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DISSENSUS

On Politics and Aesthetics

Jacques Rancière

Edited and Translated by Steven Corcoran



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CHAPTER THREE

Who Is the Subject of the Rights of Man?

The question raised by my title took on a new cogency during the last decade of the twentieth century. The dissident movements in the Soviet Union and Eastern Europe had just rejuvenated the Rights of Man, or Human Rights, not long before, in the seventies and eighties. As the 'formalism' of those rights had been one of the first targets of the young Marx, the rejuvenation took on an added significance. As the Soviet Empire collapsed, it seemed they had come to take their revenge, and they began to appear as the charter of an irrepressible movement leading towards a peaceful post-historical world in which global democracy moves hand-in-hand with the global market of the liberal economy.

We know that things did not exactly turn out that way. In subsequent years, the new landscape of humanity, freed from utopian totalitarianism, turned into an arena filled with new outbreaks of ethnic conflict and slaughter, of religious fundamentalisms and of racial and xenophobic movements. The territory of 'post-historical' and peaceful humanity proved to be that of new figures of the Inhuman. And the Rights of Man turned out to be the rights of the rightless, of the populations hunted out of their homes, chased from their land and threatened with ethnic slaughter. These so-called Rights increasingly presented themselves as the rights of victims, the rights of those unable to exercise their rights or even to claim any in their own name, so that eventually their rights had to be upheld by others. The cost of doing so was the shattering of the edifice of International Rights, carried out in the name of a new right to 'humanitarian interference' – itself ultimately no more than the right to invasion.

WHO IS THE SUBJECT OF THE RIGHTS OF MAN?

A new suspicion thus arose: what lies behind this strange shift from Man to Humanity and from Humanity to the Humanitarian? The real subject of the Rights of Man had turned into that of Human Rights. But the claims being made in the name of such rights appeared distinctly biased or distorted. The Marxist form of critique could not be revived, obviously; instead another form of suspicion was resuscitated in its place: namely, that the 'man' of the Rights of Man was a mere abstraction and that the only real rights belonged to 'citizens', the rights attached to a national community as such.

This same polemical statement was first made by Edmund Burke against the French Revolution¹ and later revived, most significantly, by Arendt in her book titled *The Origins of Totalitarianism*.² In the chapter devoted to 'Perplexities of the Rights of Man', she equates the 'abstractness' of 'Men's Rights' with the concrete situation of the refugee populations fleeing all over Europe after the First World War. These populations, she argues, were deprived of rights because they were made up only of 'men' without any national community to ensure them. Arendt found in these 'men' the 'body' to match the very abstract nature of human rights. She expresses the paradox as follows: the Rights of Man are the rights of those who are only human beings, whose only remaining property is that of being human as such. In other words, they are the rights of those who have no rights, the mere mockery of all right.

The very possibility of this equation resides in Arendt's identification of the political sphere as a specific realm separated from that of necessity. Within this framework, abstract life can mean 'deprived life', a 'private life' trapped in its 'idiocy', as opposed to the life of public action, speech and appearance. In actual fact, this critique of 'abstract' rights is a critique of democracy. It rests on the assumption that modern democracy was spoilt from the beginning because of the play of revolutionaries for the poor: in other words, because of their confusion between two types of freedom: political freedom, opposed to domination, and social freedom, opposed to necessity. In her view, the Rights of Man were not, as Burke had claimed, the idealist fantasy of revolutionary dreamers; they were the paradoxical rights of the private, poor, de-politized individual.

This analysis, articulated over 50 years ago, seems tailor-made, 50 years later, to deal with the new 'perplexities' of the Rights of Man on the 'humanitarian' stage. However, it is important to pay close attention to what allows it to 'deal with' these perplexities, namely Arendt's

conceptualization of a certain state of exception. In a striking passage from the chapter on the perplexities of the Rights of Man, she writes the following about the rightless: 'Their plight is not that they are not equal before the law, but that no law exists for them; not that they are oppressed, but that nobody wants to oppress them.'²

The statement that 'nobody wants to oppress them', its plainly contemptuous tone, is quite extraordinary. It is as if these people were guilty of not even being able to be oppressed, not even worthy of oppression. The contention that there exists a situation and a status 'beyond oppression', beyond account in terms of conflict and repression, or law and violence, has a stake that we need to be aware of. For the fact is that there were people who wanted to oppress these refugee populations and laws to do so. The notion of a 'state beyond oppression' relates less to reality and more to Arendt's rigid opposition between the realm of the political and the realm of private life – what in the same chapter she calls 'the dark background of mere givenness'.³ In other words, this notion accords perfectly with her archi-politics. Later, however, this position, paradoxically enough, offered a frame of description and line of argument that would prove useful for de-politicizing issues of power and repression. It enabled a way of placing them in a sphere of exceptionality that was no longer political but of an anthropological sacredness situated beyond political dissensus. This theoretical inversion from archi-politics to a stance of de-politicization is a key feature of the thinking to have emerged from contemporary reflections on the Rights of Man: the inhuman and crimes against humanity. The inversion is most clearly illustrated by Agamben's theorization of biopolitics, notably in *Homo Sacer*. Agamben transforms Arendt's equation – or paradox – by means of a series of substitutions that equate it, first, with Foucault's theory of biopower and, second, with Carl Schmitt's theory of the state of exception (*Ausnahmestanda*).

In a first step, his argument relies on Arendt's contrast between of two kinds of lives, itself based upon the distinction between two Greek words, *zoe*, meaning 'bare physiological life', and *bios*, meaning 'form of life', or *bios politikos*, that is, 'the life of great actions and noble words'. In her view, the Rights of Man and modern democracy rest on a confusion between those two kinds of life, which results ultimately in the reduction of *bios* to bare *zoe*. Agamben connects Arendt's critique with Foucault's polemics on 'sexual liberation'. In *La volonté de savoir* and *Il faut défendre*

la société,⁴ Foucault argues that the desire for sexual liberation and to speak out about sex are in fact effects of a power machine that actually urges people to speak about sex. They are effects of a new form of power, no longer the old form of sovereignty that holds a power of Life and Death over its subjects, but a positive power of control over biological life. According to Foucault, even ethnic cleansing and the Holocaust are part of a 'positive' biopolitical programme more than they are revivals of the sovereign right to kill.⁵

Agamben uses this conceptualization of biopolitics to turn the law of modern democracy as it is defined by Arendt into the positivity of a form of power. Biopolitics becomes democracy's accomplice, that is, part of the mass individualistic concern with individual life and of the technologies of power that hold sway over biological life as such. From there, Agamben pushes things further. Where Foucault contrasts modern biopower with old sovereign power, Agamben has them converge by equating Foucault's concept of 'control over life' with Carl Schmitt's notion of the state of exception. For Schmitt, political authority finds its principle in the state of exception, meaning that sovereign power is the power to decide on the state in which normal legality is suspended. This boils down to saying that the law hinges on a power of decision that is outside of law. Agamben, for his part, identifies the state of exception with the power of decision over life. Then he correlates the exceptionality of sovereign power with the exception of life, that is with that bare or naked life which, according to him, is captured in a zone of indiscernibility or of indistinction, between *zoe* and *bios*, between natural and human life.

Sovereign power and biopower are thereby turned from an opposition into an identity. The opposition between absolute state power and the Rights of Man also vanishes. The Rights of Man made it seem that natural life was the source and bearer of rights, and birth was the principle of sovereignty. This identity, it is alleged, was protected for a long time by the identification of birth – or nativity – with nationality or figure of the citizen. But the vast flood of refugees which emerged in the twentieth century apparently shattered the identity and, stripped of nationality's veil, revealed the nakedness of bare life as the secret of the Rights of Man. Similarly, the programmes of ethnic cleansing and extermination revealed themselves to be the radical attempt to draw the full consequences of this splitting. Democracy's secret – the secret of modern power – can then emerge into full view. State power, now, is concretely

concerned with bare life, itself no longer the life of the subject that this power wants to repress, nor the life of the enemy that it has to kill, but, Agamben says, a 'sacred' life – a life taken within a state of exception, a life 'beyond oppression'. Bare life is a life *between* life and death, identifiable with the life of the condemned man or that of someone in a coma.

In his analysis of the Holocaust, Agamben emphasizes the continuity between two things: scientific experimentation on life 'unworthy of being lived' – that is, on abnormal, mentally handicapped or condemned persons – and the planned extermination of the Jews, posited as a population experimentally reduced to the condition of bare life.⁹ The Nazi laws which suspended the constitutional articles that guaranteed freedom of association and expression are thus able to be conceived as the blatant manifestation of the state of exception and as modern power's hidden secret. In the same stroke, the Holocaust begins to appear as the hidden truth of the Rights of Man, that is, of the state of bare, undifferentiated life, which is the correlate of biopower. The 'nomos' of modernity can then be figured as the camp, subsuming, under one and the same notion, the refugee camp, the zones where illegal migrants are parked by national authorities and the Nazi death camps.

Political conflict, properly speaking, thus comes to be replaced by a correlation between sovereign power and bare life. The camp becomes a space of the 'absolute impossibility of deciding between fact and law, rule and application, exception and rule'.¹⁰ It becomes a space in which the executioner and the victim, and the German body and the Jewish body, appear as two parts of the same 'biopolitical' body. Any kind of claim to rights or any struggle enacting rights is thus trapped from the very outset in the mere polarity of bare life and the state of exception, a polarity that appears as a sort of ontological destiny: we are all, every single one of us, in the same situation as the refugee in a camp. Differences between totalitarianism and democracy grow faint and political practice turns out to be always already caught in the biopolitical trap.

Agamben's view of the camp as the 'nomos of modernity' may seem remote from Arendt's view of political action. My suggestion here, however, is that the radical suspension of politics in the exception of bare life is actually the ultimate consequence of Arendt's archi-political position, that is, of the attempt to preserve the political from contamination by the private, the social or a-political life. This attempt de-populates the political stage by sweeping aside its always ambiguous actors, and thus

by incorporating the political exception into state power, posited as that which stands face to face with bare life. This opposition is then turned into a complementarity. The will to preserve the realm of pure politics ultimately 'has politics vanish in the pure relationship between state power and individual life. So politics gets equated with power and power itself gets increasingly construed as an overwhelming historico-ontological destiny from which only a God can save us.'

To escape this ontological trap, the question of the Rights of Man – more precisely, the question of their subject – and therefore of the subject of politics, has to be re-worked and politics placed on an entirely different footing. Bearing this in mind, let us look again at Arendt's argument – which Agamben basically endorses – concerning the themes of the Rights of Man and of the Citizen. Arendt sees these latter as being caught in a quandary, which can be expressed as follows: first, the rights of the citizen are the rights of man, but the rights of man are the rights of the non-politicized person, or the rights of those who have no rights – which means they amount to nothing; second, the rights of man are the rights of the citizen, the rights attached to the fact of being a citizen of such or such a constitutional state – which means that they are the rights of those who have rights and we end up in a tautology.¹¹ So, either the Rights of Man are the rights of those who have no rights or they are the rights of those who have rights. Either a void or a tautology, and, in either case, a deceptive trick, such is the lock that Arendt builds. This lock is solid, however, only if we pay the price of sweeping aside the third assumption that escapes the quandary. This assumption can be stated as follows: the Rights of Man are the rights of those who have not the rights that they have and have the rights that they have not. Let us try to make sense of this sentence. It is clear that the equation it expresses cannot be resolved by the identification of a single X. The Rights of Man are not the rights of a single subject that would at once be the source and the bearer of the rights and would only use the rights actually possessed. Were this the case, then it would be easy to prove, as Arendt does, that no such subject exists. The relationship between the subject and rights, however, is not so easily dispensed with.

The reason is that the relationship between the subject and rights is enacted through a double negation. The subject of rights is the subject – or more accurately the process of subjectivation – that bridges the interval between the two forms of existence of those rights. In the first place,

rights are inscriptions, a writing of the community as free and equal, and as such are not merely the predicates of a non-existing being. Actual situations of rightlessness may gainsay them, but they are not merely an abstract ideal, situated far from the givens of the situation. Instead they are part the configuration of the given, which does not only consist in a situation of inequality, but also contains an inscription that gives equality a form of visibility.

In the second place, the Rights of Man are the rights of those who make something of that inscription, deciding not only to 'use' their rights but also to build cases to verify the power of the inscription. At issue is not simply to check whether rights are confirmed or denied by reality, but to bring to light what their confirmation or denial mean. Man and citizen do not designate collections of individuals. Man and citizen are political subjects and as such are not definite collectivities, but surplus names that set out a question or a dispute (*litige*) about who is included in their count. Correspondingly, freedom and equality are not predicates belonging to definite subjects. Political predicates are open predicates; they open up a dispute about what they entail, whom they concern and in which cases.

The Declaration of Rights states that all men are born free and equal, and thus raises a question about the sphere of implementation of these predicates. Answering, like Arendt, that this sphere is that of citizenship, of a political life separated from that of private life, resolves the problem in advance. For the issue is to know precisely where to draw the line separating one life from the other. Politics concerns that border, an activity which continually places it in question. During the French Revolution, a revolutionary woman, Olympe de Gouges, made this point very clearly, famously stating that if women were entitled to go to the scaffold, then they were also entitled to go to the assembly.

Her point was that women, who were apparently born equal, were in fact not equal as citizens. They could neither vote nor stand for election. The proscription, as usual, was justified on the grounds that women did not fit the purity of political life, because they belonged to private, domestic life. The common good of the community had to be kept apart from the activities, feelings and interests of private life. Olympe de Gouges's argument showed that it was not possible to draw the border separating bare life and political life so clearly. At least one point existed where 'bare life' proved to be 'political': when women were sentenced to

death as enemies of the revolution. If they could lose their 'bare life' thanks to a politically motivated public judgment, this meant that even their bare life – their life from the standpoint of its being able to be put to death – was political. If they were as equal 'as men' under the guillotine, then they had the right to the whole of equality, including equal participation in political life.

The deduction would not be endorsed by lawmakers, indeed they could not even hear it. But it could be enacted in the process of a wrong, in the construction of a dissensus. A dissensus is not a conflict of interests, opinions or values; it is a division inserted in 'common sense', a dispute over what is given and about the frame within which we see something as given. Women, as political subjects, set out to make a twofold statement. They demonstrated that they were deprived of the rights that they had thanks to the Declaration of Rights and that through their public action that they *had* the rights denied to them by the constitution, that they could *enact* those rights. They acted as subjects of the Rights of Man in the precise sense that I have mentioned. They acted as subjects that did not have the rights that they had and that had the rights that they had not. This is what I call a dissensus: the putting of two worlds in one and the same world. The question of the political subject is not caught between the void term of Man and the plenitude of the citizen with its actual rights. A political subject is a capacity for staging scenes of dissensus.

If there is a positive content to this term, it consists in the rejection of every difference that distinguishes between people who 'live' in different spheres of existence, the dismissal of categories of those who are or are not qualified for political life. The very difference between man and citizen is not a sign of disjunction, proving that rights are either void or nonological. It is the opening of an interval for political subjectivation. Political names are litigious names, whose extension and comprehension are uncertain, and which for that reason open up the space of a test or verification. Political subjects build such cases of verification. They put the power of political names – that is, their extension and comprehension – to the test. Not only do they bring the inscription of rights to bear against situations in which those rights are denied but they construct the world in which those rights are valid, together with the world in which they are not. They construct a relation of inclusion and a relation of exclusion.

The generic name for all the subjects that stage such cases of verification is the *demios*, or the people. At the end of *Homo Sacer*, Agamben emphasizes what he calls the 'constant ambiguity' of the concept of the people, at once the name of the political body and the name of the lower classes. He sees in this ambiguity the mark of a correlation between bare life and sovereignty.¹² But the *demios* – or the people – does not mean the lower classes, nor bare life. Democracy is not the power of the poor, but the power of those who have no qualification for exercising power. In Book III of the *Laws*, Plato lists all the qualifications that are, or make claims to be, sources of legitimate authority.¹³ Such are the powers of masters over slaves, of the old over the young, of the learned over the ignorant and so on. At the end of the list, however, there is an anomaly, a 'qualification' for power that he calls ironically God's choice, meaning pure chance: the power gained through the casting of lots, whose name is democracy. Democracy is the power of those who have no specific qualification for ruling, except the fact of having no qualification. As I interpret it, the *demios* – the political subject as such – has to be identified with the totality made by those who have no 'qualification'. I call it the count of the uncounted – or the part of those who have no part. It does not mean the population of the poor; it refers to a supplementary part, an empty part that separates the political community from the count of the parts of the population.

Agamben's argument is of a piece with the classical opposition between the illusion of sovereignty and its real content. This is why he completely misses the logic of political subjectivation. Political subjects are *supplus* subjects that inscribe the count of the uncounted as a supplement. Politics is not a specific sphere of political life, separate from other spheres, since it acts to separate the whole of the community *from itself*. The community can be counted in two opposed ways. There is the police way of counting it as the sum of its parts (that is, of its groups and of the qualifications that each of them bears); and there is the political way of counting it as the *supplement* added to the sum (as the part of those who have no part, and that acts to separate the community from its parts, places, functions and qualifications). The police count is made on the basis of distinct spheres, but politics is a process, not a sphere.

The Rights of Man are the rights of the *demios*, which is the generic name of political subjects, that is, subjects that, in specific scenes of dissensus, enact the paradoxical qualification of this supplement. When

you assign those rights to one and the same subject, this process disappears entirely. Not only is there no man of the Rights of Man, there is no need for one. The strength of those rights lies in the back-and-forth movement between the initial inscription of the right and the dissensual stage on which it is put to the test. This is why the subjects of the Soviet constitution were able to make reference to the Rights of Man in opposition to the laws that denied their effectiveness. This is also why they can be invoked by the citizens of states ruled by religious law or governmental fiat, the clandestine immigrants held in transit zones in wealthy countries or populations in refugee camps. When such groups can – and there are always individuals among them that do – make something of these rights to construct a dissensus against the denial of rights they suffer, they really have these rights.

You are only compelled to claim, as Arendt did, that real rights are in fact those that are given to the citizens of a nation by virtue of their belonging to it and guaranteed by the protection of a state, if you presuppose that rights belong to definite or permanent subjects. This presupposition also obliges you to deny the reality of all struggles outside of the frame of the national constitutional state and to claim that national rights are merely 'abstract', an abstractedness revealed in the situation of the 'merely' human person deprived of them. The conclusion, however, is a vicious circle, since it merely re-asserts what was presupposed at the outset, namely that there is a division between those who are and those who are not worthy of engaging in politics.

But the act of identifying the subject of the Rights of Man with the subject deprived of rights is not only the vicious circle of a theory; it is also, and always, the result of an effective re-configuration of the political field, of an actual process of de-politicization. Today, this process goes by the name of consensus, whose meaning far exceeds the simple attempt to settle political conflicts reasonably and practically through forms of negotiation and agreement whereby each party is ideally allotted its maximum possible share taking into account the interests of the other parties. Consensus consists in the attempt to dismiss politics by expelling surplus subjects and replacing them with real partners, social and identity groups and so on. The result is that conflicts are turned into problems to be resolved by learned expertise and the negotiated adjustment of interests. Consensus means closing spaces of dissensus by plugging intervals and patching up any possible gaps between appearance and reality.

law and fact. In this way, the 'abstract' and litigious Rights of Man and of the citizen are provisionally turned into real rights – those of real groups with a solid identity and a recognized place in the society.

In this way, political dissensus over partaking in the common of the community gets reduced to a distribution in which each part of the social body supposedly obtains the share to which it is entitled. According to this logic, positive laws and rights are increasingly finely moulded to fit the diversity of social groups and to match the speed of changes of social life and individual ways of being. The aim of consensual practice is to produce an identity between law and fact, such that the former becomes identical with the natural life of society. In other words, consensus consists in the reduction of democracy to the way of life or *ethos* of a society – the dwelling and lifestyle of a specific group.

Consensus is the process underlying today's continual shrinkage of political space. The latter only ever emerges in the very *gap between* the abstract hierarchicalness of the rights and the poetic over their verification. This shrinkage has occurred to such an extent that these rights now actually appear empty, no longer of any use to us. And when rights are of no use, then just like charitable persons do with their old clothing, they are given to the poor. Appearing useless, these rights are sent abroad along with medicine and clothes to people deprived of medicine, clothes and rights. As a result of this process, the Rights of Man become the rights of those who have no rights, the rights of bare human beings exposed to inhuman repression and conditions of existence. The Rights of Man become humanitarian rights, that is, the rights of those who cannot enact them, of victims whose rights are totally denied. Nevertheless these rights are not empty: political names and political places never become merely void. The void is always filled by somebody or something else: by becoming the rights of those who cannot enact them the Rights of Man do not become null and void. If these rights are not 'truly' those of the victims, they can become the rights of others.

Under the auspices of the Oxford Lectures on the Rights of Man, organized by Amnesty International in 1993, Lyotard gave a paper called 'The Rights of the Other'.¹⁴ The theme of the rights of the other has to be understood as an answer to the question, 'What do Human Rights mean in the context of the humanitarian situation?' Lyotard's attempt was to re-think rights by re-thinking the question of wrong. For after the collapse of the Soviet Empire and the disappointing outcomes of what

was supposed to be the final step on the way to universal democracy, the issue of re-thinking 'wrong' became increasingly insistent. Renewed outbreaks of racial and religious hatred and violence – of new crimes against humanity – which could not be assigned to a specific ideology, meant that the crimes of defunct totalitarian regimes needed to be rethought. A new claim emerged that they were not so much the specific effects of perverse ideologies and 'outlaw regimes' as the manifestations of an infinite wrong, one that could not be accounted for in terms of the opposition between democracy and anti-democracy, of legitimate state or lawless state, but which appeared as an absolute evil – an unthinkable and irredeemable evil.

Lyotard's conceptualization of the Inhuman is one of the most significant examples of that absolutization. What Lyotard in fact did was split the idea of the inhuman into two. He argued that the forms of repression and cruelty, or situations of distress, that might be called 'inhuman', are actually the consequences of a betrayal of another Inhuman, this time a 'good' one. The 'good' Inhuman is Otherness as such, the part in us that we cannot master which may be called birth or infancy, the Unconscious, the Law or God. The Inhuman is irreducible otherness, the part of the Unnamable to which the human being is, as Lyotard says, a hostage or slave. Absolute evil begins with the attempt to name the Unnamable, with the attempt to deny this hostage situation, and to dismiss our dependency on the power of the Inhuman in order to build a world that we might master completely.¹⁵

Total mastery, he argued, was the elective dream of the Enlightenment and revolutionary emancipation, and is alive and well in contemporary dreams of perfect communication and transparency. The full revelation and realization of the dream, however, only came about in the Nazi Holocaust: that is, in the extermination of the people whose very mission it is to bear witness to the situation of hostage, to obey the law of Otherness, the law of an invisible and unnamable God. It seems to follow then, that 'crimes against humanity' are in fact crimes that result from assertions of human freedom which deny the fundamental dependency on the Unnamable. On Lyotard's view, then, our response to the 'humanitarian' situation of denied rights ought to be to uphold the rights of the Other, the rights of the inhuman. He contends, for example, that the right to speak ought to be identified with the duty of 'announcing something new'.¹⁶ But the 'new' to be announced is nothing but the immemorial

power of the Other and our own incapacity to fulfil the duty of announcing it. Obedience to the rights of the Other sweeps aside the heterogeneity of political dissensus in the name of a more radical heterogeneity.

Just as we saw with Agamben, this means infinitizing wrong and replacing its political processing with a sort of ontological destiny that permits only of 'resistance'. Such resistance is no manifestation of freedom, however. Resistance here means faithfulness to the law of Otherness, thereby ruling out any dreams of human emancipation. This is the philosophical understanding the rights of the Other. But they can also be understood in a less sophisticated and more trivial sense as follows: if those who suffer inhuman repression cannot exercise the Human Rights that are their last recourse, then it is up to others to inherit these rights and exercise them in their place. The name for this is the 'right to humanitarian interference' — a right that some nations have arrogated because they claim, very often against the views of humanitarian organizations themselves, that it will help the victimized populations. The 'right to humanitarian interference', then, is like the return of the disused rights sent to the rightless back to their senders. This movement is not a null transaction. In being returned, the 'disused' rights acquire a new use: one which effects on the world stage what consensus achieves on national stages: an erasure of the boundary between law and fact, law and lawlessness. The human rights that are 'returned' are the rights of the absolute victim, so-called because he is the victim of an absolute evil. The rights that are returned to the sender — and avenger — are akin to a power of infinite justice against the Axis of Evil.

The expression 'infinite justice' was dismissed by the U.S. government as an inappropriate term only a few days after it was put forward, but to me it seemed rather fitting. Infinite justice is not only a type of justice that dismisses principles of International Law, which themselves prohibit interference in the 'domestic affairs' of another state. It is a justice that erases all the distinctions which formerly defined the field of justice in general, that is, those between law and fact, legal punishment and private retaliation, justice/politicking and war, all of which are reduced to a stark ethical conflict between Good and Evil.

The question of ethics is on our agenda more than ever. This phenomenon is seen by some as a return to the founding spirit of the community that sustains positive laws and political agency. I take quite a different view of it. To me, the new reign of ethics is about the dissolution of all

legal distinctions and political intervals of dissensus in the infinite conflict of Good versus Evil. The 'ethical' trend is in fact a 'state of exception', which, contrary to its status in Agamben's work, is not the realization of a putative essence of the political. Instead, it is the outcome of an erasure of the political in the couple of consensual policy and humanitarian police. The theory of the state of exception and the theory of the 'rights of the other' turn this result into an anthropological or ontological destiny and trace it back to the inescapable pre-naturalization of the human animal. I submit, however, that the ontological destiny of the human animal is a story that only works to shroud the real task before us: that of understanding who the Rights of Man is and of rethinking politics today, were it out of its very lack.