

Balibar & Derrida on Gewalt

Barbarism, cruelty, extreme violence: economies of legitimacy

2015, January 12th. I have decided to post this piece following the recent events in Paris, in reaction to the general media coverage, but also to many scholars' and politicians' comments — in reaction, notably, to a certain use of language, and in particular this omnipresent lexicon, "barbarians", "barbarism", that I still fail to fully understand...

This text was initially established as a chapter for my PhD thesis, "Violence and legitimacy: an articulation beyond power". It had to be left out from the final version, because of word-limit constraints... I haven't modified it in view of this publication. It is a very much unfinished draft, including a lot of rambling, absurdly long footnotes, and sometimes telegraphic notes. But here it is. I hope this work will trigger comments and reflections. If you have any remarks, questions or criticism, please message me. I am very much looking forward to pursuing this analysis further through any sort of discussion.

(I have just noticed that some of the longest footnotes have been truncated during the formatting of this file. Maybe it was for the best!... There is enough material, here, for approximately 1 book + 3 articles. Sorry again for the DIY aspect of all this. If you have any questions, or are curious about some specific segments that ended up missing, please message me!)

[2015, January 15th. This is a slightly expanded version.]

Please do not cite without authorisation.

HYPOTHESIS (in the shape of a question): Would we be able to recognise illegitimate violence if it hit us in the face? Are we certain that, even if we did, we could declare, once and for all, in all rigour: 'that was an act of illegitimate violence, no doubt about that, and it will always be considered as such, it would be defined as such regardless of the context'? *Conversely*, while someone is engaging in the most innocuous and harmless of activities, can they affirm in all certainty that they are not already, somehow, offending or harming someone (starting with themselves) or, more seriously, indulging, one way or another, in a form of intellectual or material practice perpetuating and consolidating the

legitimacy of some form of institutionalised, structural violence? and *all the more* when they are actually doing nothing, or doing something else than what they ought to do, starting — why not? — with protecting or standing for the victims of another violence?... But were they doing so, they would indeed be *doing something* — and there is no escaping from this double bind.

We can always try to convince ourselves, of course. The economy of violence and legitimacy always starts with confident accusations, and declarations of good intentions. Wolves have always tried to pass as lambs, obviously, but Marx also warned us against those sheep draped in wolves' clothing — and those might be violent in different, more deceptive ways. There is no violence without masquerade. This might be the first violence of violence itself — one can never be sure if they are about to get harmed, whether they have been played all along. When there is *menace* (because there *is* menace, real or fantasised), there is game, and its rule: there is the thrill of fear and the chance for hope. Some "extreme forms of violence" can lead to formidable liberations, while the most peaceful manifestations in appearance might always dissimulate and perpetuate strategic interests, will-to-power and obscure structures of domination based on large-scale exploitation — and this would be *another form* of war, possibly worse. Perhaps. And, since Marx, the question of the *form* taken by violence cannot be separated from an interrogation on the status of *ideology*. Does pure violence let itself known? Can there be an understanding of violence beyond its ideological becoming, reaching to its very phenomenality?

The question of the *appearance* of violence, of the real nature of this *phainesthai*, is absolutely crucial, for theoretical literature on violence has always been interested in the potential dislocation between the *form* and the *truth* of said violence. Such theoretical orientation betrays a difficulty as to the status of phenomenality when it comes to violence, but it also indicates an immediately practical concern, consubstantial with the very *experience* of violence and legitimacy. Indeed, there is no reason and no force, no value nor interest in denouncing an act of illegitimate violence if it is not to characterise it as *truly* violent and illegitimate: what *matters* is its essence *as violence*, in origin and purity, that which could finally *name* the indisputably violent character of an offence or a wrongdoing, and therefore help victims, mourners, confidants, judges and spectators, *all of us*, be absolutely certain, once and for all, that something indeed *happened*, beyond all perhaps, something like an *actual act* of illegitimate violence — indubitably, without benefit of the doubt, beyond all possibilities of legitimation, justification or explanation... In order to be identified as such, this violence should not be circumstantial; it should be

in no way articulated to the intentions or the thoughts of its author, all things of ideal nature which might precede its exercise, and thereby might explain, rationalise, contextualise the violent deed beyond the sole evidence of its violent actuality or materiality. Such violence has to be a manifestation of pure violence, a *miracle* of violence, so to say, only visible and readable as such — *as violence*: before and beyond all possible *forms* taken, beyond all *other* forms of existence, before any form of comprehension, theorisation, interpretation and, even, criticism. This violence must be *inconvertible*, existing as violence before and beyond all potential translations, conformations, transformations or metamorphoses into anything else, especially into anything remotely *positive*. It ought to be violence as pure destruction, unmitigated annihilation without any hope or chance for constructive rationalisation, for any dialectical resolution as *Aufhebung*, 'sursumption', 'sublation', *relève*, etc.: as such, it has to be the fantasy of a *pure negation*, without possibility of redemption.

But this recognition is never as simple. In all act of violence there might always be the possibility of a legitimisation, a specific circumstance or a singular justification, even from only one perspective, for one person, however surreptitious or unannounced, who might follow different protocols of interpretation, provided with different information or intelligence, acting and thinking in the name of someone or something else — in the name of *another*. And we have to deal with this possibility. With the slightest of mitigations, violence is already comprehensible, negotiable, justifiable, even partly, which means that it can already be somehow legitimated: the idea of purely illegitimate violence vanishes. And if violence can be legitimated, even in the slightest, even *furtively* and *surreptitiously*, then it cannot be considered as violence through and through: it is already something else than pure violence. The ever-possibility of a legitimisation-to-come (even though it never *presents* itself in absolute terms) inscribes the mark of a structural undecidability in all phenomena of violence, in their violent phenomenality, their status as violence, and this essential conceptual inadequacy should thus complicate the elaboration of something like a "phenomenology of violence", for instance. This mark must irreparably affect all theoretical architecture taking violence as its object, and must thereby imply the absolute necessity to always discuss and deliberate on the subject of violence and legitimacy — a deliberation wherein the protocols of interpretability and juridicity are themselves taken within the same 'logic' of the undecidable. In other words: the essence of legitimacy is to be contested, as much as the essence of violence is to be justifiable, because this violence is the affirmation of its *difference as legitimacy* — and as such it is a *force* which must be reckoned with. This confirms the impossibility of conceiving something

like a properly universal force of legitimacy, one that could occur independently from its actual, 'material', anchorage into the violence and the 'happening', the violent happening of a singularity. On this account, absolute, universal certainty about the violent character of one single violent act would amount to absolute, universal certainty about the legitimacy of *my reading* of it: it would be the ground for *divine justice*. Here, miracle of violence and divine justice cross each other from the extremities of this chiasmic figure: the *economy of violence*, which is also an *economy of legitimacies* — an economy of *Gewalt*.

This economy signifies that everything happening, properly *happening*, every singular *event* worthy of the name (starting with its recognition and definition as such — as an event, as a 'happening') can in theory (*de iure*) be comprehended, justified and legitimated beyond the sole *irruption* (or interruption) of its eventality (or intervention); but this legitimation is immediately the demonstration of its violence as event: its visibility, its readability, its recognition and rationalisation immediately betray the possibility of a becoming-violence within all eventality. And this 'logic' can easily be reversed: the effort of legitimation is itself *evental*, a performative iteration of violence inducing a certain responsibility, a duty to respond, with regard to future interrogations, refutations, resistances — which means, first, that *not anything* can be justified and, secondly, that legitimation is also, itself, a matter of differential forces of law, depending on powers of conviction, existing strategies of legitimation, circumstantial protocols of interpretation, etc., all things that structure the experience... This signifies that the practical dimension of legitimacy, its field of effectivity (*Wirklichkeit*), is virtually unlimited and illimitable: before or beyond making violence legitimate, *legitimacy structures the experience*, making the irruptive violence of experience (the violence of 'social change' or 'conservation', in any case the violence of an *irruption*) *possible*, admissible, acceptable, even desirable. Here, the limit between *possibility as 'perhaps'* (*peut-être*, what 'may be') and *possibility as power* (*pouvoir*) is as blurry as ever. But this double possibility also signifies the power or the potency to make violence invisible, to conceal until its very eventality: if an action, an event, a situation is not recognised as potentially violent, if it is not discussed in terms of legitimacy (another way of saying: 'if the terms of its legitimacy are not discussed'), if it is not even *acknowledged* nor even *perceived*, as an event, as anything, if it is purely and simply *ignored* (*in-narratus*: 'non-exposed', 'non-narrated', 'unsaid', 'tacit')... then who is to *say* that this is not, precisely, the sign or the mark of a perfectly *effective, powerful* legitimacy?... And this tacit dimension could characterise, obviously, the vast

'majority' of the experience¹, the eventality and the violence of which are right away denied and rejected, before or beyond any potential translation or reduction into the grammar of 'politics' or 'history', before such experience is even analysed in terms of power, praxis, violence, etc. — before, maybe, the experience is even 'experienced', and acknowledged as such... Now, if it is so, who could pretend that this structure of violence and legitimacy, located before or beyond politics and power, even before (perhaps) the empiricity and phenomenality of the experience — who could pretend that it is not *already*, somehow, *political*? political before or beyond politics? Who could argue that this politicality has nothing to do with deeply-rooted forces of legitimacy, silently inducing structures of cognition, secretly conveying interpretative models, and influencing 'decisions' everywhere, all the time?... This secretive and silent dimension recalls "the mystical foundation of authority" that we evoked in our Chapter One: the internal limit of language, secret foundation of its performative power, what Derrida named a "silence walled up in the violent structure of the founding act; walled up, walled in because this silence is not exterior to language²". At the foundation or founding of this silence, there has to be some force and some legitimacy, some legitimate force which made it possible, secretly establishing and stabilising it, securing its status as silence, its silent status: it is the first *power* and *effect* of legitimacy, putting an end to some war by tracing a peace/war divide *within experience itself*, through the erection of a taboo, a law of silence which always denotes a certain violence: who or what, which forces and which possibilities have been *rendered* silent, repressed or suppressed? in the name of whom or what, whose or which interests? by which force or which legitimacy? which force of legitimacy?

¹ I use inverted commas because it is, of course, a *problematic* majority (like all majorities, 'democratic' or not, 'visible' or 'silent', etc.), as it can only substantiate and constitute 'a vast majority' within a 'whole' which is *itself* substantiated, determined, structured, and made visible in function of power relations and protocols of interpretation, themselves organised in and through differential forces, etc. All this to say that this vague notion of 'vast majority of the experience' cannot even start to express *the other of the experience*, that is to say all that is denied to the empiricity and the phenomenality of the experience, both within and (maybe) outside of the field of experience, cryptographic relations between forces and legitimacies at the infra-individual, individual, or collective levels, defined either locally or globally, etc. This complex, reinvested idea of 'the experience', both conscious and subconscious, is one of 'the world', and this is why the term 'globally' is itself improper: '*mundially*' is more suitable, as what we are pointing to here must be an experience *in* and *for* the world and its rules, a certain cosmo-logy, *le monde*, practical experience of its plasticity, its immune mutability, its auto-immunity, its differential force of legitimacy, both in epistemic and ethical terms. In other words: a singular and heterodox interpretation, obviously beyond psychology or psychosociology, and beyond any methodological individualism, of the articulation between *consciousness* and *unconscious*. (cf. LBS II dernière séance)

² Jacques Derrida, "Force of Law", in *Acts of Religion*, ed., Gil Anidjar, London: Routledge, 2002, p. 241.

In a sense, these questions could appear as the premises for a potential *deconstruction of silence*, and of the secret structures on which it is founded. *However*, this subject calls for prudence and restraint: a proper taboo, one worthy of the name, should be through-and-through invisible and unspoken. Who can affirm that the questions mentioned above might actually have anything to do, or to *say*, about *silence*?... Certainly, if there must always be hope, and a will, for a certain *Glasnost* and *Perestroika*, in other words, the possibility of an epistemic and structural effort of deconstruction and democratisation, this effort can never target *a secret*, by definition, at least not *directly* and *openly*. A secret cannot be targeted, for an open secret is not a secret; as soon as a secret is in the open, as soon as silence is surrounded and penetrated by noises and voices, this indicates or betrays a weakening in legitimation and a softening force of legitimacy... Unless, of course, this circumstantial weakening, this local opening, is in fact a strategic device within a broader game of violence and legitimacy, inducing victories on other fronts, foreshadowing profits in other forms, maybe larger, more decisive or more durable gains — and this is the logic behind all so-called 'soft' powers, strategies of influence, manoeuvres of seduction, etc. This is why the notion of "the mystical", as a secretly constitutive other within language, forever inaccessible to conceptuality, is a paradoxical concept both in epistemic and ethical terms: it inscribes the logic of violence and legitimacy both *inside* and *outside* of the silence of the mystical ('we know that we don't know, but we don't know where what we don't know starts and ends'), and therefore entirely structures the readability-unreadability of the experience as much as its ethical interpretability. Which also signifies that *the logic of violence and legitimacy does not need to be enunciated as such to be 'present'* — quite the opposite: the unreadability or invisibility of violence, of a violent eventuality, *might* even be the sign of a great(er) force, potency or power, so powerful that it makes its reading as such, as violence, as event, impossible and irrelevant. The paradox of secrecy, of the mystical, is that it indicates *either* a notion so shameful and illegitimate that it must be kept hidden at all costs, therefore violently suppressed or repressed, *or* a legitimacy so powerful and confident that its potential violence has been rendered completely invisible and silent, maybe inexistent: and how to be sure that this either/or structure does not also imply a mutual contamination? The limit is unfindable because it supposes a performative interpretation, itself limited by the mystical, thus betraying an ever-possible reversal between these two articulations of the same 'logic', these two interpretations of the *same secret*: a secret resulting *either* from the (legitimate) repression of a dangerous illegitimacy, *or* from the (violent) expression of an all-powerful force of legitimacy. In both cases: a repression and an affirmation. On both sides: violence and legitimacy.

★

All of this makes the head spin, like vertigo, precisely as we are questioning the possibility of *converting* violence, of *turning* violence into something else, into something that will potentially make the spinning *stop*... "What are we to understand by '*conversion*'?", Balibar asks in *Violence et civilité*: "A sublimation or spiritualisation, but mainly a *transformation* of violence into a (historically) *productive force*, an *annihilation of violence as destructive force* and a recreation as *energy* or *power* [or '*potency*': *puissance*] internal to institutions."³ According to Balibar, the violence of *power* (*Gewalt*-as-power) is a form of violence which has been converted into institutional efficacy: "Here, we are aided by the dissociation operated in French (like in some other Latin languages, and English) between two "significations" of the German term *Gewalt*, or, rather, by the interplay between languages. By its operation of conversion, *Gewalt* metamorphoses itself into another *Gewalt*, violence turns itself into power [*la violence se fait pouvoir*: '*violence makes itself power*']".⁴ This "operation of conversion" therefore constitutes a forceful translation, a violent transaction between *Gewalt* and itself: this signifies that the operation is itself violent ("a violent conversion of violence"⁵), and that *Gewalt remains violent* even once it has been converted into power. *Gewalt*-as-power is first and foremost *Gewalt*, and this is repeatedly reaffirmed by Balibar, in his theory of politics as "politics of violence"⁶. This notion of conversion is therefore immediately and explicitly problematic, as it implies a *change of nature* from *violence* to *power* (if only to justify the effectivity of the operation of conversion itself, a transformation, a *Wandlung* of some sort, beyond mere appearances), but this change *also* implies a certain immutable substrate of *violence* within *power*, some essential and persistent characteristic in and of *Gewalt*, always authentic to the 'initial or 'original' predicates of violence itself, before and beyond conversion... However, and whatever the exact sense and results of this operation of conversion, there remain *beside*, but also seemingly *inside*, *Gewalt*-as-power, some forms of *inconvertible violence*, that Balibar names "extreme violence" and "cruelty":

³ *Violence et civilité: Wellek Library lectures et autres essais de philosophie politique*, 416 pages, Galilée, 2010, p. 61. My translation and emphasis.

⁴ *Violence et civilité: Wellek Library lectures et autres essais de philosophie politique*, 416 pages, Galilée, 2010, p. 61. My translation.

⁵ *Violence et civilité: Wellek Library lectures et autres essais de philosophie politique*, 416 pages, Galilée, 2010, p. 79. My translation.

⁶ *Politics and the Other Scene*, London & New York: Verso, 2002, pp. xi-xii.

"those which exceed all possibility of regulation."⁷ The conversion of violence into power thus proceeds from a work of "regulation" and, as we will see, 'normalisation'. Extreme violence is by definition *excessive*: it exceeds the normalising capacities of power, and as such it constitutes what Balibar calls the *internal limit of politics*⁸. This notion will prove fundamental for my analysis: indeed, even though the *concept* of *Gewalt* remains *one* in the whole of Balibar's theoretical architecture, the limit between convertibility and inconvertibility, between *Gewalt*-as-power and *Gewalt*-as-violence, between violence and "extreme violence", is nonetheless the mark of an undeniable distinction between *two forms* of *Gewalt*, two types of violence, two phenomenological categories. The question of this phenomenological limit is therefore crucial: it determines the nature and the practicality of politics through the relevance, the reliability and the capacity of enforcement of what Balibar calls "anti-violence" and "politics of civility". Without this limit, power and extreme violence would intersect until their respective phenomenality becomes undecidable... Now, if, somehow perversely, we were to add one more *turn* to the operation of conversion, if we were to pervert its founding principles by raising the hypothesis that the convertibility-inconvertibility divide is itself the result of a conversion, of a normalisation, itself violent, at the origin of its phenomenological criteriology, then this process of conversion-perversion would always-already suppose *another violence*, before or beyond the power/violence divide, violence relaying violence, each time singular, each time with new meanings and new structures, new forces and legitimacies, and it would be impossible to arraign its movement once and for all. The readability of "extreme violence", its phenomenological distinction, the marks of its abnormality would become whimsical. Violence and power would be carried away, all the way into vertigo, through the violent whirlwind of a perverse performativity, a perverformativity, triggering a potential escalation into extreme violence and into more perversity, undecidable (in)convertibility, for better or worse and without assured criteria of recognition... Vertigo of violence and legitimacy; hurly-burly maelstrom of forms and truths. In this pandemonium of possibilities and powers, violence can be converted into power, the violent power to conceal violence, to control its phenomenality, to schedule its apparitions, to make it both visible and invisible, even the worst violence, until its most extreme forms. This power to make violence appear or disappear or, in other words, to make violence possible or acceptable, is precisely the power to *convert* violence, through violence, into something else, into

⁷ *Violence et civilité: Wellek Library lectures et autres essais de philosophie politique*, 416 pages, Galilée, 2010, p. 126. My translation.

⁸ "Violence and Civility: On the Limits of Political Anthropology", in *Differences, A Journal of Feminist Cultural Studies*, vol. 20, issue 2-3, p. 24.

power, into the (legitimate) power to make violence invisible, etc: the circle is unstoppable, at least not without a certain theoretical and practical violence.

Only on the relatively stable basis of the convertible-inconvertible distinction can we establish a phenomenology of extreme violence and power, which will permit to delineate politics of civility, their limits, predicates and instruments. But if violence is always only readable through its *forms*, and if some of those anamorphoses are all the more violent that they read as harmless, and this precisely through the effects of *power* itself, that is to say *violence* itself, *Gewalt*, how are we then to conceive a typology or a phenomenology of violence? Following whose or which perspective, whose *interests*? And within this phenomenology, *who* or *what*, which *instance*, is in a position to choose, to *decide* between different *types* or *forms* of violence? Will this instance take entire responsibility for that choice? *Who* or *what* has decided for it, before it, from within it? Following which rationality, which legitimacy, which interests, which values, which will-to-power? And speaking from which *present*, both inescapable and unfathomable, and in view of which unforeseeable future? Was there even a *decision*, a critical instance, a κρίνω (*krino*, 'I decide', 'I separate') itself instantiated in a moment of κρίσις (*krisis*, 'crisis')?... Each political theory, every reflection on power must be, each in its own singular way, an attempt to answer these questions. In this chapter, I will focus on Balibar's analysis, in order to interrogate Engels' representation of the violence of the class struggle with regard to its historical manifestations, but also to explore further the validity of the conceptual distinction between *power* and *violence* 'within' *Gewalt* — which is *also* a distinction between *legitimate* violence and *illegitimate* violence — this time in relation to the nature of "extreme forms of violence". This study will read as a thematic incursion into violence at its *extremities*: when does violence become *more* than violence? — so violent that it exceeds power and all capacities of regulation and legitimation, turning into violence at its most exceptional and extreme, with the risk of destroying relations of power, politics and antagonism, "annihilating the conflict itself"? — so violent that it might destroy even the exceptionality of the exception, destroying everything, all possibilities, up until *destroying destruction itself*?... Is such thing *possible* — destroying all possibilities for politics, until the very *possibility of politics*? When did that *happen*? When does it happen, and when will it happen again? Will we be able to recognise the exception of the extreme when it *presents* itself under those traits, or in this *form*: "extreme forms of violence"? How have we been so far, and how will we be able to judge of that extreme violence, before or after the potential destruction of politics, of power itself? according to which criteria, which interpretative models, under which *categories* of judgement (from κατηγορέω,

katēgoreō: 'I accuse, speak against')? And what does it say about other, "convertible" forms of violence?... Because, indeed, 'before' or 'after' the intervention or the advent of the extreme, as long as the exceptional does not actually *happen*, in the *space* or *spacing* of an elongated *present*, located between mere conflictuality and absolute destruction, politics only have to deal with "normal" forms of violence: conflicts, antagonism, agonism, violence and anti-violence — all which constitute the prerogative of *Gewalt*-as-power, the realm of convertible or converted violence. Before trying to understand the specificity of "extreme forms of violence" and their relation to power, I will therefore pursue the analysis of *Gewalt* in relation to *violence* in Engels' *Die Rolle der Gewalt*, and in this perspective I will keep following Balibar's conceptualisation of this relation — up to a certain point. What is, thus, the nature of *Gewalt* in Engels' dialectics? And what is Balibar's interpretation of it?

Conversations through the looking-glass: Balibar's Engels' "conversion"

Étienne Balibar, in "Reflections on *Gewalt*"⁹, intended to analyse what he calls "the paradox of Marxism's relationship to violence"¹⁰, understood as "the aporia of its relationship to the significance and use of force"¹¹. He does so by analysing Engels' *Die Rolle der Gewalt in der Geschichte*¹² and comparing his conclusions to Marx's various mentions of the concept (or the "theme") of *Gewalt* in earlier writings. Balibar's whole exposé is preceded and conditioned by a *caveat lector*, a sort of semantic-juridical disclaimer, a crucial notice requiring the reader to be infinitely cautious in his understanding of the German term *Gewalt*:

This reconstruction of the author's intentions leads us immediately to a remark on language and terminology that is fundamental to our further argument. In German (the language in which Marx, Engels and the first Marxists wrote), the word *Gewalt* has a more extensive meaning than its 'equivalents' in other European languages: *violence* or *violenza* and *pouvoir*, *potere*, power (equally

⁹ Étienne Balibar, "Reflections on *Gewalt*", in *Historical Materialism* 17 (2009) 99–125. The French version of this article can be found in *Violence et civilité: Wellek Library lectures et autres essais de philosophie politique*, 416 pages, Galilée, 2010, pp. 251-304.

¹⁰ Étienne Balibar, "Reflections on *Gewalt*", in *Historical Materialism* 17 (2009) 99–125, p. 99.

¹¹ Étienne Balibar, "Reflections on *Gewalt*", in *Historical Materialism* 17 (2009) 99–125, p. 114.

¹² Published posthumously in 1895, and usually translated into English as *The Role of Force in History*. It contains notably the three chapters dedicated to his "Theory of Force" (*Gewaltstheorie* I, II and III) and already published in 1975 as the 'theoretical' chapters of *Anti-Dühring*.

suitable to 'translate' *Macht* or even *Herrschaft*, depending on the context). Seen in this way, 'from the outside', the term *Gewalt* thus contains an intrinsic ambiguity: it refers, at the same time, to the negation of law or justice [*l'antithèse du droit ou de la justice*] and to their realisation or the assumption of responsibility for them by an institution (generally the state). This ambiguity (which is naturally to be found in other authors) is not necessarily a disadvantage. On the contrary, it signals the existence of a latent dialectic or a 'unity of opposites' that is a constituent element of politics. In a sense, Engels only made this explicit, and this is what we will have to try here to make the reader understand.¹³

The term *Gewalt*, undeniably, raises many questions concerning the nature of the articulation between law and violence; however, Balibar's linguistic commentary is immediately problematic: in spite of his repeated use of inverted commas, Balibar affirms in no uncertain terms that there is an "intrinsic ambiguity" within the concept of *Gewalt*, and that this semantic specificity is mainly perceptible " 'from the outside' " — that is to say, from outside of the German idiom, if not, maybe, outside of *Germany*, its cultural or literary 'regime', so to say, since this ambiguity "is naturally to be found in other authors"... Surely, it is always possible to interpret a notion, foreign or not, in function of an intrinsic division, to perceive in it an "ambiguity", to construct semantic "opposites" and to elaborate a certain "dialectic" out of those terms — but can it be claimed for instance, as Balibar does, that someone like Engels only made that ambiguity "*explicit*"? that the dialectic was merely "latent" within the word *Gewalt*, waiting for some sort of enlightened spirit to make it overt? And what are thus the identity and origin of that perspicacious spirit — is it named 'Engels', 'Marx' or 'Balibar'? Is it a German spirit, a German-speaking spirit, or an 'outsider'? *Where* is it speaking *from*?

From the outset, Balibar ignores a hypothetical interpretation: could it be that the "intrinsic ambiguity" of *Gewalt* is actually being projected ("from the outside" — or not) on a notion whose plasticity is in fact constitutive, revealing a structural, intrinsic undecidability of the concept of *Gewalt* in its relation to *violence* and/or *power* (rather than a mere "ambiguity" between those so-called "opposites")? This nuance will prove essential, and not the least because Balibar's exposé is entirely structured around the 'unity of opposites' supposedly contained within the term *Gewalt* — whether it is applied (somehow justifiably) onto Engels' description of the dialectics of historical materialism, or projected on Marx's analysis of the class struggle (in a subtle and compelling manner, but for ultimate results which are imminently debatable). My conviction is that both the Engelsian and Marxian interpretations of *Gewalt* suspend, in the very essence of *Gewalt*, the question of the legitimacy (or legality) of violence, so that its

¹³ Étienne Balibar, "Reflections on *Gewalt*", in *Historical Materialism* 17 (2009) 99–125, p. 101.

determination as either *violence* or *power*, such as construed here by Balibar, does not enter in its most essential definition. Notably, the most questionable aspect in Balibar's analysis of the term *Gewalt* is probably his idea that this "unity of opposites" "is a constituent element of politics". This statement is at odds with some of the most fundamental principles of Engels' and Marx's conceptions of politics and *Gewalt* — more precisely, it fails to understand that the divide between *power* and *violence*, between *law* (incarnated in the state) and its "negation" (*antithèse*, in the French version of the text) is only a juridical creation, the result of an ideological (legal-political-philosophical) production, and therefore a secondary effect of *political legitimacy*, a mere strategic device within the overarching class struggle. That is to say that power and violence are one and only concept in the class struggle; the "ambiguity" that Balibar perceives as an intrinsic characteristic of the German term *itself* does not characterise the notion of *Gewalt* at its most essential level. There is no "ambiguity" for either Marx or Engels: *Gewalt*, in their writings, is not a "unity of opposites". It is, at its most essential level, and until the advent of communism puts an end to it, the violence of the class struggle, affected through and through by the conflictual interaction of antagonistic material interests, and affecting politics and power through and through. Balibar's interpretation of *Gewalt* as a conceptual "opposition" between *violence* and *power* is not only impossible for linguistic reasons dependent on a Germanic idiom: this distinction is, in Marxian terms, a theoretical impossibility and an ideological construct. This signifies that even when one is indeed speaking "from the outside" (for instance, in English or in French) the so-called distinction between *violence* and *power* (or *violence* and *pouvoir*) is only, according to the Marxian conceptuality, an ideological distinction, relevant *only* on the plane of ideology (that is to say that it is *barely* relevant — which does not necessarily mean that it is *absolutely* irrelevant: I developed this point further by analysing the status of political ideology and general interest in relation to *Geistigkeit*, in my Chapter Four).

In my previous chapters, I engaged with Marx and Engels' dialectics of the class struggle, and analysed its articulation to the notions of *Gewalt*, ideology and politics. Here, I shall explore further Balibar's interpretative gesture in relation to Engels' theory of *Gewalt*:

Engels's concern is primarily to bring 'force' [here: *Gewalt*] down from the heaven of metaphysical ideas in order to analyse it as a *political* phenomenon, included in a history of the transformations of politics. In several different passages, a pure and simple equivalency between the two notions seems to be posited: 'That was an act of force [*Gewalttat*], hence a political act [*politische Tat*]' (*Anti-Dühring*, II, 2; MECW 25, 147). The true relation between them is, rather, that one is a subset of the other: politics includes force [*Gewalt*], but cannot be reduced to it. Or, rather, force

[Gewalt] is an integral component of any politics, so that it is illusory to imagine an effective political action that does not have recourse to it. One might even say that this element of force [Gewalt] always plays a decisive role, whatever the social forces or classes at work, and thus in proletarian politics as well – even if the difficult question must then be posed as to whether a specifically proletarian modality of violent action (distinguishable from war, for example) exists. Yet politics cannot be reduced to force [Gewalt], which, in this sense, is never 'naked' or 'pure'. Not only does it presuppose the economic means necessary to exert it, but it includes as well an element of 'conceptions [Vorstellungen]' (bourgeois liberal ideas, or socialism) and 'institutions [Einrichtungen]' (parliamentarianism and universal suffrage, popular education, the army itself).

Here, we see the multiple significations mentioned earlier of the term *Gewalt*, which Engels takes advantage of [*mise à profit*] to sketch a dialectic internal to the history of politics. In fact, on the one hand, force [Gewalt], reduced to organised *violence* (and to war, in particular, whether foreign war or civil war), only constitutes part of the system of political instruments; on the other hand, it includes all the effects of *power* and is overdetermined [*surdéterminée*] by other terms that also connote political action.¹⁴

In this convoluted scene of ventriloquism, a French author (Balibar) is constructing the following narrative: he claims that a German author (Engels), while he was developing his argument in German, was (unwittingly) 'taking advantage of' a certain French interpretation of a German concept (*Gewalt*) by summoning the notional articulation between *violence* and *pouvoir* (or, more precisely, *Balibar's specific interpretation* of this articulation) and was doing so *without even mentioning those words*. Balibar is thus telling us that Engels, in his *Gewaltstheorie*, was speaking French without even noticing. Better: he was speaking Balibar's French!... Balibar, more than a century after Engels' death, is thus *converting* Engels' concept of *Gewalt*, reinterpreting it as a dialectic between two unspoken 'Latin' concepts, a dialectic which will prove to constitute an operation of *conversion* from *violence* to *pouvoir* — and this dialectical becoming could not *appear* to Engels as such, of course, although he was already its unwitting and unsuspected agent: dialectical *mise en abyme*, conversion within conversion... It is therefore no easy task to thoroughly distinguish, in this passage, between what properly 'belongs' to Engels' conceptuality (that he did not, in his *Gewaltstheorie*, make completely explicit on these matters), and the specific originality of Balibar's active interpretation of it... In manner of pure commentary, Balibar thus brings again the supposed polysemy of *Gewalt* to the centre of his argument ("the multiple significations mentioned earlier of the term *Gewalt*"). However, something has changed already: the "latent dialectic", within the term *Gewalt*, between "power" on the one hand and "violence" on the other hand does not cover here the exact same semantic fields as earlier. While *violence* was initially designated as "the negation of law or justice" (*l'antithèse du droit ou de la justice*) and was exemplified by revolutionary protests and popular

¹⁴ Étienne Balibar, "Reflections on *Gewalt*", in *Historical Materialism* 17 (2009), pp. 99–125, p. 104. Balibar's emphasis.

forces of resistance, it now refers to the "organised violence" (explicitly attached to foreign or civil *war*) — hence to a possibly *legal* (if not necessarily legitimate) form of violence. Why such a semantic shift?

Balibar seems to oscillate between *two* interpretations for the “element” of violence *within Gewalt* (*Gewalt-as-violence*): on the one hand *violence* would designate any illegitimate or illegal (anti-state) form of *Gewalt*, while on the other hand it would point to what he calls "the ‘destructive side’ of *violence*", as opposed "to the institutional or even ‘constitutional’ side of *power*" (I quote Balibar, who makes use of inverted commas himself, p.101). I already mentioned in my Chapter One the difficulty to rigorously distinguish between destructive and constitutional violence, and *here* Balibar seems to point to a distinction on the basis of a certain 'physicality' or materiality of the forms of violence¹⁵: immediate materiality, non-idealised violence are characteristic of what he calls "extreme forms of violence" or "cruelty", as opposed to 'conceptual' and 'institutional' forms of *Gewalt* (constitutive of what he names "power") — I will look deeper into these concepts in the course of this chapter. On the basis of this opposition, Balibar theorises and predicates what he calls a "civilisation" of the state and of revolution and, more generally, a "politics of civility"... Even before we start analysing the conceptual validity of this semantic dichotomy, it seems quite obvious that the notions of *violence* and *power*, in this *second* "dialectic", overlap in places: should the *Gewalt* of the militarised state, its politics and policies on all non-military matters, its "conceptions" on 'purely' civilian subjects and its "institutions" *beside* the sole army, be considered as effects of *violence*, or *power*?... Reversely, how are we to regard the enforcement of the law through institutions such as the police (which does not simply conflate with military force and warfare, whether foreign or civil), justice courts, or even disciplinary education, corporate laws and labour regulation, etc.? In other words, what is the difference between "organised violence" and

¹⁵ I will return to the question of materiality of violence at the end of this chapter. Let us mention for now that the notion of an essential physicality of violence was, however, questioned by Balibar himself, even though it is not certain that the rest of his phenomenological architecture takes all implications of this questioning into consideration: "Obviously, the *physical* character of violence, that is to say its essential relation to the body (it is without a doubt necessary to say that all "psychological" [*morale*] violence is itself always physical), does not belong to [*ne relève pas de*] "economy" or "ideology", and this is in the paradoxical modality of this simultaneous negation that it belongs to both." (*Violence et civilité: Wellek Library lectures et autres essais de philosophie politique*, 416 pages, Galilée, 2010, p. 33, footnote. My translation.) Balibar, in this remark, seems to ignore the subversive power, in epistemic terms, of the notions of 'morality' and 'ideology' when applied to the concepts of 'physicality' (and, by necessity, 'naturality'), 'body', 'violence' and, well, 'power'... It would be interesting to analyse how this position, while seemingly *exceeding* a couple of contradictions, only succeeds in *confirming* them, and does so by *emphasising one of the terms* in each one of these oppositions: *physicality* of violence to the detriment of its 'moral aspects' (or 'psychology') and, by way of necessity, 'economy' to the detriment of 'ideology'. This logical, ontological and phenomenological primacy of *materiality* in the analysis of violence, and specifically in the description of its extreme forms and cruelty, will be re-affirmed in *Politics and the Other Scene* — see my analysis on violence and ideality, below.

power? These questions immediately summon a very broad field of empirical evidence which disrupts this *second* violence-power divide and challenges the idea of an 'internal dialectic' within *Gewalt*... But the real issue, here, is pure semantics: ultimately, are these terminological divisions Engels', or Balibar's? Balibar seems to be particularly keen to maintain the "unity of opposites" of *violence* versus *power* that he perceives within *Gewalt*, and supposedly 'only made explicit' by Engels... However, when it comes to the nature of *politics*, this "unity of opposites" is augmented with a conceptual paradox concerning specifically the status of *power* — construed by Balibar as "the institutional or constitutional side" of *Gewalt*, that is to say "conceptions" (*Vorstellungen*) and "institutions" (*Einrichtungen*) or, in other words, the totality of the nebulous notional field usually referred to as political *legitimacy* (i.e., the question of the legitimacy of law, as chief effect or instrument of political power).

This paradox is as follows: on the one hand, Balibar situates *power* as one of the dialectical moment within *Gewalt* (p.101). But when he later considers the question from the standpoint of the nature of politics, *power* is then conceptually *distinguished* from *Gewalt* (p.104). Consequently, *power* is at once *inside* and *outside* *Gewalt*. *Power* is *inside* *Gewalt* when Balibar considers the internal dialectics of the German term 'itself'. But it is *outside* *Gewalt* when he addresses the nature and the instruments of politics: "politics includes force [*Gewalt*], but cannot be reduced to it", as it "includes all the effects of *power*." *Gewalt* thus comprises violence *and* power; but, at the same time, politics includes *Gewalt* and *also* power (and here power is *something else than Gewalt*). *Power* (with all its attributes and instruments) thus functions as a *supplement* to *Gewalt* (political violence, force), but it is also never *anything else* than *Gewalt*. This game of 'reduction' and 'inclusion'/exclusion is extremely subtle and compelling — but it is all Balibar's game!... Engels never goes to thematise the distinction between *Gewalt*-as-violence and *Gewalt*-as-power, either lexically or conceptually, first and foremost for obvious idiomatic reasons. But beyond the question of terminological differences between the German language and, say, English or French, Balibar's "dialectic" (whether it must be considered as his own through and through or, here, merely as the result of a circumstantial interpretation of this specific aspect of Engels' theory) is immediately problematic on two accounts:

1. The impure purity of *Gewalt*-as-violence — what is war?

What is left, in this conceptual network, to the notion of *Gewalt*-as-violence? Balibar is right to point out that the violence of *Gewalt* "is never 'naked' or 'pure'", as it always contains an "element" of "conceptions" and "institutions", constitutive of what he calls "power". Although his formulation is more ambiguous: "Yet politics cannot be reduced to force [*Gewalt*], which, in this sense, is never 'naked' or 'pure'." Does it mean that violence could exist in a 'naked' or 'pure' state *outside of politics*? This would indeed explain why Balibar persists in defining the essential substrate of *Gewalt*-as-violence, before or beyond its translation or conversion into power or politics. There is, in Balibar's analysis, the underlying hypothesis, or the structuring intuition, more or less overt and conscious, of a *pre-* or *post-political* concept of violence¹⁶. What is, then, the 'pure' violence of *Gewalt*, and where is it *located* as such? And why maintaining the semantic unit of *organised violence* or *war*, as the notional nucleus for all forms of *Gewalt*?... In order to illustrate this concept, Balibar only takes one example: "*war*, in particular, whether foreign war or civil war." It is obviously much more than a mere example: war is the paradigmatic illustration of violence, of *Gewalt*-as-violence. It is the notional *telos* for all systematic conceptualities interested in violence, and as such it has been inevitably summoned by all political thinkers who have taken violence seriously, and tried to theorise the specificity of violence, potentially in its notional purity, both through its most "extreme forms" and beyond, *in essential terms*: Machiavelli, Hobbes, Clausewitz, Schmitt, but also, to some extent, the Foucault of *Society Must Be Defended* (on this subject: see my Chapter Six). Engels himself, in his *Gewaltstheorie*, is following the same tracks, in the measure that he intends to understand the specificity of *Gewalt*, and to do so by construing it as *immediately violent*; on this very account, he is closer to Dühring than he seems to admit (although he is very far from Marx, who, contrary to the aforementioned thinkers, constantly doubted of the

¹⁶ In his article "Violence and Civility," Balibar reaffirms the possibility that there *might* be a certain violence (already characteristic of "extreme violence" or "cruelty") exceeding the limits of the political, although this 'beyond-limit' is somehow located *within* the limits of politics, thus limiting the limit itself, and raising the strange question of a phenomenologically assignable "impolicality" of the political itself. This question is raised "by the contemporary phenomenology of extreme violence and the limits of the collective political capacity — or if one wishes, of the "impolitic" limits of politics." (in "Violence and Civility: On the Limits of Political Anthropology", in *Differences, A Journal of Feminist Cultural Studies*, vol. 20, issue 2-3, p. 21)

conceptual and descriptive relevance of notions such as '*Gewalt*', 'conquest' and 'war'¹⁷). Again, it is difficult to perfectly make the difference, here, between what Balibar assumes to belong to the Engelsian theory of *Gewalt*, and what comes down to his own personal commentary: he might only be hinting at a certain politics of warfare thematically suggested, here and there, in *Die Rolle Der Gewalt* — however, were it the case, the violence/power divide that *he* constructs within *Gewalt* is already an interpretative gesture, and his elaboration on the specific nature of war and *Gewalt*-as-violence is *all his*, by necessity. War, for that matter, is the only example of *Gewalt*-as-violence given by Balibar in that particular passage. But *what is war*? Is the mere mention of *war* sufficient to expose the specificity and the unicity of something like *Gewalt*-as-violence, still perceived, within *Gewalt*, as a relatively unified and autonomous *concept*, by contrast to *power*? Even in war, violence is unfathomable or incomprehensible without the mediation of all sorts of effects attributed by Balibar to *Gewalt*-as-power. Even in war, *Gewalt*-as-violence is already, as Balibar puts it, "*organised violence*", and such violence has to be mediated, articulated through *power* and its organising function, its various organs (*ὄργανον*, *organon*: 'tool', 'instrument', originally in the perspective of manual labour): violence finds its existence, its telos and its definition only in and through them. The problem with Balibar's specification of *Gewalt*-as-violence as "*reduced to organised violence and to war*" is that it is impossible to comprehend this operation of theoretical '*reduction*': where is it coming from, and what is its result? What is left to *Gewalt*-as-violence once it has been '*reduced*' to war (and to the concept-less indeterminacy of this notion), or to *organised violence*? Presumably already something *more* or something *else* than 'pure' violence: traces of the work of what Balibar defines as *power*, manifest through the 'organisation' or the 'organism', which always already complicates the 'nudity' of the concept of violence. The operation of theoretical '*reduction*' is thus complicated with a complication. Nevertheless, this reduction will be the theoretical gesture behind the definition of "*extreme forms of violence*", that is to say a violence exceeding all potential regulation or organisation, an inconvertible force of destruction which escapes the prerogatives of *Gewalt*-as-power. Thus, Balibar is trying to forge a specific theoretical category for something like the 'pure' exercise of force, bare violence, supposedly exemplified in war, as opposed to politics, which include *both* *Gewalt*-as-violence and *Gewalt*-as-power — but at the same time he

¹⁷ A notable exception might be the chapters XXVI to XXXIII in the Volume I of *Capital*, dedicated to the problematic notion of "primitive accumulation". I will return to those in my Chapter Five. For now, let us just note that this "primitive" violence is never defined as such, nor conceived separately from the economic process itself. Consequently, it seems to point to an undefined and heterogeneous violence, a pre-political historical necessity rather than an intrinsic anthropological essence, an intersubjective condition or a natural necessity consubstantial with praxis itself.

somewhat admits that this specification is rigorously impossible, even unnecessary, and this double movement characterises the whole of his phenomenology of violence. One telling illustration of this is that Balibar lists "the army" alongside the instruments of *power*, as an "institution" — and rightly so. His argument is that *Gewalt*, on the one hand, may be *reduced* to *violence* (and war), but may *include*, on the other hand, all effects of *power* — and 'armies', among other institutions, exemplify this second dimension. But this latter *inclusion* necessarily challenges the former *reduction*: there is no war without more or less institutionalised 'armies', and all which constitutes and surrounds this vague socio-political notion — what is, indeed, an 'army'? Even though 'armies' during wartime do not always correspond, at least not exactly or already, to the juridical or notional protocols traditionally attached to governmental, state-related, or even 'political' structures, those 'armies' do present all the characteristics of *Gewalt*-as-power such as construed by Balibar. Does one need the traditional specifications associated with 'government', 'the state', or 'politics' to construct the concept of 'army'? and especially during wartime, when the institutional guarantees of legality and the protocols of legitimacy are, by definition, hardly available? and in an environment where the narrative of a 'state-national' rationality or normalisation is always *possible*, always already announced, whether it be in theory or in practice? Armies, even in the context of what Schmitt names *partisan warfare*, are always reminiscent of a certain state- or party-structure, and this political becoming is their very *legitimacy* — the promise of a future, *beyond the sole war*. The meaning and the role of an army are only understandable, at least in theory, in relation to *peace*. Armies exist *in the name of peace* (even though this *name* may harbour very heterodox significations, as it is the case for Hobbes, Schmitt or Marx and Engels). What would thus be war without the "conceptions" and the "institutions" involved in and through the *organisation* of 'armies', as well as all other effects or instruments of *Gewalt*-as-power mentioned by Balibar?

Furthermore, if the notion of war is already marred by all that characterises *Gewalt*-as-power, what is then left to the conceptual specificity of *Gewalt*-as-violence? This question can be turned inside-out: what does it say about *power* in time of *peace*, in relation or in contrast to *Gewalt*-as-violence, that is to say to *war*? Indeed, the question of the peace-war divide seems to be a blind spot in Balibar's phenomenology, as he never refers to the issue of war *as such*, as a unified theme or concept, while elaborating the notions of "extreme violence" and "cruelty": is war representative of extreme

violence¹⁸? It is difficult to refute this idea upfront, as the phenomenology of "extreme violence" or "cruelty" (its predicates, structures, forms, agents, signification, etc., such as defined by Balibar in *Violence et civilisation*) intersects with that of war in many points¹⁹. However, war must also escape the predicates of extreme violence in all the situations where resistances (or, even, so-called '*just*' wars) are

¹⁸ There is a running uncertainty as to the status of war in relation to "extreme violence". In a sense, the Clausewitzian notion of 'rise to the extremes', frequently mentioned as an ever possibility intrinsic to power and politics, could be said to give the main impulsion to Balibar's theory of 'extremity' by providing the negative limit of civility... However, it is interesting to notice that the notion of extremes or extremity in this context is never actually considered by Clausewitz as a possibility, a *real possibility* (to speak like Schmitt). Balibar expands on that idea: "in Clausewitz's model, the mobile of this rising to the extremes of violence is the will of each enemy to reach a certain "vital" political goal through the acceptance of a higher risk, which is presented as a rational wager. Therefore it also involves a principle of limitation, or self-limitation. War for the sake of war or at the expense of the destruction of one's power is ruled out from a Clausewitzian point of view, and so is the idea of a war without limits, either in space or in time, against an indeterminate enemy identified with "evil" as such. Perhaps this could be conceived, but then it should not be called "war": another name, less political and more theological or mythical, should be looked for." Certainly, but what should then be the epistemic consequences of this analysis in relation to *Balibar's conception of the extremity*, a conception (and a mention) which is absolutely omnipresent in his analysis of politics and civility, starting, obviously, with his phenomenology of *extreme violence* and cruelty? What is the validity of this notion of extremity if the extreme must *structurally* "involve a principle of limitation, or self-limitation"? Balibar's phenomenology is founded on the construction of a "limit" between *normality* and *extremity*, but extremity itself, in itself, in its own play, does not abort limitation: it reincorporates the limit, repeats it at another level, makes it reappear, iterated, in its structure of the extreme: the extreme differentiates itself from itself, and makes 'extremities' unrecognisable. Now, as Balibar expressed in his analysis of Clausewitz's conceptuality, what is at play, here, at this unfindable limit, is a "name": the appellation, whether phenomenological or ontological, the name given to the event or the advent of something like a pure, absolute extremity, something so new that it goes beyond known names and demands "another name", *the name of another* — the name, beyond phenomenology and phenomenality, beyond all conception of the limit, of something so extreme and so exceptional that it cannot present itself, at least not under any of the available *names*: "war without limits". For, indeed, the name *is* the limit. Can the extreme, the exception, absolute destruction, *present itself* — and present itself, by necessity, *as nameless*?... If the extreme, as *exception*, discards the possibility of *conception*, and vice versa, what should be the consequences for any hermeneutic narrative calling itself a "phenomenology of extreme violence"? (see "Guerre et politique : variations clausewitziennes" in *Violence et civilisation: Wellek Library lectures et autres essais de philosophie politique*, 416 pages, Galilée, 2010, pp. 235-236. An English translation is available on the CIEPFC website: <http://www.ciepfc.fr/spip.php?article37#>)

¹⁹ Balibar's overall 'uncertainty' as to the status of war (as exemplifying *either* power *or* violence), is illustrated by a tentative 'classification' between different forms of warfare, deemed to represent *either* power *or* "extreme violence" ("cruelty") in function of their (*apparent*) "rationality": "A second *form* of cruelty is *warfare*, and *particularly* those so-called 'ethnic' and 'religious' wars, with *their apparent irrationality*, which have reintroduced the concept of genocide or extermination in the post-Cold War world, both North and South, under the name of 'ethnic cleansing'." ("Violence, ideality and cruelty", in Étienne Balibar, *Politics and the Other Scene*, London & New York: Verso, 2002, pp. 142-143, my emphasis.) Are we to understand that some other forms of warfare are *less* "particularly" *cruel* or violent (and, consequently, more on the side of *Gewalt-as-power*)? Let's just note that the criterion put forward by Balibar for this distinction is not "rationality" *per se* (whatever this notion would actually *mean* in the context of warfare, and by contrast to a supposed notion of pure *irrationality* that I find extremely vague, and potentially dangerous), but, rather, the "*apparent* irrationality" of the wars considered as "cruel"; in the same manner, those wars are not exemplary of cruelty because they *are* "ethnic" or "religious", but because they are "so-called"... What is thus the value of such *distinction*, lying on the mere *appearance* of a *so-called* characterisation?

justifiable — even though they take the *form* of extreme violence... Here, the formal and foundational dimensions of violence cross each other and become interchangeable: both the violence *and* the justification (legitimacy) of any given violent phenomenon (i.e., virtually *any* phenomenon) can be placed, at once and in turn, on either side of the *form-content* divide, depending on interpretative protocols — and same goes for the *means-ends* divide. If we are to follow the conclusions reached by Engels and Marx in *The Manifesto*, for instance, how are we to understand or to conceive 'peace' in the time of class struggle, that is to say in time of *war*? According to the Marxist paradigm, war and peace should never be strictly *political* concepts. 'War' and 'peace', as *political* manifestations (that is to say: political *phenomena*), are of pure *form* — and they only make sense in subordination to the overarching concept of the *class struggle*, and to its completion and suppression through the advent of the true, communist *peace*. During the *Klassenkampf*, the peace-war divide can only be an ideological construct, that is to say a strategic device within an ongoing war. A peace worthy of the name must be a post-political state, and a post- (or pre-) political concept, by definition — at least one which exceeds the *current* definitions of peace and politics: its signification must exceed the *presence* of the *present*. However, Balibar does *maintain*, at least on a theoretical level, a distinction between the violence of war on the one hand and *Gewalt*-as-power on the other hand... By preserving the *specificity* and the *possibility*, *within Gewalt*, for a certain *reduction* of *Gewalt* to *Gewalt*-as-violence (as *non-converted* violence), and by conflating that violence to *war*, Balibar repeats and reaffirms the conditions of validity for the peace-war divide, conceptually undergirded with the teleological predestination of *Gewalt*-reduced-to-violence, reduced-to-war... However, as suggested by Balibar, this violence may only exist as such *outside* of politics: in politics, the violence of *Gewalt* "is never 'naked' or 'pure.'" But why then theorising, still, *Gewalt*-as-violence as a distinctive *concept*, purified (at least *in theory*, and this is the whole problem) from all the effects of *Gewalt*-as-power? And why, *a fortiori*, maintaining the idea that this "element" of violence within *Gewalt* remains the "decisive" factor in all politics?... In Balibar's words: "force [*Gewalt*] is an integral component of any politics, so that it is illusory to imagine an effective political action that does not have recourse to it. One might even say that this *element* of force [*Gewalt*] always plays a *decisive* role, whatever the social forces or classes at work"; here, *Gewalt* explicitly refers to the 'elementary' dimension of *violence* within *Gewalt*. It is quite difficult not to perceive a certain Schmittian heritage in the articulation: *political decision* = *Gewalt*-as-violence = *war*. Even though, according to Balibar, politics *also* include other "aspects" (all which defines *power*), the crucial instantiation of the *decision* is placed, from the onset, on the side of violence, as the *elementary structure* of political decision, its most essential

feature, defining politics as much as defining violence. In this conceptual network, it is difficult to distinguish the subject from the predicate: is political decision decisive because it is violent? or is it violent because it is politically decisive? What *is* a political decision?... Let us now examine the conceptual consequences of Balibar's complex play of inclusion/exclusion for his concepts of *power* and *politics*.

2. Gewalt-as-power

Through the maintaining of this paradoxical inclusion/exclusion of power within *Gewalt*, Balibar retain *an essential division* within the otherwise *unified* concept of *Gewalt*. By doing so, he not only creates the notional necessity of a conceptual specificity of *violence*, within *Gewalt* — this unicity of Gewalt-as-violence, a pure essence of *violence*, strongly resembles that of a "metaphysical idea" of *Gewalt*, as the quintessential, original and originary specificity of *Gewalt* (and that would be, here, "organised violence" as exemplified through *war*, even though this epistemic reduction is in itself problematic). But he *also* affirms a certain orientation for *Gewalt* in general, and therefore for *power* and *politics*: according to Balibar, the core of *Gewalt*, the locus of its most essential reduction, must be found in *Gewalt-as-violence* (as exemplified through *war*), and *not in power*. Indeed, **a)** *Gewalt-as-power*, even though it is always, somewhat, a manifestation of *Gewalt*, can never be absolutely conflated, at least in theory, with *Gewalt-as-violence*: *Gewalt-as-power* is never exactly the same thing (again, at least in theory) as *Gewalt*, inasmuch as *Gewalt* can be indeed *reduced* to violence. Power is already *something else* than *Gewalt-as-violence* — always-already something else, in its very conceptuality, than this potential *reduction*: this is the very definition of a supplement. Indeed, *Gewalt* cannot be *reduced to power* in the same manner as it can be *reduced to violence*. If one were to reduce *Gewalt* to power, they would lose something essential from *Gewalt*. *Gewalt-as-violence* is the *proper* of *Gewalt*, its most essential trait. This signifies that there is something in *power* which *escapes* from the 'reduced' *violence* of *Gewalt-as-violence*, inevitably, something which does not belong to the definitional prerogative of the violence of war: *Gewalt-as-power* must present something *distinct* from "organised violence" (characteristic of *Gewalt-as-violence*), although Balibar does not fully express this distinction. This should suggest, therefore, that something within power is not reducible to mere violence and, consequently, that this aspect should be considered as somehow non-violent or, at least, not on the same degree of violence as *Gewalt-as-violence*, and *war*.

This can only signify that power is already *something else* than war, that it cannot be reduced to the "organised violence" of war. And what is true for *power* must also be true for *politics*, since politics supposedly includes *both aspects* of *Gewalt* (just like *Gewalt* itself, it could be said). We must conclude that what makes power conceptually distinct from violence, is the "element" that politics includes *in addition* to *Gewalt-as-violence*: "[politics] *also* includes an element of 'conceptions [*Vorstellungen*]' (bourgeois liberal ideas, or socialism) and 'institutions [*Einrichtungen*]' (parliamentarianism and universal suffrage, popular education, the army itself)." These "elements", specific to *Gewalt-as-power*, are, by necessity, immediately defined as *distinct*, in nature, from *Gewalt* inasmuch as it is reduced to 'violence' — even though they *remain Gewalt* in the 'extensive' sense of the term... Indeed, this conceptual architecture *also* signifies that, **b)** Balibar has already marked a certain orientation, an active interpretation in his reading of Engels (and of Marx, and virtually of all texts, in German or not, mentioning the term *Gewalt*²⁰), through the *stamp* he is *forcing* onto the German term *Gewalt* in *all* its usages: indeed, even though *Gewalt-as-power* is never exactly *Gewalt-as-violence*, the very essence of *Gewalt* (and therefore, somehow, of *Gewalt-as-power*, inasmuch as it *remains Gewalt*) is to be found in *Gewalt-as-violence*, and *not* in *Gewalt-as-power*. This demonstrates that, in his reading of *Gewalt*, Balibar has made a conceptual, interpretative choice which *cuts into the undecidability* of the German idiom: *Gewalt* is never 'as much *Gewalt*', never as much *characteristic* of *Gewalt* itself, never as close to its '*gewaltig*' essence, as when it borders on *Gewalt-as-violence*, and therefore on what Balibar defines as *war*. War is the epitomical manifestation, the telos, the eidetic reduction of *Gewalt*, and therefore (almost clandestinely), of *Gewalt-as-power*, and of *politics* too (as politics is constituted by both types of *Gewalt* — the "element" of violence playing the "decisive role"). Here, even though the two types of *Gewalt* cannot be completely conflated, they both receive the same ontological and teleological orientation through a conceptual *coup de force* which directly concerns the subject of this study: even when *Gewalt* is *power*, that is to say 'legitimate' violence, it is already, first and foremost, *violence*. Conversely, its *legitimacy*, its "element" of "conceptions" or "institutions", is always a secondary, accidental characteristic: legitimacy is always a *supplement* to a substrate of violence — and, as such, legitimacy, even if it might be the result of a violent process of legitimation, is never in itself as violent as the force or violence of this substrate of violent *Gewalt*. I will clarify this point in the next section.

²⁰ Here I have in mind, notably, Derrida's "Force of law," that Balibar mentions every time he refers to the so-called "polysemy" of *Gewalt*. However, as it must be clear by now, Derrida's interpretation of this semantic undecidability and his conception of a reciprocate 'overdetermination' of force by law, and of law by force, have entirely different meaning and implications.

If I insist on these apparently abstract semantic articulations, it is because they condition the whole of Balibar's phenomenology of violence, which is also a theory of *ideality* and *legitimacy*. On the subject of the nature of power, Balibar intends to maintain a *double* postulate: **a)** power, as a concept, *must* present *something*, some sort of characteristic ("*conceptions*" and "*institutions*"), which escapes from the definitional protocols of *Gewalt*-as-violence and war, but, **b)** even so, power, in and through politics, is always associated with violence and, inasmuch as it is *Gewalt*, is never as faithful to its 'reduced' core as when it gets closer to *Gewalt*-as-violence, and *war*. Balibar takes back from one hand what he gives from the other. While he seems to preserve a certain specificity for *Gewalt*-as-power, beyond *Gewalt*-as-violence, he also maintains that the violence of *Gewalt*-as-violence (and *war*) is the *teleological horizon* of *all Gewalt*, and consequently of *Gewalt*-as-power too. This directly affects his concept of politics: *Gewalt*-as-violence has an intimate correlation to political *decision*, from which *Gewalt*-as-power is in essence *excluded*. But this *also* signifies that, within *Gewalt*, there are different *types* or *forms* of violence, different levels or degrees, relatively heterogeneous, which will be defined as *different degrees of idealisation*: power, through "*conceptions*" and "*institutions*," necessarily presents something distinct from the 'reduced' violence of "*organised violence*." But what does represent, in the end, "*the element of conceptions and institutions*"? And why is it conceived, at least in theory, as *distinct* from the 'pure' violence of *Gewalt*? Is such theoretical architecture faithful to the semantic possibilities of the term *Gewalt*?... Balibar's maintaining of a twofold theoretical necessity is consistent with the whole of his phenomenology of violence, determining both its strengths and its limitations. It is also the basis for all its theoretical inputs, both in descriptive and prescriptive terms.

3. Maintaining intermediate spaces: 'politics of violence', 'civility' and 'agonism'

Through this complex play of inclusion/exclusion, Balibar suggests a deconstructive reading of the conceptual oppositions that he himself constructed within *Gewalt*. However, instead of questioning the

semantic unity and relevance of the notions at stake, he wishes, on the contrary, to *retain* or to *maintain*²¹ the space or the spacing of a paradox. This could be explained by what I believe to be Balibar's initial and most persistent theoretical motivation, which makes his analyses particularly interesting with

²¹ There is probably nothing more Balibar in spirit than the motif of the "retention" or "maintenance," that is to say *le retenir* or *le maintenir* (which should not be separated from the maintaining of the *maintenant*, that is to say what is happening *now*, in the *presence* of the *present*). The motif of the maintaining of a *distinction* or a *dichotomy*, in spite of its flagrantly oppositional character, is omnipresent in his writings, for instance in "Violence and Civility," pages 16 and 33, but the examples are plenty in *Violence et civilité*, and *Politics and the other scene* (whose titles exemplify in themselves the structure of that 'maintaining'), or "Pour une phénoménologie de la cruauté," "Démocratiser la démocratie," etc. Balibar says it himself: "People have reproached me for it, notably during my viva of authorisation [to lead research]... Matheron told me: 'You're always looking for contradictions everywhere!'" (in "Citoyen Balibar", see next paragraph for reference) This motif, this intellectual tendency, might be understood in relation to Balibar's interpretation of Foucault's notion of *point of heresy*, i.e.: the point of a *structuring incompatibility* between two epistemic enunciations during a certain historical period, itself defined by those epistemic conditions of truth (*and* antagonism). "This is why I like Foucault's term of 'point of heresy,' because it designates precisely this: the fact that, in a given context, what brings several important thinkers or significant intellectual positions together, in the field of philosophy in the broader sense [...], is precisely that which *divides* them, that which shows or marks their *incompatibilities*." This oppositional representation of discursivity and *épistémès* is related to a broader, roughly conventionalist epistemology: "Why is the question of *words* and that of *concepts* inseparable? Because [...] there is *no direct relations between concepts and objects*, not even hypothetical relations, not even relations in course of elaboration or rectification. There are relations, I would say, of *antagonism*, or simply of *differential opposition*, between concepts or conceptual systems, with, at stake, the position of problems or the constitution of objects of thought." As a result, relations of meaning are majoritarily interpreted as relations of "antagonism" or "opposition", distinctions and dichotomies that the philosopher may *maintain* or *retain* in and through their very oppositionality, in and through the *viduus* of the *division*. This is a very different attitude than the one which consists in reading in oppositional statements the reciprocal contamination of allegedly 'opposite' terms, the co-implication of différential enunciative strategies with mutual conditions of enunciation, or the semantic undecidability of structural 'unities' which, in return, commands the deconstruction of those 'structures,' through the recourse to *another* term, *another* notion, always-already at work in and through them. This latter 'attitude', that of deconstruction, does not suppress the possibility of "antagonism" or "differential opposition," obviously, but it attempts to enunciate the conditions for the precarious *position* of their *oppositonality* as such, through the *jeu* of *différance*, which cannot be oppositional or antagonistic in essence or origin, as it is located beyond all essence and origin. (Balibar's quotes in this paragraph are taken from a lecture given in French on January 6th 2000, "La conscience de soi." Text established by Eduardo Mahieu and available on <http://eduardo.mahieu.free.fr/Cercle%20Ey/Seminaire/BALIBAR.htm>. My translation and emphasis.)

I cannot, unfortunately, explore further the extraordinary richness and variety of Balibar's philosophy... In this study, I must focus on the articulation between violence and politics, their intrinsic agonistic or conflictual, which is, in my view, the most problematic, maybe the *only* truly problematic aspect of Balibar's overall theoretical apparatus. On this subject, which just as much concerns the notion of 'point of heresy', I would like to raise a question regarding Balibar's inheritance from structuralism, in particular that of Foucault and Althusser (although his Lacanism might also be interrogated). Indeed, Balibar explicitly interprets Foucault's 'point of heresy' as a determinatively and decisively *structuralist* notion: "It determines and fine-tunes the method that Foucault employs to analyse the discursive space he calls "episteme" in each of the periods he describes and, within each episteme, the kind of *structuring opposition* found within each discipline between the discourses or scientific works opting for one or the other of *two contrary terms*, of *two possibilities* that in each instance are available or opened in order to elaborate a rational program of development for the discipline in question. [...] One sees — *this was Foucault at his most structuralist* [my emphasis; Balibar actually says: 'this was the most structuralist *moment* in and of Foucault's thought'] — that, in using the term, he systematically sought parallels between the various disciplines constitutive of each episteme [...] — thus following what seems to be *a sort of*

regard to the reflection I am carrying out here: by summoning the German term *Gewalt* and its so-called 'internal dialectic', Balibar's main intention is to emphasise *the violent character of all manifestations of power*, and to justify this view by the interplay between the two semantic 'units' supposedly covered by *Gewalt*. The whole of Balibar's political theory is indeed concerned with the *violence in and of politics*, although the term 'violence' is actually never defined as such, and is, as I suggested above, conflated with the supposedly 'pure' violence and war. Hence the necessity to "invent a politics of violence", supposedly separated from a representation of politics as the "legitimate use" of violence:

Extreme violence arises from institutions as much as it arises against them, and it is not possible to escape this circle by 'absolute' decisions such as choosing between a violent or a non-violent politics, or between force and law. The only 'way' out of the circle is to invent a *politics of violence*, or to *introduce the issue of violence*, its forms and limits, its regulation and perverse effects on agents themselves, *into the concept and practice of politics* (whereas, traditionally, the 'essence' of politics was either represented as the absolute negation of violence, or identified with its 'legitimate' use).²²

Balibar's "politics of violence"²³ will thus consist in distinguishing, practically and theoretically, within the territory of this unified and inescapable violence, between different forms of phenomenality, therefore opening the *space* for different strategies of management of said violence, which are also different *attitudes* toward violence. This space is by necessity uncertain, and is the domain of prerogative of what Balibar calls "politics of civility", as it circumscribes and allocates tolerable and intolerable, convertible and inconvertible, violence. The use of the term "space," employed by Balibar in several occasions, is justified by the *intermediate* nature of the politics of civility, mentioned for instance in his description of its Machiavellian inspiration: "the term *civiltà* designates (as a problem rather than a solution) a quality of government covering *both* [*à la fois*, 'at once', emphasised by Balibar] the moment of peace and that of conflict, on the condition that the common utility is preserved (civility is thus situated *in an intermediate area* [*une zone intermédiaire*] between concord and civil war).²⁴" This formulation is already problematic: if civility, according to Machiavelli, concerns itself *both* with peace *and* war, does it mean that it is situated in an intermediate space between the two, as suggested by Balibar, or, rather, that civility *overarches* both peace and war, so that the distinction between the two

²² Étienne Balibar, *Politics and the Other Scene*, London & New York: Verso, 2002, pp. xi-xii. Balibar's emphasis.

²³ Cf. "A politics of violence, or a politics of civility (the same thing obversely formulated) [...]", in *Politics and the Other Scene*, London & New York: Verso, 2002, p. xii.

²⁴ *Violence et civilité: Wellek Library lectures et autres essais de philosophie politique*, 416 pages, Galilée, 2010, p.46, my translation and emphasis.

becomes irrelevant *as far as civility is concerned*? It seems to me that the discriminating factor, in Machiavelli's view, is the definition of "common utility", in and through the practical and political experience of either peace or war, rather than the peace-war divide itself. However, Balibar's intent is to preserve the intermediate and intermediary nature of civility with regard to violence, and this gives rise to uncertain definitions such as the following: "in keeping with Machiavelli, [I use the term 'civility'] to define the modalities and instruments under which, *without a priori dissociating itself from violence*, political action nevertheless succeeds in escaping from annihilation and from collapsing into the *forms of extreme violence*.²⁵" The double negative ("without"/"disassociating") complicates the articulation between civility and violence to the extreme: are we to understand that civility is *associated with violence*? And does it make civility *violent*? Of course, the main question would be: is this even possible to *a priori* dissociate oneself from violence? In a sense, the whole of Balibar's political theory is worked by the concern of preventing such dissociation (assuming that it be possible), even though he never defines the nature and the conditions of the virtual *association* with violence: the status of civility (and of the "anti-violence" it strives for) with regard to violence is therefore very uncertain. Civility appears as a pure mediation without content, the dream of an intermediation without substantiality.

However, by contrast, the presupposition of an element of non-converted violence, of *Gewalt*-as-violence, conceived as the teleological horizon for all things political, provides the "negative limit" of civility, and of politics in general. Even though politics and civility are articulated to violence in uncertain terms, the "extreme violence" they concern themselves with is blatantly violent, in any case more violent than them, since it is the ultimate figure of their destruction. On these premises, Balibar constructs an architecture of the different *forms* taken by said violence and by negation. Indeed, even though Balibar is conscious of the potentially tautological nature of "anti-violence", he opens up the space for another reading: "[anti-violence] could merely designate a tautology if we did not take into account [...] that there are different sorts of negation, and that the notion of *anti-violence* does not imply the same effects as that of *non-violence*, or *counter-violence*.²⁶" In what seems to be a singular interpretation of Hegel's phenomenology, this architectural construction is justified by the conviction that "there are different sorts of negations", expression through which Balibar *not only* supposes that we

²⁵ Pierre Sauvêtre et Cécile Lavergne, « Pour une phénoménologie de la cruauté. Entretien avec Étienne Balibar », *Tracés. Revue de Sciences humaines* [online], 19, 2010, p. 233, published on 30 November 2012. URL : <http://traces.revues.org/index4926.html> (My translation and emphasis.)

²⁶ *Violence et civilité: Wellek Library lectures et autres essais de philosophie politique*, 416 pages, Galilée, 2010, p.44, my translation.

may cognate what *constitutes* negativity (by contrast, maybe, to other 'fields' of phenomenality), and *not only* defines, *a priori*, violence as a negation (on which ground?), *but also* puts forward the notion that *it must be possible to distinguish between the different forms taken by the (violent) negation of said violence*.

Balibar's political theory thus functions as a *classification* of the different *forms* taken by *the negation of the negation* (in Hegel's language, the *Aufhebung*²⁷). Therefore, among those various "sorts" of negations, Balibar must maintain the specific nature of civility: the situation of "anti-violence" that it strives for must be distinguished from that of counter-violence (characterised by the exercise of a *sovereign* power, and therefore by an always-potential escalation of violence, a 'rise to the extremes'), from that of non-violence (a so-called "abstraction" from violence) and, of course, from the specific phenomenality characteristic of "extreme violence". Just like it was the case in his reading of *Gewalt*, Balibar always wishes to *maintain*, on the subject of civility, *open contradictions* (between, say, extreme violence and anti-violence, or between war and peace), therefore constructing problematic "intermediate" spaces, and retaining precarious paradoxes — rather than admitting an essential, pre-ontological (or quasi-ontological) mutual contamination between those notions, and therefore assuming a certain *undecidability* as to the status of violence itself. This supposes a very different sort of "economy of violence" than the one that Derrida conceived in "Violence and metaphysics." Indeed, according to Balibar, there *are*, there *must be* criteria for distinguishing and selecting between different *forms* of

²⁷ In Balibar's view, the notion of "inconvertibility" subverts the operation of the *Aufhebung*. I will try to demonstrate that this notion is already presupposed, comprehended and included within Hegel's philosophy of History.

violence, between different *sorts* of negation, although those are not located at the ontological level. All depends, in the last instance, on a *phenomenology*²⁸.

²⁸ Balibar, in his use of the term "phenomenology", refers first and foremost to its Hegelian 'acceptation': "The expression "phenomenology of violence" is employed as such by Achille Mbembe in *On the Postcolony* (ch. 5), from which I borrow numerous elements cited below. Mbembe refers above all to the Hegelian understanding of the idea of phenomenology, which confronts consciousness at its own limits and from it extracts its own historicity." (in "Violence and Civility: On the Limits of Political Anthropology", 30) The question of the conceptual articulation between politics and violence in Balibar's theoretical apparatus intersects with what I believe to be a problematic interpretation of the sense and the role of a supposed 'concept' of violence in the Hegelian phenomenology: can there be something like a *phenomenological* acceptance of violence, conceived as localised and delimitable phenomenon or phenomena, if the contradiction manifested through said violence is the condition for the overall dialectical deployment of the Idea, of Reason, that is to say: of History?... History, in Hegel's view, must be the history of violence against violence. If there is something like a specific account of violence in the Hegelian system, it must therefore be conceived as the ontological condition for all dialectic — as the manifestation of negativity through the negation of the negation — and therefore for all signifying discourse or existence. There cannot be anything like a circumscribed phenomenology of violence according to Hegel, because *violence is the ontological condition for all phenomenology* — i.e., the condition for a "Science of the Experience of Consciousness" (Hegel's definition of "phenomenology"), a both cognitive and existential experience, conceived as the affirmation of the Spirit's self-consciousness through History... Balibar, however, attempts to maintain the idea of a phenomenology of violence, and he does so by conceiving violence as the "constitutive limit" of politics: "How, then, can we attempt to reformulate the objectives of politics by taking into account their constitutive limit, a limit internal to it that is not imposed by circumstances alone? It is only by assuming the *irreducible complexity* of such a limit that we keep from confining it to a single political category, even if the categories of politics we invoke are situated in a necessary proximity." (Balibar, "Violence and Civility", p. 24, my emphasis.)

What is an "internal" "limit"? Is that limit of phenomenological or ontological nature? If the limit is constitutive, as *internal* limit, how are we then to locate it, and orientate its distinction within a phenomenology or a typology of what is *still* defined, or perceived, as *one unified concept*, one graspable 'phenomenon' (however "diversified" or "heterogeneous"): *violence*, the one and only concept of violence, that is to say the *essential*, *ontological*, inescapable conflictuality in and of politics, which itself remains uninterrogated?... What gives me pause, in this representation of 'politics' or 'the political' — and assuming that these 'rubrics' or 'categories', even pluralised, or plurally subcategorised, may *still* designate, today, some circumscribable or graspable domain of empiricity, phenomenality or ontologicality — is the idea that they could have a privileged relation or articulation to this *other* so-called 'rubric' or 'category': *violence*. Admittedly, there *is* violence, there *must* be in the performative irruption of meaning; but if such thing as 'politics' (something like a *properly* 'political decision', the notional and factual event of a so-called 'political sovereignty'), if such thing as 'politics' exists, it cannot be said to be neither *more* nor *less* "violent" or "cruel", 'in *essence*' or 'in *nature*', than anything else, than any 'other' form of eventality, signification or performativity. Of course, the 'rubric' of the political, what we traditionally call 'politics' (and assuming that we *do know* what we are talking about here — but *who* is that 'we?'), is by necessity a *seat* and a *focus*, a polarised centre of attentions, traversed and marked (in red: *rubrica*) with significant violence and forces of signification. However, if the notion of "internal limit" has indeed meaning (which is possible), it must exceed, in its inscription, the categories of politicality and phenomenality, first and foremost through the disruption of the internal-external structure (and therefore the logic of the *limit* itself, by necessity) — structure which, however, commands the notion of "*extremity*" (the "extreme", *extremus*, is by definition a superlative *exterus*, exteriority or externality, the most 'outside' of violence, even though the 'extremity' is always conceived as an "internal limit" — the very *last limit* within what will have to be conceived as a paradoxical unity — which is, of course, immediately problematic). Actually, all the 'phenomenological' indications given by Balibar prove in their own way, each time singular, that the limit of the extremity is always displaced and duplicated, performed and iterated, and therefore unfathomable, interpretable only according to an unstoppable economy of life and death, violence and

"Legitimacy" versus "cruel ideality"

I cannot explore here in details all of Balibar's phenomenological criteria. The limits outlined are numerous; they summon a very large span of interests and a strong awareness of the conceptuality implemented by contemporary social sciences and critical theory on the international scene. For the purpose of this study, I will focus on what strikes me to be a difference of *nature* between "cruelty" (and "extreme violence") on the one hand, and the *Gewalt* of power on the other hand. I will suggest that this distinction betrays a certain essentialist conception of violence that Balibar never quite abandons in spite of appearances; this conception (this is why it interests me so much) has to do with a difference in the terms of the ideality, rationality, justification, symbolicity, in other words the *legitimacy* of said violence (also referred to as its 'spirituality' — as in *Geistigkeit* — or its 'ideological' character). This distinction, both in its heuristic capacity and its problematicity, underlies the whole of Balibar's phenomenology, and has to do with the belief in a form of 'ideality' conceived in an *immediate* relationship with materiality — the notion of a residual materiality, which characterises "cruelty" and "extreme violence" (the two notions are undistinguished). This substratum of *materiality* constitutes the core of a metaphysical representation of violence, on which ideality, mediation, conceptions, institutions, regulation, etc., in other words all factors related to *legitimacy*, effects of legitimation, seem to be applied as from the outside, as contingent, *supplementary* characters... In spite of Balibar's numerous caveats, such representation perpetuates the notion that violence *may* be conceptualised ontologically, as a relatively unified and homogeneous concept, a manifestation of negativity, and *may* have an existence *beyond* ideality, or as an immediate materiality, a naked force of destruction, a *pure manifestation of violence* — beyond all convertibility, metaphoricity or symbolicity. Located at the centre of Balibar's architecture, this quintessential violence, violence before *Gewalt*, is never defined *per se*, though it is exemplified in very precise terms: translated primarily through the expressions of "extreme violence" and "cruelty", but also, even more problematically, through the thematicity of "warfare", its notional and phenomenal unicity remains unresolved. In spite of these difficulties, the construction of a non-mediated cruelty implies the consubstantiation of a constitutive *other*, "another scene" in Balibar's words: the "other scene" of cruelty must be understood as essentially *distinct* from *our* scene, i.e.: power and its spiritual dialectic of conversion. Here Balibar's phenomenological architecture must intersect with an *ontological* representation of violent negativity (persistent in and through "extreme violence") and its *other*: the rationality of the political (perceived, surely, as agonistic, but *distinct in essence* from the scene of cruelty). The question will remain, as to know if this metaphysical "element" of

violence is already present as such in either Engels' or Marx's writings. We shall return to this double question in the next chapter.

The articulation between violence and ideality was the subject of Balibar's essay "Violence, Ideality and Cruelty." This specific gesture is central for his phenomenology, as it governs the phenomenological distinction between converted violence (*power*), and inconvertible violence (*extreme violence* or *cruelty*), and therefore all the modalities and prerogatives of politics in its relation to extreme violence, that is to say *civility*. I shall now quote Balibar extensively, with reference to both the French version of the text and its English translation, which are quite different (the French version of the text is quoted and translated between brackets when the English translation differs):

[...] a phenomenology of violence has to deal, at the same time, with the intrinsic relationship between violence and power (expressed in the term *Gewalt*) and the intrinsic relationship between violence and cruelty, which is something else.

The phenomenology of power implies a 'spiritual' dialectic of power and counter-power, state and revolution, orthodoxy and heresy, which, throughout its development is composed of violent deeds and relations of violence. But it also includes — not beyond or apart from this development, but permanently intertwined with it — a demonstration [*manifestation*] of cruelty, which is *another* reality, like the emergence or glimpse of another scene. Although an essential part of the question is to understand why power itself, be it state power, colonial domination, male domination, and so on, has to be not only violent or powerful or brutal, but also cruel ["(or ferocious, sadistic)"] — why it has to derive from itself, and ["provide to"] those who wield it, ["an effect of"] *jouissance* ('enjoyment') — it seems to me that the key issue is that, contrary to what happens in the dialectics of the Spirit, there is nothing like a *centre*²⁹, not even decentred centre, in cruelty.

I would say — borrowing Bataille's term — that there is something intrinsically *heterogeneous* in cruelty. Therefore it must have a quite different relationship to ["ideas and"] ideality ["(and therefore to *ideology*) than power does"], which does not mean that it has none. We could perhaps suggest that the violence-of-power, the *Gewalt*, has an immediate relationship with historical ideality and idealities, because, ["according to the mechanism highlighted by Hegel and Marx (the former in order to show its necessity, the latter in order to criticize it)"], while it serves some very precise public and private *interests*, it never ceases to embody ["to materialise"] and to implement idealities. ["And through a second *turn of reason*, it must"] constitute itself as *the force* which crushes all resistance ["to this materialisation of ideas"] in order to embody idealities or ideal principles: God, the Nation, the Market... The forms of cruelty, on the other hand, have a

²⁹ On the subject of centralisation-decentralisation, Balibar described 'power' as such: "I would say, against Foucault (or rather, against an idea that we have been all too eager to find in Foucault), that there is power, even a power apparatus, which has several centres, however complex and multiple these 'centres' may be. Indeed, power is never simple, neither it is stabilized and located for ever here or there, in these hands or those hands, in the form of this or that 'monopoly' [...]." (*Politics and the Other Scene*, p. 135) In spite of Balibar's caveat, the notion of a centralised power is therefore deconstructed in a Foucauldian fashion, which should immediately challenge Balibar's definition of cruelty as 'without a centre': what is the rigorous distinction between power (as possessing "several centres") and cruelty? Is a "decentred centre" still a centre?

relationship with materiality which is not *mediated* (especially not symbolically mediated) [the French text says: "mediated neither through interests or symbolically"], although in this immediate [Balibar says "naked" in the French version] relationship with materiality some terrible idealities *return*, so to speak, or become displayed and exhibited as *fetishes* and *emblems*. [In the French version, Balibar adds: "The cruel ideality presents, essentially, a fetishist and emblematic character, as opposed to hegemonic or 'ideological.'"]

This could be connected with the fact that in every process of symbolization of the materiality ["of material forces and of interests in history, symbolization"] which produces the very possibility of a representation of history — the ["narratives of the"] state and revolution ["and of commercial and colonial expansion, and technological progress, etc."] are highly symbolic in this respect), there is always a *residue* of materiality [in the French version: "there must always exist an *inconvertible rest* or a *material residue of ideality*, useless and without 'meaning'." — in French: "*inutile et dépourvue de 'sens'*"]. Now why this residue emerges mainly in the form of cruelty, or why it has to emerge in the form of cruelty, is extremely awkward, I admit, for anyone who is not inclined to embark on a discussion of *evil* because, among other reasons, he or she is not inclined to embark on a discussion of *Good* and *Goodness*...³⁰

³⁰ Étienne Balibar, "Violence, ideality and cruelty," in *Politics and the Other Scene*, London & New York: Verso, 2002, pp. 136-137. Balibar's emphasis. I have modified the translation and completed the text in line with its French version, which can be found in *De la Violence*, ed. Françoise Héritier, Odile Jacob, Paris, 2005, pp. 70-72.

There is no question of discussing all the implications of such a dense and intricate text, summoning not only Hegel and Marx³¹, but also the Lacanian RSI system, in a compelling and challenging reflection. I will structure my analysis around the duplicity of the notion of ideality in its articulation to violence. This, I hope, will help us understand the nature of the distinction between power and cruelty in their respective "relationship" to the symbolicity of language, a distinction that Balibar does not manage to quite carry out. What appears clearly is the ambivalence of the notions of ideality or

³¹ I have, for instance, to leave the questions related to the difficult notion of 'interestment' or 'interestingness' out of this discussion. Balibar is rather ambiguous on the status of "interests," here invoked through a strange confluence of Marxism and Hegelianism. He presents them, *first*, as non-ideal in nature, as he puts forward a typically Marxist definition of the usage of power (more precisely, of *political* power): "the violence-of-power, the *Gewalt*, has an immediate relationship with historical ideality and idealities, because, while it serves some very precise public and private *interests*, it never ceases to embody idealities, to implement them, to constitute itself as *the force* which crushes all resistance in order to embody idealities or ideal principles." This description of 'public' *Gewalt* (that of the state, for instance) seems to oppose a formal "ideality" to a certain, pre-existing materiality of "interests," presented as the actual motives for the implementation of force. But, *secondly*, he is suggesting that the "interests" do also serve a function of mediation (on par with "symbolisation"), which supposes that cruelty must be disinterested (which seems quite odd), and that "interests" must have a certain idealising power in themselves, allowing a form of conversion of the same order as other structures of legitimation... In order to carry out this analysis, it would be necessary to study the subject in Hegelian terms, given that Balibar makes spiritual dialectics the very matrix of its theory of idealisation-conversion of violence. However, in the Hegelian system, the initial "interests" cannot be said to be 'less' "ideal" in essence than the 'idealities' which justify the 'embodiment' of power. Balibar seems, therefore, to superpose two dichotomies: one, 'Hegelian', is that of *particularity* (of "precise" "interests") versus *generality* (understood here as a certain universalisation, though never without violence); and the other one, 'Marxist', distinguishes *materiality* and *ideology*. Admittedly, Hegel would probably say that the particularity of 'precise' interests belongs to a *lesser* spiritual order than, say, the universality of law incarnated in the state, considered as 'higher' *precisely* because the universal in it is the result of their dialectical contradictions (and therefore constitutes their immanent telos). But this does not signify that the 'initial' (although this intuitive chronological ordering must be suspended in the Hegelian system) private interests are material in *nature*: 'common good' and 'private interests' are actually both sides of *one spiritual reality*, the substantiality of *Sittlichkeit* within the state: "The state is the actuality of concrete freedom. But concrete freedom consists in this, that personal individuality and *its particular interests* not only achieve their complete development and gain explicit recognition for their right (as they do in the sphere of the family and civil society) but, for one thing, they also pass over of their own accord into *the interest of the universal*, and, for another thing, they know and will the universal; they even recognise it as *their own substantive mind*." (*Philosophy of Right*, §260, my emphasis). It must also be made clear that the legitimacy of state power is not automatic according to Hegel, and the assessment of such legitimacy mainly depends on the treatment of those "private interests". Cf. H. S. Harris, *Hegel's Ladder, II: The Odyssey of Spirit*, Hackett Publishing Company, 1997, p. 267: "This is the emergence of the "watery mass" that is "internally unequal." In its good aspect it is "the public service"; in its bad aspect it is the social world of ambition and self-interest. The logical dialectic of the simple ideals of Good and Bad (Heaven and This World) with the practical (this-worldly) motives of public service and private profit organizes the watery instability of our weekday lives into the "estates of the Realm"; but this stabilization into social types is eventually shown to be spurious, when the "fiery mass" emerges visibly in its consuming aspect."

The status of "interests" with regard to ideality and/or materiality thus remains unclear in Balibar's description. Is "interestment" mediated through idealities (or ideologies), or is it itself "mediation"? The 'interest' of these questions will appear more clearly, hopefully, in my Chapter Five, focusing on Marx's theory of praxis and class formation. I will demonstrate that the notion of 'interest', though always defined by Marx as the expression of a purely material impulse, supposes in its origin and affirmation the logic of ideologisation, which always-already commands its mediation (that is to say its metaphoricity and a symbolicity).

idealisation, conceived, in relation to the factuality or materiality of violence itself, according to two modalities — ideality is at once itself *and* another: symbolicity in power, and meaninglessness in cruelty. Let us first talk about power.

a) Earlier, at the pages 134 and 135, Balibar's presentation of a potential *ideality* or *idealisation* of violence, conceived as a conversion of said violence into power, had been explicitly connected to Hegel's *Philosophy of right* and *Philosophy of History*, and to the notion of a "spiritual dialectic of power and counter-power." This "process" or "mechanism", correlative to "Hegel's notion of (objective) Spirit", was associated to the notion of *legitimate violence*, even though the concept of legitimacy is (rightfully) complicated with a theoretical and practical perturbation: "[Power] institutions and apparatuses are *legitimate* by definition, even if they are not always capable of imposing their legitimacy. Let us note, in passing, that the idea of a legitimate power of *Gewalt* that is absolutely recognized, and therefore automatically implemented, is a contradiction in terms... The legitimacy of such apparatuses is of necessity dependent on that of great idealities, great transcendent forms in the Platonic sense, which, in turn, idealize their functioning. To name just a few: God and the State, or God and the Nation, or the Law itself (as *Torah*, *Nomos*, *Chariah* or *the Constitution*).³²" Balibar thus emphasises the *problematic* character of all legitimacy, but maintains the heuristic validity of the concept. Furthermore, he assigns this legitimating capacity to "idealities", therefore positing or confirming the distinction between the violence of *Gewalt* ('in itself') and the "conceptions" through which such violence is "converted" into power, that is to say *legitimate violence*. (Be it said in passing, Balibar does not explain the legitimating power of legitimacy itself, merely displacing its prerogatives to the ideal character of idealities, without explaining what makes those idealities *legitimate*... Could it be that they found the origin of their legitimacy in *other* ideal principles? or in a more originary *Gewalt*? But then the legitimacy of that *other Gewalt* should itself be founded in legitimacy, etc.)

b) The type of ideality exemplified through effects of legitimation is directly opposed to "cruel ideality". This *other* concept (or other form) of ideality is extremely singular, as it designates the *ideal* character of a form of violence which is *also* characterised, *at the same time*, by an "immediate" or

³² Étienne Balibar, "Violence, ideality and cruelty," in *Politics and the Other Scene*, London & New York: Verso, 2002, pp. 134. Balibar's emphasis.

"naked" relationship to materiality³³. "Cruel ideality" is therefore the ideality of a "naked" materiality... We thus have to assume that cruelty presents something like a material-ideality or an ideal-materiality, since its 'ideality' supposedly merely indicates on the ideal plane the purely violent character of a

³³ The notion of "a relationship with materiality which is not *mediated*" would probably appear as nonsensical to Hegel. Hegel was extremely suspicious against the notion of matter as "pure matter," or as immediate materiality, that he rejected as a mere abstraction of thought; this is exemplified in his critique of a certain materialistic tendency of the Enlightenment, which "starts from sensuous being, then abstracts from the sensuous relation of tasting, seeing, etc., and makes that being into a pure in-itself, into an absolute matter, into what is neither felt nor tasted. This being has in this way become something simple without predicates, the essence of pure consciousness; it is the pure Notion as implicitly existent, or pure thought within itself." (*Hegel's Phenomenology of Spirit*, Oxford University Press, 1977, §578, p. 352.) In the *Philosophy of Nature* the impossibility to conceive pure materiality as anything but mere abstraction is related to the definition of Nature, "the Idea in the form of *otherness*" (*Hegel's Philosophy of Nature*, London: Allen and Unwin, 1970, §247, p. 205), which leads to its definition as essentially *external*: "nature is the determination of externality." Indeed, "We find nature before us as an enigma and a problem, the solution of which seems to both attract and repel us; it attracts us in that spirit has a presentiment of itself in nature; it repulses us in that nature is an alienation in which spirit does not find itself." ("Introduction", p. 194) As always in Hegel, this problematic externality is also the chance for *Wissenschaft* — nature is an infinite problem to be resolved, and this determines the conditions for its apprehension by the spirit, *Geist*, through the infinite work of dialectical negation of nature (as otherness). This means that the *Geist* must invest itself into nature and matter, which involves *force* and *violence*: "According to a metaphysics prevalent at the moment, we cannot know things because they are uncompromisingly exterior to us. It might be worth noticing that even the animals, which go out after things, grab, maul, and consume them, are not so stupid as these metaphysicians. [...] Intelligence does not of course familiarize itself with things *in their material existence*. In that it thinks them, it sets their content within itself, and *to practical ideality*, which for itself is mere negativity, it adds form, universality so to speak, and so gives affirmative determination to the negative of particularity. This universality of things is not something subjective and belonging to us; it is, rather, the noumenon as opposed to the transient phenomenon, the truth, objectivity, and actual being of the things themselves. It resembles the platonic ideas, which do not have their being somewhere in the beyond, but which exist in individual things as substantial genera. Proteus will only be compelled into telling the truth if he is roughly handled, and we are not content with sensuous appearance. The inscription on the veil of Isis, 'I am what was, is, and shall be, and my veil has been lifted by no mortal', melts before the thought. *Hamann* is therefore right when he says, 'Nature is a Hebrew word, written only with consonants; it is left to the understanding to add the points'." (§246, "Addition" pp. 200-201, my emphasis. Let's note in passing that the articulation between phenomenality and knowledge or *Wissenschaft* is more complex than Balibar seems to take into account. Phenomenality, in itself, is negativity or externality to consciousness, and the truths on which a *Wissenschaft* can be founded are noumenal in essence, and therefore ideal. For this reason, it seems to me that Balibar's overall conception of phenomenology as a sort of objective or intersubjective knowledge directed to phenomena themselves is more 'Husserlian,' or even 'Kantian,' in spirit, than Hegelian in nature.) The practical and theoretical notion of an immediate relationship to materiality is therefore impossible. 'Pure matter' is *nothing* for us, merely an abstract notion, pure externality and indeterminacy: "In this externality, the determinations of the Notion have the appearance of an *indifferent subsistence* and *isolation* with regard to one another" (§248, p. 208). The dialectical affirmation of the spirit 'animates' matter through the form of its intelligence, that is to say the form of the universal. Which also signifies that universality is *immanent* to nature, by definition, being universal by vocation (§245, p. 195). The *Geist* "adds form [to matter], universality so to speak, and so gives affirmative determination to the negative of particularity." Through the universal point of view of the Notion (or the Concept), the *Geist* appropriates nature in view of its own absolute and ultimate spiritual end, which does not belong, naturally, to nature or matter 'in themselves'. And what is true of the signification of materiality in epistemic terms is *a fortiori* valid with regard to all activities of the objective *Geist*, that is to say, chiefly, *work* inasmuch as it deals with 'matter.' None of the aspects of the life of the objective spirit can be said to be purely material in nature... Surely, the notion that *matter must be spiritual in essence* has, as always with Hegel,

"residue of materiality": a "material residue of ideality"... I will leave to Balibar the responsibility of this tortuous conceptualisation of the ideality-materiality divide, that he firmly *maintains*³⁴ in and through the description of the inescapable *hybrid*ity of material-ideal phenomena of cruelty (through the materiality of which idealities "*return*" — *font retour*). Let us note that the violence of power *also* manifests a conjunction of materiality and ideality (*Gewalt* indeed "materialises idealities"), even though in this case we are talking about *another* form of ideality, and *another* form of articulation between materiality and ideality, since the violence of *Gewalt* is said to be always already mediated in its relationship to materiality. We must assume, 'in the last instance', that in and through this curious maintaining of the materiality-ideality dichotomy, Balibar conceives cruelty as *closer to materiality*, in essence, than power, cruelty being defined as the "residue of materiality" in history... But even so, cruelty also manifests itself through a specific, singular type of idealities (*fetishes* and *emblems*), although those are *not*, and this is essential, "elements" of legitimacy or rationality.

Since Balibar does not actually *define* the form of idealisation consubstantial with the process of conversion-legitimation, we must orientate our analysis towards what constitutes its negative inscription, what it is contrasted to. Cruelty, therefore, has a relationship to materiality which is not mediated, "especially not symbolically mediated." The 'symbolically-mediated' and the 'immediately material' are therefore construed as mutually exclusive modalities of violence, which thus indicates the

³⁴ We have to assume that Balibar is referring to what he calls "a *broad* (hence heterogeneous) concept of materiality": so "broad", then, that it encompasses idealities — though not *all* of them... Here, Balibar certainly has in mind the notion of what he calls "the imaginary", that is to say the imaginary structures which underlie "material" processes themselves. His wish is "to emphasize the fact that 'material' processes are themselves (over- and under-) determined by the processes of the imaginary, which have their own very effective materiality and need to be unveiled. I have, as it were, made the imaginary the 'infrastructure of the infrastructure' itself, starting with the idea that all forces which interact in the economico-political realm are also collective groupings, and consequently possess an (ambivalent) imaginary identity. In this way, I have implicitly suggested that recognition of the other scene is theoretically associated with the rejection, not of class antagonisms and the structure of capitalism, but of an absolute 'last instance', and with the adoption of a *broad* (hence heterogeneous) concept of materiality." (*Politics and the Other Scene*, p. xiii.) This is all very well, but — assuming that we admit the definition and the categorisation of something like "the imaginary" (why, for instance, limiting its prerogatives and its "ambivalent" effects to "collective groupings"? what of its individual or pre-individual dimension? and, most of all, why should it be pictured as an infra-infrastructure?), therefore implying the necessary ideal character in and of all materiality (and vice versa) — why, then, *still maintaining* and *trusting* the ideality-materiality division? And why *still* conceiving this whole architecture in the structuralist terms of a constructed elevation: "infrastructure of the infrastructure", "under- or over-determined", etc.?... Let's dare the following interpretation: in doing so, Balibar seeks to preserve the notion of a fundamental or hyper-fundamental violence, absolutely infrastructural in essence (and, consequently, residually hyper-material, more material than the material "processes" themselves), located beyond rationality, radically nonsensical and unintelligible, violence which provides the *negative limit* of politics. But in the same gesture, he also confirms the *positive* definition of politics, as process of conversion and affirmation of a positive rationality, etc. I will elaborate upon this in the next section of this chapter.

significantly symbolic character of the aforementioned operation of ideal mediation-conversion of *Gewalt*. The idea of an opposition between a symbolic-linguistic order and its *other* appears several times in Balibar's article, though not always on an explicit level. For instance, while he is commenting upon his choice of the term "cruelty": "Any choice of terminology is partly conventional. I might have thought of *barbarism*, but I shall avoid it, because this term has very precise ethnocentric connotations which derive from its opposition to civility and civilization."³⁵ This is an astonishing demonstration of praeterition: by emphasising the "arbitrariness" (his own word) of his choice of the term "cruelty", Balibar is telling us that this concept (cruelty) presents all the semantic connotations of the term "barbarism", that he nevertheless refused (arbitrarily) precisely in reason of its connotations!... For that matter, "cruelty" will indeed be 'opposed' to "civility" and "civilisation," just like "barbarism" traditionally is. But what is a barbarian? The Ancient Greek *βάρβαρος* (*barbaros*, 'foreign', 'strange') refers, onomatopoeically (mimicking the indistinctive sounds uttered by the alien), to a division between intelligible language and the mere borborigmus 'spoken' by the savage. Thus, power, which is an ideally or symbolically mediated form of violence, is directly opposed to the unintelligibility, non-symbolically mediated materiality of extreme violence and cruelty. Ideality, in the case of cruelty, is a non-symbolical ideality: "useless and without meaning". It could not be more clear: 'power' is violence inasmuch as it is *meaningful, intelligible, useful, logic*; 'cruelty' is violence inasmuch as it is *meaningless, unintelligible, useless, or self-destructive*...

Balibar, however, does add a complication, advertently or not, to that initial distinction: "The very fact that ethnic cleansing [as a chief example of cruelty] is not only *practised* but also *theorized* [...] could be considered, I think, to be the imprint of an outbreak [*irruption*] of cruelty — that is, *a violence which is not completely intelligible in the logic of power or the economy of Gewalt*. [My emphasis]³⁶" To start with, this last definition of "cruelty" is, again, ambiguous and perplexing: "not *completely* intelligible" (though is it still somehow intelligible, in a certain measure?), certainly 'illogic' with regard to power, exceeding the "*economy of Gewalt*." But there is more: while Balibar is suggesting something like a non-symbolically mediated violence, and thus *a violence located beyond the symbolicity of language*, he also specifies that such violence *may be*, and indeed *was*, theorised. Better: the "very fact" that ethnic cleansing was

³⁵ Étienne Balibar, "Violence, ideality and cruelty," in *Politics and the Other Scene*, London & New York: Verso, 2002, p. 136. Balibar's emphasis.

³⁶ Étienne Balibar, "Violence, ideality and cruelty," in *Politics and the Other Scene*, London & New York: Verso, 2002, p. 143. Balibar's emphasis, unless specified.

"theorised" (which, we have to assume, must involve a certain degree of "symbolisation" and "intelligibility") makes it *specifically cruel*! In summary: cruelty is that "form" of violence which is non-mediated symbolically; but when cruelty is mediated symbolically, that symbolicity is the very *sign* of its cruelness!... This may seem astonishing, but I do not think that this theoretical oddity is anecdotic; it seems to me that Balibar is revealing something of a specifically paradoxical status of 'ideality' or symbolicity in its articulation to violence: *on the one hand*, the symbolisation of violence, in the form of a 'spiritualisation' (or 'idealisation'), allows its *conversion* into power and legitimate violence — in Balibar's words, such violence is thus said to be "normalised" or 'regulated'; yet, *on the other hand*, the symbolisation of violence, in the form of a 'theorisation' of *violence itself*, of violence *for* violence (if such thing exists, and this is the whole problem), indicates an *excess* of violence, a redoubling of its illegitimacy, an *extremisation* — that is to say: *cruelty*. However (and here lies the paradox), violence is symbolically mediated on both sides: whether it is under the form of 'theorised' cruelty, or that of symbolised power, *violence belongs to the symbolic order*. On *both* sides there is violence *and* symbolicity. This signifies that nothing is more similar to a 'theorisation' of cruelty than an 'idealisation'/'justification' of power: the 'justification'³⁷ or 'legitimation' of violence (interestingly described by Balibar as a mechanism of "preventive counterviolence"), for instance that of State violence, proceeds exactly, *on the theoretical-symbolic level*, like the structuring arrangement of that "theoretical script" (itself "deeply rooted in the substratum of the nation-state or the nation-form"³⁸) that Balibar perceives in ultra-subjective forms of cruelty. From a theoretical-symbolic point of view, nothing is closer, in function and meaning, to a "symbol" or an "ideality", than a "fetish" or an "emblem". (And, for that matter, how can we pretend that "God", "the Nation", "the Market", "the Law", etc. do not operate exactly like 'fetishes' or 'emblems' in the context of power relations? Where is the limit between these supposedly distinct orders of ideality/materiality?... The strict distinction that Balibar wishes to maintain, here, between the ideological and the fetish, seems untenable to me.) Thus, from a practico-juridical point of view, the symbolic character of violence can be interpreted, as to the nature of violence 'itself', *either* as mitigating circumstance (the symbolisation of violence mediates its violent character in order to *justify* violence, to convert it into legitimate power, to "*constitute*" it into an intelligible and useful "force" attached to "ideal principles", "rationality", etc.), *or* as an aggravating circumstance (the 'theorisation'

³⁷ Étienne Balibar, "Violence, ideality and cruelty," in *Politics and the Other Scene*, London & New York: Verso, 2002, p. 138.

³⁸ Étienne Balibar, "Violence, ideality and cruelty," in *Politics and the Other Scene*, London & New York: Verso, 2002, p. 143.

of violence indicates a supplementary turn of cruelty, violence becoming all the more 'unintelligible' and 'irrational, "useless and without meaning", that it has been *justified* or "theorised", etc.). Consequently, the symbolic dimension of violence commands both its potential convertibility (into power) and its pervertibility (as cruelty); those two 'processes' or "mechanisms", taken separately from the phenomenality of violence 'itself,' are *unrecognisable*; they both present the *aspect* of a 'rationalisation' of violence. Now, if we recall that the distinction between power and cruelty entirely relies on the convertibility-inconvertibility dichotomy, that is to say on the supposedly latent symbolicity of convertible violence (as opposed to the 'unintelligible' "material residue" of cruelty), this should signify that the whole theory of the conversion of violence is disrupted or interrupted, subject to an ever-possible reversal of power into cruelty and vice-versa. This should also signify that the field of cruelty cannot be circumscribed rigorously, and thus contaminates the whole of the semantic field concerned with *Gewalt* and with the dialectic of violence and power (and this contamination may intervene, for instance, *every time the legitimacy of legitimate violence is contested*... Let's recall that, in Balibar's terms, "the idea of a legitimate power of *Gewalt* that is absolutely recognized, and therefore automatically implemented, is a contradiction in terms"). Under these theoretical circumstances, what we *should* have, here, is an ever-possible translation of the rationality of power into (violent) irrationality, and vice versa, translation of undecidable character, through which a decisive interpretation, each time singular, must cut, therefore displacing the question and giving one more *turn* to this overall process of *per-convertibility*... However, at this stage, the exact nature of 'symbolicity', the notional content of the 'ideality' of legitimacy proper to legitimate violence (and, conversely, of the one proper to cruelty, thus defined as a non-symbolically mediated material violence), remains entirely enigmatic.

Perconvertibility and performativity

The whole of Balibar's theory of the "conversion" of violence is based on a certain *translation* and *interpretation* of Hegelian dialectics. The elaboration of the concept stems from a quote from the introduction to Hegel's lectures on history, later collected in *The Philosophy of History*. This extract refers to Julius Caesar's crimes (and, implicitly, to Napoleon's) and their historical signification, however illegitimate they could *appear* (*erscheinen*) on the moment of their perpetration. The main idea is that the meaning and the justification of those crimes is not attached to the moral and juridical principles of their particular epoch, but to the higher order of the World-History, the Spiritual Idea, whose motives

might *then* seem unclear from the mundane viewpoint of morality. (I am quoting here the English translation by J. Sibree, with reference to the German text.)

What the absolute aim of Spirit requires and accomplishes — what Providence does — transcends the obligations, and the liability to imputation and the ascription of good or bad motives, which attach to individuality in virtue of its social relations. They who on moral grounds, and consequently with noble intention, have resisted [*widerstanden*] that which the advance of the Spiritual Idea makes necessary, stand higher in moral worth [*in moralischem Werte*] than those whose crimes [*Verbrechen*] have been turned [*verkehrt worden sind*] into the means — under the direction of a superior principle — of realizing the purposes of that principle. But in such revolutions both parties generally stand within the limits of the same circle of transient and corruptible existence [*stehen beide Parteien innerhalb desselben Kreises des Verderbens*: i.e., 'both parties stand within the same circle of ruins']. Consequently it is only a formal rectitude — deserted by the living Spirit and by God — which those who stand upon ancient right and order maintain. The deeds [*Taten*] of great men, who are the Individuals of the World's History, thus appear [*erscheinen*] not only justified in view of that intrinsic result of which they were not conscious, but also from the point of view occupied by the secular moralist [this translation is confusing... *auf dem weltlichen Standpunkte*: the 'mundane', contemporary viewpoint]. But looked at from this point, moral claims that are irrelevant, must not be brought into collision with world-historical deeds and their accomplishment. The Litany of private virtues — modesty, humility, philanthropy and forbearance — must not be raised against them. The History of the World might, on principle, entirely ignore the circle within which morality and the so much talked of distinction between the moral and the politic lies — not only in abstaining from judgments, for the principles involved, and the necessary reference of the deeds in question to those principles, are a sufficient judgment of them — but in leaving Individuals quite out of view and unmentioned.³⁹

Balibar's theory of "conversion" relies on a certain reading of Hegel, according to which Caesar's "crimes", while they are undeniably immoral or illegitimate in their irruption, will be 'converted' through history into a higher order, which will retrospectively give them a superior meaning and a legitimacy. Those who opposed Caesar were not intrinsically wrong; their position was actually *higher in moral terms*. But their viewpoint is irrelevant with regard to World-History. Balibar's concept of "conversion" thus stems from Hegel's use of the verb *verkehr*: a violent action, which might have *appeared* (*erscheinen*, that is to say the appearance of a *phainesthai*, a phenomenon) as a criminal deed at some point, has been *turned* (*verkehrt worden*) into a higher deed, being as it is the instrument of the *Geist* at work through History. Certainly, but does this actually constitute, according to Hegel, something like an *operation of conversion*?... This, I believe, will depend on an active interpretation. *Verkehr* only designates a 'change' (the German term is rather neutral), and here it signifies that there has been, or has to be, a

³⁹ G.W.F. Hegel, *The Philosophy of History*, Prometheus Books, 1991, pp. 83-84. My emphasis. Balibar's analysis of this quote is in *Violence et civilité: Weltek Library lectures et autres essais de philosophie politique*, p. 66 and following.

modification in our apprehension of violence, in our interpretative reading of what may appear, on a superficial level, as a wrongdoing. Indeed, Hegel does not say that those crimes have been 'converted' *in themselves*, substantially, in their substance, so to say — and this is the whole beauty (and the terrifying ambivalence) of this passage: the violence of those crimes is not denied — quite the opposite. That violence is *conserved*, acknowledged and preserved, although it is elevated, so to say, to a higher order. In this respect, the "conversion" is, in Hegel's eyes, quite as much a "conservation" (this semantic conjunction precisely belongs to the *Aufhebung*, and constitutes its powerful singularity), and in this sense the march of History is violent through and through: its meaning *is* its violence, without denial. The violence of those crimes *is*, paradoxically, their power. Their irrationality *is* their rationality. And this, I am tempted to say, *without* even the need of a "conversion". Hegel even maintains that they *remain* "crimes" from a purely moralistic viewpoint; they could *still* be read as such, and those who resisted them "stand higher in moral worth". But *at the same time*, that viewpoint is just "irrelevant", because the qualification, the signification of Caesar's deeds, initially understood (or misunderstood) as "crimes" by Caesar's contemporaries, should be turned, changed, reversed to *another* signification from the point of view of the Absolute. In this passage, Hegel intends to disqualify the *present* (i.e., contemporary) qualifications of violent actions. Concomitant accusers are just that: concomitant. Most of them cannot see the bigger picture. Hegel is thus saying that the morality, legality or legitimacy, such as *perceived* at the time when those actions were committed, *cannot and should not be the final word*, because the true functionality of those "crimes", their true *meaning* and, I am tempted to say, their true *legitimacy*, is yet to come. But, on the moment, no one could have known, or could have been *certain*: the critical moment of *krinein*, the critical agency which could own its own decision and present it as absolute certitude, that moment does not belong to the present. The point of view of the Absolute is foreign to the present situation, to the presence of the present. The *Geist* cannot affirm itself in all clarity in "a circle of ruins", in "a world in ruins" (*Kreises des Verderbens*), in which, by definition, the future is uncertain, and legitimacies collide without assurance of an absolutely indisputable legitimating principle. And, in this respect, *all worlds are in ruins*. Who is to say that the present is not, always-already, in ruins? The Absolute is foreign to the present, to the presence of the present, which is another way of saying that "the owl of Minerva takes its flight only when the shades of night are gathering"⁴⁰.

⁴⁰ G.W.F. Hegel, *Philosophy of Right*, Batoche Books, 2001, p. 20.

On these premises, Balibar intends to demonstrate that Hegel's alleged interpretation of history as an unstoppable operation of "conversion" of violence into power (legitimate violence) is 'invalidated' by the fact that there are, actually, some forms of violence which are *not* converted, which are *inconvertible*: extreme violence and cruelty.

Of course, my goal is not, at the end of the day, to *confirm* the Hegelian conception, or to proclaim its impassable character. It is, rather, the opposite, hypothetically: to raise the question as to know whether it exists, in history, or, rather, in its *present*, which constitutes the absolute horizon of politics (inasmuch as politics is *activity*, or differential between activity and passivity), some *inconvertible* modalities of violence, or, if one likes, an *inconvertible residue* the presence of which suffices to invalidate the 'hegemonic' schema of politics, and obliges us to pose the question of civility in entirely different terms.⁴¹

⁴¹ *Violence et civilité: Wellek Library lectures et autres essais de philosophie politique*, 416 pages, Galilée, 2010, p. 64. My translation, Balibar's emphasis.

This constitutes the most problematic 'moment', but also the most necessary, in Balibar's theory of violence. While he defines his thesis, and affirms the originality of his approach, Balibar positions himself *in the "present"* — and, indeed, his analyses are confined to the contemporary situation, and for good reason. It could be said that there is no point or possibility in evaluating the 'conversion' of violence in the past. The past, in this sense, is always-already 'converted', simply because we inherit through historico-factual narratives the legitimating categories and interpretative models through which we contemplate and analyse past deeds⁴²... But, at the same time, as I have demonstrated above, the (allegedly Hegelian) category of "conversion" does not have relevance in the present! Even if we do admit that there exists something 'in Hegel' like a process of "conversion" of violence in Balibar's terms (which I doubt), we also have to admit that the Balibar's distinction is already comprehended, absorbed and enveloped by the Hegelian dialectic: in singling out "cruel" deeds or phenomena of "extreme violence", Balibar only places himself in the position of the *contemporary moralist*, judging, selecting and accusing *in function of the legitimacy-illegitimacy categories of his time*. This operation is certainly possible and legitimate *in moral terms*, but it does not say anything about a potential *conversion* or *convertibility* of violence, precisely because this conversion is only to come, potentially. In other words,

⁴² Although, this conversion is obviously never complete: who could affirm that Caesar's deeds were not *also* criminal? — and what would be the answer, maybe even more difficult, regarding Napoleon's?... The conversion, by definition, implies a residue of inconvertibility, but not outside of itself: *within* itself, within the narrative of the conversion, in the perversity of its performativity.

The only past example of "cruelty" that Balibar summons (repeatedly) is Nazism. But here, while the example is usually considered as a staple of massively caricatural rhetoric (as, for instance, enunciated through the so-called Godwin's 'Law' of Nazi Analogies), it becomes the locus of the most ambiguous and discouraging of Balibar's development on convertibility and cruelty. Cf. *Politics and the Other Scene*, p. 144 (and *De la Violence*, pp. 85-86): "the Spanish *conquistadores* used their dogs of war, for which they had invented noble names and genealogies [parallel to their own], in the hunting of American Indians. Indeed, *there is [no difference of nature — my emphasis]* between this form of cruelty and the similarly ritualized forms displayed by the SS in Nazism. A difference arose *in the end* [my emphasis — which "end" are we here talking about?], however, from the fact that the *conquistadores* were acting in the framework of an extremely powerful *hegemony* — under the authority of an extremely powerful *ideality*, namely the Catholic religion, combining legal apparatus and messianic faith, which allowed them to subsume the practices of cruelty under the discourses of hegemony — that is, a spiritual and material violence which could be disciplined and 'civilized' [, calculated and idealised]." I will not point to all the difficulties in this extract (it is bursting with theoretical problems) or to the consequences they should imply with regard to the so-called phenomenology of cruelty. Let's just notice that Balibar seems to admit implicitly that the law of conversion is by necessity *the law of the strongest* (what would have happened if the Nazis won?), and, that, advertently or not, as in passing, he does call a manifestation of power "cruelty", which, surely, should involve a deconstruction of the phenomenological limit between those two phenomenal domains. In the French text, Balibar pursues: "In the same manner that I mentioned earlier some forms of legal or codified violence *which constantly drift* [or 'slip', *déraper*] *into cruelty* [power *constantly* drifts into cruelty!... and there go all phenomenological limits...], it is necessary to raise the question of the boundary between "pure" cruelty — if it exists — and the institution, "civilisation", "spirit". This is precisely this boundary which is interesting, because it is enigmatic." "Enigmatic", indeed.

Balibar categorises phenomena of power and violence by using the interpretative models that he is inheriting from the same structures of power or violence that he is supposedly assessing!... This is why the production of a phenomenological distinction between *normal* and *extreme* forms of violence is *in fine* an ethico-political gesture: if we ignore the aporias related to Balibar's phenomenological limits, his definitional gesture signifies that the forces behind "inconvertible violence" are structurally denied the status of power (whether it is possible or not to just *decide* such thing, through a theoretical gesture, is left to anyone's appreciation), and, *mainly*, that the forces behind convertible violence (and therefore converted power) are *validated* in their status *as power*. By ratifying, conceptually and metaphysically, the notion of an historical process of conversion of violence into power, Balibar must also confirm and undergird the validity of this operation of conversion on an empirical-phenomenological level — and therefore approve, almost automatically, the status of power *as power*, i.e., as the result of a conversion of violence, which, supposedly, makes it *phenomenologically distinct* from the cruelty of extreme violence (and this is already *something*). The "excessive" violence (representative of cruelty) only happens at the "extremities" of the "mechanism" of conversion, and, therefore, Balibar's theoretical gesture *confirms*, at its centre, in and through the position of the "normality" of power, the rationality and effectivity of 'Hegelian dialectics' (in his interpretation thereof): as long as violence is "convertible", Balibar does not say anything else than what 'Hegel' says. Balibar's supposed subversion of Hegelian dialectics is therefore very ambiguous: of course, it *could* be said (I emphasise 'could') that the Hegelian system somehow initiates a form of closure, and Balibar is right to suggest that history, as history of violence, continues in and through the installment of the state of right (*Rechtstaat*), which means that the process of 'conversion', if it exists as such, is never final... *However*, as to know whether this dialectical process itself (that Balibar may name "conversion" if he likes) is *altogether rational* or not, is an entirely different question. Yes, the process of conversion, rationalisation, universalisation, is extremely violent. True, and Hegel is conscious of this, as this violence conditions and expresses the *force* of dialectics: negation against negation. But according to Hegel, all violence is *one* in *Gewalt*: converted or not, legitimate or not, power is *Gewalt* is violence. The viewpoint of the Absolute, the final word on its rationality, its historical necessity, *is to come*. This is what makes Hegel's dialectics so astounding and difficult: it does not give away the answer about its violence. In all rigour, from the viewpoint of the Absolute, the rationality of the Spirit *can only be* its violence, its power, its effectivity... However, Balibar, in validating, in the presence of the present, the process of conversion itself, and therefore its supposed rationality,

cannot answer the question of the rationality-irrationality of violence: it is already answered in the convertible-inconvertible dichotomy.

Indeed, beyond the sole issue of the "inconvertible residue", Balibar's theoretical architecture, through the maintaining of the interpretative structures of 'conversion', has the effect of *confirming* the so-called 'Hegelian' process of conversion in its "normal" exercise: he affirms the dialectical "spiritualisation" or "sublimation" supposedly proper to the exercise of power. This process is *only* 'refuted' at its margins — this refutation being 'only' exemplified by the "residue" of extreme violence (or cruelty). But at its core, at its centre, the conversion *does*, indeed, *convert*. By validating, in theory, that so-called process of conversion, and by enunciating the practical effects of its "normal" course, Balibar *consolidates* and *essentialises* the distinctions and divisions which are the *conditions* and *result* of this very process: dichotomies such as normality-extremity, normality-abnormality, legitimacy-illegitimacy⁴³, rationality-irrationality, power-cruelty, civilisation-barbarism, ideality-fetishism, symbolicity-emblematicity, humanity-monstrosity⁴⁴, etc. — all contained and presupposed in the convertibility-inconvertibility dichotomy. In my opinion, the supplement of legitimation that Balibar's validation of the process of conversion confers to these dichotomies is confusing, and potentially dangerous — and this at different levels and different degrees, *repeating* the process of conversion and giving it one supplementary legitimating *turn* through its 'critical' or 'phenomenological' enunciation. While he is trying to incorporate violence into his analysis of politics, Balibar is repeating a gesture of exclusion, categorical and categorical, but also informed, formatted, formal and formalist. And this exclusion is also an *inclusion* in terms of legitimacy-illegitimacy — which takes the form of a seriously problematic *tautology*, something that Balibar sporadically envisions without apparently drawing the theoretical consequences from those moments: "it is by no means certain that this is not a tautological discourse: we say that a certain kind of violence is self-destructive or irrational, because we feel that it eludes the logic of power and counter-power (I remember that such terms were used, for example, in the context of the so-called 'extreme forms' taken by the riots in Los Angeles when I happened to be there, immediately after the

⁴³ ... even though, as I already stated, Balibar *also* admits that the legitimacy/illegitimacy divide immediately reappears *within* the very structure of legitimacy: "These institutions or apparatuses are *legitimate* by definition, even if they are not always capable of imposing their legitimacy. Let us note, in passing, that the idea of a legitimate power of *Gewalt* that is absolutely recognized, and therefore automatically implemented, is a contradiction in terms..." This admission should be the sign of an unstoppable intercontamination of the inconvertible and the convertible. (*Politics and the Other Scene*, London & New York: Verso, 2002, p. 134)

⁴⁴ Balibar even raises the hypothesis that the forms of cruelty present the monstrosity of "*Medusa face*," "both human and superhuman," which provokes in us, "normal" humans, the fear of a "mutation" of the human specie"... (in *Politics and the Other Scene*, p. 134, and *De la Violence*, p. 83). On the next page, Balibar opposes "normal" and "excessive" forms in the sexualisation of power, always in reference to a "certain threshold" which is never defined, as usual.

first Rodney King trial in 1993.)⁴⁵ Certainly, but how could it be otherwise?... This should illustrate the fact that the convertibility-inconvertibility dichotomy is not *relevant* when it comes to the examination of violence, either it be conceived as the result of an historical, retroactively evaluating gaze into the past, or as the direct apperception of the very phenomenality of violence, its unveiled signification collected in the presence of its present. There is no violence without the originary performativity of a force of legitimacy, which motivates and permits that an interpretation be made, and that a strategy be put together in relation to the overall economy of violence. *An economy of violence must also be an economy of legitimacy*, an infinite transaction between the legitimacies attached to the forces in presence: a calculation between the calculable and the incalculable.

The crux of the problem, here, is that while Balibar elaborates the idea of a "limit" or a "threshold" between normality and extremity, power and cruelty, he mainly locates it *at a phenomenological level* — not at a linguistic-performative, juridico-symbolic level (although we saw that the nature of the symbolicity of violence is also taken into account, but it is itself theorised at an empirical-descriptive level, if such thing is possible!). His "phenomenology" largely ignores (or misunderstands) the question of *performativity* as an interpretative force, and the fact that the criteria for *extremity* (or exceptionality) of violence, and therefore, *conversely*, the criteria for its *normality* (that is to say the *norms* and protocols of interpretation consubstantial to civility and anti-violence as strategies) are themselves related to, produced and perpetuated by the forms of violence concerned by those very norms — implying that strategies of civility can never be absolutely discernible from the violence they supposedly 'manage', either in its normal or extreme forms... For instance, on the subject of "the violence of the sovereign":

[The violence of the sovereign] materialises itself at the crux of a double default in the mechanisms of recognition: a default in the representation of the community embodied by the sovereign (or by the one detaining the collective power), and a default in the coincidence of the community with its own ideal, the identity or the "sameness" of its members. On both sides, this default (or inadequacy) must be constantly compensated by a *supplement of Gewalt of the law* as opposed to its "normal" exercise, which triggers a hopeless race without foreseeable end [*qui engage dans une fuite en avant sans fin assignable*: this is extremely difficult to translate...]: from the "monopoly on legitimate violence" to preventive [*préventive* means either 'preventive' or 'pre-emptive'] counterviolence, and from this to institutional cruelty.

Is this default necessary? I believe so, without it be possible to prescribe in advance the circumstances or modalities of its manifestation.⁴⁶

⁴⁵ *Politics and the Other Scene*, 134.

⁴⁶ *Violence et civilité: Wellek Library lectures et autres essais de philosophie politique*, 416 pages, Galilée, 2010, p. 120. My translation, Balibar's emphasis.

The "double default" analysed here by Balibar is at once 'abnormal' (as it implies an "exercise" of *Gewalt* which is *not* "normal"... even though Balibar makes use, again, of inverted commas) and "necessary". Indeed, the escalation from the "normal" exercise of violence/*Gewalt* to "institutional cruelty" is conceived as a *necessity* — although (but it does not change anything to the initial paradox) the circumstances and modalities of this escalation are unpredictable, given their exceptional character. As usual, in the deployment of his phenomenology, Balibar attempts to preserve both *normality* and *exceptionality*, thus making the phenomenological limit between extreme forms and normal forms of

violence not only complex or problematic, but *aporetic in its very phenomenality*⁴⁷. And this is why the question of the juridico-symbolic status of violence, inseparable from its performative nature, reappears: indeed, any given 'phenomenon' of sovereign violence, any act of state repression (for

⁴⁷ Contra his tendency to multiply phenomenological limits and sub-categories within violence, *another* movement, that of an unstoppable contamination between those categories, traverses the whole of Balibar's theory. This collision between the normal and the abnormal, power and cruelty, demonstrates Balibar's difficulty to theorise a proper limit, either phenomenological or conceptual, between the *convertible* and the *inconvertible*. There is always already inconvertibility at the core of the convertible, and extremity within normality. This notion, or intuition, sporadically returns in Balibar's text, notably under the form of *three figures or metaphors*:

1. The first of these figures is that of *perversion*. The figure of *perversion* is of course very distinct from that of *convertibility*, if only because the idea of perversion *must coexist with normality*: it must exist at the heart of politics, of violence even in its "normal" forms. Perversity is an alteration of the self, of the autos against the autos, a form of auto-immunity or auto-affection, which as such must perturb and complicate the distinctions convertible/inconvertible and normality/extremity. For instance, "extreme forms of violence" are characterised as "unsolvable problems' for politics, through which it confronts itself with its limits, and more precisely with *the perverse effects or contradictions resulting from its own practice*" (*Violence et civilité*, p. 83, my translation and emphasis). Furthermore, Balibar mentions that this logic of perversity is at work in the structure of sovereignty itself. With reference to Foucault, but as a personal remark, he thus describes "'sovereignty', as an 'excessive' figure (and consequently *perverse*) of the power of the law, or of power legitimated by the law" (*Violence et civilité*, p. 118, my translation and emphasis). If we have to admit this element of perversity, how are we then to maintain the distinction between the normality of power and its "excessive" dimension, wherever and whenever there is expression, within or beyond politics, of a certain sovereignty, of a pretension to sovereign mastery, the sovereign performative of a power or a law, a force or a legitimacy, always already excessive in this very pretension — always already *perverse*?

2. This figure of perversion is not without similarities, in its treatment, to the motif of "*cruelty*" that Balibar intends to reinterpret in order to place it at the centre of his phenomenological approach to extreme violence: his understanding is therefore that there must be a way to distinguish cruelty, to access to the proper of cruelty. This 'proper' is tentatively, though systematically, repelled from the essence or the "reality" of *Gewalt-as-power*, that is to say violence in its "normal" form. But at the same time, it seems to be lodged at the heart of the expression of power, like its structural necessity... For instance: "The phenomenology of power implies a 'spiritual' dialectic of power and counter-power, state and revolution, orthodoxy and heresy, which, throughout its development is composed of violent deeds and relations of violence. But it also includes — not beyond or apart from this development, but permanently intertwined with it — a demonstration of cruelty, which is *another* reality, like the emergence or glimpse of another scene." (*Politics and the Other Scene*, p.136) "Another reality", the reality of another scene, but of an "*intertwined*" other, attached to normality like its evil *twin*, thus pointing to the *duplicity* of a *twofold* reality; this element of cruelty denotes the rather monstrous aspect of power, and especially as we are describing the power of law, supposedly beyond 'mere' legitimacy, as a material *and* immaterial force of *incarnation*, an embodiment of the spectral: "Cruelty only adds to the legitimacy of state violence in the measure that it *appears at the same time* [*apparaît à la fois*] as the effect of the incarnation of the law [by the sovereign], and as the excess of violence standing for [*se substitue à*] the default of the law" (*Violence et civilité*, p. 120, my translation and emphasis). Balibar pursues with a reference to the "monstrosity" characteristic of politics according to Machiavelli, that is to say the character both "*personal*" and "*impersonal*" of power (both incarnated and seemingly transcendent: incorporeal, spectral and haunting). However, this monstrosity is not uniform, according to Balibar: the representative power (*Gewalt-as-power*) is indeed *violent*, but it is only its "excess" (*Gewalt-as-violence*) which is properly *cruel*. However, if those two characters "appear at the same time", "at once" (and the reference to Machiavelli indeed confirms this co-appearance, co-phenomenality or consubstantiality of normality and cruelty: in the 'normal monstrosity' of the monster), how are we then to extract the violence of cruelty from that of normality? and especially as we have seen that the so-called "default of the law" is conceived as "necessary" by Balibar, which must imply a potential excess of violence, and therefore, at least virtually, an 'addition' or a 'supplement' of cruelty,

instance), might be interpreted *either* as a mere expression of the "monopoly on legitimate violence" (and therefore as a *legitimate* act of violence, or power), *or* as an operation of "preventive counterviolence" (*legitimate or not*, depending on interpretations), *or* as a manifestation of institutional cruelty (by definition *illegitimate*); the *same* 'phenomenon' can be analysed in *any* of those terms depending on the protocols of interpretation and on the interpreting subject. What is thus left, in this context, to the phenomenality of the phenomenon, given that phenomenality is supposed to be the *essential* trait of the phenomena, essentially characterised, in their very phenomenality, as *either* power *or* extreme violence?... In other words, the very trait which *defines* the phenomenon, making it what it *is* as opposed to what it *is not*, is also *what allows it to be what it is not*: its phenomenality is all dependent on an interpretative force, *another force*. The shift or escalation, the "race" described by Balibar, from the "normal" exercise of *Gewalt*, all the way to cruelty, can never be located entirely on a phenomenological level: *there is no autonomy of phenomenality*. There is nothing like an *autopresentation* of the phenomenon, a position objectively or subjectively readable *per se*, and which could suggest, maybe, a 'naturalness' or a 'physicality' of violence as phenomenon: this signifies an irreducible *juridico-symbolic becoming* of violence. *Something else* or *someone else*, before or beyond the phenomenality of the phenomenon, has to intervene and performatively ascribe a meaning and a telos to the phenomena, violent or not, starting with their designation, circumscription, inscription within a time sequence, potential (ab)normality, legitimacy-illegitimacy, etc. This constitutive 'politicality' of the phenomenon, its becoming-political, thus intervenes in and through the eventuality of a performative interpretation, before or after its phenomenality... Let us consider, for instance, the very frequently employed notion of "preventive counterviolence" (notably mentioned in the extract above), both simple and vertiginous, and conceived by Balibar himself as "the fundamental — possibly the only logical and rhetorical — *schema* for the *legitimation* of violence"⁴⁸: this notion *already contains in itself*, without need for theorising any phenomenological 'shift', *all the interpretative paradoxes* that I am trying to describe here with regard to legitimacy and violence... Similarly, the notion of *Gewalt*, just like that of the *force of law*, supposes and maintains this phenomenal or phenomenological undecidability.

On this very account, the questions raised by Balibar's analysis are not without connection to what I believe to be a misinterpretation of Derrida's notion of 'the force of law', and more generally of what 'constitutes' the force or power, maybe the violence, attached to the performative. Indeed, around the

⁴⁸ Étienne Balibar, "Violence, Ideality and Cruelty", in *Politics and the Other Scene*, London & New York: Verso, 2002, p. 139. Balibar's emphasis.

same passage quoted above, Balibar explicitly refers to Derrida's reflection on the performativity of law, in order to illustrate the "practical" "necessity" that "the schema of a reciprocity between power and law is not anymore operating, or must be reconstituted by a supplement of law, by a supplement of power, or by a supplement of both."⁴⁹ Maybe, but this "double supplement" (in Balibar's terms), according to Derrida, does not or should not *simply* have the structure of a "supplement", precisely. It is a structural or constitutive supplement, a supplement of origin, at the origin, which implies that the force of law affects the whole of legality or juridicity: it designates the performative force or power consubstantial with legal or juridical expression, i.e. with the juridical character of all language, in and through its necessary performative essence (in the same way that it refers to the irreducibly juridical-symbolic nature of *all violence*). As a result, the mention of this "double supplement" cannot contribute, in any way, to construct a "phenomenology of extreme violence". It cannot designate, for instance, a specific phenomenon of 'perversion' or 'pervertibility' of law, or a "necessary" "default"⁵⁰ which would, therefore, indicate a localisable extremisation of practices of *Gewalt*, or an instantiation of institutional "cruelty", for instance; as such, it has nothing to do with a potential phenomenological "distinction" between "normal" (or legitimate) and "extreme" (or illegitimate) forms of violence. It *cannot* and *should not*, most of all, be conceived as implying a potential phenomenological shift, a "race" or an "escalation" "to extremes", or to something like a 'state' or a 'stage' of "cruelty" (institutional or not) in

⁴⁹ *Violence et civilité: Wellek Library lectures et autres essais de philosophie politique*, 416 pages, Galilée, 2010, p. 121. The reference to Derrida's "Force of Law" intervenes a couple of lines below: "And Derrida has made of that double supplement (to which he opposed the "justice", always to-come) the argumentative pivot [*le ressort*] of his essay *Force de loi*, by interpreting texts by Pascal, Kafka, and Benjamin in light of contemporary questions on the limits of sovereignty." (My translation.)

⁵⁰ This notion of a "necessary" "default" of the law (or of representation) is very difficult to understand in the context of Balibar's reading of Derrida, because without this "default", i.e., without the necessary violence of its inscription and its enunciation, there would be no law at all, at least no force of law, no legal or legitimate power, effectivity, enforcement. It is a 'default' of origin (rather than of supplement), and as such it is an essential trait of law (or legitimacy) itself, from the violent 'moment' of its inscription. It is, by definition, a default that cannot be compensated by any sort of 'supplement'; unless, obviously, we consider that the force of law (the force of the law) actually constitutes what Derrida calls a "supplement of (at the) origin" (conceptualised as "*Le Supplément d'origine*", in *Speech and Phenomena*, for instance), which is, of course, a very heterodox conception of supplementarity... This is why Balibar's notion of a "double supplement" is so puzzling, as it does not seem to account for the fact that the supplementarity of the supplement actually precedes the 'origin' of law (and of legitimacy, or sovereignty, etc.), which implies that there cannot be anything like a specific substance, a discriminating, delimited signification, at least on a phenomenological level, of *something* like 'the force of law' itself, perceived as a 'supplement', a 'concept', or a 'thing' *per se* — or, even, conceived negatively as an absence, or as a 'default', figuring or substantialising something like *another* or *the other within* the law. The force of law might signify (or testify to) the *trace* of the other within the law, that is to say, by definition, *nothing in itself* — and especially nothing that could be the basis for any sort of positive knowledge about specific 'forms' of extreme violence or cruelty attached to 'the law', 'power' or 'sovereignty' in their phenomenological acceptance.

politics. There might indeed be something like a structural necessity for *cruelty* in the performative character of law (and in the whole of language!... the force of law concerns *all language* in its juridical-performative character and in its irreducible attachment to a certain violence, and to the pretension to sovereign mastery consubstantial with all enunciation, before or beyond all 'traditional', legal-philosophical-ideological categories of 'law', 'sovereignty' and 'politics', or even 'language'...); but this is not with reference to something like a phenomenological or phenomenally assignable "cruelty" (whatever this term designates, here). For that matter, in the same manner that the force of law is a violence consubstantial with the instance of legitimation-delegitimation itself, it must be at work within any *critical* or *phenomenological* instance or agency with the aim to *discern* between normal and extreme forms of violence, 'Gewalt-as-power' and 'Gewalt-as-cruelty', affecting its *krinein* in the politicality and juridicity of its telos (the aim, the sight, *la visée*, of its *enforcement* to come). Once again, this uncertainty with regard to the protocols of interpretation of violence must complicate and destabilise the phenomenological instance upon which "civility" relies, its critical agency as *discerning power*, and therefore its effectivity, its force as "politics", its capacity of *enforcement*.

Provisional conclusion: of tragedy, and some reasons-to-come

In theoretical terms, this should make the violence of extreme violence indefinable, which is something that Balibar senses when he affirms that its phenomenality is "located *beyond the exception*"⁵¹: in this measure, the exceptional meets the abnormal. But the whole of Balibar's reflection in *Violence et Civilité* relies on a double requisite: he wishes to assume and respect the exceptional nature of "extreme forms of violence", and, consequently, of the "strategies" that any politics of civility must implement in order to be effective against them, while, *at the same time*, attempting to provide a "pattern of

⁵¹ "if we have to admit that there exists an 'extreme' violence [Balibar makes use of inverted commas], whose forms are not the mere counterpart of the functioning of institutions, a violence not even manageable by politics in the forms of what some have named 'state of exception', although these political forms already *exceeds* [*débordent*] the limits of politics defined as the construction of a community, regulation of social conflict, pursuit of public interest, conquest and exercise of power, government of the multitude, transformation of social relations, adaptation to change, etc., if then this 'extreme' violence [inverted commas, again] located *beyond the exception*, indeed *exists*, how does this acknowledgement/ recognition [*reconnaissance*] affect our comprehension of politics and its constitutive antinomies? What is the discourse or the pattern of intelligibility thanks to which we shall be able to conduct together, like the two sides of one same problem, a reflection on the circumstances which allow a transition from normality to exception, then to the extremity of violence (cruelty), and a reflection on the multiplicity of the forms taken by politics, its heterogeneity or its intrinsic dislocation?" (*Violence et Civilité*, p. 42, Balibar's emphasis, my translation.)

intelligibility" ("*schème d'intelligibilité*") in order to *conceive those exceptional forms*, to allow their "recognition" (*reconnaissance*) as such and their potential "exclusion". This double bind is not only difficult to the extreme: it is aporetic. Each one of its terms parasites and undermines the other. The phenomenological dimension of Balibar's project is necessarily at odds with his conceptual premises, notably with the notions of exceptionality and extremity, which nevertheless underlie and structure the whole of his politics of civility: a phenomenology or a typology cannot account for the exceptional, by definition, and the exception must be conformed or formatted into a "form" or a "type"; in the best case, this amounts to pure formalism, and therefore inscribes an ideological becoming (meaning not only a strategic structure as in all agonisms and antagonisms, but also the possibility of a structural violence, "normal" or "extreme", visible or invisible, and always with the risk of a "rise to the extremes") at the heart of any politics of civility. One illustration: if the exceptionality of extreme violence is situated "beyond the exception", civility, in order to be in measure of recognising it and dealing with it, must designate, as suggested, the very exceptionality of politics, its absolute practicality, so to say, a force of absolute change and constant adaptation⁵²: something like 'a politicality-to-come', I would say. This constitutes its *responsibility*, its capacity of response to extreme violence: it would be its essence as civility, a concept without concept, only defined through the exceptionality of its object (the just as much exceptional "extreme violence") and of its instruments *and* agents, constantly "reconstituted" and "reinvented"⁵³. In a sense, one could wonder what is left of the notion of "politics" within "civility", as its only factor of definition is the phenomenological circumscription of its object, "cruelty" and "extreme forms of violence", though themselves constantly defined by their 'phenomenal exceptionality' (in this oxymoron resides the aporia). And beyond the sole scope of exceptionality, the question of the practicality and empiricity of civility remains: through the deployment of this effort of 'civilisation', what are the resources, the motivations, the *interests* of the agencies and structures involved in that effort? and what is the nature of civility itself? How could this nature be otherwise than, itself, unpredictable? On which structures, which (legitimate) forces, which violence is civility founded? For all these reasons, 'extreme violence' and 'civility' should share an essential trait: they have to be *unrecognisable* in their irruption, as they are "located" "beyond the exception" — as such, they have

⁵² "Unless [civility] precisely refers to the aspect of politics which can return [*revenir*] only under the mode of invention [*dans la modalité d'une invention*], because the extreme violence it responds to is itself always new, unpredictable." *Violence et civilité: Wellek Library lectures et autres essais de philosophie politique*, 416 pages, Galilée, 2010, p. 47. My translation.

⁵³ "Violence and Civility: On the Limits of Political Anthropology", in *Differences, A Journal of Feminist Cultural Studies*, vol. 20, issue 2-3, p. 25.

to *exceed* all phenomenologies. How to be sure that we can, or could, or will be able to *recognise* 'extreme violence' as such (beyond its exceptionality, in past, present, or future forms), and even worse: how can we be certain that civility, its instruments, its strategies or its predicates are not *in fine* 'founded' on the *same* exceptionality, strategies, or structures as 'extreme violence' itself — on the *same* violence, even the most "normal" or "normalised" in appearance? How can we be sure that they do not confirm or perpetuate, in their implementation, their enforcement or their structures, this *same* violence, or maybe give way to *another*?... And the same interrogation can be turned around: "extreme forms of violence", whatever their *actual* forms and phenomenality, whatever their empirical manifestations, have often — actually, *always* — been motivated and legitimated by the will and desire to *civilise*, or in other words: *to put an end to violence in what is interpreted as its worst forms, its most extreme forms, and in the name of a greater good or a lesser evil*... What I am trying to describe here is a virtual reversibility of extreme violence into civility and vice versa, a reversibility which logically precedes the 'presentation' of 'the phenomena themselves', starting with their determination and recognition as such — that is to say all which *requires* protocols of interpretation and legitimacy, without which any phenomenology of violence or extreme violence, and therefore any politics of civility, would be impossible and inconceivable. In other words, the concept of civility and the phenomenological distinction of extreme violence on which it is founded must be of pure *form*. Harsh? Of course, and what I am doing here is only pushing Balibar's conceptuality to its extreme consequences, beyond the interpretative framework of a phenomenology: because when it comes to violence and its interpretation, phenomenological extremes tend to meet through a chiasmic figure, affecting "civilisation" in all its aspects, even its most central or centralised, common or habitual, "normal" or "banal"⁵⁴ manifestations. This implies that, in spite of all its tendential or tentative⁵⁵ merits, Balibar's phenomenology of "cruelty" or "extreme violence" cannot account for the essential *pervertibility* (beyond mere "*convertibility*") of violence and civility — in other words, it has to *ignore* the exceptional character of extreme forms of violence, though theorised by

⁵⁴ NOTE

⁵⁵ "I believe that this limit [between normal and extreme forms of violence] is *tentatively* reached when brutally or insidiously manifest, by means visible or invisible, through three instances that invert the "transindividual" conditions of individual and social existence. They are human beings' resistance to death and servitude; the complementarity of life and death (or the place of death in life); and the finality or utility of the use of force and constraint." Étienne Balibar, "Violence and Civility: On the Limits of Political Anthropology", in *Differences, A Journal of Feminist Cultural Studies*, vol. 20, issue 2-3, p. 12. My emphasis. The original text says "*tendanciellement*" ('tendentially') rather than "tentatively", and Balibar probably means both. The French version is available in *Violence et civilité: Wellek Library lectures et autres essais de philosophie politique*, 416 pages, Galilée, 2010, p. 390.

Balibar himself, which amounts to setting aside the structural undecidability between violence and legitimacy implied by the performative character of all interpretation (and phenomenology).

Balibar is well aware of the aporetic dimension of the notion of civility, and this tension is explicit all through his reflection, constituting *in fine* what he calls the "tragedy" of politics. However, he repeatedly locates that aporia *on a practical level* only, in relation to the unpredictability (and even impossibility) of civility, because it can *only* work *with* the exceptional: "Therein lies the enigma, or practical aporia of politics. But this aporia is also the opening that, in separating out the forms of terror or cruelty, can reconstitute or reinvent itself as politics in an aleatory fashion within each actually existing moment. Such an opening requires politics and at the same time gives it its chance.⁵⁶" This constant, "aleatory" "reinvention" is related to the essentially *strategic* dimension of civility. Politics, through civility, has to negotiate with its own limit, "extreme violence", and can only do so through a certain violence. This circular (though non-tautological) strategy of violence 'against' violence is thus coined "anti-violence"⁵⁷, which should not be confused with "non-violence" (defined as a mere "abstraction" of existing violence⁵⁸) or "counterviolence" (either institutionalised repression or revolutionary violence, always with the risk of a monopolisation, or a rise to extreme forms of violence). The anti-violent character of strategies of civility implies that antagonism must endlessly be antagonised, and therefore that (I quote) "*a politics of civility simply cannot be achieved*"... To conclude (provisionally) on Balibar, I would like to analyse the absolute negative limit or horizon of his phenomenology of violence, which is *the destruction*

⁵⁶ "Violence and Civility: On the Limits of Political Anthropology", in *Differences, A Journal of Feminist Cultural Studies*, vol. 20, issue 2-3, p. 25.

⁵⁷ See notably "Ouverture. Violence et politique: quelques questions", in *Violence et civilité: Wellek Library lectures et autres essais de philosophie politique*, 416 pages, Galilée, 2010, pp. 17-38.

⁵⁸ *Violence et civilité: Wellek Library lectures et autres essais de philosophie politique*, 416 pages, Galilée, 2010, p. 45. The status of "non-violence" within Balibar's conceptuality is, however, extremely ambiguous and perplexing, as it is also assumed to "seek to avoid extremities [of violence], or to *repel* them [*les repousser*]" (p. 48, my translation). Here, my questioning will be twofold: **1.** By *avoiding* extreme forms of violence, by ignoring them (if this is what "avoiding" means... Balibar also says, "to look away", "to except oneself", "to protect oneself"), "non-violence" would not prove non-violent; it would, rather, demonstrate a certain violence, maybe *another* violence, obeying to a certain *legitimacy*. This leaves the question open as to know if "non-violence" is indeed possible as such, as a "gesture", an operation or a phenomenon — a question which underlies the whole of Derrida's essay, "Violence and metaphysics", and that Balibar, in my opinion, has misinterpreted. **2.** By using the exact same verb ("to repel", *repousser*) that he used in his definition of civility (pp. 155-156, already quoted), Balibar betrays and confirms the notional uncertainty characteristic of the notions of civility and anti-violence, and notably in their articulation to violence: it is impossible to understand their status, as they are both defined as *not* external to violence, while at the same time constituting a *response* to it, and one which is described in *the same words as non-violence*, with all the aporias going with this notion, and rightfully emphasised by Balibar himself (cf. notably "Ouverture", in *Violence et civilité*).

of the possibility of politics. That obsessional motif returns persistently, under various modalities. It always implies the possibility of a complete effacement of meaning and ideality, the destruction or self-destruction of all *agôn* and politics, that is to say the impossibility of all possibilities. The heady presence of that negative horizon, the limit of that very final extremity, is what gives politics its fundamentally "tragic" dimension:

I would posit the idea that a politics of civility (which doubtless determines that tragedy cannot ever be completely oriented either to the epic or messianic mode) can no more identify itself with nonviolence than with the counterviolence that "prevents" violence or resists it. This also means that a politics of civility cannot coincide (in any case uniquely, or completely) with the imperative of peace. Further, it must give way not only to justice but also to the political confrontation (*agôn*) or conflict without which it does not have the value of emancipation. *A politics of civility simply cannot be achieved* [my emphasis]. For the essence of extreme violence lies not so much, perhaps, in destroying peace or in making it impossible, but in annihilating the conflict itself, imposing on it a disproportionality that deprives it of any history and any uncertainty. A relation of forces can develop to the point of a nonrelation of forces, of an excess that annihilates or annuls what Foucault called the *agôn*, that is, the *virtual reversal* [my emphasis] inscribed in the resistances to any form of domination and the "heterotopia" of the free spaces regulated by every social or territorial normality and that is proper to the possible evolution of any conflict in which fundamental social forces, and in consequence antagonistic principles of social organization, are invested.⁵⁹

Balibar's use of the term *agôn* seems to refer, in a similar vein as Mouffe's "agonism", to a form of conflictuality which *manages* conflict itself and, in order to do so, must manage first and foremost *to interpret* violence, *to identify* phenomena and *distinguish* between different forms of violence within antagonism. Agonism has to be immediately *critical*, it must be a *discerning* practice, straight away provided with the *criteria* of a phenomenology. The *agôn* is therefore a practical notion *qua* a form of epistemic practice. Here, in the epistemic practicality (or the practical epistemology) of the *agôn*, Balibar's notion of civility as a purely practical concept (characterised by "invention" and exceptionality) and his phenomenology of extreme violence (as a typology of forms, themselves conceived as exceptional) *must meet* in order to allow both the recognition of extreme forms of violence as such, and their subsequent 'management'. In summary, even as Balibar recognises and theorises the exceptionality of extreme forms of violence and their political management, he always assumes a fundamental readability and interpretability of violence, maintaining the capacity for analytical discernment and the possibility of discriminative judgement between different forms of violence; but in order to do so, he has to *preserve* the critical agency in and of his phenomenology *from the influence of*

⁵⁹ "Violence and Civility: On the Limits of Political Anthropology", in *Differences, A Journal of Feminist Cultural Studies*, vol. 20, issue 2-3, p. 28. My emphasis.

extreme violence itself. Without this double imperative, the whole theoretical construction underlying 'civility' and the phenomenological distinction of violence would not make any sense, up until the very discriminating limit between politics of civilisation and extreme violence. And politics, as fundamentally antagonistic, would lead to its own destruction; agonism thus presupposes the *recognition* of the specific forms of violence which must be 'managed' and therefore "excluded" (or "spaced out") because of the ultimate danger that they represent: "annihilation", "annulation", "nonrelation", all that might involve the end of the *agôn* itself (pure domination without resistances, "deprivation" of all history or uncertainty, destruction of the possibility of a "virtual reversal" of forces in presence, etc.) — in other words, the idea of a pure negation without position, a violence beyond all legitimacy, beyond all possibility of *conversion* or *reversal*... But is such thing *possible*? In "Violence, ideality and cruelty", Balibar attempted to define the horizon (without horizon) of that "annihilation" in relation to his concept of cruelty:

[Those layers of violence are, if you like, the *inconvertible* part of violence"], the most 'excessive', the most [destructive and] 'self-destructive' part, [that which not only implies, like the dialectic of Spirit, the risk of *proper* death [my emphasis], which is the price to pay of power and potency [*du pouvoir et de la puissance*], but also *the risk of barbarian apocalypse* and *mutual destruction* [my emphasis]. Or even worse.]⁶⁰

What Balibar has in mind through this "barbarian apocalypse" or "mutual destruction" is something worse than conflict, worse than antagonism itself, something like a pure manifestation of violence, deserted by all spirituality, rationality, legitimacy: the monstration of an absolute negativity beyond any chance of positivity. A world in absolute ruins, without tomorrow, a desert of meaning and civilisation. That violence, without any possibility for law nor symbolicity, without any hope for the position of any legitimacy, suggests the effective presentation of extreme violence and cruelty, their complete realisation and achievement in the presence of the present, "barbarian apocalypse"... But let's dare a simple objection: a desert of signification would also constitute a desert of forces; it would be deprived of all sorts of expression, enunciation, distinction, performativity. It would signify the absence of all reasons and meanings and it would therefore be *without violence*. Presenting the pure negativity of a materiality without promise or memory, before or beyond the articulation of all language, it would be the dream or the nightmare of absolute *death*, without mediation or becoming, without any hope of return or *revenge*. Purely experimental idea of an absolute island, abstract vacuum entrapped into the

⁶⁰ *Politics and the Other Scene*, p. 135. Balibar's emphasis, unless specified. I have modified the translation and completed the text in line with its French version, which can be found in *De la Violence*, p. 67.

morbidly narcissistic contemplation of its own miracle, it would be the dream of an absolute presence, or *parousia* — divine revelation (*apokalupsis*) indicating, in and through the sole effectivity of its own utopia, the manifestation of pure violence. In other words, Balibar's extreme violence, if realised, would amount to *absolute non-violence*: death and annihilation, absolute nothingness. It would be the very definition of a radical impossibility: impossibility before and beyond all possibilities, before or beyond all significations, interruption of all performativity and expression.

*

Let us take a step aside and contemplate this world in ruins.

If there is, maybe, a meaning or a signification for the locution "conversion of violence", it is precisely in the notion that the rationality of violence, that is to say all rationality, all meaning and signification, is not fully given in the phenomenality of an act. In its irruption, the signification of violence does not give itself; it is enclosed into the apparent violence of a wrongdoing, of cruelty or evil, precisely because this violence is also, immediately, the violence of another legitimacy, an unintelligible or apparently irrational rationality, the hurtful expression of something so different, so incomprehensible that it arises as immediately violent and destructive. But this rift, this enclosure also signifies, paradoxically, the possibility of an opening, a potential comprehension beyond violence, a legitimacy-to-come. No violence, no force, even the most opaque, even the most "extreme" or the most "cruel", is absolutely illegitimate or incomprehensible. It *must* enclose a certain meaning, *another* meaning, or at least we must leave open the possibility for a certain comprehension or signification, even if meaning is conceived, here, at its most 'phantasmal' or 'phantasmic', or with the monstrous appearance of the utmost irrationality. Even at its most 'cruel' and 'barbaric', violence always carries the signification of its 'own' legitimacy: it has the positive content of a *specific* negativity, the affirmation of its engagement and its *raison d'être*, that is to say its *interest*. And in its definite particularity, that is to say in the absolute singularity of its finiteness, it *is* legitimate, infinitely legitimate, even if it might be impossible to grasp this legitimacy, even though it might never present itself beyond a pure, unreachable singularity. But in the irruption of this singularity, legitimacy and illegitimacy are unrecognisable. Legitimacy and illegitimacy stem from the same ontological ground; and so do violence and non-violence. This, I believe, could be the true signification of something like a convertibility (or *per-con-vertibility*) of violence, if such thing exists: there is always the possibility of some legitimacy, a legitimacy-to-come, a

rationality-to-come. Reason, that is to say *reasons*, cannot be found and founded in absolute terms, cannot be seized, once and for all, in the presence of the present: reasons and legitimacies are always-already *promised*, and this promise precedes the operation of conversion, precedes even the convertibility-inconvertibility distinction. Balibar says it himself: the non-rational is not necessarily irrational⁶¹ — and in this space of *différance* (which is much more than a mere 'spacing'; it is the ontological milieu of all things 'political', and of *finite existence in general*) we have the chance for Reason to come, for all reasons to come... Reasons: they never stop coming, forever rational-irrational, legitimate-illegitimate — rationality-to-come, possible in its very impossibility, announced though unpredictable: this hardly represents the stable legitimating structure on which practical moralities, ethics, let alone political regimes, nation-states and empires, can thrive... But this very possibility, even the most frail of promises, is what remains when there is nothing else anymore — a promise stemming from a world in ruins, while all around has been destroyed (or "annihilated"), when there is no *guaranteed* legitimacy, reason, or meaning to hang on to — and in this particular sense, *all worlds are in ruins*. But even in these worlds, there is always the possibility, the *necessary* possibility, the 'to-come' of *another* reason and meaning, *another* force of legitimacy, even the weakest or the most inaudible. In its unconditional *affirmation* (because it is affirmativeness or affirmativity itself), the powerless force of this

⁶¹ *Politics and the Other Scene*, p. xiv: "it becomes *manifest* that politics is not 'rational' (but is not simply 'irrational' either)".

legitimacy-to-come represents the irreducible possibility of an impossibility, a power co-extensive to absolute *unpower*: the force without force of an event⁶².

⁶² The definition and determination of that force, necessarily pre- or arche-political, but without which neither politics nor civility may exist, is what distinguishes Derrida's messianicity from Balibar's "tragic" representation of politics. In Balibar's words: "I would posit the idea that a politics of civility (which doubtless determines that tragedy cannot ever be completely oriented either to the epic or messianic mode) can no more identify itself with nonviolence than with the counterviolence that "prevents" violence or resists it." ("Violence and Civility", p. 28)

This distinction, as thin as it may seem, resides in the fact that Balibar, even though he refuses to conceive politics in conflation with *warfare* as such (which would correspond to the "epic" mode), does not, either, leave the possibility open for the hope or the promise of non-violence in and of politics. However, without the opening of that possibility, without that messianic structure, there would be neither politics nor meaning.. Indeed, although all meaning must, always and by necessity, posit itself in and through the violent irruption of its performative signification, it must do it, necessarily, by positing itself as the *other* of violence — even if (and for the same reasons) there cannot exist anything like an *experience* of "non-violence", conceived as a phenomenal or ontological *presence* or *presentation*. This is why, if we decide to stay within the 'field' of politics or political theory, we have to assume, indeed, a "tragic" position: but that field is only made possible because the political is determined in its origin, *before* its origin, by the pre-political promise of an emancipation, of a non-violence to come. This also signifies (1) that what we understand (or what we *believe* we understand) as "politics", as the object, for instance, of "political theory", is always-already dislocated and deconstructed by this arche-originary promise, and (2) that what we call, hardly rigorously, 'the political' is 'tragic' only if we choose to adhere to its problematic conceptuality (which often remains uninterrogated), and to the fictional or fantasmatic nature of its *presence*. The political is traversed by a messianic call pervading the whole of its onto-theological position, and as such it is not 'tragic' through-and-through: this non-ontological dimension of politics could be said to constitute what I have named 'politicality-to-come'... On the subject of messianicity-without-messianism, I will leave the last words to Derrida, even though this question can and should be discussed infinitely (why this term? is it necessary? how is it articulated to democracy? etc.). (This extract is taken from *Deconstruction and Pragmatism*, edited by Chantal Mouffe, Routledge, 1996, pp. 84-85.)

A word on the important theme of emancipation. Simon Critchley claimed that I said something surprising when I remarked, in 'Force of Law', that I refuse to renounce the great classical discourse of emancipation. I believe that there is an enormous amount to do today for emancipation, in all domains and all the areas of the world and society. Even if I would not wish to inscribe the discourse of emancipation into a teleology, a metaphysics, an eschatology, or even a classical messianism, I none the less believe that there is no ethico-political decision or gesture without what I would call a 'Yes' to emancipation, to the discourse of emancipation, and even, I would add, to some messianicity. It is necessary here to explain a little what I mean by messianicity.

It is not a question of a messianism that one could easily translate in Judaeo-Christian or Islamic terms, but rather of a messianic structure that belongs to all language. There is no language without the performative dimension of the promise, the minute I open my mouth I am in the promise. Even if I say that 'I don't believe in truth' or whatever, the minute I open my mouth there is a 'believe me' at work. Even when I lie, and perhaps especially when I lie, there is a 'believe me' in play. And this 'I promise you that I am speaking the truth' is a messianic *a priori*, a promise which, even if it is not kept, even if one knows that it cannot be kept, takes place and *qua* promise is messianic. And from this point of view, I do not see how one can pose the question of ethics if one renounces the motifs of emancipation and the messianic. Emancipation is once again a vast question today and I must say that I have no tolerance for those who — deconstructionist or not — are ironical with regard to the grand discourse of emancipation. This attitude has always distressed and irritated me. I do not want to renounce this discourse.

Picking up on a word used on several occasions by Simon Critchley and Richard Rorty, I would not call this attitude utopian. The messianic experience of which I spoke takes place here and now; that is, the fact of promising and speaking is an event that takes place here and now and is not utopian. This happens in the singular event of