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THE UNGOVERNABLE

I

Definitions do not figure prominently in the work of Giorgio Agamben. For a thinker whose distinct method is characterised by a scrupulous attentiveness to terminology as to the matter itself of thought, indeed whose philosophy may not inaccurately be described as a "philosophy of terminology," his own technical terms – in this sense, much like those of the predecessors to whom he refers – remain, for the most part, insistently undefined.[1] It is clear that this does not amount to a form of willed esotericism on his part. Indeed, if it is true, as he has suggested, that in every work of thought there is something like an "unsaid," something which must remain unthematised or unexpressed, there are, to be sure, decidedly different ways of approaching and circumscribing it. There are authors, he has written, who seek to draw as close as possible to this unsaid and to evoke it at least allusively; others, instead, connoisseurs of esoteric knowledge, who consciously and deliberately resolve to leave it enveloped in darkness.[2] And yet: "Only a thought that does not hide its own unsaid, but incessantly takes it up and develops it anew, can possibly lay claim to originality."[3]

This is not to say that definitions are entirely absent from Agamben's work. Indeed, in a recent essay, itself dedicated to a "summary genealogy" of one of the decisive, ultimately undefined, technical terms in Michel Foucault's strategy of thought – *dispositif*[4] – he has advanced a pair of striking conceptual definitions which, once restored to the broader historical context against whose backdrop they take shape, will allow us to shed considerable light on what is still a relatively unexamined dimension of his research: that which seeks to extend the analysis of what Foucault himself had sought to gather under the rubric of *gouvernementalité*.

It has often been observed (above all, by Foucault himself) that the emergence and subsequent extension, throughout the eighteenth and nineteenth centuries, of new political techniques aimed at investing a substantially new entity, the population, proceeded hand in hand with a relative decline in the privilege traditionally accorded to the notions of sovereignty and the rule of law. In the field of practices of power upon which Foucault sought to concentrate his analyses, the government of populations thus appears as something completely heterogeneous with respect to the exercise of sovereignty. In his 1977–78 course at the Collège de France, in the

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very lecture in which he first sought to consolidate this shift, Foucault could thus register the specificity of his intervention at the level of a simple lexical observation: "While I have been speaking about population," he noted, "one word has constantly recurred . . . this is the word 'government.' The more I have spoken about population, the more I have stopped saying 'sovereign.'" And he would immediately seek to lend weight to this observation through the mobilisation of a celebrated nineteenth-century French saying made famous by Adolphe Thiers:

> I was led to designate or aim at something that again I think is relatively new, not in the word, and not at a certain level of reality, but as a new technique. Or rather, the privilege that government begins to exercise in relation to rules, to the point that one day, in order to limit the king's power, it will be possible to say "the king reigns, but he does not govern"; this inversion of government with respect to the reign and the fact that, much more than sovereignty, much more than the reign, much more than the *imperium*, government is basically the modern political problem – I think this is absolutely linked to the population.[5]

"The king reigns, but he does not govern": one of the central contentions of Agamben's more recent work, precisely that which seeks to extend Foucault's genealogy of governmentality, is that behind the ultimate separation apparently unambiguously announced in this formula lies the *longue durée* of the effective articulation and coordination of these two spheres – the theoretical nucleus of which, he suggests, is to be sought not so much in the archives of political science in the strict sense but in those medieval treatises, from Salvianus to St Thomas Aquinas (which escaped Foucault's notice), which undertook to elaborate the theological paradigm for the divine government of the world. And yet it is precisely in this context, as we shall see, that the acuteness of Foucault's terminological decision to conduct his analyses through the vector of *dispositifs* receives an ulterior confirmation (albeit one which necessitates a significant reassessment of the precise coordinates that the term itself brings into play). A correction, but also a substantiation: such, then, in its broad outline, will be the sense of Agamben's intervention with respect to the Foucauldian legacy.[6]

His examination of the term *dispositif* thus passes through two distinct yet coordinated phases: the first, which pursues an analysis of the term internal to Foucault's work itself; the second – which will be our principal concern here – which undertakes to shift the analysis into the broader historical context outlined above. "I propose nothing less," he writes, precisely at the moment in which he ventures to abandon the terrain of Foucauldian philology and to dislocate the investigation into this new context,

> than a general and massive partition of the existent into two great groups or classes: on the one hand, living beings (or substances), and on the other, the *dispositifs* in which they are incessantly captured. On the one hand, that is to say, to take up the terminology of the theologians, the ontology of the creatures, and on the other, the *oikonomia* of the *dispositifs* which seek to govern them and guide them toward the good.[7]

It is at this point that he proceeds to the first of his striking conceptual definitions. "Further generalising the already exceptionally broad class of Foucauldian *dispositifs*," he writes, "I will call *dispositif* literally anything which has the capacity somehow to capture, orient, determine, intercept, model, control and secure the gestures, behaviours, opinions and discourses of living beings." "Not only, therefore," he continues,

> prisons, asylums, the Panopticon, schools, confession, factories, disciplines, legal measures and so on, whose connection with power is, in a certain sense, obvious; but also the pen, writing, literature, philosophy, agriculture, the cigarette, navigation, computers, mobile phones and – why not? – language itself, which is perhaps the most ancient of *dispositifs*, in which thousands and thousands of years ago a primate – probably without realising the consequences it was to come up against – had the imprudence to get itself captured.[8]

In a characteristic gesture, analogous to that which he had already performed on the concept

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of biopolitics, Agamben thus effectively neutralises the historical specificity that Foucault himself had assigned to his term. Indeed, far from being a distinctly modern phenomenon, the emergence of *dispositifs* is presented as coterminous with the process of anthropogenesis itself.[9] Neither here nor elsewhere, however, is it Agamben's intention to completely dehistoricise the Foucauldian concept:[10] for him the term *dispositif* serves simply as the general designation for a particular modality of power, assuming many and varied forms, generating many and varied effects, which has accompanied the appearance of living beings since time immemorial – but whose distinct orientation is nonetheless always specific, always practical ("economic" in the precise sense that Aristotle gives to this term).[11] A modality of power which, it is important to observe, has itself been susceptible to historical transformation (if not, strictly speaking, in terms of its semantic nucleus, but in terms of the specific domain of its application).[12] Indeed, as we shall see, for Agamben, its particular deployment in Christian theology, in so far as it is determining for the modern governmental paradigm, conditions his own distinct usage.

So we have, according to Agamben, two great groups or classes, as it were separated by a massive partition: on the one side, living beings (or substances), and on the other, the *dispositifs* in which they are incessantly captured. But the articulation of this apparently binary schema does not exhaust Agamben's intention here. In what constitutes perhaps the most striking move in the essay, he decisively complicates this schema through the implication of a third element, "between the two"; what he terms precisely the "subject." It is at this point that he advances his second conceptual definition. "I call subject," he writes, "what results from the relation and, so to speak, from the struggle [*corpo a corpo*: literally, "body to body"; in the corresponding English phrasing, "hand to hand"] between living beings and *dispositifs*."[13]

It is worth reflecting on the surprising definition that Agamben gives to the subject here. A definition which, to be sure, differs considerably from that which we are accustomed to give to this notion; yet which shares certain salient features with the vision of the subject to whose elaboration, starting from the Greeks, Foucault's last works would be dedicated (and which Deleuze, in his celebrated monograph on Foucault, described as a *derivée* of the process itself which Foucault termed *subjectivation*).[14] For Agamben, too, the subject is what each time (to continue speaking with Deleuze) "falls away" from the multiple processes of subjectivation; yet what is crucial, in his account, is the ever so slight distinction that separates it from the living being which acts as its support. "Naturally substances and subjects appear, as in old metaphysics, to overlap," he takes care to specify, "but not completely. In this sense, for example, a single individual, a single substance, can be the place for multiple processes of subjectivation."[15] In Agamben, there is not, first, a subject, which is then capable of undergoing this or that process of subjectivation, but rather, a single place – the living being – which is the site for a potentially infinite sequence of subjectivations (and, at the limit, of desubjectivations). For Agamben, that slender margin of difference which separates the living being from the subject is absolutely decisive.

Agamben's definitions are all the more striking for the element he leaves undefined: the living being as such. A fact that is further heightened if we consider the emphasis he has placed on the strategic indefinition which scans the history of thought of that minimal property which the living being alone is understood to possess: life itself.[16] And yet the second name which he parenthetically assigns to it immediately gives us pause: what Agamben terms "substance" – the living being as such – would appear to have nothing substantial about it at all.

2

One of the essential features of the governmental paradigm whose "theological genealogy" Agamben has recently sought to trace – in the larger text with respect to which the essay *Che cos'è un dispositivo?* constitutes something like an extended philosophical footnote – is that it is not a tyrannical and despotic form of power, but

a democratic one. It is not essentially repressive and constraining; it does not bring acts of violence to bear upon the liberty of creatures; but rather, as he writes, in a striking formulation, "presupposes the freedom of the governed."[17] Foucault, to be sure, had already sought to emphasise this fact in the important retrospective essay he devoted to the question of "The Subject and Power." In so far as it does not act directly upon bodies and things, but indirectly upon other actions, upon already existing or merely possible actions; in so far, that is to say, as it has "no other being than relation"[18] (and is, in this precise sense, essentially non-violent), power, in its governmental form, according to Foucault, necessarily presupposes the freedom of a subject who acts – or better, who has the capacity to act (and, at the limit, not to act). "Power," he writes, "is exercised only over free subjects, and only insofar as they are free."[19] Subjective freedom thus appears, from this perspective, with respect to power, as a basic condition for its exercise. And in a double sense: at once as a "precondition" for its deployment and as a "permanent support" for its continuance; as what must be minimally present for it even to be possible and as what must be rigorously maintained against the risk of it lapsing into a purely physical determination. "To govern, in this sense," Foucault writes, with great precision, "is to structure the possible field of action of others"; playing on the double meaning of the French verb *conduire*, it is, he suggests, to lead and to direct the conduct of groups and individuals.[20] It is the specific achievement of Agamben's genealogy, however, which seeks to underscore the theological "signature" whose imprint he argues the modern governmental paradigm bears, to have uncovered the precise theological foundations for this thesis – which Foucault, in the 1977–78 lecture course, instead sought effectively to liquidate (and through an abrupt recasting of the institution of what, more than a decade earlier, he had termed the classical *episteme* of Western knowledge).[21]

An essential chapter in it is reserved for St Thomas Aquinas's treatise on the divine government (*De gubernatione mundi*), which occupies *quaestiones* 103–19 of the *Summa theologiae*. At the very beginning of the treatise, which Thomas opens by broaching the very general question as to whether the world is in fact governed by anyone, he responds by attempting to refute those "ancient philosophers" – Democritus and Epicurus – who claimed that everything that happens in the world happens fortuitously, by chance. Such an opinion, he observes, can be refuted as impossible in two ways:

> First, by observation of things themselves: for we observe that in nature things happen always or nearly always for the best; which would not be the case unless some sort of providence directed nature toward good as an end; which is to govern. Wherefore the unfailing order we observe in things is a sign of their being governed . . . Secondly, this is clear from a consideration of Divine goodness, which . . . was the cause of the production of things in existence. For as *it belongs to the best to produce the best*, it is not fitting that the supreme goodness of God should produce things without giving them their perfection. Now a thing's ultimate perfection consists in the attainment of its end. Therefore it belongs to the Divine goodness, as it brought things into existence, so to lead them to their end: and this is to govern.[22]

Here, in characteristic fashion, the initial proof of the presence of divine government in the world rests upon the exact reciprocity of its definition: to the extent that what happens in nature "always or nearly always" happens for the best, this demonstrates the presence of some providential action, which directs created things toward the good; this good, however, appears as nothing other than their attainment of the very end for which they were created in the first place. It traces a perfect, almost tautological circle. "The generic meaning of *gubernare*," Agamben can thus specify, commenting on this passage, in terms that unmistakably recall Foucault's own definition, "is, therefore, 'to lead creatures to their end' [*condurre le creature al loro fine*]."[23] According to Thomas, created things nonetheless need to be governed; since they were created from nothing, they would in effect return to nothing were they not sustained, he writes,

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evoking a striking image, by a *manu gubernatoris*, a "governing hand."[24] But what, Agamben immediately asks, can be the nature of this intervention? How, beyond the initial act of creation, does God interfere in the affairs of generated things? In other words: how is the divine government of the world effectively realised? How is it accomplished?

Certainly not, he writes, according to the common representation, in the manner of "a force which, intervening from outside, directs the creatures as the hand of the shepherd guides his sheep."[25] Here, everything is complicated by the fact that in Thomas, as we have seen, the divine government appears wholly to coincide with the nature itself of the things that it directs. Indeed, what the creatures receive from God, Thomas maintains, *is* their nature (and not something in addition to this, which, he is careful to specify, would be something *violent*); the divine government would thus be revealed precisely through what he terms the *necessitas naturalis* that insists in the things themselves.[26] As Agamben observes, at this point in the treatise, the divine government and the self-government of the creatures appear difficult to split apart.[27] It is almost as if, here alone, the impossible definition of democracy advanced by Carl Schmitt in his *Verfassungslehre* were miraculously realised: the perfect identity of those governing and those governed.[28] From the strictly theological perspective, however, it is nonetheless essential that the divine government not be so subtle as to coincide completely – as to overlap – with the nature of the things governed. There must be a margin of difference.

It is in articles 5 and 6 of *quaestio* 105 of the treatise that Thomas thus proceeds to determine the precise structural conditions for divine praxis. How can the divine government coincide with the very nature of created things, and yet, at the same time, intervene with respect it? This, according to Agamben, is the extremely delicate question to which the great theologian here seeks to respond.[29] Taken together, he observes, the two articles circumscribe the precise limits of the sphere within which God can and, indeed, must act; they fashion a *via media*, so to speak, between the thesis which holds that God acts in every created thing and that which instead maintains that divine action is itself limited to the initial act of creation.

The argument runs as follows: if God were the immediate cause of effects in created things – if, for example, it were not the fire itself that gave off heat, but God in the fire – this, according to Thomas, would cancel the succession of cause and effect in the order of creation, which is impossible, for two reasons. Firstly, because to deny created power would be to imply divine impotence at the level of creation itself ("for it is due to the power of the cause," Thomas observes, "that it bestows active power on its effect"[30]). Secondly, because created things would thus be lacking an operation proper to them: they would be, as it were, without purpose (*frustra*, "in vain," is the precise term that Thomas employs here).[31] According to the subtle, yet decisive distinction which Thomas introduces here, God does therefore act in every agent: not by directly producing their effects (as the proponents of the first thesis maintained), but by giving them form and by preserving them in their being; precisely in providing each, in accordance with their nature, with an end proper to them, which is their operation. But the fundamental question nonetheless still remains: how can God in turn act outside the established order of nature itself?

At a first glance, Thomas observes, it would appear as if this were impossible. "If we consider the order of things depending on the first cause," he writes, "God cannot do anything against this order; for, if He did so, He would act against His foreknowledge, or His will, or His goodness."[32] But this, he immediately adds, holds only with respect to the order of things depending on the first cause. If, on the other hand, he continues,

> we consider the order of things depending on any secondary cause, thus God can do something outside such an order; for He is not subject to the order of secondary causes; but, on the contrary, this order is subject to Him, as proceeding from Him, not by a natural necessity, but by the choice of His own will; for He could have created another order of things. Wherefore God can do something outside this order created by Him, when He chooses, for instance by producing

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> secondary causes without them, or by producing certain effects to which secondary causes do not extend.[33]

The "proper space" of divine action in the world, Agamben observes, does not therefore correspond to the "necessary" order of the first cause, but rather to the "contingent" order of secondary causes: in this sphere alone, he writes, can God intervene "by suspending, substituting or extending the action of secondary causes."[34] And yet, according to the perfectly ordered hierarchy so characteristic of scholastic thought (it is important to observe that the treatise suddenly breaks off at this point into an extended digression on the status and significance of angels in the divine government, which occupies more than half its length), it nonetheless falls to the order of the first, Agamben writes, to "ground" and to "legitimate" that of the second. The two orders are, that is to say, functionally connected. "The two orders," he writes,

> are nonetheless functionally connected, in the sense that it is God's ontological relationship with creatures – in which he is at once absolutely intimate and absolutely impotent – which grounds and legitimates the practical, governmental relationship with them, within which (that is, in the domain of the secondary causes) his powers are unlimited. In truth, the split between being and praxis, which the *oikonomia* introduces into God, functions as a machine of governance.[35]

The two poles in the theory of the divine government, that corresponding to the necessary order of the first cause (God's being) and that corresponding to the contingent order of secondary causes (His action), function as a single, coordinated mechanism – the one which authorises and legitimates and the other which executes and implements: together, they compose a "bipolar" system. It is this "bipolarity" which, according to Agamben, will be the legacy that Christian theology leaves to the modern theoreticians of government, from Rousseau to Quesnay, from Adam Smith to Le Trosne.[36] It will certainly not be a question (as in Foucault) of an ultimate separation of God's sovereignty from its exercise on the threshold of the modern age. God will not henceforth rule the world "only through general, immutable and universal laws, through simple and intelligible laws."[37] Rather, this separation appears as a radicalisation of that division which Agamben has effectively demonstrated had been inscribed in the theory of the divine government from the very beginning – including the inception of the Trinity itself – precisely so as to enable the possibility of its constant and incessant re-articulation. By virtue of a striking paradox, the necessity for the divine government of the world is secured with the very same gesture that makes it possible.

3

The bipolar structure of the governmental machine is not an invention of St Thomas. Nor, strictly speaking, is its development specific to the Christian tradition alone. It is nonetheless certain – this, in any case, is the compelling thesis that Agamben advances – that it receives its paradigmatic formulation precisely therein. Nowhere is this marked more forcefully than in the singularity of the Christian approach to the ancient theme of providence (for which the Latin term *gubernatio*, significantly enough, at least starting from the fifth century, Agamben observes, more often than not served as a simple synonym).[38] The distinction between first and secondary causes, between the sphere in which God directly "reigns" and that in which instead he indirectly "governs," corresponds to that between *providentia* and *fatum*, to which Thomas dedicates *quaestio* 116 of his treatise. And it is in this precise context that Agamben's distinct reorientation of the term *dispositif* receives its proper determination.

Thomas himself, of course, draws this distinction directly from Boethius. In responding to the challenge of the topic which, she concedes, is the "greatest of all in the seeking" – that, precisely, of the mystery, "veiled in mist," of God's government of the world – the Lady Philosophy had already detailed, on the basis of Neoplatonist sources, the two distinct modes according to

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which the totality of the divine plan is realised. This plan, she explained,

> when it is contemplated in the utter purity of the divine intelligence, is called providence; but when related to those things it moves and disposes, it was by the ancients called fate. That these are different will easily be seen if one mentally examines the nature of each: for providence is the divine reason itself, established in the highest ruler of all things, the reason which disposes all things that exist; but fate is a disposition inherent to changeable things, through which providence binds all things together, each in its own proper ordering [*fatum vero inhaerens rebus mobilibus dispositio per quam providentia suis quaeque nectit ordinibus*]. For providence embraces all things together, though they are different, though they are infinite; but fate arranges as to their motion separate things, distributed in place, form and time; so that this unfolding of temporal order being united in the foresight of the divine mind is providence, and the same unity when distributed and unfolded in time is called fate.[39]

The terms *providentia* and *fatum*, as has been efficiently observed, thus designate "the two different aspects of a single divine action."[40] Providence corresponds to the "singular and unchanging" manner through which God orders the cosmos according to transcendent general principles (it is, Lady Philosophy says, the divine reason itself, "established in the highest ruler of all things"); fate, instead, corresponds to the "manifold and temporal" manner according to which the immanent order of the things that providence has founded is effectively administered (*fato vero haec ipsa quae disposuit multipliciter ac temporaliter administrat*).[41] Indeed, as the "executive agent of providence,"[42] fate, she immediately adds, may be faithfully carried out by the divine spirits who act in the "service," so to speak, of providence, or by any of the other forces (stars, angels or demons) intervening on behalf of that divine simplicity to which the order of fate is itself subject.[43]

"Perhaps never, as in this passage," Agamben writes, "is the double character of the government of the world – and, at the same time, the unitary nexus that holds its two aspects together – affirmed with such peremptory clarity."[44] What nonetheless merely begins to become perspicuous here is the singular displacement that this effects with respect to the particular ontology of created things. In the "economy" of salvation, things are not only according to nature but also and above all according to grace. Thus, when Thomas comes to treat of this distinction the decisive question is now whether fate is in God or in the created things themselves. He can respond by reaffirming the very terms of the distinction proposed by Boethius (he begins by quoting the critical sequence from the passage quoted above: "fate is a disposition inherent to changeable things"), but here mobilised through precisely that ulterior distinction, which is already familiar to us, between first and secondary causes:

> We can therefore consider the ordering of effects in two ways. Firstly, as being in God himself: and thus the ordering of the effects is called providence. But if we consider this ordering as being in the mediate causes ordered by God to the production of certain effects, thus it has the rationality of fate [...] It is therefore manifest that fate is in the created causes themselves as ordered by God to the production of their effects.[45]

The ordering of secondary causes, according to Thomas, thus depends upon God, upon the dispensation of His providence; it has the nature of fate, he writes, only to the extent that it is so ordered by the divine power or will itself. But fate, he immediately adds, essentially is that very disposition or series, that very order, of secondary causes itself; it has no existence outside of it.[46] The decisive point, which Agamben has underscored, lies precisely in this: the *dispositio* of secondary causes which Thomas terms fate pertains not to the category of substance, but to that of relation; it refers not to the qualities or properties of the entities submitted to its order, but to the order itself.[47] As Thomas writes: "Fate is called a disposition, not that disposition which is a species of quality, but in the sense in which it signifies order, which is not a substance, but a relation."[48] And yet, for the creatures which

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compose this order, which effectively *are* this order, there is no separate existence independent from it; for them, being is the activity of divine governance itself: *being is relation*. The separation in the theory of divine government, corresponding to the respective ordering of the first and secondary causes, between its "design" (which Thomas calls providence) and its "execution" (which he terms fate) – which functions, as we have seen, to ensure that God can act in the world without contravening His own will – has this effect with respect to the particular ontology of the governed: that the divine *dispositio* is immanent to the creatures themselves, that their being wholly coincides with their being governed.

Consistent with the theological framework from which his term *dispositif* comes, what motivated Foucault above all through its usage was the desire to register the distinct effects that the complex it served to name worked unceasingly to generate. And yet, if our analysis of Agamben's genealogy of the term is exact, it is clear that these effects cannot be considered independently of the precise structure that articulates them. The *dispositif* is not an external mechanism, intervening as it were from without, entirely separate from the living beings whose conduct it would seek to administer. It *is* nothing other than its effects, and has no consistency outside of them. The *dispositif* functions, that is to say, as an index of the living being's *governability*: it names both the being disposed (the being ordered) and the disposition itself (the order itself). The first operation of the governmental *dispositif*, of every governmental *dispositif*, thus consists in making the living being *governable* – which is to say, by transforming it into a *subject*. In this sense, the governmental paradigm not only presupposes but also effectively procures – precisely through the attribution of the predicate – the freedom of the *governed*.

4

Being a subject thus constitutes the living being's *mode* of being in the mesh of whatever *dispositif*. And the modal category to which it corresponds is *contingency*. If there is no constituent subject, but only a living being which becomes the subject of this or that *dispositif*, then the subject is, by definition, a being that can both be and not be; *it is a contingent being*. The occurrence of a subject, in so far as it can both be and not be, marks the occurrence of a contingency.

As Agamben himself has observed, in medieval theology the problem of contingency – more specifically, of God's knowledge of so-called "future contingents," of those events which, according to Aristotle's teaching, may either be or not be, may either take place or not take place – raised a difficulty of such scope as to provoke an energetic, yet protracted, debate spanning more than twelve centuries of Christian thought, concerning the nature and extent of the divine prescience itself.[49] The specificity of the problem which underpins this debate – whose ultimate resolution Leibniz would famously seek, as late as 1710, in the celebrated image of the omnipotent God who contemplates the infinitely descending pyramid of possible worlds from the perspective of that to which, being the best of all, He alone grants reality – receives its determining formulation, as has often been observed, precisely in Boethius, at the beginning of the final book of the *Consolatio*. The difficulty to which Boethius gives expression here concerns the apparent threat which the perfection of the divine intellect, as manifest in God's foreknowledge of future events, seems to pose with respect to the freedom of the human will. And vice versa. "It seems much too conflicting and contradictory," he begins,

> that God foreknows all things *and* that there is any free will. For if God foresees all and cannot in any way be mistaken, then that must necessarily happen which in his providence he foresees will be. And therefore if he foreknows from all eternity not only the deeds of men but even their plans and desires, there will be no free will; for it will be impossible for there to be any deed at all or any desire whatever except that which divine providence, which cannot be mistaken, perceives beforehand. For if they can be turned aside into a different way from that foreseen, then there will no longer be any firm foreknowledge of the

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future, but rather uncertain opinion, which I judge impious to believe of God.[50]

The problem of future contingents appears to threaten each equally from either side: for if, in the perfection of His knowledge, God foresees everything, then everything that happens would happen of necessity, thereby cancelling its contingency and, with this, the possibility of human freedom; but if, conversely, He does not foresee everything, if there are some things which escape the totality of the divine plan, this would be to install a gap, an imperfection in divine knowledge – and this, Boethius immediately adds, as if fearing the consequences his reasoning pursues, "is not only impious to think but still more impious to say out loud."[51]

The solution which Lady Philosophy offers to this seeming aporia is well known: that which, for beings situated in time, she argues, is divided into past, present and future, appears to the eternal knowledge of the divine intellect in the all-encompassing fullness of a single undivided present. Following the principle which holds that everything that is known is known not according to its own nature but according to that of whoever is comprehending it, she can thus conclude that "the same future event, when it is related to divine knowledge, is necessary, but when it is considered in its own nature it seems to be utterly and absolutely free."[52] In this way, perhaps for the first time in the history of Christian thought, was the conciliation of divine foreknowledge with human freedom effectively secured. But that it would remain an extremely delicate problem in Christian theology is attested to by the persistence with which its question would be raised. Indeed, as Daniel Heller-Roazen has observed, the question *de futuris contingentibus* would come to constitute a scholastic *quaestio* in the full sense of the term.[53] Far from being resolved once and for all, its extensive subsequent history, which he has sought summarily to reconstruct in a recent book, would experience a particular renaissance in thirteenth-century thought, where, among other places, he observes, it features prominently in Étienne Tempier's famous condemnation of 1277.[54] From the theological perspective, Heller-Roazen notes, the denial of divine foreknowledge constituted sufficient grounds for excommunication. But so, too, from the ethical perspective, did the refusal to admit the freedom of human action. "Any attempt to consider the problem of the knowledge of contingency," according to the letter of the bishop's text, he writes, "had to avoid this double danger and, therefore, to answer to a double, apparently contradictory, demand: that thought maintain the determinacy of contingency with respect to divine knowledge and, at the same time, its indeterminacy with respect to human action."[55]

It is not surprising, therefore, that in addition to occupying article 13 of *quaestio* 14 of the *Summa* it should make a brief appearance in the treatise on the divine government – precisely in the section devoted to the distinction, derived from Boethius, between providence and fate. At issue here is the question whether the order of fate, which, as we have already seen, is composed of changeable things, is itself unchangeable. If this were the case, Thomas begins, then everything that is subject to it would happen unchangeably and of necessity. But the very things ascribed to it, he immediately counters, appear principally to be contingencies. And if the order of fate were itself unchangeable, it would follow that there would be no place for contingency in the world: everything would happen of necessity.[56] Once again, the solution Thomas proposes to this problem passes through the distinction between first and secondary causes. "The disposition of second causes which we call fate," he writes, "can be considered in two ways: firstly, in regard to the second causes, which are thus disposed and ordered; secondly, in regard to the first principle, namely, God, by whom they are ordered."[57] Against those who argue that the disposition of second causes is in itself necessary, on the one hand, and those who maintain that this same order is inherently changeable even as dependent upon God Himself, on the other, Thomas, in his characteristic manner, here fashions a middle way – the consistency of which he attempts to secure by invoking the Aristotelian principle of "conditional necessity": "We must therefore say that fate," he writes, "considered in regard

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to second causes, is changeable; but as subject to divine providence, it derives a certain unchangeableness, not of absolute but of conditional necessity."[58] According to the principle which Aristotle expresses in the formula "it is necessary that that which is is when it is and that that which is not is not when it is not," so too the order of fate will be at once necessary and not necessary. Only the proposition "there will or will not be a sea-battle tomorrow," understood in its entirety, will necessarily always be true.[59] "In this sense," Thomas continues, "we say that this conditional is true or necessary."[60] The *dispositio* of secondary causes will be, according to the doctor, contingently necessary. Or – what amounts to the same thing – necessarily contingent.

Once again, the distinction between first and secondary causes is mobilised to confront a specific aporia; in this case, that of the apparent irreconcilability of the perfection of divine knowledge with the freedom of human action. Between those who affirm that the order of fate is in itself necessary, and those who assert that it is changeable even as dependent on the divine providence itself, Thomas, as we have seen, thus proposes a third way: it will be at once changeable (as pertaining to the secondary causes) and necessary (as pertaining to the first cause) – not absolutely, but conditionally so. Once again, however, what is truly at stake in this debate, as Agamben has effectively established, is not so much the freedom of human action, which the distinction between first and secondary causes appears to secure, as the functional correlation of the two orders which, as we have seen, makes possible the divine government of the world.[61] For if, on the one hand, the two orders were to coincide completely – if, that is to say, the order of fate were in itself necessary – then everything, down to the smallest, most insignificant detail, would follow the exact course as God had preordained it: there would be no possibility for any deviation, nor even less for any intervention. But if, on the other hand, they were marked by a clear opposition; if, following the second thesis, the order of fate were changeable even as dependent on the divine providence itself – in this instance, no government of the world would be possible either: we would have, on the one side, Agamben observes, an impotent sovereign and, on the other, a chaotic sequence of accidental events.[62] *The affirmation of the contingency of human action is thus coextensive with the very possibility of the divine government of the world.*

What does this entail for our analysis of the *dispositif*? The *dispositif*, we have said, functions as an index of the living being's governability. The first operation of the governmental *dispositif*, we have argued, thus consists in making the living being governable – which is to say, by transforming it into a subject. In order to perform and to fulfil its function, in order to operate as a mechanism of governance, the grafting of each and every *dispositif*, according to Agamben, must always involve a concomitant process of subjectivation (in the absence of which, he writes, it risks being reduced to a mere exercise of violence).[63] Indeed, as we have seen, the *dispositif* itself has no separate existence outside of the contingent of subjects which manifest its functioning; by virtue of what is only apparently a tautology, its end is immanent to the subjects it governs precisely in so far as it governs them. The subject is thus the *mode* that living beings assume in the mesh of this or that governmental *dispositif* (in so far, that is to say, as they *are* nothing other than this mesh). But what exactly does the subject name here? And in what precise sense can the sphere of subjectivity be said to coincide with that of contingency?

For Agamben, it is important to observe, contingency does not designate a mere logical possibility. As his extensive analyses of Aristotle have shown, it denotes an ontological condition above all else.[64] Properly contingent, according to Agamben, are those events that could not have happened, could not have taken place, precisely at the moment in which they did happen, in which they did take place. A contingency is a potentiality that exists: it names the condition according to which a potentiality – that "amphibolous" being which, even in actuality, following Aristotle's definition, preserves its own capacity not to be – can realise itself.[65] The subject, for Agamben, is precisely what marks this taking

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place of a potentiality as the event – *contingit* – of a contingency. The subject names the living being in so far as it is governable; in so far, that is to say, as it is *disposed* toward a certain activity, a certain praxis. To be subject means, in this sense, to be the subject *of* this activity, this praxis; it means to have this activity, this praxis, *within one's capacity*. But with this important caveat: that the subject is wholly determined *as* this capacity and cannot be said in any sense to pre-exist it. Such is, according to Agamben, the operation conducted by the governmental *dispositif*: the tracing of a caesura in the living being, which separates out in it a capacity to and a capacity not to – which makes of it, precisely, a *subject*. Power, in its governmental form, does not therefore merely presuppose the freedom of the subjects it governs, as Foucault had maintained; rather, as we have sought to demonstrate, it effectively produces it, each and every time, in and through the act of governance itself. But for precisely this reason freedom is not something outside of the subject, like a property, which it may be said to possess or not possess: qua subject it is inscribed in its very being.

"I call subject," Agamben writes, "what results from the relation and, so to speak, from the *corpo a corpo* between living beings and *dispositifs*." We are now in a position, paradoxically, to understand the sense of this *corpo a corpo*. For the capture can never be total: something, before or beyond it, always resists. And for this, apparently simple reason (which is, as we have seen, but a condition of the capture itself): that the appearance of a subject marks the event of a contingency. Only if the subject could (also) not be, could (also) not take place – only there, according to Agamben, is there a subject. In its very being, the subject thus "attests" to its contingency; it "bears witness" to its being able not to be.

5

What is a living being? We can now answer with some precision: it is that which receives definition only on account of its inclusion – only on account of its capture – in a governmental *dispositif*. According to the complex topology which defines the operation of capture in Agamben's work, however, every inclusion is also and at the same time an exclusion; it is an "inclusive exclusion" in his phrase.[66] The living being is thus included in a *dispositif* through its very exclusion – which is to say, through its becoming a subject. The subject is the necessarily contingent result of this capture: it is what appears as such when the living being disappears as such. The inclusive exclusion of the living being in a governmental *dispositif* is what grounds the possibility of a subject.

But what happens to the living being in this operation? The triangular structure of the governmental *dispositif* we have elaborated here allows us to reconsider the articulation of that sphere which Agamben, following Benjamin, has termed "bare life" (*la nuda vita*) in a new light. The inclusive exclusion of the living being in a governmental *dispositif* is what grounds the possibility of a subject – this means that the very possibility of the determination of a subject, in so far as it is disposed toward a certain activity, a certain praxis, in turn rests upon a concomitant determination of the living being, in its apparent purity, in so far as it is excluded in this process. The living being which acts as the subject's support, appears, from this perspective, as its mute bearer, stripped of all externality and plunged into biological obscurity; the determination of a subject thus coincides with the production of bare life itself. The "danger" implicit in this apparently self-grounding process, whose intensification with the advent of modernity Agamben has sought to document, should now be evident: that the very bare life which, as we have seen, is but a product of this process should itself be taken as a subject, indeed as the ultimate subject beyond every subject – the subject's subject, in a monstrous phrase: precisely as that which, according to the etymological meaning of the term, would lie beneath the subject itself. If it is true, according to Foucault's inversion of the Aristotelian formula, which Agamben has adopted for his own purposes, that "modern man is an animal whose politics places his existence as a living being in question"[67] and that, henceforth, all politics is biopolitics, we cannot fail to register the following, drastic consequence: once the *oikonomia*

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of bare life itself is installed as the ultimate political task, once bare life itself becomes, so to speak, the subject of politics, this means the impossibility not only of politics (which now subsists as a decision on the "impolitical"[68]) but also of a subject in the strict sense.

Is this the only interpretation that is available to us at this point? Does this – in the final analysis – *biopolitical* determination of the living being as what grounds the possibility of a subject exhaust what is given to us to think through this figure? We have said that the *dispositif* functions as an index of the living being's governability; by which we mean that it disposes the living being toward a certain activity, toward a certain praxis, that it makes it the subject of this activity, of this praxis – in order to be able, precisely, to *govern* it. The *dispositif* thus presupposes, as its "substance," so to speak, a being that can be so disposed. If the subject appears, from this perspective, as the living being in so far as it is disposed toward a certain activity, toward a certain praxis – in so far, that is to say, as it has the capacity for this activity, for this praxis – and only as such is it governable, is it not possible that the living being which acts as its support is, in truth, a being undetermined toward any particular activity, toward any particular praxis, a being of pure potentiality and, as such, *ungovernable*?

This is the perspective that the otherwise cryptic final sentence of the essay *Che cos'è un dispositivo?* appears to open up. The problem of the dismantling of the *dispositifs* whose ever-increasing proliferation and accumulation, Agamben writes, characterises the extreme phase of capitalist development in which we are living,

> will not allow itself to be posed correctly if those committed to doing so are not in a position to intervene in the processes of subjectivation, no less than on the *dispositifs*, in order to bring to light that Ungovernable, which is the beginning and, at the same time, the vanishing point of every politics.[69]

The Ungovernable: it is the beginning, the starting place, the source of every politics, as we have seen, because it is precisely what the governmental *dispositif* must presuppose, what it must capture at its centre, in order to be able to operate, in order to be able to function. It is the vanishing point, because the task of its *exposition* is not something that may be accomplished once and for all, is not a state that may be ultimately achieved. Precisely because the living, human being as such is an ungovernable, "inoperative" being, precisely because its existence is without purpose, in vain – this is what triggers, sustains and, indeed, necessitates the incessant activity of the governmental machine. But for this very reason it is also always that which can be retroactively affirmed in order to interrupt its functioning. *Zoé aionios*, "eternal life," is the surprising name that Agamben gives, in the final pages of *Il Regno e la Gloria*, to this Ungovernable, to this "inoperative centre of the human": to that which, in the human, irreducibly exceeds its inclusion in a governmental *dispositif*. It is this, he writes, which assigns living beings to that "undefinable dimension" which is called politics – this which constitutes the "substance" of the politics of the West.[70]

notes

I would like to acknowledge the precious feedback and encouragement provided by Justin Clemens, Yoni Molad, Connal Parsley and, especially, Emmett Stinson and Jessica Whyte in the drafting of this essay.

1 In a recent book, Samuel Weber has astutely drawn attention to the particular stylistic tendency, which traverses Walter Benjamin's writings from beginning to end, to formulate many of his key concepts in nominalised verbs which employ the suffix *-ability* (in German, *-barkeit*): communicability (*Mitteilbarkeit*), translatability (*Übersetzbarkeit*) and reproducibility (*Reproduzierbarkeit*), to cite some of the better-known examples. See Weber, *Benjamin's -abilities*. An analogous observation could be extended to Agamben's work, which consciously takes up this terminological legacy – albeit in a direction entirely different to that which Weber envisages for Benjamin (which, in the final analysis, makes him a privileged, if unacknowledged, precursor to Derrida's deconstruction). Such a study, which

remains to be written – but with respect to which the present essay, as should become clear, would constitute a first, preliminary contribution – would need to account for the particular relationship that joins this set of terms to a further, certainly rarer, set, which includes a negative prefix in addition to the potentiating suffix.

2 See Agamben, *Il Regno e la Gloria* 19.

3 Agamben, *Signatura rerum* 8 (my translation).

4 Agamben, *Che cos'è un dispositivo?* Although, as Agamben observes, Foucault himself never furnished a precise definition of this term, the singular importance it would assume in his thought was already duly recorded in an interview published in *Ornicar?* in 1978 – which is to say, almost immediately upon its assumption in his lexicon. See Foucault, "Le Jeu de Michel Foucault" 298–301. More tellingly still, Gilles Deleuze would take the occasion of an international colloquium held in Paris in 1988 in honour of Foucault's life and work to pose the same question pursued by Agamben twenty years later. See Deleuze, "What is a *dispositif*?"

5 Foucault, *Security, Territory, Population* 76 (translation modified); original in *Sécurité, territoire, population* 77–78.

6 For a probing account of the methodological differences which separate Foucault's and Agamben's respective approaches to the theme of governmentality, see Bruno Karsenti. The author errs, however, when, toward the end of his essay, he demands a justification for the theoretical privilege that Agamben grants to theology; a justification from which Foucault is exempted on account of the "*atopical* character" (370) of his investigations. To the extent that the theological elaboration of what Agamben terms the "governmental machine" assumes *paradigmatic* status in his presentation, the exposition as it were justifies itself. For Agamben's discussion of the paradigm, see Agamben, *Signatura rerum* 11–34.

7 Agamben, *Che cos'è un dispositivo?* 21 (all translations from this text are my own).

8 Ibid. 21–22.

9 Ibid. 25–26.

10 As opposed to what Paul Patton, to cite just one particular example, has argued for his deployment of the concept of biopolitics. See Patton 218.

11 See Agamben, *Che cos'è un dispositivo?* 15, but also Agamben, *Il Regno e la Gloria* 31–34, which further highlights the extent to which, in Aristotle, this term denotes a practical activity and not a science in the epistemological sense.

12 On this latter distinction in Agamben, see *Il Regno e la Gloria* 34–35.

13 Agamben, *Che cos'è un dispositivo?* 22.

14 See Deleuze, *Foucault* 108.

15 Agamben, *Che cos'è un dispositivo?* 22–23.

16 See Agamben, *The Open* 13.

17 Agamben, *Il Regno e la Gloria* 159 (all translations from this text are my own).

18 Deleuze, *Foucault* 77.

19 Foucault, "The Subject and Power" 221.

20 Ibid.

21 See the lecture of 8 March 1978 in Foucault, *Security, Territory, Population* 227–53. According to Foucault's analysis, in the course of the sixteenth century, what he terms the "great theologico-cosmological continuum" – that vital, guiding force which extends, by analogy, from God to the King and which authorises the manner in which the King, in and through the exercise of his sovereignty, can and must govern – is definitively broken. Henceforth, as the world is purged of the prodigies, marvels and signs which attested to the enduring presence of this "great continuum," so a specific *art de gouverner* will ultimately be separated from the exercise of a sovereignty so total as to have been reflected in nature itself. Significantly, for Foucault, this great continuum finds its classic elaboration in St Thomas's tractate on royal power, *De regno.*

22 *Summa theologiae* I. Q103, A1, resp.; English in *The "Summa Theologica" of St. Thomas Aquinas* 4–5.

23 Agamben, *Il Regno e la Gloria* 148.

24 *Summa theologiae* I. Q103, A1, repl. 2; 5.

25 Agamben, *Il Regno e la Gloria* 148.

26 *Summa theologiae* I. Q103, A1, repl. 3; 5.

27 Agamben, *Il Regno e la Gloria* 148.

28 See Schmitt, *Constitutional Theory* 264–67.

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29 See Agamben, *Il Regno e la Gloria* 149.

30 *Summa theologiae* I. Q105, A5, resp.; 39.

31 Ibid.

32 *Summa theologiae* I. Q105, A6, resp.; 42.

33 Ibid.

34 Agamben, *Il Regno e la Gloria* 149, 150.

35 Ibid. 150.

36 See ibid. 159–60, and, in particular, its two appendices, devoted precisely to "L'economia dei moderni": "La legge e il miracolo" 287–304, and "La mano invisibile" 305–14. It is important once again to note that it is not in itself significant for Agamben that the modern theory of government has theological origins. Rather, it is a question of being able to seize and to comprehend, in its determining features, the precise structure of the paradigm which the modern theory inherits from theology but which has nonetheless receded from view. In this, and in this alone, lies the significance of its theological "signature."

37 Foucault, *Security, Territory, Population* 235.

38 See Agamben, *Il Regno e la Gloria* 127.

39 *De Consolatione Philosophiae* 4, 6: 27–42; English in Boethius, *The Theological Tractates and The Consolation of Philosophy* 359 (translation slightly modified).

40 Courcelle 203 (my translation).

41 See *De Consolatione Philosophiae* 4, 6: 48–51; 359–61.

42 Courcelle 203 (my translation).

43 See *De Consolatione Philosophiae* 4, 6: 51–60; 361.

44 Agamben, *Il Regno e la Gloria* 143. Both Agamben and Pierre Courcelle have underscored the debt that Boethius owes, for the elaboration of this distinction, to Neoplatonic sources (in particular, to the three opuscules on providence attributed to Proclus). But whereas for Courcelle this serves to minimise the distinctly Christian dimension of Boethius's discussion, for Agamben instead something genuinely unprecedented does indeed happen here: "Providence and fate, transcendence and immanence, which, already in Plutarch and Proclus, formed a two-sided system," he writes, "are now clearly articulated with one another in order to constitute a perfect machine for the government of the world" (143).

45 *Summa theologiae* I. Q116, A2, resp.; 171 (translation slightly modified).

46 See *Summa theologiae* I. Q116, A2, repl. 1; 171–72.

47 See Agamben, *Il Regno e la Gloria* 152.

48 *Summa theologiae* I. Q116, A2, repl. 3; 172.

49 See Agamben, "Bartleby, or On Contingency" 263–64. For a general overview of this theme across the three monotheistic religions, see Rudavsky.

50 *De Consolatione Philosophiae* 5, 3: 4–16; 395.

51 *De Consolatione Philosophiae* 5, 3: 69; 399.

52 *De Consolatione Philosophiae*, 5, 6: 100–04; 429. For the principle, see 5, 6: 2–5; 423.

53 See Heller-Roazen 102.

54 See ibid. 106–11.

55 Ibid. 111.

56 See *Summa theologiae* I. Q116, A3, obj. 3; 172.

57 *Summa theologiae* I. Q116, A3, resp.; 172–73.

58 *Summa theologiae* I. Q116, A3, resp.; 173.

59 Aristotle, *De interpretatione* 19a, 22–34; see Agamben, "Bartleby, or On Contingency" 264.

60 *Summa theologiae* I. Q116, A3, resp.; 173.

61 See Agamben, *Il Regno e la Gloria* 130.

62 Ibid. 130.

63 See Agamben, *Che cos'è un dispositivo?* 29.

64 See Agamben, "Bartleby, or On Contingency" 259–65, and, in particular, Agamben, *Remnants of Auschwitz* 145–48.

65 As he writes:

> Contingency is not one modality among others, alongside the possible, the impossible and the necessary: it is the actual giving of a possibility, the manner in which a potentiality exists as such [è *il darsi effettivo di una possibilità, il modo in cui una potenza esiste come tale*]. It is an event (*contingit*) considered from the point of view of potentiality, as the giving of a caesura between a being able to be and a being able not to be. (Agamben, *Remnants*

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of Auschwitz 146 (translation modified); original in Agamben, *Quel che resta di Auschwitz* 136)

In *Fortune's Faces*, Daniel Heller-Roazen has demonstrated that this particular understanding of contingency – as the taking place of a potentiality – was itself consolidated by the process of "transposition" and "transformation" which so often characterised the passage from Greek to Latin letters. In this case, the author of the shift was none other than Boethius himself. "By rendering the Greek *symvainein* and *endechesthai* (or *dynasthai*) by the same verb, *contingere*," in his translation of Aristotle's *Peri Hermeneias*, Heller-Roazen writes:

> Boethius binds the notion of the event to that of possibility, such that, in his text, what is capable can no longer be separated from what takes place. After Boethius the *contingentia*, in short, will concern *contingere* as such; contingency will constitute a mode of "happening," a way of taking place.

In this, he continues, despite appearances, Boethius was nonetheless faithful to Aristotle's intention: he "radicalises, rather than distorts," he writes, "a fundamental trait of Aristotle's notion of potentiality" (Heller-Roazen 19).

66 For a remarkable account of the "topology" of the exception in Agamben, see Coccia 420–25.

67 Foucault, *The Will to Knowledge* 143.

68 Schmitt, *Staat, Bewegung, Volk* 17, but also Agamben's decisive commentary on this text in Agamben, *Homo Sacer* 172–74, and, especially, the "Introduzione" to Schmitt, *Un giurista davanti a se stesso* 19–24.

69 Agamben, *Che cos'è un dispositivo?* 35.

70 Agamben, *Il Regno e la Gloria* 274.

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