

Potenza Nuda? Sovereignty, Biopolitics, Capitalism

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In part 3.2 of *Homo Sacer*, Giorgio Agamben raises serious concerns about the conception of constituent power elaborated by Antonio Negri. Quoting from Negri's 1992 text *Il potere costituente*, Agamben turns to Aristotle's *Metaphysics* to argue for the impossibility of isolating the revolutionary potential of constituent power from the constituted forms of sovereign power. He writes: "Until a new and coherent ontology of potentiality... has replaced the ontology founded on the primacy of actuality and its relation to potentiality, a political theory freed from the aporias of sovereignty remains unthinkable."¹ At stake is a radical rejection of Negri's Spinoza-based view of absolute democracy as immanent in the desire of the multitude and separable from the formal structures of constituted power. This criticism, which opens a point of contention between two of Italy's most prominent political thinkers, attracts Negri's response in a variety of contexts, sometimes directly and at others more allusively. Tracing this response through Hardt and Negri's *Empire*, Negri's 2001 essay "Il mostro politico. Nuda vita e potenza," the introduction to the 2002 Italian reissue of *Il potere costituente*, and Negri's 2003 review of Agamben's *Stato di eccezione*, the present paper explores the divergent theoretical and political positions implied by this disagreement. Without adjudicating the matter or seeking to derive a *via media*, the aim is to interrogate the biopolitical complexities inherent in the notion of potentiality and to explore their relevance for contemporary practical-political struggles. To this end, reference is made to the work of Paolo Virno, another Italian philosopher whose thought bears strong affinities to that of both Agamben and Negri, but which develops the notion of potentiality in an altogether more challenging and politically enabling direction.

The Paradox of Sovereignty

Signal of the subtlety of Agamben's thought is his refusal to reduce his argument for the inseparability of constituent power from the constituted order to the dominant position that, at least since the time of Georg Jellinek and the great school of German public law in the second half of the 19th century, has understood constituent power as normative production within the empirical-factual sphere of the constitution. Following one of his favourite source essays, Walter Benjamin's "Critique of Violence," Agamben views the relation between constituent power and constituted power as the relation between the violence that posits law and the violence that preserves it. He quotes directly from Benjamin's essay:

If the awareness of the latent presence of violence in a legal institution disappears, the juridical institution decays. An example of this is provided today by the parliaments. They present such a well-known, sad spectacle because they have not remained aware of the revolutionary forces to which they owe their existence... They lack a sense of the creative violence of law that is represented in them. One need not then be surprised that they do not arrive at decisions worthy of this violence, but instead oversee a course of political affairs that avoids violence through compromise.²

With Benjamin, Agamben recognizes that the violence that posits law is nobler than the violence that preserves it. But this does not imply an endorsement of the opposite position by which constituent power remains completely other with respect to the constituted order. For Agamben, constituent power "possesses no title that might legitimate something other than law-preserving violence and even maintains an ambiguous and ineradicable relation with constituted power."³ This relation is none other than the indistinction that he associates with the 'state of exception' described by Carl Schmitt. According to Schmitt in his famous 1922 work *Political Theology*, sovereign power stands outside of the constituted order but, at the same time, belongs to it, since it remains the sovereign's prerogative to decide to suspend the constitution in the state of exception. But while Schmitt insists that the state of exception must be distinguished from the norm, Agamben follows Benjamin in the eighth of the "Theses on the Philosophy of History" by affirming that the state of exception has become the rule. If, for Schmitt, the sovereign maintains the possibility of deciding between the exception and the norm, Benjamin contends that these have become indistinguishable, establishing a link between the exercise of sovereign power and the production of bare life. This becomes the point of departure for Agamben's analysis of sovereignty in *Homo Sacer*. With the concept of bare life, Agamben identifies a threshold at which life is placed both inside and outside the juridical order, and he equates this paradoxical situation with the structure of sovereignty itself.

It is in this context that Agamben objects to Negri's argument that constituent power

is irreducible to the principle of sovereignty. He initiates his polemic with Negri by citing the following passage from *Il potere costituente*:

The truth of constituent power is not what can be attributed to it, in any way whatsoever, by the concept of sovereignty. It cannot be so, because constituent power is not only, obviously, an emanation of constituted power, but it is not even the institution of constituted power. It is, rather, an act of choice, the precise determination that opens a horizon, the radical apparatus of something that does not yet exist, and whose conditions of existence imply that the creative act does not lose its characteristics in the act of creating. When constituent power sets in motion the constituent process, every determination is free and remains free. On the contrary, sovereignty presents itself as a fixing of constituent power, and therefore as its termination, as the exhaustion of the freedom that constituent power carries.⁴

Agamben does not object to Negri's understanding of constituent power as free praxis. He concedes that constituent power neither derives from the constituted order nor limits itself to instituting it. But, in Agamben's view, neither of these qualities establishes constituent power's alterity with respect to sovereign power. Thus while he commends Negri for drawing the question of constituent power back to ontological first principles, it is on these same grounds that he wants to contest the claim for its absolute opposition to sovereign power. This is where he turns to Aristotle and, in particular, Book Theta of the *Metaphysics*, which examines the relation between potentiality (*potenza*) and act (*atto*) or, to remember the Greek terms, *dynamis* and *energeia*. Agamben refers Negri's argument that the problem of constituent power is the problem of the constitution of potentiality to the Aristotelian rigour that finds potentiality to precede and condition actuality but at the same time to remain essentially subordinate to it. Central to Aristotle's thought is the contention that "if potentiality is to have its own consistency and not immediately disappear into actuality, it is necessary that that potentiality be able *not* to pass over into actuality, that potentiality constitutively be the *potentiality not to* (do or be)."⁵ In other words, potentiality maintains itself in relation to actuality in the form of suspension—it is capable of the act only insofar as it does not realize it. But this raises the problem of how to think the passage of potentiality into actuality.

In accounting for this movement between *dynamis* and *energeia*, Aristotle offers a definition of potentiality that, for Agamben, bequeaths the paradigm of sovereignty to Western philosophy: "A thing is said to be potential if, when the act of which it is said to be potential is realized, there will be nothing im-potential (that is, there will be nothing able not to be)." Here lies the crux of his disagreement with Negri. Agamben argues that just like the sovereign ban, which applies to the exception in no longer applying, so potentiality maintains itself in relation to actuality through its ability not to be.

Potentiality (in its double appearance as potentiality to and potentiality not to) is that through which Being founds itself *sovereignly*, which is to say, without anything

preceding or determining it (*superiorem non recognoscens*) other than its own ability not to be. And an act is sovereign when it realizes itself by simply taking away its own potentiality not to be, letting itself be, giving itself to itself.⁶

In this way, Agamben relates the paradox of sovereignty to “the constitutive ambiguity of the Aristotelian theory of *dynamis/energia*.”⁷ By this ambiguity, it is unclear whether Aristotle accords primacy to actuality or potentiality, not because his philosophy displays indecisiveness or contradictoriness but because actuality and potentiality are the two faces of the sovereign self-grounding of Being. At the limit, pure actuality and pure potentiality are indistinguishable, and *the sovereign is precisely this zone of indistinction*. This is why Agamben finds it difficult to think of a constitution of potentiality that is freed from the principle of sovereignty or of a constituent power that exists in separation from constituted power. If Negri is to maintain his argument for the alterity of constituent power with respect to the constituted order, he must be able to think the existence of potentiality without any relation to Being in the form of actuality. But this requires thinking ontology and politics beyond every figure of relation, including the limit relation of the sovereign ban. And, for Agamben, this is a task that Negri refuses at all costs.

Potentiality as Desire

How then can Negri maintain that constituent power and sovereignty are opposites, separate even in the absoluteness to which both lay claim? Already in *Il potere costituente*, three years before the publication of *Homo Sacer*, Negri fends off the argument that reduces constituent power to an infinite void of possibilities or the presence of negative possibilities. For him, the crucial question is the relation between potentiality (*potenza*) and power (*potere*). He recognizes in the definition of potentiality “that runs from Aristotle and the Renaissance and from Schelling to Nietzsche” a metaphysical alternative between “absence and power, between desire and possession, between refusal and domination.”⁸ Far from opening a zone of indistinction, Negri believes this alternative to open a choice, at least when it is not closed off by the dogma that reduces power to a pre-existing physical fact, finalized order, or dialectical result. And the philosophical conduit of this opening is the great current of modern political thought, from Machiavelli to Spinoza to Marx, which understands constituent power as an overflowing expression of desire, an absence of determinations, and a truly positive concept of freedom and democracy.

For Negri, the danger of Agamben’s thought lies not in its Aristotelian rigour or formal elegance but in its inability to open a panorama of revolutionary struggle that can oppose the modern order of sovereignty and the transcendental ideal of power that backs it up. As long as constituent power remains caught in the paradox of sovereignty and the constituted order produces bare life as the limit condition of an exception that has become

the rule, there can be no hope of questioning the transcendentalism of sovereign power or imagining a form of political conduct that remains free of the impositions of the modern state. Thus it is the concept of bare life that becomes the primary object of Negri's critique of Agamben's understanding of sovereignty. This much is clear in *Empire*, where Negri and his co-author Michael Hardt distance themselves from the notion of bare life.

Like Agamben, Hardt and Negri take as a point of departure the Foucauldian account of biopolitics as a system of rule that emerges at the beginning of the modern era with the exercise of power over life itself. Importantly, however, they extend Foucault's argument by drawing on Gilles Deleuze's "Postscript on the Society of Control." Foucault describes the modern system of 'disciplinary rule' that fixes individuals within institutions (hospitals, schools, prisons, factories, and so on) but does not succeed in consuming them completely in the rhythm of productive practices or productive socialization. By contrast, Hardt and Negri trace the emergence of a new mode of power that is "expressed as a control that extends throughout the consciousness and bodies of the population—and at the same time across the entirety of social relations."⁹ In so doing, they combine the Deleuzian emphasis on free-floating and mobile logics of control (data banking, risk management, electronic tagging, and so on) with an attention to the *productive* dimension of biopower ('living labour') derived from the work of exponents of Italian *operaismo* like Paolo Virno and Christian Marazzi. While Hardt and Negri question the tendency of these thinkers to understand all contemporary forms of production on the horizon of communication and language, they are clearly indebted to their notions of 'immaterial labour' and 'general intellect' (which in turn derive from a reading of the famous "Fragment on Machines" from Marx's *Grundrisse*). It is this emphasis on the productive aspect of biopower that places Hardt and Negri at odds with Agamben on bare life—a concept that, for them, excludes the question of labour from the field of theoretical observation. Thus, in a footnote, they comment critically on a line of Benjamin-inspired interpretations of Foucault (from Derrida's "Force of Law" to *Homo Sacer* itself):

It seems fundamental to us, however, that all of these discussions be brought back to the question of the productive dimension of the "bios," identifying in other words the materialist dimension of the concept beyond any conception that is purely naturalistic (life as "zōē") or simply anthropological (as Agamben in particular has a tendency to do, making the concept in effect indifferent).¹⁰

With this identification of what Agamben calls indistinction as *indifference* (indifference to productive power of cooperation between human minds and bodies), Hardt and Negri voice their most severe reservations about the concept of bare life. For them, Agamben's philosophical specification of "the negative limit of humanity" displays "behind the political abysses that modern totalitarianism has constructed the (more or less heroic) conditions of human passivity."¹¹ The apparatus of the sovereign ban condemns humanity to inactivity and despair. By contrast, Hardt and Negri claim that bare life must be raised up to the dignity of productive power. Rather than reducing humanity to mere living matter,

the exceptional power of the modern state becomes effective at precisely the moment when social cooperation is seen “no longer the result of the investment of capital but an autonomous power, the a priori of every act of production.”¹² Try as it may to relegate humanity to minimal naked life (or *zōē*), the modern constituted order cannot destroy the enormous creativity of living labour or expunge its powers of cooperative production.

In these articulations with Hardt, Negri’s disagreement with Agamben stems from an equation of constituent power with living labour and a refusal to ground ontology in the condition of bare life. If, in *Empire*, this quarrel with Agamben is relatively marginal (confined to footnotes and passing comments), it assumes prominence in a subsequent essay, “Il mostro politico. Nuda vita e potenza.” In this piece, which traces the philosophical and historical consequences of eugenics (from classical Greece to contemporary biotechnology), the concept of bare life is understood as an ideological device for neutralizing the transgressive potentiality of human existence. Here Negri’s criticism of Agamben is more rhetorical and direct:

Were the Vietnamese combatants or the blacks who revolted in the ghettos naked? Were the workers or the students of the 1970s naked? It doesn’t seem so if you look at photos. At least if the Vietnamese weren’t denuded by napalm or the students hadn’t decided to give witness naked as a sign of their freedom.¹³

Human struggle, by this account, cannot be held ransom to the biopolitical machine that produces bare life. Even in the case of the Nazi camps, Negri contends, it is mistaken to equate bare life with powerlessness. The *mussulmani* (or denuded concentration camp victims) of whom Agamben writes in *Remnants of Auschwitz* (1999) are humans before they are naked. And to make bare life an absolute and assimilate it to the horrors of Nazism is a ruse of ideology:

Life and death in the camps represents nothing more than life and death in the camps—an episode of the civil war of the twentieth century, a horrific spectacle of the destiny of capitalism and the ideological masking of its will, of the capitalist motive against every instance of liberty.¹⁴

For Negri, the concept of bare life denies the potentiality of being. Like Hobbes’s *Leviathan*, which promotes a vision of life as subjugated and unable to resist, the theory of bare life represents a kind of foundation myth for the capitalist state. It is a cry of weakness that constructs the body as a negative limit and licenses a nihilistic view of history. More pointedly, “bare life is the opposite of Spinozan potential and corporeal joy.”¹⁵ With this statement, Negri reaches the nub of his disagreement with Agamben. As an alternative to the Aristotelian notion of potentiality (as intrinsically and paradoxically connected to the act), he poses the Spinozan vision of potentiality (*potenza*) as the unstoppable and progressive expansion of desire (*cupiditas*). By this view, fully developed by Negri in *The Savage Anomaly*, the construction of politics is a process of permanent innovation.

Desire is the determinant force of the constitution of the social—a creative project that is continually reopened and defined as absolute in this reopening. At once conflictual and constituent, desire in this analysis functions without lack and provides the basis for an absolute democracy that reaches beyond modern political representation.

Whatever the rhetorical force of the attack on Agamben in “Il mostro politico,” Negri makes no real attempt to respond to the claim in *Homo Sacer* that the Spinozan recasting of ontology fails to overcome the paradoxes of potentiality described by Aristotle. Even in the introduction to the 2002 reissue of *Il potere costituente*, where Negri confronts the criticisms of *Homo Sacer* directly, there is a reluctance to engage patiently with Agamben’s argument. Rather Negri approaches Agamben’s view of constituent power as the counterpart to another criticism of his work made by Étienne Balibar (who, as he notes, was also the French translator of *Il potere costituente*). According to Balibar, Negri reduces constituent power to a kind of Bergsonian vitalism and thus renders it virtual rather than real. The 2002 introduction to *Il potere costituente* deals with Balibar and Agamben’s arguments simultaneously, describing them as two faces of a single misunderstanding. Negri contends that the ontological consistency of constituent power can be considered neither as a dialectical motor nor as a function of the dialectical relation. And this means that constituent power cannot be held in dialectical relation to constituted power from either Balibar’s substantialist point of view (as proletarian power opposed to bourgeois power) or Agamben’s formalist perspective (as the homologous product of the sovereign exception):

Constituent power ... is not only a political exception but also a historical exception. It is the product of radical temporal discontinuity (that upsets all the concepts of the modern and gives rise to others), the motor of an ontological metamorphosis. It thus presents itself as a powerful singularity that cannot be reduced to the unrelenting repetitions of the Bergsonian creative and constitutive functions (as Balibar wants) or attracted to its domineering opposite, sovereignty, as Agamben wants (perhaps in search of an ontological alterity, bare life, which sounds like a utopian escape).¹⁶

Signal of Negri’s argument here is the claim that constituent power destroys all the concepts of the modern while at the same time producing others. In this introduction, he writes from the perspective of his collaboration with Hardt in *Empire*, a book that suggests that today we have superseded the modern and, in all probability, constituent struggle as well. Writing from this perspective allows Negri to counter the criticisms levelled at his understanding of constituent power. *Il potere costituente*, he explains, treats constituent power as the interruption of history by new forces and new desires *from the outside*. But in the new global order, there is no longer an outside. Consequently there has been a movement beyond the ontological figure of constituent power. Precisely for this reason, however, the thesis of *Il potere costituente* can be confirmed. The fact that new forms of global control have displaced modern sovereignty attests the interruptive force of

constituent power. According to Negri, it was constituent struggle itself that broke the hold of modern power and forced the rise of the new global forms of command. And this discredits critics who find in the theory of constituent power either vitalistic tendencies (Balibar) or a paradoxical subordination to sovereign power (Agamben).

This argument paves the way for a more diplomatic engagement with Agamben in Negri's *Il Manifesto* review of *Stato di Eccezione*, a work that opens with a discussion of the current post-911 condition of 'global civil war'. In this piece, Negri suggests that Agamben himself has difficulty in sustaining the concept of bare life in the context of the new forms of global command. The review posits that there are two Agambens evident throughout the philosopher's *oeuvre* and, in particular, in *Stato di Eccezione*. The first Agamben holds onto an existential, fated, and horrific view of life, which is forced into continual confrontation with death, passivity, and defeat. This is the Agamben of bare life, who maintains that the state of exception now infests all structures of power and eliminates any experience or definition of democracy. The second Agamben is more Spinozist or Deleuzian, and seizes the biopolitical horizon of postmodern life to present it as ontologically rigorous and creative. This is above all the Agamben of *The Coming Community*, who shows that immanence can be realist and revolutionary. The paradox is that "these two Agambens always live together and, when you least expect it, the first re-emerges to darken the second, and the gloomy shadow of death spreads over against the will to live, against the surplus of desire."¹⁷

Negri's ruse in this review is to suggest that the permanent state of exception specified by the first Agamben describes the new condition of global Empire. But he counters Agamben on his own terms, charging that it is inaccurate to fix everything that happens in the world today "onto a static and totalitarian horizon, as under Nazism." Such an equation, for Negri, is anachronistic and inaccurate, since it conflates the fascist rule of the twentieth century with contemporary modes of decentralized global control. With implicit reference to the first chapter of *Stato di Eccezione*, where Agamben describes the current world situation as 'global civil war' (a term initially used by both Carl Schmitt and Hannah Arendt), Negri questions the notion of a sovereign ban that renders constituent and constituted power indistinct:

But things are different—if we live in a state of exception it is because we live through a ferocious and permanent "civil war," where the positive and negative clash: their antagonistic power can in no way be flattened onto indifference.¹⁸

There can be no doubt that *Stato di Eccezione* finds Agamben writing of a positive counterpower that breaks the connection of violence to law posited by Schmitt's exceptionalist model of sovereignty. For Schmitt, the state of exception exists only as a means of maintaining and restoring the constituted sovereign order. By contrast, Agamben follows the argument of Benjamin's "Critique of Violence," which posits a divine or revolutionary violence that intercedes upon the struggle of constituent and constituted power, breaking the connection of violence to law that, in the final instance,

undergirds their interrelation. By opening the possibility of a power that operates in complete independence from the law, Agamben claims, Benjamin specifies the nature of the violence that pertains in the permanent state of exception. Furthermore, by virtue of the influence of his essay, Benjamin provokes the negative reaction of Schmitt, whose entire political theory can be read as a fearful response to the prospect of an exception that does not return to the norm. This is not to claim, however, that *Stato di Eccezione* affirms Negri's equation of constituent violence with living counterpower. Rather the Benjaminian violence celebrated by Agamben remains separate from the whole complex of constituent and constituted power, both interceding upon them with an energy that makes the paradigm of modern sovereignty obsolete and, in so doing, maintaining them in indistinction.

Agamben and Negri, then, despite their incessant cross-referencing, read past each other. It is as if they function on different philosophical planes—one working in the wake of the Aristotelian understanding of *dynamis* as the *potentiality not to* (do or be) and the other in the Spinozist paradigm that grounds the modern beyond all conceptions of dialectical synthesis or classical ambiguity. How then is it possible to balance or assess the practical implications of these approaches without reducing one to the other or making an absolute adjudication about the merits of the Aristotelian or Spinozist systems? Some headway can be made in this task by considering the work of Paolo Virno, a thinker who engages directly with the passages from Aristotle that Agamben cites but to quite different ends.

Potentiality beyond Indistinction

As noted at the very beginning of this essay, Agamben is cutting in his dismissal of the Spinozan paradigm as a means of adding ontological renewal to political theory. By his assessment, there can be no hope of thinking beyond the aporias of sovereignty until a new and coherent theory of potentiality “beyond the steps that have been made in this direction by Spinoza, Schelling, Nietzsche, and Heidegger” has replaced the Aristotelian ontology of indistinction.¹⁹ Insofar as Negri's encounters with Agamben fail to engage the Aristotelian paradox of *dynamis* and *energeia*, they remain more effective at the rhetorical-political than at the philosophical level. Equally, however, Agamben's dismissal of Negri's Spinoza-derived ontology is assertive and does not engage closely with the arguments developed in *The Savage Anomaly*. The work of Paolo Virno provides a way of working through these discrepant positions because it at once supplies a precedent for Negri's equation of potentiality with living labour and offers a careful reading of Aristotle's *Metaphysics*.

Virno's most sustained engagement with Aristotle is in Section II of *Il ricordo del presente*, entitled “Temporalità della potenza, potenzialità del tempo.” Here he works

through precisely the passages from the *Metaphysics* upon which Agamben bases his critique of Negri's *Il potere costituente*, without making reference to either Agamben or Negri. As a study of historical time, Virno's book engages the question of potentiality *vis-à-vis* an investigation of temporality. His central argument is that potential and act are at once temporalised and temporalising concepts:

Potential and act are as much temporalised and temporalising. They occupy a certain position in the unravelling of time but, on the other hand, they determine this same positioning. They have as much to do with the *passage* of chronology as with the temporal *order* itself. But to note this amphibious nature is not sufficient. Taken by itself, the sum of these different aspects is no more illuminating than the perennial *either/or*, which bifurcates and counterposes them. The decisive point is rather to clarify the nexus between the specific way in which potential and act fall *in* time and the equally specific way in which they determine time itself. This point is decisive in the light of the following hypotheses: the pair in question is neither simply temporalised nor simply temporalising *because* their peculiar content consists precisely in the junction or intersection between these two aspects. In other words, the relation between potential and act is first of all a relation between the *passage* of chronology and the temporal *order*, position and positioning, an empirical before (or after) and the horizon of anteriority (or posteriority). In such a relation, it is necessary to focus not simply on the passage or ordering of time but rather on *the order of that which passes* or the *passage of that which orders*.²⁰

In this perspective, Virno approaches the Aristotelian problematic of potential and act. As he notes, Aristotle analyses this relation from three different points of view: according to time, according to the notion, and according to essence. The first of these corresponds with the emphasis on chronology, while the second two concern the ontological constitution of the temporal order. Exploring the issue of potential/act from the first point of view, Aristotle locates a fundamental ambivalence. In the passage of chronology, potential precedes the act but it also comes after it. Potential is anterior to the act if considered with regards to the individual but posterior to the act if considered with regard to a series (or species) of individuals. Thus, as Aristotle notes, the potential of corn (the seed) comes before the actual corn but this, in turn, is the product of another being (of the same species) that is already actual. According to Virno, this fundamental ambivalence results from the very attempt to locate potential within chronology. The category, for him, describes that which does not fall in time and thus there is a need to examine it from the other two perspectives outlined by Aristotle.

At stake in Aristotle's analysis of potential/act as regards the notion and essence is not the passage of chronology but the temporal order itself. From these perspectives, Aristotle finds no ambivalence in the relation of potential to act, affirming instead the ontological priority of the act. From the point of view of the notion (or of logic), the potential is

that with the capacity to pass into actuality. This means there can be no definition of (or name for) potential without a pre-emptive consciousness of the corresponding act. The logical priority of the act is thus univocal and irreversible (as much for the single individual as for the series or species). As regards the argument according to essence, Aristotle raises his famous problematic of the prime mover (or the absolute beginning of the causal chain). The prime mover, he argues, must *always* be in act—if it were not so the movement of time would be interrupted. Moreover, it must only be in act, which is to say that it can contain no potentiality (since it is possible that potential does not pass into actuality). There is thus, for Aristotle, an act that, being deprived of potential, exhibits its anteriority before the very relation of potential to act.

Virno surmises that Aristotle's analysis results in a profound paradox. As far as chronology is concerned, potential is prior to act (if considered with regard to the individual entity). But in terms of the temporal order, the act is prior to potentiality. For Virno, these conclusions are counterintuitive. Potential, which has no determinate location *in* time, appears to precede the act in chronological succession. While the act, which has a definite inscription *in* time, appears ontologically prior to potential within the temporal order. What is missing from this analysis is an attempt to understand the relation potential/act as temporalising as much as temporalised. At root of Aristotle's argument is an attempt to reduce potentiality to the potential act:

It is not difficult to recognise a robust complicity between the two sides of the question. The capture of potential in chronology is the root of the supremacy of the act from the ontological-temporal point of view. If potentiality were not held as an antecedent in the chronology of the single individual (that is, as a “not-now” that prefigures a defined “now”), it would not be reducible to the condition of consequence in the temporal *order*. Its destiny is already decided when the “not-now” is conceived of as an “almost-now” or a “not-yet-now”—that is, as the incubation of a precise actuality. The representation of the way in which potential and act fall *in* time fatally prejudices the representation of the way in which they determine time: this is why you cannot confute the ontological-temporal priority of the act without also confuting the chronological anteriority of potential.²¹

For Virno, potentiality is neither a potential act nor the spectral counterfigure of an act (and likewise, the act is not an actualized potential). Far from being simply inactual, potentiality is inactualizable. The relation potential/act is a *negative* relation—hinged on a temporal difference (between “not-now” and “now”). The act corresponds with presence (or with the ‘now’), because it negates the constant ‘not-now’ that grounds it. While potential is the permanent ‘not-now’, the non-chronological past that persists without change and is never fully present. To illustrate his argument, Virno makes reference to Kant's discussion of temporal order in the chapter of the *Critique of Pure Reason* entitled “Analogies of Experience.” Here Kant argues that time as such, the order in which every phenomenal change must be thought, cannot be perceived in itself.

To represent the temporal order, it is necessary to use the analogy of *substance*—the invariant substratum of all perceived phenomena. But Virno contends that *potential* is in fact the substratum of the empirical representation of time. Since while *substance* and *potential* are both permanent, the former subsists in every ‘now’ as a perennial *presence*. Potential, by contrast, is perennial *inactuality*, the ‘not-now’ devoid of any given data. Indeed if potential was actual, the temporal order could be divided into periods, which means it would have a chronological passage and thus be indistinguishable from that which falls *in* time. As such, presence and totality stand in a relation of mutual exclusion. Or, in other words, the temporal order is *anachronistic*: out of step with actuality and extraneous to the ‘now’.

Already here Virno distances himself from the indistinction that characterizes Agamben’s reading of Aristotle on potential/act. He pushes his argument even further, however, questioning not only the ontological priority of act to potential in the temporal order but also the Aristotelian argument regarding the relation of potential to act in chronology. To do this he again follows Kant in the “Analogies of Experience.” Virno remembers an example furnished by Kant to complicate the proposition that the chronological succession of time is unthinkable outside of causality. To argue that there can at once exist simultaneity and succession between a cause and its effect, Kant gives the example of a room that is hot *while* the stove burns. Kant claims that this paradox can be explained by reverting to the distinction between chronology and the temporal order. In the latter, he maintains, the cause remains anterior to the effect, even if in the former they are simultaneous. As Virno notes, however, both cause and effect are inscribed *in* time (both are acts), and thus they don’t give rise to an authentic distinction between the temporal order and its empirical passage. Kant actually describes a situation in which cause and effect interpenetrate only in a certain lapse of time. In a longer period of time, it is possible to see that the cause is antecedent (the stove began to burn while the room was still cold). Nonetheless there does exist a similar paradoxical relation between the temporal order and the single actualities that inhere in it. The temporal order is the non-chronological past that precedes the individual act. But because it is permanent and unchanging, it is also simultaneous with each moment or episode of becoming:

The pair potential/act, in which the “not-now” and “now” confront each other (not as two “nows” as with the binary cause/effect), is the theatre of a *diachrony* and, at the same time, a concomitance. In terms of the temporal *order*, potential is *anterior* to act: it has the form of a “before” without a date, the mode of being of the indeterminate past. In terms of chronological passage, however, potential and act are always *simultaneous*: potential is not the prefiguration of the act, but its heterogeneous correlate, its incommensurable shadow.²²

Virno is careful to emphasize that when he writes of the simultaneity of potential and act in chronological time, he is not discussing potential as such (in its non-chronological and indeterminate form) but rather its *relation* with a complementary and heterogeneous term.

In this way he avoids the criticism made by Aristotle of the Megarians, who argued that potential exists only while an act is in course. Virno argues that the statement ‘there is potential only when there is act’ holds only if one adds a small clause: ‘in time’. In other words, potential exists *in time* only when there is an act. But far from eliminating the difference between potential and act, this simultaneity attests their heterogeneity. The act does not realize potential, but contradicts it and puts it to death. Put differently, the act is the *negation* of the potentiality with which it coincides. And his situation is precisely the converse of the symbiotic opposition that the Megarians uphold.

To deny the simultaneity of potential and act (with respect to chronological time) is to reduce their difference to one of degree rather than kind. It is to equate the permanent ‘not-now’ (or non-chronological past) with an ‘almost-now’ and, in so doing, remove the divergence between inactuality and presence that characterises every moment of becoming. Ultimately, Virno claims, the rejection of simultaneity carries the relation potential/act to a *fatal indistinction*. Thus while it is important to acknowledge a magnetic attraction between potential and act, a preliminary intertwining that establishes a no-man’s land between the two, this zone of indistinction (to use Agamben’s term) cannot occlude their incommensurability or polar difference. Far from potential leading back to the act or breaking altogether from the act, Virno finds these terms to unleash a negativity that cannot be absorbed by the synthesising capacity of the dialectic. As such, the relation of potential to act does not correspond with the sovereign ban, whether understood to posit the relation between violence and law (as in Schmitt) or to depose it (as Agamben argues after Benjamin). For Virno, this relation corresponds rather with that between the faculty (to produce an action) and the execution (of that action itself). Thus potential and act relate to each other as the general capacity for language (or what Saussure calls *langage*) relates to the enunciation of language (*parole*) or as the general capacity for labour (what Marx called *labour-power*) relates to the empirical act of labour itself.

Importantly, Virno devotes the third and final chapter of *Il ricordo del presente* to a reinterpretation of Marx’s historical materialism in light of the couple potential/act. At stake in this analysis is an implicit correlation he makes between the capacity for language (*langage*) and abstract labour power—a parallel that becomes ever more important in the contemporary information/knowledge economy where all work tends toward communication and/or the symbolic manipulation of language. As Virno notes, Marx himself equates labour-power with potential: “The purchaser of labour-power consumes it by setting the seller of it to work. By working, the seller becomes actually, what before he was only potentially, labour-power in action, a labourer.” But while labour-power is potential, it is also a commodity that is bought and sold on the marketplace. And here lies the specificity of capitalism as a mode of social organisation—it gives the discrepancy potential/act an extraordinary pragmatic, empirical, and economic importance.

Capitalism *historicizes metahistory*. It is the first mode of social organisation to give an empirical face to the capacity to produce as such. And it does this by reducing the generic potential to labour to a commodity that the worker is free to exchange (but that he concedes to exchange only due to material dependency and lack of ownership of the

means of production). Potential thus makes itself known in the empirical world only by virtue of a deep complicity between the juridical liberty of the worker to sell labour-power and the domination and control that capital exerts over the worker's body. Virno adds ontological depth to Yann Moulier Boutang's account (in *De l'esclavage au salariat*) of capital's historical and ongoing need to reinstate direct dominion over labour-power through personal subjectification and the juridical production of subalternity. This leads to quite a different version of what Agamben calls bare life:

The living body, stripped of any quality that is not pure vitality, becomes the *substratum* of the productive capacity, the tangible *sign* of potential, or the objective *simulacrum* of non-objectified work. If money is the universal equivalent for exchange-values, *life* is the extrinsic equivalent of the only use-value "not materialised in a product." ... The non-mythological origin of that mechanism of knowledge and power that Michel Foucault has defined with the term *biopolitics* can be traced back to *labour-power*. The practical importance of potential insofar as it is inscribed in capitalist relations of production, its inseparability from "immediate corporeal existence": this is the real foundation of the biopolitical approach.²³

Virno here derives a conception of biopolitics that accords Hardt and Negri's emphasis on the productive aspect of human life. But he does so *via* a reading of Aristotle that matches and answers the criticisms of Negri developed by Agamben in *Homo Sacer*. It is important to emphasise that all this takes place at the level of implication. Virno makes no direct criticism of Agamben.²⁴ Nor does he present his work as a vindication of Negri, a thinker he has elsewhere criticised for "going to quickly to the point," for writing as if "we've already won without realising it."²⁵ But Virno's argument offers possibilities for negotiating the disagreement between Negri and Agamben, for noting that Agamben understands something important about the political structure of contemporary society without, for all that, claiming the reducibility of constituent power to the sovereign order. One persistent criticism of Agamben concerns the manner in which he develops the Foucauldian paradigm of biopolitics without focusing on the specific economic rationality of biopolitics.²⁴ In emphasizing bare life and the state of exception, the question of the historical process of the production of abstraction and abstraction of production disappears (and with it the development of class struggle). Consequently, the applicability of Agamben's thought to a wide range of contemporary political problems (such as the globalism of biotechnology, GM foods, drugs/health care, or the control of transnational labour flows through border/detention technologies) is diminished.

By returning the question of biopolitics to the potentiality of labour-power, Virno opens new vistas of political struggle—possibilities for exodus from constituted power explored more thoroughly in texts such as *La grammatica della moltitudine* or "La Festa del General Intellect." At the same time, he works through the Aristotelian rigour that Agamben levels against Negri, arguing against the tendency to hold potential and act in a bond of indistinction (or, more accurately, against the notion that such indistinction

eliminates their incommensurability and radical temporal difference). Crucial to his argument is the recognition that labour-power does not name one particular potential among others but rather refers implicitly to all human potentials: linguistic competence, memory, the capacity to think, and so on.

Marx defines labour-power as “the aggregate of all those mental and physical capabilities existing in a human being.” And in this sense, labour-power is the *common name* of all potentials—the key that joins the ontological question of potential/act to an analysis of the capitalist relations of production. By conducting his philosophical investigations between these poles, Virno pushes beyond Agamben’s Aristotelian view of potential as ‘preferring not to’—a disposition that, as Negri point out, sounds like nothing so much as a declination to act politically. But he also moves beyond Negri’s Spinozan optimism—the utopian bent that casts constituent power as an undisputed origin. In the double game of potential/act, Virno thus discovers theoretical resources for understanding how the permanent state of exception named by Agamben provides the juridical coordinates for the ‘personal subordination’ that accompanies the subjectivization and making-precarious of labour in post-fordist capitalism. The drawing of such connections could hardly be more important than at the present time, when the ongoing processes of capitalist globalization encounter the emergency of global civil war.

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Notes

1. Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, trans. Daniel Heller-Roazen (Stanford, Stanford UP: 1998) 44.
2. Walter Benjamin, “Critique of Violence,” trans. Edmund Jephcott, *Reflections: Essays, Aphorisms, Autobiographical Writings*, ed. Peter Demetz (New York: Schocken Books, 1977) 144. Cited in Agamben, *Homo Sacer*, 40.
3. Agamben, *Homo Sacer* 40.
4. Antonio Negri, *Insurgencies: Constituent Power and the Modern State*, trans. Maurizia Boscagli (Minneapolis: U of Minnesota P: 1999) 20-21. *Il potere costituente* (Roma: manifestolibri: 2002).
5. Aristotle, *Metaphysics*, 1047a. Cited in Agamben, *Homo Sacer* 45.
6. Agamben, *Homo Sacer* 46.
7. Agamben, *Homo Sacer* 47.
8. Negri, *Insurgencies* 14.
9. Michael Hardt and Antonio Negri, *Empire* (Cambridge: Harvard UP: 2000) 24.
10. Hardt and Negri, *Empire* 421.
11. Hardt and Negri, *Empire* 366.
12. Hardt and Negri, *Empire* 366.

13. Antonio Negri, "Il mostro politico. Nuda vita e potenza," *Il desiderio del mostro: Dal circo al laboratorio alla politica*, ed. Ubaldo Fadini, Antonio Negri and Charles T. Wolfe (Roma: manifestolibri: 2001) 193 (author's translation).
14. Negri, "Il mostro politico. Nuda vita e potenza" 194.
15. Negri, "Il mostro politico. Nuda vita e potenza" 195.
16. Antonio Negri, *Il potere Costituente* (Roma: manifestolibri, 2002) 10.
17. Antonio Negri, "The Ripe Fruit of Redemption," trans. Arianna Bove, 15 April (2004) [www.generation-online.org/t/negriagamben.htm].
18. Negri, "The Ripe Fruit of Redemption."
19. Agamben, *Homo Sacer* 44.
20. Paul Virno, *Il ricordo del presente: Saggio sul tempo storico* (Torino: Bollati Boringhieri: 1999) 56 (author's translation).
21. Virno, *Il ricordo del presente* 66.
22. Virno, *Il ricordo del presente* 82.
23. Virno, *Il ricordo del presente* 125.
24. Although see Paolo Virno, "General Intellect, Exodus, Multitude," *Archipelago* 54 (2002). English translation available at <http://www.generation-online.org/p/fpvirno2.htm>. Here Virno states: "Agamben is a problem. Agamben is a thinker of great value but also, in my opinion, a thinker with no political vocation. Then, when Agamben speaks of the biopolitical he has the tendency to transform it into an ontological category with value already since the archaic Roman right. And, in this, in my opinion, he is very wrong-headed. The problem is, I believe, that the biopolitical is only an effect derived from the concept of labor-power."
25. Paolo Virno, "Intervista a Paolo Virno—21 Aprile 2001," *Futuro Anteriore. Dai Quaderni Rossi ai movimenti globali: ricchezze e limiti dell'operaismo italiano*, eds. Guido Borio, Francesca Pozzi, and Gigi Roggero (Roma: DeriveApprodi: 2001) 14-15 (author's translation).
26. See, for example, Bröckling, Ulrich, "Menschenökonomie, Humankapital: Eine Kritik der biopolitischen Ökonomie" *Mittelweg* 36 1 (2003): 3-22.

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