s chief law enforcement
officer, the attorney general—has all the power. Where opposing counsel can even, and often does, write the judicial opinions for the judges. Where your opponent effectively controls the judiciary, the executive, and the legislature, and exercises practically unfettered punitive authority over condemned inmates who, by contrast, are despised by all and viewed as pariah. What can one do, cornered in this way? Often, all you can do is jam the system. Yes, of course, you can try to get the legislature to enact reform—that will not get you far, or more likely backfire. You can file well-written and thoroughly researched briefs in state and federal courts—but that too will not get you very far. You can try to organize and seize power—but you are so disempowered, it is highly unlikely you will succeed. So, you have little alternative but to find ways to poke a stick in the wheel. There are few other option. Sometimes, all you can do is jam the system.

And that—throwing sand in the gears—can take many form, including the traditional liberal legal strategies of mounting legal challenges, making media appearances, trying to influence public opinion, marching in the streets, writing editorials, and so on. It may mean teaming up with liberals. Working with the ACLU on challenges to the Muslim Ban or on finding ways to protect DACA. Or swaying a moderate republican not to vote down universal healthcare. It has many uncomfortable dimensions—uncomfortable because you feel like you’ve sold out or that you have become reformist, or worse, are legitimating the system. But the fact is, in a time like ours, conventional legal challenges have been successful at jamming the works.

The resulting forms of praxis can take many shapes, from radical forms of political disobedience to strategic deployments of critical legal practice. The approach calls for an openness to different forms of resistance, particularly in different political contexts—at times engaging in disobedience or insubordination, in disruptive occupations, or breaking silence, at other times critically deploying legal rights, or disrupting the normalcy of life.221

For the longest time, I was troubled by the fact that many of my own political interventions drew on conventional liberal legal methods. In the death penalty context, for instance, or more recently, in challenging President Trump’s Muslim ban, I have often been concerned that my own practices, relying mostly on civil and political rights, have been merely palliative efforts, mere reformism in effect, or worse, served to bolster or uphold or legitimize the legal structures that were in question—concerned that I was merely protecting rights and not doing
substantive justice, in the sense that Marx argued so powerfully in *On the Jewish Question*. I have often struggled to understand how my practical engagements differed from purely liberal reformism and approximated critical *praxis*.

But from the perspective of counter-critical theory, I now see that deploying liberal legal weapons, even traditional civil rights, among other strategies, does not simply promote or protect the existing framework, but more fundamentally challenges the punitive state. I’ve spent decades using the state’s weapons to prevent the state from executing my clients—from exercising its full power in a situation where the state is *at its most powerful*: where the state faces down, most often, an impoverished and despised man or woman, who has confessed to murder, has no resources whatsoever, and no one to turn to. It is the ultimate confrontation of a Goliath state at its most mighty—in the realm of crime and punishment, in the unquestioned space of security and policing—with an entirely subjugated individual, isolated in solitary confinement, on a desperate path since the moment he or she was born. This should be quick work for the state. A swift display of power. And yet, the litigation takes place as a power struggle, as an ordeal, with the condemned prisoner using every weapon they can get their hands on—including those from the register of liberalism. In the end, the critical deployment of civil rights is another form of critical *praxis*.

#7. Organize Political Parties

Another direction for critical praxis is to organize politically in a more conventional fashion in order to pursue critical theoretic goals. Along these lines, political organizing operates through political parties and trade unions, and it resembles the basic strategies of leftist political parties. This approach has become increasingly visible in the United States in the wake of the campaign of Bernie Sanders for the Democratic presidential nomination in 2016. The surprise victory of Alexandria Ocasio-Cortez in the Democratic primary for the Fourteenth Congressional District in the Bronx, New York, for the 2018 midterms, gave momentum to the Democratic Socialists of America party. In France, Jean-Luc Mélenchon rallied leftists behind a new populist and social democratic party he founded in 2016, *La France insoumise*, which advocates a constitutional convention and the creation of a new republic that would transform the private ownership of capital. In Spain, Pablo Iglesias founded in 2014 a leftist populist party, *Podemos*, that has challenged European austerity measures and become one of the country’s largest political parties.
Some critical theorists rally behind even more centrist leftist parties, such as the Social Democratic Party of Germany, the Democratic Party in the United States, or the French Socialist Party. In effect, the idea here is that the political ambitions are set by critical theory, but that the practical implementation follows more conventional political strategies of electoral politics. This approach may feel conventional, even non-critical, but if it is deployed in furtherance of critical objectives, there is no reason that it could not be considered an instrumental critical practice.

#8. Secede

Another course involves secession. We have seen this strategy deployed in the Catalan recently, but also in the United States, with Calexit and other movements to seceded from the union. The thrust here is not to create a secessionist isolated cell along more insurrectional lines, but rather to redefine borders in order to create a community more compatible with one’s own values.

Often, the secessionist approach is insular: one region, or one state, or one people call for secession. However, it need not be. One could imagine, for instance, an effort in the United States to break up the country into more politically homogenous and coherent units—in the same way in which the former Czechoslovakian Republic was broken up into different countries. The idea would be for different regions of the country to all agree to govern themselves separately—in effect to agree to disagree about the major political issues and policies of the day.

The fact is, some Americans believe deeply and earnestly in private health care, gun ownership rights, pro-life values, the death penalty, and closed borders. Other Americans believe sincerely and profoundly in universal health care, public education, gun control, unions, refuge, and family choice. The cleavages between these different values and views of society may simply become too deep at some point, and citizens may decide to effectively sort themselves into two or more sovereign states based on popular referenda. One could imagine, for example, separate sovereign states in the U.S.—and this would be a matter of popular decision-making—such as New England, the Republic of Texas, the Republic of California, the Southern States, the American Heartland, Native Lands, among other sovereignties.

The underlying practice would involve creating more homogenous units, in terms of values and ideals, in order to approximate more rapidly the new critical horizon.
#9. Take A Polyvalent Approach

Other critical theorists embrace polyvalent forms of resistance—finding allies, embracing different strategies, but not dictating one approach on others. In the face of newly empowered alt-right movements and the constant attack on minorities—from Muslims, to #BlackLivesMatter activists, to immigrants, to trans* persons—multiple forms of resistance may be necessary and none, perhaps, should be off the table. Form assemblies and jam the system. Or be insurrectional and secessionist. Try to enjoin the Muslim ban, occupy and assemble, organize, protest, and poke a stick in the wheel. These may all be important weapons, and there may be no reason to exclude any.

Talal Asad argues for more polyvalent forms of political engagement that contest authority at different levels or, in his words, that would “address numerous overlapping bodies and territories.” This would mean not always seeing conflict and aiming resistance at the same target—at times focusing on matters of national citizenship, at others of religious faith, and still at others of local governance. Asad reminds us of the remark Foucault made in the context of the Iranian Revolution: “Concerning the expression ‘Islamic government,’ why cast immediate suspicion on the adjective ‘Islamic’? The word ‘government’ suffices, in itself, to awaken vigilance.” It is vigilance across the board that would be called for—without any specific privilege to tradition, to the national, or to the local: multiple different strategies of resistance at various different levels. Here then are Tala Asad’s words:

The idea of numerous nonhierarchical domains of normativity opens up the possibility of a very different kind of politics—and policies—that would always have to address numerous overlapping bodies and territories. Procedures to deal with differences and disagreements would include civil pressure directed against authorities, such as civil disobedience, to make officeholders accountable. But the differences would not take the form of a legal distinction between citizen and alien, or between Muslim and non-Muslim. The tradition of *amr bi-l-ma’ruf* could form an orientation of mutual care of the self, based on the principle of friendship (and therefore of responsibility to and between friends) not on the legal principle of citizenship. This sharing would be the outcome of continuous
work between friends or lovers, not an expression of accomplished cultural fact. The same tradition might find its way to collective acts of protest against excessive power (and so there have to be notions of power’s temporalities and bounds). There would be neither the power nor the technical ability of state apparatuses to impose a single legal authority or to deploy an institutionalized force. The risk of a military force being formed to create an exclusive territorial body would have to be met not merely by constitutional barriers but also by the work of tradition in the formation, maintenance, and repair of selves who are bonded to one another.

As critical theorists today, then, we face a wide array of avenues for critical praxis. The question becomes, how do we move forward?
Chapter 10: The Trouble with Violence

In reimagining praxis, critical theory immediately confronts the problem of violence: Is it possible to advocate physically violent practices when the core values of critical theory are equity, compassion, and respect? If a reconstructed critical horizon arcs toward a pure theory of values, then how can critical praxis involve violent revolution or insurrection?

In reaction to black bloc protesters who destroyed property at an anti-fascist demonstration in Berkeley in 2017, Judith Butler condemned the violence. “The turn to violence,” Butler wrote, “further destroys hope and augments the violence of the world, undoing the livable world.” Instead of violence or insurrection, Butler embraced an ethics of love. Others as well have turned to King, Gandhi, and the tradition of nonviolent resistance in order to avoid such problems. The line of physical violence serves to demarcate peaceful assemblies, social movements, and political organizing from vanguard revolution, separatist insurrections, and certain forms of political disobedience. For many critical theorists today, especially given the demise of a Marxist philosophy of history, that bright line determines what is and is not acceptable practice.

The trouble is that once again we face an illusion: the very concept of violence that we traditionally employ is a construct of liberal theory that embeds a particular vision of society. The ways that we typically think of violence—both in terms of the distinction between physically-violent versus physically non-violent actions, and between physical and property damage versus non-violent actions—are the product of the liberal conception of state power and liberty. As a result, they are loaded with particular libertarian values.

This presents a real quagmire and is difficult to unpack. The future of critical praxis would be a lot simpler if critical theory could just ignore the problem of violence and stick with a liberal definition. But that would undermine the entire project of reconstructing critical theory.

This is an area of theoretical quicksand, so I would like to caution readers: please be patient because the problems with violence can be disorienting. If they become too disorienting, please rejoin the conversation at Chapter 12, after I will have explored the quagmire in this chapter (Chapter 10) and various ways of resolving it in the next (Chapter 11).
Critique & Praxis

I.

The problem of violence actually permeates the question of critical praxis. Violence is not just in play in situations of armed resistance or insurrectional strategies. It pervades all modalities of resistance, even non-violent forms of organizing. Seeking change in society—or, for that matter, maintaining the status quo—is inherently violent in the sense that it necessarily entails redistributions, affects ownership rights, upsets educational practices, and involves political and economic transformation: these inevitably involve impositions of values on many people who do not share a critical vision of society. It will necessarily entail changes that will affect people’s lives, life prospects, and well-being. Reinstituting a robust inheritance tax in the United States, for instance—which is necessary—is a violent act: it is enforced through the penal law on threat of fines or incarceration. For the wealthy, it is the functional equivalent of someone taking their property; just, instead of having a gun at their head, they are threatened with tax enforcement and penal sanctions. It’s blinking reality to ignore the violent dimensions of social reform. From a critical theory perspective, the problem of violence comes up even in non-revolutionary strategies: transforming society (or not) necessarily entails redistributions that are inherently coercive.

Liberal theory does not need to confront this problem, because it defines the contours of violence in limited ways and claims not to be imposing values on others. On the liberal view, violence is cabined essentially to disobeying the law, damaging private property, or physically harming others. The liberal concept of violence is what allows liberal theorists to avoid the hard questions of violence.

I.

Since Hobbes and Locke, the liberal tradition has narrowly defined violence as the illegitimate interference with the legitimate pursuits of other individuals. “Force or fraud,” “coercion and misrepresentation”: these are the exceptional circumstances that justify the state’s use of force against its citizens. As long as subjects are legally pursuing their ends, as long as they are staying within the hedges or fences of law, they should not be disturbed. As long as they are not interfering with each other in pursuit of their personal interests, subjects should be left alone.
As Max Weber reminded us, the liberal state has the monopoly on the legitimate use of force. A liberal government is entitled to use legitimate force, even physical violence, to prevent subjects from getting into each other’s way or harming each other. It is precisely getting in each other’s way, in fact, that is conventionally defined as crime—either a crime of violence or a property offense. State enforcement of the law, by contrast, even the use of lethal force or capital punishment, is not viewed as illegitimate violence. On the liberal view, in essence, violence is conceptualized as individuals getting in each other’s way, whereas state policing and enforcement of the laws is not considered violent. These are, respectively, illegitimate and legitimate forms of coercion.

In the liberal scheme, then, the problem of violence is limited to interpersonal acts of aggression and property damage—on the model of street crime. The laws themselves never do violence to individuals, unless they are misapplied or violated. Economic conditions do no violence to people. The accumulation of capital does no violence to people. Violence—or, more technically, “illegitimate violence”—is limited to actions of subjects against each other or against the state. (Hobbes went somewhat further, regarding the latter, and argued that any and all resistance to the sovereign would amount to rebellion.)

This narrow definition of violence effectively masks all the potential violence that the state or economic conditions might administer onto subjects. So, for instance, the failure to maintain proper water utilities in Flint, Michigan, from 2014 to 2016, which resulted in the exposure of thousands of children and over 100,000 residents to lead contamination and potential brain damage, was not violent, strictly speaking, on the liberal view. The 2008 economic meltdown and the collapse of the mortgage-backed securities market, which resulted in tens of thousands of Americans losing their jobs, health insurance, homes, and retirement savings, with potentially devastating health consequences for many, were not violent according to the liberal view. These forms of harm are masked by the liberal definition of violence. None of them fall in the neat category of one subject using force or fraud against another or of a state actor illegitimately using force. The fact is, however, they are systemic forms of violence that may actually cause more physical harm overall than all property crimes combined.

Arguably, liberal theorists could stretch the bounds and argue that the Flint water crisis or the 2008 financial crisis included actionable misrepresentations. It might even be possible, if there was malicious intent or extreme negligence, to imagine possible prosecutions—and
some commentators have argued for that. There is nothing absolutely
preventing it. But the fact is, from the dominant or mainstream liberal
perspective, those are not incidents that would typically be called
“violence.” And that’s because violence is limited to the interpersonal, to
the model of one subject interfering with another’s pursuit of their liberty
or enjoyment of their property, or to the state ultra vires. It is imagined
along the model of street crime. That’s just how violence is generally
understood in liberal terms.

Now, this liberal understanding of violence has significant effects
on our political condition. Just as the illusion of liberalism naturalizes
political outcomes and renders them legitimate as, for instance, the
product of merit, the narrow definition of violence also produces its own
illusions that naturalize political outcomes. It gives rise, for instance, to
the impression that interpersonal physical violence is somehow far more
serious, in kind and degree, than the harm produced by economic
conditions—even when the latter may be quantitatively far worse in
scope. The first calls for state intervention; the second does not. The
liberal state focuses its police and enforcement powers on common law
crimes, but ignores, and thereby shields and protects from criticism and
oversight, economic harm. This means that the state focuses aggressively
on street crime, and ignores economic exchange even when the latter
produces detrimental health and personal outcomes. This then produces
what has been called “neoliberal penality”: the paradox of mass
incarceration and a strong police state on questions of common law
crimes, but laissez faire in the area of political economy.\textsuperscript{227}

\section*{III.}

Critical theory challenged the liberal conception of violence. Under the rubric of a “critique of violence”—from Walter Benjamin’s
through Derrida’s \textit{The Force of Law} to Zizek’s essays on \textit{Violence}—
critics have questioned the state’s monopoly on the legitimate use of
force and the narrow liberal definition of violence. These critiques often
begin with a critique of the state, which then, naturally, exposes the
violence of the state.

Benjamin began, for instance, with a clear denunciation of the
legitimacy of state force. The liberal theoretic conception of violence
rests on a very limited, state-centric notion of violence, Benjamin
argued. The use of lethal force by the police is not violence on the liberal
view, but rather the justified use of force; violence tends to be limited to
unlawful (not falling within a legal justification, such as necessity)
applications of physical force, deliberately and directly applied. In this way, the liberal definition of violence excludes violent actions of the state that are justified: the death penalty, law enforcement, police or military actions, or self-defense. Political violence becomes either ultra vires action by the state or a state agent, or most of the time, practically all the violence of individuals.

Benjamin and other critics of violence then expanded the category of violence to include more ordinary power struggles in both the public and personal realm: to broaden the notion of violence to include the effects of poverty, lack of health care, discrimination, domestic relations, etc. This is the idea of “objective violence,” which Zizek defines, by contrast to “subjective” or interpersonal physical violence, as the forms of systemic violence that have no identifiable authors, but pervade our world, hidden or masked by all the subjective violence that we so easily identify. It is the idea in Benjamin that extortion, or means-ends rationality, is itself a form of violence. The idea that violence pervades ordinary relations of state and citizen, as well as the interpersonal. It is structural. It is pervasive. It suffuses our relations of power.

Foucault, notably, developed this critique using the metaphor of civil war. As opposed to the Hobbesian idea of a “war of all against all” ending with the establishment of public order, Foucault sought to reinstate the notion of civil war within the Hobbesian commonwealth. Civil war, for Foucault, is not the collapse of a political union that would plunge us back into a state of nature. It is not opposed to political power, but rather constitutes and reconstitutes it. Civil war is, in his words, “a matrix within which the elements of power come to play, reanimate, dissociate.” Political relations must be thought through the prism of war: “The important thing for an analysis of penalty is to see that power is not what eliminates civil war, but what leads and continues it.”

In an important letter dated December 1972, Foucault wrote to Daniel Defert that he had begun to analyze social relations on the basis of “the most denigrated of wars: not Hobbes, nor Clausewitz, nor class struggle, but civil war.” This notion of civil war and the related concepts of discipline and delinquency are keystones to his theory of power-knowledge. The idea of civil war, for Foucault, marked a break with previous analyses—notably those that deploy the concepts of repression, exclusion, and transgression—and a turn to the productive functions of civil strife.
Critique & Praxis

The critiques of violence, then, begin to see violence everywhere. Benjamin, for instance, even identified violence in the legal, non-violent action of the striking worker. Zizek makes a similar move in the first of his “sideways reflections” on Violence: to expose the symbolic and structural forms of violence that surround us every day—not only in state relations, but with each other. These do not have the typical physical trappings of physically violent acts. Violence here is the economic system that imposes early death on the poor and unemployed. Violence is the coercive dimensions of the free market. Violence is the gender norms that produce domination, and the racial stereotypes that aggress persons of color.

In this way, violence extends, even beyond state action, to our ordinary social interactions. It becomes possible to see how much violence it takes to maintain an ordered society. This is where Sartre, Benjamin, and Foucault come together. By placing existential freedom above everything else, and social relations as limits on our freedom, Sartre too imagined violence in practically all social interactions. As the tape recorder plays, at the bitter end of The Condemned of Altona:

> The century might have been a good one had not man been watched from time immemorial by the cruel enemy who had sworn to destroy him, that hairless, evil, flesh-eating beast—man himself. One and one make one—there’s our mystery.\(^{231}\)

For Sartre, in a world marked by scarcity, all actions that are antagonistically related to the projects of other men are violent. Along these lines, physical violence is no different than conceptual mystification or non-physical acts of protest or liberation.\(^{232}\) Sartre broke down the distinctions between public and private, between state and citizen, between the personal and political, in order to argue that we are all necessarily implicated in a violent struggle for existence and betterment in a world marked by scarcity.\(^{233}\)

The violence that surrounds us: Marx saw it well and described it for us in his discussion of “Primitive Accumulation”—all the policing it takes to begin to accumulate capital. Weber at times as well. He described the grueling discipline, military and industrial, necessary to mold the men and women to a Protestant ethic. Foucault especially, who minutely detailed the timetables, grids, measured movements, and repetitions necessary to produce the docile body of the Industrial Revolution. Recall the earlier passage about the accumulation of bodies necessary for the accumulation of capital. In the nineteenth century,
Foucault reminds us, we learned not to punish less, but to punish better—without leaving traces on the body, without disfiguring beauty with brutality, without showing the violence.

There is so much violence hidden today, veiled behind a polished veneer. Wealth is concentrated in the hands of the tiniest few who accumulate it beyond any possible imaginable use, while others roam the streets destitute and begging—literally sleeping on the pavement. The poor police their own neighborhoods and guard their brothers and sisters behind bars. But we do not see it. We do not want to see it. We so desperately do not want to see it that we tell ourselves stories about our own ingenuity and enterprise, about the virtues of hard work, about the American dream. We lavish attention on the few lucky ones who escaped their lot and made it to the top. We praise the sweat and tears of those who turned their lives around. And we refine elaborate political theories of liberalism that privilege individual responsibility, self-sacrifice, and self-interest: liberal theories that claim to be entirely neutral as to the good life and to set forth only procedural rights and rules that would allow each and every one of us to pursue our ambitions freely and unhindered by the other. We build an intricate politics on the foundation of individualism, independence, merit, and responsibility. We construct a line around physical violence. What an illusion! Perhaps the most sophisticated, politically. They go hand in hand: the illusion of liberal legalism and the illusion of violence. The amount of hidden violence, of violence we do not even see, that is necessary to maintain urban, suburban, or rural existence is frightening.

But once critical theory exposes the illusions, the world becomes much more complicated. There is far more violence that surrounds us, to begin with. There is harm all around—not just in the physical violence that takes place domestically and on the streets, but in the economic structures and property relations. The Millian harm principle, that most intuitive of all liberal principles, is of no avail; it only served as a limiting principle to government action where there was harm, but now we notice harm almost everywhere. There isn’t a way out using the rule of law, since laws necessarily impose values and redistribute resources. Even our own actions appear violent now. They inevitably impose a particular vision on others. They cannot not affect others. In a society where relations of power are correctly mapped onto civil strife, it is impossible to act without confronting others. We are inevitably violent ourselves.
In part, we have become better at identifying violence. We have learned to talk about racial micro-aggressions. We have begun to document police killings. We have stopped thinking—for the most part—that marital rape is just part of the marital bargain. We’ve started to notice campus rape. We’ve begun to understand that imposing our values will do violence to others. It makes little sense to quantitatively compare the amount of violence today to that in other periods in history or other centuries or places\textsuperscript{234}—such as, for instance, mid-twentieth century Europe or even the Middle Ages—since the legibility of violence has changed over time. (Also, more often than not, we construct those earlier periods in order to make ourselves look more enlightened. We create museums of inquisitorial torture instruments filled with fakes and strange imaginations from the 18\textsuperscript{th} century.) No, if we honestly look around us today, there is no doubt we are surrounded by violence.

As critical theorists, we now see the violence in ways that we did not see it before. It has become more legible at both the local and the global. We see the violence and brutality of disciplinary actions. This is, in part, the effect of Foucault’s work—perhaps the first genuine “Foucault effect,” before governmentality. We now see how routine forms of discipline displace the overtly corporal in order to control us better—we now recognize discipline’s violence. We see the violence that we inflict on our brothers and sisters trying—as we and our parents did—to better their lives.

On the liberal view, so much of this is hidden by the harm principle and notions of physical harm—and so many of us default back to the physical/non-physical violence distinction, even the most critical among us. We so often end up privileging the physicality of harm, somehow. We are just wedded to it, practically unable to see past it. But critical theory has always resisted and tried to expose the forms of violence that surround us: the excessive accumulation of private property (and its police enforcement), residential patterns that are no more than racial segregation now imposed by real estate values, the evisceration of public education, the two fists of the state, workfare and mass incarceration. It takes remarkable amounts of violence, tucked away, to maintain this peaceful existence of ours. Critical theory has taught us that there is no non-violent way of proceeding—that all political interventions are necessarily violent, that the matrix of social relations is civil strife, or class struggle, or racial, or gender conflict.
IV.

Things become doubly complicated when we recognize the potential pleasure in violence—the dark side of humanity, a touchstone of critical theory—as well as the possible productivity of violence. Here, the quicksand almost suffocates.

It is practically always to Nietzsche that we turn when we raise these issues. To Nietzsche and his fellow traveler, before and after him. To the Marquis de Sade, to the film director, Pier Paolo Passolini, to writers like Georges Bataille or Jean Genet. To that disturbing literary strand that extolls the dark side of humanity, the human underbelly. One can almost hear them laughing at all this—all this discomfort with cruelty, all this squeamishness. What a waste of time and energy, and how weak, they might say. Our discomfort simply reflects a slavish morality, the fact of our own frailty. Nietzsche, Passolini, Bataille—they line up far better with civil war: expect torture, understand that it is part of the process, anticipate it, prepare for it, know it, and use it yourself. Don’t imagine a time without torture, violence, and cruelty.

“Let us not become gloomy as soon as we hear the word ‘torture,’” Friedrich Nietzsche advised in his meditations On the Genealogy of Morals in 1887; “there is plenty to offset and mitigate that word [torture]—even something to laugh at.” Nietzsche reminded us of the ugly truth: men often take pleasure in cruelty and torture. In fact, there has rarely been a time without them. To make suffer, Nietzsche observed, can be “in the highest degree pleasurable,” and “fundamentally,” he added, “this world has never since lost a certain odor of blood and torture.” Pain and suffering have always functioned well for us, in one way or another. “Man could never do without blood, torture, and sacrifices when he felt the need to create a memory for himself.”

Sade’s 120 Days of Sodom (1785) laid the groundwork for much of this—confronting us, appalling us into seeing the possibility of obscene pleasure in pain. Sade’s novel is, as advertised, “the most extreme book in the history of literature.” It reads in passages, especially in later chapters, like a numbing laundry list of sexual torture scenes. One could go on endlessly, the manuscript is a parade of horrifying violent acts presented as jouissance. The presentation tells it all: “the escalating sex-crimes of four libertines who barricade themselves in a remote castle with both male and female victims and accomplices for a four-month, precipitous orgy of sodomy, coprophagia
and rape leading inexorably towards torture and human decimation.”

The sexual torture in Sade’s book is the extreme—presented as the extreme form of pleasure.

Coprophagia—yes, look that one up in the dictionary. Or watch Passolini’s 1975 film, Salò, or the 120 Days of Sodom, based on Sade’s fantasies, to see what it might look like: one of the adult male tormentors at his pretend wedding force feeding stool to his young male bride. Passolini piles onto Sade’s already shocking narrative new layers of hell from Dante’s Inferno, leading us after an Ante-Inferno down, rather than up, to the “Circles of Manias, Shit, and Blood.” Passolini’s film ends with the murder of most of the male and female victims in horrifying ways including scalping, burning, hanging—a remnant of the auto de fe—under the watching gaze of the four fascist libertines. Yes, torture is mastery, and here, utter orgasmic joy.

The sadistic pleasure in the film is conjoined with a drive to legalize the violence. It is not by coincidence that Passolini places his Salò in fascist Italy. It symbolizes a call for order, for command structures and hierarchy, for uniforms and black boots, for rules, for the chain-of-command—for the rule of law! And the law soon becomes itself another form of terror: drawing the list of approved methods, making clear the consequences, spelling out the inquisitorial procedures. The legal framework contributes and enhances the torturous methods.

Joseph Fischel has analyzed and dissected the TV series To Catch a Predator, and explored, phenomenologically, the feelings we experience when the culprit is caught, when justice is done in the face of a heinous offender. Fischel writes about the high we feel, the excitement, when the bad guy is caught. He uses an expression: “Getting just is like getting off.” We are, it seems, constantly in the abyss with Nietzsche. We can hardly escape, on any side. We are caught in the sovereignty of desire, not wanting to hear it, but desiring to punish it as well. We are caught, as Didier Fassin expressed in his Tanner Lectures, or as William Connolly wrote, in a desperate “will to punish.” And the truth is, this sovereignty of desire that we try to escape and avoid at all times, it explodes in every direction.

Fassin and Connolly remind us that there is often a pleasure to punishment. A desire for revenge. There is a will to punish. It is like the will to power. It is there. It makes little sense to deny it, or ignore it. It is not just a will for recognition of the other. It can also be a form of satisfaction, of pleasure. There is a sadistic will to punish. It is reflected in Donald Trump’s speech, in his oratory. “In the good old days, he’d be
taken out in a stretcher,” Trump said, at a rally, of a heckler. “In the good old days,” that is a euphemism for days of more valor and masculinity and bare-knuckle fighting. “Let’s stop being politically correct”: that is a coded way of being permissive or even enjoying the violence.

Nietzsche also reveals, not just our pleasure in violence, but the productivity of violence—all the work that it does. To deny or ignore or sideline all that would be dishonest. Another illusion. It has to be discussed and recognized, at the very least. Because it functions so powerfully in real life, and has functioned so often in history. History is just littered with the productivity of violence. How could one imagine escaping that history?

As I argued in The Counterrevolution, violence and terror have been extremely productive, historically. They serve to terrorize the revolutionary insurgents, to scare them to death, and to frighten as well the general population in order to prevent them from joining the insurgent faction. The use of torture or “enhanced” interrogation methods, the targeted drone assassination of high-value suspects, the indefinite detention under inhuman conditions—these are a show of strength, a demonstration of who is in control, who will protect better, who has the resolve to win, or the barbarity to prevail. They not only eviscerate the enemy, they also alarm others into submission and obedience, into fidelity. Terrorizing is an essential and inescapable part of winning: Fear, trembling, terror, these constitute an essential strategy of the counterrevolution. The waterboard is no mere torture. It is instead a terrorizing technique intended to crush with deadly fear those it touches, and strike with terror anyone else who might even imagine sympathizing with the revolutionary minority. In effect, these techniques do much more work. They display a mastery that appeals and seduces the masses. They delimit and delineate what it means to be free, who is good and evil. They legitimize the guardian class, even the entire ideological system. They strike the fear of death in the hearts of the enemy—and one’s own people. Torture, throughout history, has always done far more than what is expected of it. It has always done so much work. One might even go so far as to say that violence is the linchpin of the counterrevolution. It alone, through all of its productivity, is what conquers the hearts and minds of the masses.

These violent practices exude a will to mastery. If anything, they call to mind that “life-and-death struggle,” that “trial by death”\textsuperscript{240} that Hegel identified at the heart of his phenomenology of human existence, and that Alexandre Kojève in the next century placed as the touchstone of
Hegel’s thought. Hegel recognized this will to mastery as an essential driving force in human development. As a foundational step, motivated by a deep need for recognition and a drive to conquer the other. The deep desire for recognition by others, on this account, is laced with violence and tied to this struggle to the death.

A trial to the death that achieves mastery and functions by instilling the deepest fear, terror, into the heart of the other: In that moment of near death, the subject is gripped with a fear of death, with a fear “not of this or that particular thing or just at odd moments, but its whole being has been seized with dread; for it has experienced the fear of death, the absolute Lord. In that experience it has been quite unmanned, has trembled in every fibre of its being, and everything solid and stable has been shaken to its foundations.”241 Hegel was, here, speaking of the struggle to the death between master and slave, between lord and bondsman. He was speaking of terror, precisely—about that trembling feeling and the fright and the flight. As Adriana Cavarero reminds us, in her book *Horrorism*, the word “terror” traces back etymologically precisely to “the physical experience of fear as manifested in the trembling body,” “making it tremble and compelling it to take flight.”242 We are, with Hegel’s master-slave dialectic, at the very heart of terror.

Violence manifests this will to mastery, to prevail, to dominate. These can be important in political struggle. They are surely important in warfare. “Warring,” Georges Bataille reminds us, is nothing else than “the unleashed desire to kill.”243 They are also important to ethics. This is the “Nietzschean view that life is essentially bound up with destruction and suffering,” in Judith Butler’s words.244 Writing in the wake of these traditions—from Sade to Nietzsche—Maurice Blanchot reminded us of the deep ethical dimensions here: that our lives are “founded on absolute solitude as a first given fact.”245 As Blanchot explained in *Lautréamont et Sade*, the Marquis de Sade reminded us, “over and over again in different ways that we are born alone, there are no links between one man and another.”246 The result would be a unique ethic—perhaps not one we would all subscribe to, but an ethic nonetheless: “The greatest suffering of others always counts for less than my own pleasure. What matter if I must purchase my most trivial satisfaction through a fantastic accumulation of wrongdoing? For my satisfaction gives me pleasure, it exists in myself, but the consequences of crime do not touch me, they are outside me.”247 How far off is this from self-interest, so valued in liberal thought since the eighteenth century, one might ask? What Nietzsche
ultimately revealed, alongside Sade and later Bataille and Passolini, more than most, is the darker side of our psyche, the unsavory dimension of the will to power, the desire for recognition, the ambition of mastery. In sum, the *productivity of violence.*

This reminds me of a passage from Bataille’s personal diaries in about April or May 1944—that he published shortly thereafter as part of his *Summa athéologica: Sur Nietzsche.* It starts with an account of torture in the news pages of the *Petit Parisien*, April 27, 1944. “From a news item on torture,” he starts writing: “eyes gouged out, ears and nails torn off, the head cracked open through repeated butcher blows, the tongue cut off with pincers…”

“As a child,” he continues, “the very idea of torture turned my life into a burden…” “I do not, still today, know how I would endure it…” “The earth today,” Bataille goes on, “is covered by flowers—lilacs, wisteria, irises—and the war at the same time is buzzing and humming: hundreds of planes fill the nights with the sound of mosquitoes.” A few paragraphs later, Bataille jots down, “the carnage, the fire, the horror: this is what we can expect in the coming weeks, it seems to me.” “Seen today, from afar, the smoke of a fire in the vicinity of A.”

Next paragraph: “Meanwhile, these last few days count among the best of my life. So many flowers everywhere! The light is so beautiful and incredibly high…”

And then, the next: “The sovereignty of desire, of anguish, is the hardest idea to hear.”

Should we hear it—this sovereignty of desire? Should we listen to this “hardest idea to hear”? Should we allow ourselves to listen, especially when it is so troubling? So repulsive at times? So unacceptable? Bombs are falling. Warplanes are buzzing. The Final Solution is at its apex. And these are among “the best days of my life”? That, I take it, is utterly unbearable…and yet, there it is.

And at this point, critical theory is really disarmed, it would seem. The critique of violence really only unmasks *us*, and *our* violence, and *our* pleasures nonetheless. It unmasks the productivity of violence—its productivity throughout history. To ignore this would be blinking reality. It would be falling dupe to another illusion. The fact is, violence has been an extremely productive force throughout human history, since antiquity at least.
V.

Sophocles’ tragedy, *Oedipus the King*, has captured our imagination for centuries on questions of destiny, power, and sexuality. But it is perhaps on the question of violence that the tragedy turns. At the heart of Sophocles’ *Oedipus*, at the pivotal moment where truth finally emerges for all to see and all to recognize, at the decisive passage that turns tragic, at the instant of the *peripeteia*, there is a torture scene:

[1265] Oedipus: So, you won’t talk willingly—then you’ll talk with pain.

*The guards seize the shepherd*

Shepherd: No, dear god, don’t torture an old man!

[...] I wish to god I’d died that day.

Oedipus: You’ve got your wish if you don’t tell the truth.

Shepherd: The more I tell, the worse the death I’ll die. [1275]

[1280] Oedipus: You’re a dead man if I have to ask again. [...] 

Shepherd: Oh no, I’m right at the edge, the horrible truth—I’ve got to say it!

Hidden in plain view, at the very heart of Sophocles’ play, there is the threat of torturous death that alone—at the culmination of a whole series of unsuccessful inquiries—produces the truth: it is torture that elicits the shepherd’s confession. It is violence that allows Oedipus to recognize his fate. But more than that, it is violence that reaffirms the order in Thebes, that reestablishes harmony in ancient Greece.

The social order is restored and set aright when Oedipus finally recognizes this “horrible truth.” Violence produces truth in Sophocles’ tragedy, but more than that, it constitutes and reestablishes the social order of antiquity—a social order where gods rule, oracles tell truth, prophets divine, fateful kings govern, and slaves serve. The structure of Sophocles’ play—in parallel with the structure of the investigation that Oedipus leads—reflects the three-part hierarchy of ancient Greece: the divine realm of gods and prophets; the sovereign realm of kings and queens; and the ordinary realm of the people, here the messenger from Corinth and the slave. That social order had been upended by Oedipus
defying his fate—but not only Oedipus, by Jocasta as well; it is only through the torture of the servant that the truth of Oedipus’ crimes are known and the just rule of the gods reestablished.

Torture is the productive force that reveals the truth in *Oedipus*. The prophet Tiresias had exposed Oedipus in his cryptic way, but had not been believed, neither by Oedipus nor by the choir—who could trust an angry soothsayer? Creon and Jacosta had said enough to render bare Oedipus’ guilt, but they too had done so in a way that was not entirely convincing to the choir or the king himself. It was only in the third iteration, with those of lowest social rank—the ordinary pleb, the servants and workers—that the truth would emerge. But it would only emerge by means of torture. As Page DuBois argues in her monograph on slavery and torture in Greek antiquity, *Torture and Truth*, the idea of truth we hold so dear today in Western thought is indissolubly tied to the practices of torture and violence. In ancient times as today, violence can function as the metaphorical touchstone of truth and simultaneously as the means to establish social hierarchy and difference.\(^{253}\)

Throughout history, violence has enabled and fueled political economic regimes and artistic progress. The medieval period was shaped by practices of confiscation. Confiscation threads through the entire history of the inquisitions. Confiscation was a central element of the edicts of King Peter II of Aragon in 1197, Pope Innocent III’s *Vergentis in senium* in 1199, and the various decrees of Holy Roman Emperor Frederick II from 1220 to 1232.\(^{254}\) The construction of empires was built on these violent practices. This is reflected as well in Foucault’s analysis of the political economy of feudal law in *Théories et institutions pénales*.\(^{255}\) Foucault integrates confiscation as part of a much larger political economy of criminal justice that became, during the high middle ages, a primary space for the circulation of riches. These practices and effects, it seems, extend well into the present, and shape our political condition. The parallels between the judicial invention of confiscation in the twelfth and thirteenth centuries, on the one hand, and the parallel with the contemporary use of criminal fines in small municipalities like Ferguson, Missouri—where criminal fines represent the second largest municipal revenue—should not escape us.

The point is, in all this, that the experience of violence organizes much of civil life, and to ignore it is to put on blinders—or worse, to willingly embrace an illusion. Violence is, tragically, extremely productive. That is a key lesson of critical theory.
Chapter 11: A Way Forward

Critical theory reveals the naïve way that we so often speak about violence. It unveils the pervasiveness of violence that surrounds us. It exposes even, at times, the pleasure in violence, and the productivity of violence. But once we unveil and understand that our political condition is an endless struggle, how can we reconcile critical praxis with the core critical values of compassion and respect? What is the way forward for a renewed critical praxis?

The logical place to turn for an answer would be to start with the very critiques of violence that have helped us get to where we are today—cognizant, that is, of all the violence that surrounds us. These critiques not only expose violence; they also offer justifications of violence. Maybe they could offer some guidance on how to distinguish between legitimate and illegitimate violence.

I.

In the process of unveiling and redefining violence, the traditional critiques of violence draw distinctions and justify certain forms of violence. The question is whether they offer viable means to resolve the puzzle of violence.

A. Nonviolent Violence

Walter Benjamin redefined violence in instrumental terms, as a practice that is used to attain an end. In the context of a worker’s strike, Benjamin defined a strike as “violent” when and only when it is deployed as a form of extortion to achieve an end, such as better wages or conditions—when it takes place, in his words, “in the context of a conscious readiness to resume the suspended action under certain circumstances that either have nothing whatever to do with this action or only superficially modify it.”256 In that case, the strike is “violent” insofar as it represents “the right to use force in attaining certain ends.”257 This is the “political” strike that Benjamin discussed, as distinguished, originally by Sorel, from the “proletarian general strike” discussed next.

By contrast, in the context of a “revolutionary general strike,” defined as one intended to overthrow the government, the question of violence became more complicated for Benjamin. This is the “proletarian general strike” that, as Benjamin explained, “sets itself the sole task of destroying state power.”258 It is viewed by the state as being violent
insofar as it is intended to be lawmaking—and the function of violence is understood to be lawmaking (or law-preserving). From the state’s perspective, the first strike is legal and non-violent, but this second is pure violence and must be repressed by violent means. But for Benjamin, by contrast, this second proletarian strike, which falls under the rubric of violence and is discussed as a type of violence, is nevertheless “nonviolent” violence. Benjamin explained:

While the first form of interruption of work is violent since it causes only an external modification of labor conditions, the second, as a pure means, is nonviolent. For it takes place not in readiness to resume work following external concessions and this or that modification to working conditions, but in the determination to resume only a wholly transformed work, no longer enforced by the state, an upheaval that this kind of strike not so much causes as consummates. For this reason, the first of these undertakings is lawmaking but the second anarchistic.

“Während die erste Form der Arbeitseinstellung Gewalt ist, da sie nur eine äußerliche Modifikation der Arbeitsbedingungen veranlaßt, so ist die zweite als ein reines Mittel gewaltlos.” In English, “While the first form of interruption of work is violent (Gewalt) since it causes only an external modification of labor conditions, the second, as pure means, is nonviolent (gewaltlos).” Massimiliano Tomba refers to this as “nonviolent violence.”

Nonviolent violence: Benjamin valorized this kind of anarchistic strike, intended by its very action to break down the state and simultaneously instantiate this breakdown. It feels like pure action, or pure disobedience, not soiled by extortionate demands, pure in its intentions. It enacts a new political relation. It resembles, in many ways, the euphoria and enactments of the Occupy Wall Street movement: the idea that the general assembly was at one and the same time both a form of resistance and a prefiguration of a new political relation. The anarchistic strike, as revolutionary movement, represents in Sorel’s words “a clear, simple revolt” that leaves no place for “the sociologists or for the elegant amateurs of social reforms or for the intellectuals who have made it their profession to think for the proletariat.” For Benjamin, this is a “deep, moral, and genuinely revolutionary conception” that cannot be branded “violent.”
Benjamin characterized the “nonviolent,” following Sorel, by the pure revolutionary movement, by the purity of the act of resistance. “Sorel rejects every kind of program, of utopia—in a word, of lawmaking—for the revolutionary movement.” Insofar as the anarchistic revolt seeks nothing else than the destruction of the state—and not some kind of lawmaking—it is nonviolent. It is only “allegedly” violent. “[T]he violence of an action can be assessed no more from its effects than from its ends, but only from the law of its means,” Benjamin wrote. “The law of its means”: in other words, the rightness of its means. We must judge actions not by the justness of their ends, but from the rightness of their means.

Destruction of the state—that is what Benjamin admired and valorized in his critique: “on the abolition of state power, a new historical epoch is founded.” Benjamin wanted to imagine an attack on law, believing that “revolutionary violence, the highest manifestation of unalloyed violence by man, is possible.” It is divine, destructive, revolutionary violence that Benjamin advocated. And so he ended:

[A]ll mythical, lawmaking violence, which we may call executive, is pernicious. Pernicious, too, is the law-preserving, administrative violence that serves it. Divine violence, which is the sign and seal but never the means of sacred execution, may be called sovereign violence.

In this, Benjamin was close to Foucault. He was in the territory of relations of power modeled on matrices of civil war.

In sum, Benjamin favored anarchist revolutionary action that involves an instantiation of a self-transformative practice as opposed to a logic of means-and-ends. He opposed, most centrally, the state monopoly of violence and power, the legalistic mindset of proceduralism and means-ends rationality (the priority of the right over the good), as well as natural law oriented just ends (the priority of the good over the right). In this sense, he opposed the state, positive law, and natural law. He embraced instead forms of resistance that are law-destroying—as opposed to violence which he defines as lawmaking or law-preserving. He had in mind—he favored—a kind of “nonviolent” violence that is a means all to itself. Not in relation to an end, not even a just end.

The trouble here is that we seem to be caught in time, back in the foundational utopian moment of critical theory. There is a tautological element to Benjamin’s definition of nonviolent violence: it is nonviolent.
because it accords with his utopian vision. And insofar as we have overcome those foundational horizons, Benjamin’s justification of violence no longer functions. His notion of divine violence, that is destructive and not ends oriented, but aimed at the end of the state, does not help us if indeed we have a reconstructed critical utopia.

Another problem is that Benjamin’s is such a cryptic endorsement—for the most part, few understood well what Benjamin really meant by “divine violence.” Even Slavoj Zizek, when he engages Benjamin’s critique of violence within the larger framework of his book, Violence, acknowledges that these pages are “dense.” Benjamin’s idea, in the end, that the type of violence that might put an end to the state is non-violent violence seems more mystifying, than enlightening. It rings of illusion.

B. Vanguardism

For his part, Zizek makes a number of “sideways reflections” in his book on Violence. He expands the definition of violence so that it includes not only instances of physical violence—the type of events that we habitually refer to when we think of violence, such as urban riots, violent crime, “street crime” effectively, domestic abuse, all of which he refers to as “subjective violence”—but also objective and systemic violence. Second, he ties acts of violence to the loss of a neighbor relation. Third, he turns violence on its head to make it reveal our cultural selves. So the abuses at Abu Ghraib—in contrast to the brutal methods of the Middle Eastern interrogators—really reflect our American ethos more than anything else.

This leads to three lessons, Zizek tells us, in conclusion. First, to condemn violence explicitly is just ideological masking—“an ideological operation par excellence, a mystification which collaborates in rendering invisible the fundamental forms of social violence.” Second, it is harder than one thinks to be truly violent. It exhausts and takes effort to be truly evil. Third, and perhaps most puzzlingly, that the most violent thing to do at times is to do nothing. Voter abstention in today’s democracy, for instance, is really more powerful than other things, he claims. Those are his closing words: “If one means by violence a radical upheaval of the basic social relations, then, crazy and tasteless as it may sound, the problem with historical monsters who slaughtered millions was that they were not violent enough. Sometimes doing nothing is the most violent thing to do.” That final point is most puzzling, since it does not seem to endorse physical violence, but instead passivity as the most violent forms of (in)action.
Elsewhere, though, Zizek does seem to advocate violence. In his essay in the *London Review of Books*, “Shoplifters of the World Unite” from August 19, 2011, he discusses the London riots of 2011, and criticizes the rioters and other recent protesters (the Spanish *indignados*, the Greek protest movement, even the Arab Spring) for failing to articulate a program. “[T]his is the fatal weakness of recent protests,” Zizak writes. “They express an authentic rage which is not able to transform itself into a positive programme of sociopolitical change. They express a spirit of revolt without revolution.”277 Buried in the last line of the essay, Zizek calls for a vanguard party: “This is clearly not enough to impose a reorganization of social life. To do that, one needs a strong body able to reach quick decisions and to implement them with all necessary harshness.”278 Not so subtly, Zizek embraces his penchant for a Leninist vanguard party. But this too presents the same problem as Benjamin, then. It too is wedded to a foundational critical *praxis* that is no longer sustainable if we reconstruct critical theory.

### C. Self-transformation

Frantz Fanon and Jean-Paul Sartre explicitly advocated for violence. For Fanon, the violence of the wretched of the earth is a catharsis. Self-transformation: that is precisely what Fanon had in mind, particularly when he drew on Aimé Césaire’s play, *And the dogs were silent*. In that play, the rebel is confronted by his mother, defending himself against the charge of barbarity for having killed his master. “I had dreamed of a son who would close his mother’s eyes,” his mother says—struck by the fate that awaits her son.279 “Spare me, I’m choking from your shackles, bleeding from your wounds,” she says.280 “God in heaven, deliver him.”281

The son responds: “the world does not spare me… There is not in the world one single poor lynched bastard, one poor tortured man, in whom I am not also murdered and humiliated.”282 And then, the son goes on to describe the night:

“It was a November night…

And suddenly clamors lit up the silence,

we had leapt, we the slaves, we the manure, we beasts with patient hooves.

[...]

The master’s bedroom was wide open. The master’s bedroom was brilliantly lit, and the master was
there, very calm…. And all of us stopped… he was the master…. I entered. It’s you, he said, very calmly…. It was me, it was indeed me, I told him, the good slave, the faithful slave, the slave slave, and suddenly my eyes were two [bugs] cockroaches frightened in a rainy day… *I struck, the blood spurted: it is the only baptism that today I remember.*

That was a transformative moment of pure violence for the son, one that was not simply a means to some end, but in itself a pure means, a baptism. It was, in itself, that “cleansing force.”

Sartre, like Fanon, developed a dialectical understanding of violence as a means that would give birth to a new and better man. The fact that the anti-colonial rebel takes arms and is willing to die for his brothers and sisters means that he has overcome death and is a “dead man *en puissance.*” By accepting death and seizing the violent act, the rebel has broken the hold of scarcity, and gives his life for his fellow’s humanity. He has placed the freedom and humanity of others above his own existence in a Hegelian relation. And this fraternity will then give rise to the first institutions of peace, grounded on a *praxis* of liberation and socialist fraternity.

In other words, the self-transformation that attends certain violent acts can justify the use of violence. That, however, is hardly convincing. Many things may be cathartic, that does not mean they are valuable. What if we learned, for instance, that James Harris Jackson, the white Army veteran who traveled from Baltimore to New York City to kill an African-American, also experienced a baptismal (delusional) moment of rebirth when he plunged a knife into 66-year-old Timothy Caughman on March 20, 2017, in Chelsea, New York? “Since he was a boy,” we are told, “he has hated black men. A bitter hatred of black men that boiled in his mind and consumed him.”

“Mr. Jackson was particularly offended by black men who were with white women,” the prosecutor tells us. According to a law enforcement official, “He told the cops, ‘I’ve hated black men since I was a kid. I’ve had these feelings since I was a young person. I hate black men.’” So what if it was a baptismal moment in his mind? Would that matter?

Should I be allowed to discuss, in the same breath, the violent history of colonialism and the delusional beliefs of a mentally unstable White Supremacist? No. But on the other hand, if what we are trying to identify is when violence is legitimate, must we not ask the difficult
question? “I struck, the blood spurted: it is the only baptism that today I remember.”292 Surely context matters. It must be the case that not all violence for Fanon—even baptismal violence as a pure end—would serve the liberatory aspirations envisioned by Fanon or Benjamin. So the criteria would have to include self-transformative and the correct politics. But that then justifies any violence that is properly politically motivated. At that point, the justification is merely instrumental.

The traditional critiques of violence, it turns out, hardly offer a convincing way forward. To be sure, they do reveal that the workers, or the colonized, or the young protesters in the banlieu that deploy violent means of resistance—torching cars or breaking windows—are themselves immersed in a violent world and subject to the violence of the state, the police, and social workers. That their whole milieu is violent. They highlight, as Fanon does, the grossly violent operations of the colonial system—and unearth its pervasive violence.

But by distinguishing between legitimate and illegitimate forms of violence, in a world pervaded by violence—in a world where relations of power are defined as civil war—these critiques of violence set up criteria that are either too foundational, too instrumental, or too hard to follow, or simply break down. At other times, they simply fail to offer any comprehensible criteria at all. And this then makes it difficult to critique “illegitimate” violence.

Benjamin’s litmus test—namely, avoiding means-end rationality or instrumental reason—and his embrace of an anarchist anti-state ethos seems noble but misguided, unhelpful for praxis today. It also is far too foundational or dogmatic—as if the withering of the state was an orthodoxy. Zizek, for his part is at times too cryptic and merely provocative, at other times too rigidly Leninist—as if a vanguard party was the solution to everything. And Fanon’s criteria are no more convincing.

The problems with Fanon abound. First off, it has to be the case that the political context of the violence would matter. One can only imagine that, contra Benjamin, the ends would cast a shadow on the legitimacy of the means.293 Second, as Arendt reminded us, the exigency of death and feelings of solidarity—the self-transformation—can be very short lived. They are not necessarily permanent self-transformations:

\[
\text{It is true that the strong fraternal sentiments collective violence engenders have misled many good people into the hope that a new community}
\]
together with a “new man” will arise out of it. The hope is an illusion for the simple reason that no human relationship is more transitory than this kind of brotherhood, which can be actualized only under the conditions of immediate danger to life and limb.  

Finally, how can critical theorists like Benjamin or Zizek tell others to engage in violent revolution when they themselves are not putting their lives at stake? How can you only theorize violence? How can you glorify divine violence or nonviolent violence if you are not yourself engaged in struggle?

The classic critiques of violence relativize the use of violence to shield certain privileged or foundational modalities of resistance. That can’t be right. Moreover, the fact that these critiques are apologia of violence ultimately undercuts their effectiveness as critiques of state violence. In the end, they create criteria of violence that do not withstand scrutiny—and some offer no criteria at all.

II.

How then do we resolve the different critical insights—namely, that our political condition involves endless struggle, that we imagine a future of equity, compassion, and mutual respect, and that political praxis is necessarily violent?

Taking a purely instrumental route feels like a cop out—another grand illusion. The idea that we could bracket our values and violently impose a just society, in which violence would then disappear, is not only unrealistic, it defies everything reconstructed critical theory stands for. It’s pure mystification—and dangerous at that, since it is likely, actually, to push us onto the path of authoritarianism. Anyone who would be so vicious as to champion a state of exception—even a temporary use of what would have to be overpowering violence, to quickly get the job done—would likely to be the kind of person who would abuse that license. In effect, we are right back where we started: facing illusions. How do we move forward?

This section will set aside three possible avenues that have been advocated by critical theorists, before proposing a more promising path forward in the next and final section.

A. Interpreting Violence Away
You will recall that the pure theory of illusions rests on the infiniteness of interpretation, on the lack of any originary source. It rests on the lack of any foundation. What if we returned to this insight to simply interpret violence away? Let me explain.

If we live in a world characterized by the infinite regress of interpretations, going vertically all the way down, then might it not be the case that the entire construct that “relations of power are violence”—the entire critique of violence—is itself an interpretation, and in that sense a fabrication foisted upon us through a struggle for power or for intellectual dominance? What if this interpretation is itself an imposition of a will to power?

What might that mean, you may ask? What would it mean if we extended endless interpretation to the question of praxis? Would it then be possible to rethink violence entirely? To reconstruct categories in such a way as to wash away the problems of violence? Nietzsche famously spoke of the “invention” rather than the origin of knowledge. What would it mean to take that insight seriously—particularly in the most tangible space of all, in the realm of violence? What would it mean, in the context of critical praxis, to take seriously the idea that all knowledge is “invention”?

What it might mean is that the claims that have been circulating throughout this book—namely that violence functions in such and such a way, that critical praxis is inevitably violent, that it may be justified if self-transformative, etc.—that all those myriad claims are, well, invented. We invent our relation to violence. This does not, in any way, deny its facticity. A punch in the face is still a punch in the face, and it is committed without consent. Those facts do not change. The victims did not ask for it, they are not to be blamed. Again, that does not change. But it is what we claim to know about these facts that is invented. What they tell us about when violence is justified, when it is legitimate—all these things are, well, invented. All that is made up. It tells us more about who we are and what we want to believe that anything reliable about reality. And, in the process of these inventions, we shape our own subjectivity, we shape who we are. That is one of the most important consequences, at least for Foucault reading Nietzsche: “it’s not God that disappears but the subject in its unity and its sovereignty.”

The invention of knowledge, rather than its origin: this surely destabilizes our interpretations. It highlights the creativity of interpretation—and asks us to question what is motivating the invention. Our critique of violence may have multiple meanings and functions, all
of which do a lot of work. But what we say about violence and praxis, in the end, is our imposition, our interpretation, our reading, our will. Ultimately, our stories of violence tell us more about our history than they do anything about violence per se.

But where would this leave us? Well, understanding that the liberal conception of violence advances a project that privileges private property and individual liberty. And that the critique of violence advances a will to equity, compassion and respect. In other words, that the interpretations are political. But we knew that from the beginning. We’ve known—this was the whole point of Part II—that the critical tradition is motivated by values. This does not help us resolve the quagmire of critical praxis. It does not get us out of the interpretive realm and into a space of materiality. Instead it brings us back to square one: how do we reconcile our values with our praxis?

B. Doing Violence to Violence

A second path forward might be to turn the critique back on itself: Perhaps we should, as Simone de Beauvoir suggested of Sade, burn our own justifications of violence. Violently turn against our own critiques and apologias of violence.

“Faut-il bruler Sade?” Beauvoir asked. Well, should we burn our own justifications of violence? Burn our theories at the stake, as the Inquisition would have? Recall that Sade’s son burned the ten volumes of his final work, Les Journées de Florbelle. Should we place Sade’s and Nietzsche’s works on a black list? Should we destroy Bataille’s works as well? And Passolini’s films? Should we simply extinguish the apologias of violence—Benjamin as well, and Zizek and Fanon—and be done with violence once and for all? Could we?

Now, remarkably, Beauvoir answered her own question in the negative. As Judith Butler remarked later, “By posing the question in this way and at that time, Beauvoir makes it clear that feminism and philosophy ought not to participate in anti-intellectual trends, that it ought to distance itself from inquisitorial practices, and that its intellectual task is to remain open to the difficulty and range of the human condition.” Beauvoir read into Sade an ethic—misguided in certain respects, but an ethic nonetheless, related centrally to freedom. Butler similarly tried to “find there something of importance for a feminist philosophy of freedom, including a philosophy of sexual freedom?” Butler writes:
Although one may well conclude that Sade has little in common with feminism, it is important to note that he defended sexual freedom and the expressive impulses of individuals. Moreover, Sade did not believe that sexuality was meant only to satisfy the requirements of procreation.\textsuperscript{299}

Both for Beauvoir and Butler, the task was to seek “neither to romanticize nor to vilify Sade,” but rather “to understand the ethical significance of Sade.”\textsuperscript{300} And of course, there is always some redeeming ethical feature to discover in Sade or Passolini. For Passolini, for instance, it was his political conviction and queer sexuality. His opposition to the fascist nature of the state and the authoritarian nature of the Church. For Sade, it was his philosophical tendency—as a philosopher of the \textit{boudoir} or \textit{de la boue}, to be sure, but a philosopher nonetheless who questioned man’s true nature at a time when man was becoming almost divine.

In locating his torture chamber in fascist Italy, immediately post-Mussolini (July 1943), Passolini targets fascism itself in \textit{Salò}—the Italian bourgeoisie, the desire for fascistic power, the submission to order, the following of orders. In his film, Passolini sides with Albert Camus who, as Butler reminds us, saw in Sade the precursor to the fascisms and totalitarianisms of the twentieth century. As Camus noted of Sade, “Two centuries in advance and on a reduced scale, Sade exalted the totalitarian society in the name of a frenzied liberty that rebellion does not in fact demand. With him the history and tragedy of our times really begin.”\textsuperscript{301} Passolini’s Sade “belongs to the inaugural moments of modern fascism.”\textsuperscript{302} And Passolini’s deployment of those three circles of hell, with their allusion to Dante’s \textit{Inferno}, challenged more forcefully than most other works the Catholic Church—one of Passolini’s most impassioned and frequent political targets.

The Marquis de Sade, for his part, targeted the sexual repression of his own aristocratic peers in a purportedly pedagogic or perhaps didactic manner, as evidenced by his \textit{Philosophy in the Boudoir}. This is the ethical dimension, something about a way of living one’s life in his work—at least, Simone de Beauvoir and Judith Butler seem to suggest. “He argues, in effect, that under conditions of bourgeois morality, where the interchangeability and indifference of individuals reign, sexual cruelty is a way to reestablish individuality and passion,” Butler notes, with Beauvoir.\textsuperscript{303} Sade is exposing the unrestrainable truth of nature, of our warped nature. By contrast to the newfound faith and Enlightenment
belief in the compassion of man, in the goodness of natural man, in Jean-Jacques Rousseau’s concept of man in his natural condition—as Dominique Lecourt emphasizes on his reading—Sade demonstrated in his writings the twisted timber of humanity. If you want to follow nature and natural man as the Enlightenment thinkers did, Sade tells us, then look at this! “This book,” Georges Bataille writes of 120 Days of Sodom, “is the only one in which the mind of man is shown as it really is. The language of 120 Days of Sodom is finally that of a universe which degrades gradually and systematically, which tortures and destroys the totality of the beings which it represents.” Imprisoned in the Bastille, having encouraged the revolutionaries from his prison window, it is said, liberated and liberating others, Sade embodied, despite it all, an element of liberation sexology—a revolution for the libertines. Sade’s writings also betray a unique morality that, as Maurice Blanchot and Georges Bataille reminded us, rests on our own solitude as humans—“absolute solitude as a first given fact.” These are important ethical and political questions. There is, then, there must be some value along political and moral dimensions to Sade’s interventions, and Passolini’s.

Plus, both Sade and Passolini were themselves the objects of the punitive arm of the state—of the will to punish, of the sovereignty of desire. Sade: eleven years in Vincennes and the Bastille on what appear to have been a familial lettre de cachet, another thirteen years in the Charenton asylum, for a total of thirty-two years of his life in closed institutions. Passolini: tried by the Italian government for offense to the Italian state and religion, in 1963, many years even before Salò. Did they not suffer enough for their sins—or for their courage? Perhaps. And, perhaps, we as a society should not condemn Sade or Passolini, or Nietzsche—no more than we, as former colonizers should not condemn Frantz Fannon when he advocates violence against the children of the colonizers, the same violence of the colonizers.

No, it seems that violently sacrificing our own critiques and apologias of violence reflects an anti-intellectualism or anti-theoretical sentiment that is far too simplistic. It solves nothing—and it does us all an injustice. It would be like embracing an illusion.

We must not burn Nietzsche or Sade, we must not self-censor our critiques of violence, because there is always resistance embedded, something ethical in there that we need to search for, rather than extinguish. To collectively condemn, in other words, is too easy—and so false. It does nothing. We need to do more somehow. Even at the
extreme, even at the limit, even here with violence. We need to understand it—dark side and all. And then resolve the puzzle of praxis.

The point is that collective condemnation is, just that, too simple, too easy. And the dream of a world without violence is, again, just that, a dream, an illusion. We need to plumb the complexity of the human soul, with all its dark sides, and simultaneously reimagine the place of excess and violence. And, perhaps, to take it upon ourselves to condemn. But only as ethical beings, not as a society.

C. Radical Non-Violence

A third path is to radically eschew violence, force, and compulsion, along the model of Mahatma Gandhi: to turn all the suffering onto oneself and completely avoid compelling others to change, so as to inspire others instead to self-transform. This was the model of Satyagraha that Gandhi developed and lived. It rests, I would argue, on recognition of the critique of violence: recognition that everything we do outwardly is a form of aggression against others, and therefore that everything we do should be oriented inwardly.307

The neologism satyagraha that Gandhi coined—the literal meaning of which is “to hold on to truth” or “to cling to truth” or “a tenacity in the pursuit of truth”—refers to a personal ethic and self-transformation through which an individual remains true to his or her ideals of justice, and seeks to convince or convert others by working on him or herself and taking on the burden of the sufferings of injustice. The term is often simplified, in translation, to mean “non-violent resistance,” and at a practical level it is narrowly associated with the imperative of non-violence. But the concept has to be understood through the larger framework of an ethic or a faith that gives someone the strength to turn the suffering of injustice onto themselves. The resulting non-violence is not so much a practical maxim or a political strategy—although it is always political and strategic—so much as it is the necessary product of steadfastly staying true to one’s ethical or spiritual beliefs and the ethical imperative not to hurt others.

The concept of satyagraha recognizes the pervasiveness of violence in social interaction, and tries to contain it. It does so by means of three core elements: truth, self-care, and suffering. The first is true belief or faith—holding onto a personal truth—that empowers and lends force to satyagraha. Gandhi defined satyagraha as “Truth-force” (satya means “truth”)—though in other places he also referred to “Soul-force” or “Love-force.”309 It is only when the believer is entirely committed to
“the truth of his cause,” Gandhi emphasized, that he or she will have the
force to succeed in non-violence.310 It is that faith in the truth of one’s
dause that ensures that the reformer will not lash out at an opponent, but
instead work harder on him or herself, and be prepared to sacrifice him
or herself. In this sense, satyagraha does not give rise to an instrumental
form of non-violence, but instead to an unconditional, entirely
committed faith, like a spiritual belief or a moral commitment.

The second component is work on the self, rather than on others:
Non-violent resistance requires self-transformation. It involves work by
and on the individual him or herself. It cannot be achieved from outside
the person. It is deeply subjective. Gandhi explained this in discussing
the case of protest at temples, where he opposed for instance blocking
the way of those who refused to admit the untouchable. “The movement
for the removal of untouchability is one of self-purification,” Gandhi
wrote. “No man can be purified against his will.”311 Gandhi explained
that any and all steps, even in drastic situations, “have to be taken against
ourselves.”312 These are, as Mantena explains, “practices of ascetic self-
mastery.”313 As Gandhi wrote, “Satyagraha presupposes self-discipline,
self-control, self-purification.”314 Notice the omnipresence of the self. It
is care of self that comes first. As Gandhi explained: “the doctrine came
to mean vindication of truth not by infliction of suffering on the
opponent but on one’s self.”315

The third and perhaps most important element is self-suffering:
The willingness to bear the suffering of injustice, to take that suffering
onto oneself, is at the very heart of remaining true to oneself and
converting one’s opponents. It is by suffering that one truly demonstrates
the sincerity of one’s beliefs and the stakes of justice. It is also the most
powerful way to convince others to change themselves. It shows that the
satyagrahi is not there to hurt, but rather to impress upon others the
justice of their position.

Self-suffering—or the broader concept for Gandhi of “the law of
suffering”—is what converts others, on Gandhi’s view. Conversion is the
operative term: “I have deliberately used the word conversion,” Gandhi
wrote. “For my ambition is no less than to convert the British people
through non-violence, and thus make them see the wrong they have done
to India.”316 And it operates through the emotions and affect of the
opponent. The goal is to “draw out and exhibit the force of the soul
within us for a period long enough to appeal to the sympathetic chord in
the governors or the law-makers.”317
For Gandhi, non-violence had to extend to thought as well as action. It meant avoiding anger, it excluded even swearing and cursing.\textsuperscript{318} It implied, in the anti-colonial context, scrupulously avoiding “intentional injury in thought, word or deed to the person of a single Englishman.”\textsuperscript{319} It even involved being courteous and polite toward the police that are arresting you and the prison officials who are detaining you.\textsuperscript{320} Gandhi wrote:

\begin{quote}
It is a breach of Satyagraha to wish ill to an opponent or to say a harsh word to him or of him with the intention of harming him. And often the evil thought or the evil word may, in terms of Satyagraha, be more dangerous than actual violence used in the heat of the moment and perhaps repented and forgotten the next moment. Satyagraha is gentle, it never wounds. It must not be the result of anger or malice. It is never fussy, never impatient, never vociferous. It is the direct opposite of compulsion. It was conceived as a complete substitute for violence.\textsuperscript{321}
\end{quote}

Gandhi’s practices of fasting represent the kind of work on the self and the suffering that characterizes and defines satyagraha.\textsuperscript{322} Gandhi’s views on direct action were extremely nuanced and contextual. Civil disobedience was not always appropriate and had to be judged based, for instance, on whether individuals were doing it because they expect some personal gain.\textsuperscript{323} Fasting, as well, could be used for good or ill depending on the context. “Even fasts may take the form of coercion,” Gandhi wrote, “there is nothing in the world that in human hands does not lend itself to abuse.”\textsuperscript{324}

There is a pragmatic dimension to satyagraha that should not be ignored. In fact, Gandhi justified violence under certain extremely limited circumstances of domination and weakness—in cases of extreme self-defense or helplessness—not as a form of satyagraha but as a form of vulnerable self-defense. “I do believe that where there is only a choice between cowardice and violence I would advise violence,” he wrote, and added, “I took part in the Boer War, the so-called Zulu rebellion and the late War.”\textsuperscript{325} The illustration he gives is of a time when he was almost fatally assaulted, and would have wanted his son to defend him, even using violence. He even adds, “I would rather have India resort to arms in order to defend her honour than that she should in a cowardly manner become or remain a helpless witness to her own dishonor.”\textsuperscript{326} In

---

Critique & Praxis

Electronic copy available at: https://ssrn.com/abstract=3244764
situations of helplessness, of utter weakness, violence may be appropriate. But he then added that “I do not believe India to be helpless. I do not believe myself to be a helpless creature.”

The problem with this third path, though, is that it is, honestly, too demanding and also too absolute. Gandhi’s writings are of unparalleled exigency: one must take the burdens of injustice on oneself, turn suffering onto oneself, purify oneself as an exemplar to others, fast and engage in civil disobedience when appropriate, at sacrificial cost, bear no anger or resentment against one’s oppressors, even remain celibate or, if married, chaste. The full measure of Gandhian satyagraha is arduous. And regardless of the criticisms of Gandhi’s actual practices and weaknesses—Gandhi has been criticized for hypocrisy, for misogyny, even for racism and casteism—Gandhi’s writings, taken on their face, demand a level of commitment and persistence that is practically unparalleled in other political traditions and impossible to achieve. They call for the kind of existence exemplified—as Gandhi himself suggested—by Buddha and Christ. One can hardly imagine a more demanding and exigent standard.

Non-violence of this sort is too demanding and does not offer a viable answer for critical praxis. It is, first, practically impossible to instantiate except in a watered down and instrumental version. The idea, for instance, that one must not love one’s children more than others is far too demanding. Remaining celibate or chaste. Again, too demanding. Avoiding evil thoughts towards one’s oppressor. Not realistic, possibly counterproductive. Assuming all the suffering, taking it all on oneself in order to convert others. At the end of the day, that does not ethically seem right.

Moreover, it is far too dangerous. In many situations, it would mean leading sheep to slaughter. Gandhi’s writings about Jewish resistance in 1936 and 1938, where he espoused satyagraha, is a case in point. As Uday Mehta notes, “Gandhi’s words provoked shock, controversy and considerable condemnation.” Rightfully so, even if they were pronounced before many knew the worst of it. Non-violence may be appropriate in some limited conditions, but not in all. In part, this reflects again the problem with foundational thought— with the inappropriate generalization of one particular form of praxis. It would be misguided to resolve the problem of violence in the search for critical praxis by adopting wholesale Gandhi’s notion of satyagraha.

Satyagraha did function in 1920s and 30s in India, in a country of hundreds of millions of inhabitants that was governed in contrast by a
Critique & Praxis

hand-full of British civil servants and soldiers. It had political effects in the context of a military occupation and a vast disproportion of population. In a situation where the occupying force—as is so often true—lacked legitimacy and moral authority. These factors conspired to make satyagraha so potent then. But satyagraha is not the answer to the broader problems of violence in critical praxis. It does not resolve the critique of violence.

III.

There is, however, a more promising path forward: to understand violence as a necessary part of human existence, of social interaction, and of our political condition, but not to valorize or embolden it. Violence on this view is integral to human experience—from nightmares, to death and loss, and separation, and natural catastrophes. Violence, fear, and terror are part of becoming fully human. They are an inevitable element of human development. But they are one among a set of forces that shape the human experience. The task of critical praxis is to curate that balance and, in the process, to reduce and devalue the role of violence.

The famous passage on the master-slave dialectic in Hegel’s Phenomenology of Spirit might offer a path forward. Alexandre Kojève’s reading of Hegel before the war—especially his lectures from 1934 to 1939 at the École pratique des hautes études—put the dialectic of master and slave at the center of our contemporary reading of the Phenomenology. It is really Kojève who drew our attention to a reading of Hegel according to which the gradual achievement of the highest form of knowledge and recognition happens through a series of dialectics that are almost all modeled on that of master and slave. It would lead to some excesses of interpretation. But it also provides insight to resolve our problems of violence.

What drives the confrontation between the master and slave, on Hegel’s account, are three driving forces. The first is the desire for recognition—the desire to be recognized as a fully human person. Hegel writes, early in his analysis of this encounter between master and slave, that “Self-consciousness exists in and for itself when, and by the fact that, it exists for another; that is, it exists only in being acknowledged.” The struggle between those who will become master and slave begins, in fact, because of the quest for recognition. Each of the actors engage in this life and death struggle to be certain of
themselves—barring which, as Hegel writes, “he has not attained to the truth of this recognition as an independent self-consciousness.”

Kojève explains that in this struggle, “The Master is the man who went all the way in a Fight for prestige, who risked his life in order to be recognized in his absolute superiority by another man.” In doing so, the master has overcome nature, in the sense that he has shown that he is not governed by natural fear or self-preservation, but that the recognition by another human is more important than death. He has also expressed the desire for an idea of recognition, overcoming here mere biological function. It is in this sense that Hegel writes that “Death certainly shows that each staked his life and held it of no account.”

The master thus achieves recognition by making the slave work for him. The former now leads a life of pleasure, while the slave toils for another. But this has the potential—the paradoxical or dialectical potential—of undermining the master’s recognition, since he is now no longer recognized by a full human, but rather only by a slave: “What now really confronts him is not an independent consciousness, but a dependent one. He is, therefore, not certain of being-for-self as the truth of himself. On the contrary, his truth is in reality an unessential consciousness and its unessential action.” “The outcome,” Hegel writes, “is a recognition that is one-sided and unequal.”

Recognition remains, though, a motor of history for Hegel—which explains in part the role of recognition in the later writings of Axel Honneth, or Jay Bernstein, or other contemporary descendants of the Frankfurt School. It is the universality of the desire for recognition that drives this fight to the death, and (at least on the reading of Kojève) feeds the historical account. As Kojève says, “human, historical, self-conscious existence is possible only where there are, or—at least—where there have been, bloody fights, wars for prestige.” This is the desire to master, to defeat the other, without which there would no battle, no conflict. But it is self-defeating, in the end. From the perspective of recognition—that first driving element of the conflict—as Kojève said, “Mastery is an existential impasse.”

The second motivating force of the dialectic between master and slave—and the one that interests me most here—is the encounter with nothingness, with le néant (and right here, incidentally, one sees well the influence of Kojève on Sartre). It is the encounter with nothingness that forces the slave to face his death, his own mortality, and to overcome his own human condition.
It is here that Hegel uses the language of violence and terror—terror, which, recall, in its etymological origins, traces to the act of trembling, of the physical experience of fear and the manifestation of a trembling body. To terror as fear, dread, trembling, shaking to one’s foundations. It is by means of fear, terror, trembling that the slave, according to Hegel, “he rids himself of his attachment to natural existence in every single detail; and gets rid of it by working on it.” Hegel writes in *The Phenomenology of Spirit*, regarding the slave in his encounter with the master:

> [T]his consciousness has been fearful, not of this or that particular thing or just at odd moments, but its whole being has been seized with dread; for it has experienced the fear of death, the absolute Lord. In that experience it has been quite unmanned, has trembled in every fibre of its being, and everything solid and stable has been shaken to its foundations. But this pure universal movement, the absolute melting-away of everything stable, is the simple, essential nature of self-consciousness […]

It is important to underscore here that it is terror—the terror of the battle to the death with the master, this struggle of life and death—that forces the slave to face up to nothingness, to his mortality. The terror was necessary. It was a necessary step in the development. Kojève explains: “Through animal fear of death (*Angst*) the Slave experienced the dread or the Terror (*Furcht*) of Nothingness, of his nothingness. He caught a glimpse of himself as nothingness, he understood that his whole existence was but a ‘surpassed,’ ‘overcome’ (*aufgehoben*) death—a Nothingness maintained in Being.”

The important point for us—and this is truly crucial—is that terror plays a central motivating force in the struggle for recognition and human development. It would not be possible to achieve forms of self-recognition without it.

The third and final motivating force is of course the relation to labor. For Hegel, it is by means of his toil that the slave overcomes his own nature, realizes a conceptual end that makes possible comprehension, science, techniques, arts, etc. It is only “Through his service,” Hegel writes, that the slave “rids himself of his attachment to natural existence in every single detail; and gets rid of it by working on it.” Or, to be more blunt: “Through work, however, the bondsman becomes conscious of what he truly is.” It is by means of his work that
the slave recognizes that he too can overcome and dominate nature—just as the master had in the struggle by pursuing his own desire to be recognized, above and beyond his biological existence—and thus the slave recognizes his freedom and autonomy. 349 Hegel writes that “Work, on the other hand, is desire held in check, fleetingness staved off; in other words, work forms and shapes the thing.” 350

For all this to happen, Hegel suggests, there need to be the two formative moments of fear and service. 351 And not just any fear, but absolute terror—utmost dread. It is only then that labor can produce its effects. The slave, Hegel maintains, “realizes that it is precisely in his work wherein he seemed to have only an alienated existence that he acquires a mind of his own.” 352

To sum up, the three motivating forces are recognition, terror, and labor. Does that mean that we “need” torture and cruelty? Of course not, if we think with Hegel that we are part of a human spirit that recognizes and learns not only or exclusively by acting, but by a process of communal consciousness, shared, intellectual progress. And if we realize that we do face our own mortality, our nothingness, all the time—in our youth, in our nightmares, with the loss of our parents—we are all facing the terror of death. So there need be no valorization of terror or violence, nor a justification.

Instead, we need to understand Hegel’s argument as allegory, and take a few steps back. 353 As history, or even as phenomenology, Hegel’s account is no doubt lacking. 354 But as metaphor, the Hegelian narrative shows, brilliantly, the place of violence in the formation of one’s identity and consciousness. It would be practically impossible to imagine human self-development without it—and without, as well, the desire for recognition and the work of labor. These are all integral to our human experience. The question, then, is to balance them properly—not eliminate any one of them. To calibrate properly. Not to be governed too much by it. That is, incidentally, the challenge that Ockham raised for us.

The path, then, is to contain or limit violence. The classic critiques of violence end up justifying violence. That can’t be right. Instead, we need to recalibrate human experience to deemphasize terror and violence, to the benefit of the other modes of human interaction. Since it is impossible to exorcise, we should devalue violence instead—again, within a pure theory of values.
Chapter 12: A Pure Theory of Tactics

Our political condition is violent. There is no way around that. Seeking a change in society—or even just maintaining the status quo—is necessarily violent in the sense that it imposes values on others who may not share the same ideals. It necessarily entails redistributions. It will affect ownership rights and possession. It often involves educational, societal, and personal transformations: these are all violent effects if we properly understand violence and are honest with ourselves. Revolutions, of course, are inevitably violent. Uprisings well. But social transformation more generally is violent. Even Gandhian satyagraha is violent, when we realize what it would entail for our children, families, and loved ones. Some practices are not physically violent—like Occupy Wall Street—but they are equally violent in trying to transform distributions of wealth and well-being.

There is, however, no reason or need to valorize the violence. No reason to create justifications that embolden violence. No reason to seek out or accentuate the violence. To the contrary, there is every reason to try to minimize and devalue violence, and to do our best to distribute it equitably so that no one group or individual suffers the brunt of societal change.

In the end, it makes no sense to draw a line at physical violence, first, because the enforcement of any kind of distributional rules will require the threat or application of force (as it does now, through for instance the criminal enforcement of trespass laws), and second, because it is a liberal illusion that masks the structural violence that pervades social relations. Naturally, physicality is a powerful signifier. There is no doubt. The sight of German shepherds attacking the peaceful civil rights protesters galvanized the public. The sight of police officers pepper spraying peaceful Occupiers, or of the militarized SWAT teams aggressing peaceful police protesters—all of those images galvanize political opinion. Peaceful protest, as opposed to violent protest, will have effects of reality. But instead of drawing overly simplistic lines, the path forward should seek to devalorize violence and distribute it equitably.

No one individual or group should bear the burden of violence; the weight of social change should fall on all equitably. It should not be concentrated. Perhaps ultimately this is an ethical question—the most important ethical question. Critical praxis should be conducted carefully and hesitantly—with respect, care, thoughtfulness. Not with glee or
delight, but instead always conscious of the harm it distributes, vigilant and watchful of not exceeding what is strictly necessary. *Praxis* should not be targeted on particular individuals or groups, but equitably distributed across society and classes. As an ethical matter, we should avoid strategies that concentrate rather than distribute the burdens of politics.

It would be nice to imagine that violence would ultimately recede—or that, in a more equitable society, there would be less need for social transformation and redistribution, and thus less need for violence. It would be lovely to imagine a society where there is greater equality and opportunity for all, and therefore less interpersonal struggle. To imagine a society where equality itself limits the extent of violence. In a world where the wealth disparities are not so sharp, where there is good public education and health care, might there be less social competition? If we achieved such a world, wouldn’t there be less violent struggles between individuals?

Yes, it would be nice to imagine. But this is just another illusion, a dangerous one that might justify more violence today to achieve a less violent society in the future. That’s usually how illusions work. We must let it go too. We are left, then, with one promising path forward to resolve the problems of violence: namely, to devalue violence and distribute it as equitably as possible. To recalibrate human experience so that we enhance mutual recognition and labor, and contain and manage violence as much as possible.

What this entails for critical *praxis* is a contextual, case-by-case analysis of our political struggles that responds to the exact situation and the really-existing political economic regimes. There can be no generalized theory of the vanguard, nor of leaderlessness, nor of non-violence and self-sacrifice—every critical practice has to be perfectly designed for the specific time and space. Here too, we need to resist foundational constraints that may be entirely inapplicable in different geopolitical contexts.

In effect, all *praxis* must be deeply situated. A fast would not work in 1936 Germany—and Gandhi’s writings were simply off the mark in that regard. The idea of portability makes no sense in this context. The idea of generalizing from one situated political context to another is dangerous. An armed vanguard revolutionary movement in the United States today would get crushed. The disproportionality in weaponry and technology, in the face of American military power, is simply insurmountable. This may not have been the case in Russia in
1917, nor in China in 1948, but in the United States today, the asymmetries and imbalances are far too significant to expect any type of armed uprising to succeed. That is why the alt-right has engaged in a protracted cultural and populist revolution, rather than an armed revolt (for the most part).

It is important to recognize that all social movements and tactics are inevitably situated. Political disobedience of the type manifested in Occupy Wall Street—which many of us, myself included, had perhaps erroneously interpreted as apolitical or outside politics—was deeply ensconced within the political-historical moment of a centrist Democratic administration. Occupy was effectively pushing, or trying to push, President Obama to the left—a model that may be totally inappropriate under a Trump regime. The Occupy movement made sense and was tactically sophisticated under the Obama administration, but would make no sense under a Trump presidency. The model of the Groupe d'information sur les prisons was effective, insofar as it was, under a repressive Gaullist regime. But again, one can hardly imagine it being effective in times of so open and blatant punitiveness and vilification.

What is to be done—in the narrow sense of how to bring about our values and which specific strategies and tactics to deploy—will require specific, situated, contextual assessments. The answer requires a unique political tract for each situation. It should not come as a surprise that Lenin’s “What Is To Be Done?” is precisely such a specific and detailed tract. It is not ageless. It is not portable. It is today a historical artifact. That is what our critical praxis should aspire to: winning a struggle and then becoming a historical artifact that may not be replicable. The answer to the question “What is to be done?” must be GPS and time and date stamped.

I.

In Assembly, Michael Hardt and Toni Negri drew a distinction between strategies and tactics: strategies, in other words the broad goals of the movement, they argued, should be decided by the assembled multitude, by the people; by contrast, shorter-term and more localized tactics should be designed by the movement leaders. In this way, Hardt and Negri tried to accommodate the newfound desire for leaderlessness with the reality, or at least their idea of the reality of social movements. They propose an illuminating distinction, even if it may need to be reformulated here.
On a pure theory of illusions and values, the line would be drawn slightly differently: the critical Left should determine the overarching and long-lasting values, but the critical practices need to be contextualized, situated, and designed for the immediate moment and place.

The first imperative, then, is to avoid the tendency to universalize or generalize. Actions have to be analyzed *en situation*. Desperate times may call for desperate acts, but different times will call for different *praxis*.

Physical violence might well be called for in a colonial setting, as Fanon did. But it may not be fitting in a liberal democracy, for a number of reasons. First, physical violence tends to backfire in a democratic setting. In the civil rights context, it was the dogs and fire hoses that galvanized opinion against segregation. In the Occupy context, it was the pepper straying of peaceful protesters that outraged so many. Physical violence against peaceful protest in a liberal democracy, against people acting peacefully, mostly boomerangs. The same is true for violent protest. Second, physical violence has long-term traumatic effects. It causes stress disorders in people and later generations, tending to fuel vengeance cycles that last. Third, in a liberal democracy, physical violence rarely gives you the moral high ground.

There is a deep contextual element to *praxis*: Our critical interventions are situated in time and place. In fact, I am not sure I would be writing or publishing these thoughts in an even more authoritarian state. All of my own interventions—from the illusion of order to the illusion of free markets—were situated; and I could very well imagine a different political situation where I would have called for order or markets. That is the essence of critical thought. It is not universalizing. It is non-Kantian. There can be no universalization of our maxims.

The second imperative is to avoid collapsing things, or being too reductionist. Despite the pervasiveness of violence, and the continuity between physical and systemic violence, critical theorists must remain careful about the exercise of power and the distributional effects of their *praxis*. Just because political action is inherently violent, that does not mean we should turn a blind eye to the harm or rush to cause needless harm, or enjoy it. It means we need to be careful about what we are doing. We need to minimize and devalue the violence—not value it, and certainly not inflate it.
I ended *The Counterrevolution* hand-in-hand with William of Ockham, in the Inquisition, drawing inspiration from his own struggles against despotic power. That was not an accident. Ockham understood well the imperative to limit things to what was absolutely necessary. That was the essence of Ockham’s razor: not to engage in the unnecessary, not to compound beyond necessity. But at the same time, Ockham recognized acutely the need to resist, to struggle, through the ages. Our political condition is not only dangerous and serious; it is constant, consuming, and unending. There is no equilibrium, recall. There is no end of history. There is just a constant struggle over distributions in society. I ended with Ockham to emphasize that our task will not end, that we are part of a relentless struggle—but that we should be careful not to exceed what is strictly necessary.

The paradigm for critical praxis, then, is not to embrace a particular form or style of action—e.g. an occupation, insurgency, hunger strike, etc.—but rather to discover, in each unique context and *en situation*, the best method to counter the forces that push us toward servitude and inequality. The key concept is the *counter-*-, once again, but the goal must be to get past its reactivity, so as to produce a constant autonomous countermove as practice. And, equally importantly, to limit critical practice within the bounds of necessity.

II.

The choice of a critical praxis will inevitably have its own effects of reality. Particular critical practices will shape material reality and social relations differently. So, for instance, a boycott and divestment campaign will affect perceptions of injustice, and possibly configure social outcomes, differently than an armed insurgency.

In terms of method, then, it would be important to ask ourselves how different forms of political engagement will reconfigure our social reality and shape our beliefs. There is much to be learned here from prior campaigns and interventions. Let’s look at three examples.

A. *Foucault and the GIP*

In the early 1970s, Michel Foucault took part in a prison resistance movement and helped organize, along with others, the *Groupe d’information sur les prisons* (Prisons Information Group, the “GIP”). What is particularly interesting about Foucault’s participation in the GIP is how it drew on his critical theory. The form of his political action was guided by his theoretical work—and as a result, the reality that he sought...
to shape was informed by his philosophical insights. At the same time, the political practice associated with the GIP would fundamentally reshape his theoretical work. The influence of theory on practice, and of practice on theory, was utterly remarkable—and extremely instructive for our own political practices and theorizing.

Specifically, the form, structure, and practices of the GIP were a deliberate effort to instantiate the turn to discourse analysis that Foucault had inaugurated in the 1960s. The principal intervention of the GIP was to create a space for the voices of prisoners to be heard. This was in direct continuity with Foucault’s philosophical and methodological tenets. Some historical background will help.

Following the student and worker uprisings of May 1968, the French government cracked down on non-parliamentary political organizations. What followed was the massive arrest of several hundred Maoists militants and their detention in French prisons. The Maoist political organization, La Gauche prolétarienne, demanded at first that the prisoners receive political prisoner status. Danièle Rancière and Daniel Defert asked Foucault to conduct a popular tribunal to air these grievances—on the model of the popular tribunal that Jean-Paul Sartre had just conducted in northern France against mining magnates. Foucault threw himself into the movement with full force, but in a slightly different way, preferring a more horizontal model to that of a popular tribunal. After much discussion among a number of intellectuals, the GIP emerged on the model of a discursive intervention: it would be a vehicle to allow certain discourses to be heard, a way to allow prisoners, whose voice was still illegible, to become legible. The GIP was in direct continuity with Foucault’s theoretical work in his Archeology of Knowledge and Order of Discourse. To see this, one need only examine the following three dimensions of the GIP.

First, by contrast to alternative forms of engagement, such as a popular tribunal (originally proposed and extensively debated with other Maoists355) or a formal commission of inquiry, the GIP was organized so as to allow the incarcerated persons to be heard—rather than be spoken for. This principal theme involved a number of sub-elements, including:

(a) The (relative) anonymity of the organizers. Rather than have a named and appointed spokesperson, along the model of Sartre as prosecutor and judge of a popular tribunal, the effort was to diffuse authority and avoid designated speakers. Still today, few of the central figures are known—Danièle Rancière, Christine Martineau, Jacques Donzelot, Jean-Claude Passeron would all be participants, working on
the original survey, but their names remained somewhat anonymous.356 Domenach, Foucault, and Vidal-Naquet signed the original manifesto, but practically all of the other communiqués were unnamed, signed generically by the GIP.

(b) The leaderlessness of the organization. Insofar as the objective was to make it possible to hear those incarcerated and their families, rather than to speak on their behalf, there was a concerted effort not to identify or allow leadership positions within the GIP.

(c) The choice not to say what to do, but to allow the voices of the prisoners to be heard. As the GIP manifesto declared, “It is not for us to suggest reform. We merely wish to know the reality. And to make it known almost immediately, almost overnight, because time is short.”357 You hear this throughout the tracts of the GIP, like this one from March 15, 1971:

It is about letting speak those who have an experience of prison. It is not that they need help in “becoming conscious”: the consciousness of the oppression is absolutely clear, and well aware of who the enemy is. But the current system denies them the means of formulating things, of organizing themselves.”358

Second, by contrast to the original impetus of the Gauche prolétarienne, the GIP challenged the distinction between political and common law prisoner. Whereas at first the Maoist militants attempted to obtain political prisoner status for their colleagues,359 the GIP took the position that all prisoners were political prisoners: that the prison and the penal system were political institution. This too was in direct continuity with Foucault’s critical theory of penal law. It followed directly from his 1972 lectures, Théories et institutions pénales, where Foucault had developed a political theory of criminal justice. One can see this translated directly into the GIP, from the initial manifesto onward, where it is clear that the object of the political intervention is the prison tout court, not the detention of militants only or political prisoners.360

Finally, the GIP intervention “ended” at the moment of the creation of an autonomous—actually the first—organization of and for prisoners, the CAP (Comité d’action des prisonniers). The central mission of the GIP, namely hearings the voice of the incarcerated, was essentially achieved when the prisoners formed their own association—thereby triggering, with elegance, the dissolution of the GIP.
In this sense, the unique praxis of the GIP emerged seamlessly from the theoretical work on discourse analysis, more specifically from Foucault’s writings from the *History of Madness* to the *Archaeology of Knowledge* and the *Order of Discourse*. As Foucault himself confided to Daniel Defert, his involvement in the GIP was, in his words, “*dans le droit fil de l’Histoire de la folie*” (“in a straight line emanating from *The History of Madness*”).

Foucault’s investment in prison abolition fit within a line of inquiry that Foucault set for himself in his yearly lectures at the Collège de France. From the outset, Foucault explored at the Collège the ways in which societies used legal forms to produce truth. In his lectures, Foucault explored, reading Homer’s *Iliad*, how the ancient Greeks used agonistic competition between heroes to reestablish the social order; how early Germanic law used compensation to resolve the blood feud; how medieval jurists employed various ordeals or social status to render justice; and how we had graduated, in the West, to processes of examination and expertise to find and justify the truth in contested legal disputes—to tell justice, to engage in what he called “*jurisdiction*. “ On December 9, 1970, Foucault indicated, at the moment of his very first lesson at the Collège, that his research seminar (distinct from his main lectures) would focus on the production of truth in the context of 19th century penality. Only a few weeks later, Foucault combined those intellectual interests with the declaration, on February 8, 1971, of the GIP manifesto.

There was, then, an intimate link between Foucault’s archaeology of knowledge and mode of discourse analysis (circa 1970) and his political engagement with the GIP. The conceptual architecture of the GIP related directly to the structure of his analyses, but also, remarkably, his political praxis pushed his theoretical reflections toward both the idea of a “political economy of the body” and also the need to supplement the archaeological approach with a more genealogical analysis of power. In effect, Foucault’s theoretical work in the early 1970s informed his political engagement and, reciprocally, his political praxis reshaped his theoretical writings. This is well documented in Daniel Defert’s oral history of the period, *Une Vie politique*, published in 2014, as well as in a range of recently published research on the GIP and documentary film work.

The praxis, in effect, leveraged the theory. This is important: if you believe in discourse theory, then it matters how you say things, who says them, and what is said. You cannot just instrumentally use any
device to realize your ambition. Instead, you need to engage in practices that will instantiate and cohere with your understanding of politics.

It is revealing and important, as well, that the influence worked in the other direction as well. Foucault’s practical engagements shaped his thinking and significantly influenced the writing of his book on prisons, *Discipline and Punish* (1975)—which Foucault himself explicitly recognized in the work itself. You will recall the passage in *Discipline and Punish* where Foucault writes: ‘Que les punitvions en général et que la prison relèvent d’une technologie politique du corps, c’est peut-être moins l’histoire qui me l’a enseigné que le présent. Au cours de ces dernières années, des révoltes de prison se sont produites un peu partout dans le monde’. 

The influence of praxis on theory operated at a number of levels. First, Foucault’s practical engagements helped focus his theoretical analysis on the materiality and the bodies of the prisoners—the bodies that form both the locus of punishment, but also the source of resistance. What *Discipline and Punish* succeeds in doing is to augment the traditional Marxist political economy with what Foucault referred to expressly as “a political economy of the body.”

Second, the GIP engagement also helped focus his analysis of the relationship between juridical forms and truth—which was the very project he set for himself at the Collège—on the juridical form of imprisonment that is tied inextricably to the form of examination.

Third, it revealed to Foucault that his archeological approach was not entirely sufficient to the task he had set himself, and that a genealogical method was necessary. The first-hand experience of the prison and witnessing of the routinized, homogenous uniformity of isolated confinement, intolerable prison conditions, and the day-in-and-day-out repetitiveness and recurrence of prison life manifested to Foucault the difference from the ideals of the prison reformers of the eighteenth century, thereby revealing to him that an archaeological approach alone was not sufficient, and that a genealogical method was necessary. Archeology would have entailed the derivation of the prison from the theories of the 18th and 19th century reformers. Foucault discovered that was impossible, and instead he had to seek its development in a genealogy of morals. You can hear this first in 1973 in his lectures on *The punitive society*—where you get a clear turn to the penitential; and of course we received the full articulation in 1975.
Fourth, and perhaps most importantly, the GIP engagements turned Foucault’s attention to the productive aspects of penalities. Right after he visited Attica prison in New York State in April 1972—his first direct access to a prison, an experience which he describes as “overwhelming”—Foucault shifted the focus of his analysis. Upset and “undermined” by this visit, Foucault began an analytical transition towards the “positive functions” of the penal system: “the question that I ask myself now is the reverse,” he explained at the time. “The problem is, then, to find out what role capitalist society has its penal system play, what is the aim that is sought, and what effects are produced by all these procedures for punishment and exclusion. What is their place in the economic process, what is their importance in the maintenance and exercise of power? What is their role in the class struggle?”

Fifth, Foucault’s involvement in the GIP also produced a keen awareness of the seriousness of these struggles—something that would behoove us. Foucault’s turn to the notion of “civil war” as the basic matrix to understand social order was a direct outgrowth of this period. It loomed largest in 1972 and 1973, right during and after the peak of the prison riots in France—the revolt in the Ney prison of Toul in December 1971, the Charles-III jail of Nancy 15 January 1972, and the prisons of Nîmes, Amiens, Loos, Fleury-Mérogis among others. After the revolt at Toul, on 5 January 1972, in a joint press conference of the G.I.P. and the Comité Vérité Toul, Foucault declared that “what took place at Toul is the start of a new process: the first phase of a political struggle directed against the entire penitentiary system by the social strata that is its primary victim.” Civil war comes to fore just at this time in his lectures at the Collège de France.

Foucault’s praxis sharpened his awareness of the stakes of the battle. Foucault’s lectures at the time were peppered with indignation, almost anger, against those who misjudge the seriousness of the political struggle:

We are forever in the habit of speaking of the “stupidity” of the bourgeoisie. I wonder whether the theme of the stupid bourgeois is not a theme for intellectuals: those who imagine that merchants are narrow-minded, people with money are mulish, and those with power are blind. Safe from this belief, moreover, the bourgeoisie is remarkably intelligent. The lucidity and intelligence of this class, which has conquered and kept power under conditions we
know, produce many effects of stupidity and blindness, but where, if not precisely in the stratum of intellectuals? We may define intellectuals as those on whom the intelligence of the bourgeoisie produces an effect of blindness and stupidity.\textsuperscript{371}

And Foucault added, in the margin of his manuscript: “\textit{Those who deny this are public entertainers. They fail to recognize the seriousness of the struggle.}”\textsuperscript{372}

It may be possible to summarize all this by saying that the 1973 lectures on \textit{The Punitive Society}, the book \textit{Discipline and Punish}, and the militancy of the GIP together formed a philosophical act, what Gilles Deleuze referred to as “a theoretical revolution,”\textsuperscript{373} that was aimed to deconstruct the distinction between political and common law prisoners, actualize a civil war matrix, and build alliances in society between critical theorists, political militants, and criminal justice practitioners. As he famously said of the book he was writing, \textit{Discipline and Punish}: “The little volume I would like to write about the disciplinary systems, I would want it to be useful for an educator, a guard, a magistrate, a conscientious objector. I don’t write for a public, I write for users, not for readers.”\textsuperscript{374}

There were other important elements to the GIP engagement that involved dimensions of frank speech, of a mode of life, and of an aesthetics of existence. These are themes and concepts that flourish in Foucault’s later lectures, and yet they are clearly reflected in the way in which the members of the GIP were proceeding. They relate closely to Foucault’s discussion of the Cynics and of the Cynics’ mode of life and their critique of their surroundings, all of which are developed in great depth in his last set of lectures in 1984 on \textit{The Courage of Truth}.

Critical theory as a way of living, as a mode of life: this is, as Foucault explored in \textit{The Courage of Truth}, the characteristic life of the Cynics—of those philosophers in the tradition of Antisthenes and Diogenes of Sinope who, from the fifth century BCE to the fifth century CE, espoused a simple mode of life that challenged most of the conventions of society. There are certain key concepts associated with the Cynics, at least on Foucault’s reading: An aesthetics of existence, frank talk, and life as a work of art.\textsuperscript{375} Cynic practice is all about a particular mode of life. And on Foucault’s reading, this mode of life is inextricably linked to a certain form of truth-telling, a particular ethical form of \textit{parrhesia}. Truth-telling is, as we know, by no means limited to the Cynics, but the Cynics are in part defined by their truth-telling. “The
Cynic is constantly characterized as the man of *parrhesia*, the man of truth-telling,” Foucault tells us.\(^{376}\) If anything, it is the kind of *parrhesiastic* truth-telling that is characterized by “insolence”: this is a term that Foucault began to deploy in relation to the frank speech of the Cynics.

In helping the prisoners to be heard, and in paving the way for them to create their own prisoners’ action organization, the CAP, Foucault’s *praxis* had at its center a mode of life geared toward independence, simplicity, and autarky. This resonates distinctly with the Cynics, who Foucault would study and approximate in his final years. *Praxis* and theory came together perfectly.

B. *Political Disobedience: Occupy*

I have written extensively about the *praxis* of the Occupy Wall Street movement, and placed it under the rubric of what I call “political disobedience.”\(^{377}\) Political, rather than civil disobedience, because, in my view, the Occupiers did not accept in any way the legitimacy of the existing legal regime. By contrast to Rev. Martin Luther King or Mahatma Gandhi, the Occupiers were not breaking the law in order to be punished and to expose the injustice of the law. They were not accepting the constitutional structure or the very notion of the rule of law, but instead challenging the existing political system. Their disobedience was political in nature, not civil.

It would be useful here to return to those discussions to explore how the theoretical world vision of the Occupiers shaped their *praxis*. There too, *praxis* and theory came together perfectly. The Occupiers instantiated a form of political disobedience that prefigured participatory, egalitarian democracy, that tried to be leaderless, non-hierarchical, and not means-ends driven or merely instrumental, and that tried to avoid being coopted by the dominant hegemonic system of party politics.

Their *praxis* implemented their world view, their values, and their ambitions—their critical utopias. The leaderlessness reflected their embrace of equality and respect. The general assemblies represented an open mode of discourse and prefigured the kind of democratic processes they envisioned. The resistance to formulating policies translated into *praxis* their skepticism with easy answers and technocratic solutions. The experience, overall, had a transformative element for many of the Occupiers that was connected to their emphasis on self-care, self-government, and the creation of new subjectivities.
Critique & Praxis

Others might return to this experiment to explore how the praxis and theoretical outlook of the Occupiers overlapped and cohered—I personally have written too much about it already. What is clear is that the interaction was mobilizing for many people.

C. #BlackLivesMatter and BYP100

The #BlackLivesMatter hashtag was born of a Facebook post by Alicia Garza that went viral in July 2013, right after George Zimmerman’s acquittal at his trial in Florida for the homicide of Trayvon Martin. Garza’s partner, Patrisse Cullors, took a snippet from that post, added the hashtag, and thereby created one of the most important political memes of the twenty-first century: #BlackLivesMatter. Another acquaintance, Opal Tometi in Brooklyn, developed a social media platform to deploy the term and connect the emerging networks of activists.

It was at about that time that the United States exploded with incident after incident of video-taped police shootings or killings of unarmed black men and women. Eric Garner died of asphyxiation from a chokehold under the weight of several NYPD officers on the streets of Staten Island, New York, on July 17, 2014. A month later, August 9, 2014, an unarmed eighteen-year-old young man, Michael Brown, was shot dead in Ferguson, Missouri, by police officer Darren Wilson. Two months later, on October 20, 2014, on the Southwest Side of Chicago, police officer Jason Van Dyke unloaded sixteen rounds of his 9mm semiautomatic service weapon into seventeen-year-old Laquan McDonald. The wave of police killings continued on and off camera, around the country, with the police shooting deaths of twenty-eight-year-old Akai Gurley in a Brooklyn stairwell on November 20, 2014; of twelve-year-old Tamir Rice in a Cleveland park on November 22, 2014; of fifty-year-old Walter Scott, shot in the back five times on April 4, 2015 in North Charleston, South Carolina; of thirty-two-year-old Philando Castile, pulled over in a suburb of Saint Paul, Minnesota, and shot seven times on July 6, 2016 while peacefully trying to explain his situation; of thirty-year-old Charleena Lyles, shot in front of her four children in Seattle, Washington, after calling the police on an attempted burglary on June 18, 2017; and of the deaths in police custody of thirty-seven-year-old Tanisha Anderson in Cleveland, slammed on the pavement while being arrested, and of twenty-eight-year-old Sandra Bland found hanging in her jail cell in Waller County, Texas, on July 13, 2015—all African American men and women.
It was during the protests in Ferguson and throughout the country in response to these events that the #BlackLivesMatter movement was born. The movement consisted of a range of activism, extending from individual acts of resistance to local collectives to national organizations all self-identifying as part of a broader movement for Black lives, anti-racism, and racial justice. The key element was self-identification. There was no authoritative policing, no institutional judge of who could legitimately claim to be part of the movement, and perhaps as a result, the edges and boundaries of the movement were fluid.

There was, on the one hand, the hashtag #BlackLivesMatter itself that still is a unique phenomenon and does an enormous amount of work on its own. It might be worth stopping here for a moment—on the hashtag itself—to explore how this phenomenon represents a new form of uprising and how it challenges the very notion of a movement. The hashtag is a radical new form of politics, in large part because anyone can deploy it. The hashtag resists appropriation. It can spread on its own, and has a certain malleability, so that it can be redeployed in different and new contexts of anti-racist protest. As a result, it can be seen pervasively and has resilience. It does not allow for the identification of leaders. And it resists the organizational form, since the hashtag, almost in its identity, resists appropriation. In this, the hashtag is brilliantly responsive to the problems that have plagued social movements to date.

There were, on the other hand, a number of local organizations (in Chicago, for instance, Assata’s Daughters, We Charge Genocide, Black Lives Matter–Chicago, and Peoples Response Team) and national organizations like the Black Lives Matter Global Network (that traces back to Garza, Cullors, and Tometi) or BYP100, as well as over 30 chapters of #BlackLivesMatter across the country, that coalesced into a larger national Movement for Black Lives with specific policy platforms.

These groups varied somewhat in their organization and leadership. But one thing that still seems to united them all is a commitment to avoiding the model of the single heroic male leader that is so common to prior movements and revolutions—from Robespierre and Danton, to George Washington and Thomas Jefferson, to Marx and Lenin, to Mao, Gandhi, and Che Guevara, to Martin Luther King Jr. and Malcolm X. There is hardly a modern revolution or revolutionary project that is not associated with a great man. (Not surprisingly, all of the major counterrevolutions today as well are headed by charismatic male figures).
The thread that ties together all of the different facets of the movement for Black lives is the direct challenge to that history. And in this, as Barbara Ransby underscores, we can see the strong influence that black feminist and LGBTQ theorists and practitioners have had on many of the leaders of the Movement for Black Lives. As the website of the Black Lives Matter Global Network recounts, in its herstory:

Black liberation movements in this country have created room, space, and leadership mostly for Black heterosexual, cisgender men—leaving women, queer and transgender people, and others either out of the movement or in the background to move the work forward with little or no recognition. As a network, we have always recognized the need to center the leadership of women and queer and trans people. To maximize our movement muscle, and to be intentional about not replicating harmful practices that excluded so many in past movements for liberation, we made a commitment to placing those at the margins closer to the center.

As noted earlier, these movements are also developing, on these bases, now forms of “group-centered leadership practices,” in Ransby’s words. These authorize decision making by those on the ground who have better understandings of the community’s problems and how to carry out solutions.

The movement for Black lives is now “a movement of movements.” The term captures perfectly the diversity of groups, projects, alliances, and organizations that make up the larger movement for Black lives and that is represented by the hashtag #BlackLivesMatter. The expression has been used, recently, in other contexts, including for instance with regard to the movements challenging neoliberal globalization, or with regard to the New Left more generally. And the term has been deployed more recently in various debates, pro and con—suggesting that it may indeed have negative potential if it is associated with a desire to control or rein in other movements, or to privilege one organization or set of actors of another. But if we think of the singular in “a movement of movements” not as an identifiable organization or set of actors or even single actor, but rather as the larger whole that is greater than the parts of all the different organizations for Black lives—from BYP100 to the Black Lives Matter Global Network, to the chapters of #BlackLivesMatter, to all the different groups that
militate side-by-side, like Assata’s Daughters, We Charge Genocide, or the Peoples Response Team—then the term seems to capture perfectly what is going on today.

If we speak of the larger phenomenon that is associated with the hashtag and made up of all the organizations and groups, then we have what could be called a “movement of movements,” one that does indeed seem to resist appropriation or cooptation. That is perhaps, ultimately, the theoretical genius of the hashtag and the larger movement: it cannot be coopted because it cannot be pinned down or associated with any one particular group or person. It makes the movement ultimately larger than any of its constituent parts, broader than any of the specific organizations, and longer-lasting than the present constellation.

One of its strengths, theoretically, is that it rejects a politics of respectability. But it has many others. The fact that it contains organizations that are so well organized, using these new and innovative table structures (i.e. tables for communications, policy, law, healing justice, electoral justice, etc.) to reach policy proposals, as Shanelle Matthews demonstrated. The fact that there is a deep engagement with the state and with policy, but no ambition to be the state. The resonance with the Foucaultian idea of critique as the desire not to be governed thusly. The way in which the organizations repoliticize the public sphere, as Deva Woodly emphasizes—and the potential for democratic experimentation that these movements express.

As Deva Woodly suggests, the movement for Black lives revives and repoliticizes the public sphere by countering a growing “politics of despair.” The different manifestations of #BlackLivesMatter protest, then, should not be understood as “pre-political.” They themselves are inherently political and they may be what allows a democracy to correct itself—since, as Woodly correctly noted, the institutions alone certainly do not seem capable of correcting themselves.

A rich debate has emerged between the strands of Black joy and dandyism in the movement—in effect, over the desire not be reduced to victimhood and death—versus the elements of Afro-pessimism and the dark truth that the movement itself was born from fatal encounters of young black women and men with the police. Kendall Thomas ultimately argues for recognition of the foundational element of mourning and Black death in the movement to fight against injustice itself and as a motivating force. “I am pessimistic. I am pessimistic,” Thomas declares in a powerful intervention. “We fought for and won this new legal order… and yet have prisons which are filled with black and
brown citizens in complete compliance with the law…. I think there is something to the claim by the Afro-pessimist Frank Wilderson. The notion of black citizenship in the US is an oxymoron…. At the same time, the #BlackLivesMatter movement has given us joy and it gives me hope. But the challenge is to hold on to both ends of the chain at once: the pessimism, which provokes the passion to rage against injustice, and at the same time that joy that gives us a vision of the future that allows us to imagine that another world is possible.”

To imagine how this other world is possible, it may be useful to investigate, specifically, how black youth movements crystalized in response to the shooting death of Laquan McDonald in Chicago and to the fact that the state’s attorney, Anita Alvarez, waited almost 400 days to indict police officer Jason Van Dyke in the fatal shooting of Laquan McDonald.

A Case Study: #BLM Activism in Chicago

“Two down, one to go!” The chant started quietly, and then caught on, resonating across the victory ballroom at the Downtown Holiday Inn in Chicago. The Democratic state’s attorney candidate, Kim Foxx, had just unseated Anita Alvarez in the March 2016 primaries. Alvarez, the sitting county prosecutor, had infamously waited almost 400 days to indict police officer Jason Van Dyke in the fatal shooting of Laquan McDonald. At the time of the indictment four months earlier in November 2015, Alvarez and Chicago mayor Rahm Emanuel were hounded by another chant—“16 shots and a cover-up!”—but now, the movement had a new slogan, “Two down, one to Go!” along with its new hashtag “#Bye Anita,” two catchy memes that it was chanting and posting all over social media.

The first down, of course, was former Chicago police superintendent Garry McCarthy, who was quickly sacrificed by mayor Emanuel as soon as the cover-up began to get exposed and the political heat turned on—fired on December 1, 2015. Anita Alvarez was the second, with Foxx taking 58 percent of the primary vote, against Alvarez’s 29 percent, and now headed to a likely election in the generals in the fall of 2016.

This group of young activists, mobilized by the Laquan McDonald cover-up, rallied against the sitting state’s attorney, Alvarez. With T-shirts bearing “Adios Anita” and a flurry of social media carrying the hashtag #ByeAnita, these young activists are probably responsible for taking down the prosecutor. Alvarez had been leading her
challengers in the polls well into February 2016, but the concerted efforts of these activists, on the streets and on the Internet, seem to have shifted the tide.

According to newspaper reports, the young activists who buoyed Foxx’s campaign were predominantly young African-American organizers in movements such as the Black Youth Project 100, Assata’s Daughters, and We Charge Genocide. These are a new set of popular, bottom-up, militant organizations, often interlinked, with an interesting new political character and a strong digital presence on social media. The presentation of the People’s Response Team on their Facebook page is characteristic:

The People’s Response Team is a team of concerned community members committed to supporting efforts to end police violence in Chicago. We do not collaborate with law enforcement. We aim to respond to, document, and investigate fatal police shootings in Chicago and connect family members and loved ones with emotional, social, and legal support. Many of us are members of We Charge Genocide, Chicago Alliance Against Racist and Political Repression (CAARPR), Black Lives Matter – Chicago, and other grassroots organizations challenging police violence.

What is interesting is that these movements did not explicitly endorse the other candidate, Foxx. They mobilized against Alvarez, and succeeded in getting her out of office; but they did not actively campaign for Foxx. As Kampf-Lassin reports, “While none of these groups explicitly endorsed Foxx, they did work diligently to make sure Chicagoans did not vote for Alvarez. Brenna Champion, an organizer with BYP100, said that the group canvassed, knocked on doors throughout the city with their anti-Alvarez message and reached out to 2,500 voters who planned to vote for Foxx, focusing on African-American voters, largely on college campuses.”

In fact, not only did they not endorse Foxx, some of the groups made it clear that they too had their eye on her. @AssataDuaghters stated this explicitly in their “collective victory” statement they posted on-line:

Chicago Black youth kicked Anita Alvarez out of office. Just a month ago, Anita Alvarez was
winning in the polls. Communities who refuse to be killed and jailed and abused without any chance at justice refused to allow that to happen. We did this for Rekia. We did this for Laquan. We won’t stop until we’re free and Kim Foxx should know that well.393

“Kim Foxx should know that well”: An ominous statement to the candidate who unseated Alvarez—reflecting the particular strategy of these young activists.

And of course, both in Chicago and at the national level, they have confronted and challenged—and intensified—relations to older, more established civil rights figures, such as Jesse Jackson, Sr., and the Democratic establishment, both Hillary and Bill Clinton. Some of this is not unusual and can be chalked to generational shifts and more radical politics. The organization BYP100, for instance—an outgrowth of Cathy Cohen’s Black Youth Project at the University of Chicago—advocates in the long term for the “outright abolition of the police department and the prison system,” as well as “reparations, universal childcare, a higher minimum wage, the decriminalization of marijuana,” and more.394 But there is also a different political sensibility at play, especially in relation to the political establishment.

There is a rapport, though, to Occupy. So, for instance, BYP100 flips the famous Occupy slogan about the bottom 99% and the top 1%: in their self-presentation, they associate themselves more closely with the bottom 1%, which can only be understood in relation to Occupy. As they write on their webpage: “We envision a more economically just society that values the lives and well-being of ALL Black people, including women, queer, and transgender folks, the incarcerated and formerly incarcerated as well as those who languish in the bottom 1% of the economic hierarchy.”395

BYP100 specifically positions itself against a politics of respectability, claiming to speak on behalf of “ALL black people” including the most marginalized LGBTQ folks.396 Their agenda, they writes, is “not meant to advance politics of respectability—we want ALL Black people to be able to live in their dignity.”397 With a strong national coordinator, Charlene A. Carruthers, they do not present as leaderless or starry-eyed. They set out their positions and their demands clearly, backed up with research and community sentiment, in a 24-page “Agenda To Keep Us Safe,” that includes lengthy “References and Additional Resources.”398
Here too, then, we can identify numerous ways in which the *praxis* and critical theory come together and leverage each other. This is undoubtedly the greatest strength of the movement for Black lives.

III.

In terms of method, then, theory and *praxis* need to work together—as Foucault did in harmonizing discourse theory and the GIP, as Occupy did in prefiguring new forms of democracy, as the Movement for Black Lives has done in rejecting a politics of respectability. That is, after all, the point of infinitely testing and revaluing our beliefs and material conditions: to ensure that we are not deluding ourselves again, to test our *praxis* against our *theoria*, with the blows of a hammer.

In the end, our *praxis* should be guided by the following core principles:

1. There are no universals. Action has to be judged in context, *en situation*. Nothing is off the table: in a colonial setting, in a brutal authoritarian setting, violent armed resistance seems entirely appropriate. In a liberal democracy, physical violence may be counterproductive, and other forms of *praxis* may be necessary instead.

2. As between different tactics—e.g. occupation, hunger strike, mobilization, litigation, etc.—there are, again, no universals. Different forms will function in different contexts. Occupy Wall Street may have functioned in the setting of the Obama administration, but would not under the Trump presidency. There is a need for *situated* interventions.

3. That being said, what is called for is constant insubordination: the struggle is unending, and has to be considered as a permanent pushback against the forces of tyranny and inequity. The paradigm should be “constant countering,” where the counter-move ends up achieving autonomy so that it is no longer merely reacting to the opponent. It must become an autonomous political form: A constant countering that overcomes its own reactivity to become a force of its own.

In all this, we need to resist foundational thinking and adamantly overcome the hegemonic ideas we oppose.

The deceit of hegemonic ideas is that we begin to believe them and internalize them. That’s true of the neoliberal ideas of market...
efficiency. It is equally true of counterinsurgency governmentality. We begin to think that the masses are passive, and can be swayed one way or the other. Or that there is only a small minority that is prepared to actively resist—and a small guardian class that is maintaining an oppressive system. Part of what makes these ideas so powerful is that we begin to absorb them, to internalize them in our own thinking about how to resist, we begin to believe them or stop asking questions.

But the truth is, they are just illusions: The myth of natural orderliness in economics that has come down to us from the divine order of the first economists. The delusion of an economic sphere that is somehow self-regulated. The illusion of an insurrection, of a small active minority ready to sway the passive masses. The “passive masses”: Nothing could be further from the truth. That counterrevolutionary vision of society—of a tripartite division of society, with the passive masses in the middle—is pure fiction. It is far too simplistic and misleading. The masses have never been passive. And they are not passive today. They know what they want, and they know what they are doing. Today, the vast majority of Americans are content: with their digital pleasures and their on-line shopping, they are enjoying life. And that’s what many want, to simply enjoy life. For many of us, as long as we have a modicum of pleasure, we are content. It is what allows us to go on with our lives even when someone like Donald Trump is elected president and makes a mockery of our democracy. It’s only when there is a direct affront to our way of life, when for instance our retirements were threatened by the Great Recession of 2008, that people—at least a number of people—take to the streets. The election of Trump did not cause a constitutional crisis or a political revolt because most people did not believe he would fundamentally destabilize their way of life. That is not passivity, it is deliberate. It is intentional.

The masses are not passive. When they are quiet, they tolerate. They might tolerate because they are scared, or because they think the alternative would be worse, or because they have been taught to tolerate. But it is not because they are inherently passive. Whether in an authoritarian or democratic regime, the political system always depends on the authorization and legitimacy of the people. What Gandhi made clear through his inspiring acts of non-violent resistance (satyagraha) is that a regime, even an oppressive regime that wields all the military force, cannot survive if it does not have the backing or support of the citizens. That was the lesson of Gandhi’s resistance.
PART IV: WHAT IS TO BE DONE?


In the wake of decades of neoliberal government policies since the 1970s and the fallout of a global war on terror since 9/11, the United States has entered a new historical epoch: the American Counterrevolution. It is characterized by a new style of governing abroad and at home modeled on a counterinsurgency paradigm of warfare. It is accompanied at the domestic and international level by growing inequalities and a global grab for the commons.

Our current crises were precipitated by a number of illusions, three in particular: first, the belief in the efficiency and superiority of “free markets”; second, and increasingly, the creation out of whole cloth of a phantom internal enemy composed of Muslim-Americans, Mexicans-Americans, African-American protesters, undocumented persons, and other minorities; and third, the faith in the neutrality of the rule of law that has allowed our leaders to legalize intolerable practices in the global war on terror.

The current political situation calls for short, medium, and long-term praxis tailored specifically to the critical times. First and immediately, President Trump must be stopped in his tracks, through a combination of litigating his executive orders, supporting swing-district candidates in the 2018 midterms, exposing Trumps’ political corruption, and delaying his Supreme Court nominations. Second, a Left groundswell movement for the 2020 presidential elections needs to be nurtured and supported, with the most deference to the younger generations and the disenfranchised. Third, we need to seize the upper hand in cultural, social, and political interpretations. For the long-term, the critical Left must better instill and reinforce its core values of equity, compassion, and respect among all generations, especially the youngest. This part will articulate the critical praxis we need in the United States on September 1, 2018.
Chapter 13: Crisis – New York, September 1, 2018

The United States has entered a new historical epoch. Since 9/11 and the War in Iraq, and especially now under President Donald J. Trump, the country has embraced a new way of governing abroad and at home modeled on counterinsurgency warfare. At its heart is the deliberate construction of internal enemies on domestic soil—a central tactic of counterinsurgency warfare—as a way to centralize and unleash unbounded executive power. We are now living through a new period that can only be properly described as the American Counterrevolution. Few grasp the magnitude of this historical shift.

The seeds were planted at the birth of the Republic, when Black slaves and Indigenous peoples became the country’s first internal enemies. The gestational period extended over decades, or rather centuries—from the Trail of Tears to the demise of Reconstruction, through Jim Crow and the era of lynching, through the Asian Exclusion Act and quotas on Arabs, Italians, and Jews, to the Japanese internment camps and the Vietnam War.

But it was at that time specifically—in the 1960’s—that this new mode of governing took shape: Counterinsurgency warfare emerged as a new way of pacifying populations abroad and citizens at home. Counterinsurgency strategies were honed during the brutal Western colonial wars in Indochina, Malaya, Algeria, and Vietnam, and rapidly brought home to the United States to surveil and repress minorities. With the F.B.I.’s COINTELPRO, its targeting of civil rights leaders, and the brutal repression of the Black Panther movement, counterinsurgency methods were domesticated.

Since 9/11 and the War in Iraq, this warfare paradigm of government has been perfected, expanded, and turned into an art form. In a three-step movement of world historical proportion, America’s political leadership has brought home and now governs through the logic of counterinsurgency warfare.

It started abroad, in the wars in Iraq and Afghanistan, when the United States military retooled those counterinsurgency tactics from the colonial wars and embraced those very strategies—waterboarding and stress positions, indefinite detention, targeted assassinations—this time on Muslims in the war zone and at “black sites” and secret prisons around the world.
The United States government then extended those counterinsurgency strategies more widely throughout its foreign policy in international affairs, using targeted drone strikes outside of war zones, rendition of suspects for torture to complicitous countries around the world, and total information awareness on all foreigners.

American leaders then brought those techniques home to roost. Covert operatives began infiltrating mosques and college student groups, and surveilling Muslim businesses—without individualized suspicion. The NSA turned its total surveillance apparatus on ordinary Americans, bulk-collecting all their telephony metadata, social media, and digital traces. Local police forces became hyper-militarized, with excess counterinsurgency equipment and techniques—military-grade assault weapons, armored vehicles, tanks, night scopes, grenade launchers, and more.

The surprise Electoral College victory of Donald Trump, and the right-wing populist wave that ensued, has crystalized this new mode of governing and propelled it to its ultimate and final stage: a perfected model of domestic government through a counterinsurgency warfare paradigm despite the absence of an active insurgency at home. A counterrevolutionary method of governing without a revolution. A counterinsurgency without an insurgency, through the creation out of whole cloth of internal enemies—by transforming religious and ethnic minorities into dangerous threats.

And the United States Supreme Court just placed its constitutional seal on this new and radical way of governing. The Supreme Court’s decision to uphold the Muslim Ban constitutionally whitewashed President Trump’s explicit and open discriminatory animus. It placed the highest court’s constitutional imprimatur on the historical transformation in how Americans govern themselves abroad and at home: America’s political leaders now can, and our President now does, rule through the willful demonization of minorities, through the deliberate construction of internal enemies and, more broadly, through a counterinsurgency warfare paradigm of government. By failing to censure the President’s hate-filled rhetoric, or to pierce his administration’s pretext and smokescreen, the Supreme Court pushed the country further down this extremely dangerous path. Justice Anthony Kennedy’s retirement and imminent replacement will only make matters worse. A solid decades-long conservative majority at the Supreme Court will entrench the immunity that the court just bestowed on our political leaders.
Behind this new and radical way of governing, a populist wave of social reforms are waiting in the wings: restrictions on women’s reproductive choice, limits on health care regulation, expanded religious exemptions, the elimination of affirmative action in education, exclusionary policies against sexual minorities, and virulent law and order policies that will further target and destroy minority communities.

We are now living the American Counterrevolution. The evidence is all around us. First, practices of terror integral to counterinsurgency strategy—torture, indefinite detention, summary drone strikes—have become normalized. So much so that President Trump could appoint to head the C.I.A. a woman who herself personally oversaw a black-site prison in Thailand during the heyday of the Bush torture program. We Americans now prize rather than revile the brutal excesses of the “war on terror.” We reward, rather than penalize, those who carried them out.

Second, indefinite detention, which President Barack Obama had pledged to end, has now become entrenched. President Trump has left vacant the position at the Department of Defense that approves any transfers out of the Guantánamo Bay camp. As a result, even those men who were approved for transfer before his inauguration are still indefinitely imprisoned.

Third, targeted drone assassinations have become so routine that Americans no longer pay attention to them—despite significant increases under the Trump administration. There has been a dramatic decrease in public information about drone strikes, and less and less news reporting about civilian drone casualties. Soon we will no longer even recognize or acknowledge the summary executions and the innocent casualties.

Fourth, total information awareness—the cornerstone of counterinsurgency theory—is now achieved on all of the American population. The groundwork was laid in the immediate aftermath of 9/11 with the bulk collection of all telephony metadata of American citizens through programs such as Section 215 of the USA PATRIOT Act and the myriad NSA tools exposed by Edward Snowden. Those programs remain virtually unchanged since then.

Fifth, counterinsurgency tactics and logics now pervade policing and law enforcement across the United States. With the NYPD surveillance of mosques and Muslim businesses, the DOJ targeting of Muslims for suspicionless interrogations, the FBI crack-down on
Pakistani neighborhoods in New York City, and hyper-militarized police forces, we now live the Counterrevolution on Main Street USA.

Sixth, President Donald Trump has successfully and deliberately constructed phantom internal enemies on domestic soil—another core tactic of counterinsurgency warfare. With his campaign pledge for “a total and complete shutdown of Muslims entering the United States,” his unambiguous Islamophobic propaganda, and his crystal-clear innuendos about “political correctness,” Trump methodically turned Muslim-Americans and Muslims into internal enemies who need to be contained and eliminated.

The Muslim Ban was the centerpiece of that strategy. “Islam hates us,” Trump declared, “we can’t allow people coming into this country who have this hatred of the United States . . . [a]nd of people that are not Muslim.” With his call for a database or even worse, for the registration of Muslims and for the renewed infiltration of mosques, Trump demonized Muslim-Americans and turned them into a dangerous insurgency. Other groups as well. The F.B.I.’s designation of “Black Identity Extremists” converted ordinary African-American and #BlackLivesMatter protesters into dangerous internal threats. Trump’s derogatory remarks about Mexicans and Hispanics, and his persistent effort to build a wall on our Southern border, turned Latinos into criminal social enemies.

The evidence is indeed overwhelming: Since 9/11, but especially under the presidency of Donald Trump, governing through counterinsurgency has become entirely normalized. Our political leadership has embraced a counterinsurgency model of governing at home that operates through total information awareness, creating and targeting phantom internal enemies, and pacifying the general population—the three core strategies of unconventional warfare. We have brought home the mentalities and logics, the techniques and tactics, and all the equipment from the War in Iraq and Afghanistan. And by failing to censure these discriminatory tactics or even to acknowledge his religious animus in words and language, or to cut through the pretextual charade that Trump himself mocked (“We all know what that means!” in Trump’s words)—the Supreme Court constitutionally immunized this new way of governing.

With that new and radical form of governing, a populist wave of social conservatism is blanketing the country—fueled by Donald Trump’s unilateral interventions and knack for social media. Immediately upon inauguration, Trump seized unbounded executive
power through a series of unconscionable executive orders discriminating not only against Muslims, but against all immigrants, Latinos, LGBTQ communities, and other minorities. Trump immediately began overseeing the dismantling of social structures and institutions—from the national parks, national service programs, and refugee resettlement to net neutrality and health care—in order to facilitate an even more aggressive grab on the public commons, forcing all Americans to financially contribute to his real estate empire from Mar-a-Lago to the Trump National Golf Club in Bedminster, New Jersey, where Donald Trump spent an average of one third of his time as president in his first three months. Trump immediately began to govern the United States through a reality-TV *Apprentice*-like “you’re fired” management style, Tweeting impulsive and dramatic policy changes without even consulting his own cabinet. During the first months, Trump led a putsch of political norms—a *coup d’état*, not of the rule of law, which itself has always been infinitely malleable, but rather a *coup* of norms. From small things to large. The fact that President Trump did not disclose his federal taxes, or that he so willingly flouted the norms surrounding conflicts of interest—ditching Camp David for Mar-a-Lago—or that he effectively enthroned a royal family and a storm of palace intrigues, these all reflect a style of regal hierarchy and differentiation that resonate with his wealth accumulation and inequality. Trump and the richest Americans have become, somehow, above the rest—a class to themselves, as evidenced by Trump touting an unprecedented right to extend the presidential pardon to himself. From the moment he entered the White House, Trump has converted, in a strange alchemy, wealth inequality into power, inching the country more and more toward an authoritarian and unbounded executive reign.

There is, in effect, a revolution happening around us—one that is making significant inroads. Donald Trump has captured the GOP and Republican voters, who overwhelmingly support him now, with approval ratings at 90%. Trump has just turned the Supreme Court conservative for decades to come. And if the Republicans maintain a majority in the House and Senate through the 2018 midterms, the entire government would be Donald Trump’s.

Alongside these developments, and fueling them, have been decades of economic neoliberalism that have had long-term economic effects of wealth concentration and elite consolidation. As Thomas Piketty, Emmanuel Saez, Anthony Atkinson, and their colleagues demonstrate, the United States has experienced a steady concentration of
wealth by the wealthiest beginning in the 1970s and continuing to the present—as evidenced in Figure 1.

![Graph showing income inequality in the United States, 1910-2010.](image)

Source: Figure I.1 from Piketty, *Capital in the Twenty-First Century*: “Income Inequality in the United States, 1910-2010.”

The result is disparities and inequalities that are unimaginable. Today, the three richest Americans hold more wealth than the combined wealth of 50% of Americans: three men, Bill Gates, Jeff Bezos, and Warren Buffet, have more wealth than half the population of the United States.\(^{400}\) The 100 richest Americans hold about as much wealth as all of the country’s 42 million African American residents; the 186 richest hold as much wealth as all of the country’s 55 million Latinos.\(^{401}\) America’s 400 wealthiest individuals hold more wealth than about two-thirds (or 64%) of Americans.\(^{402}\)

Whereas most Americans, for instance, believe that the compensation ratio for a CEO compared to a low-skilled factory worker should approximate about 6.7:1, and while most Americans estimate that it is probably more like 30:1, the actual ratio of CEO compensation to unskilled workers today hovers around 354:1.\(^{403}\) Back in 1965, it stood at 20:1.\(^{404}\) Since then, the disparity has increased almost 18-fold.
Meanwhile, in the United States, we have implemented a carceral state that parallels the slavery of the past. We incarcerate at rates that would be considered inhuman most anywhere else, and that distribute life consequences along racial and ethnic lines. The life changes of a young Black man between the ages of adolescence and young adulthood of being incarcerated are one in three. Prisons and jails are filled with young men and women of color.

We know that the carceral state was the product of deliberate political choices. What Piketty and his colleagues have convincingly shown is that the economic transformations as well were not the product of inherent laws of capital, autonomous forces of economics, or natural historical developments—but are instead the product of deliberate human choice: the product of our actions and politics. In this sense, Karl Marx was wrong to think that there were inherent processes of capital accumulation; twentieth-century economists, such as Simon Kuznets, were wrong to suggest that primitive or mature capitalism have specific tendencies toward accumulation or not. The differing trends are the product, instead, of political and legal choices. The sharp increases in inheritance taxes in the United States in the early twentieth century, and the later elimination of such inheritance taxes in the late twentieth century, are political choices with significant economic impact.

Choices we made and continue to make. So, for instance, the famous Beveridge Plan in 1942 promised social welfare benefits to soldiers in exchange for their willingness to put their lives at risk: this pact founded the welfare state in England during the war at mid-century,
and it had significant redistributive effects. Similarly, the elimination of inheritance taxes in the United States under President George W. Bush at the turn of the twenty-first century had significant distributive effects. All of these political choices shape the equality curves—and all of them are the product of our individual actions and inactions. Not of economic laws or political determinism. They are the outcome of political actions and choices of ordinary women and men. And they have frightening consequences, insofar as these wealth accumulations may explain in part the rise of extreme right-wing populist movements and the alt-right in the United States and Europe in the early twenty-first century.

We live today, in the United States and more broadly in the West—but also seemingly more and more in countries like China, Russia, Eastern Europe, and certain areas of the global South—in a political space dominated by the political ideals of neoliberalism. Dominated by a purported faith in the mechanisms of the market, as if they were autonomous or semi-autonomous from the governmental regulation that creates and maintains markets. This new neoliberal hegemony coincides with the increased wealth inequality. And not without reason. The threat of communism has dissipated, the Cold War was won, and liberal democratic regimes no longer experience the pressure that communalism placed on them. They no longer feel the need to equalize in the face of a more egalitarian society—or at least a regime that presented itself as ensuring greater equality. The threat of communism is what pushed liberal regimes like the United States toward higher taxation of inheritance and income at mid-century, and to embrace civil rights for minorities. But with that pressure gone now, there is nothing to break the growing income inequalities and wealth accumulation.

Beyond our own borders, we are witnessing a global grab for the global commons—or whatever is left of it—with the dismantling of the Soviet Union and the precipitous privatization of industry, utilities, and finance in the former Eastern Bloc, the capitalization of the Chinese economy, the deregulation of the British and Western European economies, the devastating impact of the IMF’s fiscal policies across Africa and Latin America. Mainstream economists document the plummeting percentage of property held in public trust in China, Japan, and across Europe, not only in the United States—with several of these countries having effectively placed their commons in hock. In other words, the amount of commons has shrunk. Piketty, Saez and their colleagues document the plummeting percentage of property held in
public trust in China, Japan, Europe, and the United States—as evidenced by Figure 3:

![Figure 3](image)

**Figure 3:** The gradual transfer of public wealth into private wealth, showing negative net public wealth in the US, Japan, and the UK, and only slightly positive in Germany and France.


At the global level, the inequalities are even more obscene. As Sam Moyn tells us, “a mere eight men controlled more wealth than half the inhabitants of the planet—several billion people.” We have witnessed, in effect, the decomposition of a post-war period of social reconstruction—after World War II and the wars of colonial independence—with markedly increasing inequality throughout the globe: a hegemonic form of economic neoliberalism no longer contained by the threat or even existence of communism; an oppressive globalized and financialized political economy run from the corporate headquarters of finance, oil, data, and commercial multinational giants and G-7 through -20 government leaders; a run on the global commons, extending even to our shared planet, the earth. Since the last third of the twentieth century, in effect, we have witnessed a structural transformation of the human condition—one that is about to accelerate with the explosive growth of artificial intelligence and the expected diminution, by half, of global employment.
In the wake of the recent elections of strong-men leaders around the globe—not just Donald Trump and Vladimir Putin, but also Recep Tayyip Erdoğan in Turkey, Rodrigo Duterte in the Philippines, Narendra Modi in India, Victor Orbán in Hungary—the skidmarks are increasingly global.

It is not clear how much longer these mounting inequalities can grow before triggering a political meltdown or uprising against the current political condition in this country. The dawn of the twenty-first century has already witnessed a number of uprisings in the United States, from the Tea Party challenge to a perceived consolidation of Democratic Party power in Washington, to the Occupy Wall Street movement on behalf of the 99%, to the #BlackLivesMatter and broader movement against the lived—and the fatal—inequalities of African Americans and persons of color, to the rise of an alt-right that believes that it itself is the victim of the increasing inequality in American society. “The political revolution is just beginning,” Bernie Sanders states in his Guide to Political Revolution published in 2017 after the election of Donald Trump. “The economy, health care, education, the environment, social justice, immigration: What role will YOU play?” Sanders asks. With graphics showing the real average income of the top 0.01%, 1%, and bottom 90%, the CEO pay disparities, starvation wages, and mass incarceration; with chapters on health care, higher education, climate change, and policing—Sanders calls for radical grassroots mobilization. “This is your country. Help us take it back,” Sanders writes. “Join the Political Revolution.”

Sanders’s use of the term “revolution,” the Occupy movement’s appropriation of the notion of an “occupation,” the alt-right’s adoption of fascist and white supremacist imagery—these are fighting words and images. They represent a call to arms. They reflect the high stakes and the seriousness with which people today view their political condition. And they signal, possibly, the coming of stormier political circumstances. They make clear that we face today important political choices: Whether to combat, ignore, or defend and accentuate wealth inequalities in society? –Whether to seize the political moment or retreat to personal pursuits and cede it to others? –Whether to give in to the seemingly invincible structures of political power that now privilege PACs and the accumulated wealth of political contributions? –What to do in the face of such unbalanced and skewed politics? These are critical political choices we must make.
Chapter 14: Critique – New York, September 1, 2018

In a set of recent writings, I have attempted to expose both the ideological forces and the strategic factors that have shaped our perilous political condition in the United States today. I am embarrassed by the self-reference, but a lot of the groundwork has already been done.

In *The Illusion of Free Markets* (2011), I traced the rise to dominance of neoliberal ideas—from divine notions of orderliness tied to natural law in the work of the first economists in the eighteenth century, through the more secular ideas of self-interest, expertise, and informational advantage reflected in more conventional nineteenth-century *laissez-faire* ideologies, to cybernetic notions of spontaneous order elaborated by Friedrich Hayek in the mid-twentieth century, and ultimately to the more scientific and technical economic theories of the Chicago School concerning the efficiency of competitive markets.

I demonstrated that the myth of the free market was born hand-in-hand with a punitive state—that the illusion of natural order was from its inception joined at the hip, and remains today tied to the need for the strict policing and punishment of those who are viewed as “disorderly.” I exposed the fundamental paradox of neoliberal politics—what I and others refer to as “neoliberal penality”: in the country that has done the most to promote the idea of a hands-off government, we run the single largest prison complex in the entire world.

I revealed how these illusory beliefs in free markets have had devastating effects on our contemporary politics, by hiding wealth distributions, by making them seem natural, and thereby by reducing our willingness to critically examine our political condition. By obscuring the rules and making the outcomes seem natural and deserved, neoliberal politics make it easier for certain market players to reorganize economic exchange in such a way as to maximize their take, which ultimately augments social inequality. Increased social inequality, in turn, has its own dynamics that tend to demand heightened punitive repression to maintain that social order. It facilitates the police state and mass incarceration by making it easier to resist government intervention in the economic sphere but to embrace aggressive forms of policing and punishing that result in even greater inequality and mass incarceration.

In *Exposed: Desire and Disobedience in the Digital Age* (2015), I analyzed how the digital age has transformed the circulation of power in society. In particular, I showed how our own desires render us
transparent to social media, corporations, and the intelligence services of the government—and the new ways in which the government and commerce know us and shape us. The important point here is that we live in a new digital era that has profound affects on how politics function and on how power circulates in society. I call it an “expository society,” since it is our own expositions and exhibitions that are disarming us. But the central implication is that relations of power are changing dramatically as a result of technological innovation and centralizing knowledge in the hands of a digital elite. It has created a space of total information awareness.

In The Counterrevolution: How Our Government Went to War Against Its Own Citizens (2018), I then exposed our contemporary, dominant paradigm of governing: the counterinsurgency method, which we have embraced in the United States and now turned against our own citizens. I showed how we govern today, at home as well as abroad, by a mode of political engagement infused with counterinsurgency theory. It is a strategy of governance that creates, out of whole cloth, a fictitious internal enemy—Muslims, Mexicans, police protesters, “radical Black extremists,” and other minorities—and then puts in place tactics of total information awareness, elimination, and pacification, in an effort to win the hearts and minds of the ordinary and passive American masses, and control our political condition. When, as today, there really is no domestic insurgency or insurrection, the counterinsurgency mode of governing becomes the American Counterrevolution: a counterrevolution without a revolution, a counterinsurgency without an insurgency. This Counterrevolution has, today, successfully concentrated political power in the hands of a small minority of guardians—of counterrevolutionary elites—composed of cabinet members and national security advisors, congressional leaders, high-tech chairmen, and captains of industry. These elites control the flow of digital data, the direction of drones and special operations, the repression of internal protest, and make possible an unprecedented concentration of wealth.

Those prior writings serve to clear the ground of different illusions that operate to render tolerable today’s inequalities and attacks on minorities and immigrants. Other ground clearing—on the liberal rule of law and problems of violence—has been directly addressed in earlier chapters. They set the stage for the most pressing issue: Where shall we turn? What kind of politics do we need?

Any contemporary answer—even the beginning of an answer—must take into account the inexorable fact that, today, both the far right
and the Republican party have embraced a conservative vision that rests on ideals of natural hierarchy and, in large part, white supremacy—a vision that not only eschews equality, but even abandons basic notions of sufficiency: one that does not even aspire to universal health care, subsistence benefits for the unemployed, or other basic welfare safeguards. As a result, it is patently clear that right and conservative ideologies will not advance the cause of equity. They will not only not promote equality, they would not even provide for basic needs for everyone.

By the same token, most centrists and center Democrats have embraced a style of neoliberalism that also essentially has given up on robust equality. That was true of President Obama, who explicitly and openly endorsed Chicago School notions of free market. As a result, it is only on the critical Left more generally that issues of equality can come to the fore.

In other words, one must look to the critical Left, and the critical Left alone, to find answers for a more equitable and just society. To be sure, at a theoretical or philosophical level, there may be fruitful coalitions with centrists who espouse for instance a capabilities approach, like Amartya Sen; or those who argue for a “maxi-min” principle, by which fairness is determined by whether it will maximize those who have the least; or philosophical egalitarians; or even those, like Parfit, who are prioritarian on sufficiency, but believe that the priority of a sufficient life for all will lead to greater equality. It is even conceivable that some of these philosophical approaches may be as productive as more leftist philosophical stances. It is possible that if one digs deep, Marx was not exclusively concerned with equality; and Stalin, at least according to Sam Moyn, thought that equality was a hobgoblin— not worth worrying about, something that would come about eventually. And there may even be times when there can be coalitions on particular issues—such as criminal justice reform and the Right on Crime movement, which includes people like the Koch brothers—that reach across the political spectrum at times on certain discrete issues.

But our concern here is not to with philosophical arguments or temporary coalitions. The goal is not simply to make the argument for a more equal society. Nor is it to rehash the merits of the sufficiency versus equality debates, or bridge differences. The type of inequality that we face today, in the United States and around the globe, is simply intolerable and there is no point arguing about the merits of redistribution. Redistribution would only improve the lives of the have-
nots—we are past those debates. Moreover, the marginal utility of wealth, past a certain number of millions of dollars, diminishes, and even those who argue for self-interest as the only way to “increase the pie” for everyone must concede that above a certain level of accumulation, there is little benefit to be gained from continued accumulation for the system as a whole. These are all theoretical or academic questions—and we are past those. On the question of political engagement, then, the only place to look today is on the critical Left.
Chapter 15: Praxis – New York, September 1, 2018

Critical theory cannot content itself with diagnosing crises, unveiling illusions, and revealing our present political situation. Critical theory cannot retreat into critique as its sole form of praxis. It must also chart out critical practices specific to time and place. Today, in the United States, there is one immediate priority, two medium-term objectives, and one long-term project.

I.

The immediate priority is to stop Donald Trump in his tracks, now. This entails a combined effort of (1) using the courts to block Trump’s policies as much as possible, whether it is his executive order on the Muslim ban or the decision to include a citizenship question on the U.S. Census 2020; (2) campaigning to elect a leftist Congress in the mid-terms 2018; (3) investigating and exposing Trump’s corruption; and (4) challenging his Supreme Court nominations.

In terms of litigation, the ACLU, NAACP Legal Defense Fund, Center for Constitutional Rights, EJI, and other public-interest law centers, are in the best position to quarterback these efforts and to coordinate the attorneys who are prepared to conduct the litigation. The most important task here is, for non-lawyers, to financially support these organizations, and for attorneys, to work with them on our litigation efforts.

Our litigation efforts need to be coordinated. The history of effective litigation campaigns—from desegregation to near abolition of the death penalty to same-sex marriage—makes clear the central role of coordination. Plaintiffs have to be picked carefully, jurisdictions have to be selected, timing has to be coordinated. Nothing should be left to chance. There needs to be direct communication, and it needs to be centralized and coordinated by the leading public-interest law centers.

In every legal challenge I have brought since January 2017—against the Muslim Ban with Tom Durkin in Amer Al Homssi’s case in January-February 2017, against discriminatory delays in Musab Zeiton’s case in August 2017, against the lethal injection of Doyle Hamm throughout 2017 and 2018—I have consulted closely with these organizations and I cannot underscore more the importance and value of doing so.
In terms of the 2018 midterms, Nate Silver’s Five-Thirty Eight, the Cook Political Report, and other statisticians have identified the swing districts. These are the ones that will require financial support and bodies. All of our resources should be poured into these swing districts. The New York Times has an exhaustive and geocoded list of the 27 toss-up congressional districts, the 9 most competitive that are leaning Democrat, and the 26 most competitive leaning Republican, easily accessible right here: https://www.nytimes.com/interactive/2018/us/elections/house-race-ratings.html. There are additional stories and updates at that link with further information. The Cook Political Report has a detailed list of all the competitive congressional election races here: https://www.cookpolitical.com/ratings/house-race-ratings. Naturally, these are the districts that will require the greatest influx of bodies and resources.

The Democratic Party’s new Maoist approach to the 2018 midterms—its new “hundred flowers” campaign—is the right way to proceed. There is far too wide an ideological spectrum right now within the Democratic Party for anyone to impose a party line. What is needed is a voting block in Congress that can stop Trump—a wide coalition. The best way forward is precisely to let local candidates represent fully their constituencies. As Mao famously said in 1956, “The policy of letting a hundred flowers bloom and a hundred schools of thought contend is designed to promote the flourishing of the arts and the progress of science.” The same can be said now about the flourishing of an opposition coalition.

In terms of exposing Trump’s corruption, that is the task for special counsel and prosecutors. Not everyone is well qualified for this, so those who have the positions of authority, skills, and ambition will need to take the lead.

Finally, in terms of the Supreme Court, the Democratic Senators need to challenge as vigorously as possible Trump’s nominations until they have the Senate majority. That should be done on principle in light of the hold placed on President Obama’s nomination under even more tenuous circumstances; it should also be done in response to the withholding of documents pertaining to nominees and the slapdash confirmation processes.

The next priority is to make room, support, nourish, and empower a leftist groundswell movement in order to win the 2020 presidential elections. Instead of dictating who the establishment
believes is the winnable Left candidate, we need to embrace the same type of “hundred flowers” approach for 2020. It is far too early to close ranks and it would be counterproductive. So the task here, now, is to create spaces for people to speak and be heard, and to support and encourage those who seem most promising.

It is crucial in this context to encourage greater political engagement from the disengaged and first-time voters; to build coalitions on the ground with them and with those providing support and services to those who are disengaged and disenfranchised; and most importantly to follow their lead. To find ways to allow their discourse to be heard so that they can orient our agenda—in the same way in which the GIP served to allow the voices of prisoners to be heard. We need to create space for the next generations to speak and give us direction. We need to help create the space for a groundswell to emerge. We need to nourish it and support it.

The strategy should be to use the 2020 presidential campaign, which is about to start after the midterms, as a way to galvanize a Left groundswell movement so that the candidate who emerges can serve as a mobilizing force. I think we should avoid using labels from the past that carry unnecessary luggage—whether it is Democratic or Socialist—and instead focus on the values of equity, compassion, and respect that we embrace.

Third, we need to reinterpret better and more. I argued earlier that the Nietzschian hermeneutic should guide us in our political battles and in these struggles that are brewing, this political storm. Thanks precisely to our interpretive training, critical thinkers have always known the vital importance of interpretation and how to lend meaning to things. We should be able to seize the upper hand now, because we’ve been doing this and knowing this for so long. We should never give up in the face of brilliant interpreters and meaning makers like Donald Trump or Steve Bannon, but instead, do what we do best: offer a better interpretation, change the meaning, propose a reading.

We knew that first. Donald Trump has become a master at it. Notice how Trump and his meaning-makers were able so rapidly to take the idea of “fake news” that the Democrats had seized on. Especially after Pizzagate, Trump took that meaning and turned it around, so that it is, today, the New York Times and all the liberal media that are associated with the concept of “fake news.” Trump is a brilliant interpreter. That is how he got elected. “Jail Hilary. “Clinton for Prison.” Those were brilliant—and yes despicable, but brilliant interpretations.
He is a meaning-maker like few others. But remember, interpretation is our skill, our techne, what we grew up on. And it is now, more than ever, the time to refine it and redeploy it. We’ve begun to do that.

“Nasty woman.” “You can grab them by the pussy,” Trump said. Well, the opposition made a lot of pink pussyhats and marched. That was precisely reclaiming the meaning, giving another interpretation. And I believe it had the potential to start a pink revolution. A revolution that included “The power of the handmade.” The “power of individuality within large groups.” The “power of pink.”

We need to challenge Trump’s interpretations and impose ours. We can do so in millions of ways – ways that will allow us to regain the executive pen, that pen that can do so much damage. We need to return, with Nietzsche, to the promise of tomorrow’s Daybreak:

There are no scientific methods which alone lead to knowledge! We have to tackle things experimentally, now angry with them and now kind, and be successively just, passionate and cold with them. One person addresses things as a policeman, a second as a father confessor, a third as an inquisitive wanderer. Something can be wrung from them now with sympathy, now with force; reverence for their secrets will take one person forwards, indiscretion and roguishness in revealing their secrets will do the same for another. We investigators are, like all conquerors, discoverers, seafarers, adventurers, of an audacious morality and must reconcile ourselves to being considered on the whole evil.

II.

Regarding the long-term project: we must inculcate the values of equity, compassion, and respect in ourselves and our neighbors and the next generations. For me, that means teaching just societies, promoting just societies, and recruiting a corps of students and activists dedicated to justice, critique, and praxis. It means creating the social networks among critical theorists that reinforce leftist values and build alliances.

The future lies in the long view of history—not a determinist vision of history, rather the long, laborious view of history. In this, I draw as well, paradoxically, on conservative thinkers and bend their
theories toward a critical future. I have in mind, in particular, the moralist tradition of Edward Banfield and James Q. Wilson, and the historical tradition of the Annales School.

Edward Banfield and his disciple, James Q. Wilson, were offensive thinkers, to be honest. Political scientists, urbanists in particular, you will recall their central thesis—that moral backwardness is characterized by present-orientedness, whereas, by contrast, moral superiority is marked by future-orientedness. You may recall that Banfield infamously published a book about Southern Italian society under the title “The Moral Basis of a Backward Society.” He had spent the summer in Southern Italy with his wife, who spoke a little Italian—he did not—and interviewed some of the residents of the small town of Chiaromonte, in the region of Basilicata, in 1955. Since Banfield didn’t speak Italian, his wife served as translator. And what he argued, in the book he published three years later in 1958, was that the short-sightedness of the Southern Italian people, who purportedly acted only on the short-term immediate interests of their families, was the source of their “moral backwardness” and plight. In later work, and in that of his disciple, James Q. Wilson, they argued that the problem with inner-city residents in the United States, and minorities more generally, was similarly their present-orientedness—by contrast to the future-orientedness of the upper class. Together, Banfield and Wilson helped carve out, for the future, the temporal dimension of conservative thought that historically had always looked back.

The Annales School of historiography could also serve here. Their concept of “la longue durée,” the long view of history—coined by Marc Bloch and Lucien Febvre, the two historians who founded the journal in 1929 Annales d’histoire économique et sociale—focused on the deeper structures that influence, but do not determine, history. These historians, in their own words, preferred to “neglect[] surface disturbances” and instead “to observe the long and medium-term evolution of economy, society and civilization.” In effect, to unearth the deeper long-term forces that shape, but do not dictate, our future.

Rather than reject these schools of thought as reactionary, I have come to see in them something important for critical praxis. Much of the attention among critical practitioners is focused on the here and now. The assemblies are prefigurative models of democracy that we instantiate here and now. Tariq Ali’s call for a second revolution at Tahrir Square, similarly, was temporally immediate. The Invisible Committee’s latest intervention, their 2017 book Maintenant (Now),
captures well this temporal dimension. And similarly, if you look at most of the interventions by the liberal left over the past decades, for instance in the former East since the fall of the Berlin Wall, they have revolved around implementing new constitutions and civil institutions, or reinforcing institutions, that were intended to serve as a bulwark against authoritarianism. A focus on the present, again.

What was lacking there was attention to the future: to the deeper structures and forces that shape us, our desires, our ambitions. As a result, those new institutions, and constitutions, easily became the tools and weapons of ambitious new authoritarians, as we are seeing in Hungary and Poland today. The immediate institutions do not themselves forestall the illiberal or totalitarian tendencies, they become instead the new battleground for civil war. The effort of the Polish government to retire older oppositional judges—placing a 65-year age limit on judges, though granting discretionary exceptions—is precisely the kind of manipulation that presentist solutions enable.

So instead, I place my faith in future-orientedness. Not on moral grounds, but on political grounds. To till the fields, laboriously, for rewards that we might reap in the future. To create institutions of a different vein, like the Federalist Society on the right for instance—not rights bulwarks, but slow social network labor that reinforces certain values and builds reputations. There is no reason to believe that explicitly calling for revolution advances the cause of social change. The slow time-consuming labor of shaping ideas and desires may be far more important. It is precisely how conservative organizations were built over decades and have now come to dominate. Popular dissatisfaction and the desire “not to be governed in this way” are what bring about social uprisings, perhaps; but those are shaped by decades-long struggles.

The most pressing need, then, is long-term investment in networks, ideas, institutions, and organizations that promote human values of compassion and equity. I do not believe there is the groundwork or foundation for an egalitarian revolution in this country yet. Far more work needs to be done. Trying to start a revolution now could be counter-productive. Separatist cellular insurrections may be equally pointless. But conventional party politics are just not enough. What we need is long-term concerted groundwork to promote critical thought that pierces through illusions and, at the same time, nurtures the values of equity, compassion, and respect. This is hard, ungrateful work, not satisfying in the short-term, thankless. It involves a time horizon that is hard to bear.
In the midst of the last major crises—after the events of May ’68, the repressions, and the rethinking of power that took place—Foucault reminded us of the stakes of the political struggle.\textsuperscript{415} He emphasized how serious the political struggle was. I cannot stress enough how right he was—even if we need to replace his notion of civil war, which is too binary and time-bound, with the concept of endless battles. The political situation today is critical. Not only that, but the neoliberal consumerist horizon is so terrifyingly seductive. Consumption is so frighteningly powerful, and the digital age, so awfully distracting. In the face of that, now more than ever, critical theorists need to reorient critical praxis for the twenty-first century. We now need to do the long hard work of reinforcing existing institutions, alliances, and networks, and creating new ones that will instill the values of equity and compassion, especially among the generations to come.

III.

We are today, in the United States, far down a dangerous path. Few realize the magnitude of the historical shift, even though so many of us have heard the alarm bells. But unless and until we begin to recognize the truly epochal transformation that crystalized counterinsurgency warfare strategies into a new mode of governing post 9/11 and, especially under President Trump and this new Supreme Court, into a new constitutional counterrevolutionary form of government—unless we realize we are now living the American Counterrevolution—it will be impossible to properly resist it.

The priority now—as the priority would have been in 1932 Germany—is to defeat Trump. He has a political charisma and stamina that few others have. This will require first and immediate attention to the 2018 midterms; alongside that, we need to support and nourish a leftist groundswell movement that promotes the values of equity, compassion, and respect. Most importantly, we need to create space for the young, those who are disengaged, and first-time voters, to be heard and to lead.

For myself, I will place my greatest energies in building critical community with a long view of history—the long labor of promoting the values of the critical tradition. I will build critical spaces that are oriented to \textit{praxis} and not just contemplation. I will foster social networks among critical theorists that reinforce leftist values and build lasting alliances.

In the end, politics is a constant endless battle. We must never forget our political condition, but instead struggle as intelligently as
possible. That is the only way to win this coming battle in order to continue fighting what is, in effect, an endless struggle.

Bernard E. Harcourt
New York City
September 1, 2018
CONCLUSION

In the end, there isn’t one generalizable answer to the question “What is to be done?” There are, instead, situated answers that bear unique GPS codes and date and time stamps. The desire for a single answer is misleading, and reconstructed critical theory must avoid it.

Critical theory instead must offer unique answers en situation. This is a radical departure from the tradition of critical theory, a tradition that was historically so much more foundational. Class struggle, it turns out, does not operate everywhere. The state is not always the enemy. A vanguard party is not necessarily appropriate. Leaderful—or for that matter, leaderless—is not always the right answer. Nor is non-violence. What is called for today are specific answers to the question “What is to be done?” in every location around the world. And each answer must bear its seal of time and space.

We live in what many consider to be a post-revolutionary age—post-revolutionary, in the sense that the time of grand revolutions and national liberations is behind us. But this idea that we are past revolution is myopic. The notion that the modern concept of revolution is behind us, or that the revolutionary ideal is too exigent, is deeply misleading. The fact is, revolutions are occurring all around us. The collapse of the Soviet Union and the capitalization of Russia are revolutionary. The current neoliberal turn in China is revolutionary. The Brexit break and rise of an alt-right movement in Germany, France, Italy, Hungary, Poland, and elsewhere in Europe is revolutionary. The consolidation of executive power in Turkey is revolutionary. The rise of a right-wing, neoliberal, and Christian-conservative populist movement in the United States is revolutionary. The problem is that we never see the revolutions coming, we hardly feel them when they are taking shape, we tend to identify them only in the rearview mirror. But revolutions are everywhere around us.

A revolution—or rather counterrevolution—is happening right now, under our eyes, in America. It is tearing down an embattled and wounded social welfare state and replacing it by a greedy state that functions predominantly by redistributing government largesse to a defense and national security constituency; eviscerating public education and replacing it with charter and private schools; Christianizing our way of life—constraining women’s reproductive choices, reestablishing patriarchy, reinforcing extreme and capital punishments; silencing and
punishing dissenting voices, multiculturalism, and racial, ethnic, sexual, and political difference.

Entangled in the snare of the present, blinded by the seeming necessity of our existing institutions and political arrangements, few can even imagine the extraordinary political transformations that lie ahead. But they undoubtedly will be great—some even unimaginable today, just as democratic elections must have appeared unimaginable in feudal times or in the ancient régime. It is today practically impossible to imagine, in North America, something different than a liberal democracy, but surely that time will come.

Fearing the unknown, many of us cling to the modicum of political stability we have, trying not to challenge or rock things too much—even when the status quo is so appalling and intolerable. Many hardly believe in the possibility of a radically different future. This is not new. Few foresaw the French Revolution. Practically no political scientist predicted the fall of the Berlin Wall or the collapse of the Soviet Union. No one forecast the Arab Spring. Most of us were surprised by the Brexit vote, and stunned by the election of President Donald J. Trump.

These upheavals—upheavals so unexpected, they were not even predicted by the experts—are precisely the product of the endless and relentless political struggles that mark our political condition. And they have dramatic effects on the prospect, for each and every one of us, of realizing our ideals and values. They severely affect the human condition, liberty, equality, solidarity, our well being, our welfare, even our lives.

And everything we do—every choice we make, every action we do—affects these struggles and upheavals. This is the unbearable and daunting truth. Unbearable, indeed. Agonizing and excruciating. The burden is almost too much to bear—which is why so much of the history of political thought has been consumed with futile efforts to derive principles or schemes or structures that would lighten the load. That would allow us to go on with our lives. How futile, though. How counter-productive! As if institutional arrangements or legal regimes could solve our problems, when it all instead comes back to who we are and what we do—each and every one of us. No, the challenge is daunting. Almost overwhelming. But we have no choice.

A reconstructed critical theory must confront our political condition and challenge the intolerable in these critical times. Faced with
the utter singularity of the battles, it must respond coherently and *en situation*. Through contextualized critical *praxis*, it must lay the groundwork for equity, compassion, and respect.

Theory and tactics: A pure theory of illusions entails a pure theory of values that demands a pure theory of tactics. This is critical theory and *praxis* for the twenty-first century.
BIBLIOGRAPHY


6, 2016, for “Birkbeck in Athens Lectures in Critical and Cultural Theory” (draft on file with author).


Critique & Praxis


Critique & Praxis


Lenin, Vladimir Ilyich. 1902. What Is To Be Done?


Sade, Marquis de. 2012. 120 Days of Sodom [1785]. Sun Vision Press.


Shelby, Tommie and Brandon M. Terry, eds. 2018. To Shape a New World: Essays on the Political Philosophy of Martin Luther King, Jr., Cambridge, MA: Harvard University Press.


NOTES

1 See Luxembourg 1904 and Lenin 1902.

2 Seyla Benhabib traces the intertwined lives and thoughts of many of these exiled critical theorists and other intellectuals, including Theodor Adorno, Hannah Arendt, Walter Benjamin, Isaiah Berlin, Albert Hirschman, Gershom Scholem, and Judith Shklar, in Exile, Statelessness, and Migration (2018b).

3 Richard Bernstein analyzed the concept of praxis in a monograph in 1971 that was, for me, formative when I first read it in about 1984. His book, Praxis and Action: Contemporary Philosophies of Human Activity (University of Pennsylvania Press, 1971), should serve as a backdrop to mine. In addition, Bernstein referenced another book by Nicholas Lobkowicz, Theory and Practice: History of a Concept from Aristotle to Marx (University of Notre Dame Press, 1967), that is formative in tracing the history of the concept of praxis. I am indebted to both these books, and would like to think of this book as in continuation with the historical arc presented there.

4 See Lobkowicz 1967 for an exhaustive treatment of this history.

5 See, generally, Bernstein 1971, Part 1, pp. 11-83.

6 Honneth 2017, 5.

7 I should emphasize here and throughout that, in posing the question “What is to be done?” I am not claiming Lenin, nor siding with Lenin as against Rosa Luxembourg, nor suggesting that the answer lies in Lenin. I am merely borrowing a turn of phrase that I believe is the most important question today.

8 See, e.g., Benhabib 2018b.

9 This discussion is drawn from my essay “Counter-Critical Theory and Practice” 2018b.

10 Benjamin 1994, 368; see also Wizisla 2009, 68.

11 Krise und Kritik Memorandum, in Wizisla 2009, 188.
This was a comment that Benjamin made in conversation with Ernst Bloch in 1931, as reported by Max Rychner, quoted in Wizisla 2009, 76.

On Theodor Adorno’s, Max Horkheimer’s, and Friedrich Pollock’s views of Brecht, see Wizisla 2009, 62-63; Jay 1973, 201-203. See generally Jennings 1987, 3; Steiner 2010, 18-20 and 145.

See the stenographic memorandum of conversations between Benjamin, Brecht, and Ihering, from 1930, reproduced in Wizisla 2009, 203-206. See also Horkheimer 2002.

*Krise und Kritik* minutes, from November 1930, quoted in Wizisla 2009, 190 (emphasis added).

Wizisla 2009, 42.

Ibid., 66.

Quoted in Wizisla 2009, 76 (emphasis in original).

Quoted in Wizisla 2009, 75.

Wizisla 2009, 80.

Quoted in Wizisla 2009, 71.

Ibid., 91.

Ibid., 71; Jennings 1987, 3.

Koselleck 1988, 5.


Deleuze 1962, 97 and 2.

Ibid., 1.

Ibid., 97.


Compare Deleuze and Foucault dismissing class interests and discussing the role of desire and libidinal investments in fascism, in Foucault 1994, “Les intellectuels et le pouvoir.”


Peeters and Schuilenburg 2017.

34 Butler 2015, 33-38; Mbembe 2003; Weheliye 2014; Crenshaw 1991; Fassin 2017; Allen 2016.


36 See, for instance, Harcourt 2011b.


38 Koselleck 1988, 108.


40 Geuss 1981, 26. See also Jay 1973, 63-64.

41 Foucault 2004, Naissance de la biopolitique, 22.


43 Defert 1994, 42.


45 For an analysis of Foucault’s conception of power in Discipline and Punish, see “Notice,” 1462-1496, in Foucault 2015, Surveiller et punir, at 1471-1474.

46 Lukes 2011, “In Defense of ‘False Consciousness.’” Some draw a far sharper distinction between the ideas of “false consciousness” and “ideology,” and there are certainly broader definitions of ideology that would warrant the differentiation; however, when it comes to the critique of ideology, the distinctions are not sufficiently significant to foreclose Lukes’s analysis. For a collection on the Foucault-Habermas debate with excellent contributions from Axel Honneth, Nancy Fraser, Thomas McCarthy and others, see Kelly 1994; see also McCarthy 1990, “Critique of Impure Reason”; Hoy 1986, “Power, Repression, Progress,” which explicitly brings Lukes to bear on Foucault and the Frankfurt School.


Harcourt 2011, “Radical Thought.”


Ibid., 21-22.

Ibid., 22. See also Foucault 2015, “Qu’est-ce que la critique?”

Ibid., 86.

The quintessential “animal functions” consist of “eating, drinking, procreating,” and Marx contrasts these with the “human functions,” which consist of laboring freely and productively. Labor is “life-activity, productive life itself … the life of the species … life-engendering life”; or, as Marx writes, “free conscious activity is man’s species character.” Marx 1978, Economic and Philosophical Manuscripts of 1844, 75-76. The alienation of labor is problematic on these grounds, because it turns life as labor into a mere means for existence: “What is animal becomes human and what is human becomes animal.” Ibid., 74.


Ibid., 86.

Ibid., 86-87.

Foucault 1979, Discipline and Punish, 220-221 (emphasis added).

Ibid., 221.

Ibid.

Ibid., 25.

Foucault 2006, Psychiatric Power, 55; see also 71-72.


Ibid.

Ibid.

Ibid.


Balibar 2013, Equaliberty, 284.

Foucault 2012, Mal faire, dire vrai, 10.

Ibid.

72 Ibid., p. 51.

73 Ibid., p. 49.

74 Ibid., p. 233.

75 Ibid., p. 227.


82 Foucault 2010, The Birth of Biopolitics, 137.


84 Balibar 2013, 205.

85 Ibid., p. 284.

86 Ibid., p. 159.

87 Ibid.


91 Balibar, Equaliberty, 316, n.7.

92 In this regard, I would question Étienne Balibar’s suggestion that Foucault’s relation to Marx could be properly described as an “Anti-Marx,” insofar as Balibar titles his essay « L’anti-Marx de Michel Foucault. » Especially in relation to the Foucault of the early 1970s, as I have argued, we are facing much more of a contre-Marx, than an anti-
Marx. The 1972 and 1973 lectures are determinative in this regards. Insofar as Foucault supplements, but does not displace, the accumulation of capital by the accumulation of docile bodies, what we face is a contre-move, at least in this most Marxisant period of Foucault. See Ewald and Harcourt, «Situation du cours,» in Foucault 2015, Théories et institutions pénales, 262 («Le contre-marxisme de Foucault n’est pas un anti-marxisme»).

96 See also ibid., p. 204.
97 “counter-, prefix,” 2016, OED Online.
98 Davidson 2011, “In praise of counter-conduct,” 27.
99 Ibid.
100 Ibid., quoting Foucault 1976, Volonté de savoir, p. 126.
101 Ibid.
102 Ibid., p. 28.
104 Ibid, p. 33.
105 Kanō and Lindsay 1887, “Jujutsu and the origins of Judo.”
106 Ibid.
107 See a detailed elaboration of this argument, see Harcourt 2018, The Counterrevolution.
112 Nietzsche, Genealogy of Morals, II §12, p. 77.
113 Ibid., p. 6.
Critique & Praxis


117 Harcourt 2011, The Illusion of Free Markets

118 Discuss Benhabib 1986.


121 Ibid.

122 The seminar series Uprising 13/13 at Columbia University in 2017-2018 analyzed thirteen different modalities of revolt; the texts and recordings of the Uprising 13/13 series are available here: http://blogs.law.columbia.edu/uprising1313/1-13/.

123 Koselleck 2004, 57.

124 Ibid., 52; see also Arendt 1963, On Revolution.


126 Fori 2017.


129 Mao 1967, On the Correct Handling of Contradictions Among the People, 405.


131 Claire Fontaine 2017.

132 The Invisible Committee 2009, online version, page 10 of 139.

133 Ibid., 16.

134 Ibid., 9.

135 Ibid., 18.

137 Defert belonged to the Gauche prolétarienne and Ewald was a Maoist militant in Lens during the crises there and at Bruay-en-Artois. The subsequent political evolution of these intellectuals is telling and relates to the variegated trajectories of critical theory and praxis over the late twentieth century. Defert would go on to found and run the first organization in France dedicated to fighting the HIV virus, named Aides. See Defert 2014. In addition to serving as general editor of Foucault’s writings, Ewald would become a professor of insurance at the Conservatoire National des Arts et Métiers, and would found and direct the École nationale d’assurances in Paris.

138 Simon de Beauvoir, All Said and Done, quoted in Wolin 2010, The Wind from the East, 140-141.

139 Discuss Stoler 1995.


141 Mao 1967, On the Correct Handling, 384; see also Mao 1967, Talk on the Questions of Philosophy, 27.

142 I develop this in detail in my articles on our contemporary culture wars and how polyvalent the alliances can be. As those cases demonstrate, there is no fixed us versus them, but shifting alliances that are often puzzling and counter-intuitive. See Harcourt, Foreword to the Supreme Court Review: “You Are Entering a Gay and Lesbian-Free Zone”: On the Radical Dissents of Justice Scalia and Other (Post-) Queers [Raising Questions about Lawrence, Sex Wars, and the Criminal Law], 94 Journal of Criminal Law and Criminology 503-549 (2004); and Harcourt, On Gun Registration, the NRA, Adolf Hitler, and Nazi Gun Laws: Exploding the Gun Culture Wars [A Call to Historians], 73 Fordham Law Review 653 - 680, (Symposium on the Second Amendment and the Future of Gun Regulation) (2004).


145 Ibid., Chap. 30, 239-40.
146 Ibid., Chap. 30, 239.
147 Ibid., 231.
148 Ibid., 235.
149 Ibid., 235.
150 Ibid., 235-36.
156 Dilts 2012.
157 See Locke 1988, Second Treatise, §17, 279 (“that Freedom, which is the Fence to it [Preservation].”
159 Marx 1978, On the Jewish Question.
160 Ibid., 43.
161 Ibid.
162 Ibid., 42.
163 Ibid.
164 Ibid., 43.
165 Ibid., 42.
166 Ibid., 46 (quoting Rousseau, Du contrat social, Bk ii, Chap VII).
167 See Becker et al. 2011 and 2013.
169 Manza and Uggen 2006, Locked Out.
170 Tuck 2016, “The Left Case for Brexit.”
172 Ibid., 30-31.
173 Ibid., 91.
175 Nietzsche 2006, *Thus Spoke Zarathustra*, 78.
176 Butler 2015; Hardt and Negri 2017; Dean 2011; Mitchell et al 2013, *Occupy: Three Inquiries in Disobedience*; Laugier and Ogien 2011; Gros 2017; Celikates 2014 and 2016; see also forthcoming books by Candice Delmas (2018) and William Scheuerman (2018). Alexander Livingston is also working fruitfully in this area and has a forthcoming manuscript on civil disobedience.
177 Cohen; Ransby 2017; Taylor 2016; Woodly 2017
178 Balibar 2016, *3; see Koselleck 2004, 47 for the confessional or inquisitorial dimensions to the shift; see also Stoler 2016, *Duress*.
180 The Invisible Committee 2009, online version, 6.
181 Ibid., 8.
182 Ibid., 97.
183 Ibid., 27.
184 Ibid., 101.
185 Ibid.
186 Ibid., 118.
187 Ibid., 131-136.
188 Ibid., 14.
189 For an analysis of the use of social media in contemporary protest, see Tufekci 2017.
190 Darryl Holliday, “The New Black Power: They’re young. They’re radical. They’re organized. And they’re a thorn in Rahm’s side.” *Chicago Magazine* February 22, 2016 available at
http://www.chicagomag.com/Chicago-Magazine/March-2016/black-leaders/

193 Ibid., 9.
194 Ibid., 16.
195 Ibid., 18.
196 Ibid., 182.


199 Anderson 2011, *5.*
200 Ali 2017, 151, 164.
201 Lenin 1917, *2.*
202 Ali 2017, 10.

203 Soha Bayoumi, “Revolution, Hope and Actors’ Categories.. Or What’s an Engaged Scholar To Do?,” October 22, 2017 (on file with author).

204 The Invisible Committee 2009, 134.
205 See Mitchell et al 2013; Laugier and Ogien 2011; Terry 2018; Gros 2017; Celikates 2014 and 2016; Delmas 2018; Scheuerman (2018); Taylor 2016; Livingston forthcoming.

206 Foucault 2015, 37-38.
207 Woodyly 2017.
209 Ibid., 63.
210 Ibid., xx; 39; 69; 70.
211 Ibid., xviii.
212 Ibid., 290.
213 Ibid., 289.
214 Ibid., 134.
215 Ibid., 69.
217 Scott 1990, 200.
218 Ibid., 192, 198.
219 Ibid., 198.
220 Ibid., 201.
221 On hunger strikes, see Bargu 2016, Starve and Immolate.
222 Asad 2015, 212.
223 Ibid., 206.
224 Ibid., 212.
225 Butler 2017.
229 Ibid., 6.
230 Ibid.
231 Cited in Cumming 1965, 484.
233 Ibid., 69-70 (“In our world united by scarcity, in our civilizations which have produced their humanity beneath the fear of death, we all are implicated in a long, violent struggle: the minute we turn into the world arena (by means of our career or the realization of our situation) we do violence to others. Sartre believed that this cycle of violence, fueled by scarcity, would lead history beyond violence, by
means of violence. For only revolutionary, violent praxis can fracture the grip of scarcity (with the exception of a technological breakthrough) by inducing rebels to forge their humanity beyond death, beyond scarcity, in complete respect of each other’s situation.”)


236 Ibid., II, § 6, p. 65.
237 Ibid., II, § 3, p. 61.
239 Ibid.
241 Ibid., ¶194, p. 117.
246 Ibid., 167-168 quoting Blanchot.
247 Ibid., 168, quoting Blanchot.
249 Ibid.
250 Ibid., 118.
251 Ibid.
252 This is the reading Foucault proposes in his second lecture in *Wrong-Doing, Truth-Telling: The Functions of Avowal in Justice* (2014).
Ancient Studies Thesis (with distinction), Barnard College, Columbia University, May 2015.

254 Homza 2006, xii. There is both asset forfeiture and confiscation in the Spanish Inquisition: the heretic suspect’s property was seized and sequestered at the time of arrest, used to pay any debts or taxes owed the royal treasure, used to pay the costs of detention of the prisoner; and then, of course, when the accused was convicted of grave heresy, “the sequestrator turned the movable and immovable goods over to the Inquisition, and they were sold at public auction.” Ibid., xxvii and xxviii. Throughout the archives, we read about confiscation, for instance in the inquisition trial of Isabel, wife of Bachiller Lope de la Higuera, in Castile in 1484, or in that of Marina González in Toledo in 1494. See ibid., 16 and 49. Gaspar Isidro de Argüello’s Instructions of the Holy Office of the Inquisition (1484-1561), published in 1627, remarks that the goods of the dead prosecuted after their death as heretics shall also “be confiscated and applied to the Treasury and Exchequer of the King and Queen, our Lords.” Ibid., 68 and 69. Argüello reproduced extensive instructions pertaining to “the receiver of confiscated goods, and to the scribe [of sequestration].” Ibid., 76-79.

255 Foucault 2015, Théories et institutions pénales, 138-139.


257 Ibid.

258 Ibid., 291.

259 Ibid., 282-83.

260 Ibid., 291.

261 Ibid., 291-292.

262 Ibid., 291.

263 Tomba 2017.


265 Ibid., 292.

266 Ibid.

267 Ibid., 300.
Benjamin concedes that there may be non-violent ways to resolve conflict—referring here mostly to the interpersonal (“relationships of private persons”) and things like “courtesy, sympathy, peaceableness, trust.” Benjamin 1978, “Critique of Violence,” 289. He also suggested that language is nonviolent—though that is hard to agree with… Ibid., 289.


These reflect, Zizek suggests, the kind of humiliation that we inflict on each other, as Americans, all the time. The practices at Abu Ghraib become nothing more than our induction or initiation of foreigners into the American symbolic world of “performance-art shows in Lower Manhattan,” of “a kind of tableau vivant [representing] the whole spectrum of American performance art and ‘theatre of cruelty,’” including “the photos of Mapplethorpe, the weird scenes in David Lynch’s films, to name but two.” Ibid., 172 (I think the reference to Mapplethorpe is off here, and reveals some kind of phobia.)

Fanon 2004, The Wretched of the Earth, 45, quoting Césaire.

Ibid., 21.


289 Ibid.

290 Ibid.

291 Ibid.


293After all, Fanon did not even tolerate the moderate or reformist politics of his own mentor and teacher, Césaire, and was especially brutal with Senghor. Over time, Fanon distanced himself from what he called the “bards of Négritude” and the entire “cultural” approach, as he said, of Césaire and Senghor. Ibid., 151 and 154. He attacked Senghor in the opening chapter of *The Wretched of the Earth*, calling him a “colonized intellectual” who had no authentic connection to the struggle of colonial subjects and was still beholden to “Western values.” Ibid.; see also Wilder 2014, *Freedom Time*, 134. Just a few years earlier, in 1959, Fanon had accused the “bards of Négritude” of failing to understand the national dimensions of the culture and politics of independence of the times. See generally Wilder 2014, *Freedom Time*, 134. We know the reasons well: Fanon’s nationalism was opposed to a cross-national or pan-African cultural identity, and even more so to the kind of departmentalization that Césaire advocated for the Antilles. This, not only from a political, but also from a pragmatic point of view. Fanon adopted, as Gary Wilder suggests, the “paradoxical proposition: In a colonized country, nationalism in its basic, most rudimentary, and undifferentiated form is the most forceful and effective way of defending national culture.” Fanon embraced a revolutionary, militantly engaged vision of the intellectual who must be part and mobilized with the people in a violent struggle against colonialism—and he had little truck for reformists. I have little doubt this would bleed into Fanon’s assessment of violent means. And of course, it would negate Benjamin’s critique.


295 Foucault read Nietzsche precisely in this way in *Truth and Juridical Form*, a set of lectures he delivered in Rio in 1973. From the
first lecture at Rio, it is Nietzsche’s *epistemological* intervention that
would serve as Foucault’s guiding methodological compass. The model
for knowledge, Foucault reads Nietzsche to say, is not origin, but
creation, invention. On page 6 of the English translation: “When he says
‘invention’”—when Nietzsche says that knowledge was invented,
Foucault states—“it’s in order not to say ‘origin.’” (Foucault 2000,
“Truth and Juridical Forms,” 6.) To be invented is not to be born. It is
rather to find, in Foucault’s words, “a small beginning, one that is low,
mean, unavowable.” To discover the “obscure power relations” and
“small beginnings” that are “mesquin” and “vilenies”—so, petty, base,
vile… (7). “Good historical method,” Foucault tells us, “requires us to
counterpose the meticulous and unavowable *pettiness* of these
fabrications and inventions, to the solemnity of origins.” Ibid.

296 Ibid., 10.
298 Ibid.
299 Ibid., 172.
300 Ibid., 187.
301 Camus 1965, “L’Homme révolté,” 457, quoted in Butler 2003,
“Beauvoir on Sade,” 169.
303 Ibid., 174.
304 Dominique Lecourt, “The Sadism of Foucault,” paper
presented at the Foucault colloquium at Crêteil in Paris in 2014.
221.
307 For analyses of non-violent resistance, see generally Bilgrami
2014; Mantena 2016; May 2015; Mehta 2010; and Terry 2018.
308 Gandhi 2001, *Non-Violent Resistance*, text #3, 6; Ibid.,
Editor’s Notice, p. iii; Mantena 2016; Bilgrami 2014, “Gandhi, the
Philosopher,” 7.
310 Ibid., text #88, 202.
311 Ibid., text #88, 201.
312 Ibid., text #88, 202.
313 Mantena 2016.
315 Ibid., text #3, 6.
316 Ibid., text #100, 227.
317 Ibid., text #7, 35.
318 Ibid., text #26, 79.
319 Ibid., text #26, 78.
320 Ibid., text #26, 79.
321 Ibid., text #88, 201-202.
322 As Bargu suggests in Starve and Immolate, these practices “were formative for the constitution of modern India,” ibid., 14.

323 Gandhi 2001, Non-Violent Resistance, text #72, 171.
324 Ibid., text #88, 202.
325 Ibid., text #55, 132.
326 Ibid.

327 Gandhi’s writings about the Jews in 1938 espoused satyagraha, but perhaps he would have done better drawing on this justification of violence (see Gandhi 2001, #165). Mehta discusses this productively, noting that “Gandhi’s words provoked shock, controversy and considerable condemnation.” Mehta 2010, 366.

328 Gandhi 2001, text #55, 133. Note that, in this context, there is often a masculine dimension to non-violence. Gandhi writes that “forgiveness is more manly than punishment” and that “Forgiveness adorns a soldier” (Gandhi 2001, #55, 133). Elsewhere he writes that mistakes at time are “preferable to national emasculation” (Ibid., #47, 115).

330 Not that Hegel was right about everything. To the contrary, much of his outlook was eccentric, to say the least. The idea, for instance, that human rationality would evolve to the point of perfection and be realized on this earth, especially through the person of Napoleon—the idea that the rational would become actual—is eccentric to say the least. The notion that history would reflect a dialectic from antiquity through Christianity is brilliant, but completely fanciful. No, my point here is not that Hegel was right. Rather, that in his master-slave dialectic, Hegel put his finger on an insight worth exploring.

331 The idea, for instance, in his first lessons from the year 1937-1938, that all of “History is a dialectic or an interaction of Mastery and Slavery.” Kojève 1980, Introduction to the Reading of Hegel, 44. Or the idea that “the possibility of a historical process, of a History, which is, in its totality, the history of the Fights and the Work that finally ended in the wars of Napoleon and the table on which Hegel wrote the Phenomenology in order to understand both those wars and that table.” Ibid., 43.

332 Ibid., 40.

333 Hegel 1981, Phenomenology of Spirit, ¶178, 111 (emphasis added).

334 Ibid., ¶187, 114.

335 Kojève 1980, 45.

336 Hegel 1981, ¶188, 114.

337 Ibid., ¶192, 117.

338 Ibid., ¶191, 116.


340 Kojève 1980, 41.

341 Ibid., 46.


343 Hegel 1981, ¶194, 117.

344 Ibid., ¶194, 117.
Now, again, Kojève would push this in a direction that may be somewhat absurd. On his reading, terror will become important historically through its role in the French Revolution, which will come to represent for Kojève the last historical turning point of the Christian bourgeoisie (itself a slave class that has become its own slave of capital) toward the state, the empire, Napoleon and the end of history. (69) “And it is only thanks to the Terror that the idea of the final Synthesis, which definitively ‘satisfies’ Man, is realized,” Kojève lectures. “It is in the Terror that the State is born in which this ‘satisfaction’ is attained. This State, for the author of the *Phenomenology*, is Napoleon’s Empire” (though he is not self-conscious, that requires Hegel). Ibid. In other words, Kojève interprets Hegel as self-consciously arguing that he (Hegel) is “Napoleon’s Self-Consiousness. […] This dyad, formed by Napoleon and Hegel, is the perfect Man, fully and definitively ‘satisfied’ by what he *is* and by what he *knows* himself to be.” (70) This goes a bit far.

Ibid., 49.

Hegel 1981, ¶194, 117.

Ibid., ¶195, 118.

Kojève 1980, 49.

Hegel 1981, ¶195, 118.

Ibid., ¶196, p. 119.

Ibid., ¶196, p. 119.

Kojève, of course, had a personal stake in all this, especially historico-political. In a note to the second edition, written shortly after several trips to the USA, Soviet Union, and Japan in 1959, he makes fascinating remarks about the Hegelian-Marxist end of history, locating it in the United States: “One can even say that, from a certain point of view, the United States has already attained the final stage of Marxist ‘communism,’ seeing that, practically, all the members of a ‘classless society’ can from now on appropriate for themselves everything that seems good to them, without thereby working any more than their heart dictates.” Kojève 1980, 161, note to the second edition.

As history, it has far too grand a view of itself and of the teleology of history, and progress. The idea of an end of history is exaggerated. The idea of rationality actualizing itself is misguided.
Kojève’s reading of all of history through the lens of the master-slave dialectic is entertaining and possibly brilliant—with its three-part division into an early period of mastery (a Pagan world of mastery that ends with self-defeating masters who “become Slaves of the Roman Emperor,” see Kojève 1980, 57 and 63); followed by a period of slavish existence (the Christian world of slavery, in which the masters adopt the ideology of their slaves, “first Stoicism, then Skepticism, and—finally—Christianity,” Kojève, p. 57 and 63); and finally the advent of the end of history, which the French Revolution inaugurates, German philosophy complements, and finally, Hegel accomplishes. Kojève, p. 57. The historical dialectic of thesis, antithesis, synthesis that culminated in Napoleon and Hegel is a tour de force—but not really worth debating. From a phenomenological perspective as well, the Hegelian story is lacking. We could psychologize the account in a Freudian direction, or even more in a Jean Piaget (1932) direction, or with Lawrence Kohlberg’s (1958) theory of moral development—all of which could be interesting. But it would say much more about us than about reality.

356 See Artières et al. 2003, Le Groupe d’information sur les prisons, 30 and 47.
357 GIP, “(Manifeste du GIP)” (February 8, 1971), in Foucault 2001, no. 86. (translation by Stuart Elden).
358 GIP, “Le GIP vient de lancer sa première enquête” (1971), in Artières et al. 2003, 52 : « Il s’agit de laisser la parole à ceux qui ont une expérience de la prison. Non pas qu’ils aient besoin qu’on les aide à “prendre conscience”: la conscience de l’oppression est là parfaitement claire, sachant bien qui est l’ennemi. Mais le système actuel lui refuse les moyens de se formuler, de s’organiser. »
361 Defert 2014, Une vie politique, 56.
362 Foucault 2011, Leçons sur la volonté de savoir, 4.
363 Defert 2014, Une Vie politique, 36-76.


368 Ibid., 28; in French, p. 528/p. 1396.

369 See *La Révolte de la prison de Nancy*, 2013. Foucault gave his unreserved support to political prisoners and common law prisoners without distinction. As he elaborated the notion of “civil war,” the very distinction – political prisoner and common law prisoner – no longer had any sense. This is an important aspect, both theoretical and practical, of Foucault’s intervention at this time. See Foucault 2001, “Sur la justice populaire.” English translation by John Mepham, “On Popular Justice,” in Foucault 1980, *Power/Knowledge*.

370 *La Révolte de la prison de Nancy*, 19 (reproduction of manuscript).


372 Ibid., 165, note * (Appendix to lecture 9, first sheet).

373 Deleuze 1975, 1212.

374 Foucault 2001, “Prisons et asiles dans le mécanisme du pouvoir,” 1389–93 : “Le petit volume que je voudrais écrire sur les systèmes disciplinaires, j’aimerais qu’il puisse servir à un éducateur, à un gardien, à un magistrat, à un objecteur de conscience. Je n’écris pas pour un public, j’écrit pour des utilisateurs, non pas pour des lecteurs.”


376 Ibid., 166.


Ransby 2017.

Black Lives Matter Global Network website here: https://blacklivesmatter.com/about/herstory/


For a discussion of this, see Uprising 4/13 on #BlackLivesMatter at the Columbia Center for Contemporary Critical Thought here: http://blogs.law.columbia.edu/uprising1313/4-13/

Woodly 2017.


Kampf-Lassin 2016.

391 See People’s Response Team Facebook page here: https://www.facebook.com/events/927190527374264/

392 Kampf-Lassin 2016.

393 @AssataDaughters post: http://pastebin.com/7W4TkpmE


395 BYP100, “Agenda to Build Black Futures,” online at http://agendatobuildblackfutures.org/


397 Ibid.

398 Ibid.


402 For details, see Global Research here: https://www.globalresearch.ca/outrageous-wealth-disparity-in-america-400-richest-more-wealth-than-bottom-64/5617370


404 Ibid.; see also Sanders 2017, Guide to Political Revolution, 60.

405 Piketty 2013, Le Capital.
407 Alvaredo et al., “Global Inequality Dynamics.”
409 See, e.g., Piketty 2015, “Vers une économie politique et historique”; Alvaredo et al. 2017. This new research begins to extend the analysis of *Capital in the 21st Century* to China, Brasil, India, the Middle East, etc.
411 Ibid., 46-47, 60-61, 4-5, 154-155, 81, 103, 119, and 153.
412 Ibid., xii.
413 Nietzsche, *Daybreak*, Aphorism 432 (emphasis added); see also Foucault’s Nietzsche manuscripts, folio 407 (in preparation for McGill 1971 conference on Nietzsche).
415 Foucault 2013, 168.

ACKNOWLEDGEMENTS

All errors in this first draft are mine. Others have been avoided due to generous and productive conversations with Étienne Balibar, Seyla Benhabib, Rüdiger Bittner, Daniel Defert, François Ewald, Didier Fassin, Steven Lukes, Juan Obarrio, Mia Ruyter, Ann Stoler, Massimiliano Tomba, and Linda Zerilli—to whom I am deeply grateful and indebted.
We are going through an unprecedented period of political instability. With the rise of the alt-right and of xenophobic sentiment, and the fallout of neoliberal government policies, our political future is at stake. These times call for the type of critical thought that gave rise to the Frankfurt School in the 1920s and post-structuralism in the 1960s. Yet, in the face of our crises today, contemporary critical theory feels disarmed.

Critical theory is in disarray because of a wave of anti-foundational challenges in the 1970s that shattered the epistemological foundations of the Frankfurt School, which were positivist and built on the Marxist foundations of class struggle and proletarian revolution. The anti-foundational critiques fractured critical theory, but did not rebuild it. The result is that critical theory has since been mired in internecine battles of influence.

Critique & Praxis is a corrective. Its ambition is four-fold. First, the book reconstructs critical theory by proposing a pure theory of illusions. The heart of critique is the unveiling of belief systems that mask the distribution of wealth, resources, and welfare in society; but as we unveil, we create new illusions that then themselves need to be unmasked. A reconstructed critical theory offers an infinite loop of critique, constantly reexamining how our own belief systems and material conditions reorder society.

Second, the book offers a new critical horizon for the future. It challenges the hidden work that is performed by traditional critical utopias such as socialism, communism, or the withering of the state. Rather than posit a particular political economic regime, a reconstructed critical utopia must assess how really-existing regimes (capitalist, socialist, or communist) approximate the core values of the critical Left, namely equity, compassion, and respect. It calls for a pure theory of values.

Third, the book reconstructs critical praxis. Once critique and utopia are liberated of their foundational constraints, critical theory must call for entirely situated practices that push really-existing regimes Left. There is no one-size-fits-all strategy, and nothing is off the table. Critical theory cannot endorse in the abstract a vanguard party, any more than it can espouse non-violence. Every unique political context will call for specific tactics that are GPS-, date-, and time-stamped—for a pure theory of tactics.

Fourth, the book proposes a situated and time-stamped response to the question “What is to be done?” We need to stop Donald Trump in his tracks by litigating his executive orders, supporting swing-district candidates in 2018, exposing his corruption, and delaying his Supreme Court appointment. We need to support a Left populist movement for the 2020 presidential elections, form alliances, and empower those who are disengaged now; and generate better interpretations than Trump. Finally, we need to do the long-term labor of promoting and instilling Left critical values throughout society.

Critique & Praxis performs these tasks through a history of theory and praxis from the 19th to the 21st century, a reconstruction of critique, utopia, and praxis, and an answer to the question “What is to be done? New York, September 1, 2018.” This is a first draft, but the issues are too pressing to wait. Comments and reactions are welcome.

— Bernard E. Harcourt, New York, September 1, 2018