



Book Reviews

Stefan Herbrechter & Thanos Zartaloudis

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Book Reviews

Turning Towards the Animal

Tom Tyler and Manuela Rossini, eds. *Animal Encounters*. (Leiden and Boston: Brill, 2009)

There is no question, the animal is *en vogue* and animal studies are almost *de rigueur*. Cultural theory, this strange beast, has always moved in twists and turns (theoretical, linguistic, cultural ... turns) and it seems that animality is one of the most recent examples, following important interventions by influential figures like Haraway and Derrida. One good indicator that the academy has thoroughly embraced the ‘animal turn’ is a recent guest column, ‘Why Animals Now?’ in *PMLA* 124:2 (2009), which provides at once an introduction to and an overview of recent trends in animal or animality studies.

In many respects, turning towards animals is the logical outcome of political advocacy – i.e. speaking up for the equality of the ‘other’ and creating a space for articulating his, her, or indeed, its difference. In this sense, the animal or non-human other, is the latest other in a long line of others who have ‘voiced’ their rights towards just treatment, equality and respect, by ‘articulating’ their difference. So, after gender, sex, race, age ... now, species, or ‘speciesism’ has become the ultimate and most fundamental form of inequality, ‘racism’ or prejudice to be redressed. This is, in the main, a radicalization of the ‘politics of representation’, in which the ‘nonhuman’ in all its forms is now implicated. A major problem, of course, is that the nonhuman in general, and animals in particular, ‘really’ (i.e. physically) can’t speak for themselves, which raises the tricky question of anthropomorphism: can humans really speak on behalf of nonhuman animal others? Even the term ‘nonhuman’, in fact, poses a problem because it tends to presuppose a human norm, essence or truth from which all nonhuman forms differ.

But there is also another dimension to the question of ‘why animals now?’ The obvious connections

are, on the one hand, the ongoing and maybe even accelerated physical disappearance of animals under the conditions of modernity. The erosion of what is left of so-called ‘natural habitats’, looming global environmental crises, which will hit animals first, and the radical segregation between pets and animals as ‘meat products’ or exotic attractions, are all part of this disappearing process. On the other hand, maybe more cynically but also more radically, in times of genetic ‘breeding’, boundaries between human, animal and machine are being eroded, questioning traditional ‘purities’ and provoking new utopias of hybridity and anxieties of purification as a result. This has been Donna Haraway’s argument ever since her ‘Cyborg Manifesto’ (first 1985), right up to her *Companion Species Manifesto* (2003) and *When Species Meet* (2008).¹ As Rosi Braidotti put it: ‘the animal has ceased to be one of the privileged terms that indexes the European subject’s relation to otherness’ which (according to Deleuze and Guattari) means that ‘in turning into human-animaloid hybrids, we are becoming animal’ and are, consequently, threatened with the same disappearance as ‘they’ are.²

What makes Tom Tyler’s and Manuela Rossini’s collection, *Animal Encounters*, so refreshing is that its main focus is *not* – at least not primarily – on representation of nonhuman animal others, the problem of anthropomorphism and questions of morality or rights, but, as the title says, on ‘encounters’. These encounters are ‘agonistic’ in their ‘mutual productive provocation’, between humans and animals and between disciplines. The editors have divided the volume into sections dealing with ‘potential’, ‘mediate’, ‘experimental’, ‘corporeal’ and ‘libidinal’ encounters respectively. In the first section, the emphasis is on a critique of the standard criticisms of anthropomorphism in the encounter between humans and (other) animals. Potentiality in fact wants to express the opposite of anthropomorphic closure. All too often the fact that humans cannot possibly know what it is like to be a bat (cf. Thomas Nagel’s famous argument) has been used to foreclose the potentiality of a true encounter between humans

and others, an encounter which nevertheless may do justice to the respective 'singularities' and peculiar abilities and characteristics of the two parties involved.³ This is the stance Tom Tyler takes up in his introductory contribution. Anthropomorphism only really becomes problematic when it supports an anthropocentric approach, which supports a 'hierarchy', or human 'pre-eminence' and results in a kind of 'species narcissism'. However, anthropocentrism is more difficult to avoid than might be expected, as Pamela Banting explains in her essay about animal 'textuality'. In claiming that 'nature' is already a textual and therefore culturally mediated concept, poststructuralism and even some posthumanist theories often remain captured within an uncritical, anthropocentric universe of signification. Banting does not argue against a poststructuralist notion of textuality but rather for an acknowledgement of the fact that 'natural' marks (such as hoof marks or paw prints, for example) and textual meaning are co-extensive. She turns to examples of nature writing (by Sid Marty and Andy Russell) to show that there is more to 'reading wilderness' than just naïve anthropomorphism, especially so, when 'reading for life' becomes a question of survival.

The section on 'Mediate Encounters' develops from the observation that animals are mostly absent from modern human environments, a 'distancing of humans from other animals' that leads to an estrangement which 'makes it all the easier for humans to dominate, subject and mistreat individual animals and indeed entire species'. Postmodern 'irony' and critique have not really changed this fundamental trend towards a heavily mediated nature of most of our relationships with animals. The two contributions in this section, 'Post-Meateating' by Carol Adams and 'Americans do Weird Things with Animals' by Randy Malamud, come like virtually all contributions in this volume, from well-known authors and proponents for a 'genuine anthrozoological understanding'. Adams revisits her claim, made in *The Sexual Politics of Meat* (2000), that behind every meal of meat lies an absence in the form of the death of a nonhuman animal whose place the meat has taken.⁴ This separation or absence is what ultimately serves to legitimate meat-eating. While under postmodern conditions some animals indeed seem to reappear, Adams argues that this predominantly media-driven 'sympathy' has substituted a 'cultural referent' for the absent referent of really suffering, real animals. It might even have increased the distance between animals and humans further by adding another

'layer of denial'. Malamud's argument, on the other hand, focuses on the 'commercially-powerful resource-intensive anthrozoological perversities' that drive contemporary consumerist animal fetishism. Malamud's ecological conscience is prompted into action by, amongst many other examples, a series of photographs called 'Perishables' by Pinar Yolacan, which show old women wearing clothes made from animal parts, like for example, a 'necklace' made of chicken breast fillets. He summarizes his reaction thus: 'I am ecologically offended by the pervasive failure of human culture [...] to acknowledge with any serious engagement the integrity, the consciousness, the real presence, of other animals in our world' and instead invokes 'a posthumanist rejection of the fantasy of human omniscience with regard to animals' (pp.79, 95).

The third section, with essays by Robyn Smith and Donna Haraway, focuses on the laboratory as a place for 'experimental encounters' which, maybe surprisingly, complicate a 'normative account' of what happens to or with animals in lab research. The main claim here is that agency is not always distributed in entirely predictable ways, i.e. active (human) and passive (animal). Instead, both Smith and Haraway attempt to show that 'human and nonhuman animals, as well as machines, are woven together in an instrumental economy in which "we" live in and through the use of one another's bodies' (p.97). In this, both essays underpin the overall argument of the volume against human 'exceptionalism'. While Smith focuses on 'Rat Feeding Experiments in Early Vitamin Research' as an example of how scientists' selves and animal subjects are implicated in the process of the encounter with the 'as yet unknown', through the 'suspension of identity' (p.113), Donna Haraway elaborates further on her concept of 'response-ability' in human/animal interaction. Haraway's essay in terms of theoretical-conceptual work is certainly the centre-piece of the volume. She argues for animal response-ability, i.e. the ability of animals in all their worlds, including laboratories, to respond and to interact: 'responsibility is a relationship crafted in *intra-action* through which entities, subjects and objects, come into being' (p.116). With regard to acknowledging and doing justice to animal response-ability, instrumentality is, in fact, not the real (or only) problem as long as there is what Haraway calls a 'responsible sharing of suffering'. She follows both Bentham's famous argument against animal cruelty on the basis of sentience and Derrida's and Levinas's radicalized notion of 'responsibility' as, in principle, 'incalculable', to critique the logic

of sacrifice that underlies most humanist notions of the relation between humans and animals (i.e. sacrifice as 'legitimized killing', to be differentiated from 'murder' and the commandment 'Thou shalt not kill', which is only applicable to humans). Instead, Haraway puts forward an alternative 'commandment', namely 'Thou shalt not make killable', to highlight the inevitability of killing (under certain circumstances) and the necessity of 'learning to share other animals' pain non-mimetically'. Haraway's notion of animal response-ability is thus instrumental to her political aim of achieving 'multi-species flourishing': 'we are face-to-face, in the company of significant others, companion species to each other. That is not romantic or idealist, but mundane and consequential in the little things that make lives', she claims (p.133).

Laurie Shannon and Jonathan Burt bring some historical depth into the question of the materiality or 'corporeality' of human and animal encounters. Shannon focuses on the early modern sense of 'cross-species relatedness' between humans and animals as part of an alternative and pre-evolutionary, pre-Darwinian history of 'human/animal connectedness'. Anatomy, in its gradual contestation of an analogy between human and animal bodies, as Shannon shows in her analysis of Vesalius, Harvey and Burton, played an instrumental part in 'separating human from animal forms' and thus contributed to the establishment of human exceptionalism. Jonathan Burt, on the other hand, focuses on the twentieth century rise of 'posthumanism' and its relation to 'animal history'. Hybridity, as one of the defining features of posthumanism, all too often focuses on the blurring of the human/nonhuman boundary, according to Burt, while animal/machine hybridity is downplayed (despite or maybe because of the fact, that it is, in scientific terms, the more important field of experimentation).

Susan Squier and Steve Baker in their contributions to the 'domestic encounters' section, write about chicken raising and contemporary animal art, respectively. In 'Fellow-Feeling', Squier tracks the notion of empathy and intimacy through some women's stories about their experience as chicken farmers, in search of a possible economy, based on 'fellow-feeling' between humans and animals, and society, understood as 'feeling with others'. Baker, in his essay, takes his cue from Lucy Kimbell's 'Rat Fair' at Camden Arts Centre, London, and her related 'performance lecture' on 'One Night with Rats in the Service of Art' (2005), which started off as a research project into 'the ways in which rats

get enmeshed in human evaluation cultures'. In analogy to Adams's idea that behind every piece of meat lies the absent referent of the death of a nonhuman animal, our vaccinated and medicated bodies hide the suffering and death of billions of lab animals. Baker's essay, by analyzing Kimbell's aesthetic 'rat performance', raises questions about how art contributes to our cultural knowledge of animals and how the use of living animals in contemporary art can play a positive role in this process.

The final section on 'libidinal encounters' contains essays by Monika Bakke and Manuela Rossini. Both engage with 'theories, stories, histories and practices that foreground the fleshly entanglement of organisms'. In fact, they tackle the often repressed sexual aspect of human-animal encounters and the androcentric and anthropocentric frameworks of desire and sexuality that rule Western morality. 'The Predicament of Zoopleasures: Human-Nonhuman Libidinal Relations' looks at a cultural shift from 'bestiality' to 'zoophilia' (or *zoe*-philia) and 'zoosexuality' as part of a history of sex that favours 'the feelings, emotions and pleasures experienced by individual animals of all kinds'. Controlling experiences of pleasure is a powerful tool for establishing social order but it also plays an important role in the construction of the human/animal boundary. While exploitative pleasures and the consumption of animals and their products are legitimate, erotic pleasure, both for the human and the animal in a libidinal encounter between the two – always an object of fascination and repulsion – has been severely punished throughout history. Bakke claims, however, that zoosexual attitudes reveal a 'significant subversive potential' and that the underlying zoophilia offers 'an alternative to phallogocentric models of eroticism'. Similarly, Rossini argues, in her reading of Paul di Filippo's *A Mouthful of Tongues*, that in a posthumanistic world, cross-species sociality offers a 'radical alternative to the dominant cultural imaginary' in the form of Haraway's notion of 'naturecultures', multiplicities or Deleuzian 'assemblages' and networks, rather than identities. What posthumanism and feminism share, according to Rossini, is an attempt to take animal encounters seriously and to think beyond binary oppositions (e.g. human-machine, human-animal, nature-culture, man-woman, heterosexual-homosexual). Posthumanist feminism, or as Ivan Callus and I have argued, 'critical posthumanism' in general, as opposed to, what Rossini refers to as, 'cybernetic' or 'popular' posthumanism, emphasizes the necessarily 'messy' materiality and

embodiedness that arises out of the gradual dissolution of these boundaries. Rossini sees some of these principles at work in di Filippo's 'ribofunk' (from 'ribosome' and 'funk', a form of 'biopunk', which produces science fiction based on biological and genetic scenarios, as opposed to William Gibson's 'cyberpunk' genre, which focuses on cybernetics and informatics) and relates these to feminist work in developmental systems theory by Susan Oyama. She expresses her confidence in the future of the 'humanities morphing into the posthumanities before long', which will be dealing with 'the complex entanglements between human and nonhuman actors, things and institutions' and the 'subjectivities and new life forms emerging from these encounters' (p.256).

The prototypically enacted and analyzed animal encounters in this volume impress through their variety and individuality. The quality of each single contribution, the substantial number of leading figures in the field of animal studies and the coherence of the overall project of 'destabilizing human exceptionalism' make this volume a major intervention within the current debate about the changing relationship between humans and other animals. It provides an impressive survey of the positions people have taken up and the diversity and dynamic of this interdisciplinary field. *Animal Encounters* does not only strengthen

the cause for the animal turn, but helps turning the 'animal question' into a major twist within cultural theory as well as thinking about and with animals in general.

Notes

¹ Donna Haraway, 'A Cyborg Manifesto: Science, Technology, and Socialist-Feminism in the Late Twentieth Century', in *Simians, Cyborgs and Women: The Reinvention of Nature* (New York: Routledge, 1991), pp.149–181; *Companion Species Manifesto* (Chicago: Prickly Paradigm Press, 2003); *When Species Meet* (Minneapolis: University of Minnesota Press, 2008).

² Rosi Braidotti, 'Animals, Anomalies, and Inorganic Others', *PMLA* 124:2 (2009), pp. 526–532 (p.526).

³ Thomas Nagel, 'What Is it Like to Be a Bat?' *Philosophical Review* 83:4 (1974), pp. 435–50.

⁴ Carol J. Adams, *The Sexual Politics of Meat: A Feminist-Vegetarian Critical Theory* (New York: Continuum, 1990).

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Coventry University

The Archival Work of the Law

Cornelia Vismann. *Files. Law and Media Technology*.

Trans. Geoffrey Winthrop-Young
(Stanford, CA: Stanford University Press, 2008)

I.

Files, one reads in the Preface of Cornelia Vismann's *Files: Law and Media Technology*, are 'the variables in the universe of writing and the law' (p.xi). In this essay's reading of Vismann's book, files are seen as the apparatuses that enable the transmission of the legend of 'the setting of variables' because they are as 'undefinable' in their formal capacity as the law is in its long held modern condition. The empty form of the law (law founding itself) that has prevailed in so-called 'secular' modernity could only be equalled by the undefinable form of the forms themselves: the

formal self-generativity of the so-called modern form of law, reproduces further the myth of its self-emergence through the apparatuses of its recording devices. In the long, meaningfully eclectic and resourceful genealogy of media-technologies that Vismann presents, the law is produced and presupposed by the file-in-formation, that is by the legal administration's *cancelling* (*cancellari*) the human *making* of the law, transmitting the tradition of law's negative self-definition in its very positing as a self-generated, autonomous, law. A legal act placed *on* the record each time while being cancelled as of human making which then conditions the law *off* the record, the law that allegedly founds itself. Files are, then, the zone where a formal place is instituted for the law's supposed self-determination, or autonomic generativity taking place through a cancelling out (administering, governing) of human acts *out*. How else could the current nihilistic emptiness of the ground of law in late modernity be *filled* with nothingness ever more efficiently than through the apparatuses of filing, recording, standardizing,

formatting and machinic replacing of human acts with generalizable (without author) and yet efficient (governing) acts?

Against such a legend of transmission, a filing system is concerned with 'truth making', yet the *making* as such is neutralized in the filing cabinet and is placed formally off the record. A file inaugurates itself as the *place* of the law and in doing so it enacts the cancellation of human law *making*, so that 'law and files mutually determine each other' (p.xiii). In similar fashion, then, files engender *files* and laws generate *law*. Rather than discarding, however, the older celebratory narratives of the origination of law in so-called natural laws, fundamental norms and so forth, legal files drive the logic of machination or tangible bureaucracy of legal foundations to their extreme and yet most normal function: there is no origin, no foundation of the law other than in the file itself, albeit which has no origin other than its own formality. As a result in the formal apparatus of the file the law continues to encounter only false paradoxes with regard to its origin. Excepting the human act that makes law, the file normalizes, *files*, the exception in its extreme form. Appropriately, files, plea rolls, tables, fines and Year Books were conceived as a part of nature, witnesses of time and truth, relics of an impressive force: *Monumenta quae nos recorda vocamus sunt veritatis et vetustatis vestigia* [Monuments which we call records, are the vestiges of truth and antiquity], states Coke.¹ The myths of so-called original foundations of the law, the alleged *a priori* ideals of an idea (an experiencing of seeing, *idein*), can leave behind their empirical making as such, through the mastering of leaving things behind, or archiving, in the formal apparatus of the file. The file is, thus, the place of the law's negative definition, the place of transmitting a tradition while concealing its betrayal of the fact that it is actually made through a human act. Otherwise our conception of law would have to encounter its making as such and laws would be encountered by other laws, all our powers and failures remaining, for once, our own.

Without a foundation other than the file as such, the administrators record and code the past, the present and the future of the law forever suspending time itself between a negative transmission and a diachronic storage, between betrayal and tradition (which, as is known, are two sides of the same thing: tradition as a limit setting apparatus). In this operation lies the memorializing of law, of a law that no longer knows what it is it is trying to remember and

which yet remains in force. Fortescue puts this in a famous statement: 'Sir, the law is as I say it is and so it has been laid down ever since the law began; and we have several set forms which are held as law, and so held and used, for good reason and yet we cannot at present remember that reason'.² The ever-absent, though efficient, founding voice of the law, its phonocentric, as Vismann argues, transmission of an unpressupposable presupposition, takes out (*cancel*s) its actual place through the formal syntax of the file, the place where administration finds *another* voice, the bureaucratic voice of the filing cabinet with its ministers compiling endless lists. 'Imperatives without imperators' (Schütz) that produce juridical protocols not of knowledge-making, but of behaviour-coding, decoding, of performance-control.³ What protocols cancel out through archiving is then what lies *before* the law as such, the *making* of the law. Files exhaust the potential of the law, its experience in the making, to the full actuality of the file that adopts the pseudo-paradoxical position or *place* of acting as a supplement and as a late modern blind spot of the formal experience of law. Acting as supplements to the law, beside the law (*para*-legally), files imagine, self-institute, an incessant chain of re-placements for the long lost voices of the laws of nature, of gods and of beheaded kingship. Thus, erasing the making of laws and replacing it with the law's administration or government. A making that cannot be, it seems, unburdened from the pseudo-dialectics between official decision-making processes and counter-official deconstructions and commentary, marginalia of institutionalization.

Files, as Vismann argues, are, however, as fragile as the myths of the law's formation, since their history is anything but intact; files are filled with manipulations, destructions, modifications and cancellations. This generates the enterprise of Vismann's study which:

does not directly draw from the archive, it has no pure source; rather it will move in roundabout ways, much like its object of investigation. That is to say, it aims to translate files as they appear over time into a genealogy of the law. This genealogy is not written by the law itself, for the law remains silent about its records. It works with them and creates itself from them. In other words, it operates in a mode of difference that separates it from the varying formats of files. Files are constitutive of the law precisely in terms of what they are not; this is how they found institutions like property and

authorship. They lay the groundwork for the validity of the law, they work towards the law, they establish an order that they themselves do not keep. Files are, or more precisely, make what, historically speaking, stands before the law (p.13).

For Vismann, what 'stands before the law', remains, to an extent, open to question and our question here is whether the silence of the law as to its records is not indicative of a wider administrative economy of law and of power that includes the positioning of archives as 'before the law' *by* the law. Administration or *oikonomia*, Agamben recently suggested, is the secret kernel of the Western conception of law and government.⁴ In other words, it is administration or government rather than the 'old-European' (Luhmann)⁵ conception of sovereign law and power that are key to the understanding of how law and power are conceived in the West. The law presents itself as agenealogical from the very start and government becomes the administration of an *oikonomia* of power. The secret kernel of such an administration is not the mystery of an economy of power and law. The mystery instead is the *oikonomia*: the mystery is the administration as such.

Vismann points to this in her discussion of Kafka's K. but more so she points to the ceremonial and *oikonomic* liturgy of the chancery's operations with reference, for example, to Frederik II's *cancellaria*, when quoting a letter written by the Sicilian council of notaries to Nicola de Rocca 'a teacher of rhetoric who had been in the service of Frederick II' (p.86):

Just like the acts of the heavenly throne, the earthly chancery is guided by purposeful instructions, provided that the latter follows the example of the former and does not deviate. For there we find celestial beings and intelligences mindful of divine indications, as well as some administering, active angels who execute what they have learned from higher powers about the divine will by exerting a certain influence on inferior beings (pp.86-7).

And the letter concludes:

The worldly chancery, as well, is subject to such a double order: the first encompasses those whom according to their duties we call councillors or jurists, because they occupy the place and the office of the heavenly powers, and the second order encompasses those who,

by using the stylus to put into writing what has been imparted to them concerning the designs of the earthly power, instruct inferiors to carry out their appointed tasks. According to their duties, the latter are called writer-notaries. As ministers and administrators of mysteries, all deserve great honour and acclaim (p.87).

For this reading, the key to Vismann's book is the understanding of the administrative apparatus of files, archives and official records as a machine that will culminate in what is called *government*. The emphasis on government or administration could in fact be encouraged further by suggesting that files and archives form part and parcel of an *oikonomic* administrative apparatus that is key to the understanding and the formation of Western government in later modernity and whose genealogy, as Agamben suggests, is much longer. Hence, the historical genealogy that Vismann presents could be seen as an indication of the workings of the Western governmental machine whose history is longer than the mere incidents of modern developments and indeed larger than the realm of recording devices. The chanceries' activities and their ceremonial character, their role in liturgies enacted in formal writing and the birth of modern diplomacy as Vismann explains with reference to the eighteenth century in Chapter 4 are key to understanding the *oikonomia* of the 'sovereignty of words' and the grammar of the state (p.102). Vismann notes in her analysis, in similar fashion to Agamben's genealogy of government, the similarity of *mysterium* and *ministerium* where ministers 'are to administer a mystery' (p.108). It is unfortunate that a dialogue has not yet taken place between Vismann's work on the archives and Agamben's genealogy of administration and government that was published after her book's longer original version was published in German. Agamben's analysis is a fitting genealogy of the mystery in question where the initial conception of ministers as administrators of the mysteries of the state and of power is forcefully reversed to show that the mystery in fact is the administration itself. It is Vismann's crucial contribution to have shown how such administrators are occupying the place of ministers or angels (p.108) since in Agamben's genealogy of government such ministerial positions and hierarchies play a crucial role in the understanding of government and its secret kernel: apparatuses of glorification of the empty throne of law and power.

It is a further achievement that Vismann implies in her reading of Kafka's stories that the erection

of barriers involved primarily sermon-like operations, ceremonial apparatuses and glorifying announcements proclaimed from the equivalent pulpit of the chanceries. The chanceries remain within the *Cathedral*, to refer to Kafka's story, and more generally within the realm of the *oikonomia* state power. With reference to the Prussian development of state administration, for example, Vismann renders files as a part of the Cathedral or *oikonomia* of power that formalize the administrative economy that the State is said to enact, the 'soul of all public business' and its glory, the spirit of officialdom in its crucial, as Vismann suggests, functional relation to government and the birth of the state (p.122). In this sense, the genealogy of administrative and archival apparatuses that Vismann analyzes finds its culmination in Chapter 5, albeit briefly given the more general purposes of the work, with regard to the administrative aspects of the Nazi policies of colonization, deportation and extermination. The autonomization of the cybernetics of files as functionally related to the automation of those laws and policies and their continuation in different, but functionally connected, forms in later modernity in the mode of self-government, self-indexing and self-evaluation that the so-called new media effect today a formal conditioning of law in a wider sense ranging from official bureaucracy to social networks and self-discipline.

The late modern public-exposure of archives and records has meant that while more than ever one is conscious of the fact that something may be said 'on the record', never before has one felt the need to exercise such self-censorship and discipline whether at the level of government or private life (or whatever remains of it). It is hard in the meantime to differentiate, as Vismann does for analytical reasons even if only at a certain point of her book, between older and newer forms of concealment as enacted in files and archives. Vismann suggests that in the epoch of the office as opposed to the time of the chancery 'censorship occurs *before* things are put on record' (p.146). Yet the story of the chanceries themselves acting as ministers, angels of the glorification of power and law suggests, even if speculatively, that the filtering and censorship of official records knew different but equally effective forms of placing barriers as to what lies before the law as such. From the time of chanceries and the exclusion of the public from the knowledge of officialdom, to the epoch of the office and the gradual exposure of the recording apparatuses to the public, cybernetics have gradually imposed the discipline of self-government and self-indexing to such an

extent that the conception of the 'public' has ceased to be active. The making and cancellation of that very glorification of public opinion as such through networks, policy and self-discipline that has its aim control rather than understanding takes its place (pp.146-50). To this end, the old saying 'the state compiles records, society demands their disclosure' (p.147) seems to have lost much of its meaning today and it may not be an accident that this has been fulfilled in the juridification of self-government in the current discourses of data protection, informational surveillance and open government. One's freedom has been once again placed in the very place that instituted its curtailment.

II.

Vismann's book focuses on the media-technological condition of files and recording devices, in relation to law in particular, which 'control the formalization and differentiation of the law' (p.xii). The analysis posits files as the place of the separation of law into authority on the one hand and administration on the other. In advancing this, Vismann offers a genealogy not of media-technologies, though this remains within the purposes of her analysis, but more so of the law itself. Rather than submitting to the legends that are presupposed to found law-making and justify it, Vismann looks into the media-technological conditioning of law through files and other recording devices as the place of legal differentiation and self-definition. The rich analysis that ensues, and which cannot be summarized fairly in this brief review, takes the reader from the early chanceries to data protection and cybernetics. It is a selective account whose method is genealogical in a theoretical and partly historiographical sense, which insists on looking on the surface of things and, indeed, the construction of (legal) *things* as conditions of history and law as such.

The place of the file as that of the ceremonial separation of law into authority and administration or government is the key achievement of this work, which if read also through, for example, Giorgio Agamben's recent work, can be seen as a crucial intervention in legal history and historiography as well as in the theoretical discussion of the work of, mainly, Derrida, Luhmann, Kittler and Foucault. A key thesis of the book is the primacy of deletion and cancellation in the founding of law. In other words, it is a thesis that opens a different way to look at what could be called the negativity

of the law, the negative self-definition of legal legends and foundations as well as of the role played by formal administration and government. A key element of this review's discussion of Vismann's book becomes then whether the place of cancellation or negativity of the law, presented here as the file, is in fact always-already itself a parallel legal order (a *para*-legal order) presupposed and produced by the law as such as its twin other. Vismann is correct in suggesting so and the twin condition of law, between making and cancelling, renders the legal file as an apparatus of what can be called in a wider sense the government of 'men and things'. The law and the 'before the law' are functionally related, they form an economy or *oikonomia*. The study of archives can then offer insights and partly deconstructive accounts (which yet must not fail to see their own role in the celebration of legal legends and alleged foundations or the production of new laws and legends) and if the experience of studying the law and its transmission, as Vismann suggests, is to be taken seriously then the reopening and the deconstruction of the law's files can be seen as returning the law to its mere making, which is what the law (as well as its filing apparatuses) disguises and protects itself from.

For this review two particular literary references to the works of Kafka and Melville take centre stage and provide, it is suggested, the kernel of Vismann's book. It is particularly fitting that Vismann refers to Kafka's chanceries in *Before the Law* to present files as the place of the limit, the gate next to which stands a doorkeeper, a minister, an administrative angel governing the instance of truth-making, the *casus* of truth, by cancelling its making out, cancelling what stands *before* the law, presenting before you a law that only applies to you and only, cancelling out the world *before* administration: 'The gate constitutes the whole difference between a simple emptiness and a binding secret (p.15). Vismann continues:

In Roman antiquity a plough was dragged around the yet-to-be-built city to mark the spot where the gate was to be. The portal, whose name derives from the movement of the drawn plough (*portare*), paves the way into the future city. It opens up the space behind and frames the unbounded fields. The gate creates the *ager Romanus*, the urban area of Rome. With the city the law comes into being. City and law are coextensive (p.15).

This boundary and gate-setting is implicated, coextensive as Vismann suggests, in the law by the

cross (the *groma*) that was used by Roman land surveyors to establish boundaries, horizontal and vertical ones, between lands and people, but also between the earth and the heavens or the gods. K in Kafka's *The Castle* is a land-surveyor himself, by no accident, attempting to fix and transgress the boundaries between the village and the castle (the divine and human government of the world), the high and the low.⁶ It is on the assumption of such a boundary that the law depends and it is through this presupposition that the law attempts to protect itself, its gates, from any questioning. In reading and rereading Vismann's book this is what constantly returned to mind. At the hinge, the doorkeepers, the fabrication of a gate whose mere presence justifies their authority, separating the pure from the impure, the innocent from the guilty, the high and the low, this door-fabrication, is threatened only by the inner groundlessness of their justification or fabrication that must at all costs be concealed. The original deception that is installed at this presumed foundational entry point is the understanding of the law through the allegedly necessary submission to its supposed phantasmatic sovereignty or superiority.

Vismann reiterates this exclusionary, sacrificial, practice of the law and of the legal archive in reading *Before the Law*. Ruled by laws that one does not know, the law is turned from a subject of knowledge to one of mere access. An access that is guarded by the administrators for whom the ineffability of the law is presupposed as an imaginary gate within a gate *ad infinitum*. That such a nauseating operation produces a bad infinity does not hold the *oikonomia* of the law back but rather reinforces it. Vismann writes: 'Behind the first gate there is a further gate and then another one. Those who try to pass through the first gate to penetrate the second are guided on and on. The symbolic order is made up of gates that refer to gates. Ultimately, 'we vaguely feel ... a structure of referentiality' [Derrida]' (p.16). To the law without content corresponds the *oikonomia* of an absolute formal reference 'devoid of any content' (p.16). Such gate crashing reproduces the presupposed guilt, the delirium of humanity before the gate of laws, conceiving of an eternal guilt before any act has ever been committed. This mythic or foundational ambiguity of the law finds its mythical power, in one sense, due to the fact that the law attempts to conceal from view that the law is not always-already 'there' and attempts to place itself there 'as if it were always-already there, as if pre-existent of any human acts. The law is made but it must appear as self-made. The technique of accusation

and guilt presented as derived 'from above' or equally 'from within' one's nature or being. If the archives have replaced one's nature or being, one's 'original' replaced by the official copy, the archives and the filing cabinet of the law along with their surveyors and administrators are key to the legal anthropogenesis and their role is anything but innocent. Such an 'accusation' taking place in the threshold between original nature and filed copy, places the seed of guilt as if always-already there, as an original sin echoing a time that can no longer be traced, a original file always-already long gone. As a guilt that is placed at the origin of law and of qualified being (the life of being-filed), it is one that then appears and functions as a self-accusation, as a paradoxical self-slander.

Through self-slander (where the accused is perfectly aware of being innocent and equally aware of being guilty of slander) humanity names its own being or nature as the allegedly automatic ground of implication in the law.⁷ A law that cannot be understood as anything other than the law of a primordial guilt and of an ever-destined tragic existence. We are confronted, here, with two forms of consciousness: one that understands 'all human work (and the past) as an origin destined to an infinite process of transmission that preserves its intangible and mythic singularity'.⁸ Another that 'irresponsibly liquidates and flattens out the singularity of the origin by forever multiplying copies and simulacra'.⁹ Agamben suggests that these two forms of dominant consciousness are in fact merely the two faces of a single cultural tradition wherein the content of transmission and the transmission itself 'are so irreparably fractured that it can only ever repeat the origin infinitely or annul it in simulacra'.¹⁰ This seems to attain considerable significance in light of Vismann's study.

Vismann reads *Before the Law* as the access parable to *The Trial*, an access that cannot but reproduce the structure of referentiality that she refers to with regard to the law's gate or access operation. Applying, reading and writing the law are all subject to this operation, that is, a network of referrals 'that lead directly and literally to chanceries' (p.17). The chancery-hiatus of the law as an access apparatus becomes evident in this reading and puts to the test Vismann's own access to the archives of the law as such: 'From a synchronic point of view, the chancery is the place before the law. This is where laws are issued. But it is also before the law in a diachronic sense, for this is where the rule is processed' (p.17). Between the synchronic and the diachronic is placed the

enframing of legal technologies that covers them over, conflates and reduces them to a limit set between things that can hardly be differentiated. This is a crucial part for this reading of Vismann's analysis at this point and it is useful to follow it through in some more detail.

Vismann begins by explaining that chanceries and gates of the law are barriers (*cancelli*) creating and limiting a space that is to remain inaccessible to most people, the arcane centre of power and law as exclusive and yet transparent. *Cancellari* in Roman antiquity refer to those who control public access, a hierarchy of doorkeepers, whose apex remains 'inconceivable'. With reference to both *The Trial* and *Before the Law* Vismann writes: 'There is no place from which the entire architecture of barriers can be grasped, none that renders comprehensible the master plan that appears to control everything. The *cancellari* are positioned at specific barriers and may only deal with that particular part "which was prescribed for them by the Law"' (p.18). The administrative machine that these chanceries resemble, the 'relays of law', opening and closing gates, functioning as messengers and as gatekeepers rendering the rewriting of the history of law possible from the perspective of the gate as such. A deconstructive history of law, which for Vismann, begins at the gate 'in order to arrive at the established laws and their rightful institutions' (p.19). Barriers have a history, a history that can be deconstructed, yet where does deconstruction lead but to new gates? Vismann writes:

To be sure, destroying barriers is insufficient; the act of destruction still obeys the logic of the barrier, which triggers a desire for the closed-off space. It only leads to the discovery that the reference is a structure, not a substance. Deconstructing barriers hardly results in a genealogy of the law, for it is a deconstructive impossibility to observe the erection of those barriers that enable the law in the first place (p.20).

The enabling of law through such barriers well summarized in the paradox or pseudo-paradox of a Law that prescribes nothing and which yet, as Derrida's famous reading noted, remains open and transparent, enacts this impossibility again and again.¹¹ The impossibility is that you cannot enter, like the man from the country in Kafka's story, something that is already open. To the extent to which Vismann ascribes to Derrida's reading of the legal paradox or pseudo-paradox a question of considerable interest must follow: seen from

Vismann's perspective a deconstructive strategy is to attempt to reinstall, at least, a moment of history into the 'caged space' of the law where an area of execution of the law is created and barred from view as its fundamental secret; or as Vismann puts it decisively: 'Barriers are porous as well as inaccessible; they emerge and disappear. They provoke indictments without acts, offences without intent, verdicts without law. They enforce a permanent trial over one's own self' (p.21); yet to suggest that the chancery is the place *before* the law may be a less decisive strategy than Vismann appears to suggest.

As the place of ambivalence (a legal rhetorical strategy as such) chanceries institute the place of the legal 'twilight zone' and to return to that place to break through the barriers instituted by deconstructing them 'as' what is before the law may instead confirm, once more, the place before the law as that *of* law, albeit of a deconstructive Law of law. What the law places before the law is an apparatus of administration, which includes the chanceries and the archives, that can only continue to reproduce the force of a law at the point at which it no longer prescribes anything. The deconstructive openness of the archives risks serving the pseudo-openness of the law that is in force without any significance, that is, as open, always-already and allegedly to all. Deconstruction as an opening of the archival pseudo-history, the cancelling of the making of the archive and of law, risks repeating a formal conditioning of law that appears in the form of its deferred realizability. If the archive is the place where the law maintains its condition of zero degree (as unhistorical, decontextualized, untouched by its human making), then to name this as the before of the law is premature. The archive is the designated before of the law by the law and its deconstructive opening can shed strategic light on the nihilistic condition of the law but it remains within the apparatus of the form of law that is in force without significance.

The tension at this point which appears key in this reading of Vismann's book is then between two propositions: on the one hand, a deconstructive operation that by reopening the door of the archive 'opens' the door of the law, in force without significance, by constantly resulting into the revelation of new barriers. On the other hand, a proposition that confronts the law's legend of what lies 'before the law' with deconstructive rigour, but that ultimately proposes an end to the empty form of the law that is in force without significance, so that no form of law can remain

in force beyond its own content any longer.¹² The latter strategy puts into question the proposition that by turning to the archives one can do more than study the administration of the form of law (an important but incomplete attempt at deconstructing the legend of the law's *before*) risking to enter into infinite negotiations with the doorkeepers. To the extent to which the archives of the law serve to maintain the legend of access to the law as such the corrective supplement to the deconstructive strategy seeks to close the door of the legend of the law. If Vismann's diagnosis is in fact correct as to the erasure itself of the file as the archival place through the use of the 'new media', a life under this condition of the law that is in force without significance (transmitted as much as erased by the archives that are placed before the law) corresponds to an archival tradition that having become empty and indecipherable, now actually appears as life as such, whose nihilism appears infinitely renegotiable. Vismann's strategy is potent in that it suggests that the archive, following Derrida's formulation, is the place and the time when 'an event happens in not happening', yet the turn to the archives risks its potency in the actuality of the indistinguishability of undoing the law's legend and simply renegotiating it.

To unpack this, some further elaboration is needed with regard to Vismann's approach to chanceries. In an illuminating section titled *Preambles* (pp.21-25) Vismann interrogates the legal topography between chancery and incarceration, doorkeepers and executioners or administrators with regard to the prefaces of the law. The apparatus that serves the function of a legal preface is the preamble or *praefatio*. Vismann explains that from a technical point of view such preambles have a mere annunciatory function, introducing the law, guiding its execution and administration without ever possessing any legal force themselves. Preambles are spoken by the *persona ficta* of the legislator, a *prosopopoeia* announcing the motives of the legislator, the enunciation of the 'legitimizing legend' of the law. As such, the preamble must necessarily occupy the place before the law, so that the law can avoid any 'contamination with history'. Preambles in this sense are often assigned as the place of literature, as pre-history writing that yet cancel history out. As 'parasites of the law' (p.22) the law shelters itself from such parasitical intrusions by creating first the plane of its own immanence, albeit paradoxically, as a zone of exclusion of history, a preamble that institutes, initiates a legal immanence, which yet must be excluded through its

paradoxical inclusion in a legal document or act. To point to this peculiarity, this twilight zone, is a significant strategy, yet to suggest that a deconstruction of this topographic zone of inclusion-exclusion, in the form of preambles or barriers more generally, can open a moment of history, of law-making in the place (chanceries, archives) where such making is precisely cancelled, appears ambivalent in itself.

Vismann's reading *Before the Law* as a preamble-barrier as such witnesses the risk in question, since the preamble-barrier before the law:

does not allow the story to get beyond itself; it keeps deferring the law it introduces. [...] What the title [*Before the Law*] announces is a story about the situation before the law, and this positioning of the story before the law, in the space of preambles, is what the story is about. The prescript prescribes that it is a prescript, which makes the story a law, metalaw, or parable of the law: the law of the prescript (p.23).

This interpretation of the story places 'before the law' as a parable of the law, beside (*para*) the law whose potentiality is exhausted in its announcement. To read Kafka's story as merely a parable of the law risks rendering its interpretation as a hermeneutical, deconstructive, paradox without end. The act of copying, Vismann notes decisively, 'is followed by the act of cancelling. The latter, in turn, establishes an unreadable *ur-text*' (p.27). To read this *ur-text* by turning to the archives risks infinitely repeating the cancellation of text and its transformation into the inaccessible *ur-text* of the law. Vismann acknowledges the importance and potent effect of discovering slips, irregularities, displacements, mistakes in the archives of the law. The archives, however, are both the place of legal violence and the place before the law: 'the site at which the law encounters writing and decides about the distinctions that are performed in the symbolic' (p.29). In between the place and the *ur-place* of the law stands the study of the archives that seeks traces that may undo the legend or at least profane it, but the process of storing the *ur-text* in order to restore the empty form of the law and its force without significance risks remaining intact. For what can archives show ultimately other than the place of the *making* of the law as the place where the law simultaneously attempts to always-already cancel the 'before the law' (the law's making) and reinstate it as the before *of* the law.

Agamben has analyzed recently this conditioning of legal *things* in 'K', by reminding one that slander, or self-accusation, in Roman law was a corruption of the accusation.¹³ *Temeritas* from *temere* meaning to accuse blindly, or randomly. The accusation etymologically related to *causa*, the implication of a ground for a juridical situation, an object of dispute, which in neo-Latin languages becomes *res* (a thing, an affair) or *cosa* (an issue, a thing) appearing, in this sense, as neutral juridical descriptors, yet they name what is most at stake and most threatening in the law itself.¹⁴ Kafka's doorkeeper in *Before the Law* who stands before the door of the law is a depiction of this cunning deception that in fact invites and necessitates self-slander; it achieves producing guilt at the same time that it posits the mythologeme of a door that one needs to enter before any act has ever been committed. This suggests that the problem is not law as such, as an idea or an institution, but its doorkeepers, its administrators, its ministers, its angels and, that includes, *ourselves*. It further suggests that the problem in question, along Vismann's analysis, is crucially that of the conception of juridical time: the first cancellation is that of the *making* of time, *human* time, which is replaced by juridical or administrative time. Hence, for this reading, the archaeology of legal files or legal things aims to destruct this legend and the associated guilt. In this manner, as Agamben writes in his 'Philosophical Archaeology' (which is read here with Vismann's analysis in mind): 'The return to the origin that is at issue thus in no way signifies the reconstruction of something as it once was, the reintegration of something into an origin understood as a real and eternal figure of its truth'.¹⁵ The redeemed past does not resemble the recuperation of alternative heredities under the unitary shelter of a cultural, and in this sense, archival tradition. This is not a typical dialectic procedure in which the past is redeemed by being saved from oblivion. Rather, what is saved is not the past as such (what *was*), but what *never was*, the new. What is to be destroyed is the image formed by the administrative capture of the past in an attempt to render it as the homeland of humanity and in this instance of the law. Yet, the only truly historical homeland of humanity is what has never happened, the involuntary moment (and hence unmasterable – non-sovereign, non-judicial – moment) of what has never happened. The redemption *from* the salvation of the past is to be accomplished, each time, in the redemption of the past from sovereign or counter-sovereign domination. Thus, the past is not to be rendered untouchable or to be sidelined so that 'we can reconcile and move on', but instead it is to be

taken away from the hands of sovereign and counter-sovereign interpreters and conciliators, who like to counter-impose to its genuine understanding the pseudo-lines of progress and salvation.

III.

Vismann moves from the chancery to the office with regard to another literary reference, Herman Melville's *Bartleby, the Scrivener*. For Vismann, Melville's story 'points toward the media-technological assessment of files that unfold their power in the writing workshops of the law' (p.29). Bartleby who 'can't leave the office because he is incessantly writing' (p.31), copying mechanically, himself becoming a 'recording entity' walled in the office, the mechanized bureau. In the office of the dead letter Bartleby will utter his 'awkward sentence' that henceforth proliferates (p.35): 'I would prefer not to'. Vismann writes:

Bartleby's co-workers reproduce in the shape of bodily symptoms the digestive troubles and congestions of the paper-work caused by his formula. Clean copies can no longer circulate, manuscripts are piling up, copies are not filed, letters are not posted because the redemptory act of cancellation that confirms the word-for-word accuracy of copies is not being performed (p.35).

The phrase of Bartleby's turns a syntactic barrier against the barrier-setting operation of the law and its administrators. Vismann reads this formula as 'the performative speech act of non-performance' (p.35), rendering an order to halt. From a legal perspective Bartleby, Vismann explains, has done nothing, 'he is not guilty of any nonfeasance' (p.36). Bartleby, in his preference 'not to', admits nothing and presupposes nothing. Similar to her reading of Kafka's *K.*, Vismann reads Bartleby and suggests that he turns himself into a dead letter figure, succumbing to the deadly fate of the letters and their copies, becoming a 'barrier' and spending 'his days on a banister' (p.37). But is Bartleby necessarily merely consumed by his passion and the emptied out office that can no longer satisfy the will-to-copy?

Another reading remains possible that does not reduce Bartleby's 'I would prefer not to' to a lack or to a will. More than a performative act, Bartleby's utterance disconnects speech acts and words and, as Deleuze suggested, 'severs language

from all reference' and gives birth to a new ontology.¹⁶ What archival research perhaps evinces is a pathology of a necessary relation to truth (and equally to a counter truth) and to will (equally to non-willing). What, instead, Bartleby evokes is an experiment that severs the negative relation to the guilt of a perfectible past through the archival machine along with any reactionary stance towards it. To this eternal return of copying, as Benjamin once diagnosed,¹⁷ a possible interpretation of Bartleby's action suggests that, instead, it is necessary to bring copying to a halt. Bartleby is not, in the end, a figure of hopelessness, but serves in 'the newness of spirit' and 'not in the oldness of the letter'.¹⁸ To deconstruct the archival machine, as Vismann suggests, one need not end up merely affirming its eternal recurrence or recreating it according to this or that anthem or counter-anthem of truth-seeking. Agamben writes in this vein:

What we are dealing with is not simply a matter of bringing to consciousness what had been repressed and keeps re-surfacing as a symptom, as a certain vulgate of the analytical model would have it. Neither is it a matter of writing a history of the excluded and the defeated, as mawkish paradigm of history of the subaltern classes would have it – and which in fact is bound to turn out as perfectly homogeneous to the history of the victorious.¹⁹

As Enzo Melandri has written and to whom Agamben refers:

to draw an expression from Nietzsche – one that is extremely famous, yet largely misunderstood (if it is true what we are saying here, it is also true that, unfortunately, it will never be understood entirely) – we can say that archaeology supposes a 'dionysiac' regression. As Valéry had noted, *nous entrons dans l'avenir à reculons* ... equally, in order to understand the past we have to move backwards into it, *à reculons* as well.²⁰

The transcendent character of the distinction between pre-history and history, historiography and *res gestae*, origin and institution or tradition posits the necessity of the tragic and infinite repetition of an infantile or foundational scene that is simultaneously cancelled, that is, defined negatively. The legal archive is the tangible apparatus where this is enacted. The pseudo-transcendence of such a foundational distinction or cancellation dictates the way of re-presenting

the time 'before' the distinction itself was made by silencing it. The law, in this sense, as Vismann suggests, is silent about the archives. To attempt to reconstruct a more original or more real 'before' through an over-reliance on the possibilities offered in the deconstruction of the archives could, thus, remain within the very logic of the juridical machine of foundational representation or copying.

The study of the archives through the meticulous attention of Vismann's genealogical inquiry, presents archival work as a matter, now, of reworking, of deconstructing, of detailing to the point of progressively eroding the archives and making them lose their original rank (in at least the sense in which this is presupposed by the law when it poses the archive as what lies *before* the law). In this sense, Agamben's approach to genealogy can be read *in tandem* with and against Vismann's study:

The archaeological regression is thus elusive: rather than restoring a precedent state, as in Freud, it tends to decompose, move, and finally bypass it in order to revert not to its content, but to the split – to the split, which, while taking its place, is constituted as its origin – and to the moments, modalities, and circumstances of its taking place. [...] It wants, [...] to let it go, to rid itself of it, in order to gain access, whether before or after it, to that which has never been, to that which has never been willed.²¹

Vismann's erudite and attentive analysis shows clear awareness of the danger of both a perfect order (where everything is registered, recorded) and that of a deconstruction possibly turning into an order of its own kind with potentially its own para-judicial legend. In one sense, in the so-called foundational operation of the archives the construction and the deconstruction of the law can be seen as coeval, tied together through a functional relation, an economy of pre-history and history, or of the alleged pre-judicial and the juridical. Vismann points to this danger in a proximate sense with reference to Heiner Müller's *Volokolamsk Highway* (pp.158–160):

For in-house-use I'll tell you We produce/
Security and order/ And awareness,/ Yes and
awareness Right And the mother/ Of order is
disorderly conduct/ The father of State
Security is/ None other than the same
State's Enemy ... /²²

In the final few pages of the book, Vismann suggests that the technique of files, their machination, has in fact become a part of the architecture of new media, and digital machines in particular. The *machination* of files contains, thus, 'a prehistory of the computer' (p.164). In this regard it may not be too long before one witnesses the direct interface of computers and cybernetics with the human body and consciousness to the point that machination will become an integrated *humachination*.

Notes

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¹ Sir Edward Coke, *Reports* (London: Rivington, 1777), Part 3, fol.C7b.

² C. J. Fortescue, (1458) *Y. B.* 36. Hen. VI 25–6.

³ Anton Schütz, 'Imperatives Without Imperator', *Law and Critique*, 20:3 (November 2009), pp.233–43.

⁴ Giorgio Agamben, *Il regno e la Gloria: Per una genealogia teologica dell'economia e del governo* [*The Kingdom and the Glory: A Theological Genealogy of Economy and Government*] (Vicenza: Neri Pozza, 2007).

⁵ Niklas Luhmann, *Theories of Distinction: Redefining the Descriptions of Modernity* (Stanford, CA: Stanford University Press, 2002).

⁶ Giorgio Agamben, 'K', in *The Work of Giorgio Agamben: Law, Literature, Life*, ed. Alex Murray, Nicholas Heron and Justin Clemens (Edinburgh: Edinburgh University Press, 2009).

⁷ Giorgio Agamben, 'K'.

⁸ Giorgio Agamben, *Potentialities: Collected Essays in Philosophy*, ed., trans. and intro. Daniel Heller-Roazen (Stanford, CA: Stanford University Press, 1999), p.155.

⁹ Giorgio Agamben, *Potentialities: Collected Essays in Philosophy*, p.155.

¹⁰ Giorgio Agamben, *Potentialities: Collected Essays in Philosophy*, p.155.

¹¹ Jacques Derrida, 'Force of Law: "The Mystical Foundation of Authority"', *Cardozo Law Review: Deconstruction and the Possibility of Justice*, 11:5–6 (1990), pp.920–1045.

¹² Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, trans. Daniel Heller-Roazen (Stanford, CA: Stanford University Press, 1998), p.54.

¹³ Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, p.5.

¹⁴ Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, p.5.

¹⁵ Giorgio Agamben, 'Philosophical Archaeology', *Law and Critique*, 20:3 (November 2009), pp.211–31.

¹⁶ As quoted in Giorgio Agamben, *Potentialities: Collected Essays in Philosophy*, p.255.

¹⁷ See Giorgio Agamben, *Potentialities: Collected Essays in Philosophy*, p.268.

¹⁸ Paul, Rom. 7:6.

¹⁹ Giorgio Agamben, 'Philosophical Archaeology', pp.211–31, para.9.

²⁰ Giorgio Agamben, 'Philosophical Archaeology', pp.211–31, para.9.

²¹ Giorgio Agamben, 'Philosophical Archaeology', pp.211–31, para.9.

²² As quoted in Vismann's *Files*, p.157.

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Birkbeck College, University of London