

Rethinking Sovereignty

Abstracts Friday

Achilles' Marble Heel: Anaesthetic Autonomy in Kleist's *Penthesilea*

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Carl Schmitt's definition of sovereign power as deciding on the state of exception is directed against the indecisiveness he associates with a post-Kantian, aestheticizing, Romantic world view. Heinrich von Kleist's radicalization of the Kantian link between counter-purposiveness and freedom, however, positions aesthetic indetermination as decisive condition of historico-political agency. This paper explores the implications of this alternative notion of sovereignty.

Sovereign Spectacles: From Monarchy to Liberal Democracy

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Modern liberal democracy defines itself in opposition to art – in fact, liberal democracy since its inception has been thoroughly anti-aesthetic. This situation results from the aesthetic political arguments during the Enlightenment and its assault on its principle adversary – monarchy, and its thoroughly theatrical politics of the spectacle. Louis Marin's *Portrait of the King*, for instance, describes seventeenth-century France as a world in which “spectacle is necessary and intrinsically tied to the exercise of power, since the king must dazzle the people.”

The same insistence on aesthetics and politics pervades eighteenth-century counterrevolutionary work, perhaps most notably Edmund Burke's 1790 *The Reflections on the Revolution in France*. When Thomas Paine criticizes Burke's conflation of aesthetic and politics his *Rights of Man* – such as when it decries that “Burke's hero or heroine must be a tragedy-victim expiring in show” or a political treatise that “degenerates into a composition of art” – Paine misses the point entirely. Rather than a “degeneration,” Burke, the prototypical-conservative, wants to *conserve* the aesthetic dimension of politics, and champions a politic order that addresses the bodies, senses, and affect, rather than a simply rational political order underwritten by Enlightenment rationality and enshrined by the bodiless abstractions of the *Déclaration des droits de l'homme et du citoyen* that have given rise to the supposedly apolitical abstractions of the marketplace that operate according to the logic outlined in Debord's *Society of the Spectacle*.

In this presentation, I will argue for the reappropriation of aesthetics for the domain of politics. My argument contends that the aesthetic mode of modern liberal democracy

functions like literary realism, *cinéma vérité*, or the rhetorical trope of hyperbaton, which Longinus defines as the artificial rearrangement of words that strike the auditor as if they were natural. Like these modes of artistic realism, which *artistically* covers over its aesthetic scaffolding to appear *as if it were reality*, liberal democracy, takes shape around what might be called a political iconoclasm, or political anti-theatricality – against what I define as the *politics of the spectacle* – that functioned *as if* it were not art, but instead natural, immediate, invoking a kind of political transparency unobstructed by the potentially stilted, obfuscating mediations of art. What, then, I ask, is the future for a politics of the spectacle taken back from the logic of monarchy and the its modern inheritor, the marketplace?

A So-Called Viral Sovereignty: Global Health, International Law, and Figures of Speech

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Infectious disease surveillance and management have long necessitated international cooperation and negotiations over national sovereignty; indeed the specter of contagion stands alongside trade at the base of a history of internationalism. An outbreak of avian influenza in 2005 spiraled quickly into a diplomatic standoff between World Health Organization officials and the former Indonesian minister of health, who pushed back against the mandate to hand over live virus samples without compensation. This paper examines the legal and political bases for the Indonesian claim to sovereign rights over viral materials collected within its borders, and explores the narrative and philosophical implications of the term “viral sovereignty,” coined by American commentators to describe it.

State Sovereignty and Human Rights

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The modern international order of independent and sovereign states is often associated with the Peace of Westphalia which ended the Thirty Years' War in 1648. It established an ideal of self-determination and non-interference in the internal affairs of other countries. Following World War II, the Universal Declaration of Human Rights in effect declared that state sovereignty could not be used to excuse the violation of human rights. Sovereignty and human rights therefore stand in some tension with one another. However, we can see both ideals as emerging from a single commitment of justice to the non-subordination of persons. This provides the conceptual tools with which to reconcile the two.

Maternal Mortality as a Human Rights Issue

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According to a recent report from the WHO, 289,000 women around the world died in pregnancy or childbirth in 2013. In addition to the absolute number of deaths, maternal mortality is notable because of striking inequalities in rates of maternal death, both between developed and developing countries, and within countries – for example, in the U.S., maternal mortality rates differ sharply according to racial identification. Do any of these facts about maternal mortality suffice to show that maternal mortality is a human rights issue? To answer this question, we need some account of what kinds of inequality, if any, constitute human rights problems. I argue that several prominent accounts are inadequate, and sketch some elements of a better way forward.

A Human Rights-based Approach to Health: To What Extent are Health Indicators and Human Rights to Health Indicators Compatible with Respect to HIV/AIDS Services for Injecting Drug Users (IDUs)

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The main focus of this presentation is to assess health indicators with respect to providing adequate HIV/AIDS prevention and care services to injecting drug users (IDUs). Access to harm reduction services such as needle exchange programs or opioid substitution therapy is itself a human right. “UN human rights monitors have specifically asserted the provision of harm-reduction interventions as necessary.” This presentation will assess current health indicators and human rights to health indicators, with respect to providing adequate HIV/AIDS services to IDUs, to determine to what extent these two groups of indicators are reflective and compatible by assessing their strengths and limitations and finding their similarities and differences.

This presentation seeks to determine to what extent these two approaches can be complementary as compared to what commentators are increasingly showing, namely that much of what is part of a human rights approach to health is largely compatible with a well-executed health approach.

“Everybody Must Get Stoned: Calculating the Death Penalty with Derrida”

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From the political theology of the king’s two bodies to talionic law, calculation—as a principle of countable exchange and, etymologically, a reckoning by means of little stones—appears at the heart of both sovereignty and capital punishment. In the second volume of

his *Death Penalty* seminar, Derrida suggests that the unconscious may itself act as a relentless and unforgiving calculator: a machine whose hardness or harshness cannot be countered with forgiveness. This paper makes a case study of the stone kings from the façade of Notre Dame Cathedral, which were decapitated and lost during the French Revolution only to resurface during the twilight of the death penalty in France in the 1970s. I ask what these revenant statues have to tell us about the hard calculations of sovereignty, the endurance of capital punishment, and the regime of the unconscious—a regime whose cruelty cannot be overcome but may, perhaps, be softened or decalcified with a flexibility that is, for Derrida, “incalculable.”

“Bidding Up” on the Question of Sovereignty: Derrida Between Kant and Benjamin

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My presentation interrogates the logic that Derrida identifies in the Death Penalty seminars and elsewhere as a logic of “surenchere” or “upping the ante” that characterizes the development of the death penalty out of its relation to the unconditional ground of sovereignty. I focus on two key figures of the exception in Derrida’s discussion of Benjamin and Kant: the “great criminal” and the infanticidal mother, who acts as an exception to Kant’s notion of the categorical imperative grounded in the priceless dignity of Man over and above death. Tracing how a logic of exceptionality pervades not only philosophies of the death penalty, but any discourse that attempts to level a genuine philosophical critique of it, I argue that the logic of the exception that underpins the death penalty cannot be confronted directly. Instead, it must be interrogated precisely through the question of how the logic of the exception comes to be presented, or given, in a particular figure. What relationship does the figure of exceptionality have to the *logic* of the exception, and what need does this sovereign have for the specular or spectacle, including and especially the spectacle of the death penalty itself? Focusing on the motif of “fascination” with figures of the exception, my paper interrogates the role of figuration and its relation to the unconditional in the structure of the death penalty.

“The Future Anterior of Blood”

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Sovereignty defined as the power of life and death over the subject necessarily comes into focus with the death penalty: hence the relation between the two last sets of seminars Derrida delivered in the years 1999-2003. My paper will examine a particular function of the death penalty as it relates, via sovereignty, to cruelty, and in particular to blood, whose *visibilization* or *invisibilization* continues to haunt every execution from those practiced by

ISIL to those practiced in the US. It will seek to respond to the hypothesis advanced by Derrida, in the second year of the Death Penalty seminars, according to which an essential or originary relation between blood and human culture in general is being called into question; according to which one might maintain that “there will have been blood.”

"On the principles of *Vitalpolitik*: Between “raw” and “cooked” Capitalism"

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My talk will address one of the primary sources of Foucault’s concept of biopolitics from the 1978-79 seminar, the economic model of German Ordoliberalism, in the context of of the subsequent confusion of this theory by early readers of Foucault’s theory; in particular, Deleuze’s early reading of discipline and control in the 1985-86 seminar on Foucault, as well as in the subsequent works Foucault (1986) and “Post-Scriptum sur les societies de controle” (1990).

Abstracts Saturday

Provincializing Sovereignty; Or, why I must always look up the meaning of sovereignty

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What, to the necropolitical, colonial, subject, is sovereignty? What are the conceptual costs and benefits of focusing on sovereignty in the way political science historically has, and what possibilities are there for rethinking its meaning and use? This paper tries to interrogate the space sovereignty occupies in our current political imaginations, and suggests there might be attachments we need to analyze more. This requires asking what are the problems that “sovereignty” has contained, bound and solved for political thought, and where this legitimacy might come into question in present times. An encounter between Jacques Ranciere and Achille Mbembe starts a conversation that may help parse and critique the presuppositions of sovereignty and see what can replace them if the study of politics actually stopped deeming the colonial question as an exceptional, “provincial” one. How can provincializing sovereignty, in turn, allow a radical reorientation of political theory to the politics of subjects that have been deemed “settled.” Here, the work of Simpson, Povinelli, Rifkin and DaSilva may offer some ways to unpack and challenge the settlements and consensus endemic to and hidden within the enterprise of political theory, in order to rethink, even unthink sovereignty.

Clandestinity, Abortion, and Women as “Bare Life”

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In this project, I explore a diverse set of body politics in Argentina in order to investigate how zones of clandestinity work to enclose and construct women's bodies in ways that are vital to the sovereign state, in moments of dictatorship as well as democracy. Drawing on three different research projects to juxtapose seemingly unconnected situations of detention and disappearance, forced abortions, and criminalized abortions, I use the work of Giorgio Agamben and Penelope Deutscher to explore ways in which women are constructed as “bare life” through the institutionalization of clandestine abortions. The zone of clandestinity that state sovereignty creates through the criminalization of abortion (or increasing restrictions, depending on the context) raises the following questions: What does the figure of clandestinity—and clandestine abortion in particular—tell us about how sovereignty is upheld in modern democracies? How is state violence implicated in producing hidden (female) bodies exposed to danger and which may be “killed” with impunity? Is the violent control of these invisible/excluded bodies a requirement to keep the illusion of the unified state sovereign body intact? Paying attention to zones of clandestinity that persist in democratic states can help to shed light not only on the

precarious forms of citizenship afforded to marginalized members of the body politic, but also the violent but hidden interventions by which the state sovereign maintains its (gendered) power.

Rethinking Sovereignty through Transnational Surrogacy

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This paper takes issue with the feminist-liberal view that surrogacy is a means of liberation for women, suggesting that the recent exploitation of women in India through transnational surrogacy forces feminists to rethink women's liberation so as to include a critical analysis of class/caste and race. Through a critical reading of Christine Sistare's essay "Reproductive Freedom and Women's Freedom: Surrogacy and Autonomy," I challenge three of her central claims, namely that surrogacy is a viable path to economic independence for women; that anti-surrogacy discourse is bound to paternalize and victimize women; and that women have an absolute right to hire surrogates to protect their own reproductive rights. While Sistare's essay builds upon the liberal framework of autonomy – one that depends on the view that the self is sovereign and self-determining – I argue that pregnant embodiment in general and gestational surrogacy in particular fundamentally challenges this framework and forces us to think human subjectivity not as sovereign but rather as constitutively relational and interdependent. The recent boom in transnational surrogacy, moreover, forces us to consider anew the ambiguity and transgressability not only of bodily boundaries but also of national borders. Consequently, I argue that a feminist analysis of transnational surrogacy must take into account the lived experience of surrogate mothers rather than depending on an abstract notion of sovereign selfhood that fails to account for such ambiguity and transgressability.

Messianic Archives: Agamben among the Medieval Rabbis

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Although Giorgio Agamben emphatically distances himself from medieval typology (that is, reading the Hebrew Scriptures as the [dead] letter fulfilled in Christian New Testament) in order to defend his vision of the messianic from a history of typological violence, scholars (including Kotsko, McNulty, Librett) have noted how, in spite of his protests, Agamben is, nevertheless, a typological thinker. The writings of Walter Benjamin, notably, his essay "Critique of Violence," and Carl Schmitt's text, *Political Theology*, constitute Agamben's typological poles. In *Homo Sacer*, as Kotsko has carefully traced, Schmitt is the letter fulfilled by Benjamin (although in 1920 Benjamin could not have read Schmitt's *Political Theology*, which appeared in 1922). In *State of Exception* Agamben reverses the relationship (and that is the symptomatic instability of the typological wheel)—Benjamin is

the letter fulfilled by Schmitt. Medieval typology never lets go.

This paper argues that in order to deconstruct the medievalism of Agamben's messianism, it is necessary to return to a reading of Benjamin's essay. He sought to distinguish law-making and law-preserving mythic violence from divine violence which destroys the law. He further argued that an archive of blood, its presence or absence, is the trace that separates mythic (law making, law preserving) from divine violence (law destroying). In his examples taken from the metamorphosis of Niobe and the revolt of Korah brothers against Moses, he radically excluded what I call the collateral archives of these narratives, because they had nothing to do with blood. This paper puts disturbing collateral archives of these stories in the light of the noonday sun. If divine violence does have an archive, what are its implications for contemporary messianism? Medieval Jewish rabbis attempted to answer this question, and their archive breaks Agamben's typological wheel.

Bio-Economic-Politics, or, the Logic of Revolutionary Sovereignty

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This paper reevaluates the terms of Giorgio Agamben's argument for the secularization of *oikonomia* in late 18th-century Europe by examining the context of debates in Britain regarding the principles disseminated by the French Revolution. More specifically, it examines how the category of "economy" served as a trope for mediating between biology and politics, whose mutual articulation played an important role in shaping modern biopolitics.

John Thelwall, the late 18th-century English essayist, poet, and notorious political radical, serves as the paper's focus, since his informal medical training prompted him to elaborate a new version of vitalism with far-reaching implications for his aim to revolutionize British politics. Thelwall thoroughly explored those connections in his *The Peripatetic: Or, Sketches of the Heart, of Nature, and Society in a Series of Politico-Sentimental Journals* (1793), which prompted his trial for treason in 1794 and which was a sprawlingly hybrid text—part fiction, part poetry, part scientific treatise, and part sociopolitical diatribe. Thelwall endorses the notion of "system" as the form of "economy" able to conjoin the biological, financial, and political spheres, but rather than completely affirm the emergent perspective of political economy as described by Adam Smith—Agamben's chief example of this development—Thelwall insists on the need to distrust what he called "the clenched hand" of the socio-economic elite. Thus by contrast with Agamben's description of late 18th-century "economy" as a self-coherent, providential order, the system Thelwall outlines is a mutable sequence in which temporary systemic organization remains persistently open to further challenge or emendation—a logic that is captured particularly by *The Peripatetic's* succession of diverse genres. In the end, this formulation also has profound implications for Thelwall's portrayal of sovereignty, which becomes dependent on a heterogeneous distribution of authority across a spectrum of both biological and human registers.

Sovereignty on Trial

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This paper will examine Agamben's conception of sovereignty in relation to both its antecedents and its continuing importance in his work. First appearing forcefully in *Homo Sacer* as a coherent development of his earlier examination of the Aristotelian notions of potentiality and impotentiality (*potenza/impotenza, dunamis/adunamia*), Agamben's analysis of sovereignty and the sovereign ban-structure provides the frame not only for his widely influential work on biopolitics, but also, as this paper will propose, for more recent theologically inflected work such as his reading of the scriptural account of the trial of Jesus.

Resituating Sovereignty: Toward a Posthuman Economics

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Once again it is a time of global crisis, and crises, as Jacques Derrida has shown, are routine events in the history of Western philosophy centered on human being as *zoon politikon*.

But the crisis today signals a shift, namely, the subjugation and erasure of the very concept of the political, and the domination of *Homo Politicus* by *Homo Economicus*. However, the question of sovereignty in relation to the global economy as a question of the planetary rule of species life is yet to be fully formulated. The autonomy of the financial world and its power to call for states of exception defy normative theories of state as well as popular sovereignty. We observe that the global is now bisected by the planetary, and that the geopolitics of homo economicus is entirely implicated in the geo-temporality of the anthropocene.

To begin, then, the process of questioning as always *in media res*: How does contemporary governmentality, or the management of life, separate and articulate economy and ecology?

How does the paradigm of growth—growth understood as specifically economic expansion measured as GDP—deepen this cleavage? What is the role of the financial sector in driving policies of slow and rapid ecocide? What is the relation between the nature of economies and the economy of nature? After examining and critiquing the logic of finance-driven growth as the face of modern power, this paper turns to the ways in which potentially transformative relations between the economy and ecology, specifically with regard to technology and nature, are being thought today across the disciplines as pointers toward a posthuman economics.