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978-1-107-02264-5 - Disobedience in Western Political Thought: A Genealogy

Raffaele Laudani and Foreword by Adam Sitze

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Disobedience in Western Political Thought

A Genealogy

The global age is distinguished by disobedience, from the protests in Tiananmen Square to the fall of the Berlin Wall to the anti-G8 and anti-World Trade Organization demonstrations. In this book, Raffaele Laudani offers a systematic review of how disobedience has been conceptualized, supported, and criticized throughout history. Laudani documents the appearance of *disobedience* in the political lexicon from ancient times to the present and explains the word's manifestations, showing how its semantic wealth transcended its liberal interpretations in the 1960s and 1970s. Disobedience, Laudani finds, is not merely an alternative to revolution and rebellion but a different way of conceiving radical politics, one based on withdrawal of consent and defection in relation to the established order.

Raffaele Laudani teaches the History of Political Thought and Atlantic Studies in the Department of History at the University of Bologna.

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A Genealogy

RAFFAELE LAUDANI

University of Bologna

FOREWORD BY ADAM SITZE

Amherst College



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Cambridge, New York, Melbourne, Madrid, Cape Town,
Singapore, São Paulo, Delhi, Mexico City

Cambridge University Press

32 Avenue of the Americas, New York, NY 10013-2473, USA

www.cambridge.org

Information on this title: www.cambridge.org/9781107606692

© Raffaele Laudani 2011, 2013

Original title: *Disobbedienza* (II Mulino, 2011)

Translated by Jason Francis McGimsey

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First published in Italian as *Disobbedienza* by II Mulino 2011

First English edition 2013

Printed in the United States of America

A catalog record for this publication is available from the British Library.

Library of Congress Cataloging in Publication Data

Laudani, Raffaele.

Disobedience in Western political thought : a genealogy / Raffaele Laudani,
University of Bologna.

pages cm

Includes bibliographical references and index.

ISBN 978-1-107-02264-5 (hardback) – ISBN 978-1-107-60669-2 (pbk.)

1. Civil disobedience – Philosophy. 2. Political science – Philosophy. I. Title.

JC328.3.L37 2013

303.6'101–dc23 2012043431

ISBN 978-1-107-02264-5 Hardback

ISBN 978-1-107-60669-2 Paperback

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Published thanks to the cooperation of the Department of History, Cultures and Civilization of the University of Bologna.

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Foreword

It is, to say the least, a propitious moment for Raffaele Laudani's study of disobedience to appear in English translation. Over the course of the first, long decade of this new century, "disobedience" would seem to have acquired the status of a paradigmatic political experience. Beginning with the antiglobalization protests in Seattle, Washington, D.C., and Genoa, and ending with the "Arab Spring" and the Occupy Wall Street (OWS) movement, various populations now more than ever before seem to be expressing their opposition to their governments' decisions and policies neither through the institutions of modern political representation (elections, public debates, petitions, and even polls) nor through public rallies, mass demonstrations, and strikes (practices that, in some countries, are themselves "institutions" in the sociological sense of the word) but rather in an altogether different form: by consciously refusing to carry out the constituted laws and even the law-constituting authority of those who hold formal political power.¹ Dissent and

¹ This is how Laudani defines *disobbedienza* in his contribution to the *Enciclopedia del pensiero politico: autori, concetti, dottrine*, 2nd ed., ed. Roberto Esposito and Carlo Galli (Roma-Bari: Laterza & Figli, 2010), 234. Compare Laudani's summary of the "paradigmatic" modern concept of disobedience, as set forth by Étienne de la Boétie. See page 38 herein.

I thank Harshit Rathi and Meghna Sridhar for their comments on an earlier draft of this Foreword.

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defiance, revolt and resistance, tumults and uprisings – much more than “*servitude volontaire*,”² “tacit and express consent,”³ “compliance through coercion,”⁴ “*assujettissement*,”⁵ “control,”⁶ or even “command obeying”⁷ – seem increasingly to be emerging as the normal modes in which many populations today relate to their lawfully constituted governments. We find ourselves today, philosopher Alain Badiou has declared, “in a time of riots.”⁸ Disobedience, it would seem, is the order of the day.

It is curious, therefore, that despite its rise to prominence, or perhaps precisely because of it, the concept of “disobedience” seems less coherent than ever. For a long time, of course, this concept has made sense only as a metonym, signifying within a linguistic series derived as much from classical politics (through terms like *insurrection*, *rebellion*, and *sedition*) and modern politics (which gave new meaning to the terms *revolution* and *resistance*) as from the portmanteau of late-nineteenth- and twentieth-century radicalism (which gave us neologisms like *activism*, *boycott*, *direct action*, *hackerism*, *sabotage*, and, above all, *satyagraha*). Because of this metonymy, the language of disobedience always has been deeply ambiguous, only rarely managing to fight its way out of indeterminacy, and even then only with the aid of hair-splitting taxonomies.⁹ Much more frequent is the sort of slippage one

² Étienne de la Boétie, *Discours de la servitude volontaire* (Paris: Éditions Payot, 1993), 196.

³ John Locke, *Two Treatises of Government, and a Letter Concerning Toleration*, ed. Ian Shapiro (New Haven: Yale University Press, 2003), §119.

⁴ Max Weber, *Economy and Society: An Outline of Interpretive Sociology*, ed. Guenther Roth and Claus Wittich, trans. Ephraim Fischoff (Berkeley: University of California Press, 1978), 34, cf. 313, 336.

⁵ Michel Foucault, “The Subject and Power,” *Critical Inquiry* 8, no. 4 (Summer 1982), 781.

⁶ Gilles Deleuze, “Postscript on the Societies of Control,” *October* 59 (Winter 1992), 3–7.

⁷ Enrique Dussel, *Twenty Theses on Politics*, trans. George Ciccariello-Maher (Durham, NC: Duke University Press, 2008), 19, 26–27.

⁸ Alain Badiou, *The Rebirth of History*, trans. Gregory Elliot (New York: Verso, 2012), 5.

⁹ See, e.g., John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971), 363–71; Joseph Raz, *The Authority of Law: Essays on Law and Morality* (Oxford: Clarendon Press, 1979), 263–65; Vinit Haksar, “Civil Disobedience and Non-cooperation,” in *Civil Disobedience in Focus*, ed. Hugo Bedau (New York: Routledge, 1991), 144–58.

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finds in Paul Mason's recent explanation of the various acts of disobedience that lately have emerged in so many different parts of the world.¹⁰ "Why is it kicking off everywhere?" Mason asks his reader, but the more his narrative unfolds, the more one begins to sense within it the shadow of an unasked question. What exactly *is* this "it" that's kicking off everywhere, after all? In implicit response, Mason's text ends up deploying nearly the entire vocabulary of disobedience, as if it formed a single network of interconnected and interchangeable synonyms: the "it" that's "kicking off everywhere," Mason would seem to claim, is at once activism, resistance, sabotage, boycott, unrest, hackerism, revolt, rebellion, insurrection, riot, and revolution – all of these at once, but perhaps also none at all, inasmuch as there really may be no better name than "it" for the energy that today, as never before, seems to link each of these names to the others.

The result is no less paradoxical, however, even when this "it" is discussed explicitly as "disobedience." Even in this case, the term still seems less to explain current events than itself to stand in need of explanation. The experiences of recent years, after all, no longer seem to bear much resemblance to the Thoreauvian, Gandhian, and Kingian concepts of "civil disobedience" that, for a very long time, have been commonplace within public debate, academic study, and activist planning alike. "Civil disobedience," as Bernard Harcourt observed in a recent reflection on OWS, "accepted the legitimacy of political institutions, but resisted the moral authority of resulting laws." Contemporary forms of disobedience, Harcourt goes on to suggest, resist something very different: "the very way in which we are governed[:] the structure of partisan politics, the demand for policy reforms, the call for party identification, and the very ideologies that dominated the post-War period."¹¹ As such, Harcourt

¹⁰ Paul Mason, *Why It's Kicking Off Everywhere: The New Global Revolutions* (New York: Verso, 2012).

¹¹ Bernard Harcourt, "Occupy Wall Street's 'Political Disobedience,'" *New York Times*, October 13, 2011, online at <http://opinionator.blogs.nytimes.com/2011/10/13/occupy-wall-streets-political-disobedience/> (last checked March 25, 2013). See also Bernard Harcourt, "Occupy's New Grammar of Political Disobedience," *The Guardian*, November 30, 2011, online at <http://www.guardian.co.uk/commentisfree/cifamerica/2011/nov/30/occupy-new-grammar-political-disobedience> (last checked March 25, 2013).

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argues, contemporary disobedience poses a challenge not only to law but also to politics itself and, above all, to the very lexicon that's available to us for speaking and thinking about politics. Harcourt's own name for this enigmatic new form of action, "political disobedience," is a bit forced, for if indeed it is the case, as he claims, that contemporary disobedience is "a resistance to politics *tout court*," then surely "political disobedience" is a less fitting name for this resistance than would be, say, "unpolitical disobedience."¹² Nevertheless, Harcourt's diagnosis contains an important insight. To think "disobedience" today is to think an experience that outstrips the forms and terms of our political lexicons. Contemporary disobedience is an act in search of a concept, a practice without a theory, a phenomenon that lacks a paradigm.¹³ On this read, the term *disobedience* would not then be a name for our present (as a reader of Mason might reasonably conclude). In just the opposite way, it would seem to be a name for our inability to name our present, a name for the pronounced silence that is the surest sign of a true conceptual crisis, a name for a categorical vacuum that, in turn, calls out for a response from thought.

The book you hold in your hands provides just such a response. Composed in brisk and crystalline prose, Laudani's *Disobedience in Western Political Thought* offers a history of the concept of "disobedience" that is indispensable for any really probing comprehension of the experiences of disobedience that define our present. The central claim of this text is that the concept of "disobedience" poses an especially paradoxical problem in and for the history of political thought (most especially modern political thought, beginning with the French jurist Étienne de Boétie). Disobedience is, Laudani argues, a symptom – perhaps even the exemplary symptom – of the contradictory foundation of modern politics as such. On one hand, modern political thought presupposes obedience. Absent obedience, law is not only ineffective but also invalid, lacking the power to construct political orders in which modern principles (such as

¹² Particularly in the sense that Roberto Esposito has given to the term *unpolitical*. See Roberto Esposito, *Categories of the Unpolitical*, trans. Connal Parsley (New York: Fordham University Press, forthcoming).

¹³ Cf. pages 5–6, 150–51 herein.

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reason, freedom, and equality) can flourish.¹⁴ Obedience is thus an indispensable condition for the modern attempt to fabricate laws grounded in a conscience that is no longer theological and transcendent (formed with reference to “higher laws” such as divine right) but now political and immanent. On the other hand, however, modern political thought discovers that obedience hinders the full and complete actualization of the very conscience that motivates it. The same experience of obedience that allows modern law to host a conscience motivated by principles such as reason, freedom, and equality *also* imposes fundamental checks on that same conscience, limiting its ability to fully or completely realize any of its motivating principles. Obedience thus turns out to constrain the very conscience whose uniquely secular and rational voice it also enables and that indeed confers on modern politics its self-understanding as an epoch. Obedience is, for this same reason, the site of a subtle but serious aporia in and for modern politics: even as obedience opens up space for the birth of modern conscience, it also establishes the conditions for modern conscience to reject and refuse the very laws that house it. Obedience, in other words, is nonidentical with itself: it produces an excess that recoils on it, negating it. Obedience itself calls forth the very disobedience that undoes it from within.

With its unapologetically broad sweep and capacious interpretive horizon, this argument no doubt will catch some readers off guard. Missing from Laudani’s book, such a reader might worry, is the sort of discourse we have come to expect from philosophic studies of disobedience, where the central question is how – according to what unexamined assumptions about justice, democracy, morality, and legality – disobedience may or may not be justified in and for the individual conscience of the secular, rational, deliberative citizen. In place of this discourse, Laudani offers us something very different: an historical–intellectual portrait of *the origins* of disobedient conscience, a genealogy of disobedient conscience that ends up posing quite unexpected questions to that conscience, asking it

¹⁴ H. L. A. Hart, *The Concept of Law*, 2nd ed. (Oxford: Oxford University Press, 1994), 116–17; cf. Hans Kelsen, “What Is the Pure Theory of Law?” *Tulane Law Review* 269 (1959–60), 272.

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to wrestle not simply with its “inner voice” but also now with a new self-consciousness about the genesis and basis of that inner voice, one focused less on the anxious decisions this voice would sometimes seem to require of us than on the historicity, even transience, of the forms and schemata that allow this voice to speak in the first place.

Nowhere is this contrast greater than when it comes to the taxonomies that appear with such automatic, even ritualistic regularity in conventional studies of disobedience. Laudani certainly does patiently sort out some of the differences between disobedience and the various metonyms that both preceded and postdated its modern theorization (such as rebellion, revolution, resistance, sedition, and insurrection). But take note: Laudani performs this labor not because he believes that taxonomic order is the precondition for any valid discourse on disobedience but rather because the simultaneous necessity and impossibility of taxonomizing the metonymy of “disobedience” – of establishing an order that would arrest its slippage into the contiguous notions of resistance, rebellion, revolution, sedition, and so on – is a clue that, in turn, allows him to put his finger on the constitutive limit of the experience of the disobedient conscience. History, as Theodor Adorno once argued, must become philosophical if it is not to become nonidentical with the nonhistorical concepts it can’t help but assume as a condition of its intelligibility.¹⁵ Alert to this dialectic,¹⁶ Laudani allows his conceptual history of disobedience to pass into something quite different, a discourse we might be tempted to call a “political theory” of disobedience. Put in the form of a hypothesis: if the disobedient conscience has such difficulty thinking disobedience on its own terms – if discourses on disobedience consistently assume the form of sprawling metonymy or elaborate taxonomy – this is because disobedience is, at root, the sign of an enigmatic political energy that

¹⁵ Theodor Adorno, *History and Freedom: Lectures 1964–1965*, ed. Rolf Tiedemann, trans. Rodney Livingstone (Cambridge: Polity Press, 2006), 40, 87, 94, 122. Cf. J. G. A. Pocock, *Political Thought and History: Essays on Theory and Method* (Cambridge: Cambridge University Press, 2009), 6–7, 54.

¹⁶ Laudani, it is worth noting, authored the entry for “*dialettica*” in the *Enciclopedia del pensiero politico* (216–17), and his first book was a study of the thought of Herbert Marcuse. See Raffaele Laudani, *Politica come movimento: il pensiero di Herbert Marcuse* (Bologna: Il Mulino, 2005).

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Laudani, drawing a term from contemporary Argentinean activism, proposes to call *destituent power* (*potere destituente*).¹⁷

Given how central this highly original concept is to Laudani's argumentation, it will be useful to spend a few pages clarifying its precise ambit, a task that may be accomplished by outlining its relations to two additional concepts that would seem to participate in its conceptual constellation. The first, *constituent power* (*pouvoir constituant*), was introduced by the French abbé Emmanuel Sieyès in connection with the events of the French Revolution and emerged as the site of considerable dispute within twentieth-century political philosophy (most notably between Carl Schmitt, Walter Benjamin, and Hannah Arendt). Contemporary jurisprudence would seem to have resolved this debate, defining constituent power as "the power to make a constitution and therefore to dictate the fundamental norms that organize the powers of the State."¹⁸ But the simplicity of this definition is misleading. Despite, or perhaps because of, its centrality to the founding myths of so many modern nation-states, the concept of constituent power is aporetic to the point of incoherence. "Constituent power," after all, would propose to name a most improbable sort of power, a power that's somehow able to create law *ex nihilo* and yet that is not itself legal (for only if it succeeds in creating a new legal order would it then be possible to speak of "constituent power" as anything other than an exceptional crime such as treason, rebellion, or sedition). In the event that constituent power does succeed in its task, however, it must oppose the very law it makes, for once a constitution is already made, constituent power – the power to make a new constitution, to create new legal norms – will pose a threat to that same constituted power so long as it remains fully loyal to its essence. If it's not to end up unmaking the very law it makes, constituent power must then, at some indeterminate but decisive threshold, begin to be neutralized and contained. As a condition for its success, in other words, constituent power must begin to fail: it must abandon its innermost essence and force. At once prejuridical (because the origin of constituted law) and antijuridical (because opposed

¹⁷ See page 4 herein.

¹⁸ Antonio Negri, *Insurgencies: Constituent Power and the Modern State*, trans. Maurizio Boscagli (Minneapolis: University of Minnesota Press, 1999), 2.

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to constituted law), constituent power thus would seem to remain in permanent excess of the very laws it calls into being. For this same reason, it would seem to escape the comprehension of those academic disciplines, most notably jurisprudence, that are content to approach the study of law by answering only those questions that constituted law has already posed for itself. So long as we seek to understand constituent power as a juridical category – so long as we seek to grasp it from the theoretical standpoint of the very constituted power it at once precedes and opposes – it would thus seem that we're bound to misunderstand it.¹⁹

Destituent power, as Laudani traces it, would seem to be at once *the double* of constituent power as well as its *polar opposite*. It is its *double* because, exactly like constituent power, destituent power refers to a potency that remains in permanent excess of the very same juridical institutions to which it gives rise.²⁰ Also like constituent power, destituent power is very difficult to think in and for itself. Just as jurisprudence cannot understand constituent power except within a horizon centered on constituted power, so, too, political philosophy cannot understand destituent power except as obedience to the second degree (where disobedience is interpreted as nothing more than obedience to a higher law, whether that law be a command of moral right, divine right, or natural law).²¹ These resemblances are certainly signs that, as Laudani puts it, destituent power and constituent power are each expressions of one and the same potency. But even so, destituent power expresses this power according to a modality that is very different from, even opposed to, that of constituent power. Whereas constituting power describes a revolutionary situation characterized by the creation of juridical norms *ex nihilo*,

¹⁹ For this argument, see *ibid.*, 12. See also Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, trans. Daniel Heller-Roazen (Stanford, CA: Stanford University Press, 1998), 39–48.

²⁰ See, e.g., pages 4–5 herein.

²¹ See, e.g., page 43 herein. Even in its more theoretical forms, as in Ronald Dworkin's theory that the right to civilly disobey a law is not simply a moral right but is implicit in the very idea of legal right itself, one encounters the same paradox: disobedience is rarely, if ever, thought without reference to juridical categories, to the category of law. Ronald Dworkin, *Taking Rights Seriously* (Cambridge, MA: Harvard University Press, 1978), 206–22.

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destituent power describes a revolutionary situation characterized by the withdrawal from, resistance to, or refusal of juridical norms. The opposition between these two modes of power should not, of course, be exaggerated: in much the same way that the death drive in Freudian psychoanalysis never appears in isolation from the pleasure principle,²² so, too, are the unbinding or dissolving effects of destituent power rarely without connection to the creative effects of constituent power.²³ But the connection is not dialectical; it does not proceed by a logic of sublation or *Aufhebung*, and at no point does it come to rest in an identity of opposites. As with the relation between the death drive and the pleasure principle, the relation between destituent and constituent power would seem to be little more than a disjunctive synthesis, an unstable coupling. Even though destituent power often may be pressed into the service of constituent power, even preceding and enabling it, its mode nevertheless remains the latter's *polar opposite*: destituent power takes effect not by producing and creating law but by negating and abolishing it. In this sense, destituent power is to law what entropy is to matter: it is an energy immanent to law, internal to its system of command and obedience, that tends toward the dissipation or disordering of law itself.²⁴

²² Sigmund Freud, "Civilization and Its Discontents," in *The Standard Edition of the Complete Psychological Works of Sigmund Freud*, vol. XXI, ed. and trans. James Strachey (London: Hogarth Press, 1961), 121–22.

²³ See pages 4–5 herein. As Negri argues, constituent power not only has historical links to the "right of resistance" (which he calls the "negative power *par excellence*") but also manifests itself within historical experience in and through a destituent mode, by resisting and rebelling against existing juridical norms (Negri, *Insurgencies*, 3, 21, 24). The paradigmatic example here is the long, destituent struggle to abolish slavery and racism in the United States, which gave rise not only to amendments to the U.S. Constitution but also, arguably, to an altogether new constitution (on which point, see Bruce Ackerman, *We the People: Volume 1: Foundations* [Cambridge, MA: Harvard University Press, 1993], 83–4, 179–217). Whatever its precise relation to constituent power, it at least should be clear that destituent power, however constitutively negative it may be, is nevertheless not a force of reaction and passive nihilism (inclined toward melancholy, meaninglessness, or despair). "Destituent" power is not the same as destitution; it is not what Spinoza would call a "sad passion."

²⁴ In the interests of space, I set aside the very difficult question of the relationships between Laudani's concept of "destituent power," on one hand, and, on the other, Jacques Lacan's analysis of law and sin, Giorgio Agamben's mention of an

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This same energy may be clarified in another way, from a different direction still, by bringing it into contact with a second concept. Destituent power, as Laudani construes it, is a remarkably skillful extension of the concept of the political, as thought by the German political thinker Carl Schmitt (1888–1985) and as rethought by Laudani’s teacher at the University of Bologna, the historian of political thought Carlo Galli (one of the world’s leading authorities on Schmitt).²⁵ In 1996, Galli published a monumental study of Schmitt that sought to redefine Schmitt’s accomplishment as a political thinker. In Galli’s view, Schmitt’s achievement was to have opened himself to, to radicalize, the crises that together completed the collapse of medieval politics and that combined to constitute the origin of the modern epoch (such as the Copernican revolution, the Wars of Reformation, and, above all, the conquest of America).²⁶ As a result, Galli argued, Schmitt became unusually attentive to the subtle way that the catastrophic origins of modern politics persisted, in the form of a silent, unnamed, but distinctive energy, in the institutions, theories, and practices of modern politics. On Galli’s read, Schmitt is a specifically genealogical critic of modernity: Schmitt’s single-minded focus, according to Galli, was to grasp the origin of the strangely double-sided conflictual energy he perceived in the institutions and practices of modern politics. Schmitt’s discovery, Galli argues, was that this conflictual energy derived from “an originary crisis – or, better still, an *originary*

“anomic drive” internal to law, Alain Badiou’s analysis of St. Paul’s “law of the break with law,” or Étienne Balibar’s discussion of the “moment of negation,” or *Unrecht*, internal to “the structure of law” itself. See, variously, Jacques Lacan, *The Seminar of Jacques Lacan, Book VII: The Ethics of Psychoanalysis, 1959–1960*, trans. Dennis Porter (New York: W. W. Norton, 1992), 83–84, 179–217; Giorgio Agamben, *State of Exception*, trans. Kevin Attell (Chicago: University of Chicago Press, 2005), 72; Alain Badiou, *St. Paul: The Foundation of Universalism*, trans. Ray Brassier (Stanford, CA: Stanford University Press, 2003), 88–89; and Étienne Balibar, “The Invention of the Super-Ego” (unpublished manuscript, n.d.).

²⁵ For readers who are unfamiliar with Carl Schmitt, the most comprehensive introduction to his life and thought in English is Gopal Balakrishnan, *The Enemy: An Intellectual Portrait of Carl Schmitt* (New York: Verso Books, 2000).

²⁶ Carlo Galli, *Genealogia della politica: Carl Schmitt e la crisi del pensiero politico moderno*, 2nd ed. (Bologna: Il Mulino, 2010), xv.

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contradiction – which is not a simple contradiction, but, rather, the exhibition of two sides, two extremes,” such that “the origin of politics is not, in either of its two sides, an objective *foundation* for politics, but rather its *foundering* or *unfounding* (*sfondamento*).”²⁷ The political, as Galli interprets Schmitt, is not then a stable name for one among many timeless categories of human experience (in contrast to the economic, the social, the geographical), nor is it simply an argument about the need to distinguish friend from enemy. It is Schmitt’s name for the free-floating conflictual energy that came into being alongside the crises at the origin of modern politics and that persists in modern politics in a most uncanny way, by undermining the very institutions and practices it simultaneously founds, deforming the same political forms it produces, and disordering the very systems of thought whose schemata it also demands. By fixing his gaze on this origin, Galli argues, Schmitt realized that modern political thought (and consequently, too, the liberal democratic institutions and practices whose modes of self-justification it grounds and sustains) is divided against itself in a nondialectical manner. At the same time that it emerges from and even implicitly feeds on a crisis it is incapable of resolving, modern political thought also accounts for this incapacity by suppressing the symptoms of that crisis, compensating for its own incoherence with ever more moralistic reaffirmations of the unquestionable necessity of its own explicit goals (peace, security, liberty, equality for all). The core problematic of Schmittian thought, Galli thus argued, must not be confused with any one of the themes of Schmitt’s various texts (the distinction between exception and norm, theology and politics, decision and discussion, friend and enemy, constituting power and constituted power, land and sea, limited and unlimited warfare, European center and colonial frontier, and so on). It is Schmitt’s discovery that all of the forms of modern politics share a common trait, a birthmark that, in turn, attests to their common origin; despite the many and various differences between modern political thinkers – indeed as the silent but generative core of those differences – the epochal unity of modern political thought derives

²⁷ Ibid., xvi; emphasis original.

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from its distinctive doubleness, its simultaneous impossibility and necessity, or, in short, its “tragicity.”²⁸

Destituent power, as Laudani describes it, is political in this precise sense of the word. Even though it is an exclusively modern energy (casting doubt, it should be said in passing, on any reference to Antigonean or Socratic disobedience), destituent power is, exactly like the Schmittian political as interpreted by Galli, present within modern politics only in the mode of a contradictory, conflictual energy that undermines the very juridical forms it simultaneously calls into being. Also like the political, destituent power manifests itself not in this or that determinate concept (up to and including disobedience itself) but only as an indeterminate foundering that troubles all of the fundamental concepts of modern politics (most especially obedience, that essential precondition for any and all law). And finally, just as the political can only be understood genealogically, as the belated appearance within modern politics of a void, the silent energy of which originates in the collapse of medieval politics, so, too, does destituent power express itself in modern politics in the form of a medieval vocabulary that has outlived its own epochal horizon (within which, to be clear, there was no disobedience). For all these reasons, destituent power is, again like the political, quite difficult to interpret. We have seen how conventional studies of disobedience tend to respond to this difficulty: in their attempt to comprehend the various metonyms for disobedience, they taxonomize those metonyms and, in the process, depoliticize the dynamic that produces those metonyms in the first place, divvying up its divisive energy into fifty shades of gray. The purpose of Laudani’s destituent power, by contrast, is to repoliticize precisely this energy and, in so doing, to establish an interpretive

²⁸ For a more extended account of Galli’s thought, and in particular on the exact sense in which Galli’s interpretation of Schmitt is “non-Schmittian,” see Adam Sitze, introduction to Carlo Galli, *Political Spaces and Global War*, trans. Elisabeth Fay, ed. Adam Sitze (Minneapolis: University of Minnesota Press, 2010), xi–lxxxv; Adam Sitze, “A Farewell to Schmitt: Notes on the Work of Carlo Galli,” *New Centennial Review* 10, no. 2 (2010): 27–72; Adam Sitze, “The Tragicity of the Political: A Note on Carlo Galli’s Reading of Carl Schmitt’s *Hamlet or Hecuba*,” in *Political Theology and Early Modernity*, ed. Julia Reinhard Lupton and Graham Hammill (Chicago: University of Chicago Press, 2012), 48–59.

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horizon within which the various metonyms it produces may be comprehended with reference to the common void they each in their own way activate – and where, as such, they may appear in the light of their otherwise concealed epochal compossibility.

The significance of this interpretive shift is profound. Whereas the conventional lexicon of disobedience results in highly technical classificatory schemata, setting the table for debates over disobedience that feed on hair-splitting legalistic details, Laudani's intervention allows us to take a step back from those taxonomies as well as from the debates they generate, understanding both as symptoms, signs each of an anxious desire to avoid posing a deceptively simple question: what really do we mean when we say that disobedience is political? Once posed, this question certainly does allow us to clarify the experiences of disobedience that define our present. Laudani's answer to this question, after all, allows him not only to respond to the unasked question that troubles Mason's text (in Laudani's terms, the "it" that's "kicking off everywhere" is precisely destituent power) but also to put his finger on the nonidentity at work in Harcourt's political disobedience (for Laudani, disobedience would only be political so long as it partakes of destituent power). But this same answer raises its own questions. Is it really possible to think disobedience on its own terms, without either taxonomizing its metonymy or interpreting it from the standpoint of its antithesis (which, ultimately, is the effect of moral, ethical, and legal discourses that define disobedience, in medieval terms, as "obedience to the second degree")? If so, what new or different form of hermeneutic openness might we need to adopt to trace the play of its signature energy within the pages of the paradigmatic texts of political thought? How might our understanding of the history of political thought change once we reread it from the perspective of this strange negative potential, this power *not* to obey that is at once *opposed to* and *inscribed within* the power to obey itself? Last but not least, how might this same labor cause us to rethink our relation to the present? In the last analysis, it is perhaps these questions, in all their novelty and importance, that constitute the most provocative element of this book.

In response, Laudani will offer a concise set of readings of familiar texts in the history of modern political philosophy (ranging

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from Sophocles, Plato, Cicero, and Augustine to Bodin, Hobbes, Locke, and Arendt), which he brings into reciprocally illuminating conversation with equally familiar but nonphilosophical texts written in connection with nineteenth- and twentieth-century struggles against slavery, colonialism, racism, capitalism, and imperialism (most notably in the radical tradition of civil disobedience beginning with Thoreau, Gandhi, and King).²⁹ For readers who come to this inquiry from a background in the history of political philosophy, Laudani's readings of canonical texts may seem unfamiliar. The way in which Laudani reads these texts bears little resemblance to the sort of textual interpretation we've come to associate with the history of political thought, most especially the Cambridge school of John Dunn, J. G. A. Pocock, and Quentin Skinner.³⁰ Instead of a detailed, complex study of the linguistic contexts in contrast to which specific philosophers developed their concepts of disobedience, Laudani offers an analysis of the concept of disobedience on its own terms – with all of its contradictions and ambiguities, its controversies and contestations, its blindnesses and insights. Although Laudani certainly does not neglect the intricacies of philosophic texts, *Disobedience in Western Political Thought* remains the history of a single concept: Laudani's focus throughout is on the innovations and variations, the ambiguities and residues, the uses and reuses, that mark, often in very subtle ways, the concept of “disobedience” itself.

The attentive reader will understand this difference not as the absence of Cambridge school rigor but rather as the presence

²⁹ The distinction between political philosophy and political nonphilosophy is to be taken neither descriptively nor normatively, but symptomatically, as a sign of the inability of political philosophy to think disobedience on its own terms. One finds no mention of Thoreau, Gandhi, or King in either *The History of Political Philosophy*, 3rd ed., ed. Leo Strauss and Joseph Cropsey (Chicago: University of Chicago Press, 1987) or *Contemporary Political Philosophy: An Anthology*, 2nd ed., ed. Robert Goodin and Philip Pettit (Malden, MA: Blackwell-Wiley, 2003). On the “slow philosophical response” to problems of disobedience, see Hugo Bedau, introduction to *Civil Disobedience in Focus*, 3. See, by contrast, the accounts of Thoreau, Gandhi, or King in Carlo Galli, Edoardo Greblo, and Sandro Mezzadra, *Il pensiero politico del Novecento*, ed. Carlo Galli (Bologna: Il Mulino, 2005).

³⁰ Laudani's divergence from Straussian history of political philosophy seems plain and not in need of much elaboration.

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of a different approach to the history of political concepts. First developed by the German historian Reinhart Koselleck, the style of *conceptual history* (or *Begriffsgeschichte*) that Laudani deploys in his book is notable for the emphasis it places on the peculiar characteristics exhibited by “basic concepts” during periods of epochal transition.³¹ Although Koselleck’s own historical research focused mainly on the transition that occurred in Germany between 1750 and 1850, the same is not true of the conceptual history that has been practiced at the Italian universities of Milan, Padua, and Trento,³² where *Begriffsgeschichte* has merged with the more general task of the critique of modern politics (whether from the side of the Frankfurt school, in the immanent critique of Theodor Adorno, or from the French side, in the tradition of Derridean

³¹ See, generally, Melvin Richter and Michaela W. Richter, “Introduction: Translation of Reinhart Koselleck’s ‘Krise,’” in *Geschichtliche Grundbegriffe*,” *Journal of the History of Ideas*, 67, no. 2 (2006): 343–56; Keith Tribe, introduction to Reinhart Koselleck, *Futures Past: On the Semantics of Historical Time*, trans. Keith Tribe (New York: Columbia University Press, 2004), vii–xx. For examples of “conceptual history,” see Reinhart Koselleck, *The Practice of Conceptual History – Timing History: Spacing Concepts*, trans. Todd Samuel Presner et al. (Stanford, CA: Stanford University Press, 2002). For Koselleck’s Schmittian discourse on the pathogenesis of the modern “conscience,” which in many ways is an important precursor for this book, see Reinhart Koselleck, *Critique and Crisis: Enlightenment and the Pathogenesis of Modern Society*, vii–xx (Cambridge, MA: MIT Press, 1988), esp. chapters 2–4. This is not the place to revive disputes over the respective qualities of the Cambridge school and *Begriffsgeschichte*, not least because the work published in *Filosofia politica* does not seem overly committed to this distinction; even though the journal may be justly described as tending toward *Begriffsgeschichte*, Skinner and Pocock both sit on its editorial board. The interested reader may consult Melvin Richter, “Conceptual History (*Begriffsgeschichte*) and Political Theory,” *Political Theory* 14, no. 4 (1986): 604–37; Melvin Richter, “Reconstructing the History of Political Languages: Pocock, Skinner, and the *Geschichtliche Grundbegriffe*,” *History and Theory* 29, no. 1 (1990): 38–70; Melvin Richter, *The History of Political and Social Concepts: A Critical Introduction* (New York: Oxford University Press, 1995), 124–42; and the contributions by Richter, Pocock, and Koselleck in *The Meaning of Historical Terms and Concepts: New Studies in Begriffsgeschichte*, Occasional Paper No. 15 (Washington, DC: German Historical Institute, 1996).

³² See, more generally, Sandro Chignola, “History of Political Thought and the History of Political Concepts: Koselleck’s Proposal and Italian Research,” *History of Political Thought* 23, no. 3 (2003), 531–41.

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deconstruction or Foucaultian genealogy).³³ Especially at the University of Bologna, where Koselleck's thought has been brought into contact with the critique of modern politics developed by postcolonial studies,³⁴ *Begriffsgeschichte* has yielded a history of political thought that is unusually attentive to the question of basic concepts in the present, in this period of transition from the modern age to the global age.

Laudani's *Disobedience in Western Political Thought* is a splendid example of this particular iteration of the Koselleckian program.³⁵ Laudani treats disobedience as neither a practice to be justified nor a philosophical use of language to be clarified with reference to its nonphilosophical context but rather as a concept whose contemporary crisis of intelligibility can and should serve as the occasion for a critique of modern politics as such, and as a chance to make sense of the transition from the modern age to the global age. Extending an argument set forth by Galli in *Political Spaces and Global War*, Laudani understands the modern age as an epoch whose political thought was underwritten and determined by the spatial distinction between metropole and colony.³⁶ As distinct from most historians of modern political thought, who operate on the presupposition that modern politics is essentially reducible to the emergence and experience of the State, Laudani thinks modern politics beyond the State. In Laudani's view, the true laboratory of modern political thought is located not in Europe but in the space in between the metropole and the colony. For Laudani, therefore,

³³ See, on this point, Carlo Galli, "Editoriale. La pensabilità della politica. Vent'anni dopo," *Filosofia politica* 21, no. 1 (April 2007), 3–10.

³⁴ See, in particular, the work of Sandro Mezzadra.

³⁵ Laudani's research was first published in essay form in the Bologna journal *Filosofia politica*, which includes a special section called "Materialia per un lessico politico Europeo" ("Materials for a European Political Lexicon") that is devoted to the critical and systematic rethinking of basic concepts in modern political thought. See, on this topic, Nicola Matteucci, "Alla ricerca della filosofia Politica," *Filosofia politica* 3, no. 1 (June 1989). The Il Mulino book series under whose rubric Laudani's text was published, meanwhile ("*Lessico della politica*"/"Lexicon of Politics"), is similarly focused: each book in the series concentrates on the rethinking of a key basic concept of modern political thought (authority, community, constitution, democracy, justice, freedom, nation, revolution, state, tolerance, utopia, etc.).

³⁶ Galli, *Political Spaces and Global War*, 17–20. Compare to pages 55–66 herein.

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all modern political concepts derive in some way from the political space of *the Atlantic* (up to and including the concept of State, as Laudani shows in his analysis of Locke). What follows from this focus on “the Atlantic” is an understanding of the political as a form of *movement*, and on modern political theory as a theoretical attempt to *stabilize* the inner fluidity of modern politics (through, precisely, the concept of the State). In this sense, Laudani’s Atlantism may be considered a critical theory of modernity itself, a new and different way to grasp the spatial aporias stirring within modern political thought.

In the case of the concept of disobedience, Laudani’s attentiveness to the space of the Atlantic allows him an important and intriguing claim. Under conditions of modern political space, disobedience was not simply neutralized and incorporated into the interior of politics (by means of the theory of contract); it also was banished to the exterior of politics (by means of the practice of colonization). Under pressure from the definitive events of the late twentieth century – ranging from the completion of decolonization to the end of the Cold War to the emergence of economic globalization and the domination in some areas of new teletechnical modes of communication – the modern spatial distinction between colony and metropole collapsed, resulting in very new (although by no means less hierarchical) arrangements of space and population (such as the French *banlieues*). For Galli, shifts in political space are a sure sign that shifts in political theory are not long behind,³⁷ and so indeed it would seem in the case of the concept of disobedience. With the emergence of the global age, not only is disobedience no longer neutralized and incorporated into the social contract (as many theorists have argued); it also can no longer be banished to the colony (as fewer scholars have noted). As a result, the present is a moment that Koselleck once would have called a *Sattelzeit*, a “saddle-time” or “in-between” time that is stretched between the familiar paradigms of modern political thought, on one hand, and the realities of global politics, on the other. Stranded between its highly theorized, by today largely ineffective modern paradigm, on one hand, and, on the other hand, its

³⁷ Galli, *Political Spaces and Global War*, 6–8.

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undertheorized but increasingly important place and function within global politics, the concept of “disobedience” is today at a turning point. If we try to grasp contemporary disobedience using modern categories, we will damage our capacity to think and act in the present, gaining the reassuring feeling of a familiar paradigm but at the cost of losing the chance to experiment with various new political forms. But if we undertake these experiments without first taking stock of the genealogy that structures our most basic unstated assumptions and desires about disobedience, we will risk unthinkingly repeating the very paradigms from which we seek to free our thought.³⁸

Laudani offers a similar teaching to another set of readers, who arrive at this text having studied canonical theories of disobedience or having been trained or engaged in activist politics, and who may find this book unfamiliar in a very different way. It is difficult to deny the appeal of, even the need for, disobedience today. Disobedience seems to promise a concrete and practical technique for responding to the daily outrages we encounter in and through the hypermediated milieu of contemporary teletechnics. It seems natural, therefore, that we should want to experience disobedience less as a theory than as a practice, less as a concept than as a mere technique, less as a problem than as a solution. However understandable this desire is, it contains a paradoxical risk that tends to intensify the more urgent our relation to disobedience becomes. The more immediately we seek to enact disobedience, the more we risk unwittingly damaging disobedience itself, converting it from a political concept now into a mere moralism, into nothing more than a symptomatic “ought” that compensates for the weakness of its theoretical analysis and its political ineffectiveness with ever more theatrical displays of the authenticity of its militant commitment (which more often than not takes the form of a “return of the medieval repressed,” a redoubled version of Thomism, a new asceticism, a purist refusal of complicity with this or that species

³⁸ Exemplary in this regard is Laudani’s analysis of “the politics of indignation” as it has recently manifested itself in political spaces like Tahrir Square and Zuccotti Park. See Raffaele Laudani, “Politica dell’indignazione. Note sul rapporto attuale tra movimenti sociali e crisi della democrazia,” *Parole chiave* 47 (2012), 149–60.

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of “corruption”). In America, which provides the political space for the writing of this foreword, the stakes that attend this risk seem higher today than ever. At a moment when both of America’s political parties have failed to address some of the most distressing crises of American politics, ranging from increasing debt and failed financial reform to endemic poverty and an increasingly racist prison–industrial complex to climate change and increasingly precarious labor conditions, and in which disobedience seems more necessary than ever as a mode of political expression, concepts of “disobedience” have become reified (often interpreted with clichéd readings of Thoreau, Gandhi, and King), moralistic (sometimes aimed less at effective political intervention than, in a barely secularized iteration of Thomism, at symbolic acts designed merely to preserve the “beautiful soul” or “clean conscience” of the one who disobeys), masochistic (aimed at provoking police violence, which then in turn may serve as a source of publicity and as retroactive confirmation of the justice of one’s cause), and instrumentalist (limited to discussions of the best means or most effective techniques for achieving successful direct action).

Laudani’s book will both explain and challenge these habits of thought, particularly as they govern the assumptions of the American reader. Working in the tradition of the “foreigner” or “stranger” who is capable of teaching the United States what it is unable to teach itself (think of Alexis de Tocqueville), and composed within the political space of a city whose own important experiments in contemporary politics, from 1977 to the *disobedienti* of the present,³⁹ are themselves worthy of sustained study, Laudani’s book will challenge the American reader to rethink the counterintuitive strain of American exceptionalism that underwrites American discourse on civil disobedience. For some, this challenge will – on top of everything else that weighs on our conscience today – seem like a particularly bitter pill to swallow. But the point

³⁹ For a detailed account of the place and function of Bologna in the genealogy of contemporary politics, see Franco Berardi, *Precarious Rhapsody: Semiocapitalism and the Pathologies of the Post-Alpha Generation*, trans. Arianna Bove et al., ed. Erik Empson and Stevphen Shukaitis (London: Minor Composition, 2009), 15–30. See also Michael Hardt and Antonio Negri, *Multitude: War and Democracy in the Age of Empire* (New York: Penguin Books, 2004), 264–67.

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of the philosophy of history is not to explain the rationality that silently justifies reality as we experience it. It is to gain freedom from history, to liberate ourselves from the received concepts that constrain our sense of the possible and that assert their grip on our thought nowhere more forcefully than when they hide in plain sight, presenting themselves not as concepts but as immediate experience itself. If it is true that disobedience has become second nature for our conscience, then nothing could be more salutary than a reflection that renders this concept unnatural, giving us distance from its excessive proximity, and opening up the space we need to think it anew.

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