



## **Sovereign Violence and the Power of Acting – (Imagining the Unsovereign Law)**

Bruno Gulli

### **Abstract**

Starting from Kant's distinction between private and public reason, the idea is to challenge the meaning of political intervention today, political discourse. What is to be a scholar in the digital age? What are the limits of the law, and how can one speak of an alternative, unsovereign law? What is to resist subjection and build the new? True maturity and freedom cannot be reconciled with blind obedience and docility in the private sphere. Only lives guided by reason in Spinoza's sense can overcome the logics of coercion and consent, both leading into subjection and servitude. Yet, for this, it is necessary to think about the role of contingency and the desire for freedom.

### **Keywords**

Kant, Spinoza, private/public reason, contingency, freedom, sovereignty

### **Author**

Bruno Gulli – [brunogulli@gmail.com](mailto:brunogulli@gmail.com)  
Assistant Professor  
Kingsborough Community College -CUNY



## **Sovereign Violence and the Power of Acting – (Imagining the Unsovereign Law)<sup>1</sup>**

The opposition between the private and public use of reason in Kant can be a good starting point for some reflections on the question of sovereign violence today. There is a moment of great ambiguity in that opposition –a moment of tension: one must obey, and yet argue. Kant says,

Thus it would be disastrous if an officer on duty who was given a command by his superior were to question the appropriateness or utility of the order. He must obey. But as a scholar [alsGelehrter] he cannot be justly constrained from making comments about errors in military service, or *from placing them before the public for its judgment* (Kant 1983: 42-43; brackets and emphasis added).

The opposition pronounced by Kant is, especially today, a total and absolute contradiction. In practice, it undoes Kant's call for enlightenment. It is as if one could be enlightened in thinking, yet in bondage at the practical level. Indeed, you may argue as much as you want as long as you obey. This is as far as Kant goes, and he explicitly says so when he parenthetically alludes to Frederick the Great's Prussia as the only place where you can precisely do this, "Argue as much as you want and about what you want, *but obey!*" (42). Certainly, Kant's description of freedom of expression in Prussia was much better than the conditions of utter unfreedom we find in places of the world today –places such as Saudi Arabia, among others. However, Kant's promise of enlightenment seems to be inherently richer and more far-reaching than this. It does, for instance, include material needed for a discourse on civil disobedience and

---

<sup>1</sup> I would like to thank the following people for reading and commenting on this essay: Nino Gulli, Antonio Tramontana, Tony Iantosca, Michael Pelias, Yonca Sally Taneri, Pier Luca Marzo, Neil Turnbull, Alessandro Spinazzi, and Pedro Canó.



resistance. But once again, this is undone and lost when the whole process stops at the ideal, rhetorical level –the level of the scholar. Unless, of course, we rethink what it means to be a scholar today. I will go back to this central issue below.

Perhaps what must be called into question is the nature and meaning of private reason. Is there really something like that – at least in the sense intended by Kant? And if the answer is that this private reason is problematic, or perhaps even false, then even public reason must acquire a whole new dimension and role. In the officer-on-duty quote above, the officer must obey from the viewpoint of private reason, yet argue from the viewpoint of public reason. But isn't this an absolute and impossible contradiction? Kant says that one should be able "to use reason *publicly* in all matters" (42). Then he restricts this to a person's actions *as a scholar*. This will provide a structure for political and social order perhaps, but it is also a recipe for a schizophrenic society. Below I will question the degree of inclusiveness of 'all' in the phrase "in all matters" as well as what it might mean –especially today—to be a scholar.

Kant defines *enlightenment* as

*man's emergence from his self-imposed immaturity. Immaturity is the inability to use one's understanding without guidance from another. This immaturity is self-imposed when its cause lies not in lack of understanding, but in lack of resolve and courage to use it without guidance from another (41).*

He continues,

Nothing is required for this enlightenment, however, except *freedom*; and the freedom in question is the least harmful of all, namely, the freedom to use reason *publicly* in all matters (42).

Basically, this is the freedom to speak up, speak one's mind, or what then becomes the commonplace and often superficially understood notion of freedom of speech in



our societies. However, what is the meaning of “in all matters”? Kant himself complains that, contrary to what should be expected, “on all sides I hear: ‘Do not argue!’” This is what the officer, the taxman, and the pastor alike say in Kant’s vignette: “The officer says, ‘Do not argue, drill!’ The taxman says, ‘Do not argue, pay!’ The pastor says, ‘Do not argue, believe!’” (42). It is here that, without naming him, he singles out Frederick the Great as the only ruler in the world who says, “Argue as much as you want and about what you want, *but obey!*” (*ibid.*).

At this point, Kant notes that not all restrictions of freedom are to be avoided, but only those that hinder enlightenment. It is here that he introduces the distinction between the public and private use of reason. He says,

The *public* use of one’s reason must always be free, and it alone can bring about enlightenment among mankind; the *private* use of reason may, however, often be very narrowly restricted, without otherwise hindering the progress of enlightenment. By the public use of one’s own reason I understand the use that anyone as a *scholar* makes of reason before the entire *literate world* (*ibid.*).

In the digital age, in the same way in which everybody is a filmmaker, as Michael Moore once remarked, everybody also is a scholar. At least, this is the case potentially. It is then important to point out that even in Kant’s text the word ‘scholar’ is not to be understood in its most typical meaning (i.e., someone working in the academy, teaching, doing research and writing). Rather, a scholar is anyone who publicly expresses his or her thought vis-à-vis a situation of error, impropriety or injustice. A citizen must pay taxes, an officer must carry out a given order, and a believer must believe. Yet, each of them, as a scholar, can argue about possible errors, inappropriateness and injustice present in any given situation. The question then seems to be that of the venue and means to do so. It is the question of when and where, the type of situation in which one can shed one’s private set of restrictions and constraints and acquire a public voice. However, this would yield a powerless and useless version of enlightenment. It would lead anyone into frustration and despair. If enlightenment is emergence from self-imposed immaturity, it cannot be truly attained insofar as one re-imposes that immaturity on oneself in the private sphere –and interestingly, this private sphere is for Kant defined by economic, social, and political relations; it is, for instance, one’s place at work. In truth, the private sphere must be exploded. The same



should be the case with the entire private/public distinction. Or at least, as Jason Read notes – speaking of Paolo Virno’s critique of Hannah Arendt in the context of a discourse on transindividuality, one should acknowledge their “constitutive intertwining.” More precisely, he says that

transindividuality as a concept cuts across divisions of individual and society, public and private, arguing for their constitutive intertwining (Read 2016: 209).

If enlightenment is a defeat of immaturity and ignorance, it must also show its results in the sphere in which immaturity and ignorance count most, namely, in the relationship between everyday life and sovereign power. It is here that immaturity and ignorance (as well as fear) become the most useful and indeed essential ingredients for the purpose of domination, for it is on account of their presence that control, and even coercion, can be exercised and a *stifled* political and social order established. This sphere is neither solely public nor private. It is both at the same time, or neither one of them. It is something else. It is total and, in degrees that vary, it explains the fundamentally fascist fabric of our societies –including our so-called democracies. Enlightenment, in Kant’s sense, aims at the destruction and elimination of sovereign power. As he says in the *Critique of Practical Reason*, in the “moral kingdom, rendered possible by freedom,” members are not sovereign, but rational subjects (Kant 1996: 103). Indeed, true enlightenment is achieved in post-sovereign and truly democratic societies. ‘Argue, but obey!’ will not do. How can an officer, for instance, knowingly carry out an atrocity without being diminished in his/her maturity and dignity –and humanity? Will the possibility of arguing later about it be a guarantee against that loss?

Achieving true maturity and freedom cannot be reconciled with blind obedience and docility in the private sphere –or anywhere, for that matter. It is on the basis of Nietzsche’s thought that Michel Foucault (1977) developed the important notion of docile bodies. The docility in question –always to be paired with utility— requires what Kant sees as *self-imposed* immaturity, though in Foucault this is understood as the result of disciplines investing the human body. For Nietzsche, one makes promises and contracts a debt. One enters the social contract and constructs a conscience of responsibility and guilt. Accordingly, one partakes of the logic of sovereignty; one becomes a *sovereign individual*, “master of a *free will*” (Nietzsche 1989: 59). All this happens through a system of cruelty whose aim is the improvement of the



human being, the human body. This system of cruelty is the system of sovereign violence. The improvement obtained –which we increasingly observe in society today, the society of the spectacle—is the reverse of the emergence from self-imposed immaturity, the opposite of enlightenment. Nietzsche says,

If one intends it to convey that such a system of treatment has *improved* men, I shall not argue: only I should have to add what ‘improved’ signifies to me – the same thing as ‘tamed,’ ‘weakened,’ ‘discouraged,’ ‘made refined,’ ‘made effete,’ ‘emasculated’ (thus almost the same thing as *harmed*) (142).

The opposition between public and private reason (the reason that argues and the one that obeys) seems then untenable. Arguing under the threat of sovereign violence leaves one with only an illusion of maturity – but it leaves one weakened, discouraged, frustrated, and harmed. If docility and obedience are the real aims –the maintenance of the status quo, of oppression, domination, exploitation, and so on – then there is no point whatsoever in arguing. Instead, it is obedience itself that must be questioned. Doing that means questioning one’s own illusory sovereignty (thus one’s responsibility, conscience and internalization of discipline and guilt) as well as the legitimacy of the law, of sovereign power and sovereign violence.

As an illustration of this, let us consider the case of the American drone operators who recently wrote a letter to President Obama to denounce the criminality and immorality of the U.S. drone assassination program. On a *Democracy Now!* show, one of them, Brandon Bryant, recounting his first experience killing an Afghani man with a drone, initially made his point in a way that can be likened to the public/private reason divide. He said, “But I swore an oath. I did what I was supposed to do. I followed through with it” (*Democracy Now!* 2015). He then looked critically at this when, with great courage and maturity, he admitted being ready to undergo trial for war crimes. He said, “I think that it’s completely unfair that we helped prosecute German Nazis in World War II, and we can’t put ourselves under that same umbrella” (*ibid.*). Is not this a proof of the inconsistency and the need for the collapse of that private/public reason distinction? The problematic nature of what it means to be a scholar becomes here completely apparent. In a sense, Kant takes the easy way out of this problematic situation. Indeed, the two-body doctrine cannot work at this level, nor is one a soldier first and a scholar later. Rather, one is a scholar while being a



soldier –as Brandon Bryant’s testimony shows. More importantly, it is the human life underlying one’s role as both a soldier and a scholar that is here essential –or perhaps, as we will see later, to be a scholar is precisely to be human in a certain sense. The duality of Kant’s distinction works only at the level of repression and coercion: ‘You swore an oath;’ ‘you must obey;’ and so on. Yet, when it comes to liberation, the body is one, and so is reason. It is one’s life, precisely; the life of one, who is perhaps less than one. What I mean to say by this last remark is that our sense of being one –a unified and sovereign self—remains problematic, to say the least. And the situation is certainly not solved by splitting this into a duality. Moreover, the human life underlying a person’s various roles and actions, or moving across them, is not a numeric entity, but an individuating process.

Another drone operator, CianWestmoraland, made the important point that in our age of more technicians and fewer decision makers, we need a new ethical paradigm (*Democracy Now!* 2015a). He argued that because with the new technology of drones “the responsibility for killing the person is divided ... nobody feels the full responsibility for what they are doing” (*ibid.*). The new ethical paradigm he called for should address the issue of “what it means for you to do your duty as a technician” (*ibid.*). This is indeed a central ethical and political issue. The separation made possible by the logic of sovereignty –the distance that one can put within oneself between being a human being and then an officer, a citizen, a bureaucrat, a technician, and so on – does not hold. It simply transforms itself into the loss of the sense of one’s reality, and of reality in general. The technician cannot come back as a scholar and, in a detached way, as it were, simply point things out. The transition from private to public reason cannot be made in a non-traumatic way, namely, a way which does not involve one’s whole being. To be sure, the transition cannot be made because fundamentally the distinction between private and public reason is fictitious; so is one’s illusion of sovereignty or the sovereignty paradigm in general. Another reason why the transition cannot be made is due to the fact that the relations and forces involved in one’s individuating process are not –to think of Spinoza— transitive, but immanent.

What comes to the fore here is the truth –enunciated by Walter Benjamin (1978), but also by Thomas Hobbes (1994) long before Benjamin and with a totally different intent—that the substance of law is nothing but violence: of sovereign law, sovereign violence. For Benjamin, this violence has the twofold task of making and preserving the law (1978: 286-287). The initial task of violence as lawmaking does not end with the establishing of constituted power, but rather, “under the title of power,”



violence and law become “necessarily and intimately bound to” one another (295). The preservation of the law –typically through law enforcement, the police, and so on— is nothing but the perpetual reiteration of that original violence. For Hobbes, too, the original violence transferred to the sovereign becomes the substance of law. In his fictional account, the sovereign receives this monopoly on violence (i.e., all unbridled freedoms, rights, and powers) from a “disunited multitude” (1994: 111) that immediately –and Hobbes insists, *voluntarily*— becomes unified under him. Everybody becomes a subject, that is to say, *subjected* to the sovereign. What comes next –the making of a contract, the emergence of constituted power and the law— is nothing but that original violence institutionalized. It is then easy to argue that it is not true that one ought to obey the law out of a moral obligation –certainly one does not have an obligation in the Kantian sense of moral duty, the categorical imperative, and so on; neither is there an obligation from the general existential and human level of reality. One must obey only because otherwise one will be in trouble with the law itself, with its system and fabric of violence –but for no other reason. In other words, there is no moral obligation. And on this point, Hobbes is very clear. The situation is not very different from when one complies with the order given by a gangster. It is a matter of hopes and fears, not one of any supposed legitimacy of the constituted order. Legitimacy is obviously different from legality. An order may be legal, lawful, but that does not mean it also has legitimacy. Yet, there is much confusion about this, and it is often thought that something is legitimate only because it is legal. In truth, it is easy to show that there is no legitimacy whatsoever. There is only violence, or the threat of violence.

Stressing the general lack of legitimacy in the political and legal order and the general presence of violence is essential from both an analytic and programmatic point of view. Analytically, it enables the deconstruction and elimination of the myth of legitimacy. Programmatically, it opens up new visions of what it might be to live communally outside the paradigm of sovereignty and sovereign violence, namely, in true democracy. In a recent, important book on these (and related) questions, Frédéric Lordon, relying on the philosophy of Spinoza, brilliantly shows how sovereign violence defines all forms of social and political relations –within the paradigm of capital, but also (hypothetically) outside it. Moreover, this does not only happen at the level of the relations of people to the state and the law, but at all levels and everywhere: in the workplace, the family, and so on. One of the most important points Lordon makes is that coercion and consent are simply two different expressions of the same logic of capture that defines domination in general. He says, “capture is what defines all forms of bossing” (Lordon 2014: 118). On the basis of Spinoza’s notion of





desire, Lordon shows that what distinguishes consent from coercion is that the former rests on and is constituted by the emotion of joy, while the latter is experienced because of sadness, and is thus open to resistance. Yet, all comes down to the same *passionate servitude*, which is not however unassailable and can be overcome by a life led by reason, and thus freedom. So, whether I consent to my own servitude or feel coerced into and by it, the reality of the fundamental structure of violence remains the same –though there obviously is an essential difference between the illusion of freedom created by consent and the mode of resistance enabled by the awareness of coercion. What is important is that it is never a question of freedom to begin with, but of determination: “Coercion and consent are forms of the lived experience (respectively sad and joyful) of determination” (64). Yet, the question remains open as to what accounts for sadness and joy. Unless it is a matter of predisposition, it must be something relating to conditions of contingency and choice, but contingency and choice are denied in Lordon’s Spinozist account. He also says,

Those who consent are no freer than anyone else, and are no less ‘yielding’ than the enslaved; only, they have been made to yield differently and thus experience their determination joyfully. There is no consent, in the same way that there is no voluntary servitude. There are only happy subjections (91).

But what makes one yield in one way rather than another? Determination, which is certainly absolute, cannot be so necessary as to eliminate contingency. In other words, when I consent, am I also free not to do so? Probably, the answer is positive, just as it is in the case in which, coerced, I can resist and fight against the force trying to enslave and crush me. The precondition of determination –perhaps its ontological ground— must be indeterminacy; or another way of saying this is that determination happens in the midst of indeterminacy –certainly, facing indeterminacy. Affirming or denying, which is what determination amounts to, must each be possible before either is individuated.

Issues like these can better be understood if one considers the philosophy of Leibniz, a philosophy of contingency, namely, of reasons “which incline without necessitating” (Leibniz 1989: 44). For Leibniz, what is often mistaken for necessity is in fact certainty, which is a type of contingency. Contingency, which includes possibility and the possibility-not-to (and that is to say, the whole spectrum of the possible),



names *what can be and not be*. Determination is not always a matter of necessity; often, it is rather a matter of contingency. Within contingency, there is always a point in time when what is determined in a certain way could have been determined in the opposite way. What accounts for the direction of determination –the increasing probability, and ultimately the certainty, that such will be the case rather than not—is what Leibniz calls *sufficient reason*. The point here is to address the common mistake made by a deterministic type of thinking according to which determination always and necessarily rules out contingency. But of course there is determination outside determinism. And I would call Spinoza's, not a philosophy of determinism, but one of determination – perhaps even of contingent determination, closer in this sense to the thought of Leibniz than one might think. Indeed, the famous appendix to part I of Spinoza's *Ethics* should make that clear. There is “no fixed goal” (Spinoza 1992: 59), and thus the cause itself is contingent. Determination operates between cause and effect, within their relation, not absolutely or outside it. This is why Duns Scotus says, “I do not say that something is contingent, but that something is *caused contingently*” (1987: 55). An event will be determined as necessary (or certain) when the conditions of its possibility obtain. But these conditions themselves may or may not obtain. It is this same idea, or logic, that Leibniz names by the principle of sufficient reason, where necessity takes the more accurate name of certainty.

A critique of sovereign violence, therefore, cannot simply rest on the reality of affects and desire and the deterministic tendencies engendered by it. What must be taken into account by such a critique is the fact of contingency –as well as the awareness of it. Being aware of contingency means imagining how things could be other than they are. Obviously, this awareness and this imagination are not found in the detached place of a simple and unified subject, but rather in the multiple conditions of subjectification and in the process of individuation –and this is what determination amounts to. Yet, a vortex of original contingency and freedom must exist if we are to posit the possibility of change. Things can change –as John Duns Scotus notes— because they are possible, rather than necessary (Duns Scotus 1987: 44). Indeed, “those who deny that some being is contingent should be exposed to torments until they concede that it is possible for them not to be tormented” (9). Something different can be imagined only because it is possible –and possibility is part of reality. So when Lordon denies what he calls “the tense of regret” as “a retrospective illusion” and as “the Spinozist non-sense par excellence,” he is perhaps denying the reality, or actuality, of potentiality (Lordon 2014: 143). He says that “to be able to do and to do are one and the same thing: we could only have done what we did, neither more nor less” (143-144). But I find this unrealistic and false. For instance, I could have gone to the



movies last night even though I didn't. I believe that, even from a Spinozist point of view, the denial of 'I could have,' which I would not necessarily call "the tense of regret," is a bit too strong. (Let us also note that the tense of regret is rather 'I should have' and admit that regret itself is in any case an important moment in human experience – and that we often learn from it.) That denial does in fact reduce reality to what is simply there, the merely given, by excluding potentiality. For it seems impossible to deny 'I could have' without at the same time also denying the 'I could' of transformation and change. To be sure, Lordon does not at all rule out change. But he inscribes it in a determinist –though he specifies, non-fatalist—ontology. For instance, he says,

When the indignation that gets people moving prevails over the *obsequium* that makes them stay put, a new affective vector is formed, and individuals who used to be determined to respect institutional norms ... are suddenly determined to sedition (140).

But what accounts for this indignation? I would suggest that it is not at all a matter of determinism or free will. As far as I know, one of the most interesting takes on this issue is Jean-Paul Sartre's denunciation of it as a false problem. At the outset of the chapter on freedom in *Being and Nothingness*, Sartre says,

It is strange that philosophers have been able to argue endlessly about determinism and free will, to cite examples in favor of one or the other thesis without ever attempting first to make explicit the structures contained in the very idea of *action* (1956: 559).

For Sartre, an action must be *intentional*: "The careless smoker who has through negligence caused the explosion of a powder magazine has not *acted*" (*ibid.*). This intentionality is what makes agents (bodies) expend their freedom, their nothingness. But as Sartre famously says, there is no exit from it, "we do not choose to be free" (623). We are "thrown into freedom," *condemned* to it (*ibid.*). Sartre provides the solution to the false problem mentioned above, the paradox of freedom, by means of the notion of 'situation': "there is freedom only in a *situation*, and there is a situation only through freedom" (629). Situation means determination, but outside the logic of determinism. Freedom means power to act, outside the illusion of a free will.



A critique of sovereignty also needs to posit something outside sovereignty. However, this is not a moment of transcendence; rather, it is a return into immanence. To say that there is a return to immanence seems to imply that there was an exit from it. In fact, there was no exit, but only the positing of a fictitious reality, the illusion of sovereignty as a totality. The end of that illusion gives the sense of a return into what has always already been there. In fact, it is sovereignty itself – sovereignty’s first and foremost expression of violence—that by positing itself as separate and distant creates a metaphysical and fictitious paradigm of power as *potestas* (authority) rather than *potentia* (potency). The fact that the paradigm is fictitious does not mean that it lacks real efficacy. What it lacks is authenticity and, if you will, legitimacy. Yet, it is a real and effective power. Lordon is absolutely right when he says, on the basis of Spinoza, that there “is no *potestas* that does not emanate from *potentia(multitudinis)* –but in the form of hijacking and to the advantage of the most powerful of master-desires, the desire of the sovereign” (160-161). What must be shown is that the desire of the sovereign –a despotic desire—is the opposite of the life guided by reason, and closer to freedom, defining the desire of the multitude. It is this *reason* that is neither private nor public, but something altogether different. In fact, it is *common* reason, that is to say, humanity.

In a great passage from the *Discourses on Livy*, Machiavelli says,

And doubtless, if we consider the objectives of the nobles and of the people, we must see that the first have a great desire to dominate, while the latter have only the wish not to be dominated, and consequently a greater desire to live in the enjoyment of freedom (1950: 121-122).

This is so important that it is also found in *The Prince*, where Machiavelli says that “in every city one finds ... two opposed classes,” the people and the elite. These two classes “are at odds because the people do not want to be dominated or oppressed by the elite; and the elite want to dominate and oppress the people” (1995: 31). The antagonism we find in Machiavelli, similar to the antagonism we find in Marx between capital and labor, must be reconsidered according to the view that domination and oppression (sovereign violence) are today present everywhere, at every level of social, political, interpersonal –daily life. As Lordon says,



The landscape of domination is nevertheless more complex than it appears in the light of the bipolar antagonism that Marx [or Machiavelli in the above-quoted passages] analysed (2014: 21; brackets added).

For Lordon,

the canonical form of the relation that opposes a dominator (or a small number of dominators) to the mass of the dominated explodes into multiple, hierarchical, interlocking dependencies that paint a kind of continuous gradient of domination (*ibid.*).

In keeping with this important insight, even Machiavelli's remark is not to be taken in a simplistic and schematic way, but rather according to the complexity of human relations, including their psychological and symbolic dimensions. Thus, the antagonism remains there, and so does the struggle. But they are not simply determined by economic and social status. Indeed, especially today, long after Machiavelli, when sovereignty seemed to have been perhaps overcome or displaced by new disciplinary practices (as Foucault seems to suggest), or by the new modality of the society of control, its presence becomes visible everywhere –or at times, remaining invisible, its effects are no less powerful and crippling (and often lethal). Sovereign violence can take the form of a drone, of military night raids in occupied war zones, of senseless police shootings and other acts of brutality, of enclosure, displacement and debt, of bossing in the workplace and at home. But it can also be found in more sophisticated ways as a generic mode of normativity, especially heteronormativity, and in interpersonal relations that would seem to be non-institutional, but in fact are not – determined as they are by the (over-)institutionalization of all aspects of daily life.

Yet, if relations of domination are found at all levels of the social, it does not mean that the fundamental structure of sovereignty has been upset, let alone discarded; rather, it has been *reproduced* and *distributed* throughout a network of relations of power that at first sight bear little resemblance to its classic representation. The head of a firm, of family, or even of state, does not formally have today the traits and attributes of the sovereign at the beginning of the modern age. For



instance, no (formal) power of life and death over his/her subject(s). Yet, the split between those who have the desire (and consequently often the power as authority) to dominate and those who have the desire not to be dominated (and are thus closer to freedom) remains there –so do the antagonisms and the struggles between them. This is a very clear aspect of domination under neoliberalism, where the new distribution of sovereign power –a distribution that reaches into the least visible situations of organizing, work, and everyday life—becomes evident. These are situations that often emerge quickly from relative invisibility to the full actualization of their potency –their power to disrupt and challenge old and ossified systems of oppression and exploitation and to imagine and create new situations, according to a more adequate notion of social justice. With Vijay Prashad, one may refer to the ensemble of these situations by the name of global South, which is “a world of protest, a whirlwind of creative activity” (Prashad 2014: Loc 230). Prashad also says that the global South is “a term that properly refers not to geographical space, but to a concatenation of protests against neoliberalism” (Loc 5857). In this sense, the current struggle of workers and students in France against the *loi travail* is one of the global South, that is to say, a struggle against new, neoliberal forms of sovereign violence wearing the mask of the law. This law is specific and different each time and in each place, but it is essentially fueled and sustained by one and the same paradigm of violence and the cynical interest of capital in its neoliberal form. The task of imagining something different, not only from capital, but from domination in general (which is today mainly effected through and by capital), falls upon those who –to go back once again to Machiavelli— have the desire not to be dominated and are thus closer to freedom. They are the scholars of the common –indeed of the undercommons, to use the expression of Stefano Harney and Fred Moten’s extraordinary book (2013) — that is to say, of the overcoming of the private/public divide.

Having started this essay from Kant’s distinction between private and public reason and what one is to do “as a scholar,” we now see that what really is at stake is the conception of the common life, of truth and justice. To go back to FrédéricLordon –in some sense close to Sartre here, “[t]he common life is not a choice that people are free to reject” (2014: 162), but, he continues –and this is on the final page of his book,

the relations that govern the organization of this common life are neither written in advance nor given for all eternity, and it is thus permitted to prefer some over others (*ibid.*).



With Spinoza, Lordon also says that relations of liberation, rather than servitude, are those of a life (and thus many or all lives) lived *ex ducturationis*, guided by reason. This is what Marx also calls “human emancipation” (1994), the “emancipation of the senses” (1994a), or communism. A reference should also be made to the Marx of the *Grundrisse* and the notion of *general intellect* (1973: 706). This is especially important today, in the digital age, when, for all the oppression, stupidity and violence, we are forced to witness and endure, we also experience a certain democratization of the production of knowledge, and thus the emergence of subjectivities moving fast toward a horizon of liberation. A new voice is acquired, together with a new “power of acting” (Lordon 2014: 118). A case in point is the video recently released by a group of Baltimore rappers voicing their anger against Donald Trump (<https://www.youtube.com/watch?v=hd9S4FIPkVk>). This is a perfect example of what it is today to speak *as scholars* of the common, from the undercommons, beyond the private/public divide, and according to the “real wealth” (Marx 1973: 708), which expresses the potency of creative time, not the power of money as capital or sovereign violence. As Harney and Moten say in their analysis of the issue of policy, “the multitude is already productive for itself ... and in the undercommons all the organizing is done” (2013: 77). The video in question (which ‘went viral’ on the Internet) is the production of a group of African American teenage rappers who would otherwise not be able to have a say in the political process and the management (or mismanagement) of the common life. They would not have a voice. Conservative commentators have denounced these rappers’ video as violent, and a scandal. In truth, what the video does is expose the systemic violence of sovereign power as well as the constant obfuscation and manipulation of social issues (of social injustice) going on in official political discourse, and duly reflected in mainstream media. Creativity and art become then an instrument of resistance, of denunciation of conditions of alienation, and a return into the ground from which new relations of governance of the common life can be established – in fact, a new, unsovereign law.

In a recent book on strategies of resistance, speaking about some common traits between Ornette Coleman and the Swedish punk band Refused (and with an insight from Barbara Ehrenreich about “the two meaning of the Greek word *nomos*: law and melody”), StevphenShukaitis says,



The *nomos* of the aesthetic-political rupture, then, is both a striving for autonomy as giving a law onto oneself, but importantly giving that law through the form of melody (2016: 140).

This law, which is also melody, is not, like the sovereign law, an instance of institutional violence, a mask for it. What Shukaitis sees as the function of the avant-garde is similar to what it means to be a scholar on the basis of and beyond Kant – once one has come to terms with the entrapments of the law, of the private/public paradigm. For Shukaitis, precisely, the function of the avant-garde is

attempting to break through forms of tradition, patterns of governance and convention, and to declare in a new aesthetics form that which can be elaborated into new forms of sociality, cooperation, autonomy, and freedom (*ibid.*).

This is a break with forms of politics that are not only obsolete, but also repugnant to new determinations of being, new modalities of existence, and, if not an inescapable event, “multiple processes of transformation,” as Jason Read suggests in the final pages of *The Politics of Transindividuality* (Read 2016: 289). The unsovereign law (law or melody, law as melody) is the univocal, or perhaps transindividual, voice of resistance, the clamor of the global South.





## Bibliography

- Benjamin, Walter. 1978. "Critique of Violence." In *Reflections*, trans. Edmund Jephcott, 277-300. New York: Schocken Books.
- Democracy Now! 2015. "'Numbing & Horrible': Former Drone Operator Brandon Bryant on His Haunting First Kill." November 20. [http://www.democracynow.org/2015/11/20/numbing\\_horrible\\_former\\_drone\\_operator\\_brandon](http://www.democracynow.org/2015/11/20/numbing_horrible_former_drone_operator_brandon).
- \_\_\_\_\_. 2015a. "Exclusive: 2 Air Force Vets Speak Out for First Time on Why They Want the Drone War to Stop." November 20. [http://www.democracynow.org/2015/11/20/exclusive\\_2\\_air\\_force\\_vets\\_speak](http://www.democracynow.org/2015/11/20/exclusive_2_air_force_vets_speak).
- Duns Scotus, John. 1987. *Philosophical Writings*, trans. Allan Wolter. Indianapolis: Hackett.
- Foucault, Michel. 1977. *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan. New York: Vintage Books.
- Harney, Stefano and Fred Moten. 2013. *The Undercommons: Fugitive Planning and Black Study*. New York: Minor Compositions.
- Hobbes, Thomas. 1994. *Leviathan*, edited by Edwin Curley. Indianapolis: Hackett.
- Kant, Immanuel. 1983. "What Is Enlightenment?" in *Perpetual Peace and Other Essays*, trans. Ted Humphrey. Indianapolis: Hackett.
- \_\_\_\_\_. 1996. *Critique of Practical Reason*, trans. T.K. Abbott. Amherst, NY: Prometheus Books.
- Leibniz, G.W. 1989. "Discourse on Metaphysics," in *Philosophical Essays*, trans. Roger Ariew and Daniel Garber. Indianapolis: Hackett.
- London, Frédéric. 2014. *Willing Slaves of Capital: Spinoza and Marx on Desire*, trans. Gabriel Ash. London and New York: Verso.
- Machiavelli, Niccolò. 1950. *The Prince and the Discourses*. New York: Random House.
- \_\_\_\_\_. 1995. *The Prince*, trans. David Wootton. Indianapolis: Hackett.
- Marx, Karl. 1973. *Grundrisse: Foundations of the Critique of Political Economy*, trans. Martin Nicolaus. New York: Vintage.
- \_\_\_\_\_. 1994. "On the Jewish Question," in *Selected Writings*, edited by Lawrence H. Simon. Indianapolis: Hackett.
- \_\_\_\_\_. 1994a. "Economic and Philosophical Manuscripts," in *Selected Writings*.
- Nietzsche, Friedrich. 1989. *On The Genealogy of Morals*, trans. Walter Kaufmann and R.J. Hollingdale. New York: Vintage Books Edition.
- Prashad Vijay. 2014. *The Poorer Nations: A Possible History of the Global South*, with a



- Foreword by Boutros Boutros-Ghali. London and New York: Verso.
- Read, Jason. 2016. *The Politics of Transindividuality*. Leiden and Boston: Brill (Historical Materialism Book Series 106).
- Sartre, Jean-Paul. 1956. *Being and Nothingness: A Phenomenological Essay on Ontology*, trans. Hazel E. Barnes. New York: Washington Square Press.
- Shukaitis, Stevphen. 2016. *The Composition of Movements to Come: Aesthetics and Cultural Labor after the Avant-Garde*. London and New York: Rowman& Littlefield International.