

From Enemy to Xenos: the evolution of a Schmittian category

Introduction

The concept of the Enemy is certainly one of the most distinctive within Schmitt's theory, but to what extent does it represent nowadays a practical political category? Given the dramatic differences that exist between Schmitt's times and the present days, is the concept of the Enemy an effective tool to scrutinise the problem of the Other in contemporary societies or does it create the risk of obscuring the analysis rather than illuminating it? In order to investigate this question, I will briefly describe the concept of the Enemy itself and compare it with cognate ones offered by Girard and Bauman, against the background of the nature of today's society. On that basis I will make two intimations, one descriptive and the other normative: 1) the Enemy (along with its cognate concepts) does not adequately frame the political problem of the Other as it currently stands and we must find an effective alternative; 2) the only way to overcome the political problem that the Other currently represents is a more open approach towards the outsider, the basis of which can be found in Judith Butler's political ethics.

The Other in politics: From Schmitt to Bauman

The figure of the Other has a rich intellectual history, especially in the area of philosophy, and this is no place to even attempt to delineate its complex genealogy. Suffice it to say that Hegel was the one that first comprehensively theorized the figure of the Other as an element necessary to develop subjective self-consciousness. In his *Phenomenology of Spirit*, he argued - and his argument has since had far reaching influence in areas as diverse as linguistics and psychoanalysis - that, in order to achieve a proper understanding of the self, one must undergo a process of intersubjective recognition. According to Hegel, we can reach self-consciousness only when we see ourselves reflected into someone else's gaze, as an external object posited in front of another human being. Only then we realize that, as the other individual sees us as an external object, she is too constituted by a subjectivity that was first foreclosed to us. In this way, we understand ourselves more fully both as a pure individual subjectivity and as an object in someone else's gaze, leading us to a critical reflection on our actions and our place in the world. In the following pages I will explore the figure of the Other from a political perspective and to this extent I will

explore three authors which have greatly contributed to its elaboration: Carl Schmitt, René Girard, and Zygmunt Bauman.

The idea that the Other is instrumental in establishing one's self-consciousness was applied to the political context by Carl Schmitt. Schmitt famously suggested that the opposition between Friend and Enemy defines the political field.¹ In his seminal work *The Concept of the political*, in fact, Schmitt identifies the source of the category of the political in the opposition between Friend and Enemy, the latter to be identified as a public enemy, a *hostis*, rather than a private enemy, i.e. the *inimicus*. According to Schmitt, political categories emerge only when a concrete and existential antagonism between two social groups reaches a substantial level. Further, as Schmitt observes the political has no proper essence of its own as it "... can derive its energy from the most varied human endeavours, from the religious, economic, moral, and other antithesis".² The political, understood in this sense, chiefly concerns the ultimate degree of intensity of a given opposition, the final outcome of a growing tension which subsumes and puts in the background lesser divergences within the social body. When a topic becomes conflictually heated as to polarize a community into two distinct groups that perceive their counterparts as an enemy because of that very conflict – to the point that war is an ever-present possibility if not an outright necessity – then, Schmitt declares, we have the existence of a political dimension. The logical conclusions of such an argument is that any community, in order to have a structured social order together with its institutional framework embodied by the state,³ must identify its own enemy. Without such external target there would be, in fact, no society at all but rather an unruly multitude that would have no reason to hold together into a collective form.

The idea of the Other as a negative reference to reaffirm the internal communal ties of a given society is also at the centre of René Girard's philosophical anthropology and forms the basis of what he has described as the scapegoat mechanism.⁴ Girard famously suggests that human desire is always a mimetic desire, which is a desire that is borne out of imitation of someone else's desire. Because of its nature, desire generates a sort of triangulation between the desiring subjects and the desired object which is characterized by a strong antagonism. When this antagonism reaches a level that threatens society's stability, the way out of this dangerous situation is found in the scapegoating mechanism.⁵ A sacrificial victim is identified as the cause of the social tension

¹ G. Sartori, "The essence of the political in Carl Schmitt", 1989, *Journal of Theoretical Politics*, 1, 63.

² C. Schmitt, *The Concept of the Political* (Chicago: University of Chicago Press, 1996), 38.

³ *Ibid.*, 30.

⁴ On the deeper similarities between Schmitt's and Girard's thought see C. A. Fox, "Sacrificial pasts and messianic futures" (2007), *Philosophy and Social Criticism*, 33, 563.

⁵ R. Girard, *Violence and the Sacred* (London: Continuum impacts, 2005).

and is therefore sacrificed in order to restore society's peace and serenity. Girard, in particular, argues that the act of scapegoating is the foundational moment of civilization. Only through the violence exerted upon the scapegoat – an individual or a group that surreptitiously embodies the whole of society's sins and whose sacrifice washes those sins away – a given community will be able to undergo a process of reconciliation that will pacify the now cleansed social body and reinvigorate its once corrupted identity. As Richard Kearney summarizes, according to Girard:

“Human societies are founded upon myths of sacrifice. These myths comprise a social imaginary which operates according to a mechanism of scapegoating generally concealed from human consciousness. It is this sacrificial mechanism which provides most communities with their sense of collective identity. But the price to be paid is the destruction of an innocent outsider: the immolation of the ‘other’ on the altar of the ‘same.’”⁶

According to Zygmunt Bauman, both the Enemy and the Scapegoat are the protagonist of an “anthropoemic” mechanism, where the different one is “vomited”: incarcerated in camps or ghettos, or rounded up; packed into a boat or into a plane and sent “where he came from”; or rejected at the borders. Bauman further suggests that modern societies have found another way of dealing with difference that, instead of rejecting the Other, try to assimilate her. Bauman describes this “anthropophagic” mechanism in the following terms: “The anthropophagic strategy consists of “devouring” and “digesting” the stranger, transforming thereby an alien substance body into a cell of one's own organism. In short, in “assimilation”: renouncing whatever distinguishes you from the “genuine stuff”. If you want to be a French citizen you have to become a Frenchman in your behaviour, your language, the way you act, your ideas, preferences and values”.⁷ Such mechanism, Bauman argues, is typical of the liberal vision of the modern project and characterizes its dynamics of inclusion/exclusion:

“People are different, implied the liberal project, but they are different because of the diversity of local, particularistic traditions in which they grew and matured. They are products of education, creatures of culture, and hence pliable and amenable to reshaping. With the progressive universalization of the human condition, which means nothing else but the uprooting of all parochiality together with the powers bent on preserving it, and consequently setting human

⁶ Richard Kearney, “Myths and Scapegoats: The Case of René Girard” (1995), *Theory, Culture & Society*, 12 (4), 1.

⁷ I. Stiks, “The Past of Central Europe is the Future of Europe, an interview with Zygmunt Bauman”, *Citizenship in Southeast Europe*, updated on: 3 February 2012, at <http://www.citsee.eu/interview/past-central-europe-future-europe-interview-zygmunt-bauman> (last visited 1 November 2013).

development free from the stultifying impact of the accident of birth -- that predetermined, stronger-than-human-choice diversity will fade away”.⁸

The shift towards a liquid modernity: The emergence of the Xenos

To what extent can the figures of the Enemy, the Scapegoat and the Stranger adequately represent the figure of the outsider, of the Other, in contemporary society? In order to answer this question we will first have to provide a general description of the nature of today’s society. Bauman himself has suggested that we are living in a “liquid modernity”, ie a historical phase where old rigid social structures and static points of reference have “melted” into an individualistic, highly relativistic, and loosely-connected social order.⁹ Bauman opposes “solid” and “liquid” societal forms. Drawing from physics, Bauman points out that “solid” forms are characterized by a static structure that is stable in time and in principle resistant to external forces whereas “fluid” forms are defined by an absence of fixed structure as they present an ever-changing configuration that adapts to the external conditions but, at the same time, are able to penetrate into the smallest spaces. While solids tend to erase the variant of time and are defined by the space they occupy – their structure being the same at two different moments , liquids are almost exclusively identifiable by their temporal frame as the shape of the space they occupy changes constantly.¹⁰ Solid and liquid societal forms are therefore defined by opposing qualities: heavy versus light; condensed versus capillary; systemic versus network-like.¹¹

Solid and liquid forms are both modern, Bauman observes. But while the first represented a recasting of old traditional structures (e.g. the estates, the corporations) into an improved, more efficient, version of solidity, the latter mark a new stage in the process of modernization, a final dissolution of previous forms.¹² Namely, the difference between solid and liquid modernity,

⁸ Z. Bauman, *Postmodernity and its Discontents* (Cambridge: Polity Press, 1997) 18.

⁹ Z. Bauman, *Liquid Modernity*, (Cambridge, UK: Malden, MA: Polity Press; Blackwell, 2000).

¹⁰ Bauman, 2000, 2.

¹¹ Bauman, 2000, 25.

¹² As Bauman argues the phrase “melting the solids” was present in the Communist Manifesto. But the first wave of modernity “melted” old solids only “...to clear the site for *new and improved solids*; to replace the inherited set of deficient and defective solids with another set, which was much improved and preferably perfect, and for that reason no longer alterable” (2001, 3). As icons of solid modernity Bauman cites the Fordist factory, bureaucracy, the Panopticon, the Big Brother and the *Konzlager* (ibid. 25-26).

rests in the collapse of the modern illusion of a *telos* in human progress and in the deregulation and privatization of the modernizing tasks and duties.¹³

This has led to an unprecedented process of individualization which Bauman does not see as straightforwardly liberating, but as a problematic strategic situation that leaves the subject open to a challenging and unsettling social complexity. Borrowing a phrase from Ulrich Beck, he suggests that “how one lives becomes a biographical solution to systemic contradictions”.¹⁴ Bauman’s argument is that the modern state has proclaimed and established a *de jure* (legal) autonomy of the individual which does not correspond to a *de facto* (factual) autonomy. This has led to a gradual corrosion of communal ethical bonds and hence to a melting of worldviews and an increasing normative incommunicability among subjects.¹⁵ As a consequence “a gap is growing between individuality as fate and individuality as the practical and realistic capacity for self-assertion. ... Bridging this gap is, most crucially, *not* part of that capacity”.¹⁶

Facing a rapidly changing social environment, the individual has at her disposal an almost infinite selection of living chances, but such freedom to be anybody (which anyways has to confront the practical possibilities one’s has to invent her own life) has its drawbacks:

“the becoming bit suggests that nothing is over yet and everything lies ahead, the condition of ‘being somebody’ which that becoming is meant to secure portends the umpire’s final, end-of-game whistle: ‘you are no more free when the end has been reached; you are not yourself when you have become somebody’”.¹⁷

Within this context it is possible to see that the whole question of identity – of what one is as a subject – becomes problematic. The individual is constantly called upon to redefine her self within a fluid society. This bears on the individual great opportunities, an unprecedented responsibility, but also a sort of irresolvable enigma. On the one hand, she is urged to be really herself, while, on the other hand, her self is pulled apart by multiple conflicting narratives. An individualized identity turns out to be a chimera that tries to stop the flow of liquid modernity, but at the same time must be flexible, adaptive, liquid,¹⁸ facing different practical conditions and

¹³ Bauman, 2000, 29.

¹⁴ Beck, *Risk society: towards a new modernity* (London: Sage, 1992), 137 as cited by Bauman, 2000, 34.

¹⁵ In this regard Bauman (2000, 36), recalling De Tocqueville, argues that individualization is intrinsically at odds with a communal political project centred on citizenship.

¹⁶ Bauman, 2000, 34.

¹⁷ Bauman, 2000, 62.

¹⁸ The problem of self-made identities – as opposed to externally imposed identities of solid modernity – is central in Bauman’s considerations about the “fate of individualization” of liquid times: “Consider, for instance, the contradiction of self-made identities which must be solid enough to be acknowledged as such and yet

situations. The substantive subjective commonality that represents the glue holding together society in the normalizing paradigm of solid societies is made unstable by the very conditions of liquid modernity as described by Bauman:

“The task of self-identification has sharply disruptive side-effects. It becomes the focus of conflict and triggers mutually incompatible drives. Since the task shared by all has to be performed by each under sharply different conditions, it divides human situations and prompts cut-throat competition rather than unifying a human condition inclined to generate co-operation and solidarity”.¹⁹

Within such a liquid modernity therefore the question of identity explodes in a myriad of conflicting directions, challenging age-old assumptions regarding societal bonds. The first consequence of such a phenomenon is that there can be no single answer to the problem of the Other. As we can no longer hold pretend there is one unitary identity category that defines our belonging to a given community, we, conversely, can no longer collapse the varied diversity of outsider within a single category. Such impossibility is certainly not a normative one (the injustice of gross generalization is always possible), but rather a functional one: if liquid society has melted old social norms and distinctions, how effective can it be to use closed category to identify something that is essentially individualized, whose essence will always seep through the barriers one could use to constrain it?

To this extent, we must also recognize a particular shift in the nature of the Other, against the background of liquid societies: the Other cannot be blocked at the gates anymore, we cannot shield our communities from its arrival. Since the Other cannot be defined as a unitary category, the exemplars of her manifestation multiply to the extent that they can potentially be seen everywhere. If we focus long enough on someone, we will realize that anyone is sufficiently differential in and for herself as to rise the suspect that she is, in fact, an Other. We are thus forced to accept its presence among our ranks, a presence that proliferates to the extent that it invests the whole of the social body and erodes to the point of non-existence the old core of “normality” that characterized solid societies.

Thus the outsider is now a liminal figure that floats within our society, someone who is different and yet not readably recognizable as such. How then should this figure be described? What epithet should we use? I suggest the word *Xenos* (the Greek word for alien). The *Xenos* is alien

flexible enough not to bar freedom of future movements in the constantly changing, volatile circumstances” (Bauman, 2000, 50).

¹⁹ Bauman, 2000, 90.

but yet among us, is someone with whom we must deal with but whose existence we want to hide from our gaze, a being that is dangerously similar to what Foucault describes as “the monster” in his 1974-75 Collège de France course: she lies between the impossible and the forbidden.²⁰ On the one hand, she represents the impossible insofar as she is ultimately “unedible”, “undigestable”, her nature ontologically resisting complete assimilation. On the other hand, she represents the forbidden individual, that, precisely because of her unsettling existential difference, we cannot accept or welcome. No longer is such an individual an Enemy, a Scapegoat or a Stranger, but rather she must be described as a Xenos, a perennial Other that we can never entirely know and trust, someone that, after all, is fundamentally alien and for whom we must create a system of modular control that would be able to identify and tame her as soon as she can represent a threat.

Most importantly, the emergence of the Xenos necessarily produces a weighty consequence. As the Xenos is not recognizable *a priori*, but only when society has focused its attention upon her, when she has revealed herself as a potential threat to the ever-changing equilibrium reached by liquid society, it follows that we all are the Xenos. This is only logical. In a social landscape where unifying categories have melted, every single individual is different from all other individuals. The field of normality has withered away to the extent that it does not make sense anymore as a criterion of belonging, and the dimension of Otherness has engulfed us all.

Four of a kind: The Other as a negative limit

We have now a clearer map of the declensions of alterity in modern times. But what can this map tell us about the political nature of today’s societies? To answer this question, it should be preliminarily noted that the Other usually functions as a sort of social mirror: the ways in which we conceive and treat the Other is often the most telling indicator of the directions in which our own community and future are developing. Exploring the way in which alterity is addressed in a given community and what kind of interpersonal relations it fosters is therefore fundamental to understand social dynamics and, in turn, the contours of structural political ideologies.

²⁰ M. Foucault, *Abnormal : Lectures at the Collège de France, 1974-1975* (London: Picador, 2003), 56.

Although Schmitt does not make explicit use of the concept of the Other in his formulation of the political, it seems clear that the dichotomy friend-enemy is heavily drawing from it. According to Schmitt, the difference that determines the existence of the Other vis-à-vis a given community is negatively charged from the political point of view as such Other is – exactly because of that difference (which is not an essentialist one but a floating socio-historically contextualized difference) – always understood as an enemy. In Schmitt’s vision, in other words, the Other is necessarily postulated in negative terms because what differentiates her from what the Friend – the constitutive element of her Otherness – is the generative cause of the inimical opposition that articulates the political. The Schmittian Enemy embodies an Other that cannot help us developing our own identity. In fact, it only works as a constitutive limit of an already given collective identity to which it is opposed. Nothing, through the confrontation with the Other, is positively drawn from the Friends’ community, which, on the contrary, in order to maintain its unity and structure must reject the Other as a collective enemy. The existential nature of the enemy not only does not allow for any kind of reconciliation – bar the dissolution of the community itself – but also prevents a dialectical interaction between the two groups. Recognizing the Other as oneself is strictly excluded as a means to explore the meaning of one’s identity precisely because the meaning of identity resides in the gap between myself and the Other. Bridging that gap would thus signify the dissolution of one’s very existence.²¹

Girard’s scapegoat shares perhaps the most important trait of the Schmittian idea of the Other, namely that the difference separating the Other from a given community is always a negative one. What characterizes the Other, both in Schmitt’s and Girard’s vision, is a feature (or set of features) that, deemed axiological wrong, defines her identity by means of exclusion and, in turn, constitute the collective identity of the excluding community in a residual way, as the community that remains after the negative Other has been isolated and antagonised. The foundational element in this identity building mechanism is therefore represented by a lack: on the part of the Other, the lack of a given quality (a negative feature is necessarily structured as a lack); on the part of the excluding community, the lack is the absence in its ranks of a negative quality embodied in the Other.²²

The result of such pattern is that identities are (supposedly) always created with reference to a limit. They are not extensive in nature but rather founded by means of a rejection. Although

²¹ Hirst thus described Schmitt as a conservative, chiefly concerned with defending a political framework in which the concrete order of society can be preserved. P. Hirst “Carl Schmitt”’s Decisionism” (1987), *Telos*, 7215.

²² R. Girard, *The Scapegoat* (London: Athlone, 1986) 21-22.

Schmitt's Enemy and Girard's Scapegoat are the protagonists of two opposite dynamics (the Enemy is the one that cannot enter into our midst while the Scapegoat is the one that must be sent away from our; the former is the stranger that cannot be welcomed otherwise will corrupt our identity while the latter is a fellow that turned out to be stranger to be ejected to salvage our identity; one is repelled while the other is thrown out; the former is readily recognizable while the latter is hidden in the folds of society) they are both subject to a firm rejection, a separation whose nature is unilateral and possibly violent (war in the case of Enemy, sacrifice in the case of Scapegoat).

Bauman's stranger seems, at first sight, to break with this negative vision of the outsider. The mechanism of assimilation that underlies such declination of the Other appears to contrast both Schmitt's and Girard's idea that the outsider is an extraneous and poisoning body within a given community. The Stranger, on the contrary, is understood almost as a pilgrim to welcome, as a long lost member of the modern community that has finally found her way to the progress. Such scheme, however, does not regard the Other in a more positive light than the two other conceptions we have explored above. We should not forget, however, that Bauman himself, describing the Stranger is keen on recognizing that she is borne out of the liberal vision of modernity, of liberalism's conviction that it could phagocitize the outsider and turn it into a docile, law-abiding citizen endorsing and putting into practice its values. Such faith is no more, or at least, not as sturdy as before.²³

The idea of the Stranger makes sense in relation to a clearly hierarchical order of cultures, where the host society is deemed superior to the one the outsider is coming from. As a consequence the Stranger's contribution to the "welcoming" community can never be seen as a constructive one as she has to learn the ways of her hosts and imitate them, while it is implied that her hosts have nothing to learn from her.²⁴ At a closer scrutiny, therefore, the ideal-type of the Stranger subscribe identity dynamics which are not dissimilar from those associated with the "inedible stranger": the relationship with the Other does not enrich one's identity, it can only strengthen one's identity characteristics by emphasizing the different axiological value existing between two subjectivities. Identity, in this sense, is taken as something that can be understood

²³ D. Acosta and myself (Acosta & Martire, "Trapped in the lobby: Europe's revolving doors and the Other as Xenos"(2014), *European Law Review*, forthcoming), have suggested that the current EU regime of immigration – which we characterized as regulated by a system of "revolving doors" that continuously threat immigrants with expulsion – is precisely a symptom of today's troublesome relationship between advanced liberal democracies and the problem of outsiders.

²⁴ G. Chakravorty Spivak, "Can the Subaltern Speak?" in C. Nelson and L. Grossberg (eds) *Marxism and the Interpretation of Culture* (Urbana: University of Illinois Press, 1988).

exclusively through an self-referential mechanism. If the Other represents the negative limit of our selfhood, then the only means to reflect on our identity is not confrontation with someone different from, but a form of internal dialogue that neglects the Other's voice.²⁵ Anthropoemic and anthropophagic schemes, therefore, while seemingly expressing opposite logics, at a closer scrutiny rest on a similar idea: the Other is something that, in one way or another, must disappear. As Bauman himself points out:

“Under the pressure of the modern order-building urge, the strangers lived, so to speak, in a state of suspended extinction. The strangers were, by definition, an anomaly to be rectified. Their presence was defined a priori as temporary, much as the current/fleeting stage in the prehistory of the order yet to come. A permanent coexistence with the stranger and the strange, and the pragmatics of living with strangers, did not need to be faced point-blank as a serious prospect”.²⁶

The figure of the Xenos runs the risk of being just another stage into this sequence of negative alterity. In liquid societies the outsider is now a sort of entity that is inexorably part of the social body and yet cannot be completely assimilated by it. As a Xenos, her irreducible difference is at the same time difficult to pinpoint and feared; she is continuously scrutinized with the hope of perceiving the sign of an incipient threat keeping. To describe similar ambivalent situations Žizek has suggested that modern society experience a fascination of the real without being able to accept its most dangerous aspects: a real without the real (coffee without caffeine, beer without alcohol, electric nicotine-free cigarettes, and so on).²⁷ With particular reference to the way in which modern liberal societies relate to the Other, he has claimed that the Other can be included only on the condition that the fundamental difference that characterizes her is suppressed, and she is transformed into a “Decaffeinated Other”.²⁸

Dangers and opportunities

²⁵ B. Honig moves a similar criticism against the cosmopolitan approach to integration suggested by J. Kristeva in *Strangers to Ourselves* (New York: Columbia University Press, 1991). B. Honig, *Democracy and the Foreigner* (Princeton: Princeton University Press, 2001) 55-58.

²⁶ Bauman, 1997, 18.

²⁷ S. Žizek, *Welcome to the Desert of the Real: Five Essays on September 11 and Related Dates* (London: Verso, 2002).

²⁸ S. Žizek, “Liberal multiculturalism masks an old barbarism with a human face”, *The Guardian*, 3/10/2010 at <http://www.guardian.co.uk/commentisfree/2010/oct/03/immigration-policy-roma-rightwing-europe> (last visited 1 November 2013).

The Xenos therefore represents the paradigm of the individual in the liquid modernity and signifies an alienation from one's own political community, and from oneself. It marks a process of individualisation that is fundamentally at odds with the ideological discourse of liberalism that has developed roughly in the past three centuries. What might be the future consequences of such a shift? I would like to suggest two possible scenarios, one of which is quite troubling, while the other is rather more optimistic. Let me start from the ominous scenario which recasts Giorgio Agamben's problem of the state of exception and that of the *homo sacer* in contemporary societies. Subsequently, I will turn to Judith Butler's ethical theory for a more refreshing alternative.

Towards ontopower?

Agamben, in his analysis of the theory and practice of sovereignty, starts from the consideration that "modern man is an animal whose politics questions its own life of living being".²⁹ According to Agamben, the citizen of the modern state is understood as a bearer of rights from the moment of birth, establishing a complete equalization between the biological and political birth of the individual. The human being thus comes into the world at one and the same time as a living creature and a political subject, finding itself caught into a zone of indistinction where *zoe* (her biological life or what Agamben calls bare life³⁰) and *bios* (her political life³¹) are strictly intertwined with one another. The biological substance of the individual is immediately and automatically charged with political meaning as she is subject without delay to the dominion of the sovereign decision.³²

In his investigations, Agamben finds an ancient parallel to bare life in an idea drawn from Roman times: *homo sacer* (sacred man). The *homo sacer* is a figure specific to the Roman world which identified some individuals that had committed very serious crimes. The *homo sacer* was characterized by a dual, and apparently oxymoronic, quality. On the one hand, he could not be sacrificed to gods and, on the other, he was without any legal protection, such that no act of violence exercised upon him would be sanctioned. Agamben states: "in the case of the *homo sacer*

²⁹ Agamben, *Il regno e la gloria* (Vicenza: Neri Pozza Editore, 2007); *Stato di eccezione* (Torino: Bollati Boringhieri, 2003); *Homo sacer* (Torino: Giulio Einaudi Editore, 1995).

³⁰ Agamben, 1995, 3. References are made from the Italian edition.

³¹ Agamben, 1995, 3.

³² Agamben, 1995, 141.

a person is simply put outside human jurisdiction without being transferred under divine jurisdiction”.³³

Agamben therefore seeks to draw a parallel with the fundamental structure of sovereignty. In particular, he focuses on the “state of exception” defined as the moment when sovereignty steps outside of law. He explains this state of exception as something akin to an exclusion. Characteristically, the relationship of exception excludes something from an order by claiming sovereignty over it. A sovereign relationship is thus set up by virtue of this exclusion. In Agamben’s words, the exception is “the extreme form of relation that includes something exclusively by means of its exclusion”.³⁴ Given that sovereignty is a structure of inclusion, its foundational mechanism is that of exception. It is not to be confused with the attempt to control or neutralize a fundamental threat but, more importantly, to create and define “the very space where the juridico-political order can have validity”.³⁵ Hence, if exception is fundamental to sovereignty, sovereignty itself is the “original structure where law refers to life and includes it within itself via its own suspension”.³⁶

Building up on Foucault’s remarks on the difference between the juridical and the biopolitical model of sovereignty, Agamben contends that modern biopolitics, supported by our expanding knowledge of human biological nature, invades spaces previously unknown and exercises its power discerning between what is to be considered worth living or open to death. While classical sovereignty defined its political boundaries through the juridical declaration of the exception, the biopolitical sovereign constantly redefines life, using it as the threshold that articulates and separates what is inside from what is outside the legal order. The concept of dignity of life is therefore transposed from the ethical to the political dimension.³⁷

Moving from these considerations, Agamben identifies the concentration camps as the paradigm of our modern political landscape. Going back to the structure of the exception, Agamben argues that the concentration camp is “the space that opens up when the state of exception becomes the rule”.³⁸ In the concentration camp the “*questio facti* [matter of fact] is no longer

³³ Agamben, 1995, 91.

³⁴ Agamben, 1995, 22.

³⁵ Agamben, 1995, 23.

³⁶ Agamben, 1995, 34.

³⁷ The case of euthanasia here becomes an emblematic example of the overlapping political and biological dimensions. In this regard Agamben (1995, 157) observes: “in modern biopolitics [euthanasia] is posited at the intersection between the sovereign decision on the life susceptible to be killed and the taking on of the care of the biological body of the nation, and marks the point where biopolitics necessarily turns into thanatopolitics”.

³⁸ Agamben, 1995, 188.

absolutely distinguishable from the *quaestio iuris* [matter of law]”.³⁹ As its inhabitants have been stripped of any political statute and reduced completely to bare life, the camp is “the most absolute biopolitical space ever realized, where power faces before itself nothing more than pure life without any other mediation”.⁴⁰ He concludes that “for this reason the camp is the very paradigm of the political space where politics becomes biopolitics and the *homo sacer* is virtually confused with the citizen”.⁴¹ Agamben thus suggests that today sovereign’s power hold on bare life has, in effect, transformed the whole of social space in a potential concentration camp where all laws can be suspended and the individual reduced to a bare body, bereft of the rights that attend citizenship. Since sovereign power has established a continuous dominion over life, the rule of exception can be enforceable on any subject at any time.

Agamben’s considerations are certainly insightful but they seem to lack a certain clarifying force. As a matter of fact, Agamben’s description of sovereignty and biopolitics suggests that these are not to be understood as distinctively modern dynamics but as something almost intrinsic to human society and institutions.⁴² This, however, poses a problematic question: how useful or realistic is it to flatten the diverse historical manifestations of sovereignty into an a-historical (*rectius* trans-historical) conceptualization? It cannot be denied that Agamben’s vision of the state of exception and of the figure of the *homo sacer* are profoundly though-provoking, but it is difficult to shake off the impression that his characterizations appear somehow underdetermined and unable to accurately grasp the actual workings of power in our contemporary society. Of course, we have tragic examples of modern “camps” and *homini sacri* (Guantanamo comes immediately to mind, but that is but one actualization of the idea), but this leaves out a large number of cases in which the life of a person is individually and singularly entrapped by sovereign power. Surely, the metaphor of a “camp” can be used to picture a space where the person is stripped of her rights and reduced to her bare life, but how apt is it such a metaphor to describe to individualizing operations of modern power which selects and isolates with studied precisions single cases through its panoptical gaze?⁴³

³⁹ Agamben, 1995, 190.

⁴⁰ Agamben, 1995, 191.

⁴¹ Agamben, 1995, 191.

⁴² This has prompted Michael Hardt and Antonio Negri – in *Empire* (Cambridge, Mass.; London: Harvard University Press, 2000, 421, fn. 11) to suggest that Agamben embraces an anthropological idea of biopolitics.

⁴³ Keeping in mind Guantanamo, one cannot fail to recognize the great difference that runs between prisoners in the concentration camps of the Second World War and those detained in the American base: while the former were imprisoned indiscriminately because they belonged to a certain group which as a group threatened the existence of a given nation, the latter were “cherry-picked” through a surgical operation of intelligence, and locked away on the basis of specific risk factors.

Agamben, in the end, is unable to answer satisfactorily a haunting question: how is it possible that in the “age of rights” we are more than ever at risk of losing our rights? Was not the development of a human rights discourse precisely intended to safeguard us against the unacceptable intrusions of a brutal sovereign power? How to explain that the modern expression of the sovereign power is able to circumvent it so easily, so effortlessly, not differently from what happened in Nazi Germany with Jews or in the USA with Japanese-born and German-born citizens, through a generalized – but case specific – suspension of individual rights? The anthropological answer – that such unboundedness is definitional of sovereign power – appears as too superficial and calls for more satisfying explanations.

These shortcomings seem to me to be caused by a rather underdetermined acceptance of the Schmittian concepts of state of exception and of the Enemy. Perhaps these concepts are analytically sound within the context of old nationalistic states, but they do not seem to reflect accurately the changes society has undergone since those days. The emergence of a liquid society where social categories have “melted” and cannot be taken as representative of any particular individual status, inherently challenges the plausibility of a unitary sovereign power which focuses on groups (the Enemy, in Schmitt’s thought, is in fact a collective noun for a political category) to palingenetically re-establish its own authority. The rise of the figure of the Xenos is the corollary of such shift and identifies the ever-looming possibility of being singled out, isolated, stripped to one’s bare life because of one’s specificity, the ever-present risk of becoming a *homo sacer*. Such danger is now greater than before thanks to the existential individualization brought about by liquid society which profoundly changes the ways in which sovereign power operates. National governments, administrative bodies, security agencies can nowadays easily zoom-in on a single person without a general suspension of individual rights as we are facing a whole different paradigm. The exception needs not to be imposed generally from above, solemnly proclaimed, broadly inclusive; rather it can operate silently and efficiently in the background, while the normality of the legal system keeps on running in a seemingly smooth fashion. The exception is, in this sense, no longer exceptional precisely because every individual is now an exception in herself, a single differentiated entity.

Such new paradigm has been well described by Brian Massumi in a provocative article.⁴⁴ Massumi observes that we are moving towards a new form of neoconservatism which is establishing itself as a sort of Kuhnian paradigm of contemporary politics. Taking cue from Foucault’s

⁴⁴ Massumi, “National Enterprise Emergency – Steps towards an ecology of powers”, *Theory, Culture & Society* 2009 , 26(6): 153–185

consideration that modern regimes of power are “environmental” (in the sense that they act on the environment of social life in order to systematise its variables and achieve an optimal mastery of human resources within a given setting), Massumi intimates that the changing conditions of today’s society have transformed the ways in which power operates. Power, according to Massumi’s reading, surrounded by the possible occurrence of ever present threats does not limit its operations to the counterbalancing of specific emerged dangers but attempts at defusing such dangers even before they are actualised and potentially out of control. In his own words:

“When threat becomes ubiquitously generic, and the generic makes itself singularly felt, with effectively indeterminate formative force, toward an irruptive impulsion that is immanently conditioning, driving potentially pansystemic disruption and reordering, it becomes the bellwether ... for the complex, crisis-incubating environment of life. Preemptive power directly follows”.⁴⁵

Within such context, the focus of power ceases to be on human life vis-à-vis its own environment in order to alter the very “life environment’s conditions of emergence”.⁴⁶ In this sense power is no longer biopower but *ontopower*, a power that invests the whole plane of existence in order to “hijack” potential emergencies almost “countermimicking” a yet-to-occur accident.⁴⁷

The Agambenian scheme of sovereign power should, in this perspective, not so much rejected as slightly clarified. Given that social conditions have changed, so the workings of power have. We no longer have a sovereign power that imposes the exception as a suspension of the normal course of affairs, but rather uses managerial approach to threat as a process that perpetually renovates its own system.⁴⁸ Against this background we need to recognize the Schmittian idea of the Enemy can preserve its analytical strength only if interpreted as an abstract category which is

⁴⁵ Massumi, 2009, 167.

⁴⁶ *Ibidem*.

⁴⁷ Massumi, 2009, 168.

⁴⁸ Massumi (2009, 168-169) describes process and system in the following terms. “A ‘process’, in the terminology suggested here, is different from a system. It takes as its field of application not the ground of a territory but the accidental groundlessness of the proto-territory. It does not settle into guarded and reproduced extensive distinctions. It starts in the striking simplicity of inclusive-disjunction, passing eventfully through system definition, only to overspill any and all acquired determinations ascribed to it, in the end complexly rejoining its inclusive-disjunctive conditions of emergence, with an added difference (consequent to actually having come to pass). ... A process is fluctuating. It is essentially unstable. A system, on the other hand, is an emergent, provisional stability arising at the cross-roads of processual tendencies whose formative force it siphons into its own self-organizing. A system feeds back on itself in order to settle things for itself: in order to settle a territory. Its mode of coherence is self-reproductive. Its operations feed back on themselves in the interests of their own conservation. What this means is that a system is self-referencing. ... A system is not the opposite of a process. System is a mode of expression of process.

always actualized in the concrete figure of the Xenos, a worrying warning of the dangers that our existential condition of fundamental alterity carries along.

Towards a sympathetic politics?

The mutable existential condition ushered in by the emergence of liquid society can, however, also represent an opportunity to open new ways in which humanity can still operate as a differentiated but cohesive community. One possible option, that would not rely on the classical ideal of universal categories (an ideal which is coextensive with solid types of societies, but which seems inherently at odds with the individualization of liquid societies), but would build on a renovated commitment towards Hegelian-inspired intersubjectivity is theorized by Judith Butler.

Judith Butler, in her book *Giving an account of oneself*⁴⁹ explores the possibility of ethical action. Her starting point is that identity is shaped by a varied array of external discourses which are imposed on us. Anyone who would try to give an account of her selfhood (note that account is different from description) would therefore find herself in a paradoxical situation. According to Butler's view, the discourses through which we come to be formed do not just prevent us from being able to access a supposedly original core of selfhood through mechanisms of foreclosure, but ultimately testify to our impotence in articulating our identity – of giving an account of oneself – without reverting to a language that is essentially external to us. This awareness sheds an original light onto the question of recognition. As Butler observes:

“If I understand myself to be conferring recognition on you ... then I take seriously that the recognition comes from me. But the moment I realize that the terms by which I confer recognition are not mine alone, that I did not single-handedly devise or craft them, I am, as it were, dispossessed by the language that I offer. In a sense, I submit to a norm of recognition when I offer recognition to you, which means that the “I” is not offering this recognition from its own private resources. Indeed, it seems that the “I” is subjected to the norm at the moment it makes such an offering, so that the “I” becomes an instrument of that norm's agency. Thus the “I” seems invariably used by the norm to the degree that the “I” tries to use the norm. Though I thought I was having a relation to “you,” I find that I am caught up in a struggle with norms”.⁵⁰

As a consequence a sort of mirroring is established between oneself and the Other, to the extent that both experience the impossibility of being master of their own account. Most importantly,

⁴⁹ Butler, *Giving an account of oneself* (New York: Fordham University Press, 2005).

⁵⁰ Butler, 2005, 26.

one should recognize that one is in the same position of vulnerability as the subject to which recognition is given. As the latter's existence as a subject is subordinated to a set of norms and rules that are imposed upon her by another subject, so the one giving recognition should see that her very existence has always been dependent on a discourse that is external to her, subject to a judgement that is, necessarily, violently imposed upon her. The opacity of the subject, the "blind side" of oneself is therefore the universal wound that is common to all individualities. Of course, as Butler further notes, the presence of this wound is a weakness that is difficult and painful to acknowledge as "we could wish ourselves to be wholly perspicacious beings".⁵¹ But such dream would imply "to disavow infancy, dependency, relationality, primary impressionability; it would be the wish to eradicate all the active and structuring traces of our psychological formations and to dwell in the pretense of being fully knowing, selfpossessed adults."⁵²

Such desire would bring one close to something akin to a delusional state, where self-referentiality would represent the horizon of thinking: "if self-assertion becomes the assertion of the self at the expense of any consideration of the world, of consequence, and, indeed, of others, then it feeds a "moral narcissism" whose pleasure resides in its ability to transcend the concrete world that conditions its actions and is affected by them."⁵³ To avoid this pathological situation – a situation that would negate the intimate essence of what it means to be human (i.e. to be constituted by an order that has been forcibly imposed upon us) – Butler concludes that "ethics requires us to risk ourselves precisely at moments of unknowingness, when what forms us diverges from what lies before us, when our willingness to become undone in relation to others constitutes our chance of becoming human".⁵⁴

Building on these suggestions, it appears that the understanding of the Other as a Xenos to be controlled, tamed and possibly stripped of her humanity, implies the risk of a kind of delusional "moral narcissism" that is akin to the solipsistic subjective self-referentiality that I have argued is associated with negative conceptions of the Other. If we try to wall ourselves from the "injury" of the existence of the Other among ourselves, then we fail to recognize what it means to be someone - a subject that is always formed by the Other's interpellation, by a set of rules, norms, conditions that are always necessarily outside of oneself. The repercussions of this failure are not just ethical but clearly also social and political.

⁵¹ Butler, 2005, 102.

⁵² *Ibidem*.

⁵³ Butler, 2005, 105.

⁵⁴ Butler, 2005, 136.

In the shift from a kind of society framed by solid, clear-cut social categories that imposed a largely homogeneous set of behavioural norms underpinning the process of individual subjectification, to one where such categories have melted giving rise to multiform paths of identity formation and ultimately to the fragmentation of the social body, the necessity of identifying a common element that would link us together (beyond the worn out myth of universalism) might find fertile ground in Butler's ethical theory.

To this end, we should abandon altogether – at least from a normative point of view – the idea of the Other as an external limit to one's selfhood. Such idea, as I tried to show, directly descends from the Schmittian concept of the Enemy, whose current declension – within the changing contours of liquid society – is the Xenos. In order to do this, understanding the passage from the figure of the Enemy to that of the Xenos becomes of paramount importance. The danger of not reassessing the figure of the Enemy against the modern dynamics of power and society is that we would not be able to conceive alternative political model and would fall back in old conflictual schemes.

A clear example of such theoretical problem is expressed by Slavoj Žižek's appreciation of Schmitt's concept of the Enemy as key to understanding the deadlock of today's liberalism.⁵⁵ Žižek claims that Schmitt's theory can be described as a theory of *ultra-politics* where a disavowal of politics proper takes place: political conflict is depoliticized by bringing it to the extreme, via the direct militarization of politics. As Žižek puts it: "In ultra-politics, the repressed political returns in the guise of the attempt to resolve the deadlock of political conflict by its false radicalisation – by reformulating it as a war between 'Us' and 'Them', our enemy, where there is no common ground for symbolic conflict".⁵⁶ Schmitt's ideas are thus useful, according to Žižek, to the extent that they show us liberalism's "trick", which is to have foreclosed the conflictual dimension of the political and endorsed a *post-political*, technocratic, ideology.⁵⁷ Žižek's intimation is to return to the proper political dimension by embracing an agonistic politics⁵⁸ that would couple universalism with the "militant, *divisive* position of one engaged in a struggle".⁵⁹ But is not this kind of reasoning fundamentally at odds with the liquid status of our modern society? Is not

⁵⁵ Žižek, "Carl Schmitt and the paradox of liberal democracy", in C. Mouffe *The challenge of Carl Schmitt* (London: Verso, 1999).

⁵⁶ Žižek, 1999, 29

⁵⁷ Žižek, 1999, 35.

⁵⁸ Mouffe & Laclau, *Hegemony and socialist strategy : towards a radical democratic politics* (London : Verso, 1985).

⁵⁹ Žižek, 1999, 35, emphasis in the original.

the assumption that we can still have a sort of abstract universalism deeply irreconcilable with the nature of today's conditions of existence?

Faced with this dilemma, should we not attempt at least to reframe the ideal of agonistic politics in a way which, while acknowledging difference, does not see in it as an hurdle to overcome or circumvent but as an opportunity to question and overcome the process of our subjectification? Butler's ethics might be a first step in such a direction, towards what we could call a sympathetic politics, a politics of shared feelings (the word sympathetic comes from the ancient Greek συμπάθεια, from σύν – “with”, “together” – and πάθος – “feeling”) . Seeing the Other not anymore as an Enemy but as a fellow Xenos – like us fundamentally wounded because constituted by norms that were imposed upon her, ultimately dispossessed of her own subjectivity, alienated by her own life – we could be able to finally approach that obscure object at the core of our identity: one's alterity to oneself. This would allow us a universal – but not at all universalistic⁶⁰ – commonality upon which to build a new, more fruitful, relationship with the Other. Of course such ethical commitment cannot solve the conundrums that the shift towards a liquid model of society has generated. But seeing the Other as a someone that suffers like us from the impotency of articulating her very self it could represent the basis for a new kind of democratic discourse that would not repress or foreclose politics' agonistic tendencies, but rather embrace a more sympathetic model that could help us to grow together and not further apart.

⁶⁰ Anna Karenina's incipit, by Leo Tolstoy, comes to mind as a description of this shared solitude: “Happy families are all alike; every unhappy family is unhappy in its own way”.