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CONSTITUTIVE EXCLUSION AND THE WORK OF POLITICAL UNINTELLIGIBILITY

A THESIS

PRESENTED IN

PARTIAL FULFILLMENT OF THE
REQUIREMENTS FOR THE DEGREE OF
DOCTOR OF PHILOSOPHY

JUNE 2011

BY

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For Andrew.

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INTRODUCTION

I begin (and end) with five figures.

The opening scene features the figure of Antigone. We are familiar with the story: Antigone appears in the eponymous play by Sophocles, at the end of the Oedipus cycle.¹ She is the daughter of Oedipus and Jocasta; but because of the curse on her family's house, she is also her father's sister, her mother also her aunt. Oedipus dead, and her brothers having killed each other in contest for the throne, her uncle Creon has taken it and has forbidden burial to her brother Polyneices as an enemy of Thebes. Antigone, against the counsel of her sister, Ismene, buries her brother anyway, and moreover insists upon her right to do so in public, in the face of the king. She insists upon her right to mourn her brother, refusing to subordinate her rights to the rights of the state. In challenging the authority of the king and by extension the state she calls into question the borders that secure its authority, finally and especially the border between man and woman. In doing so she appears insurrectionary, monstrous, and unintelligible. Condemned to a living death by Creon, shut away in a cave, Antigone takes her own life. Though her

¹ Sophocles. *Antigone*. *Sophocles I*, second edition. Trans. David Grene. Ed. Latimore. Chicago: University of Chicago Press, 1991. There has in recent years been a resurgence in interest in Antigone in political and feminist philosophy. See especially: Chanter, Tina. *Whose Antigone? The Tragic Marginalization of Slavery*. Forthcoming from SUNY Press, 2011. *Interrogating Antigone in Postmodern Philosophy and Criticism*. Ed. S.E. Wilmer and Audrone Zukauskaitė. New York: Oxford University Press, 2010. *Feminist Readings of Antigone*. Ed. Fanny Söderbäck. New York: SUNY Press, 2010. Sjöholm, Cecilia. *The Antigone Complex: Ethics and the Invention of Feminine Desire*. Stanford: Stanford University Press, 2004. Butler, Judith. *Antigone's Claim*. New York: Columbia University Press, 2000. J. Peter Euben. *Corrupting Youth: Political Education, Democratic Culture, and Political Theory*. Princeton: Princeton University Press, 1997. Steiner, George. *Antigones*. New York: Oxford University Press, 1984.

Antigone of course also appears in the second play of the cycle, *Oedipus at Colonus*.

I will return to each of these figures, and especially that of Antigone, in the final chapter of this dissertation.

contestation ends in her death, the play has inspired a whole history of political re-productions, a proliferation of adaptations and re-articulations to fit new political circumstances, from Nazi-occupied Paris to apartheid South Africa to present-day Ireland, during the second Iraq War.²

What about *Antigone* – and Antigone – inspires this history of repetitions and re-articulations of an insurrection from within, both in the history of performances of the play, and in the history of thought? How does the figure of Antigone seemingly both secure and trouble the distinctions between private and public, between family and state, indeed between woman and man, upon which political agency in ancient Thebes is based? Why does Antigone’s defiant contestation result in her death, and why does it continue to haunt our political life?

The second figure is far more shadowy: a girl without a name. She is the daughter of Jephtha, the biblical king in the book of Judges. Jephtha was an illegitimate, dispossessed and exiled son, but a great warrior. When Israel called him back to lead them in war against the Ammonites, Jephtha swears to God: “If you will give the Ammonites into my hand, then whoever comes out of the doors of my house to meet me, when I return victorious from the Ammonites, shall be the LORD’S, to be offered up by me as a burnt offering.”³ Jephtha is victorious, and he returns home. There he meets his daughter, his only child, running out to greet him. By the vow he made he must sacrifice her, and she agrees, asking only that she be allowed

² Anouilh, Jean. *Antigone*. Paris: Éditions de la Table Ronde. 1946. Fugard, A., Kani, J and Ntshona, W. “The Island.” In *Statements: Two Workshop Productions, Sizwe Banzi is Dead and The Island; and a new play, Statements After an Arrest under the Immorality Act*. London: Oxford University Press, 1974. Heaney, Seamus. *The Burial at Thebes*. New York: Farrar, Straus and Giroux, 2004.

³ *The Harper Collins Study Bible, New Revised Standard Edition*. New York: Harper Collins, 1993. Judges 11.30-31, 390. The commentator for the book of Judges in this edition, Robert G. Boling, remarks that “Though Jephtha is respected as one who exhausted all diplomatic channels before taking the field, he has a tragic flaw: a penchant for making deals, even with the Lord. Is his vow hastily worded? Instead of *whoever*, Jephtha may have intended ‘whatever.’ Standard plans of Iron Age houses accommodated livestock as well as family” (390).

to wander the mountains for two months to mourn her virginity. Her sacrifice is memorialized by the women of Israel, who mourn her death once each year.

While the story of the sacrifice of Jephtha's daughter is moving in and of itself, much more interesting is the fact that this story appears in the three major social contractarian political philosophies of the early modern period.⁴ A reference to Jephtha, and, by extension, to his daughter's silent sacrifice, appears at the basis of these social contract theories. The self-sacrifice of this nameless daughter secures the relation between equals necessary for the formation of the social contract. It seems that though the polity established requires her sacrifice, it cannot admit her as a political agent. But why? How? How does Jephtha's daughter both establish and/or disrupt the distinction between the state of nature and the state of civil society, the relation between God and man, and the equality amongst men, which grounds political agency in the early modern social contract theories?⁵ And how can we understand Jephtha's daughter as figuring what political theorist Danielle Allen calls "a whole other range of anonymous loss in democratic politics," sacrifices which, though necessary to the founding and maintenance of those democratic political bodies, those very bodies cannot see or hear or recognize?⁶ Here, at the base of the social contractarian political theories of the early modern period, theories which

⁴ Hobbes, T. *The Leviathan*. Ed. Edwin Curley. Indianapolis: Hackett Publishers, 1994. 139. Rousseau, J-J. "The Social Contract." In *The Social Contract and Other Writings*. Ed. Victor Gourevitch. Cambridge: Cambridge University Press, 1997. 143. Locke, J. "The Second Treatise of Government." In *Two Treatises of Government*. Ed. Peter Laslett. Cambridge: Cambridge University Press, 1988. 260, 282 and 340. The analysis of Jephtha's daughter at the base of the early modern social contract theories comes from Danielle Allen's *Talking to Strangers*, which I will take up when I return to these figures in the last chapter of this dissertation. Allen, Danielle. *Talking to Strangers: Anxieties of Citizenship since Brown v. Board of Education*. Chicago: University of Chicago Press, 2004.

⁵ This question of the sacrifice of Jephtha's daughter, and its nonacknowledgement, has resonances with recent critiques of social contractarian political theory stretching from Hobbes to Rawls, from Carol Pateman and from Charles Mills. Pateman, Carol. *The Sexual Contract*. Stanford, CA: Stanford University Press, 1988. Mills, Charles. *The Racial Contract*. Ithaca, NY: Cornell University Press, 1999. Mills, Charles and Carol Pateman. *Contract and Domination*. Cambridge: Polity Press, 2007.

⁶ Allen 2004, 39.

informed the political founding of the United States, lies the barest trace – denied, repressed, disavowed, abjected – of the sacrifice of a daughter without a name.

The third figure we know from the photograph: on the morning of September 4th, 1957, a fifteen-year-old Elizabeth Eckford walks alone to school, wearing the dress she has made especially for her first day. Eckford is one of what will later be known as the Little Rock Nine, the nine students who integrated Central High School in what will have been called the Battle of Little Rock. Though only fifteen, and against the wishes of her father, she chooses to fight segregation by walking to school that morning. She is not entirely certain what she will face, though this does not mean she is unprepared. As the crowd gathers behind her, Eckford asks a National Guard serviceman to grant her entrance and, refused, she waits, weeping, for the bus to the school at which her mother works. Her confrontation is captured in the photograph by Will Counts, with Hazel Bryan, her face distorted into a sneer, at the head of a lynch mob over the shoulder of the quietly terrified Eckford. That image, and other such images of that day, hastened the integration of Central High and other public schools throughout the south, two years after the *Brown v. Board* decision.

As a young woman, one might have expected that Eckford should have been shielded from dangerous political battles in which not only her rights to an equal education in the United States but her life was at stake. She would then have occupied the realm of the private or the social rather than that of the political, by virtue of her age alone. Political agency in the United States is restricted by age: however, Eckford was already implicitly a political agent in such a way as to call into question any neat distinction between the political and the social. African-American children, especially in the south, had to be carefully instructed in the unequal roles

assigned to them by Jim Crow and taught never to explicitly transgress them, never to explicitly fight back. This was for the sake of their own safety, but also for the social and political stability of the nation which, under the terms of its constitution at the time, required that black people as a whole be relegated to the social and excluded from political agency. Eckford's walk to school that morning was a challenge to a social and political order – a claim that she had rights, and specifically a right to an equal education, that the state of Arkansas was bound to recognize. The distinction between “social” and “political,” underwriting legitimate political agency, breaks down in this case. If we stick to the claim that black girl children belong to the social and not the political, then Eckford's contestation cannot be understood as a political action. Rather it seems that Eckford's contestation somehow both maintains and challenges this distinction between the social and the political that subtends the conception of political agency at play in this moment. How is this possible? And what can we learn from political agency by her *contestation* of her exclusion from public education that day?

In her walk to school, Eckford contested an exclusion at the very heart of the fabric of the south, and moreover her contestation was successful: she was not simply included in the larger structure of political and social life in the mid century American south, but, as Allen argues, was part of a radical refounding or reconstitution of a nation which had before defined itself upon the exclusion of children such as her from its institutions, and which then had to redefine itself in light of her entrance into those institutions. In the course of that reconstitution, a new model of democratic citizenship emerged, one offered from persons who were otherwise excluded from citizenship but whose continued exclusion was nevertheless necessary for the maintenance of legitimate political agency, and one which perhaps imagined a world in which political agency was no longer structured through such exclusions. But what made success possible in this case?

How was the translation between the social and the political effected in this case, such that the distinction had to be remade? And what were its costs?

The fourth and fifth figures are twins, figuring either side of a transformation of political agency: Claudette Colvin and Rosa Parks. On March 2, 1955, Claudette Colvin, a young black woman from Montgomery, Alabama, rides the city bus home from school. When the driver tells her to give up her seat for a middle-aged white woman, despite the empty seats beside and behind her, Colvin refuses. She is then arrested, handcuffed, kicked, and dragged off the bus by Montgomery police, who, according to reports, pass the time guessing her bra size, referring to her as a “thing” and a “whore.”⁷ NAACP leaders in Montgomery, including the Rev. Dr. Martin Luther King, Jr., E.D. Nixon, and Rosa Parks, had been looking for an opportunity to legally challenge bus segregation in Montgomery, and to organize a boycott of the public bus system. Nine months later, on Dec. 1, 1955, they chose to rally a boycott around the arrest of Rosa Parks rather than Colvin. NAACP activists at the time were concerned about Colvin’s outspokenness, her poverty, and her fierceness. Their concerns were solidified when, after her arrest, she wore her hair in cornrows and discovered that she was pregnant by an older married man.⁸ Instead, organizers chose Rosa Parks because she was a model of feminine, middle-class respectability; her choice not to relinquish her seat on that day has been cast not as the strategic decision of a

⁷ Barnes, Brooks. “From Footnote to Fame in Civil Rights History.” New York Times Online, Nov. 25, 2009. Accessed Feb 1, 2010. Younge, Gary. “She Would Not Be Moved.” The Guardian Online, Dec. 16, 2000. Accessed November 21, 2010. (<http://www.guardian.co.uk/theguardian/2000/dec/16/weekend7.weekend12>). Gurdon, Meghan Cox. “Claudette Colvin.” Review of Philip Hoose’s *Claudette Colvin: Twice Toward Justice*. Wall Street Journal Online; Nov. 21, 2009. Accessed Feb 1, 2010.

⁸ Barnes, 2009.

savvy political actor, but as a simple act in which a dignified middle-aged woman chose to remain seated because she was tired from a long day at work.⁹

These two figures fall on either side of the distinction between what is intelligible and what is unintelligible as that distinction grounds political agency. The figure of Rosa Parks acted as the hinge through which unintelligibility was translated into intelligible political agency. Her choice to stay in her seat, her arrest, and the subsequent boycott she helped to organize, in addition to the mediatization of the event of the boycott, all hastened the end to Jim Crow as the law of the south. Claudette Colvin, though she too made a stand, has remained in the background, unintelligible as a political agent; she was asked to remain silent about her role while the organizers focused around Parks, in order to assure the strategic success of the boycott. But what conditioned this choice and this translation from unintelligibility to intelligibility? And what were its costs? Parks' success as a political agent in this instance is arguably based on the lasting national narrative of her as taking a largely non-political action, of being simply a dignified, middle class, respectable woman tired from a long day at work, and subjected to the indignities of arrest. As such, she has been rendered less a political subject than a political object, obscuring the active role she took in the struggle against segregation and for equality and

⁹ An example of this version of the story can be found in Harvard Sitkoff's *The Struggle for Black Equality*: "Mrs. Rosa Parks said no. Her feet hurt... Weary after her long hard day... she wanted to remain seated for the rest of her ride" (Sitkoff, 37). Sitkoff, Harvard: *The Struggle for Black Equality*. New York: Hill and Wang, 1993. This was also a prominent version of the story during the 50th anniversary of the Montgomery bus boycott in 2005. Ms. Parks mentioned in her autobiography that though it was not her plan to get arrested, she was tired that day not from a long day at work, but rather from "giving in" (Parks 116). Parks, Rosa and James Haskins. *Rosa Parks: My Story*. New York: Puffin, 1999. Later studies of the politics of social movements in general and the civil rights movement in particular emphasized Ms. Parks' leadership roles in the NAACP, including serving as secretary to the Montgomery chapter of the NAACP. Morris, Aldon. *The Origins of the Civil Rights Movement: Black Communities Organizing for Change*. New York: The Free Press, 1984.

The difficulty of sorting out the historical events of the Montgomery bus boycott are intensified since some of the original documents themselves are sketchy on the details. According to Roberts' and Klibanoff's history of press accounts of the civil right movement, flyers calling for the one-day boycott mistakenly referenced Colvin's arrest nine months earlier rather than Parks' arrest, and moreover referred to her as Claudette Colbert, the famous (white) movie starlet of the nineteen thirties and forties. Roberts, Gene and Hank Klibanoff. *The Race Beat: The Press, the Civil Rights Struggle, and the Awakening of a Nation*. New York: Knopf, 2006. 119.

freedom for black people in this country. Meanwhile, the figure of Claudette Colvin remains largely unintelligible; her story has only recently been recovered, after the half-century anniversary of the Montgomery bus boycott and the death of Rosa Parks. What does Colvin's unintelligibility as a political agent in the Montgomery bus boycott tell us about how the translation between unintelligibility and intelligibility as it grounds political agency? What sacrifices are necessary to effect such a translation? And what continues to figure the remainder of political agency in our own time?

These figures, I argue, act as the limit between the distinctions that put political agency into play. Antigone (especially as she has been taken up in modern political thought) figures the distinction between the family and polity, between private and public, and ultimately between woman and man that grounds political agency. The nameless daughter of Jephtha figures the distinction between the celestial and the terrestrial necessary for the equality amongst men which grounds political agency in the social contract. Elizabeth Eckford figures the distinction between the social and the political (at least on Arendt's reading) that is the basis for legitimate political agency. And Claudette Colvin and Rosa Parks figure either side of the transition from unintelligibility to intelligibility, which renders Parks an ambivalently intelligible political agent, while Colvin remains unintelligible as a political agent.

None of these figures stand absolutely outside the delimited space of intelligible political agency. They lay ambiguously within and without that space, paradoxically both grounding and troubling the distinctions that put that agency into play. They are therefore themselves paradoxical as figures: real and unreal, seen and unseen, grounding these distinctions and troubling them at the same time. How is this possible?

The Force of the Figure

I refer to these women as *figures*, rather than *examples*. But what do I mean by this distinction? An example is exemplary of a category or kind; examples are a species of a genus, traversing between the particular and the universal. An example is meant to illustrate an idea, a concept, or a category of being; it is a particular that stands in for or represents a universal. In this way, Derrida says, the “uniqueness of the example is destroyed by itself, immediately elaborates the power of a generalizing organ” (*Glas*, 169R/149R).¹⁰ The example is therefore present, insofar as it represents; the example is thus immediately available to that which it represents. But the example also sometimes indicates something more than this. For instance, Kant somewhat famously referred to examples as “the go-cart of judgment” in the *Critique of Pure Reason*.¹¹ By this he meant that while examples are useful in teaching or in practicing the application of concepts, examples do not completely fulfill the rule of the concept of which they are meant to be exemplary, and have the tendency to be taken, he says, as formulae rather than as principles. Examples are therefore props for those lacking in the natural talent of judgment, but they are no substitute for the concept.¹² He therefore tends to avoid the use of the example, especially in the *Critique of Pure Reason*, which treats the faculty of reason rather than judgment. However, this does not keep Kant from relying on examples at different moments in any case. These instances call into question the self-sufficiency of reason; why, for instance,

¹⁰ Derrida, Jacques. *Glas*. Paris: Éditions Galilée, 1974. English translation: Derrida, Jacques. *Glas*. Trans. John P. Leavey, Jr. Lincoln: University of Nebraska Press, 1984. It is conventional to cite *Glas* in the following manner: by column, either left or right (150L or 121R) and occasionally by inter-column (146Ra or 146Rb). References in this text will follow this convention, in addition to referencing the French. They appear as: (*Glas*, French/English.)

¹¹ Kant, Immanuel. *Kritik der reinen Vernunft, Vol I*. Frankfurt am Main: Suhrkamp Verlag, 1974. 185: A134/B174. Kant, Immanuel. *Critique of Pure Reason*. Trans. Pluhar, Werner S. Indianapolis: Hackett Publishers. 208. References to the *Critique of Pure Reason* appear hereafter as (A edition/B edition) (German/Translation).

¹² *Ibid.*

would you rely on the prop of a walker or a go-cart [*Gängelwagen*] when you have the use of the concept itself? Examples carry us to and beyond the concept: they indicate that the concept is not entirely available to us, not fully present to language, that something about the concept is only reachable in this oblique fashion. The examples that Kant uses therefore call into question the relationship between language and concept, between philosophy and literature.¹³

In *Glas*, Derrida treats Antigone as a figure instead of an example. He distinguishes between these two by thinking the figure of Antigone as a “*unique example* in [Hegel’s] system... the inconceivable? What the greater logic cannot assimilate?” (*Glas*, 169L/150L).¹⁴ Following Derrida’s line of inquiry, I take up these five women as *figures* rather than as *examples*. Or perhaps as unique examples: as in some sense, but *not necessarily in the same sense*, inassimilable. These figures are not true examples, then, in that they do not stand for anything or represent anything. Rather, they secure the terms of representation in and through their exclusion from its terms. They are not therefore present, but neither are they entirely absent, non-existent, or nothing. Instead, they occupy a semi-ontological position: they are neither fully real nor fully intelligible, but are produced as the remains of the real and the intelligible. They are in this sense the monstrous and spectral remainder, ontology’s double, intelligibility’s disavowed spectral twin, that which is produced as “outside” or “excluded” from the space of the real or the intelligible in order to secure its border, but which remains nevertheless within that space as its interior limit, continuing to do the work of securing that space, but doing so under a veil. They are paradoxical, I argue, because they are *constitutively excluded*.

¹³ A favorite among Kant’s examples is that of the pure understanding as the land of truth, surrounded by a vast and stormy ocean of illusion (A235/B295) (267/303). Derrida analyses the relationship between philosophy and literature, concept and fiction, in terms of the operation of the “as if” in Kant’s philosophy, as Karen Feldman explains. Feldman, Karen. “The Fictional and the Figural: On Derrida, Kant, and the Textual Event.” *Cardozo Law Review*, Vol. 27, No. 2, 2005. 933-943.

¹⁴ Emphasis my own.

Constitutive Exclusion

This dissertation therefore treats these four daughters as figures, rather than as examples, in order to emphasize their position as ambivalently both within and without presence and representation, ontology, and intelligibility, because these figures are the product of constitutive exclusion: they are produced *as* constitutively excluded. Constitutive exclusion, I argue, describes both a structure and a process by which a system, a symbolic, a body, or an ontology is constituted through the exclusion of some difference that is intolerable to it, and against which it defines or constitutes itself. That excluded difference remains nevertheless *within* the body that has “excluded” it, continuing to do the work of structuring that body through its internal exclusion.

The move is therefore (logically, though not temporally) twofold: first, a system, body, or ontology constitutes itself through the production of an excluded element that it harbors within itself; second, this internal harboring of the excluded element is disavowed. The figure produced in and through constitutive exclusion, that constitutively excluded figure, occupies therefore what Derrida would refer to as a “quasi-transcendental” position with regard to the bordered, delimited space whose boundary is drawn through that constitutive exclusion. The constitutively excluded, quasi-transcendental figure is therefore both the condition of *possibility*, as well as the condition of *impossibility* of the constitution. The exclusion of that figure makes that constitution possible, and yet its remaining nevertheless within that constituted space renders it impossible: an insurrection from within. It is in this precise sense, then, that the five figures described above can be said to simultaneously ground *and* trouble the distinctions upon which political agency relies: their “exclusion” from political agency grounds these distinctions, but their “inclusion”

nevertheless within political agency as its internal limit poses a problem to these distinctions which must be managed.

I argue throughout this dissertation that this internal exclusion implies three things: first, that the space and time of political agency is never fully delimited or closed; second, that the continued attempts to border political agency result in the management of its failures through the figures it continues to (re)produce; and third, that this internal exclusion cuts through ontological, epistemological, and political levels, in that the maintenance of the fantasy of a bordered, delimited, intelligible political agency depends upon rendering some others unintelligible as political agents, despite their persistence within those borders drawn on the basis of the exclusion of these others.

Constitutive exclusion as both a structure and a process is properly neither: it is neither a structure secured through a process, nor a structure that determines a particular process. As both structure *and* process, constitutive exclusion indicates its ambivalence and its changeability, its responsiveness to changed conditions. Constitutive exclusion indicates the historical contingency of structures, and indicates the organization of processes; neither the structure nor the process is, however, complete and whole by itself, nor do they resolve into some fundamental third. Instead, they mutually contaminate each other, and this impure contamination is managed through the production of these remaindered figures.

In this dissertation, I think through constitutive exclusion as a structure and process for the sake of understanding the construction of political agency. I argue that constitutive exclusion establishes political bodies and secures the agency of political subjects. The spectral figures produced through constitutive exclusion as the outside within the political are therefore unintelligible as political agents. This indicates that constitutive exclusion operates through

ontological, epistemological, and political levels, and moreover that the distinction between these “levels” are in fact secured in and through that very constitutive exclusion.

Most importantly, I am interested in how these four figures indicate different ways to understand the epistemological challenge posed by constitutive exclusion. That is, if one is rendered unintelligible as a political agent, then what is the function or the use of that unintelligibility for politics? What are the different ways in which that unintelligibility plays out? What does that unintelligibility “look” like? How does that unintelligibility appear, if it does appear, within the delimited space of political intelligibility? And finally, how does one contest one’s constitutive exclusion? How does one translate across that border? How does one move from being unintelligible to intelligible as a political agent? How does one make a claim in a language that has defined itself on that very claim as an impossibility? And what are the risks and effects of such a translation?

I will argue that, against mainstream liberal models of inclusion, the translation from political unintelligibility to political intelligibility necessitates a *reconstitution* of the body that had formerly defined itself through that unintelligibility. Inclusion would mean inclusion on the terms already established, which would mean a continuation of the ignorance or the disavowal of that excluded element within. Thus liberal inclusion would mean that the excluded element can be included, but only if that excluded element remains hidden and continues to function as the internal and unacknowledged limit to political agency. Reconstitution, therefore, is part of the work of translation from unintelligibility to intelligibility, from figures to agents. I will also argue that these constitutions function multiply, and therefore produce a multiplicity of constitutive exclusions, none of which are reducible to the other. This implies that, although political agency is founded on the fantasy of the ontology of the sovereign, atomistic, fully self-

conscious individual, political subjects are constituted multiply, in relation to the multiple exclusions that make up political agency.¹⁵

A number of implications follow from this. First is the implication that, insofar as constitutive exclusion functions multiply to produce political subjects, those subjects must as well be multiple. This means that the space of political agency is never closed, that delimited space never finally limited, though political agency tends to rely on the fantasy of delimitation. Insofar as the delimitation of political agency rests on the fantasy of a neatly bordered, discrete subjectivity, this will be structured through production of constitutively excluded others who act as the limit to that agency, though under an epistemological block. That very political agency will then have been multiply constituted, although it understands itself to be one and unified.

Second is the implication that those subjectivities that are rendered unintelligible through constitutive exclusion are also multiply constituted. The figures of Claudette Colvin and Rosa Parks above show us that if strategic straightness means that it is possible to play to some exclusions in order to contest others (that it is possible, in this instance, to contest exclusions based on anti-black racism by playing to the norms of femininity and middle-class respectability that structure political agency), then constitutive exclusion does not produce either subjects *or* figures as discrete, neatly bordered identities. It is in fact the very impropriety and lack of borderedness of the constitutively excluded figure that renders those who are made to occupy that position monstrous, a threat to the proper border drawn by constitutive exclusion. The subjects on the “inside” of the political body therefore maintain the fantasy of atomistic individualism at the expense of the figures produced as the “outside,” who transgress borders,

¹⁵ The multiplicity and the incompleteness of politically intelligible agents draws on the work of such theorists as Audre Lorde, María Lugones, and Holloway Sparks. Lorde, Audre. *Sister Outsider*. New York: The Crossing Press, 1984. Lugones, María. *Pilgrimages/Peregrinajes*. New York: Rowman and Littlefield, 2003. Sparks, Holloway. “Gender and the Politics of Democratic Disturbance in the Montgomery Bus Boycott.” Presentation, Western Political Science Association. Vancouver, March 20, 2009.

who are uncontrolled, wild, messy. Therefore, when I refer to someone as constitutively excluded, this should not necessarily be taken to mean that they are as human beings entirely determined by their constitutive exclusion. The structure and operation of constitutive exclusion produce constitutively excluded figures to which living human beings are reduced, in order to produce the fantasy of a stable autonomous subject which is nonetheless accorded the privilege of dynamism and change. My analysis of constitutive exclusion and strategic straightness shows, however, that insofar as those rendered constitutively excluded are able to play to the different identity-categories that shape them, they are multiply constituted, and if they are multiply constituted, then the terms of intelligible political agency are multiple and never finally settled, and those political subjects who maintain the position of the “inside” are multiply constituted as well.

I will return to these four figures at the end of the dissertation, in order to reflect on precisely these questions. There I will focus on the political epistemology of constitutive exclusion, and argue that these figures can be taken as different models for thinking through the question of how one moves from unintelligibility to intelligibility through the process of reconstitution.

The Epistemology of Constitutive Exclusion through Judith Butler’s *Frames of War*.

The structure and operation of constitutive exclusion, especially as it works to underwrite political intelligibility in the United States and “the west,” has been most insightfully theorized in the work of Judith Butler. Butler’s work, especially in the first decade of the twenty-first century, has been particularly concerned with the construction of political bodies and with those lives rendered unintelligible or unlivable through those constructions. This dissertation therefore owes a large debt to that work. In this section, I will describe constitutive exclusion’s debt to

Butler's theorization of what she refers to as the "constitutive outside," and in particular the political epistemology, or the distinction between political intelligibility and unintelligibility, drawn by that constitutive outside. I turn to Butler to show what is at stake in theorizing constitutive exclusion, and how this is done on ontological, epistemological, and political levels.

In her 1993 work, *Bodies that Matter*, Butler describes her project as an investigation into the social construction of matter by means of asking what happens if we think of materiality as constitutively excluded: "Is materiality a site or surface that is excluded from the process of construction, as that through which and on which construction works? Is this perhaps an enabling or constitutive exclusion, one without which construction cannot operate? What occupies this site of unconstructed materiality? And what kinds of constructions are foreclosed through the figuring of this site as outside or beneath construction itself?"¹⁶ *Bodies that Matter* treats this question by means of a kind of constellation, through and between chapters that treat such subjects as race and queer desire in Nella Larsen's *Passing*, Žižek and Lacanian psychoanalysis, and interpolation and abjection in the film *Paris is Burning*. Butler critiques the dichotomy drawn between matter as an irreducible foundation or limit and the social constructions laid out on top of matter by treating matter as constitutively excluded. That is, she treats matter as already itself part of a structure of meaning. Her questions are therefore: what kinds of matter are materialized, what kinds of matter come to be recognized as matter, and what kinds of matter are foreclosed, disavowed, or never recognized? Butler critiques the supposedly irreducible nature of matter by giving it a history, and most importantly, argues that a feminist theory that treats matter as simply irreducible (basing it on a fundamental materiality of femininity or of women's

¹⁶ Butler, Judith. *Bodies that Matter*. New York: Routledge, 1993, 28.

bodies) risks ontologizing the already gendered distinction between form and matter in such a way as to continue to abject or degrade the feminine.¹⁷

Bodies that Matter was therefore concerned with the political production of ontologies, especially as they are formed through foreclosing queer lives through the gendered ontology of matter. Butler's post-structuralist account of power has a kind of lightness and flexibility that allows for the theorization of the constitutive outside on ontological, epistemological, political and normative levels, and moreover accounts for how the constitutive outside puts the distinctions between these levels in play. While in later works Butler has consistently and insightfully described the structure and operation of constitutive exclusion as the constitutive outside, she has not until *Frames of War* specifically taken up the constitutive outside as an epistemological problem.¹⁸ In these earlier works, she has focused on how the constitutive outside is produced, how it both secures and troubles that which its exclusion constitutes, and how the constitutive outside is therefore rendered unintelligible. Especially in *Precarious Lives* (Butler describes *Frames of War* as a kind of sequel to *Precarious Lives*), she movingly and incisively speaks for those whose lives are rendered unintelligible, describing them as lives that are ungrievable, and therefore unlivable, never having been lives to begin with (through a retroactive character of constitution that I will describe through Derrida's work in chapter two).¹⁹ But how is Butler able to formulate an intelligible analysis of what she claims is unintelligible? How are we to understand this outside within the inside of knowledge? Trying to give an account of that which is unintelligible puts one in a tricky situation. What kind of special access does the philosopher have to this outside of intelligibility?

¹⁷ Butler 1993, 29-30.

¹⁸ Butler, Judith. *Frames of War*. London: Verso, 2009.

¹⁹ Butler, Judith, *Precarious Life: The Power of Mourning and Violence*, London: Verso, 2004.

Frames of War specifically treats the political intelligibility of life and especially what or who is rendered unintelligible as a life. Butler argues that this intelligibility is produced through what she calls “frames.” Within the frame, political agents are present, represented and representable; they are intelligible and recognized as political agents. But who appears within the frame? Who is recognized? Butler argues that to question who can be recognized presupposes that recognition is conditioned, and she identifies this prior condition as “recognizability.” She writes, “If we ask how recognizability is constituted, we have through the very question taken up a perspective suggesting that these fields are variably and historically constituted, no matter how *a priori* their function as conditions of appearance. If recognition characterizes an act or a practice or even a scene between subjects, then ‘recognizability’ characterizes the more general conditions that prepare or shape a subject for recognition.”²⁰ Recognition then is a practice or a scene that takes place between subjects, but these subjects must count *as subjects* in order for such a scene to take place. The condition of “recognizability” then describes who counts as a subject: who will appear, be represented, or be recognized. But what then conditions or determines recognizability? What constitutes a subject who can be recognized in the first place? To argue that recognizability is constituted, she argues, indicates that some persons are not recognized by recognition.

Butler uses the term “apprehension” to describe that mode of knowing that is outside or beyond recognition. She claims that apprehension is a mode of knowing that is less precise than recognition: “it is bound up with sensing and perceiving, but in ways that are not always – or not yet – conceptual forms of knowledge... We can apprehend, for instance, that something is not recognized by recognition. Indeed, that apprehension can become the basis for a critique of

²⁰ Butler 2009, 5.

norms of recognition.”²¹ “Apprehension” then relies upon sensing and perceiving, but is a mode of knowledge that is not yet conceptual. It describes the sense or perception that there is something that recognition does not recognize, that there is something that determines the difference between recognition and non-recognition. Apprehension apprehends that recognizability is conditioned, and the conditions of recognizability are norms. Norms are, of course (following Butler’s Foucauldian influence) productions of power: power operates through norms. Norms, Butler argues, “furnish” frames, and the frame is therefore, borrowing from the language of constitutive exclusion above, ambivalently both the structure and operation of the norm.

Norms for Butler produce frames, and frames frame subjects as intelligible and recognizable. Insofar as the norm is an operation of power, it is political. The norm functions both *ontologically* as well as *epistemologically* however: norms produce subjects as real and existing, as well as intelligible and recognizable. Butler explains this dual function by arguing that norms or frames produce both the idea of life itself, and delimit the appearance of lives as lives:

[T]he frames through which we apprehend, or indeed, fail to apprehend the lives of others as lost or injured (lose-able or injurable) are politically saturated. They are themselves operations of power. They do not unilaterally decide the conditions of appearance, but their aim is nevertheless to delimit the sphere of appearance itself. On the other hand, the problem is ontological, since the question at issue is: *what is a life?* The “being” of life itself is constituted through selective means; as a result, we cannot refer to this “being” outside of the operations of power, and we must make more precise the specific mechanisms of power through which life is produced.²²

Butler describes the norms’ production very programmatically a few pages later: “In this way, the normative production of ontology thus produces the epistemological problem of

²¹ Butler 2009, 5.

²² Butler 2009, 1.

apprehending a life, and this in turn gives rise to the ethical problem of what it is to acknowledge or, indeed, to guard against injury and violence.”²³

However, this production is not so straightforward as it seems. This is because the norm for Butler always also produces the specter of its own failure, its ontological double, ambiguously both inside and outside, unintelligible, and monstrous. This is the production of what I have above called the constitutively excluded figure, the production of which both secures and troubles the constituted body.

Insofar as the norm produces not only an ontology but also its ontological double, and insofar as the frame produces not only intelligibility but also unintelligibility as a condition of that very production, this production will necessarily always be marked by a certain failure. Thus the norm will produce the specter of its own failure, which will continue to haunt the norm, and which the norm will then busy itself in managing: “In fact, a living figure outside the norms of life not only becomes a problem to be managed by normativity, but seems to be that which normativity is bound to reproduce: it is living, but not a life. It falls outside the frame furnished by the norm, but only as a relentless double whose ontology cannot be secured but whose living status is open to apprehension.”²⁴

This specter of the norm’s failure is the figure. Butler argues in *Frames of War* that this specter is produced in order to bear the differential distribution of what she calls precarity. Precarity is the political distribution of precariousness, which Butler describes as basically an existential fact of living or a fundamental vulnerability common to living things:

The more or less existential concept of ‘precariousness’ is thus linked with a more specifically political notion of ‘precarity.’ And it is the differential allocation of precarity that, in my view, forms a point of departure for both a rethinking of

²³ Butler, 2009, 3.

²⁴ Butler, 2009, 7-8.

bodily ontology and for progressive or left politics in ways that continue to exceed and traverse the categories of identity.²⁵

The figure, then, rendered unintelligible as a life, and whose life is thereby rendered unlivable, is made to bear precarity as a means of securing the fantasy that those subjects within the frame are individual and autonomous, that our lives are fully intelligible and under our own control, and that we are not precarious or vulnerable to each other.

If the figure is unintelligible, the mode of knowing proper to this constitutively excluded spectral figure is apprehension. But how can a spectral figure be apprehended? And how can a spectral figure, if it ever can, move from apprehension to intelligibility or recognition? Butler argues that the figure can be apprehended, and we can catch a glimpse of the frame that produces the figure as its outside, when the frame is broken. Frames are broken as part of their very construction – their circulation, their life as frames depend upon their iterability. If norms always also produce the specter of their own failure, Butler argues that this is also due to the fact that it takes *time* for any norm to produce or any frame to determine. She writes that due to the iterability of the frame, “[w]hat is taken for granted in one instance becomes thematized critically or even incredulously in another. This shifting temporal dimension of the frame constitutes the possibility and trajectory of its affect as well.”²⁶

As I take it, this temporal aspect of the norm or the frame could be taken in two ways. On the one hand, it could indicate a tragic repetition of this necessary exclusion that makes up the frame. In *Bodies that Matter*, Butler counters this by arguing that the constitutive outside should be approached as a critical resource rather than as a tragic repetition of exclusion, and while I agree with her, this does not indicate an end to the structure or process of the frame or

²⁵ Butler, 2009, 3.

²⁶ Butler, 2009, 10-11.

constitutive exclusion. On the other hand, the temporal aspect of the frame could be an indication that, given time and work, we can take the frames we have and make them bigger and more inclusive, such that in the future, we would have a frame which no longer relied upon the production of a constitutively excluded figure as part of its construction. Butler captures the tension between these two options nicely in the introduction to *Bodies that Matter*, in which she argued that:

The task is to refigure this necessary ‘outside’ as a future horizon, one in which the violence of the exclusion is perpetually in the process of being overcome. But of equal importance is the preservation of the outside, the site where discourse reaches its limits, where the opacity of what is not included in a given regime of truth acts as a disruptive site of linguistic impropriety and *unrepresentability*, illuminating the violent and contingent boundaries of that normative regime precisely through the inability of that regime to represent that which might pose a fundamental threat to its continuity. In this sense, *radical and inclusive representability is not precisely the goal.*²⁷

Butler reformulates this tension in *Frames of War* when she remarks that, though she is certainly arguing for a more inclusive frame through which to recognize life, such that precarity is not differentially distributed and certain lives no longer rendered ungrievable, unintelligible, and unlivable, she is also arguing that the precariousness of life cannot *itself* be recognized. That is, we must insist upon a more egalitarian distribution of precariousness, while also recognizing that we cannot eliminate precariousness, any more than we can eliminate our own mortality. We must treat the constitutive outside as a critical resource while we at the same time work toward a future in which we can achieve a more egalitarian distribution of precarity.

Moving beyond Butler with Constitutive Exclusion

While this dissertation owes much to Butler, I think that a more specific analysis of constitutive exclusion can actually help to work through the tension that Butler draws between

²⁷ Butler, 1993, 53, Emphasis mine.

these two. Therefore, I would like to offer the specific contribution that my analysis makes as a kind of friendly amendment to the ontological, epistemological, and political concerns Butler draws out here. My amendment will have two parts: the first will treat the temporality at work here, and will question the idea that we ought to take as our task the refiguring of constitutive exclusion as a “future horizon” as Butler states in *Bodies that Matter*. I will rely on resources within *Frames of War* to counter this orientation towards the future, by arguing that the Benjaminian temporality Butler relies on there orients us towards history, or rather genealogy, rather than towards the future.

The second is that very notion of unintelligibility and unlivability itself: what does it mean, exactly, for a life to be unlivable? And when we say unintelligible, to whom does this unintelligibility refer? I argue that the theorization of constitutive exclusion I offer here gives us a more complex picture of the epistemological challenge posed by constitutive exclusion, due, as I argued above, to our multiple constitution. I would like to leverage this multiplicity to remind us that those whose lives are rendered unintelligible to the norm are not thereby absolutely unintelligible, since they live within and without the norm in multiple respects. This multiplicity, I argue, can act as a corrective, keeping us from taking those constitutively excluded figures as wholly and entirely determined by that constitutive exclusion and thereby missing the strategic choices people have made in contesting their exclusions. This can help us better to understand anti-black racism within white feminism, classism or racism within queer politics, or sexism or homophobia within the American civil rights struggles, as well as point towards a coalitional fractured political agency.

Time and Multiplicity in Constitutive Exclusion

I think that the tension articulated above between the constitutive outside as the repetition of a tragically necessary structure and as solvable through liberal models of inclusion has a root in temporality, in that it assumes that we know what the past is, and what the present is, such that we can imagine a future horizon. There are resources within the temporality that Butler herself later develops (but perhaps does not adequately make use of) in *Frames of War* that help to make thinking this tension easier. These resources are the references to Benjamin that she makes in the third chapter, “Sexual Politics, Torture and Secular Time.” In that chapter, Butler relies on the Benjaminian idea that the time of the now [*Jetztzeit*] is “shot through with chips of messianic time” in order to argue that the homogenous present of modernity is in fact produced through the constitutive exclusion of some others as remnants of the past, as barbaric or backwards.²⁸ Specifically she argues that torture is a means of producing the Arab or Muslim as an anachronistic holdover from the past within the present or of producing the Arab or Muslim as barbaric or backwards. Forcing Muslim immigrants to the Netherlands to view videos of the gay pride parade in Amsterdam is another way of doing this (with the added problem that somewhere along the line, queer life became a tool of nationalism in the Netherlands). But the temporality implied in Benjamin’s fragment is useful for us in trying to understand how to think constitutive exclusion. Butler writes that “Benjamin’s emphatically non-secular reference here [to chips of messianic time] does not rely on an ideal future to come, but rather on the interruptive force of the past on a present that effaces all qualitative differences through its homogenizing effect. The ‘constellation’ which is one’s own era is precisely the difficult and

²⁸ Benjamin, Walter. “Theses on the Philosophy of History.” *Illuminations: Essays and Reflections*. New York: Schocken Books, 2007, 263, fragment A.

interruptive scene of multiple temporalities that cannot be reduced to cultural pluralism or a liberal discourse of rights.”²⁹

If we think that the challenge of constitutive exclusion turns us towards the future, this is because we “know” what the present is, and we “know” what the past is. But we know the past and we think of the present as fully intelligible only because it has been *retroactively* constituted that way. This retroactive temporality is itself part of an operation of disavowal that distinguishes inside from outside, but also distinguishes a *now* from a *then*. This production is cultural and political, as thinkers such as Said and Maclintock and Butler herself have shown us. Breaking the frame, apprehending the constitutive outside or translating constitutive exclusion from unintelligibility to intelligibility is an insurrection, not only ontologically, as Butler argues, but also temporally. In this sense, our orientation toward the future is itself a symptom of the structure and operation of constitutive exclusion, insofar as it is predicated on the continued disavowal of those figures – here figured as chips of messianic temporality – whose exclusion draws the boundaries of the present. Rather than positing or hoping for a future in which constitutive exclusion will no longer be operative, the critique of constitutive exclusion requires us to unearth those disavowed “chips of messianic time” that structure our political present. This would require reading history as a practice of counter-memory or of genealogy, perhaps for the sake of a future in which constitutive exclusion would no longer be necessary, but with the caveat that such a future is in no sense guaranteed or even *possible*, from within the terms that structure political agency in the present.

Finally, Butler refers to those figures who are cast outside the frame as part of the frame’s construction as unintelligible, and their lives as thereby unlivable. But what does it mean to

²⁹ Butler, 2009, 134.

render a life unlivable? What does it mean, especially, given that frames operate multiply, or that there are multiple constitutive exclusions that structure political agency in the present? What is the relationship between “figures” here, and something like a human being?

To take seriously the multiplicity of constitutive exclusion, both as it structures intelligible political agency and as it structures the constitutively excluded figure, requires careful consideration about the use of the terms “unintelligible” and “unlivable.” The multiplicity of constitutive exclusion indicates that no one human person is absolutely excluded, or absolutely included: there is no pure interior or exterior. While I agree with Butler that precarity, what it means to count as a life, what it means to be understood as human, and intelligible political agency are differentially distributed, these ought to be understood as relative to the frame which structures any particular aspect of precarity, life, humanity, or political agency. To take the multiplicity of constitutive exclusion seriously would mean that we would be able to, at least to some degree, account for the anti-black racism of feminism or of queer politics in the United States, the anti-Muslim or anti-immigrant construction of gay politics in Germany, or the persecution of effeminate or gender nonconforming men by masculine gay cissexual men in Nazi Germany.³⁰ Those who are cast into the position of constitutive exclusion therefore have other exclusions to rely upon and re-inscribe as a means of contesting their exclusion (as will be shown in the examination of strategic straightness in the model of Rosa Parks and Claudette Colvin in chapter four). Those figures produced as constitutively excluded also, however, possess the

³⁰ Resources for thinking these issues can be found in the following, respectively: hooks, bell. *Feminist Theory from Margin to Center*. Cambridge: South End Press, 1984. Cohen, Cathy J. “Punks, Bulldaggers, and Welfare Queens: The Radical Potential for Queer Politics?” *GLQ: A Journal of Lesbian and Gay Studies*. Vol. 3, No. 4. 1997. 437-465. Butler, Judith. “Judith Butler refuses prize at Berlin’s CSD 2010,” Youtube video, 6:58, recorded June 19, 2010, posted by “andrenarchy.” December 14, 2010, <http://www.youtube.com/watch?v=BV9dd6r361k>. English translation: Butler, Judith. “I must distance myself from this complicity with racism.” The European Graduate School, Dec. 15, 2010. Accessed Dec. 15, 2010. <http://www.egs.edu/faculty/judith-butler/articles/i-must-distance-myself/>. Halberstam, Judith. “The Anti-Social Turn in Queer Studies.” *Graduate Journal of Social Science*. Vol. 5 No. 2, 2008, 140-156.

potential for a coalitional contestation of constitutive exclusion, for the sake of ending the construction of political agency through constitutive exclusion.

Plan of the Dissertation

In the first chapter, I diagnose constitutive exclusion as it operates in Hegel's *Science of Logic*, and by extension, the Hegelian system. I argue that there are multiple forms of negativity at work in the *Science of Logic*, and that none of these negativities can be reduced to any other, nor can they be reduced to that most familiar of negativities, determinate negation. From this I conclude that the constitutive exclusion of multiple negativity structures the *Science of Logic*, both securing and interrupting the Hegelian system. I analyze the "multiplicity" side of multiple negativity by investigating the operation of diversity or *Verschiedenheit* in the *Science of Logic*; I argue that while Hegel wishes to distinguish a determinate diversity in operation at the level of the speculative from an indeterminate diversity in operation at the level of the empirical, this distinction is ultimately made both possible and impossible due to the constitutive exclusion of multiple negativity that subtends it. This, I conclude, indicates an epistemological blind spot within Hegel's onto-logic, calling into question the distinction between the empirical and the speculative and the valorization of the latter over the former.

In the second chapter, I investigate the ontology and epistemology of constitutive exclusion by means of an analysis of the quasi-transcendental in Derrida's *Glas*. Derrida describes the quasi-transcendental as a simultaneous condition of possibility and impossibility, and locates its operation in Hegel, and specifically in the figure of Antigone as the hinge between the *Phenomenology of Spirit* and the *Science of Logic*. I show how the relationship between brother and sister in the *Phenomenology* establishes and troubles the distinction between indeterminate and determinate *Verschiedenheit* between the *Phenomenology* and the *Logic*, and

produces the figure of Antigone as a way to manage this. I analyze Derrida's quasi-transcendental as constitutive exclusion, as a way to negotiate between the empirical and the transcendental, and argue that this helps us to see the transcendental as always as provisional. I then turn to the economy of the quasi-transcendental, arguing that the constitutively excluded figure cannot be seen as representative of an absolutely prior form of difference, but rather as a specific production in relation to specific conditions, a specific re(con)striction of the empirical into the provisional transcendental. Finally, I treat the retrospective character of constitutions, arguing that the distinction between determinate and indeterminate *Verschiedenheit*, as well as the distinction between the outside and inside of political agency, is secured through the retrospective character of constitutions. This retrospective character of constitutions would mean that the distinctions that found political agency which are seen as necessary to that constitution are produced retroactively. This retroactivity paradoxically produces the conditions of political agency, but also produces the constitutively excluded figure as a remainder.

I turn to Adorno in the third chapter to flesh out the political epistemology of constitutive exclusion, and in particular its orientation towards history (or towards a certain understanding of history, the understanding introduced above under the name of Benjamin). Here I read Adorno's nonidentity as constitutively excluded, analyzing it as the quasi-transcendent element of immanent critique. Nonidentity is, I argue, dialectical, negative, material, and historical. My aim in this chapter is to flesh out the provisional nature of the constitutively excluded figure as an element of transcendence buried within immanence. I argue that Adorno approaches nonidentity as a speculative moment towards which negative dialectics aims, but this moment can only be approached negatively. This is important for our understanding of the epistemology of constitutive exclusion in that political agents are constituted not to hear the claims that emerge

from that quasi-transcendent space, and so must be careful not to determine those claims in advance. Adorno also helps us to understand constitutive exclusion as a materialist historical question, in that nonidentity is a matter of interpretation, unearthed as a repressed shard of the past buried within the time of the now.

In the final chapter, I return to the five figures outlined above, and treat them as four different models for understanding the political epistemology of constitutive exclusion. In particular, I treat these five figures as different instances of constitutive exclusion, and as different ways to think through how one translates from political unintelligibility to political intelligibility, from the absence of contestation or acceptance of constitutive exclusion, as in the case of Jephtha's daughter, to the strategic straightness employed in the case of the Montgomery bus boycott, to the mimetic re-articulation of defiant contestation through the history of re-interpretations of *Antigone*.

CHAPTER ONE: DARKNESS IN THE REALM OF SHADOWS: CONSTITUTIVE
EXCLUSION, MULTIPLE NEGATIVITY, AND EPISTEMOLOGICAL BLINDNESS IN
HEGEL'S *SCIENCE OF LOGIC*.

Introduction

Hegel may seem a strange place to begin to address the problematic of constitutive exclusion, especially in its political implications. His name may not be the first that comes to mind in the need to diagnose and to address political or political-theoretical problems. However, Hegel has a lot to offer to the understanding of the operation of constitutive exclusion. For one, his philosophy is the highest modern expression of a tension that characterizes constitutive exclusion: the tension between a radical, open-ended movement in which nothing is finally certain and in which no moment is ultimately pure, and a closed system in which that movement comes to rest in an absolute, totalized whole. These two Hegels seem to occupy the same oeuvre, and yet they don't quite seem to recognize each other. This tension is indicative of the operation of constitutive exclusion in Hegel's thought. Above all, Hegel's philosophy is most useful to the understanding of constitutive exclusion in that Hegel thinks the ontological, the epistemological, and the political together, often at the same time. By locating a single symptom of constitutive exclusion in Hegel, we can then trace its operation across these different registers. This is ultimately what makes Hegel's thought such a rich resource for seeking out the structure and the operation of constitutive exclusion. It is also what makes the *Science of Logic* the best place in which to locate this symptom, and trace it across these different registers. This is because Hegel takes the *Science of Logic* to be the eidetic structure of his system. This does not mean that it is

complete: the *Logic* ends with its necessary opening-out into the physical world, taking it out of the “realm of shadows,” and putting flesh on the bones of logic. Nonetheless, the *Science of Logic* occupies a privileged position in Hegel’s thought; as J.L. Findlay writes (in his foreword to the Wallace translation of Hegel’s lesser logic, from the *Encyclopedia of the Philosophical Sciences*), the realm of shadows is equally “the realm of truth as it is in and for itself and without veil.”¹ Finally, as difference is a privileged site in constitutive exclusion, both in my theorization of it and in Hegel’s corpus, I turn to the eidetic form of difference as it is laid out in the *Science of Logic*.

In this chapter, then, my focus is on the operation of constitutive exclusion in its ontological and epistemological registers. I will explore the operation of constitutive exclusion in its political register and its relation to the epistemological and ontological registers in the chapters following. In this chapter I examine the ontological and epistemological character of constitutive exclusion in what I take to be its most instructive place in Hegel’s thought: in the *Science of Logic*.²

I argue that multiple negativity is constitutively excluded in the *Science of Logic*. By this I mean that a multiple negativity, or multiple rhythms of negativity, is/are central to the operation of the Hegelian dialectic of the *Science of Logic*. However, the operation of this multiple negativity is excluded from that dialectic, and the Hegelian system in fact constitutes itself on the basis of this exclusion. Multiple negativity therefore occupies what Derrida calls a “quasi-transcendental” position in the *Science of Logic*, and by extension the Hegelian system as a whole (though this claim would need to be born out in its specific operation in other sites in the

¹ Hegel, G.W.F. *Hegel’s Logic*. Trans. William Wallace. Clarendon Press, 1975, xxvi.

² Hegel, G.W.F. *Wissenschaft der Logik, Bd.I*. Frankfurt-am-Main: Suhrkamp, 1986. English translation: Hegel, G.W.F. *Science of Logic*. Trans. Miller, A.V. Humanity Books: Amherst, 1998. References to the *Science of Logic* appear hereafter as (*Logik I*, 52/*Logic*, 56).

system).³ That is, multiple negativity is both the condition of possibility as well as the condition of impossibility of the Hegelian dialectic. It is a difference, as well as a negativity, that must be excluded from the dialectic, as it exceeds it and poses a threat to it. Yet its exclusion is “unsuccessful,” as multiple negativity remains within the system, and continues to work for that system. It secures the borders of the system, but at best only provisionally, or perhaps only fantastically, as it is itself a border “concept,” a quasi-concept that blurs the distinction between inside and outside.

I follow Derrida in arguing that multiple negativity occupies a quasi-transcendental position within the *Science of Logic*, and that multiple negativity does not constitute a prior “general economy” from which the “restricted economy” of the Hegelian system is derived. I argue instead that multiple negativity is produced by the establishment of the Hegelian system, produced as its outside, produced *as excluded*.

Moreover, I argue that the constitutive exclusion of multiple negativity is a blind spot in the *Science of Logic*. I treat the epistemological character of constitutive exclusion in Hegel by arguing that multiple negativity constitutes a blind spot in Hegelian ontology, precisely the place where such blind spots should not be. I do this by taking up Jean Hyppolite’s interpretation of Hegel’s *Science of Logic*. Hyppolite gives one of the strongest readings of the *Logic*, especially of Hegel’s ontology and epistemology. Using the distinction between “empirical” and “speculative,” Hyppolite shows that non-knowledge, ignorance, or epistemological blind spots certainly exist in Hegel, but that they are only merely relative, a matter for experience or for empirical/natural consciousness. In contrast, knowledge is absolute at the level of the speculative, at the level of ontology; blind spots or non-knowledge therefore have no place there,

³ I will treat Derrida’s quasi-transcendental specifically in the next chapter.

or ought not be found in the *Logic*. I argue that such a blind spot does in fact exist, and it is constitutively excluded multiple negativity. Finally, I end the chapter by a return to Hyppolite to indicate that the constitutive exclusion of multiplicity in the *Science of Logic*, under the term *Verschiedenheit*, breaks down the distinction between speculative and empirical, showing their mutual implication or contamination.⁴

In part one, I treat the negativity side of multiple negativity. There I look at three different moments, three different rhythms, of negativity. I argue that none of them are reducible to any other, and that they cannot ultimately be reduced to determinate negation, the form of negativity that is the “motor” of the dialectic in the *Science of Logic*. In part two, I treat the multiplicity side of multiple negativity. As negativity cannot be reduced to determinate negation, so too difference as multiplicity in the *Science of Logic* cannot be reduced to contradiction, which I take to be the central form of difference operative in the *Science of Logic*. Difference as opposition and contradiction are intimately involved with determinate negation, so I take up difference explicitly in part two. There I argue that though Hegel wishes to control the multiple meanings of the term *Verschiedenheit* according to the distinction between speculative and empirical thought, he fails because the constitutive exclusion of *Verschiedenheit* as multiplicity both founds and troubles this distinction in the first place.

Constitutive Exclusion as an Epistemological Problem in Hegelian Ontology

In the Hegelian system, ontology, or the register of being, is identical to epistemology, or the register of knowing.⁵ For Hegel, these are essentially the same, as his speculative idealism

⁴ *Verschiedenheit* can mean plurality, heterogeneity, or multiplicity; in the *Science of Logic*, *Verschiedenheit* refers specifically to diversity, the indifferent difference between one thing and another thing.

⁵ In the Preface to the *Phenomenology of Spirit*, Hegel puts it (perhaps a bit uncharacteristically) quite clearly: “...Being is Thought.” (*Phänomenologie*, 45/*Phenomenology*, 33).

resolves the gulf between the two registers that Kant had left. I therefore examine them together in this chapter, starting with the claim of the identity of ontology and epistemology.

For Hegel, reality is characterized by reason, or by the movement of the concept in the world, whether that be the natural world or the human world of political history, art, or religion. Each of these spheres is a moment in the self-development of the concept, a progression that has its ending in absolute knowing. Our ability to know this reality is dependent in some way upon the historical development of the concept, as we can achieve the moment of “absolute knowing” only when reason has reached its historical apex. But this absolute knowing as self-knowing is possible only in principle; it does not ensure that any one particular human being has achieved absolute knowledge (though it is the condition of its possibility). It only ensures that the sublation of subject and substance has come on the scene, opening up the possibility for the retrospective knowledge of the whole by individual humans, and especially by philosophers.

As Hegel’s ontology is rational, that is, since for Hegel what *is* is essentially reason, what *is* will have been determined by the structures of thought, or ontology will have been logic. Hegel realizes that all existing modes of logic fail to describe the ontology that he puts forth. This is precisely why Hegel calls for a new kind of logic in the introduction to the *Science of Logic*. This would be a logic which is not dead and static, but instead a logic that moves, or a dialectical logic. The *Science of Logic* therefore describes Hegel’s ontological logic, his ontology.

Insofar as being and knowing are identical for Hegel, and insofar as we have achieved the state of absolute knowing (which would of course be a condition for the description of the totality of being given in the *Science of Logic*), then it would seem that there is no place for non-

Hegel, G.W.F. *Phänomenologie des Geistes*. Hrsg. Johannes Hoffmeister. Philosophische Bibliothek, Band 114. Hamburg: Felix Meiner Verlag, 1952. English translation: Hegel, G.W.F. *Phenomenology of Spirit*. Trans. Miller, A.V. New York: Oxford, 1977.

knowledge in Hegelian thought. While this is true, it is not as if Hegel claims that humans are all-knowing creatures, free of error and ignorance. Jean Hyppolite takes up this question (among others) in his important and influential commentary, *Logic and Existence*.⁶ Hyppolite argues that the difference between what he calls “speculative thought” and “empirical thought” constitutes and is explained through the difference between the *Science of Logic* and the *Phenomenology of Spirit*. He describes the *Phenomenology* as an account of the manner in which ordinary, everyday consciousness as “empirical thought” approaches the world, and the *Logic* as an account of how philosophical consciousness or “speculative thought” approaches that same world. Hyppolite argues that it is this split between empirical thought and speculative thought which carves out a space for non-knowledge in Hegel, while still maintaining the absolute knowledge of the totality of the Hegelian system. Non-knowledge for Hegel is then merely “relative,” the particular failures of any single human consciousness, or the perspective of the understanding, which grasps things as essentially positive.⁷ The level of reason, of philosophy, of speculative thought, however, grasps the “identity of being and knowledge,” and the negation that is essential to that identity.⁸ At this level, Hyppolite writes, “[a]bsolute knowledge means the in principle elimination of this non-knowledge, that is, the elimination of a transcendence essentially irreducible to our knowledge.”⁹ So Hegelian logic describes the operations of absolute knowing,

⁶ Hyppolite, Jean. *Logic and Existence*. Trans. Lawlor, Len and Amit Sen. Albany: SUNY Press, 1997.

Logique et existence, as well as the seminars on Hegel given by its author, defined at least in part a generation of readings of Hegel in France. Lawlor’s preface to the English translation is a rich and succinct history of the major problems of twentieth-century French thought which developed out of Hyppolite’s Hegel. Hyppolite, Jean. *Logique et existence*. Paris: Presses Univeritaires de France, 1961.

⁷ Hyppolite, 1997, 7.

⁸ Hyppolite, 1997, 5.

⁹ Hyppolite, 1997, 3.

the dialectical movement of thought and being, doing away with the relative non-knowledge described in the *Phenomenology* as the journey of consciousness to absolute knowing.

In “Hegel’s *Phenomenology of Spirit* as an Argument for a Monistic Ontology,” Rolf-Peter Horstmann argues that Hegel’s *Phenomenology of Spirit* is an epistemological argument for the Hegelian system, characterized by him as a monistic ontology whose principle is reason.¹⁰ There is some debate as to whether Hegel’s *Phenomenology of Spirit* is meant as an introduction to his larger system (and especially the *Science of Logic*); Hegel seems to indicate that this is how he thought of the *Phenomenology*, at least at the time he was writing it and immediately after, in his Preface and Introduction to the *Phenomenology*, as well as in the advertisement he composed for it. At least in this early part of his career, Hegel thought of the *Phenomenology* as the “Science of the Experience of Consciousness” (in fact, this was its original title) – a dialectical description of the process, both epistemological and historical, by which consciousness has reached the position of absolute knowing.¹¹ This process is, however, famously described by Hegel as the “pathway of doubt, or more precisely as the way of despair.”¹² The experience of natural, ordinary consciousness in the *Phenomenology* is formed by the passage through many moments which are “untrue” when seen from the perspective of the science of absolute knowing, whose truth is in the whole. Hegel says that these moments must be passed through, and lingered over, since grasping the concreteness of the moment is necessary

¹⁰ Horstmann, R.-P. "Hegel's *Phenomenology of Spirit* as an Argument for a Monistic Ontology." *Inquiry* 49(1), 2006, 103-118. See also Horstmann, R.-P. "What is Hegel's Legacy, and What Should We Do With It?" *European Journal of Philosophy* 7(2), 1999, 275-287.

¹¹ This is the source of Hegel’s description of the *Phenomenology of Spirit* as a “ladder” to the standpoint of science, in the 1807 Preface to the *Phenomenology*. The Preface describes in some detail the necessity of climbing this ladder in order to attain the perspective of science, and the new understanding of truth and falsity that this entails. It is also indicated by Hegel’s description of the *Phenomenology* in the introduction to the first edition of the *Science of Logic* as the first part of his scientific system.

¹² *Phänomenologie*, 67/*Phenomenology*, 49; section 78.

for the passage into the next moment; each successive moment is thus seen to be “untrue” from the perspective of the next. Non-knowledge has its place in the development of natural consciousness, in its progression up the ladder to the attainment of science; this necessary working-through non-knowledge to achieve true knowledge is what Hegel refers to as the “labour of the negative.”¹³

While Hegel’s thought unites being and knowing in the wholeness of the system, he reserves, therefore, a place for relative non-knowledge in experience of empirical thought. The level of speculative thought, the level of the science of absolute knowing, however, has no place for non-knowledge. I will show, however, that non-knowledge *does* in fact occur at the level of speculative thought. This is because an epistemological blind spot exists in the *Science of Logic*, where being and knowing are united, and where non-knowledge ought to have no place. This blind spot is precisely indicative of the structure of constitutive exclusion.

I argue that multiple negativity is constitutively excluded in the Hegelian system. Multiple negativity is both necessary and impossible for the existence of the Hegelian dialectic. Multiple negativity is *necessary* in that these multiple rhythms of negativity are in fact operative in the text and do not seem to be accidental to its operation; rather they tie different moments of the dialectic together. Moreover, the exclusion of a multiple negativity puts into play many of the distinctions (such as that between abstract and determinate negation, and that between speculative and empirical thought, as we shall see) upon which the dialectic relies. Multiple negativity is however *impossible* to the dialectic in that recognition of the work that it does would confuse these central operative distinctions of the dialectic – it would fundamentally alter the way in which the Hegelian dialectic operates. The constitutive exclusion of multiple

¹³ *Phänomenologie*, 20/*Phenomenology*, 10; section 19.

negativity relies therefore upon epistemological blindness: the denial, repression, or abjection of multiple negativity is central to its operation. As a “border concept,” constitutive exclusion tends to confuse easy distinctions between inside and outside and cause and effect, which is why, though it is tempting to identify epistemological blindness as an effect of a prior constitutive exclusion, it is not precisely correct to do so. A certain undecidability will therefore characterize my account of the constitutive exclusion of multiple negativity, in respect for its border or quasi-transcendental character.

At any rate, the ignorance of multiple negativity is necessary to its operation in the Hegelian system. To explicitly include multiple negativity, or to cease to define the Hegelian system by means of the constitutive exclusion of multiple negativity, would mean the redefinition of the Hegelian system by new terms. It would mean an end to the Hegelian dialectic as we know it, but perhaps not an end to Hegel, nor an end to the dialectic as such. In this, my approach has affinities with that of Catherine Malabou. Malabou performs a deconstruction of the Hegelian dialectic through the quasi-concept of plasticity; she argues, however, that though plasticity is both necessary and impossible to the Hegelian dialectic, it does not amount to the destruction of the dialectic.¹⁴ Rather, because of the histological properties of plasticity, the dialectic has an ability to absorb what is impossible to it, and redefine itself in response to it. Similarly, the inclusion of what is constitutively excluded would certainly mean an end to the system as it was defined through that particular exclusion; however, as the system opens itself and responds to one exclusion, it may well re-found itself through another. The conditions under which it is possible for a particular system (such as the Hegelian system) to understand itself as being founded through an exclusion and to open itself to hear, understand and respond to what

¹⁴ See also Malabou, Catherine. “Deconstructive and/or “Plastic” Readings of Hegel.” *Bulletin of the Hegel Society of Great Britain*. 41/42, 2000, pages 132-141.

has been excluded, I take to be a political problem as much as an epistemological one; this will be addressed in later chapters. As my reading of Hegel will show, we can look for the traces of constitutive exclusion in places of catachresis, of anxiety, perhaps places of madness, places where the borders are blurred. Multiple negativity, on the grounds both of negativity and of multiplicity, is one of these places.

Multiple Negativity

Negativity is central to Hegelian thought; it is that very *via negativa*, the “self-moving soul, the principle of all natural and spiritual life.”¹⁵ Yet it never receives its own treatment in Hegel’s work. Negativity operates in Hegel as essentially the negativity of determinate negation [*bestimmte Negation*], the negation of the particular content of a moment, which, through the activity described in the German verb *aufheben* (translated most usually into English as “to sublimate”), thereby turns it into the positive content of the next moment. Hegel describes determinate negation in a few key places in his work, such as in the introduction to the *Science of Logic* and in the Preface to the *Phenomenology*, which Hegel was editing at around the same time the *Logic* was written.¹⁶

Determinate negation is the phrase that describes the operation of that Hegelian term sublation or *Aufhebung*, and which is understood as the motor of the dialectic. Here I follow Hyppolite, who writes in *Genesis and Structure of Hegel’s Phenomenology of Spirit* that “[t]he result of an experience of consciousness is absolutely negative for that consciousness; in point of

¹⁵ *Logik I*, 52/*Logic*, 56.

¹⁶ *Logik I*, 38/*Logic*, 54; *Phänomenologie*, 48-9/*Phenomenology*, 36-7; section 59.

fact, however, negation is always determinate negation.”¹⁷ This is a productive logical negation, or a generative movement of relationality. In this movement, a thing truly becomes itself by means of self-othering or self-diremption, of reaching beyond itself and returning to itself. One thing is negated by another, but it comes to truly be itself, or rather finds that it truly *is* itself, by means of this negation. The movement of the dialectic in a sense guarantees a return from this self-alienation, but this makes the process no less difficult or deadly. The thing with which the movement begins dies during the dialectical process: it dies as the thing that it was, but it becomes something new (though from the point of view of what it has become, not something entirely foreign). This is the movement of determinate negation that makes up the central form of negation within the Hegelian dialectic.

Determinate negation is the self-othering, self-differentiating force of the dialectic; difference is therefore vitally at issue in it. Determinate negation marks the difference between one moment and the next, and between one thing and another. Hegel treats difference explicitly in the chapter on the “Essentialities of Reflection” in the *Logic*; however, he defines difference in terms of the operation of determinate negation, arguing that all difference is implicitly contradiction.¹⁸ Yet if negativity is multiple in the *Science of Logic*, then this will equally have implications for the theory of difference that Hegel makes use of in his work, or the understanding of difference according to which the dialectic operates.

While the work of negativity is everywhere in the *Science of Logic*, Hegel has very little to say about the concept or operation of negativity itself. Given the vital role that negativity plays in the *Science of Logic*, and indeed in the whole Hegelian system, it merits close and careful

¹⁷ Hyppolite, Jean. *Genesis and Structure of Hegel's Phenomenology of Spirit*. Trans. Samuel Cherniak and John Heckman. Chicago: Northwestern University Press, 1979. Page 14 See also Inwood's entry on negativity and negation in the *Hegel Dictionary*: Inwood, Michael. *A Hegel Dictionary*. Oxford: Blackwell, 1992.

¹⁸ *Logik I*, 65/*Logic*, 431.

consideration.¹⁹ This task is not without its risks, however, and trying to adequately describe the dialectic is a tricky business: as a philosophy of movement, a philosophy that moves, to pin it down to capture it in a definition is necessarily to do to it a kind of injustice. It is to trade a picture for a process. What I offer here is three still pictures, three gestures, as it were, to discern the differences in each one that allow for or enable the movement between them.²⁰ These three gestures, taken together, will negatively demonstrate the multiplicity of negativity at the heart of Hegel's dialectic.

Negativity in Being: Negativity as Nothing

The first gesture or motion in the multiple rhythms of negativity is the first mode of negativity we encounter in the *Logic* in its opening scene, on being. Here we encounter the strange movement of being and nothing into becoming. This moment is indeed unlike any other in the *Science of Logic*, because it is here that Hegel begins to describe a wholly free, self-determining system of thinking without presuppositions.²¹ He must begin, he argues, in immediacy, abstractness, and absolute indeterminacy. The form of negativity at work in this moment is that of the abstract negativity of nothing [*Nichts*], which is the absolutely empty

¹⁹ It should also come as no surprise that as negativity or determinate negation is so central to the operation of the dialectic, it is itself the source of much controversy; according to Michael Forster's defense of dialectic in his "Hegel's Dialectical Method," negativity, determinate negation, and the dialectic were all at the root of the disagreements between such influential readers of Hegel as Findlay (who tended to undercut the necessity of the dialectic by reading contradictions as merely opposed tendencies), Oakeshott (who dealt with the unacceptability of contradiction in Hegel by treating it as merely in the abstract), Fulda (who agreed that the operation of negativity in sublation is not necessary and tended to view this as a matter of conceptual vagueness on Hegel's part) and each in their way, Inwood, Taylor, Solomon, Acton, Kaufmann, and Popper. Forster, Michael. "Hegel's Dialectical Method." *The Cambridge Companion to Hegel*. Ed. Beiser, Frederick. Cambridge: Cambridge University Press, 1993.

²⁰ This rhythmic sense of negativity is drawn from Julia Kristeva and from Diana Coole: Kristeva, Julia. *Revolution in Poetic Language*. Columbia: New York, 1984; Coole, Diana. *Negativity and Politics*. Routledge: New York, 2000.

²¹ Houlgate, Stephen. *The Opening of Hegel's Logic: From Being to Infinity*. West Lafayette: Purdue University Press, 2006. See also Houlgate, Stephen. *Freedom, Truth, and History: An Introduction to Hegel's Philosophy*. New York: Routledge, 1991.

thought or intuition of nothing itself as such. Empty of all determinations, nothing is found to be essentially the same as being itself [*Sein*], which is equally abstract and empty of all determinations. Yet the two moments are not identical and do not collapse into each other; there is instead a kind of oscillation between them, a movement of sameness and distinctness which Hegel terms a vanishing or a passing-over-into. This establishes for him the movement of coming- to-be and passing-away, the two sides of which constitute becoming.

Being and nothing, the two moments that begin the *Logic*, lack the kind of progressive movement into the ground that is typical of the dialectic; the movement between these two moments instead seems to be a kind of peaceful oscillation back and forth between the two of them. While the two moments are meant to be equally the same *and* distinguished, Hegel tends to emphasize their unity: they are the same insofar as they are both equally indeterminate. This unity of being and nothing is meant to be the first picture of the absolute, although completely lacking in the concreteness and determination with which the movement of the logic will fill it. Hegel writes in the introduction to the *Science of Logic* (in a passage famous for confounding his readers) that “[t]he analysis of the beginning would thus yield the notion of the unity of being and nothing – or, in a more reflected form, the unity of differentiatedness and non-differentiatedness, or the identity of identity and non-identity. This concept could be regarded as the first, purest, that is, most abstract definition of the absolute...”²²

As negativity is associated with motion, mediation, differentiation and relation, what is most interesting in this moment is the movement between being and nothing. This movement is unlike most others in the *Logic*, which already makes it worth our attention: if the movement of negativity changes from place to place in the *Logic* without Hegel making this explicit, this

²² *Logik I*, 74/*Logic*, 74.

already points to a kind of subterranean work that negativity performs within the dialectic. My position here is simply that the negativity most present in this moment, that of abstract nothing [*Nichts*], does not seem to be enough to establish this strange relationship between being and nothing; instead, some other kind of negativity seems to be at work in this moment.

Hegel writes that the movement between being and nothing is characterized by a passing-over-into or a vanishing-into-each other. Being not only passes over into nothing, but has already done so. On what basis does such a movement within a unity take place? What makes this movement possible? It does not seem to be possible on the basis of mere nothing [*Nichts*] itself, for this makes up only one side of this vanishing or passing-over-into. Nothingness [*Nichts*] is not of being, yet it is also the same as being; it is the same as being, and yet distinct from it. They are the same, yet they remain distinct: this paradox makes it easy to understand what Hegel means when he writes in the opening essay to the doctrine of being, “With What Must the Science Begin,” that we take up the beginning, these two moments of being and nothing, “as something unanalysable, taken in its simple, unfilled immediacy...”²³

There are two possible ways to think the movement between being and nothing. The first possibility would be that becoming is *already implicit* within being and nothing, and that being and nothing essentially are already the movement of becoming. This would be to affirm the familiar form of Hegelian negativity, that of determinate negation, as already existing within the opening moments of being and nothing. However, this would also be to impart a *telos* into the opening movements of the *Logic*, despite Hegel’s insistence that no such teleology is at work in his phenomenological description of the self-determination of thought. This interpretation seems to me to be unjustified, if we want to take Hegel’s own claims about the immanent unfolding of

²³ *Logik I*, 75/*Logic*, 75.

his system seriously. The second option is a movement of some other kind of negativity *between* being and nothing, which would allow both being and nothing to relate to each other, and would allow for the movement from being and nothing to becoming. This negativity would allow being and nothing to be the same and yet distinct, and would impart a kind of movement, a nearness and distance, between them. Without such a distanced nearness, what would keep them from collapsing into each other and collapsing into a stable, stale, ossified and ultimately dead unity?²⁴ Insofar as there is some kind of relation between being and nothing, in that they do not finally collapse into each other and into a dead unity, there must be a kind of negativity, a relation or mediation, at work between being and nothing, as their unity in fact already possesses within it what Hegel calls an “inward *unrest*,” one of the names that mark negativity in Hegel’s texts.²⁵ Here though, “inward unrest” is a kind of double marking: if this phrase marks the familiar Hegelian movement of determinate negation, it seems as well to mark another negativity. This is a negativity that exceeds determinate negation, or at least a kind of negativity not yet accounted for within the Hegelian system.

Negativity in Actuality: Absolute Negativity

The second gesture of negativity comes in Book Two of the *Logic*, the Doctrine of Essence. The section on actuality leads us to the closing moment of the Objective Logic; it is here, in the chapter on actuality, that the rupture between being and essence begins to fully heal, the result of which will be the Hegelian concept [*Begriff*] (in Miller the ‘Notion’).

²⁴ “Distanced nearness” refers to Adorno, and specifically to aphorism 54 of *Minima Moralia*. I will turn specifically to Adorno’s thought in chapter 3. Adorno, T.W. *Minima Moralia*. New York: Verso, 1999, 90.

²⁵ It should be noted, however, that Hegel denies any relation between being and nothing, as relation is impossible without determination, and being and nothing are absolutely indeterminate. I would nevertheless hold that some relation must give to them this movement; otherwise they would seem to resolve into a dead, static unity – even if this relation, movement, or negativity goes unrecognized by Hegel himself.

In this moment, Hegel is trying to account for the existence of possibility and contingency within the necessity of the system and its dialectical movement. He argues that a certain amount of contingency is in fact necessary in the system; stuff will happen, and this in no way contradicts the necessity of the self-development of the concept. It is a strenuous and interesting argument, but my focus will be exclusively on the kind of negativity at work here. Though this form of negativity seems to be the most destructive, the most abyssal, what Hegel calls “absolute negation” is in fact nothing more than determinate negation. Rather than the root of *all* negativity in the *Logic*, however, I see it as a negativity distinct from, if not all forms which precede and follow it, at least from the negativity at work in the movement between being and nothing and the negativity at work in the totality of the concept (which I will treat next). Instead of being the fundamental or essential negativity of the *Logic*, determinate negation as “absolute negativity” is in fact a negativity among others.

In the chapter on Actuality in Hegel’s *Science of Logic*, Absolute negativity is described in terms of death and destruction, making it seem absolutely destructive and even dangerously abyssal. Yet if negativity is the way that the dialectic mediates between two opposed or seemingly contradictory terms, the way that one thing relates to its other and relates to itself through that other, then absolute negativity is the beginning of a kind of self-realization or a self-recognition of these powers of mediation and relation. Hence, Hegel also refers to it as “self-mediation”, “determinateness... in truth”, and “negative self-relation.”²⁶

Hegel calls absolute negativity “a blind destruction in otherness.”²⁷ As the truth of becoming, it is the necessity of passing-away, the necessity of every being to pass into nothing and every actual thing to become merely possible. The deployment of the language of

²⁶ *Logik I*, 216/*Logic*, 553; *Logik I*, 217/*Logic*, 553; *Logik I*, 217/*Logic*, 553; respectively.

²⁷ *Logik I*, 217/*Logic*, 553.

destruction would seem to present a certain danger, as that destruction would seem to bear within it the possibility of disrupting the careful logic of any system, and perhaps any discourse. The negativity of becoming, that of passing-away, is however at the same time a “union-with-self” [*Zusammengehen*], or a coming-together with itself. It sounds not unlike determinate negation, in which identity is achieved through a movement of self-othering. The “blind destruction” of this negativity would seem to be balanced, then, by an equally blind “creation,” or a coming-to-be rather to match that passing-away.

The movement of negativity in actuality, though it seems to introduce the danger of disruption in its “*blind* destruction in otherness,” is also a negativity that assures the mediation or the transition of one thing into an other. We could say that it is perhaps a prime example of the logic of determinate negation. Absolute negativity is not the merely empty abstract negativity of nothingness; nor is it an ultimately destructive force. It is the cold necessity of death, but it is just as much the cold necessity of life. Everything that comes to life, which manifests itself and shows itself from itself, necessarily, must as well die. This reciprocal movement, absolute negativity as absolute identity, as absolute self-relation, will develop into the concept [*Begriff*], which Hegel will say is characterized by that “absolute mediation which is, precisely, the negation of the negation or absolute negativity.”²⁸ This phrase, the negation of the negation, is the very definition of determinate negation. Here we see the language of *determinate* negation at work to recapture the deployment of a potentially disruptive and destructive negativity and bring it into relation with its opposite, both of which are sides of absolute negativity.

Though this picture of negativity seems extreme in its presentation, it is in fact the same movement of determinate negation that ensures for Hegel the speculative closure of the whole. In

²⁸ *Logic*, 602. Hegel, G.W.F. *Wissenschaft der Logik, Bd.II*. Frankfurt-am-Main: Suhrkamp, 1986, 276.

what follows, however, I will examine one further still picture of the movement of negativity, and argue that it is fundamentally different from and not reducible to this operation of determinate negation, even in its most deathly appearance.

Negativity in the Concept: Negativity as Boundless Blessedness

Our final single gesture of negativity is found in the first chapter of the subjective logic, the concept. The focus here becomes the fluid movement of the dialectic and the nature of truth rather than the nature of being. The development of the concept is of particular importance to Hegel, because it is in the concept that the process of self-othering is finally taken as a given in a self-mediated totality: the concept is defined as essentially self-othering, and yet it retains its self-identity. This should sound familiar to us by now: this is of course the language that was used to describe absolute negativity, and Hegel's early chapter on the concept is punctuated with references to it. The negativity at work in this moment, however, is distinct from the absolute negativity that we just examined, and constitutes a third kind of negativity at work in our overall moving picture of negativity. It is a different rhythm in the movement of these multiple negativities.

The particular ground on which the concept operates here (at least initially) is the relationship between universality, particularity, and individuality. The negativity at work in this final scene rests in the relationship between universality and particularity in the concept [*Begriff*]. The conception of universality that Hegel develops here should be contrasted with the Kantian conception of universality as a relation of subsumption, or a category under which certain particulars are subsumed. This relation is not immanent to those particular things themselves, and as such, does a kind of violence to them. Hegel claims that his universal concept does not relate to particular things by subsuming them under itself, but rather by "embracing"

those particular things. He characterizes this form of universality as an “absolute power,” but one that is without any violence, as the universal relates to itself in and through the particulars. This unique relation between the universal and the particular things it “embraces” makes up the totality of the concept, which is introduced here for the first time.

The universal has this strange ability to remain what it is through its interaction with particular things; Hegel writes that the universal “is not dragged into the process of becoming, but *continues* itself through that process undisturbed and possesses the power of unalterable, undying self-preservation.”²⁹ This is because the universal concept is initially characterized by absolute negativity, or is an absolute self-relation; it is “the absolute self-identity that is such only as the negation of negation, or as the infinite unity of the negativity with itself.”³⁰ The universal concept is not, however, empty; it “possesses *within itself* the *richest content*” of difference or determinateness.³¹

The negativity at work in this moment is also different from every other moment of negativity in the *Science of Logic*. The familiar story of negativity as determinate negation was one of the emergence of identity through a movement of self-othering, or self-alienation, in which a thing moves out from itself, goes beyond itself, and through this process comes to be what it truly is. This involves struggle and loss, the death of each moment in the birth of the next. But this movement of negativity in the universal concept is instead characterized by what Hegel calls a “peaceful communion,” a “free love and boundless blessedness.”³²

²⁹ *Ibid.*

³⁰ *Logik II*, 274/*Logic*, 601.

³¹ *Logik II*, 274/*Logic*, 602.

³² *Logik II*, 277/*Logic*, 603.

Here the universal returns to itself from its relation with its other, with particularity, but it does not suffer any loss in doing so. Negativity here bears the character of abundance, and indeed the model here is one of agapic love. It does not suffer the violence of destruction or the suffering of becoming. While it retains its work as relation and mediation, negativity achieves this through the movement of embracing the other and coming to rest in itself through the other, but without having done any violence to the other, or suffering any violence itself in the process

How is this possible for negativity? Insofar as the universal concept already contains all determinateness within itself, the particulars to which it relates are merely externalizations of the content of the universal itself. Particular things are therefore not things that are foreign to the universal, but belong to the universal itself; the universal is the truth of the particular things that it externalizes. The particulars are externalized in such a way that it is not a limitation upon the universal, but rather a manifestation of the identity of the universal; as such, the universal concept, “as absolute negativity... is the shaper and creator.”³³ It is a power without force, a creation without destruction.

Negativity in the universal concept then must pick out particular determinations from the universal concept, but in doing so it does not limit the concept. Instead it “*continues* itself through that process undisturbed.”³⁴ The universal concept seems to remain placidly identical throughout its particularization; Hegel writes that, “in particularity, therefore, the universal is not in the presence of an other, but simply of itself.”³⁵ In this sense, there is little if any mediation or relation for negativity to do, as it would be relating the universal concept to something already essentially itself. It is difficult to understand what drives the absolute negativity in the universal

³³ *Ibid.*

³⁴ *Logik II*, 276/*Logic*, 602.

³⁵ *Logik II*, 280/*Logic*, 605.

concept to be the “shaper and creator,” when it is defined by absolute self-identity, not as immediate, but as wholly determined and self-related. This explains why negativity here is related to agapic love: negativity as relation, as mediation, and moreover as *creation* takes on a form much like a divine gift. This moment calls to mind the closing leap of the *Logic*, the moment in which the idea “*freely releases* itself” into the existent world in nature, a material world which has already been prepared by spirit, so that it encounters nothing alien to itself.³⁶

This gesture of negativity does not take the form of a peaceful oscillation back and forth, a distanced nearness that allows for the play of sameness and distinctness. Nor does it take the form of the seemingly destructive force of absolute negativity, in which the painful alienation of passing-away is balanced by the certainty of coming-to-be in the process of determinate negation. Here negativity is characterized as an overflowing, divine gift, which comes from the universal to the particular things it peacefully embraces, but to particular things that are not essentially any different from the universal. This final gesture of negativity points to a different rhythm, a multiple rhythm, which runs through the center of the contentious discussion in Hegelian philosophy between dialectic and system, between negativity and totality.

It has been my contention throughout this section simply that there is more to negativity than determinate negation in Hegel’s *Science of Logic*. I have located at least three moments of negativity in the *Logic*: the negativity that allows for the oscillation between being and nothing, absolute negativity as exemplary of determinate negation, and negativity as boundless blessedness, a gift to another that is not entirely other in the relation between universality and particularity in the concept. The first and third forms of negativity do not completely resolve

³⁶ *Logik II*, 573/*Logic*, 843.

themselves into the second, that which most closely conforms to determinate negation. As readers of Hegel we should take this seriously and treat negativity in Hegel's *Science of Logic* (and, by extension, in Hegel's system) as exceeding determinate negation, and as multiple.

In Hegel's thought, ontology, epistemology, and politics are often bound up with each other. For this reason, negativity, particularly as it occurs at the center of the dialectic and operates through mediation and differentiation, has effects on all of these levels. Though Hegel does not theorize negativity directly, he certainly would not recognize the operation of negativity as multiple, as having multiple rhythms, or as changing from place to place throughout the self-determination of the dialectic. Moreover the Hegelian system not only does not, but *cannot* recognize the operation of a multiple negativity at work in it. The Hegelian dialectic operates according to terms that are defined by the exclusion of multiple negativity, and an Hegelian dialectic which acknowledged the work multiple negativity does for it would be an altogether different one. I have pointed to a blind spot in the center of Hegelian onto-logic, here in the work that establishes the identity of being and knowing. And insofar as negativity is the site of differentiation, what differences are possible beyond determinate negation? Are those differences already at work, in a subterranean fashion, in the Hegelian system?

The multiple negativity I have traced out here is a negativity that exceeds the logic of determinate negation, but it does not seem to rupture the Hegelian system, or to destroy dialectics. Rather, the system relies upon this negativity, but without ever recognizing it. What is the meaning of this? And what are its effects, ontological, epistemological, and political? Negativity seems to hold a kind of transcendental position within the Hegelian system, but not in a foundational or in an originary sense. It occupies, I would argue (along with Derrida) a *quasi-transcendental* position, or the position of constitutive exclusion. Negativity is in this sense, both

the condition of possibility and the condition of impossibility of the system that excludes it, and yet relies upon it. In this, my reading has affinities with those readers of Hegel who have pushed for an understanding of what Derrida calls the “constriction of difference” at work in his thought (readers such as Derrida, Adorno, Kristeva, and Butler). But a constriction already implies a more originary difference, prior to and exceeding the difference structured by determinate negation. The rhythms of negativity that I have laid out here are indeed overlooked by and perhaps excluded by the Hegelian system, yet they are included in and vital to that system. But there can be no movement without that which moves. It seems to me that it is worth continuing to think with Hegel, through both sides of this problem, on each of its levels, and that this is the work that we could perhaps say, along with Catherine Malabou, gives to Hegel its/his future.³⁷

As I argued in the introduction to this chapter, negativity and difference are closely related in Hegel. Determinate negation operates by means of contradiction, which is the operative form of difference in the *Science of Logic*. As negativity is constitutively excluded in order to set determinate negation into play, so multiplicity, in the form of indeterminate diversity [*Verschiedenheit*], is constitutively excluded in order to set determinate diversity [*Verschiedenheit*] into play – a crucial moment in the movement from identity to contradiction in the dialectic. In the next section, I will examine the operation of difference as Hegel treats it in the Essentialities of Reflection by focusing on the role of multiplicity under the guise of *Verschiedenheit*. I will show that though Hegel distinguishes between empirical thought and speculative thought by distinguishing between indeterminate and determinate *Verschiedenheit*, indeterminate *Verschiedenheit* is already operating within speculative thought, though it goes

³⁷ Malabou, Catherine. *L’avenir de Hegel: plasticité, temporalité, dialectique*. Paris: Librairie Philosophique J. Vrin, 1996. Malabou, Catherine. *The Future of Hegel: Plasticity, Temporality, and Dialectic*. London: Routledge, 2004.

unrecognized. Though *Verschiedenheit* operates as a principle of distinction in the *Science of Logic* (tying it closely to the work of determinate negation), Hegel is unable ultimately to control the various senses of difference at play in *Verschiedenheit*. *Verschiedenheit* as multiplicity therefore both founds and troubles the distinction between empirical thought and speculative thought: founds insofar as its exclusion from the speculative is successful; troubles insofar as its unrecognized operation within the speculative contaminates the speculative with the empirical and calls into question their distinction. Finally, I will return to the epistemological character of constitutive exclusion by looking at the structural blindness that it is inherent to its operation.

Hegelian Difference: *Verschiedenheit* as Multiplicity in the Science of Logic

I have argued above that negativity as multiple operates as constitutively excluded in Hegel's *Science of Logic*. Negativity *does* in fact operate as multiple, despite the fact that Hegel defines negativity only as determinate negation. In order for the dialectic to operate in the way it is expected to operate – according to the narrow logic of determinate negation – the dialectic needs to operate predictably according to the same concept of negation, every time. Multiple negativity must be excluded from the dialectic and the totality of the system in order for it to operate as a whole. Nonetheless, multiple negativity does in fact operate in the dialectic: it ties together various different moments, responds to different moments differently, and has different rhythms at different moments. Though multiple negativity operates in the dialectic, Hegel does not, and in fact *cannot*, recognize it because the dialectic in the Hegelian system operates by means of excluding it. This also shows us the centrality of blindness to the operation of constitutive exclusion, in that the inability to see what is constitutively excluded is precisely

what allows it to operate, to constitute the body that it is excluded from and in which it nonetheless operates.³⁸

As discussed above, determinate negation is central to the operation of difference in Hegel. This pair – determinate negation and difference – is bound up in the *Science of Logic*, as determinate negation, the activity of *aufheben*, operates through the specific form of difference identified as contradiction. It is the operation through which one thing comes to alienate itself in another, and then returns to itself, changed, having become truly itself. It is this motor of the dialectic. It is what allows Hegel to remark that all difference is essentially contradiction. However, a different kind of difference does make an appearance in the *Science of Logic*: the difference described as *Verschiedenheit*. I hope to show that determinate negation is to negativity as contradiction is to *Verschiedenheit* in Hegel. The two sides of multiple negativity are bound up in this relation of negativity to difference.

From the outset, I should address my own oscillation between the terms multiplicity and diversity, and admit that it is perhaps improper to seek out multiplicity under the name *Verschiedenheit* in Hegel's *Logic*. *Verschiedenheit* is most commonly translated as variety or diversity, but this is the sense in which I use multiplicity here (which will hopefully become clearer as our picture of *Verschiedenheit* unfolds).³⁹ *Verschiedenheit* is central to the unfolding of the dialectic which describes the operation of determinate negation in the *Logic*, and which defines difference as resolving into contradiction. I will describe the role of *Verschiedenheit* in the movement of difference in the chapter on the “Essentialities or Determinations of

³⁸ This centrality of epistemological blindness links constitutive exclusion to its kin, ideology and fetishism.

³⁹ Multiplicity is most usually the rendering for *Mannigfaltigkeit*, or manifoldness, with its reference to Kantian phenomenality. More work would need to be done to distinguish the meaning of these two concepts in the Hegelian system; however, I treat *Verschiedenheit* here because it has a technical meaning in the operation of difference for the Hegelian system.

Reflection,” how *Verschiedenheit* marks a constitutively excluded multiplicity despite the circumscribed role it is given in the dialectic, and what implications can be drawn from this. I will begin by briefly describing the movement from identity to contradiction in the “Essentialities or Determinations of Reflection.”

Determinate Difference: From Identity to Contradiction

In the Essentialities of Reflection chapter, Hegel describes *Verschiedenheit* as a moment in the movement from absolute identity and absolute difference to contradiction. Hegel argues that absolute identity is in itself also difference, inasmuch as identity is different from, distinct from, difference [“*die Identität sei verschieden von der Verschiedenheit*”].⁴⁰ Absolute difference here is then reflective negativity; it is the “nothing which is said in enunciating identity.”⁴¹ Determinate difference *is* its own negativity: it is not merely different from some external other, but is its own other. It is therefore itself and its own difference. But, Hegel writes, “that which is different from difference is identity. Difference is therefore itself and Identity.”⁴² Difference constitutes an absolute whole, just as identity does, because each contains itself and its other. Being both itself and its other, difference has therefore two moments. When we take these two moments *as* two, this moment shows itself to be diversity [*Verschiedenheit*], in which the two parts “subsist as indifferently different towards one another because each is self-identical.”⁴³

Difference as *Verschiedenheit* is this indifferent difference between two distinct self-identical parts. Hegel conceives of difference here as two singular and distinct objects which can

⁴⁰ *Logik II*, 41/*Logic*, 413; emphasis in the original.

⁴¹ *Logik II*, 46/*Logic*, 417

⁴² *Logik II*, 47/*Logic*, 417

⁴³ *Logik II*, 48/*Logic*, 418.

seemingly exist with or without the other, and are therefore indifferent to each other. As diverse, these distinct monad-like objects do not determine each other as different; instead, each object contains within itself both identity and difference, and each therefore constitutes a whole. As each one is self-identical and only self-related, each is not in itself different, but its difference is external to it. Therefore their difference is not determinate, but mere difference in general, “indifferent to one another and to their determinateness.”⁴⁴ This is the basis of difference as *Verschiedenheit*.

Like any other moment in the dialectic, however, *Verschiedenheit* does not stay *Verschiedenheit* for long. The indifferent difference of diversity resolves itself into opposition and contradiction, such that Hegel can state that difference is essentially contradiction. Hegel explains this movement in the *Logic* in this way. The determinate difference of these indifferent and therefore diverse objects is not found in the objects themselves, because they are considered wholly identical in and of themselves. Their difference is therefore defined from a viewpoint external to them. Both their identity and their difference, as independent wholes, are based on “externally posited determinations, not determinations in and for themselves.”⁴⁵ From this external perspective, identity and difference are rendered as similarity [*Gleichheit*] and dissimilarity [*Ungleichheit*]. Any difference these objects have from each other is posited, and the result of an external reflection, which is not related to the objects taken in themselves, but belongs to a third term external to them. Their difference is then merely a posited one, and they can be said to be alike in that they are different. The negativity of difference, the *determinant* of

⁴⁴ *Logik II*, 48/*Logic*, 419.

⁴⁵ *Logik II*, 49/*Logic*, 419.

difference in these indifferent objects, belongs to that third term which is external to them and compares them, which is a subjective reflection.⁴⁶

This third term – the subjective reflection – Hegel calls the “negative unity” of both sides, of similarity and dissimilarity.⁴⁷ As a comparative term, it stands outside them both. But Hegel asserts that this separation cannot be maintained, and that this “negative unity” belongs essentially to the two terms themselves, as independent wholes that are self-relating. As terms external to the third term of reflection, similarity and dissimilarity are both unlike that external third which compares them. Similarity and dissimilarity are alike in that they are different, but they are all different in that they are distinct from the third term, that “negative unity” which compares them. Therefore the two terms transcend the determinate difference that was external to them. Diversity then, as it has transcended its external difference and now contains this difference in one negative unity, becomes opposition [*Gegensatz*].⁴⁸

But each side does still contain its own relation to the other, and in this regard, each side is self-subsistent and indifferent. Each side of the relation is both independent of *and* dependent on the other side. The two terms are mutually constitutive and yet opposed. Hegel writes that each side determines the other and that “therefore [they are] only moments; but they are no less determined within themselves, mutually indifferent and mutually exclusive: the *self-subsistent determinations of reflection*.”⁴⁹ We find the two sides therefore in a relation of contradiction. Hegel then writes, “[d]ifference as such is already *implicitly* contradiction...”⁵⁰ Insofar as any two terms are each self-subsistent and self-identical, but are related negatively to each other as

⁴⁶ *Logik II*, 50/*Logic*, 420.

⁴⁷ *Logik II*, 51/*Logic*, 421.

⁴⁸ *Logik II*, 52/*Logic*, 421.

⁴⁹ *Logik II*, 64/*Logic*, 431.

⁵⁰ *Logik II*, 65/*Logic*, 431.

each excluding the other, they are in contradiction. Therefore, for Hegel, all relations of difference are implicitly contradictions.

Excessive Difference: Verschiedenheit as Multiplicity

So much for the movement of absolute identity and absolute difference into contradiction. But let us focus for a moment longer on *Verschiedenheit*. *Verschiedenheit* describes that indifferent difference between two self-identical parts, both of which contain their own negativity within them, and so are equally whole. This term is consistently translated as “diversity,” in both Miller’s *Science of Logic* and in the Geraets, Suchting, and Harris translation of the *Encyclopedia Logic*. The sense in which Hegel uses it could as well be rendered “distinct,” or “heterogeneous.” As already noted, however, *Verschiedenheit* can also mean multiplicity or plurality, and both senses of *Verschiedenheit* make an appearance in the Hegelian system, and in the *Science of Logic*. Hegel nevertheless maintains a strict distinction between these two senses. He identifies the latter sense as “indeterminate” *Verschiedenheit* and associates it with nature, contingency, opinion, and representational or pictorial thinking. On the other hand, the determinate sense of *Verschiedenheit* is the technical sense at work in the *Logic*; Hegel associates it with distinctness, distinguishability, and indifferent difference in the passage from absolute identity and absolute difference to contradiction described above. The distinction Hegel makes between these two senses of *Verschiedenheit* is the same as the distinction identified by Hyppolite between empirical thought or the realm of the experience of consciousness as described in the *Phenomenology*, and speculative thought or the realm of eidetic truth in and for itself as described in the *Logic*. Following Hyppolite, therefore, we can identify indeterminate *Verschiedenheit* with empirical thought, and determinate *Verschiedenheit* with speculative thought, as he describes them in *Logic and Existence*.

It should come as no surprise that, according to Hyppolite, what is at stake in the issue of diversity for Hegel is the issue of *distinction*. It is this sense of *Verschiedenheit* that Hegel deploys in his technical usage of this term. *Verschiedenheit* is what allows one thing to be distinct from another, or one thing to be distinguished from all the rest [*toute le reste*].⁵¹ What is at stake in *Verschiedenheit* with regards to distinction? Do these two ways of describing distinction amount to the same thing, or are they clearly distinguishable from each other?

As Hyppolite puts it, “negation and distinction imply each other, as Hegel tried to show.”⁵² At issue in distinctness is negation (there is no word here of negativity). Distinctness or distinguishability must belong to *Verschiedenheit* (since this is, at least in part, its meaning), but it is *Verschiedenheit* as *determinate* in the movement between absolute identity and difference, and opposition. This is the meaning of what Hegel calls the law of diversity, which makes a thing distinctive, such that “it can no longer be exchanged with any other.”⁵³ This claim to distinctness is complicated, however, by the fact that Hegel expresses multiple laws of diversity – in fact, he seems to have a certain difficulty distinguishing between them. The sense of *Verschiedenheit* that Hegel ultimately wants to make use of is the difference between one thing and another (or perhaps the difference between one thing and all others). This sense of *Verschiedenheit* (or one of these senses; it is already somewhat indistinct) is already implicitly oppositional. Even worse, in this section Hegel contrasts it against yet another kind of *Verschiedenheit*: an indeterminate *Verschiedenheit*, a mere difference of “things in the plural” or

⁵¹ It seems that, at least at first, Hyppolite recognizes no difference between the distinction of one thing from another, and the distinction of one thing from *all* the others: “... a thing that differs from another, and from all the others, is thereby a thing that contains negation” (Hyppolite, 1997, 114). Later on, however, distinction seems to be solidified in the relation of opposition into a distinction of one from all the others: “Opposition is inevitable... because each is in relation with the others, or rather with all the others, so that its distinction is a distinction from *all the rest*” (Hyppolite, 1197, 115; emphasis in original). This issue will be taken up by Derrida in *Glas*.

⁵² Hyppolite, 1997, 109.

⁵³ *Logik II*, 53/*Logic*, 422.

“manyness [*Mehrheit*].”⁵⁴ It is necessary to look more closely at this law of diversity, in order to sort through all of the senses of *Verschiedenheit* in play here.

Hegel describes the law [*Satz*] of diversity in the remark [*Anmerkung*] to the section on diversity. However, this law takes two forms whose relationship to each other is not at all clear. The law is stated as follows: “All things are different, or: there are no two things like each other.”⁵⁵ These two statements of the law are connected in the Miller translation with a disjunctive “or,” but also with a colon, which implies their identity; the German contains the disjunctive but not the colon. However, the next sentence begins: “This law is in fact opposed to the law of identity [*Dieser Satz ist in der Tat dem Satzen der Identität entgegengesetzt*].”⁵⁶ But to which law does Hegel refer? Or does he refer to both? Are they both equally the law? Is the law then split into two, or is one form reducible to the other? And which one? Which other? As we shall see, Hegel tends to associate one side of the law with indeterminate diversity and the other with determinate diversity, but at this moment in the text, the very law of distinguishability itself is already somewhat indistinct.

Hegel associates this first (form of the) law of diversity (“all things are different”) with what he calls a “very superfluous proposition”: “that everything is different from everything else.”⁵⁷ This “superfluous” version of the law of diversity belongs to ordinary thinking, or (following Hyppolite) with empirical thought. This indeterminate diversity is associated with the “impotence of nature,” or with the ability of spirit as pictorial thinking (or empirical thought) to

⁵⁴ *Ibid.* It is already unclear whether we are dealing here with two laws of diversity or with three, or even more.

⁵⁵ *Ibid.*

⁵⁶ *Ibid.*, translation altered.

⁵⁷ *Ibid.* These two statements of the law are connected in the English translation with a disjunctive “or,” but also with a colon, implying their identity; the German contains the disjunctive but not the colon.

“run riot in endless variety [*Verschiedenheit*].”⁵⁸ Hegel cites the ability of the concept to “freely abandon its difference” in these ways (in nature, but also in opinion, contingency; all of these will be tied together by *Verschiedenheit*) as evidence of its power. Hegel warns us, however, that we should not take these to be anything more than “the abstract aspect of nothingness.”⁵⁹

Hegel wants to correlate “All things are different [*Alle Dinge sind verschieden*]” and “Everything is different from everything else [*alle Dinge sind verschieden voneinander*]” as equally superfluous; however, these propositions are clearly not the same. While the second may refer to the distinction between things even as indeterminately plural things, the first may refer either to distinctions *between* things in this sense, or it may refer to distinctions *within* things. That is, “All things are different” could equally mean that all things are different *from each other*, or that all things are plural or many *within themselves*. This first proposition is a much more ambivalent one, and could refer as much to internal multiplicity as to external multiplicity (or “manyness [*Mehrheit*]”).

Determinate diversity is therefore defined against this indeterminate, “superfluous” manyness, and associated with the proposition “there are no two things like each other.”⁶⁰ This sense of *Verschiedenheit* secures the distinction of one thing from another, such that one “can no longer be exchanged with any other.” This law is later restated as “things are different from each other through unlikeness” and “[t]wo things are not perfectly alike.”⁶¹ Hegel marshals the relationality between the two indifferently different things implicit in “likeness” and

⁵⁸ *Logik II*, 282/*Logic*, 607-8.

⁵⁹ *Logik II*, 283/*Logic*, 608.

⁶⁰ *Logik II*, 53/*Logic*, 422.

⁶¹ *Logik II*, 53/*Logic*, 422 and *Logik II*, 53/*Logic*, 423, respectively.

“unlikeness” to show that determinate diversity in truth is implicitly oppositional and finally contradictory.

Thus the distinctions between indeterminate diversity and determinate diversity, and likewise between empirical thought and speculative thought, are secured. However, this internal multiplicity or manyness has already infected the determinate sense of *Verschiedenheit*. Hegel wanted to make the determinate sense of *Verschiedenheit* distinct from that indeterminate mere manyness. But the different presentations of the law of diversity (all things are different; no two things are alike; everything is different from everything else) make the determinateness of this law difficult, to say the least. This mere manyness, which is meant to be restricted to indeterminate diversity in the riotous abundance of nature, of contingency, or of the empirical, creeps into the determinate diversity that Hegel deploys in the eidetic structure of the dialectic. At stake in this for Hegel is the transition from diversity to opposition, but also the metaphysics in the ability to distinguish one thing from another, which involves an internal negation. One thing is distinguished from another insofar as it is not that other, or not any other. The basis of such a distinction is negation (in the form of *determinate negation*, or difference as implicitly contradictory). The contamination of indeterminate manyness, as internal multiplicity, within determinate diversity implies a negativity beyond determinate negation and a difference beyond the difference between this and that, beyond the reflective self-diremption within one moment of the dialectic.

Hegel wants to be able to determine between the two senses of the term *Verschiedenheit*: on the one hand, distinctness, heterogeneity, diversity as distinguishability; on the other hand, plurality, multiplicity, diversity as manyness. Hegel wants to deploy the first sense of *Verschiedenheit* for speculative thought, while he wants to reserve the second sense for empirical

thought, for the realm of nature, of spirit in the form of picture-thinking and mere understanding. The concept is strong enough, he assures us, to maintain a place for this “blind irrational multiplicity” and “endless diversity;”⁶² it has the strength to withstand metaphysics being done by ladies comparing leaves, but only insofar as empirical thought or ordinary consciousness has its own place, a place distinct from that of reason, the concept, and speculative thought. However, Hegel is unable to maintain the absolute distinction between these two senses of *Verschiedenheit*, just as he is unable to control the diverse presentations of *Verschiedenheit* under the term “law” or “proposition” [*Satz*] – a strange law, an already multiple law. The multiplicity of *Verschiedenheit* interrupts the distinction Hegel wishes to maintain between the determinate and the indeterminate, between diversity understood as distinction and understood as mere manyness, and ultimately between empirical thought and speculative thought itself. However, it is not as if Hegel can simply do without it; it is absolutely fundamental to his conception of difference, as well as to the operation of determinate negation, and the specular whole of the system hinges on this point.

Hegel of course does not recognize such an indeterminateness operating within a technical term so vital for determination and distinction. To do so would be to admit of a fundamental problem in his speculative system. It would amount to an admission that the speculative is already determined by the empirical in some way, or that they are mutually implicated in each other, despite the fact that the speculative is distinct from and prior to the empirical in Hegel’s system (though the speculative is fleshed out, so to speak, by its release into the empirical). The operation of this ambiguously multiple *Verschiedenheit* is secured by Hegel’s

⁶² *Logik II*, 282/*Logic*, 607. Here Hegel associates *Verschiedenheit* with *Mannigfaltigkeit*, the Kantian manifold of presentations; however, rather than positing a distinction between them, he seems to use the term interchangeably, which our translator (Miller) reproduces by presenting them both under the name of “variety.”

blindness to it in the *Logic*. That is, the constitutive exclusion of multiplicity, an excessive and internally multiple *Verschiedenheit*, operates by means of blindness to its continued inclusion within the speculative system. It is difficult to pin down the relationship here between the operation of constitutive exclusion and the epistemological blind spot that accompanies it, because constitutive exclusion, operating as it does on the borders of intelligibility, tends to pervert causal relations. The epistemological blind spot in which *Verschiedenheit* operates is not caused by its constitutive exclusion; but rather, its constitutive exclusion operates at least in part through Hegel's blindness to it. They are not coextensive, but the separation between these two registers, the ontological and the epistemological, is not so clear and distinct here. This should come as no surprise, since the distinction between the specular and the empirical, between the register of ontology and the register of epistemology, is itself secured by means of a constitutive exclusion: its very terms are set by the exclusion of multiple negativity.

As we can see, though this fundamental undecidability of *Verschiedenheit* occurs in the midst of the careful distinctions Hegel makes between one side and the other, it does not, for all that, seem to destroy the system or the dialectic, or even to make these distinctions absolutely untenable. As with the different rhythms of negativity that I located in the *Science of Logic*, the multiplicity of *Verschiedenheit* operates in this strange manner: subterranean, surreptitious, both necessary and fundamentally dangerous to the operation of the Hegelian system. This is precisely what characterizes the operation of constitutive exclusion. The Hegelian system constitutes itself on the basis of excluding from itself a sense of negativity as multiple, as excessive, as more than the operation of the logic of determinate negation; as well it constitutes itself on the basis of the exclusion of an indeterminate multiplicity in *Verschiedenheit*, a form of difference which is not fundamentally reducible to contradiction. Yet these (negativity, multiplicity, multiple negativity)

are not “successfully” excluded from the system; they remain within the system. The system maintains itself on the basis of its inability to see the remainder within itself. It constitutes itself on this fundamental blindness to the remnants it has not “successfully” excluded. This remainder or this constitutive exclusion continues to “work for” the system, holding that system together, but only under a bar – under the form of denial, or disavowal, or foreclosure, or abjection, or denegation; a negation which is more than a mere negation, but which secures the whole of the system on its basis.

Conclusion: Constitutive Exclusion, Multiple Negativity and Epistemological Blindness

In his 1952 *Logique et existence*, Jean Hyppolite strove to account for the unity of ontology and epistemology in Hegel’s thought. He situated non-knowledge in the *Phenomenology of Spirit*, in the journey of ordinary consciousness on the *via negativa*, and situated absolute knowledge in the realm of shadows, the eidetic structure of the Hegelian system, the *Science of Logic*. In sum, he separated empirical thought from speculative thought, reserving non-knowledge for the former and absolute knowledge for the latter.

I have shown that the distinction between these two registers rests upon the constitutive exclusion of multiple negativity. On the one hand, Hegel deploys multiple rhythms of negativity in the *Science of Logic*, even as he treats determinate negation (merely one of these rhythms among others) as the mechanism by which his dialectic operates. As I have shown, negativity does operate differently in at least three different moments in the *Science of Logic*, though Hegel does not recognize this fact. On the other hand, Hegel deploys a multiple, shifting, indeterminate sense of diversity or *Verschiedenheit* in order to define it against and to distinguish it from the determinate sense of *Verschiedenheit*, implicitly oppositional, that he wishes to confine to the eidetic structures of the operation of difference in the *Science of Logic*. However, he cannot

ultimately control the separation between these two senses of *Verschiedenheit*, as they infect each other. Because of the proliferation of laws under which *Verschiedenheit* appears in the *Logic*, this indeterminate *Verschiedenheit* has already infected determinate *Verschiedenheit*, and it is the impossible possibility of a constitutively excluded, internally multiple *Verschiedenheit*, under the “law” “all things are different,” which ties them together.

The constitutive exclusion of multiple negativity shows that non-knowledge cannot be confined to the realm of empirical thought, and therefore that neither the priority of speculative thought over empirical thought, nor ultimately the distinction between them, can finally be maintained.

Finally, I wish to dwell for a moment on the status of constitutive exclusion itself. Hyppolite also locates a kind of subterranean relation between negativity and multiplicity in Hegel, similar to the one that I have identified in the *Science of Logic* as constitutive exclusion. Hyppolite gestures to a similar movement in Hegel’s approach to negativity and difference: the restriction or reduction of negativity to negation, and of difference to contradiction. I will look at three such gestures here.

Hyppolite seems to recognize that, as I have shown, negation as determinate negation is not the only negativity at work in Hegel. Just prior to the quote above, he writes,

In contrast [to Platonic alterity], Hegelian dialectic will push [*poussera*] this alterity up to [*jusqu’â*] contradiction. Negation belongs to things and to distinct determinations insofar as they are distinct. But that means that their apparent positivity turns out to be a real negativity. This negativity will condense the opposition in negation...⁶³

It is interesting for my purposes that Hyppolite makes such a distinction between negation and negativity here. Negation is associated with both the distinctness of things as well with the

⁶³ *Ibid.*

movement of the dialectic. But the negation is, as Hyppolite says, “condensed” from *negativity* into the *negation* of opposition, which will in turn become contradiction – the form of negation, and of difference, operational in determinate negation. What is the meaning of this condensation?⁶⁴ Does this imply some more foundational negativity that Hegel is reducing or restricting to negation?

Similarly, Hyppolite describes the operation of difference or alterity in Hegel in this passage. Where Plato’s dialectic shied away from contradiction, by means of his theory of participation, Hegel “will push this alterity up to contradiction.” What does it mean to push alterity *as such* up to, or into, contradiction? Can this passage be taken as a doubt or a reservation about the purported phenomenality of the dialectic? That is, is Hyppolite wondering if Hegel *forces* negativity into determinate negation, or *reduces* a more fundamental alterity to mere contradiction?

These doubts are underscored by one further passage, perhaps more in keeping with my concern in this section about the role of multiplicity, diversity, or *Verschiedenheit* in Hegel’s onto-logic. Hyppolite writes that, with regards to diversity, “Hegel is going to do everything he can to reduce this indifferent diversity to opposition and to contradiction.”⁶⁵ This is perhaps the strongest language Hyppolite uses yet. As we have seen, Hegel describes this movement as indifferent diversity *showing itself actually to be* opposition and contradiction. As a careful and rigorous reader of Hegel, Hyppolite knows this. Why, then, does he resist this language and

⁶⁴ The reference to condensation could also point to Hyppolite’s interest in psychoanalysis (as well as indicate a different sense of negativity gleaned from psychoanalysis). For instance, Hyppolite gave a guest lecture in one of Jacques Lacan’s seminars in 1956 on Freud’s “Negation” [*Verneinung*] essay. Condensation is one of the methods by which what is repressed returns, especially in dreams; condensation occurs when a number of elements are condensed into a single symbol. Lacan associates condensation with the linguistic operation of metaphor. Hyppolite, Jean. “Appendix: A spoken commentary on Freud’s *Verneinung*, by Jean Hyppolite.” In *The Seminar of Jacques Lacan*, Book I. Ed. Miller, Jacques-Alain, Trans. Forrester, John. Norton: New York, 1988.

⁶⁵ Hyppolite, 1997, 114.

instead choose to describe this passage from diversity to opposition as a *reduction*? What does this language of reduction indicate?

In each of these passages, Hyppolite gestures to the way in which both negativity and difference (and especially difference as multiplicity or as diversity) are condensed, pushed up into, or reduced to determinate negation and contradiction. These passages point to the subterranean rhythm of a negativity broader than the movement of negation, or to a kind of difference in indifferent diversity, different (in a significant sense) from the difference of opposition and contradiction. Hyppolite points us to this other rhythm of negativity and multiplicity which seems to be operating in Hegel in some way, yet Hegel himself does not theorize them, in fact does not even seem to *see* them, and instead restricts them to the operation of determinate negation, of difference as contradiction. He restricts them without even recognizing that he is doing so. Here in the onto-logic of absolute knowledge, we seem to have found an undocumented worker of sorts, the work of a negativity or a difference, a multiple negativity, that operates unseen, unrecognized, unknown by Hegel.

However, Hyppolite contends that Hegel condenses or reduces this negativity, implying that they are prior, temporally and causally, to the determinate negation to which Hegel reduces or restricts them. I am not so certain. The logical priority of a “general economy” of difference from which the “restricted economy” of difference is derived, tends to over-transcendentalize that prior difference. It tends to put that difference absolutely beyond, absolutely before, and tends to render constitutive exclusion as a kind of tragic necessity. I would contend, however, that what is constitutively excluded is *produced at the same time* as the system or body which it finds; that what is constitutively excluded is produced *as* excluded. This distinction is important, as it would mean preserving the possibility of relating to what is constitutively

excluded, of revising our systems, our political bodies, and our selves in relation to what has previously been excluded. The possibility and desirability of such a re-orientation will be taken up in the next chapters.

Though I have pointed to an epistemological blind spot here at the heart of Hegel's speculative philosophy, Hyppolite has shown us that for Hegel non-knowledge should be impossible at the level of speculative thought. The *Logic* describes the science of absolute knowledge, the achievement of a state of identity between thought and being. Non-knowledge does still exist, but only at the level of empirical thought: individual humans must do the work to grasp the truth of what is. However, at the level of speculative thought, there is no place for non-knowledge, for the kind of epistemological blind spots that I identify in the Hegelian onto-logic. Hyppolite however already gestures to the reduction or restriction of a kind of negativity or difference which Hegel does not recognize as such; this would seem to implicitly point to an epistemological problem at the level of speculative thought in Hegel, rather than the level of empirical thought (where such non-knowledge properly belongs).

I have attempted, in my analysis of multiple negativity, and ultimately in the multiplicity of *Verschiedenheit*, to show that such a distinction between an empirical register of thought which could accommodate non-knowledge and a speculative register which has no place for non-knowledge is in fact impossible to maintain. This means that non-knowledge seems to have a place (though it be a somewhat indeterminate place) within speculative thought itself.

This speaks to the strange epistemological status of the constitutively excluded; it is both determinate and indeterminate, represented and unrepresentable, inside and outside, included and excluded, and in some sense knowable and unknowable, all at the same time. It has a singular ability to blur the borders, though it simultaneously secures the border and lies at the basis of

distinctions by virtue of its “exclusion.” It points to a relationality between people, and between things, that is based less on their distinctness from each other than their indistinctness, less on their distinguishability than on their mutual involvement, and perhaps less on their independence of than on their vulnerability to each other.

In the next chapter, I will continue to treat the ontological and epistemological registers of constitutive exclusion, and the relation between the political and the epistemological. To do this, I turn to Jacques Derrida’s reading of Hegel, especially in his 1976 work *Glas*. My analysis of Hegel has been thus far implicitly Derridean; I turn to Derrida to make that analysis more explicit. In *Glas*, and in some earlier essays such as “Tympan” and “The Pit and the Pyramid,” Derrida interrogates the *quasi-transcendental* structure on which the Hegelian dialectic rests. Derrida diagnoses the quasi-transcendental, or what I am calling constitutive exclusion, in the family structure that Hegel lays out in the Spirit chapter of the *Phenomenology of Spirit*. He identifies the sister, or Antigone (though she haunts this text, her role in it is always far from clear), as the quasi-transcendental of the Hegelian system, necessary but impossible to it. I will show how the political register of constitutive exclusion shown by the sister and/or Antigone are related to the epistemological and ontological constitutive exclusion of multiple negativity, and especially to the multiplicity of *Verschiedenheit*. And I will show that Derrida actually misses or fails to bring to light the full extent of the political, contingent and historical character of the constitutive exclusion of the sister and/or Antigone in Hegel’s *Phenomenology of Spirit*, and by extension, the whole of his system. I will also show how, following Hyppolite, a certain reading of Derrida tends to identify the quasi-transcendental with a “general economy” of difference prior to a “restricted economy” of difference, such as that of determinate negation. I argue that this reading tends to over-transcendentalize difference; instead I will argue that what is

constitutively excluded is generated at the same time as the system or body founded through the exclusion, and that any particular operation of constitutive exclusion, as well as the system or body it founds, is historically and politically determined.

CHAPTER TWO: CONSTITUTIVE EXCLUSION AS QUASI-TRANSCENDENTAL

Introduction

In the previous chapter, I argued that the *Science of Logic* is structured by the constitutive exclusion of multiple negativity – that it defines itself as a totalized system by excluding multiple negativity, which the *Logic* nonetheless includes within itself, though it goes unseen or unrecognized there. This is an epistemological blind spot at the heart of Hegel’s onto-logic, despite the fact that Hegel has himself delineated a strict separation between ontology and epistemology. Multiple negativity subtends the dialectic of the *Science of Logic*, marking out the rhythm of its movements from one moment to the next, weaving between ontology and epistemology. The constitutive exclusion of multiple negativity both establishes and troubles the distinction between ontology and epistemology in Hegel’s system. Multiple negativity therefore occupies an ambivalent space in the constitution of the *Logic*’s system. While multiple negativity is the condition of possibility of the dialectic of the *Logic*, I also argued, contra Hyppolite, that it is paradoxically produced by the *Logic*. This would make the constitutively excluded multiple negativity *both* the condition of the *Logic*, *as well as* conditioned by it: a paradoxical position, both transcendental and other than transcendental. This paradox is indicative of what Jacques Derrida refers to as the *quasi-transcendental*, and it is to this concept that I turn my attention I this chapter.

One can describe the quasi-transcendental as the condition of possibility as well as impossibility of a system, a concept, a language, or a political body; Geoffery Bennington describes it succinctly as:

...roughly: what makes it possible for a letter to arrive at its destination necessarily includes the possibility that it might go astray; this necessary possibility means that it never completely arrives; or, what makes it possible for a performative to be brought off 'happily' necessarily includes the possibility of recitation outside the 'correct' context; this necessary possibility means that it is never completely happy.¹

Of all the “non-synonymous substitutions” (*différance*, the trace, the graph, the fold, auto-immunity, etc.) at play in Derrida’s work, the quasi-transcendental comes closest to bringing into focus the question of how to account for constitutive exclusion and the difference that it implies.² This is due to the array of issues broached by the question of the quasi-transcendental: the relation, and contamination, between the empirical and the transcendental (a question for Derrida since his earliest work on Husserl), the question of the unconditional and the conditioned, the question of the “inside” and the “outside”, the question of the border, the question of logical priority, causality, or anteriority, the question of what is properly philosophical, and of propriety itself.

Derrida’s theorization of the quasi-transcendental helps us to better understand the structure and operation of constitutive exclusion. Simply put, constitutive exclusion has a quasi-transcendental structure, and it is Derrida who first names and analyzes this structure. Derrida diagnoses a quasi-transcendental structure in Hegel’s *Phenomenology of Spirit*, and by extension, in his thought as a whole. Derrida identifies the brother/sister relationship as the quasi-transcendental moment of the *Phenomenology*. He identifies the figure of Antigone as our “guide,” playing the role of an unrepresentable difference in the brother/sister relationship and in

¹ Bennington, Geoffery. “Deconstruction and the Philosophers (The Very Idea).” In *Jacques Derrida: Critical Assessments of Leading Philosophers*, Vol. II. Ed. Direk, Zeynep and Leonard Lawlor. New York: Routledge, 2002, 355-356.

² Derrida, Jacques. “Différance.” In *Margins of Philosophy*. Trans. Alan Bass. Chicago: The University of Chicago Press, 1982, 1-27, 12.

the whole of the Hegelian system in this sensitive moment. At issue in that relationship is difference, more specifically difference as *Verschiedenheit*, which acts as the hinge between the *Phenomenology* and the larger Hegelian system. *Verschiedenheit* is the multiplicity I identified as constitutively excluded in the *Science of Logic*, calling into question the distinction between the levels of the speculative and the empirical in Hegel's thought, and pointing towards a rhythm of difference that, while destined to become contradiction, exceeded contradiction in such a way as to arrest that destiny.

Derrida's rigorous and original reading of Hegel in *Glas* unearths the connections in Hegel's thought at all its levels in to follow the tracks of this quasi-transcendental structure, to think the remains of the Hegelian system, and to think towards and for the sake of that which has been remaindered or that which remains. In *Glas* as in his work in general, Derrida puts ontology, epistemology and politics in conversation with each other, without respecting their purported boundaries; rather, he interrogates these very boundaries, the limits or the very distinctions between one thing and another. His analysis of the quasi-transcendental will enrich our understanding of constitutive exclusion, and the ways in which constitutive exclusion itself operates at the limit, both managing and troubling the border between inside and outside, inclusion and exclusion itself.

This chapter has three parts. In the first section, I analyze Derrida's diagnosis of the quasi-transcendental in Hegel's thought in his 1974 work, *Glas*. There I explore the relationship between brother and sister in the Spirit chapter of Hegel's *Phenomenology of Spirit*, and its connection to *Verschiedenheit* in the *Science of Logic*. I examine the quasi-transcendental as it occurs in *Glas*, and its implications for the relation between the transcendental and the empirical. In the next section, I analyze the economy of the quasi-transcendental – specifically whether the

quasi-transcendental points to a general logic or economy of difference from which a restricted economy of difference, such as that of the Hegelian dialectic, is drawn, or whether the quasi-transcendental is instead irreducibly singular wherever it is found. I then describe what the implications of each are for our understanding of constitutive exclusion. In the final section, I analyze the retrospective character of constitution in Derrida's work in order to refuse a final decision between quasi-transcendental as a general economy or as an irreducibly singular event. I conclude by describing the meaning of this retrospectivity for understanding constitutive exclusion and what such an understanding demands of us.

The Derridean Quasi-Transcendental

Glas is, without doubt, an impossible book. To begin with, it is not exactly one book; it is more like two: two books in one, split down the middle. The middle of the book, the center of each page, then, is in fact not a middle, but a margin – a blank space, both dividing and linking a “book” “on” “Hegel” from/to a “book” “on” “Genet.” To give an account of or account for such a book, even when the word “book” is itself so inadequate, is obviously impossible.³ But insofar as an interpretation of some kind is necessary, and insofar as an interpretation necessarily involves some kind of violence, some kind of incision, mine is here – at the heart, or at least its left ventricle – simultaneously of *Glas* and of the *Phenomenology of Spirit*.

³ For success at such an impossible task, see Spivak's review of *Glas*: Spivak, Gayatri Chakravorti. “*Glas*-Piece: A *Compte Rendu*.” *Diacritics*, Vol. 7 No. 3. 1977, 22-43. See also Spivak's introduction to the English translation of *De la grammatologie* for an analysis of the inadequacy of the notion of the book as such in Derrida's thought: Spivak, Gayatri Chakravorti. Introduction to *Of Grammatology*, by Jacques Derrida. Trans. Spivak. Baltimore: The Johns Hopkins University Press, 1997. A good piece that treats the both columns of *Glas* is Sartillot, C. “Herbarium, Verbarium: The Discourse of Flowers.” *Diacritics*, Vol. 18, No. 4. 1988, 68-81. See finally the companion volume to *Glas*, the *Glassary*: Leavey, John P., Jr. *Glassary*. Lincoln: University of Nebraska Press, 1986.

The Phenomenology of Spirit: “middle : passage”

Though it begins elsewhere, *Glas* is organized in a certain sense from the middle, and its left column especially, both its own middle and in what Derrida refers to as the “middle: passage” of the *Phenomenology of Spirit* (161L/142L).⁴ Derrida remarks that he opens the book, or opens his reading of the *Phenomenology*, at this “middle: passage” with one stroke [*coup*]. This is a way of referencing the relation between limit and passage that he traces throughout *Glas* and throughout much of his early work.⁵ The undecidability between limit and passage could be seen as one way in which the book as a whole is organized, though, as we shall see, the idea that the quasi-transcendental can organize or be organized into a single structure will remain a question for us. Nevertheless, this undecidable limit/passage, as well as the notion of the cut [*coup*], is indicative of the quasi-transcendental in Derrida’s work. The limit/passage is kin to the quasi-transcendental in that it holds together two contradictory concepts in a way that preserves, rather than overcomes, their tension. The limit/passage especially refers to that which separates two sides, and yet allows them to mediate each other, pass back and forth between each other, or communicate with each other, through or across the cut [*coup*]. Derrida locates this particular limit/passage in the “middle: passage” of the Spirit chapter, at the heart of the *Phenomenology*, in the relationship between the brother and the sister. So what precisely makes the relationship

⁴ Without getting too speculative too quickly, I am forced to stumble here and wonder at the repercussions of this phrase in ears constituted to hear, in English, in the United States, something quite particular in this phrase: the middle passage. What subtension is this, what lies buried there, what sets this ringing, this time not from below the earth or from within the rock, but from beneath the surface of the Atlantic ocean? Or rather, how does the middle passage subtend the very idea of the United States itself?

⁵ The theme of the limit/passage is especially important in essays such as “Tympan,” “The Pit and the Pyramid” and “Structure, Sign and Play in the Discourse of the Human Sciences.” Derrida, Jacques. “Tympan.” In *Margins of Philosophy*. Trans. Alan Bass. Chicago: The University of Chicago Press, 1982, ix-xxix.; Derrida, Jacques. “The Pit and the Pyramid: Introduction to Hegel’s Semionology.” In *Margins of Philosophy*. Trans. Alan Bass. Chicago: The University of Chicago Press, 1982, 69-108.; Derrida, Jacques. “Structure, Sign, and Play in the Discourse of the Human Sciences.” In *Writing and Difference*. Trans. Alan Bass. Chicago: The University of Chicago Press, 1978, 278-293.

between brother and sister the quasi-transcendental of the *Phenomenology*? And what repercussions does this relationship have across Hegel's larger system?

The relationship between brother and sister in the *Phenomenology* takes place in the opening scene of the Spirit chapter. Hegel has shifted here from analyzing the movement of Spirit through different shapes of consciousness, to analyzing Spirit as it moves through different shapes of the world in history. Hegel situates the beginning of this history in what he calls the ethical world [*Sittlichkeit*] of ancient Greece.⁶ Hegel treats ancient Greece as the moment at which Spirit emerges from nature and develops its freedom through the different ages of history. Hegel manages this fraught moment in the emergence of the freedom of spirit from nature into history through sexual difference. He argues that the ethical world is split into two, corresponding to the natural determination of sex.⁷ Men in this shape of the world belong to one law – the human law or the law of universality (*Allgemeinheit*) – and women belong to the other – divine law or the law of singularity (*Einzelheit*). The human law demands that men participate in the government and community of the nation, while the divine law demands that women participate in the duty towards the household gods and the family. Each law demands a different ethical duty: the human law demands that men devote themselves to the nation, and specifically demands their sacrifice in war, while divine law demands that women devote themselves to

⁶ Hegel further develops his philosophy of history in his lecture courses on it; there he places Africa before ancient Greece in terms of the development of Spirit out of nature and into history. Because Hegel viewed African peoples as entirely determined by nature, Africa is however not included in the movement of history, but is instead described as permanently pre-historic. This inclusion of Africa and African peoples at the beginning of the movement of history in order in effect to *exclude* them from history mirrors the quasi-transcendental historical beginning here in the Spirit chapter. Derrida takes up the problem of Africa in Hegel's philosophy of history elsewhere in *Glas*; it plays a significant part in his analysis of the fetish and fetishism. Hegel, G.W.F. *Lectures on the Philosophy of World History: Introduction*. Trans. H.B. Nisbett. Cambridge: Cambridge University Press, 1975.

⁷ The important difference in this stage of the *Phenomenology* is the difference between the sexes, which is contingent and determined by nature and not by any sort of choice. This is the reason why I refer to a, "dialectic of sexual difference," with regards to Hegel and not to any difference based on gender. For Hegel, insofar as an individual's deepest commitments and their everyday life are dictated by this natural determination of sex, at least at this initial and immediate moment, gender and sex are collapsed.

burying the dead. This devotion to either law is absolute: it wholly makes up the identity of the people of the ethical world, and it is determined alone by the “natural” difference of sex. This distinct separation in the roles of men and women has a distinct meaning in the way in which the dialectic of the spirit unfolds in this shape of history. As the first shape of that history, it is merely immediate: the subjects in *Sittlichkeit* are determined contingently by nature, and have no choice as to which law to follow. As the most immediate moment of *Sittlichkeit*, it is fraught with failure, as Spirit will achieve higher determinations of freedom in its movement through history. As this is such an early moment in the movement of Spirit, it is no surprise that freedom and ethicality are so closely tied to (apparently) natural determinations. Perhaps because it is such an early moment, however, it is also a sensitive moment, characterized by the rhythm of “[a] plurality of continuous jerks, of uninterrupted jolts” that Derrida argues characterizes the movement of Spirit throughout the whole of the text of the *Phenomenology* (121L/105L).

The realm of the human law and the realm of the divine law are separated sharply, and the point at which they meet is in the family, in which boys and girls are raised to be men and women. Men are bound to work for the universal, but first grow up in a family. They partake in both sides of the ethical world, in the side of singularity and in the side of universality. They are separated from the family, from the side of singularity, and turned towards working in and for the nation, on the side of the universal. Once he leaves the family he has not entirely forsaken singularity: he returns to it when he takes a wife and starts his own family. The man takes part in both universality and singularity, but these remain separate in him: he is characterized by a bifurcation. Because he keeps the two sides separate, he acquires the “right of desire” in his

relationship with his wife, but he “preserves for himself freedom from it,” because he finds his freedom affirmed in his work for the universal in the life of the nation (*Spirit*, 326/15).⁸

The woman, on the other hand, does not leave the family: she grows up and leaves the family of her *birth* to become a wife and mother in a *new* family, but there is no essential developmental change that takes place with her in order to do this. Hegel writes, “...the sister becomes, or the wife remains, the manager of the house and the guardian of the divine law” (*Spirit*, 327/16). She does not, however, partake only in singularity. The family, Hegel writes, is an “ethical essence insofar as it does not have the relationship of nature among its members... For the ethical essence is inherently universal” (*Spirit*, 320/10). The family must be both natural and ethical, and as ethical, it must partake in the universal. The universal in the family and in women is, however, inherent or in-itself (*an sich*) and unconscious. The singularity of the woman is always bound up with universality, albeit in an immediate, inherent and unconscious way. For this reason, Hegel argues that a husband’s relationship to his wife is very different from her relationship to him. He relates to her as *this particular* woman whom he desires, and he is free to do this because his universality is affirmed elsewhere; she, on the other hand, relates to him in both a singular and a universal manner, since these are mixed together in her and do not “go asunder.” Although she remains determined by singularity, she “remains immediately universal,” and is therefore “foreign to the singularity of desiring” (*Spirit*, 326/15). Hegel argues that the wife’s particular relation to her husband is always bound up with the universal while the husband preserves his universality for the work he does in the nation among men, and he therefore desires her in a purely singular way. Moreover, the singularity by which the woman is

⁸ Hegel, G.W.F. *Phänomenologie des Geistes*, 1952; Hegel, G.W.F. *Spirit: Chapter Six of Hegel’s Phenomenology of Spirit*. Trans. The Hegel Translation Group of Trinity College, University of Toronto. Indianapolis: Hackett, 2001. All references to the Spirit chapter appear as (*Spirit*, German/English).

determined is contingent: Hegel argues (taking as his guide Antigone's speech on the replaceability of husbands and sons as opposed to brothers) that woman does not relate to *this* particular husband, or *this* particular child, but rather they are replaceable to her (*Spirit*, 326/15). This singularity that affects the wife's relationship with her husband is indifferent, and this causes her to lack "the moment in which she [re]cognizes herself as this self in another" (*Spirit*, 326/15). Because the woman's singularity is mingled with universality, she never knows the particularity or singularity of desire, and she therefore can never see herself as this particular self, in the eyes of the other. As Derrida points out, not only is the world of *Sittlichkeit* riven by the contradiction of natural sex, but either sides of this contradiction are unequal: men, being bifurcated or split between universality in the nation and singularity in the family, are self-conscious and therefore agents of the Spirit (or the ideal, as Hegel remarks in the *Philosophy of Right*) in a way that women are not.⁹ The split between these two principles comes to a head in the contradictory actions that each side takes, devoted as each is to ethical action for contradictory laws: an (unconscious) commitment to the divine law that demands the burial of the dead, on the one hand, and the (self-conscious) commitment to the human laws which forbid such burial, on the other hand. It is this one-sided devotion to an ethical law that is split by the natural determination of sex that characterizes this moment as "tragic" for Hegel, and it is why he uses the tragedy of Antigone to represent or to play out this moment. In this conceptual tragedy, Antigone will come to represent the divine law or the law of the family, whereas Creon

⁹ And this is of course in itself part of the problem: if it were simply the case that the relationship that Hegel describes here ended with the ancient world, in that sex was determined by nature, which in turn determined the unconscious singularity and ethical devotion to the family on the part of woman and the self-conscious universality and ethical devotion to the state on the part of man, this might not be so interesting, either to Derrida or to us. However, despite the progression of Spirit throughout history, Hegel's assessment of the way nature determines sexual difference, particularly for women, seems not to have changed much from the world of ancient Greece to the world of 19th century Germany. Hegel, G.W.F. *Elements of the Philosophy of Right*. Trans. H.B. Nisbet; Ed. Alan Wood. Cambridge: Cambridge University Press, 1991, 207 (*Zusatz*, section 166).

will come to represent the human law or the law of the nation. This paradoxically makes Antigone universal as a representative of the law of singularity (an insight not lost on Derrida).¹⁰

For *Sittlichkeit* to make up a whole dialectical moment, it must relate not only universality to singularity, but also the natural to the ethical. In order for the ethical world to be ethical, men and women must be able to freely take up the duties demanded by the law to which they are assigned by sex. In order for men and women to freely take up their duties, thereby making them ethical duties, they must recognize each other. That is, in order for men and women – or in this case, perhaps, a brother and a sister – to become free, ethical subjects, they must acknowledge their interdependence, truly becoming subjects only through their intersubjectivity. Recognition is necessary to this freedom, which secures the movement from the natural to the ethical, assuring that men and women can freely take up the duties assigned them by the human law, on the one hand, and the divine law on the other. The human law demands that men labor for the universal. The divine law to which the family is devoted is the law of the singular, and stands opposed to the universal law; however, for Hegel, in order for this law to be ethical, it must be universal in some way. Hegel writes, “... because the ethical is inherently universal, the ethical connection of the family members is not the connection of feeling or the relationship of love” (*Spirit*, 320/8). If the ethical is inherently universal, and some measure of freedom or self-consciousness is necessary to ethicality or to universality, then recognition is necessary to the closure of this moment; it is the glue that holds the two halves of *Sittlichkeit* together. It is for this reason that the only relationship in the family under which ethical duties can be performed is the relationship between brother and sister, since they reciprocally recognize each other. All

¹⁰ For an account of the role of tragedy in Hegelian aesthetics and history (which is accomplished in part by the tragic acts of heroes that are unjustified in the world to which they belong) and a challenge to that role on both Hegelian terms and on the terms of his reading of Antigone, see Chanter, Tina. “Antigone’s Liminality: Hegel’s Racial Purification of Tragedy and the Naturalization of Slavery.” in *Hegel’s Philosophy and Feminist Thought: Beyond Antigone?* Ed. Kimberly Hutchings and Tuija Pulkkinen. Hampshire: Palgrave, 2010, 61-86.

other relationships in the family are insufficiently universal, as they are affected by natural feelings of love or desire.

The reciprocal ethical duties of the brother and the sister, secured by the reciprocal recognition they share, act as a kind of exchange that closes the speculative circle of the dialectical moment of *Sittlichkeit*. Because they recognize each other, the brother and sister can take up their ethical duties freely, and these duties then become truly ethical for the first time. The sister can take up her destiny to bury her fallen brother, and her brother can go off to war to protect the nation, secure in the care given his singular self in the home. But if this mutual recognition that allows the brother and sister to freely take up their ethical duties is so necessary to *Sittlichkeit*, why is this recognition only possible between the brother and the sister?

Hegel argues that recognition is only possible between the brother and the sister because “[t]hey are of the same blood, but in them it has come into its calm and equilibrium. Hence, they do not desire one another, and neither one has given being-for-self to the other nor received it; rather, each is a free individuality with respect to the other” (*Spirit*, 325/14-15). The brother and the sister come from the same family and so are of the same blood. But they do not relate to each other either as husbands and wives do, or as parents and children do, because they have no natural desire for one another. Instead, “each is a free individuality with respect to the other” (*ibid*). Brother and sister can approach the relationship between them as equals, free of the natural desires that stand in the way of a purely ethical mode of recognition. They can meet each other as individuals with some natural attachment to each other, but a natural attachment somehow cleansed of its natural-ness. Hegel writes that the brother is for the sister “the calm and similar essence in general;” while the brother and the sister have different roles and take part in the life of their world, and take part in the substance of spirit, differently, they approach each

other as “similar” (*Spirit*, 326/15). Because it is only as a sister that a woman can experience reciprocal recognition, Hegel writes that her duty towards her brother is the highest (*Spirit*, 327/16).

But how is it that, even before any recognition takes place between the brother and the sister, they are free individualities? And if they are free individualities, in what way do they depend upon each other, in what ways are they made vulnerable to each other? The eidetic structure of recognition so familiar in the master/slave dialectic earlier in the *Phenomenology* indicates that freedom is won only through the struggle for recognition. Prior to that confrontation, consciousness is not free—it is consumed with natural desire, the desire to consume objects in order to negate them and in so doing, fruitlessly attempting to prove its absolute universality. It is by being confronted by another consciousness, and by facing death, that consciousness learns that it is not and cannot be absolutely universal. The approach of the other consciousness proves the particularity of consciousness, and results either in the master/slave dialectic, or in the acknowledgement of mutual interdependence in reciprocal recognition. But the brother and sister are “free individualities” before ever even entering into a relationship of recognition, and there is no confrontation between them that precipitates their mutual reciprocal recognition. They are not confronted with the realization of their own mutual vulnerability, dependency, and particularity in this exchange. What kind of recognition is this?

The implications of the singularity of this relationship between brother and sister stretch far beyond the scope of the *Phenomenology* itself. This is due to the interlocking quality of Hegel’s thought in general, and it is due in particular to the kind of difference represented here by the relationship between brother and sister at this early moment in the historical dialectic. That difference is the difference of diversity, or *Verschiedenheit*. Derrida remarks on this in *Glas*

by identifying the relationship between brother and sister as the relationship of diversity, which he argues is the “hinge” of the greater logic (189L/167-8L). Hegel argues in the Spirit chapter that the relationship between brother and sister constitutes an immediate relationship of *diversities*. This is because the brother and sister are able to hold together the tension within diversity between difference and identity, and between similarity and dissimilarity. This tension is maintained in the relationship between them because they are similar, in that they come from the same family or the same blood, and they are dissimilar, in that they are sexually distinct. It is through this relationship that sexual difference moves into opposition and thereby becomes determinate for *Sittlichkeit*. No other relationship in *Sittlichkeit* is determinate in this way. This tension between identity and difference is maintained because the brother and the sister are both sexually different and united by a familial bond. Yet because they have no natural desire for one another, and they have neither given nor received their being-for-self from one another, their difference is not immediately overcome. This maintenance of the tension between difference and identity is the very relation of diversity, or *Verschiedenheit*, in the formal terms of the *Science of Logic*.

As I argued in the previous chapter, *Verschiedenheit* is a moment in the movement from absolute difference and absolute identity to opposition and contradiction described in the *Science of Logic*. However, while Hegel makes an attempt to distinguish between the determinate *Verschiedenheit* he puts to work in the eidetic structure of difference, he cannot ultimately separate it from the indeterminate *Verschiedenheit* he argues operates at the empirical level. This is due to the constitutively excluded work of multiple negativity, the internally multiple and excessive *Verschiedenheit* upon which the eidetic form of *Verschiedenheit* relies, but which it cannot recognize. Derrida’s analysis implies that the excessive *Verschiedenheit* of the

brother/sister relationship, and of the sister especially, is constitutively excluded in the *Phenomenology* just as it is in Hegel's greater logic. The constitutive exclusion of multiple negativity calls into question the distinction between the eidetic, the speculative, or the transcendental, on the one hand, and the empirical or the contingent, on the other. That *Verschiedenheit* should occupy this ambiguous place throughout the Hegelian system is only further confirmation, then, of the mutual contamination of transcendental and empirical that indicates the quasi-transcendental structure that we are after. But what does this mutual implication look like, and what are the implications of this? Derrida's diagnosis of the quasi-transcendental in Hegel takes place at precisely this nexus.

The Quasi-transcendental Proper.

Derrida describes the relationship between brother and sister in the Spirit chapter in the following manner:

Brother and sister 'do not desire one another.' The for-(it)self of one does not depend on the other... Given the generality of the struggle for recognition in the relationship between consciousnesses, one would be tempted to conclude from this that at bottom there is no brother/sister bond, there is no brother or sister. If such a relation is unique and reaches a kind of repose (*Ruhe*) and equilibrium (*Gleichgewicht*) that are refused to every other one, that is because the brother and the sister do not receive from each other their for-self and nevertheless constitute themselves as 'free individualities.' These for-self's recognize, without ever depending on, each other; they no more desire each other than tear each other to pieces.

Is this possible? Does it contradict the whole system? (168-69L/149L).

The (quasi-transcendental) answer to both questions is yes. For Derrida, the relationship between brother and sister is both possible and impossible. It does indeed contradict the whole system, and yet it is nevertheless necessary to that system. Derrida argues that the diversity that characterizes the relation between brother and sister exceeds the difference to which Hegel

wishes to confine it in the relation of opposition and contradiction. At the same time, this excessive difference of diversity also makes this very movement possible: it opens the “space of possibility” for the movement into a “speculative contradiction” (Derrida, 183La/162La).¹¹ But this can only be accomplished through what Kevin Thompson calls a “constriction” of the “diverse multiplicity of the remains.”¹² This constriction is performed with an eye towards the outcome, towards the *telos*, towards the infinite return of *Geist* to itself, to its *Beisichselbstsein*. This constriction takes place even in advance of the movement to opposition, in that diversity is figured already as a duality, and is in operation where Hegel makes such claims as, “[d]ifference as such is already *implicitly* contradiction...”¹³ Difference understood as diversity works as a kind of excluded resource or reserve from which the dialectic draws to figure its movement as a logic of opposition and contradiction. The mode of Hegelian difference called diversity has this “quasi-transcendental structure,” and operates as the remainder, necessary to the structural operation of the dialectic and to *Geist*’s self-return, but suppressed in it. I will have occasion to turn to the theme of constriction or restriction (perhaps the theme of what is sounded in *Glas* itself, if such a thing were possible) later, but first let us look carefully at the limit and passage in which the quasi-transcendental makes its appearance.

The quasi-transcendental makes its most abrupt appearance (insofar as it appears) in a question cut in two. The cut strikes within the word “quasi-transcendental” itself in the English; in the French it strikes between the words “*l’abîme jouant*” and “*un rôle quasi transcendental.*” The entire question is as follows: “And what if what cannot be assimilated, the absolute

¹¹ Thompson, Kevin. “Hegelian Dialectic and the Quasi-Transcendental in *Glas*.” In *Hegel After Derrida*, Ed. Stuart Barnett. New York: Routledge, 1998, 239-259, 258.

¹² *Ibid.*

¹³ *Logik*, 65/*Logic*, 431.

indigestible, played a fundamental role in the system, an abyssal role rather, the abyss playing an almost tran-“ (*Glas*, 171L/151L).

The question picks up, some ten or twelve pages later:

scendental role and allowing itself to be formed above it, as a kind of effluvia, a dream of appeasement? Isn't there always an element excluded from the system that assures the system's space of possibility? The transcendental has always been, strictly, a transcategorial, what could be received, formed, terminated in none of the categories intrinsic to the system. The system's vomit. And what if the sister, the brother/sister relation represented here the transcendental position, exposition?" (183L/162L).

First, we should note that the quasi-transcendental appears (again, insofar as it appears) under the form of a question, not as a proposition or a claim. Derrida relates the question of the quasi-transcendental to that which cannot be assimilated, the “absolute indigestible,” “the system's vomit,” that “element excluded from the system that assures the system's space of possibility,” the transcategorial. Derrida poses this question to Hegel's *Phenomenology* directly, under the figure of Antigone, who, Derrida says, organizes the scene and acts as our guide through this “abrupt passage” (and to whom we will return) (161L/142L). The question, however, reverberates throughout Hegel's system because of the way in which the system is organized: each part reflects the whole, a philosophical strategy of mastery that Derrida refers to as envelopment.¹⁴ Because of the totality that Hegel's system represents, however, it is a question posed to systems as such. This is the effect of the terms “always” in the above quotation: what is true for Hegel's system, the apotheosis of system, might very well be true for systems as such, for thinking organized in this way into systems.

Second, there is the reference to *role*: what if, Derrida asks, “the absolute indigestible, that which cannot be assimilated, played a fundamental role in the system, an abyssal role,

¹⁴ Derrida, Jacques. “Tympan.” pp. xx.

rather, the abyss playing an almost tran- [cut] scendental role...” (171L/ 151L –183L/162L).

This introduces the whole complex question of the work of fiction in philosophy, and even more unusual, the work of theater in philosophy. Antigone is a fictional character, but more than that, she is a character in a work of drama, a role to be played; what then do we make of her appearance in the *Phenomenology of Spirit*? What role is she playing there? And how ought we understand the role of a fictional or theatrical role in a philosophical text in the first place? How do we understand its operation, especially in a text that doesn't treat theater or fiction expressly, and in a thinker that has demarcated roles for both philosophy and for what is called “representative” or picture-thinking – for religion and aesthetics?

The idea of Antigone as a theatrical role within a strictly philosophical work would be particularly interesting to Derrida, as it introduces the whole question of mimesis and repetition, since theater pieces as works of fiction are meant to be performed, to be copied, over and over again. This is probably not how Hegel understands his reference to Antigone, but it cannot be entirely cleansed of the scent of sweat, pancake makeup and powder. What would it mean, finally, to play a transcendental role? To not *be* essentially transcendental, but to merely *play at being* transcendental, to step into that role, to copy it or mime it, such that the abyss could be flipped upside-down, into a dream or an effluvium? Such that there is no essential transcendental, but it is itself simply a role to be played, now by this, and now by that?

Third, the reference to the quasi-transcendental as *transcategorial* refers forward to a later passage, in which Derrida thinks through the transcategorial of the Hegelian *Aufhebung* in general, as repression. There he writes:

In brief: can repression be thought according to the dialectic? Does the heterogeneity of all the counterforces of constriction (*Hemmung, Unterdrückung, Zwingen, Bezwingung, zuurückdrängen, Zurücksetzung*) always define a species of general negativity, forms of *Aufhebung*, conditions of the relief? Repression –

what is imagined today, still in a very confused way, under this word – could occupy several places in regard to these re-(con)strictions: (1) within the series, the class, the genus, the gender, the type; (2) outside: no more as a case or a species, but as a completely other type; (3) outside in the inside, as a transcategorical or a transcendental of every possible re-(con)striction (214L/191L).

Here, Derrida identifies transcategorical as that which is “outside in the inside,” a transcendental which is the transcendental of every possible re-(con)striction,” as opposed to re(con)strictions which stand either within or outside any class, genus, species, gender, or type. This is the position he identifies as quasi-transcendental: the quasi-transcendental crosses categories, confuses boundaries because it outside in the inside – outside/in – any single category. In this passage Derrida raises the possibility that *Aufhebung* takes different forms, as different conditions of relief [*relève* – the word Derrida (and Hyppolite) uses to translate *Aufhebung*], and he moreover identifies these different forms as, on the one hand, defining a general species and, on the other hand, making up a heterogeneity of all the counterforces of constriction. Here he is posing the question of what *Aufhebung* is, such that it conditions the relief of contradiction: what is *Aufhebung* such that it is able to take all of these different forms? The themes of pressure, torsion, impulse, constriction, restriction, repression are all major themes in *Glas* as a whole; the term “*glas*” (not even term; Derrida writes “mark” – “if the word were well understood”) is itself a reference to the tolling sound made by a bell, as well as the glottal stop of the constriction of the throat (136L/119L).¹⁵ “*Glas*” indicates the limit/passage of the glottis, the re(con)striction of the throat, or of the anus, or of the vagina, as well as the ambiguously fascinating and disturbing substances indicated by the limit/passage: milk, vomit,

¹⁵ Sound and aurality in philosophy is a major theme of “Tympan” as well, as a way to counter the supposed directness of vision in philosophy, as a way to mark the complex corporeal interpretation involved in language, as a way to meditate on the role of the air that mediates our voices, and as a way to mark what is absent from the page as a condition of the text.

ejaculate, glue.¹⁶ Derrida here poses the question of the role that *Aufhebung* plays in each of these re-(con)strictions. His question is quite similar to my own in the previous chapter: is negativity, the negativity on which the *Aufhebung* and thereby the dialectic relies, the same in each case? If not, is it irreducibly different in each of its operations, or does it make up a “general species of negativity”? Is there a general logic to these repressions, or do they indicate an operation that is in each case singular? Can “*glas*” adequately gather together all of these limit/passages, or is there no gathering that is adequate to the singularity of each of them? This is a question that I will take up explicitly in the next section, but Derrida seems to answer this question here, at least partially, through the concept of repression. However, repression could indicate any one of the three options that Derrida puts forward (and the transcategorical or the quasi-transcendental is only one of these) since it is imagined even “today, still in a very confused form” (*ibid*).

Finally, we get a bit more clarity on the quasi-transcendental with the following passage: “Isn’t there always an element excluded from the system that assures the system’s space of possibility?” (183L/162L). This embraces both sides of the term quasi-transcendental in that the element to which Derrida refers is both excluded from the system and it opens up the system’s space of possibility. It is somehow both produced by the system, and yet it makes that system possible. It is *both* the condition of the system *and* is conditioned by that same system: it is the condition of the system’s possibility and impossibility. In the previous chapter, I argued that multiple negativity acts as the condition of possibility of the *Science of Logic*: it makes up the

¹⁶ Especially, perhaps, the “glue” of the little tube of “mentholated vaseline,” the object for which the narrator of Genet’s *Our Lady of the Flowers* is arrested in a raid on gay men in a park popular for cruising. Genet’s narrator described the little tube of mentholated vaseline as “the very sign of abjection... utterly vile” yet “extremely precious to me” (163R/144R). The ambiguity indicated by abjection here, making the tube of Vaseline both hideous and fascinating, also indicates the negativity at work in constitutive exclusion. This is developed best by Julia Kristeva. See Kristeva, Julia. *Powers of Horror: An Essay on Abjection*. New York: Columbia Press, 1982.

rhythms of negativity of the irreducible moments of negativity in the *Logic*, it names the multiplicity or plurality from which opposition and contradiction are drawn, and it both secures and troubles the distinctions between the speculative and the empirical. This multiple negativity conditions the *Science of Logic* and allows for its operation. However, that multiple negativity is *excluded* from the *Logic* indicates that it comes after the *Logic* has already come into existence, or that its space has already been defined in order to exclude multiple negativity. Multiple negativity is therefore *produced* by the *Logic* which excludes it, even as it conditions the *Logic*. We will return to the strange temporality of constitutive exclusion at the end of this chapter. For now, it is enough to say that the constitutively excluded figure is quasi-transcendental in relation to the body its exclusion constitutes. This is because the constitutively excluded figure both conditions the constituted body, and is conditioned by it. Multiple negativity, for example, would be transcendental in relation to the system it conditions; however, it would be not-transcendental in that it is also conditioned by the system insofar as it is produced by it. Constitutive exclusion has a quasi-transcendental structure in that it lies at this troubled limit/passage between inside and outside, transcendental and empirical, neither fully one nor the other.

Quasi-transcendental Cuts: Empirical and Transcendental

Derrida further indicates what is meant by “quasi-transcendental” through an interrogation of the relationship between the transcendental and the empirical in the passages that suture the cut in the word “quasi-transcendental” in the passage quoted above. These suturing passages introduce the empirical women in Hegel’s own life through his correspondence with or about them: Nanette Endel and the woman who was to become his wife, Marie von Tucher. A later cut in the left-hand column (in a book already cut in two, and sometimes more than that) appears this time between the “birds” and “dogs,” the creatures to which the corpse of the

brother, the enemy of the state, has been exposed, and against which the sister is to protect him through burial. The suture of this cut reproduces letters to or about Hegel's empirical sister, Christiane Hegel. The correspondence to or about Hegel's empirical "sisters" call into question the relationship between the transcendental and the empirical here, highlighting the constriction, restriction or heightening transformation of the empirical into the transcendental. As Derrida writes, "The one who poses the transcendental question of questions on the possibility of your own proper discourse can always be referred to the sister" (185L/164L).

Derrida notes a number of these empirical/transcendental moments in *Glas*. One of these is the question raised by the contingent occurrence of two brothers, or two sisters. Mutual reciprocal recognition between one brother and one sister seals together the two halves of the ancient Greek ethical world. But what if there are two brothers? Or two sisters? At the level of the empirical, remember, indeterminate *Verschiedenheit* can run riot. At the level of the transcendental, however, the phenomenon of two brothers is a disaster:

And yet this irrational, inconceivable contingency – the parents should never conceive two sons, at least if they want them alive – is unusual or distressing only insofar as it is not altogether natural, as would doubtless be the case for two sisters, sure for two cats. But brothers are neither sisters nor cats, because males are males inasmuch as they lay claim to rational universality, law, and right" (198L/176L).

This "irrational, inconceivable contingency" – the human law, sovereignty, reason, universality, split by nature into two – results necessarily in war. The "constriction" of the empirical into the transcendental here has disastrous consequences, but why? Is it due to the particular admixture of empirical and transcendental at work there? Or the singular constriction of empirical into transcendental at this singular moment?

And what about the quasi-transcendental of the figure of Antigone herself? In what sense ought we to understand Antigone as empirical, and in what sense ought we understand her as

transcendental? Leaving aside for the moment that Antigone is a character, not only of fiction but of drama, and therefore a role to be played, Antigone, the eidetic sister, has more than one brother. She has (at least) two brothers and (at least) one sister. Indeed, where is Ismene in this? And what of the circumstances of Antigone's own birth – her family's twisted, overlapping genealogy? Despite Hegel's eidetic treatment of her, "Antigone's are not some parents among others" (186L/165L). Derrida concludes of Hegel that "[t]he model he interrogates is perhaps not as empiric as might be imagined. It does not yet have the universal clarity he ascribes to it. It holds itself, like the name, between the two" – between the particular and the universal, between the empirical and the transcendental, like an orphan (*ibid.*). Certainly Hegel relies on Antigone in making the claim that, because the brother is the only source of recognition for the sister, her duty towards him is the highest, and he is therefore irreplaceable for her (*ibid.*). But, given Antigone's particular family history, how can we be sure whom she refers to as brother? Given that her father, Odysseus, is also her brother, and her brothers, Polyneices and Eteocles, are also her uncles, her speculative ethical commitments could be to any of these. Who then is irreplaceable in such a situation? By means of what constriction can we translate this empirical situation – or perhaps this singular situation – into an eidetic one?

We get some clue in Derrida's treatment of Antigone as a singular sister in a singular relationship in the movement of the dialectic. Derrida calls the brother/sister relationship a "[u]nique example in the system" (170L/150L). The idea of a system such as Hegel's being represented by or working through such a unique example is already under question. Across the page, across the margin, in a parenthetical in the right-hand column, Derrida raises the question the example itself: "the uniqueness of the example is destroyed by itself, immediately elaborates the power of a generalizing organ" (169R/149R). The unique example points both to difference

and deferral; Derrida describes its association with “glas” as the articulation of the singular plural, a difference divided against itself, but he also says that it “lends, affects, or steals itself” (170R/150R). It defers itself; it always slips away from being captured in meaning, it is always improper (*ibid*).¹⁷ Derrida attempts here to establish the non-sense, the non-being, in a philosophical sense, of the *glas*, of the quasi-transcendental. It does not stay put; it slips away from the desire to form an impossible genealogy, one that issues from the mother: “purely singular, immediately idiomatic. Isn’t the proper finally from the mother?” (*ibid*). The mother cannot be proper or issue proper names, since she is not herself, not properly speaking. This indicates the rigor of Derrida’s thinking of the quasi-transcendental here: he places it at the borders of being and nonbeing, sense and nonsense, and stresses that it cannot be read as another foundation, another secret origin, of philosophy or thought or law or right. And it is as well at the border of politics and philosophy: for what essentially determines that no genealogy issues from the mother? What *essentially* determines that the sister not leave the family, that her only source for recognition be her brother, who goes on to seek recognition in a state that does not recognize her?

These are contingent social and political conditions playing at transcendence. There is a constriction at work here of the empirical into the transcendental, a constriction that could strangle itself with its own remainder. Why, for instance, is it not the case that Antigone be the next in line for the throne of Thebes, or her older sister, as the last in the line of Laius? How are we even able to determine that Antigone is a woman, since she acts so manly, against her nature, as Ismene tells her, challenging the king as she does in public? Creon attests to her gender

¹⁷ In this sense, the “unique example” that Derrida refers to here has everything to do with the “figure” that I treated in the introduction. The figure both differs and defers; it is produced to have a certain function, to play a certain role, and yet it is hard to pin down or slips away.

confusion.¹⁸ Antigone's position is an empirical, contingent, social/political condition that has been translated into an eidetic one. Antigone herself differs and defers throughout the texts in which she appears: is she woman? Is she man? Is she daughter, sister, lover? Do we refer to Antigone? Or to *Antigone*? And which one? Sophocles', Hölderlin's, Hegel's, Derrida's? Even as Antigone occupies an apparently eidetic position in Hegel's text, she slips away and becomes other than herself. Just as it is impossible to rid the transcendental role Antigone plays from its connection to all of the bodies who have voiced the character of Antigone, it is impossible to pin down this *figure* of Antigone as entirely one, unified and stable. The "empirical" Antigone (and "empirical" is itself already in question) and the "transcendental" Antigone necessarily contaminate each other; they are twin sisters sharing the same quasi-transcendentally doubled figure, whose borders shift and bend.

Quasi-transcendental would therefore mean that the distinction between the transcendental and the empirical can no longer be assumed: while there may be a distinction, such a distinction is never absolute. Rather, it would mean that the transcendental is in some way conditioned by the empirical, or that which it conditions. The transcendental and the empirical would be mutually implicated, mutually contaminated and contaminating, and vulnerable to each other. This does not mean that they are indistinguishable. It does, however, mean that the transcendental would have to be viewed as provisional. It would mean that the transcendental would be a matter of interpretation, and that such an interpretation of what is transcendental and what is empirical would need to be undertaken again and again. The quasi-transcendental contamination of the empirical and the transcendental does not settle these social and political conditions. But it does put them into *question*: meaning that they are a matter of questioning, or

¹⁸ "Now I am no man, but she the man" (*Antigone*, line 528). Butler pays special attention to Antigone's gender confusion in *Antigone's Claim*, to which we will return in the final chapter.

that the transcendental must be *questioned*, at every step, in order to discover who or what is playing the transcendental role this time. This would be a kind of endless task (unless the conditions change so absolutely as to end its necessity, which would itself be a matter of question, of interpretation). It would also therefore be *historical*, as the particular contamination of transcendental and empirical indicated by the quasi-transcendental would moreover be different in different contexts, and never absolutely determinable.

Even if the quasi-transcendental puts the transcendental into question, in that one must investigate the particular contamination of empirical and transcendental anew in each new context, and even if the quasi-transcendental is for that reason never fully determinable, never fully present or never fully knowable, still, how is it that the empirical is pressed into service for the speculative, or squeezed into its transcendental role? What is the constriction or restriction of difference involved in such an operation? And what kind of negativity does constriction or restriction, or con(re)-striction, imply? In other words, what kind of economy is sounded by the *glas*?

One of Derrida's concerns (which I quite obviously share) in his analysis of *Aufhebung* as an incredibly rich example of this process of restriction or constriction is the negotiation of sameness and difference in the movement from diversity to opposition. Hegel's philosophy brings together the two philosophical strategies of mastery Derrida identifies in "Tympan": envelopment (noted above) and hierarchy. The philosophical strategy of hierarchy in Hegel is especially difficult, since two things in the dialectic are meant to come into opposition with each other, so they must be in some sense equal. However, in *Glas* Derrida frequently notes places where two *unequal* things are brought into opposition, and yet the *Aufhebung*, the *relève*, continues on, relieving this lopsided contradiction. The Hegelian account of love and monogamy

is an “example” of such a lopsided contradiction. The passage on repression above is introduced as a question about the necessity of monogamy in the Hegelian system. “You have come back,” Derrida writes, “without ever having left it, to the middle of the *Philosophy of Right*” (211L/188L). The strategy of envelopment operates here across texts and across history, the figure of Antigone still acting as our guide, for despite the movement of Spirit through all the history of men since the ethical world of ancient Greece, we still have women. Derrida remarks on the inequality between men and women that Hegel describes in the *Philosophy of Right*: the division between man and woman as the division between activity and passivity, animal and plant, thought and feeling; the opposition between the two both supremely ethical and tragic (212-213L/189-190L). As indicated earlier, Hegel describes in the *Zusatz* to section 167 of the *Philosophy of Right* the threat that women pose to the state as leaders and their unfitness for philosophy, lacking as they do the universal, and therefore the ideal. Antigone evidently has led us through a kind of time warp (again). But also, given the inequality between men and women, not only in the ancient world but also in the modern one, why does Hegel insist upon the necessity of monogamy? What happens to this difference, this fundamental inequality, once opposition and contradiction have been achieved? What is left out of this equation, once the two sides are made to fit into an equation? What is remaindered in this erotic economy? What *remains*?

Derrida takes up this question in his examination of the economy of re(con)-striction in the relation between brother and sister in the *Phenomenology*. There, after the singular recognition between brother and sister, Derrida asks:

What does Antigone do? If she does not die, she gets married. In any case, she remains, she continues to mount the family guard. After the departure of her brother toward ‘human law,’ ‘the sister becomes, or the wife remains, the *Vorstand* [president, directress, general] of the household and the guardian of the

divine law.’ That, the sister becomes or the wife *remains* (*bleibt*). ‘In this way, the two sexes overcome (*überwinden*) their natural essence (*natürliches Wesen*) and enter into their ethical signification (*sittlichen Bedeutung*), as diversities (*als Verschiedenheiten*) that the two differences (*Unterschiede*), which the ethical substance gives itself, share between them (*unter sich teilen*) (167L/189L).

Once the brother leaves the family, “the sister becomes, or the wife remains.” What accounts, however, for the exchangeability of these positions? How does a sister become? And moreover, how does a sister become a wife, especially as this was not Antigone’s fate (might our eidetic sister falter a step and fail us here)? How did we begin from a position in which Hegel thinks the sister as a unique and important role for women beyond either wife or mother, to the fundamental exchangeability of sister and wife? How do we make a sister, or a wife, or a mother? How do we squeeze out their differences such that they are the same, equally opposed to the men, the masculine, the universal, the state? How do we account for this? Under what economy?

In the next section, I treat the economy of the quasi-transcendental as a way to describe the re(con)-strictions at work here. My concern with the economy of the quasi-transcendental is with the account of difference it describes, and with the kind of negativity it requires. Specifically, and to return to an earlier question: is there a general logic of the quasi-transcendental, or is each instance of the quasi-transcendental irreducibly singular? The notion that the quasi-transcendental refers to a form of difference that Derrida describes in *Glas* and in other texts as a general negativity, a general fetishism, or a general economy seems to gesture towards such a general logic. Such a viewpoint also seems to conform generally with what Hyppolite concluded in his study of Hegel, that Hegel constricted or “pushed up” a fundamental and general difference into a derived or restricted difference, one which would serve to establish the movement of the dialectic. However, there are indications that such a general logic is impossible, since each interpretative intervention Derrida makes is particular, and the term

“quasi-transcendental,” like the term “*différance*,” does not function to gather together all of the various operations of deconstruction (if there is such a thing). Derrida instead refers to them as “nonsynonymous substitutions.”¹⁹ The implications of this are important, both for our understanding of the quasi-transcendental and for our understanding of constitutive exclusion.

Quasi-Transcendental Economy

The first approach to thinking the economy of the quasi-transcendental is in the direction of a general logic of difference. It is represented here by Rodolph Gasché. In *The Tain of the Mirror* especially, Gasché develops an unmistakably philosophical reading of Derrida, relating his work both to Husserlian phenomenology and to the Heideggerian critique of metaphysics.²⁰ Gasché proposes a kind of general logic of deconstruction, which he describes as heterology.²¹ Heterology would describe the borders of philosophy and the limits of thought, opening philosophy to an otherness which it could no longer claim as its own otherness, as an alterity proper to philosophy. The particular kind of alterity Gasché describes as heterology, rather than being opposed to thought or being thought’s own proper alterity, is instead located at the border of thought, as Gasché argues: “[b]ut, as we shall see, this border is not simply external to philosophy. It does not encompass philosophy like a circle but traverses it within. Although this ‘radical’ alterity does not present itself *as such*, the history of philosophy in its entirety is, indeed, the uninterrupted attempt to domesticate it in the form of its delegates.”²²

¹⁹ Derrida, Jacques. “Différance,” 12.

²⁰ Gasché, Rodolph. *The Tain of the Mirror*. Cambridge: Harvard University Press, 1986. See also Gasché, Rodolph. “Deconstruction as Criticism.” In *Jacques Derrida: Critical Assessments of Leading Philosophers*. Ed. Direk, Zeynep and Leonard Lawlor. New York: Routledge, 2002. Gasché, Rodolph. *Inventions of Difference: On Jacques Derrida*. Cambridge: Harvard University Press, 1994.

²¹ Gasché, *The Tain of the Mirror*, 101.

²² *Ibid.*, 104-5.

Gasché offers the name “infrastructure” to gather together the paleonymns, those “nonsynonymous substitutions” that Derrida uses throughout his work: *différance*, supplement, trace, graph, quasi-transcendental, etc.²³ Infrastructures describe an excessive, open general logic. Gasché argues that infrastructures are preontological, in that they, on the one hand, *are* not, and on the other hand, are not purely absent.²⁴ He argues that infrastructures are prelogical in that they belong, he says, “to a space ‘logically’ anterior and alien to that of the regulated contradictions of metaphysics.”²⁵ Infrastructures are not essences, substances, ideas or ideals, yet they do have “a certain universality.”²⁶ Infrastructures gesture towards the matrix between oppositions, in which differences are suspended and preserved, distinct from Plato’s “undifferentiated plenitude.”²⁷ For the most part Gasché is precisely right; his analysis is rigorous, subtle and sensitive. But the focus on infrastructure as a concept adequate to the task of gathering together all of the endless proliferations of “deconstructive” terms (as if “deconstruction” itself were adequate to such a task), and the assumption that such a task is desirable and its fulfillment possible, risks transcendentalizing the very difference that Derrida would argue is beyond or other than the distinction between the transcendental and the empirical. It risks emphasizing the “transcendental” of the quasi-transcendental. If there could be a preferred term for the “operation that is not an operation” of differing/deferring that could act as a concept, then this would indicate that there is a general logic to the occurrence of *différance*. We could then abstract from all of the particular instances of differentiation, from each of the

²³ Derrida, “Différance,” 1982, 12

²⁴ Gasché, 1986, 149.

²⁵ *Ibid.*

²⁶ *Ibid.*, 149-150.

²⁷ *Ibid.*, 152.

concrete cases that Derrida treats, and reduce them to one logic under which they all operate, a single logic organized under the term “infrastructure.”

My concern about Gasché’s thinking of a general logic of infrastructures for thinking constitutive exclusion is something like the following. If we can say that there is a general logic of constitutive exclusion, this would mean that there could be a general form of difference under which all the others could be subsumed, to which all others could be reduced, or which would organize all the singular instances of difference constituted by exclusion. This would seem an inappropriate way to understand constitutive exclusion for the following reason. Such a logic or such an emphasis on the transcendental could lead to the thinking of one kind of difference – for instance, race, or gender, or class – which would explain or act as a kind of fabricated origin of all the others. This can operate in many ways, from arguments that race oppression is merely a version of class oppression, or from critiques of feminism which highlight its privileging of the experience of white upper-class heterosexual women.²⁸ If we emphasize the transcendental of the difference indicated by constitutive exclusion, we risk repeating these same mistakes of privileging one form of difference over others in a way that blinds us to the multiplicity of exclusions that constitute our political life. Such a transcendental emphasis would also make it

²⁸ The first sort of argument can be found in the more determinist Marxist analyses, such as CB Warsteane’s aptly titled *It’s Class, Not Race! Stupid*; it is found in a more subtle form in the early work of William Julius Wilson, who argues in *The Declining Significance of Race* that class is more significant than race in accounting for the persistence of poverty amongst African Americans (Wilson’s later work mitigates this interpretation to some degree). The second sort of argument has haunted the history of feminism, from Sojourner Truth’s 1851 speech to the works of bell hooks, María Lugones, or Dorothy Roberts. In fact, these latter critics often seek to read feminism as *itself* raced and classed, calling into question the borders of the feminist movement and the concept of woman itself, and offering visions of difference that extend beyond this understanding of differences as discrete from one another, and falling under an additive model or even an intersectional model. See hooks, bell. *Feminist Theory from Margin to Center*. Lugones, María. *Pilgrimages/Peregrinajes*. Roberts, Dorothy. “Punishing Drug Addicts Who Have Babies: Women of Color, Equality, and the Right of Privacy.” In *Critical Race Theory: The Key Writings That Formed The Movement*. Ed. Kimberlé Williams-Crenshaw, Neil Gotanda, and Gary Peller. New York: The New Press, 1995. Pages 384-426. Warsteane, CB. *It’s Class, Not Race! Stupid*. New York: BookSurge Publishing, 2005. Wilson, William Julius. *The Declining Significance of Race: Blacks and Changing American Institutions*. Chicago: University of Chicago Press, 1978.

more difficult to understand the theory of strategic straightness in the contestation of constitutive exclusion, such as in the case of the Montgomery bus boycott. Emphasizing the ontological level or the “transcendental” of the quasi-transcendental might give us a more philosophical, more systematic understanding of constitutive exclusion, but it would do so at the cost of blinding us to its complexities.

Geoffery Bennington’s critique of Gasché takes up this problematic of the general logic of the infrastructure. Bennington argues that Gasché’s overly-systematic reading of Derrida makes a two-fold mistake, both sides of which are to do with what Bennington calls the attachment to or detachment from context. On the one hand, Bennington argues that Gasché reads Derrida too closely tied to a particular context, that is, as the latest in the long history of western philosophy, and even more particularly, in thinkers of reflection.²⁹ On the other hand, Bennington argues that Gasché abstracts away from context when he abstracts a system of the infrastructure away from the particular usages of those particular nonsynonymous substitutes. Bennington argues that “[i]n the play of *différance* (or supplementarity), there is an indefinite substitution of signifiers which never comes to rest in a transcendental signified.”³⁰ Bennington argues that Gasché attempts to “immobilize” this indefinite substitution, this movement of transcendental or *devenir-transcendental*.³¹ This over-philosophization does not attend carefully enough to the undecidability between attachment to context and detachment from

²⁹ Bennington, Geoffery, 2002, 352. “Deconstruction and the Philosophers” is a review of the Anglo-American philosophical reception of Derrida, specifically of Harvey and Llewelyn, but especially of Gasché. See also Bennington, Geoffery. “Genuine Gasché (Perhaps)” In *Interrupting Derrida*. New York: Routledge, 2000. This piece is a review of Gasché’s 1994 *Inventions of Difference*.

³⁰ Bennington, 2002, 363.

³¹ *Ibid.*, 362.

context, puts an end to the play of signifiers, and claims deconstruction too strongly as belonging to philosophy, despite all of the work Derrida has done to critique the very notion of belonging.³²

Though Gasché does appreciate that this movement of transcendentality must be interrupted, and though he refers to the general logic he develops as a logic of contamination, one which emphasizes the mutual contamination of the empirical with the transcendental, Bennington argues that his approach is limited through treating deconstruction as a *system* first and foremost, with all the connotations of a closed field that systems bring with them. Bennington instead focuses on what he calls Derrida's "radical empiricism," or on Derrida's insistence on using a particular paleonym that operates in the particular reading that Derrida undertakes in any given text, and on the singularity and event-character of deconstruction.³³ For Bennington, deconstruction describes less a general logic of the quasi-transcendental than a series of irreducibly singular quasi-transcendental "events." For Bennington this singularity is always understood as a singular moment, an event that is a cut in the undecidable matrix between one side and the other, between, in this framework, the empirical and the transcendental. Bennington writes, "...the calculation of the differential stricture of the movements of attachment and detachment is always an event to be negotiated in its singularity."³⁴

Bennington's approach to the quasi-transcendental as irreducibly singular has much to recommend it. It escapes the risk of reading the difference described in that space as systematizable, as capturable under a single term, and it underscores the contingency of the stricture, as he says, between equivocity and univocity in any explication of Derrida. Instead, it reads each moment as a singular event that does not belong to any system, or to philosophy at all.

³² Bennington makes this point in "Genuine Gasché (Perhaps)."

³³ Bennington, 2002, 360.

³⁴ *Ibid.*, 364.

This approach carries its own risks, however: it risks rendering the difference to which constitutive exclusion gestures as too singular to be gathered or systematized at all; it risks over-emphasizing the singular event of deconstruction as something radically new. But, perhaps most importantly, it risks making it impossible to *compare* the different operations of constitutive exclusion in order to describe any kind of logic of constitutive exclusion, no matter how provisional such a logic may be (and certainly if there is such a logic, it must always be provisional, hypothetical, and open; it must exhibit a certain epistemological modesty in relation to those exclusions that are as of yet invisible, unrecognizable, unintelligible).

Instead of choosing between a general logic, on the one hand, and a singularity, on the other, I read the economy of Derrida's quasi-transcendental as undecidably between these two. The restriction or constriction that Derrida describes as the economy of the quasi-transcendental in *Glas* is neither entirely an anterior general logic, nor is it entirely singular and in every case new.³⁵ To illuminate this, I will turn to one further important characteristic of the economy of quasi-transcendental: the retroactive character of constitutions. This retrospective character of constitutions is important for our understanding of constitutive exclusion for the following reasons. First, that Derrida characterizes constitutions as retroactive is especially interesting in thinking the economy of the quasi-transcendental, as it orients our analysis to the past, towards analyzing past re-constrictions of empirical and transcendental, or towards attending to the different actors who filled in the role of the transcendental at different points in the past, and what these mean for our political present. Second, the retroactive character of constitution is also

³⁵ In fact, Derrida's understanding of the event, especially as he describes it in "Autoimmunity: Real and Symbolic Suicides," is more complex than a simple singularity: it would be characterized instead by the tension between a certain logic and an irreducibly singular occurrence, especially as in the "event" of September 11, which Derrida treats in that essay. My thanks to Elizabeth Rottenberg for clarifying this for me. Derrida, Jacques. "Autoimmunity: Real and Symbolic Suicides." In *Philosophy in a Time of Terror: Dialogues with Jürgen Habermas and Jacques Derrida*. Ed. Giovana Borradori. Chicago: University of Chicago Press, 2003, 85-136.

significant in that it shows that the quasi-transcendental is *produced*. As I argued in the last chapter, contra Hyppolite, the constitutively excluded is produced in and through the constitution of a body, system, or symbolic, rather than indicating a radical heterogeneity absolutely anterior to the production of that body, system or symbolic. The retroactive character of constitution helps us to better understand this process, and the economy it figures.

Retrospective Constitution and Remainder

In his essay “Declarations of Independence,” Derrida argues that the Declaration of Independence has a “fabulous retroactivity” by which the United States as a nation, and its people as a people, brought themselves into being through the signing of the Declaration of Independence.³⁶ The Declaration of Independence declares that, “these United Colonies are, and of Right ought to be, Free and Independent States.”³⁷ The signatories of the Declaration declare that they are “Representatives of the united States of America,” and that they claim the right to declare the independence from the British crown of the united colonies of America by the “Authority of the good People of these Colonies.” Derrida writes,

But this people does not exist. They do *not* exist as an entity, it does *not* exist, *before* this declaration, not *as such*. If it gives birth to itself, as free and independent subject, as possible signer, this can hold only in the act of the signature. The signature invents the signer. The signer can only authorize him- or her-self to sign once he or she has come to the end [*parvenu au vout*], if one can say this of his or her own signature, in a sort of fabulous retroactivity... henceforth I have the right to sign, in truth I will already have had it since I was able to give it to myself. I will have given myself a name and an 'ability' or a 'power,' understood in the sense of power- or ability-to-sign by delegation of signature. But this future perfect, the proper tense for this coup of right (as one would say

³⁶ Derrida, Jacques. “Déclarations d’Indépendance.” In *Otobiographies: l’enseignement de Nietzsche et la politique du nom propre*. Paris: Galilée, 1984. Pages 13-32. English: Derrida, Jacques. “Declarations of Independence.” *New Political Science*, No. 15. Summer 1986, 7-15.

³⁷ *Declaration of Independence*. The National Archives and Records Administration. http://www.archives.gov/exhibits/charters/declaration_transcript.html. Accessed October 18, 2010.

coup of force), should not be declared, mentioned, taken into account. It's as though it didn't exist.³⁸

Derrida argues here that though we act *as if* the signer predates the signature, or that there must exist a signer in order for there to be a signature, the signature invents the signer through this “fabulous retroactivity.” Every constitution is therefore already a *reconstitution*, and every constitution is therefore retroactive, since it brings into being the very thing that it relies upon in order to establish its authority to act. The transcendental of the quasi-transcendental is therefore only retroactively established, and the constitution of constitutive exclusion is only brought into being retroactively. We act, however, as if this constitution actually possesses the power that it is given in retrospect. In fact, Derrida comes close to arguing here that this power, as a coup of right (coup de force?) ought not to be mentioned, as though it didn't exist. The retroactivity of the constitution is fabulous, therefore, in that it has a literary or metaphorical structure, or the structure of a fable.

Something similar is going on in *Glas*, in Antigone's passage from the sister to the “wife.” Remember that there Hegel writes that “...the sister becomes, or the wife remains, the manager of the house and the guardian of the divine law” (*Spirit*, 327/16). As a moment in the movement from diversity to opposition, the relationship between brother and sister represents the indifferent difference of diversity here. The indifferent difference of this diversity is somehow in this moment both natural and spiritual, both determinate and indeterminate, as this most immediate moment of history is determined by the natural difference of sex. Spirit, however, must free itself from nature, moving from the more singular to the more universal, and from the natural to the ethical. The relationship between diversities develops into an opposition and then a contradiction, a progression that plays out in the greater *Logic* just as it does in this moment.

³⁸ Derrida, Jacques. “Dèclarations,” 16/10.

Here the natural determination of sex develops into an opposition once the brother leaves the family and “the sister becomes, or the wife remains” the guardian of the family. The brother becomes devoted to ethical action on behalf of the human law in the nation, and the sister then becomes devoted to ethical action on behalf of the divine law in the family. Their actions oppose each other as equally ethical and therefore as equally spiritual. Because of the immediacy of this moment – which still ties their ethical devotion to the natural determination of sex – this moment is to be overcome. It is not, however, overcome as partly masculine and partly feminine: as Derrida writes, “[t]he opposition of noon and midnight resolves itself into noon” (191L/169L). The contradiction between man and woman and the laws that they both “represent” in this moment are resolved immediately in favor of abstract right in the Roman state, or of laws no longer grounded in distinctions made by the contingency of nature. Derrida writes:

The sexual difference is *overcome* when the brother departs, and when the other (sister and wife) remains. There is no more sexual difference *as natural difference*... Once overcome, the sexual difference will have been only a natural diversity. The opposition between difference and qualitative diversity [*Verschiedenheit*] is a hinge of the greater Logic. Diversity is a moment of difference, an indifferent difference, an external difference, without opposition. (167-8L/189L)

Derrida’s analysis of Hegel runs along two parallel vectors here. On the one hand, nothing accounts for the development of the sister into the wife; there is no need to account for this as a development, since for Hegel there is in truth no development, or if there is such a development, it is a merely natural one, since it is simply the assumption of an already determined role, rather than the self-conscious becoming that characterizes the life of the brother. That is, the development of the sister into the wife (who remains) would be like that of the

plant.³⁹ In any case, from the perspective of the nascent political body in this shape of history, the woman is produced as its remainder, the “eternal irony of the community,” whose commitment to the law of singularity continually disrupts the community, but upon whom the community relies for raising sons to fight in war and for burying them. Woman is produced as that remainder whose identity is captured and ossified by her sex, as if there were no becoming between sister and wife, as if there were nothing to learning to be a wife, or a mother.

On the other hand, Derrida here explicitly links the movement between the peaceful relationship between brother and sister and the conflict that results from each acting out their devotion to either the human or the divine law, to the movement from diversity to opposition in the *Science of Logic*. Antigone figures this hinge of the greater logic, and the movement from diversity to opposition in *Sittlichkeit*. Derrida implies here that Hegel retroactively renders sexual difference as natural diversity. This means that the distinction between determinate diversity, diversity in its eidetic form in the movement from identity and difference to opposition and contradiction, and indeterminate diversity, the contingent diversity which runs riot in nature, is decided *retroactively*, from the position of having already gone through to opposition. Hegel does not give an account here of how indeterminate diversity becomes determinate, or in other words, how we are to constrict the empirical into the eidetic, the empirical into the transcendental. Rather, the account runs the other way: opposition and contradiction retroactively condition the distinction between indeterminate and determinate diversity. That is, the restriction or constriction of the radically contingent heterogeneity of natural diversity into determinate diversity, of the kind that moves into opposition, is determined *retroactively*. The economy of

³⁹ “In this sense, the human female, who has not developed the difference or the opposition, holds herself nearer the plant. The clitoris nearer the cryptogam” (114L). “The difference between man and woman is that of animal and plant” (191L). Reference to Hegel’s *Philosophy of Right*, Zusatz to section 166.

the quasi-transcendental, then, insofar as it deals in this constriction or restriction of the empirical into the transcendental, or we might say for our purposes here, into the eidetic (though in a way that produces their mutual contamination) therefore bears this logically and temporally retroactive or retrospective character.

While Hegel wished to maintain a strict separation between determinate diversity and indeterminate diversity, such a distinction could not in fact be maintained; or more accurately, the distinction between indeterminate diversity and determinate diversity both *is* and *is not* maintained, as it is subtended by the constitutive exclusion of multiple negativity in the *Science of Logic*. The constitutive exclusion of multiple negativity both establishes and troubles this distinction. Derrida's analysis of the retroactivity of constitution shows us that the quasi-transcendental is *produced*, just as the constitutively excluded is *produced*; and that moreover, these are produced *retroactively*, just as surely as the constitution itself is.

What are the implications of this retroactivity, for the treatment of sexual difference in the Spirit chapter, for Antigone, and for the economy of the quasi-transcendental and its implications for constitutive exclusion? For this moment in the Spirit chapter, this means that the non-distinction between "sister" and "wife," (despite the fact that Antigone herself never becomes a wife) is produced retroactively from the perspective of sexual opposition. Sexual difference can therefore only be understood retroactively as natural diversity. This retroactive rendering of natural difference as natural diversity is entirely in keeping with the strange temporality of the Hegelian dialectic, moving as it does ever upward, and deeper into the ground, developing Spirit more and more as it uncovers the deeper truth of things as they truly are.

The retroactive economy of the quasi-transcendental helps to illuminate some things about constitutive exclusion. I noted before that the quasi-transcendental calls the transcendental into question, and is therefore a matter of interpretation at any given moment in history. This means that this understanding of the economy of the quasi-transcendental orients our perspective backwards. However, though Derrida offers us a language and a kind of conceptual structure (though the structure kind of necessarily fails as a structure) with which to analyze quasi-transcendental and the quasi-transcendental structure of constitutive exclusion, Derrida does not offer us much in the way of a method for interrogating this structure, or for interpreting the quasi-transcendental structure at particular historical moments. Nor does he necessarily treat the quasi-transcendental as itself an historical problem. Constitutive exclusion is a question for history, insofar as it calls into question our own constitutions (which have occurred throughout history) and it seeks to challenge history as itself something that is already known or settled. History is where this re-construction of empirical and transcendental takes place, and our assumption that we know what history is itself a product of constitutive exclusion. For a method of analyzing constitutive exclusion in its historical operation, I turn to the work of Theodor Adorno.

CHAPTER THREE: NONIDENTITY AND THE “COLOR OF THE CONCRETE”: ON THE TRANSCENDENT ELEMENT IN ADORNO’S THOUGHT

Introduction

In the previous chapter, I argued that we could understand the structure and operation of constitutive exclusion as quasi-transcendental, relying on Derrida’s analysis of the quasi-transcendental in *Glas*. One of the major problems with the Hegelian dialectic Derrida identifies in *Glas* is its inability to account for the sublation of two unequal principles. What happens, for instance, to the inequality between men and women when Antigone is taken to be the same basically the same as her brother, and the same as Creon? What happens to the difference between women as sisters and women as wives – a difference to which Antigone would be particularly attentive? What happens to the indeterminate diversity of particular concrete things when they are taken up into thought? I argued there that this is effected through the production of a constitutively excluded remainder. This constitutively excluded figure is therefore quasi-transcendental, in that it lies both within and without the body which has excluded it, and acts as its condition of (im)possibility by both establishing and troubling the borders between its inside and outside. The retrospective character of constitution, however, renders that body blind to this figure that acts as its internal limit, in that it cannot see, recognize, or understand that figure, or it renders that figure as absolutely prior to its constitution. In this way, the constituted body understands itself to be what it is by necessity, rather than by means of a contingent exclusion.

Moreover, the terms of intelligibility, of recognition, and of representability are drawn on the basis of the structure and operation of constitutive exclusion. The constitutively excluded

figure will therefore often appear, insofar as it does appear, as unintelligible, monstrous, or mad. In this sense, constitutive exclusion is a political epistemological problem. That is, how does someone who has been rendered politically unintelligible make themselves intelligible to the political body that has defined itself on the basis of that unintelligibility? How do those who stand outside within the terms of political agency make their contestation of their exclusion heard? And how do we hear it?

If a translation from unintelligibility to intelligibility is possible, if a reconstitution is to be possible, then it would have to mean that the constitutively excluded figure is not absolutely other. Insofar as the constitutively excluded figure is ambiguously inside and outside, then the quasi-transcendental figure is also quasi-transcendent. That is, it is transcendent, in that it exceeds the body that constitutes itself on the basis its exclusion, and it exceeds the terms of recognition, intelligibility, representation, etc. are established on the basis of this exclusion. On the other hand, the remainder is immanent, in the sense that it remains within that body, though it goes unrecognized or unintelligible there. The constitutively excluded figure is *quasi-transcendent*, since the distinction between inside and outside, the transcendent or absolutely beyond, and the immanent or absolutely within, is both established and troubled by constitutive exclusion as its limit.

Transcendence, the Transcendental, and the Kantian "Block"

Transcendence is usually taken to mean that which stands outside being or knowledge. Transcendental, on the other hand, indicates something that acts as a condition of possibility, whether it lies beyond being or knowledge or it does not. Under transcendental realism, for instance, some real existing thing acts as a cause, either ontologically or epistemologically or both, and it is in this sense *transcendental*. But it is also *transcendent* in that it lies beyond our

ability to know or experience it. After Kant, “transcendental” refers to conditions of possibility (as in the conditions of possibility of experience). For example, the forms of intuition (space and time) are transcendental, in that they act as the condition of all experience, but they are not transcendent, as they also appear within our experience. On the other hand, the noumena or the thing-in-itself (that something = X) acts as a cause standing behind the appearances in our experience, acting as the condition of all our experience and therefore transcendental. However, since we can have no knowledge of that thing-in-itself which stands beyond our experience, it is also transcendent.¹ The noumena may be merely an idea, but it is, Kant claims, a necessary one, even though we can have no knowledge of it. Adorno refers to Kant’s insistence upon the limit to knowledge as the Kantian “block,” and it is a vitally important aspect of Adorno’s own thought. For Adorno, the limit to knowledge indicates the idea that thought is always thought about something. That is, thinking points to or aims at objects; on the other side, objects do not go into concepts without a remainder. But he shows (in *Negative Dialectics*, as well as in the *Lectures on the Critique of Pure Reason*) that, instead of treating the block negatively as a task, Kant hypostasizes the block, and therefore falls prey to a kind of idealism.² As Espen Hammer puts it, “While Adorno finds congenial this restrained show of something outside the world of appearances (or, for him, the social totality), he takes issue with Kant’s ahistorical construal of

¹ What is transcendental is therefore not necessarily transcendent, and what is transcendent is not necessarily transcendental (as that would possibly act as a limit to transcendence, as in the case of Nicholas of Cusa). My thanks to Rick Lee for sharpening this distinction.

² Adorno does this work in his lectures on Kant’s *Critique of Pure Reason*, but also in *Negative Dialectics*. Adorno, T.W. *Negative Dialektik*. Frankfurt am Main: Suhrkamp, 1975. English translation: Adorno, T.W. *Negative Dialectics*. Trans. E.B. Ashton. New York: Continuum, 2003. Hereafter, (*ND*, German/English translation). Adorno, T.W. *Kants ‘Kritik der reinen Vernunft.’* Frankfurt am Main: Suhrkamp, 1995. English translation: Adorno, T.W. *Kant’s Critique of Pure Reason*. Trans. Rodney Livingstone, ed. Rolf Tiedemann. Stanford: Stanford University Press, 2001.

it.”³ Adorno argues that this hypostatization of the block, the tendency to treat it as abstract and necessary rather than as a contingent product of concrete historical relations, occurs in part because the Kantian limit to knowledge was unaccompanied by a dialectical understanding of the relation between the thinking subject and the objects of knowledge, which Hegel was to provide.

Adorno argues that Hegel came closest to expressing in thought the contradictory nature of thinking itself, through the absorption of the thinker in the object of thought (or, as Hegel put it, in *die Sache selbst*, the matter at hand), as well as the ability of thought to transcend its conditions. However, Hegel’s mistake, according to Adorno, was to bring the movement of dialectics to rest in an ultimate identity between thought and thing, hypostasizing the sliver of transcendence in the dialectic between subject and object. He brought the movement of dialectics to rest in a larger unity, that of Spirit or the Concept, or what Adorno sees as the transcendently ideal subject. In this respect, Hegel violated the Kantian “block.” For Adorno, “[t]he name of dialectics says no more than that objects do not go into their concepts without leaving a remainder, that they come to contradict the traditional norm of adequacy” (*ND*, 16-17/5). If thinking is always thinking about something, then that something can never be fully recuperated in thought. Thought therefore will leave behind a remainder, and contra Hegel, thinking cannot absolutely be adequate to being.

Adorno’s name for the remainder, that which resists appropriation by thought, is nonidentity or the nonconceptual. Adorno calls it nonidentity or the nonconceptual in order to mark it as that which resists adequation with the concept, or as that difference which escapes identification with the thought or with the thinking subject. As a remainder, nonidentity is a limit-concept: not conceptual, but not therefore wholly a-conceptual. Also as a remainder,

³ Hammer, Espen. “Metaphysics.” In *Theodor Adorno: Key Concepts*. Ed. Deborah Cook. Stocksfield: Acumen. 2008. Pages 63-75, 70.

nonidentity is both *transcendent*, in the sense that it exceeds the concept and exceeds given conditions, and it is *immanent*, in the sense that it does not stand absolutely without the concept or given conditions. In this chapter, I will be focusing on nonidentity as a quasi-transcendental limit-concept in Adorno's thought. As quasi-transcendent, it bears a significant resemblance to constitutive exclusion. In what follows, I analyze nonidentity in terms of its dialectical, its negative, its material, and its historical aspects. Through this I hope to show that constitutive exclusion is similarly dialectical, negative, material and historical. In particular, I emphasize nonidentity's ontic character; that is, Adorno insists upon the materiality, the negativity, and the historicity of nonidentity in particular to resist hypostasizing nonidentity, or to keep it from being taken as ontological, as fundamental, determinative, or foundational in some sense. Adorno's thought is in many ways a protest lodged against ontological thinking. My analysis of the transcendent element in his thought will be in part an attempt to rescue that protest for constitutive exclusion, in order to remind us that, at any given moment, things could have been otherwise.

Nonidentity and Constitutive Exclusion

The quasi-transcendence of constitutive exclusion is precisely what allows for the translation between immanence and transcendence.⁴ If what is excluded were absolutely

⁴ The sense of immanence and transcendence upon which I rely here is one that roughly equates immanence with "given conditions" or totality and transcendence with that which lies beyond these conditions, beyond presence and knowledge. As we shall see, however, the critical theory method of immanent critique, developed out of Hegelian and Marxist philosophy, insists that transcendence is found within immanence, or that one can find the sources for overcoming given conditions within the conditions themselves. An alternate history of the opposition between transcendence and immanence can be traced through Francophone and psychoanalytic thought, in which immanence is associated with the secret, the hidden, and often with matter or the mother. This can be seen in the work of Simone de Beauvoir, who associates immanence with stagnation, darkness, matter, and oppression, or in the work of Julia Kristeva, who, as John Lechte argues in "The Imaginary and the Spectacle: Kristeva's View," "wants to temper the extreme transcendentalism of the Ego with the immanence of the semiotic" (131). This may be based in Freud's description of the uncanny as "an immanence of the strange within the familiar," or in the theological or mystical traditions of immanence. Though it may seem paradoxical, I am at base

excluded, if it were entirely beyond or absolutely other, then how would what was immanent relate to it? How would any translation or communication across the border, from outside to inside, take place? How would we be able to understand contestations of constitutive exclusion, of the kinds articulated by those figures that opened this dissertation: Antigone, Jephtha's daughter, Elizabeth Eckford, Rosa Parks or Claudette Colvin? Rendering those who are constitutively excluded as absolutely other would seem to cut off relation and communication in such a way as to preclude change, which would be neither accurate nor desirable. The particular kind of transcendence described by Adorno is much more helpful for understanding the structure and operation of constitutive exclusion. Moreover, the commitment to the method of immanent critique assumes that what is is always more and other than what it claims to be; this insight is broadly in keeping with the analysis of constitutive exclusion.

I identify *nonidentity* as the quasi-transcendent(al) element in Adorno's thought, and I contend that his treatment of nonidentity has much to offer us in understanding the character of constitutive exclusion. In this chapter, I will flesh out the quasi-transcendent character of constitutive exclusion by means of an investigation into the quasi-transcendent character of nonidentity in Adorno's thought. This character of transcendence in Adorno – which may in the end amount to not being transcendence at all – illustrates how constitutive exclusion works to draw the boundary between an inside and an outside while also managing the border between

after the same thing, in that I am interested not in the abstract transcendence claimed by the transcendental subject, for instance, nor in matter as a limit to thought, but rather in the transcendence as it emerges from within the immanent, or nonidentity as the constitutively excluded figure in Adorno's analysis which allows for the very distinction between transcendence and immanence. De Beauvoir, Simone. *The Second Sex*. Vintage: New York, 1989. Lechte, John. "The Imaginary and the Spectacle: Kristeva's View." In *Julia Kristeva: Live Theory*. Continuum: New York, 2004, 116-142. See also Kristeva, Julia. *Revolution in Poetic Language*. Sigmund Freud, "The 'Uncanny'," *Collected Papers*, vol. 4, trans. Joan Riviere, New York: Basic Books, 1959, 368-69.

them. An attention to Adorno's thought helps flesh out the multiple dimensions of constitutive exclusion: it is material, dialectical, negative, and historical.

To read nonidentity as the ineffable beyond of negative theology risks consigning challenges to identitarian thinking and totality to the position of absolute otherness, rendering them thereby absolutely unintelligible. While I agree that such challenges to the existing order are often unintelligible, they are not *absolutely* so. The more dialectical, material, and historical approach suggested by constitutive exclusion would allow for the passage between transcendence and immanence, between the unintelligible and the intelligible, without thereby eliminating transcendence from either Adorno's thought or our own.

Adorno's insistence on dialectics is already an indication that transcendence and immanence are mutually implicated and mutually contaminating, while it also gestures toward a speculative moment, a world in which dialectics as the expression of the "wrong state of things" would no longer be necessary. This implies both that the immanent political space that believes itself to be self-transparent is structured by nonknowledge, and that claims against that exclusion cannot be foreseen in advance. In this I follow the Benjaminian aspect of Adorno's thought, the notion that it is in the discarded, the abjected, the remaindered, both material and historical, that the possibilities for our own reconstitution emerge, and these possibilities can never be seen in advance.

The negativity of nonidentity indicates that those immanent to the body constituted by constitutive exclusion are themselves constituted through those same exclusions, and in order to hear those claims which come from that space, we must take an approach of distanced nearness, so as not to determine those claims in advance. This bears an affinity with the Kantian "block" or the taboo on graven images in Adorno's thought; the effect of this is that any positivity, any

sense of the future, even in the notion of possibility itself, is suspect, since these are simply an extrapolation of current immanent conditions and who we are by virtue of them. This is significant for understanding constitutive exclusion in its epistemological register. Since knowledge is structured by constitutive exclusion itself, constitutive exclusion occupies a blind spot, or it will appear (when it does appear) as something unintelligible, unrepresentable, or monstrous, something false, wrong or bad. What is constitutively excluded “appears” negatively, and our approach to it must be in a certain sense negative, in an attempt to avoid appropriating or identifying it in advance.

Finally, Adorno’s treatment of nonidentity as material and historical indicates that constitutive exclusion must be read in relation to the particular conditions in which it operates, but that constitutive exclusion has a claim beyond that context, insofar as our political present is sedimented by multiple exclusions. As a challenge to the retrospective constitution that defines these bodies’ immanent self-understanding, unearthing the fragments of the past that remain buried in the present means doing justice to that transcendent element. This understanding of transcendence in Adorno’s thought would therefore be an admittedly altered one, having what Adorno calls “the color of the concrete.”⁵

Nonidentity as Dialectical

For Adorno, the term “nonidentity” or “nonconceptuality” indicate that which exceeds thought or which resists appropriation by thought. It therefore transcends thought in some way. But how do we reach or gesture towards that which transcends thought, from within thought? If we start from the idea that thought intends or points to something other than itself, that is, if we

⁵ Adorno, Theodor W. *History and Freedom*. Malden: Polity, 2008, 253.

start from the idea that thought is always thinking about something, and that something is other than thought itself, then we have already come a long way in the direction of the nonidentical or nonconceptual. We could then think of concepts as reaching out towards that which is nonconceptual, or thinking as disclosing or illuminating something that is not already thought. But what then is this nonidentical or nonconceptual? Is it a limit concept, a constantly receding horizon of thought? Is it an ontological principle, something which acts as a cause of thinking, but which we can never know? If nonidentity is that which exceeds thought and yet gives rise to it, one could quite easily be lead to read Adorno as a transcendental realist – that is, to think that Adorno takes the position of arguing that nonidentity is the name for that real existing principle which acts as a condition of possibility for us, but which is entirely beyond us, or which we can never know. This principle could be just as well brute nature or God, but the result is the same: nonidentity is absolutely beyond us, beyond our capacity to know, and yet it acts somehow as our cause.

Against Transcendental Realism

Andrew Buchwalter presents the transcendental realist interpretation of Adorno in “Hegel, Adorno, and the Concept of Transcendent Critique.”⁶ There he argues that the transcendental element in Adorno’s thought is *messianic*. This messianic element is not found in existing conditions themselves, as he argues that those immanent conditions have been so totally disfigured by identitarian thinking and ideology as to be absolutely beyond redemption. Instead, Buchwalter argues that any source of possible redemption, any source of hope for something better, is to be found in “a light that **shines through** the faults and fissures of the existing

⁶ Buchwalter, Andrew. “Hegel, Adorno, and the Concept of Transcendent Critique.” *Philosophy & Social Criticism*, 12, 1987, 297-328.

domain, not one generated by that domain itself. The messianic light for Adorno is not of this world.”⁷ Because this redemptive light shines through the cracks in existing conditions, rather than in the conditions themselves, Buchwalter concludes that “[t]he core of Adorno’s critical theory is messianic, not materialistic.”⁸

If the transcendent element in Adorno’s thought is not to be found in existing conditions, then how are we able to *see* this light from beyond shining through the fissures of the administered world? Buchwalter, along with Gordon Finlayson, argues that we gain access to this messianic element through some kind of immediate experience; this experience is sometimes an experience of “untrammled nature,”⁹ but most usually an aesthetic experience, or an experience with a work of art. Such an aesthetic experience would be characterized by

...specifically the mimetic depiction of the realm of natural beauty – a harmonious realm reconciled or “identical” with itself. Because artistic mimesis focuses on what lies beyond human artifice, and because it does so non-discursively, it invokes an idea of objective identity which, in a world defined by instrumental control and conceptual identification, has a necessarily utopian dimension.¹⁰

Buchwalter argues therefore that Adorno privileges aesthetic experience as the experience of the messianic or utopian moment in nonidentity expressed in the picture of natural beauty. Here the privilege accorded aesthetic experience in Adorno’s thought is due to its non-discursive nature: because the work of art gives us access to a realm beyond “human artifice” – beyond language

⁷ *Ibid.*, 303, emphasis in original.

⁸ *Ibid.*

⁹ For “untrammled nature,” see Espen Hammer’s chapter on metaphysics in *Adorno: Key Concepts*. While in other respects a complex account of Adorno relation to metaphysics, the idea that aesthetic experience gives us access to a kind of “untrammled nature” is problematic for reasons that I will have occasion to treat in a later section. Hammer, Espen: “Metaphysics.” In *Theodor Adorno: Key Concepts*. Ed. Deborah Cook. Stocksfield: Acumen, 2008, 63-5, 74.

¹⁰ Buchwalter, 306.

and concepts – it presents to us a picture of a reconciled world which could escape the domination of concepts.

Gordon Finlayson co-signs this view when he argues that, “[a]ccording to Adorno, only certain uninterpreted aesthetic experiences that are in principle not recuperable by concepts fall under the description of the non-identical or ineffable.”¹¹ Again, Finlayson emphasizes the immediacy of the aesthetic experience by referring to it as “uninterpreted,” and emphasizes the transcendent nonidentical as ineffable.¹² Buchwalter gathers these kinds of experiences under the terms “immediate reality,” or the “transcendence of the given.”¹³ The given reality to which Buchwalter refers here is not the reality of existing conditions, or the immanent givenness of a world shaped by instrumental reason, but rather to the “immediate self-relation” of the object, or “objective self-identity.”¹⁴ In these moments of aesthetic experience, we get a sense of the object’s *relation to itself*, independent from us as thinking, identifying subjects. This experience is the messianic, utopic, and transcendent aspect in Adorno’s thought. As Buchwalter says, it tells us of, “a noumenal order which is ‘beyond the mechanism of identification,’ which ‘lies buried beneath the universal.’”¹⁵ The transcendent element under the transcendental realist reading is therefore a principle that stands beyond or outside our experience or our scope of knowledge, since that experience is totalized, and totally corrupted by ideology, identitarianism, or instrumental rationality. This messianic principle, unknowable though it is, is however

¹¹ Finlayson, Gordon. “The Theory of Ideology and the Ideology of Theory: Habermas Contra Adorno.” *Historical Materialisms*, Vol 11, No. 2, 2003, 165-187, 174.

¹² In other articles, Finlayson very usefully relates the ineffable in Adorno’s non-identical to an actual example of negative theology, specifically the negative theology of Nicholas of Cusa. Finlayson, Gordon. “Adorno on the Ethical and the Ineffable.” *European Journal of Philosophy*. Vol 10, Issue 1, 2002, 1-25.

¹³ Buchwalter, 305 and 306, respectively.

¹⁴ *Ibid.*, 306.

¹⁵ *Ibid.*, 305. The references are to the Ashton translation of *Negative Dialectics*, pages 406 and 318, respectively.

perceivable under non-discursive conditions, and especially aesthetic ones, and even more especially in aesthetic depictions of nature, in which we get a sense of the object's noumenal self-relation, independent from ourselves as subjects. Finally, that transcendent element is the real source of truth, the hope for anything other than the current ideological conditions.

The transcendental realist interpretation of Adorno misses the mark for a few reasons, but primarily because it shows insufficient appreciation for the role of dialectic in Adorno's thought. This leads to a simple opposition between nonidentity and the concept. The transcendental realist interpretation shows an insufficient appreciation for the dialectic in Adorno's thought in that it simply opposes immanence and transcendence, the "inside" and the "outside" of a totality defined by instrumental reason or identity thinking.¹⁶ Second, it treats nonidentity as identifiable with the object, and especially with nature. Third, it argues that the privileged mode of accessing this nonidentical realm of the object is through aesthetic experience. Against this I argue, first, that the dialectic between transcendence and immanence is much more complex than a simple opposition between inside and outside. Second, because of this dialectical relationship, nonidentity can be found in the concept just as well as the object, or in the tension between the concept and current conditions, as in the emphatic concept of freedom or in metaphysical experience (to which I will turn later). This indicates that nonidentity is not simply identifiable with the object. Finally, the lack of appreciation for the dialectic in the transcendental realist interpretation leads to a rather too simplistic understanding of materialism in Adorno, or

¹⁶ This interpretation of Adorno's thought is broadly in keeping with Habermas' reading of Adorno, especially in his "*Nachwort*" to the 1986 edition of *Dialektik der Aufklärung*, as well as in other pieces. While it is not my intention to engage that interpretation directly, it should be noted that while Habermas' interpretation of Adorno has been the dominant one in English-language scholarship on Adorno, that interpretation is problematic in several respects, not least of all, similarly to the transcendental realist interpretation, in its insufficient regard for the negative dialectic between immanence and transcendence. There are a series of recent works both accounting for and countering the dominance of the Habermasian reading of Adorno. See Hullot-Kentor, Robert. "Back to Adorno." In *Theodor W. Adorno: Critical Evaluations in Cultural Theory*. Ed. Simon Jarvis. New York: Routledge, 2007. Also Hammer, Espen. *Adorno and the Political*. New York: Routledge, 2005. Also Jarvis, Simon. *Theodor Adorno: A Critical Introduction*. New York: Routledge, 1998.

alternatively the transcendental realist interpretation is entirely too ontological. Whereas Buchwalter argues that nonidentity is messianic, not materialistic, there is no reason that it cannot be both.

One of the most apparent problems with the transcendental realist interpretation of Adorno is that it sets up a simple opposition between concepts and aesthetic experience, between a discursive realm that is totally bankrupt and a non-discursive realm that is purely utopic. This is, again, the result of insufficient appreciation for the dialectical nature of Adorno's thought. Rather than merely opposed, these two sides should be understood as mediated by each other. Their mediation would indicate that concepts play a role in aesthetic experience and, either despite or because of the fact that concepts themselves indicate their own debt to the nonconceptual, that redemption can come to us through concepts. While some sense of the transcendent must be maintained in Adorno's thought, since to accede to immanence would be simply to accede to given conditions, the transcendent cannot be simply opposed to the immanent in this way. If, as Adorno argues, the task of philosophy is to say the unsayable, this can only be done through language.¹⁷ Adorno admits in many places that, insofar as the nonconceptual can be reached, it can only be reached by means of concepts: "[Philosophy] must strive, by way of the concept, to transcend the concept" (*ND*, 27/15).¹⁸ In fact, Adorno goes so far as to say that "[I]iving in the rebuke that the thing is not identical with the concept is the concept's longing to become identical with the thing. This is how the sense of nonidentity contains identity" (*ND*, 152/149). This indicates a certain promise contained in the concept: the

¹⁷ Adorno, T.W. *Philosophische Terminologie, Bd. I*. Frankfurt am Main: Suhrkamp, 1997, 88. Translation from Ulrich Pass. Pass, Ulrich. *Language and History in Theodor W. Adorno's Notes to Literature*. New York: Taylor and Francis, 2007, 23.

¹⁸ Although I believe that concepts play a large role in Adorno's aesthetics, the idea that redemption can only come to us through the concept may be the case for philosophical experience as opposed to aesthetic experience, which, though different from philosophical experience, is nevertheless still dialectical.

promise to reach the nonconceptual, which gave rise to the concept in the first place. The promise of the nonconceptual is therefore already contained in the concept. These passages point to the deeper dialectic between the non-identity, or the nonconceptual, and the concept. This would indicate the character of a negative dialectic, one which (rather than a Hegelian/affirmative dialectic) would seek to erase the difference between these, would operate according to the preponderance [*Vorrang*] of the object: “To change this direction of conceptuality, to give it a turn toward nonidentity, is the hinge of negative dialectics” (*ND*, 24/12).

As I noted in the introduction to this chapter, Hegel was for Adorno the philosopher who came closest to expressing in his thought what Adorno claims is the contradictory nature of matter itself (*ND*, 148/144). Hegel’s dialectical thinking is thus an expression of the dialectic that arises within thought, in the confrontation of thought with its objects. Adorno writes in the introduction to *Negative Dialectics*, “The name of dialectics says no more than that objects do not go into their concepts without leaving a remainder, that they come to contradict the traditional norm of adequacy” (*ND*, 16-17/5). The dialectic at its most fundamental expresses the fact that concepts are not wholly adequate to their objects, or that objects cannot be wholly appropriated by concepts. It expresses the idea that the concept always contains some moment of the nonconceptual within it, even if only negatively, in the form of a promise; likewise the nonconceptual contains some moment of the conceptual within it. Some element of nonidentity always escapes the concept, and dialectics allows for its expression.

At least, this is what dialectics should do. However, Adorno argues that the Hegelian dialectic fails to live up to what Hegel himself identifies as the task of dialectical thinking. Adorno refers to the Hegelian dialectic as an idealist dialectic: though Hegel claims to submit his

thinking to the object of thought, to the contradictoriness of the matter at hand [*die Sache selbst*], Adorno argues that he subordinates the movement of the dialectic to a particular idealist outcome.¹⁹ Hegel therefore uses nonidentity for the sake of an absolute identity.²⁰ It is the nonidentical that gives rise to the contradiction that is the life-blood of the dialectic and it is what the dialectic, Adorno would argue, is meant to express. Yet as Hegel gestures towards the nonidentical in taking up the dialectic, he puts the nonidentical in service to the end of absolute identity in the form of a totalized system. The difference between these two approaches, one oriented towards identity, and the other towards nonidentity, is the difference between a *positive/affirmative* dialectic and a *negative* one.

The absolute identity that Hegel ultimately forces is the identity of the transcendental subject, raised to Concept or Spirit. It is the identity between the thinker and the thought thing, forced by the thinker. Adorno argues that in Hegel the dialectic between subject and object, as that of any dialectical moment, is ultimately resolved in the positing of their identity in a totalized system. The effect of this resolution is to side with the subject and to claim that everything objective or non-identical is fully appropriable by the subject or by the concept. He writes, "... mind's claim to independence announces its claim to domination. Once radically separated from the object, subject reduces the object to itself; subject swallows object, *forgetting how much it is object itself*."²¹ That which was dialectical between subject and object is covered over, forgotten or disavowed. That which allows for the logic of contradiction, that transcendental sliver between thought and the object of thought – nonidentity – is swallowed up.

¹⁹ Adorno, T.W. *Three Hegel Studies*. Trans. Nicholsen, Shierry Weber. MIT Press: Cambridge, 1999, 37.

²⁰ *Ibid.*, 147

²¹ Adorno, T.W. "Subject and Object." In *Critical Models*. Trans. Henry W. Pickford. New York: Columbia University Press, 2005, 245-257, 246; emphasis mine.

The logic at work here is as much the logic of the exchange principle or the commodity fetish as it is Hegelian dialectic. For Adorno, the exchange principle already indicates the fungibility of objects, the stripping of their singularity so as to make them absolutely exchangeable. The fundamental strangeness of the Hegelian dialectic for Adorno is that it is both dialectic and system, and so both an admission of the contradictoriness or negativity of matter (matter more as *die Sache selbst* than *materia*) and the ideological resolution of that contradictoriness to identity, the identity of the hypostasized subject (this is what Adorno means by Hegel's *skandalon*). This affirmative dialectic therefore takes place in a knot of forces, both theoretical and practical. In a logic perhaps first described by Marx in "On the Jewish Question," concrete empirical human beings are reduced the more that abstract transcendental subjects are elevated.²² Adorno ultimately describes identity-thinking as the rationality that leads to Auschwitz: the equivalence of human beings becomes enforced, and that which deviates from that basic equivalence must be destroyed.

Instead, a negative dialectic, a dialectic of the preponderance of the object rather than the subject, would not force an identity between thought and the object of thought, or coerce the reconciliation between them. It would recognize that, as Adorno writes, the subject depends upon the object more and differently than the object depends upon the subject. It would attend to the contradictoriness and negativity, without forcing a reconciliation or a resolution to this contradictoriness, without bringing the movement of thought to an end: "It lies in the definition of negative dialectics that it will not come to rest in itself, as if it were total. This is its form of hope" (*ND*, 406/398).

²² Marx, Karl. "On the Jewish Question." *The Marx-Engels Reader*. Ed. Robert C. Tucker. New York: Norton, 1978, 26-52.

To claim that nonidentity is some kind of absolute origin, as the transcendental realist interpretation of transcendence in Adorno does, and to imply thereby that concept and object are simply opposed, is therefore a way of bringing this movement of thought to rest. While the preponderance of the object means attending to the inadequation between concept and object, it does not mean an absolute separation between the two. We do not think otherwise than through concepts. But it is precisely because of the mediation of concept and object that the transcendental element, nonidentity, can come to us. This is why Adorno insists on the negativity of the negative dialectic.

Rather than nonidentity being only available through aesthetic experience, or through the givenness of nature, Deborah Cook argues in “Adorno, Ideology, and Ideology Critique” that it is sometimes through concepts themselves that we get a glimpse of transcendence.²³ She writes that “given the pathic rationality of existing conditions, Adorno believed that many objects could not be completely subsumed under concepts, not simply because objects are particulars and concepts universals, but also, and more importantly, because these objects fail to fulfil [*sic*] their concepts, or to manifest the better potential intimated in them.”²⁴ Here it is the *concept* that indicates nonidentity in relation to the object is it meant to correspond to or control. Cook argues that a good example of this is the emphatic concept of freedom. The nonidentity between what the concept of freedom promises, the lack of experience of such a promise, and the concrete instances of spontaneity and resistance to the existing order which mediate the historical/abstract

²³ Cook, Deborah. “Adorno, Ideology, and Ideology Critique.” *Philosophy & Social Criticism*, Vol 27, No 1. 2001, 1-20.

²⁴ *Ibid.*, 7. Cook deepens her inquiry into the role of nonidentity in emphatic concepts in other works such as “From Actual to Possible: Nonidentity Thinking” and “A Response to Gordon Finlayson,” part of the instructive exchange between Cook and Finlayson in *Historical Materialism* on the disagreements between Adorno and Habermas. Cook, Deborah. “From the Actual to the Possible: Nonidentity Thinking.” *Constellations*. Vol. 12, No. 1. 2005, 21-35. Finlayson, Gordon. “The Theory of Ideology and the Ideology of Theory: Habermas Contra Adorno.” Cook, Deborah. “A Response to Finlayson.” *Historical Materialism*, Vol. 11, No. 2. 2003, 189-198.

concept of freedom and the historical/concrete instances of resistance, are already indicated in the concept itself. If one were to accede to the objective here, or to what was merely given, one would be conforming oneself to the already-existing dominant order, to the immanent rather than the transcendent. Here the transcendent element would therefore be indicated in the concept rather than the object, and specifically in the notion of promise. That is, metaphysical transcendence holds out a *promise* that this is not all there is, that it did not have to be this way. While metaphysics under instrumental reason tends to act as a palliative, covering over suffering in the concrete by means of affirming the freedom of the transcendental subject in the abstract, nevertheless, that same transcendental subject holds out the promise of freedom.²⁵ The task in this instance would be to think through the gap between what the concept promises and the existing order in order to get at the nonidentity between them.²⁶

Metaphysical Experience

Rather than relying on aesthetic experience as a path to the transcendent, I want to offer here briefly, as an alternative, an account of what Adorno refers to as *metaphysical experience*. If it is the case that the non-conceptual can be indicated through concepts, then what Adorno describes as metaphysical experience is pertinent here.²⁷ In his 1965 lecture course on Aristotle's

²⁵ Marx makes a very similar argument in "On the Jewish Question," in which he analyzes the promise of abstract freedom in the political sphere, as expressed in the *Declaration of the Rights of Man and of the Citizen*, and its reliance on concrete domination in the economic sphere. Marx, Karl. "On the Jewish Question."

²⁶ Another helpful article that deals with the problem of givenness in Adorno is by Brian O'Connor, "Adorno and the Problem of Givenness." O'Connor gives a kind of typology of the dialectical relation between concept and the non-conceptual through the issue of givenness. While I think his account could be richer in some respects, it is an exemplary treatment of givenness that avoids naïve realism through serious grappling with Adorno's dialectic. O'Connor, Brian. "Adorno and the Problem of Givenness." In *Theodor W. Adorno: Critical Evaluations in Cultural Theory*. Ed. Simon Jarvis. New York: Routledge, 2007.

²⁷ We might also note that while it would be a worthwhile task to investigate the relation between aesthetic experience and metaphysical experience, the presumption we are working from is that aesthetic experience is itself somehow a non-conceptual experience, and this presumption is already seriously flawed. In fact, Deborah Cook argues elsewhere that, "Adorno explicitly rejects the equation of nonidentity thinking with a nondiscursive,

metaphysics, Adorno describes the paradox facing thought succinctly: "...this non-conceptual element, this non-principle, which nevertheless is constitutive of, and inherent in, all philosophy, cannot appear within that realm – which, heaven knows, can only operate with concepts – except in the form of a concept."²⁸ Throughout the lecture course, Adorno gives an account of how in Aristotle the non-conceptual material element that gives rise to thinking was itself raised into a concept, that of matter. Adorno gives a sort of genealogy of metaphysics as identitarian thinking or as it develops into ideology in these lectures. Despite this, it is that very metaphysics which he locates as the source of the possible thinking-beyond of ideology:

Philosophy has the curious characteristic that, although itself entrapped, locked inside the curious glasshouse of our constitution and our language, it is nevertheless able constantly to think beyond itself and its limits, to think itself through the walls of its glasshouse. And this thinking beyond itself, into openness – that, precisely, is metaphysics (*MCP*, 68).

Here it becomes clear that the transcendent element in Adorno's thought is not the immediacy of an aesthetic experience, or a "transcendence of the given." Rather than positing a transcendent beyond language and thought, here Adorno is locating the transcendent element precisely *within* language and thought – a discursive, conceptual self-transcendence. The very force responsible for the destruction of the object is responsible for its redemption: "[m]etaphysics can thus be defined as the exertion of thought to save what it at the same time destroys" (*MCP*, 20).

If the transcendent element in Adorno's thought can be indicated immanently, through thought itself, despite the damage that thought has done to the world *and* to itself, then how is this done? And what assurances are there that one is not destroying what one is attempting to

nonrepresentational aesthetic absorption in objects when he argues that negative dialectics must not break its link with language." Cook, Deborah. "From the Actual to the Possible: Nonidentity Thinking." *Constellations*. Vol. 12, No. 1. 2005, 21-35, 27.

²⁸ Adorno, TW. *Metaphysics: Concept and Problems*. Stanford: Stanford University Press, 2001, 43. Hereafter (*MCP*, page number).

save? The redemption of the nonconceptual through concepts is not at all guaranteed; this experience lacks all of the necessity that already defines the administered world. However, Adorno indicates that insofar as this transcendent element is reachable, it will be paradoxically by means of immanence, through the method of *critique and rescue*:

On the one hand metaphysics is always, if you will, rationalistic as a critique of a conception of true, essential being-in-itself which does not justify itself before reason; but, on the other, it is always also an attempt to rescue something which the philosopher's genius feels to be fading and vanishing. There is in fact no metaphysics, or very little, which is not an attempt to save – and to save by means of concepts – what appeared at the time to be threatened precisely by concepts, and was in the process of being disintegrated, or corroded (*MCP*, 19).

Or again: "... it is precisely this twofold aim of criticism and rescue which constitutes the nature of metaphysics" (*MCP*, 20).

Though I am arguing here that it is through metaphysical experience that one can indicate the transcendent element in Adorno, I do not think that this element is therefore entirely conceptual or abstract. The transcendent element in thought can be found in one of the highest philosophical forms of reified consciousness, as the spontaneity in the transcendental subject. Transcendence occurs in the nonidentical both as the resistance of object to concept or matter to form and as the subject's resistance to the given conditions in its ability to think them. Adorno therefore is able to find this fragment from both sides of the subject, so to speak – in its ability of to raise itself ever so slightly beyond its conditions through thinking, and its ability to be reminded of and to express the differences, finitude and corporeality of human beings in their suffering. The fragments of nonidentity, those trace transcendent elements, are therefore *concrete* rather than abstract. That concreteness has its index at first in the preponderance of the object, but it is not limited to the object alone, since as I have shown, the dialectic between object and subject makes the distinction between them always a particular and historical one. This shows

that the transcendent element, though it may perhaps be messianic, it is nevertheless still material.

The materialism of Adorno's thought is denied in the transcendental realist interpretation of Adorno just as much as the dialectic. This materialism is nevertheless evident in his thought in his definition of philosophy as the task to give expression to suffering, as well as in the commitment to gesture to nonidentity by means of immanent critique, by following through the logics of instrumental reason until we can see what they hide, by seeking out the mediated moment in reified forms which claim immediacy, to see where they are worn or frayed. We can see the materialism of the transcendent element when Adorno makes reference to the nonidentical as what "concepts suppress, disparage, and discard" (*ND*, 21/10). We will find the resources for critique and the hope for redemption in what has been thrown away, degraded, abjected – in what has been remaindered. To work through what has been destroyed is itself the negative dialectical "labor of the negative," and would give the ambiguous concept of utopia in Adorno "the color of the concrete."²⁹

The insistence on dialectic is important to our understanding of the transcendent element in Adorno's thought because it indicates the ambivalence of that element in that it is not absolutely beyond or ineffable. If it were, then its relation to us would be difficult to ascertain. If the transcendent element in Adorno were absolutely other then it would seem to be no help in understanding constitutive exclusion. Instead, the insistence on dialectic in Adorno indicates the emergence of transcendence from within immanence, the promise of something more and other within totality and reification in the administered world. This dialectical approach to the transcendent element rendered it in that sense quasi-transcendent, in that it is both within and

²⁹ Adorno, *History and Freedom*, 253.

without, a transcendence which emerges from within, and yet is disparaged, denied, or disavowed. In this sense the dialectical aspect of nonidentity is significant to understanding constitutive exclusion, as it helps us better to understand the way in which what is remaindered or what is constitutively excluded lies both within and without or is transcendence within immanence. That is, if we can hear the claims that come to us from that space; the ability to hear the contestation of constitutive exclusion and to reconstitute political agency in light of that contestation is directly tied to Adorno's critique of identitarian thinking, in that it requires resisting the domination and appropriation of the object, or resisting determining the message in advance. This resistance is the source of Adorno's insistence on approaching nonidentity negatively, to which I will turn next.

Nonidentity as Negative

As we have seen, Adorno insists on the negativity of nonidentity. This insistence constitutes a refusal to determine in advance what redemption, or the uncoerced reconciliation between subject and object, will look like. This is because our thinking is so determined by current conditions; Adorno goes so far as to say that "[t]he chances are that every citizen of the wrong world would find the right one unbearable; he would be too impaired for it" (*ND*, 345/352). As the world becomes further and further totalized, as the identity principle is enforced more and more, it becomes more and more difficult to push thought against itself and towards the nonconceptual. This leads to a problem, however, pointed out by critics such as Habermas: that, in totalizing reason as identitarian, Adorno undermines his own ability to critique reason.³⁰

³⁰ A great resource for the debate between Habermas and Adorno on the subjects of totality, reason, and critique is Deborah Cook's *Adorno, Habermas, and the Search for a Rational Society*. There Cook is right to point out that Adorno does not reject reason entirely, but instead gives an historical critique of reason, in order point out that reason could have taken a different course, and may yet still be able to. I will have occasion to take up the

That is, if Adorno is employing reason in order to critique reason, and if reason is wholly corrupted by instrumental reason or identity thinking, then from what position can he launch this critique? How can Adorno be sure that, in making a rational critique of reason, he is not perpetuating the very same identitarian thinking he is trying to undermine?³¹

This problem is laid out very effectively in Theunissen's *Negativity in Adorno*, for instance. Theunissen describes the various aspects of negativity in Adorno, and provides some historical perspective on the negative theories on which Adorno draws. Theunissen argues rightly that Adorno avoids Hegelian determinate negation, but then goes on to argue that Adorno's attempt at a purely negative dialectic fails, as it ends up in the "remarkably uncritical repetition of the trope of the *trosas iasetai*, the saying that the wound can be healed by what first dealt it."³² What Theunissen gets right in this account is that Adorno does not argue that there is some standpoint beyond (such as a standpoint from the position of the "ineffable") from which he makes his critique of reason. Adorno is therefore forced to employ reason in order to critique reason, which is why he repeats the trope of the *trosas iasetai*. However, this is only a problem if we take reason to be entirely corrupted, or entirely determined by identitarianism. As we have already seen, positing reason, the world of concepts or the discursive realm as entirely separate from the non-discursive, nonconceptual, ir- or a-rational realm of an ineffable nonidentity overlooks the role of dialectics in Adorno's thought. While Adorno's (in)famous pessimism does leave him open to that reading, I contend this is largely a polemical strategy, as the work against

historical aspect of nonidentity later. Cook, Deborah. *Adorno, Habermas, and the Search for a Rational Society*. New York: Routledge, 2004.

³¹ This is not necessarily an uncommon critique; the same critique, could have been (and doubtless was) leveled against Kant, for instance.

³² Theunissen, Michael. "Negativity in Adorno." From *Theodor W. Adorno: Critical Evaluations in Cultural Theory*. Vol. I. Ed. Simon Jarvis. New York: Routledge, 2007, 178-198, 187. In the original: Michael Theunissen, "Negativität bei Adorno," *Adorno-Konferenz, 1983*. Frankfurt am Main: Suhrkamp, 1983.

identity-thinking is as much practical as theoretical. It is Adorno's commitment to negativity that preserves the possibility that things could be otherwise, and that reason is always other than it is. While the world may be a "mansion of dogshit," there is no other world to which we may appeal (*ND*, 359/366). However, the very contradictory nature of the world, its antagonism, paradoxically promises our survival as well as our destruction. The negativity of nonidentity, of that transcendent element of Adorno's thought, is just as well its source of hope.

The purpose of negative dialectics is the critique of reification – as ideology critique, negative dialectics aims to show the object as dynamic rather than as fixed, and this can only be done through releasing the becoming in the reified object. This can only be possible because reified objects are negative, in the sense that they are more than, or other than, what they claim to be. Negative dialectics is therefore an immanent critique, undertaken for the sake of a speculative moment. That speculative moment in Adorno's thought is itself however negative, in the sense that it is not determined in advance, and must be achieved practically as much as theoretically. The speculative moment in Adorno's thought is taken from Hegel; however, Adorno argues that in Hegel the speculative moment comes about as a result of coercion or force – in Hegel that resolution is produced through domination. Adorno critiques the Hegelian speculative moment in order to rescue it, but in a negative sense.

Adorno's Negative Double Strategy

In its negative dialectical mode, Adorno's thought is characterized by a kind of double strategy. On the one hand, he treats identity thinking or instrumental rationality as absolute as it claims itself to be. The totality that identity thinking or instrumental reason claims for itself is *true* both in the sense that it is compulsory, and in the sense that the absolute is the metaphysical representation of the hope for something more than what merely is. Adorno therefore attempts to

think that absoluteness or totality to its own limits, to push it beyond or against itself towards a speculative moment, in a kind of determinate negation of that absoluteness. On the other hand, Adorno's thought is characterized by attempting to show the cracks and the fissures of identity thinking or instrumental rationality itself, to show the material grounds upon which they rely, and to refuse to accede to the idea that the thought thing is adequate to thought itself. In this sense the totality or absoluteness that identity thinking or instrumental reason claims is *untrue*, in that it has not yet succeeded in achieving totality or absoluteness through the elimination of nonidentity, and in that it constructs itself on the basis of the disavowal of concrete particulars, individual physical humans, or real social processes.

Both of these strategies in Adorno's thought are, I would argue, negative. The first strategy is negative in that it attempts to push towards a determinate negation of the absoluteness that identity thinking claims for itself, and the second is negative in that it shows the negativity within that very claim to absoluteness. But both strategies refuse to identify the outcome; they refuse to determine in advance the result of either operation. To do so would be to define it, to dominate it, and therefore to fail to move beyond identity thinking or instrumental reason.

Adorno describes the first strategy in the following passage:

[D]ialectics is obliged to make a final move: being at once the impression and the critique of the universal delusive context, it must now turn even against itself. The critique of every self-absolutizing particular is a critique of the shadow which absoluteness casts upon the critique; it is a critique of the fact that critique itself, contrary to its own tendency, must remain in the medium of the concept. It destroys the claim of identity by testing and honoring it; therefore, it can reach no farther than that claim. The claim is a magic circle that stamps critique with the appearance of absolute knowledge. It is up to the self-reflection of critique to extinguish that claim, to extinguish it in the very negation of negation that will not become a positing [*eben darin Negation der Negation, welche nicht in Position übergeht*] (ND, 397-8/406).

The negation of negation to which Adorno refers here is a determinate negation, however, in this context, determinate negation does not yield a positivity, as it did in Hegel.³³ The Adornian negation of negation yields only more negativity. As a means of critiquing totality, critiquing the claim to system and to absoluteness that Hegel claimed for critique, Adorno argues here that critique must turn against itself, without thereby abandoning the concept (which would merely give reason over to barbarism). This strategy is similar to what I described above as metaphysical experience: this is the use of thought against itself, achieving the nonconceptual by means of concepts: “The cognitive utopia would be to use concepts to unseal the nonconceptual with concepts, without making it their equal” (*ND*, 21/10).

In this first strategy, Adorno uses the negative dialectic to push towards a speculative moment. This speculative moment is not contained within a system, nor is it the result of a totality, nor is it in any sense assured, and yet negative dialectics is undertaken for the sake of this speculative moment. The speculative moment itself is entirely negative, and yet transcendent: “Surviving in such resistance is the speculative moment: that which does not allow its law to be proscribed to it by the given facts, yet transcends those facts in the closest contact with the objects and in renunciation of any sacrosanct transcendence” (*ND*, 29/17).

Rather than a “sacrosanct transcendence,” an abstract transcendence such as that of the transcendental subject, the kind of transcendence Adorno is pushing towards a transcendence of the particular, or of the concrete. The speculative moment that the Adornian determinate negation pushes for is found in the repressed sources of thought. Simon Jarvis describes it as an “attempt to recollect, instead of suppress, what [thought] depends on... They are determinate

³³ And, evidently, as Theunissen claims in “Negativität bei Adorno,” 51. See also Cook, Deborah. “From the Actual to the Possible: Nonidentity Thinking.”

negations of these prohibitions which make visible the experience implicitly sedimented in them.”³⁴

Deborah Cook develops this speculative moment in Adorno’s thought with special attention to emphatic concepts, such as the concept of freedom. In the case of freedom, Adorno writes that, “Freedom is only to be grasped in determinate negation, in accordance with the concrete shape of unfreedom” (*ND*, 230/231; translation altered). The sense of freedom is therefore indicated by the experience of its lack. Cook argues that the determinate negation, the negativity of the speculative moment, reveals only further negativity: “Suffice it to say that to negate the negative reveals that what exists is not yet what it ought to be, and what ought to be does not yet exist.”³⁵ Though, as Jarvis notes, Adorno refers to that speculative moment with “magical, mystical, and theological terms,” these terms should not be taken too strictly literally, and should rather be understood as a kind of negative marker.³⁶

Lastly such a transcendence of the particular, an ontic rather than an ontological transcendence, is always a matter of chance, since it is to the particular that chance has been relegated. If negative dialectics came with a money-back guarantee, it would be no better than the ideology it purports to critique. Allison Stone argues that the Adornian speculative moment, an uncoerced reconciliation, would have to be possible as a matter of practice and not theory alone: it is something to be strived for.³⁷

³⁴ Jarvis, Simon. “The Coastline of Experience: Materialism and Metaphysics in Adorno.” *Radical Philosophy: A Journal of Socialist and Feminist Philosophy*. Vol. S-O 1997, No. 85, 7-19, 15.

³⁵ Cook, Deborah. “A Response to Finlayson,” 192. See also Cook, Deborah. “From the Actual to the Possible: Nonidentity Thinking.” *Constellations*. Vol 12, No 1, 2005.

³⁶ Jarvis, Simon. *Theodor Adorno: A Critical Introduction*. New York: 1998, 211.

³⁷ Stone, Allison. “Adorno and Logic.” In *Adorno: Key Concepts*. Ed Deborah Cook. Stocksfield: Acumen, 2008, 47-62, 52.

The second strategy of pointing to the nonidentical would be the attempt to undermine identity-thinking or instrumental reason by means of gesturing towards those cracks and fissures in it. This would be a means as well of gesturing negatively towards the sources of thought, without attempting to appropriate them in advance, or to claim that what gives rise to thought is fully identifiable with thought itself. This second strategy has more resonance with Adorno's debt to Benjamin's thought, and in particular to the kind of materialist history articulated by Benjamin. I will focus more on that strategy in the sections on materialism and history below. However, there are a number of places where Adorno refers to nonidentity as having been buried, suppressed, repressed or undigested (or at least not pre-digested) by identity-thinking, and that we must direct our attention to those elements, if we are still sensitive to them. He indicates these fragments in references to the ambiguous knowledge that children still possess, about, for instance, the significance of the dogcatcher's van and the abattoir (ND, 359/366). While children may possess remnants of this knowledge in a form that is more than simply negative, it is left to adults to experience these fragments in a largely negative fashion. An openness to this negativity is partly what is meant by metaphysical experience.

What then does this tell us about the transcendent element in Adorno's thought? It tells us that, first, it is not an ineffable beyond, in that it is not identifiable with the object or with a non-discursive, immediate givenness of objects, natural or otherwise; instead it is dialectical, and can be discovered in the concept as well as in the object, or perhaps in the persistent gap between them. As I indicated above, if nonidentity does have a messianic character, I see no reason (as against Buchwalter) why it can't also have a material character.

This double strategy is significant to the theorization of constitutive exclusion in that constitutive exclusion occupies a similar epistemologically ambiguous territory. On the one

hand, constitutive exclusion affirms the idea that the political body has constituted itself upon the basis of that intolerable element against which it defines itself. The success of this constitution is borne out epistemologically, in that those who are constitutively excluded from political bodies are rendered unintelligible as political actors or agents. On the other hand, constitutive exclusion denies that this constitution is as complete as it claims, that the borders are secure and distinct, and that this intolerable element has been successfully excluded, in that it shows that element to be nevertheless on the inside, continuing to do that constituting labor from the inside. It is in this sense that, in the case of both transcendence and in constitutive exclusion, if these are concepts at all, then they are limit-concepts. As limit-concepts, they operate negatively, in the sense that they attempt to gesture towards that included-excluded element by means of, on the one hand, taking the constitution or the totality seriously and thinking it against itself and, on the other hand, investigating the sites of dissolution, unintelligibility, the cracks, fissures, and break-downs that show the borders to be indistinct and the constitution to be vulnerable.

In the section that follows, I will investigate the material character of the transcendent element in Adorno's thought. This will be a strange materiality – not naively realistic, but rather dialectical and negative. It will help us to further flesh out the strange sense of transcendence in Adorno's thought.

Nonidentity as Material

I have argued against the transcendental realist interpretation above that nonidentity can be found in the concept as well as in the object. Nevertheless, negative dialectics operates according to the preponderance of the object, in that it aims at ending the coercive adequation of the object with the subject, and towards releasing the nonidentical in the object. Nonidentity, therefore, can be seen as either transcendent excess of the object in relation to the thinking

subject, or as a transcendent excess of the concept (on the model of an idea or a regulative ideal) in relation to current conditions. It seems to indicate an excess both on the side of the subject, and on the side of the object. One way of countering the transcendental realist or the interpretation of nonidentity might be to argue that nonidentity is itself dialectical. Is there such a dialectic within nonidentity itself? The first side of nonidentity would be the excess of the object in relation to the subject, the excess of the nonconceptual in relation to the concept (a view closer to that of the transcendental realists). The second side would be the excess of the concept in relation to the object, or the excess of what the concept promises in relation to current conditions (a view closer to the reading of metaphysical experience given above).

There are a number of problems that stem from putting the question this way. Adorno describes dialectics, even negative dialectics, famously as “the ontology of the wrong state of things [*die Ontologie des falschen Zustandes*]” (ND, 22/11). The right state of things would not be a true ontology as opposed to a false one; instead, Adorno states that the right state of things would be free of both system and contradiction (ND, 22/11). Reading nonidentity as if it were itself dialectical would be an inappropriate ontologization of nonidentity. A contradiction or a dialectical tension within nonidentity itself would also imply a kind of speculative infinite regress: if negative dialectics is undertaken to release the nonidentical, to rid it of coercion, or for the sake of a state in which negative dialectics would no longer be necessary, to treat that nonidentity as itself dialectical would simply repeat the process infinitely. Dialectics, contradiction, or antagonism do not describe an ontological or essential condition, but instead a contingent and historical condition. The negativity of negative dialectics is equally the source of suffering as well as the source of hope. But it is precisely because the suffering of the object is

caused by and veiled by the forced adequation of the object to the subject, from the Hegelian world spirit to the death camps, that the hope of ending suffering is situated in the object.

Although one can find nonidentity in either the excess of the object or the excess of the concept, this does not indicate a deeper dialectic within nonidentity itself. It only indicates that the transcendent element would be found in different sites at different times, according to the specificity of the matter at hand. In this sense, the preponderance of the object still predominates, even if we must analyze the object with concepts, since concepts themselves carry with them a reference to the object.³⁸ In fact, Adorno argues that the “contradiction between the concept of freedom and its realization remains the insufficiency of the concept. The potential of freedom calls for criticizing what an inevitable formalization has made of the potential” (*ND*, 154/151). By this I take him to mean that the nonidentity in the concept itself, in the excess of the promise of the concept in relation to what it has achieved, is still a fault in the *concept*. This nonidentity is indicated by a “not-yet,” by its negativity; but this negativity is relative to those current conditions. This contradiction between the concept and current conditions is itself an “insufficiency” which the concept as yet does not recognize or own up to. This insufficiency has its root in the nonidentity between concept and object, rather than being rooted in a fundamental dialectic within nonidentity itself. To read nonidentity or the nonconceptual as itself dialectical would therefore, as Anke Thyen argues, “amount[s] to an ontologising of the non-ontological.”³⁹

³⁸ My thanks are due to Robyn Marasco for this reminder.

³⁹ Thyen argues specifically that treating nonidentity as a remainder serves to ontologize nonidentity; however, I believe that this is due to a somewhat restricted reading of the notion of “remainder,” as this critique is leveled specifically against Ute Guzzoni’s reading of nonidentity in Adorno. Thyen rightly critiques Guzzoni for treating nonidentity as conceptually equivalent with identity in an ontological sense, however, I think that a more careful reading of the term “remainder” would help here. Nevertheless, I contend that her point about nonidentity as non or anti-ontological is relevant here. Thyen, Anke. “Dimensions of the Nonidentical” In *Theodor W. Adorno: Critical Evaluations in Cultural Theory, Vol I*. Ed. Simon Jarvis. New York: 2007, 199-220, 202. Guzzoni, Ute. “Hegel’s Untruth: Some Remarks on Adorno’s Critique of Hegel.” In *Theodor W. Adorno: Critical Evaluations in Cultural Theory, Vol. I*. Ed. Simon Jarvis. New York: Routledge, 2007, 84-89.

To read nonidentity as itself dialectical would be to posit dialectics as transcendent, when it seems clear that the speculatively transcendent moment towards which negative dialectics pushes is a moment in which dialectics would no longer be necessary. This is an inappropriate ontologization of a transcendent moment that remains rooted in the ontic, in the object. Indeed, Thyen argues against this impulse to ontologize nonidentity that “this nonidentical 'something' has an essentially material character.”⁴⁰

Given this, how do we think nonidentity as a transcendent element in Adorno’s thought as also material? How do we think a transcendent metaphysical element that is not a pure ineffable beyond, but instead is rooted in an immanent, somatic and physical experience? In his article on Adorno and metaphysics, Espen Hammer succinctly describes the predicament that Adorno finds himself in:

... what Adorno retains from the metaphysical tradition is its desire for transcendence - that is, the simple sense that 'this cannot be all'. The only alternative to irredeemable despair must consist in the possibility of witnessing some form of alterity or otherness capable of resisting the closure effected by formal-instrumental rationality. On the other hand, for transcendence to be possible, metaphysics must be stripped of its traditional adherence to conceptions of the ideal, the immutable, and the totalizing universal. For Adorno, this means that metaphysics must be given a materialist twist.⁴¹

Adorno argues that at its moment of downfall [*ihres Sturzes*], metaphysics must converge with materialism, though the two have been traditionally opposed (*ND* 408/400; *ND* 365/358). This should come as no surprise to us at this point, given the dialectical nature of Adorno’s thought. But what are we to make of this? In what sense precisely is the transcendent element of Adorno’s thought material? And if that materiality is somehow transcendent to thought, how is it indicated by or within thought, since this is in a real sense all we have to work with?

⁴⁰ Thyen, 209.

⁴¹ Hammer, 2008, 67.

Transcendence Material: Suffering as the Somatic Moment in Thought

In what may be initially an overly simplistic sense, materialism in Adorno means that, on the one hand, thinking depends upon existing concrete human beings, and on the other hand, thinking is always about something, and this “something” is not itself reducible to thought. Jarvis recognizes the speculative moment of Adorno’s thought as matter; therefore, the negative dialectic is undertaken for the sake of trying to get us to no longer forget, ignore, repress or disavow the material element in thought.⁴² As Anke Thyen puts it, “The ineliminable [*Nichthintergebarkeit*] ontic residue in our concepts calls for a philosophical thinking that strives to do justice to objects as they are experienced, while avoiding the typical dangers of a reductionist empiricism.”⁴³

Adorno goes so far as to point to physical suffering as the source of negativity, dialectics, and the very movement of thought (*ND*, 202-3/202-3). Physical suffering is the somatic moment in thought itself. That it makes a mark upon thought, even as that which thought in its identitarian form disavows or disparages, is the negative assurance of its dialectical attachment to concepts. Adorno argues that physical suffering, often symbolized by the event of Auschwitz (but not limited to Auschwitz), forces on us what Adorno calls a new categorical imperative: that nothing like it ever happen again (*ND*, 358/365). According to the dialectical sense of nonidentity that I explicated above, the imperative that suffering “forces” on us is that, on the one hand, we make good on the promise inherent in the concept – that this is not all that there is – and, on the other hand, that we attend to the material basis of life so as to acknowledge and alleviate suffering. Or, put another way, Auschwitz forces us to attend to the notion that thought

⁴² Jarvis, 1998.

⁴³ Thyen Anke. “Dimensions of the Nonidentical,” 199-220, 215.

depends upon thinking human beings, and that thought is always thinking about something, and that something is not reducible to thought. The experience of suffering calls us to respond with thinking that attends to the material basis of nonidentity, the materiality of Adorno's quasi-transcendent element.

I argued previously that the transcendental realist interpretation of Adorno was flawed in that it showed an insufficient appreciation for the role of the dialectic in Adorno. Given its emphasis on immediacy or givenness, it also comes quite close to a dogmatically materialist reading of nonidentity or the nonconceptual in Adorno. That is, it would be not too far from the transcendental realist interpretation to argue that, while the source of all truth lies in matter, matter itself fundamentally escapes or lies beyond our ability to know it in its entirety. Matter would therefore be ineffable, purely beyond, or absolutely transcendent. Simon Jarvis succinctly describes the problem:

All attempts to avoid idealist claims of the type that thought constitutes, shapes, or is identical with, its objects appear to run the opposite risk of claiming access to immediacy, to a transcendence which is just the 'given.' In such invocations, as Hegel himself forcefully pointed out, we are effectively invited to have faith in some datum or framework for data which is sheerly given. Our knowledge of such 'givens' is mistakenly thought of as being purely passive. Enquiry must simply halt before them. Dogmatic materialism of this kind is not at all free from metaphysics in the way that it supposes. When thinking comes to a halt with an abstract appeal to history, or society, or socio-historical material specificity, or any other form of givenness, it might as well stop with God. The lesson which Adorno draws is that whether thinking is really materialist is not decided by how often the word 'materialism' is repeated, but by what happens in that thinking. Materialist thinking would need to ask how thinking about that which appears to escape conceptuality is even imaginable.⁴⁴

This challenge is met, I think, in that Adorno thinks the materialist aspect of nonidentity in both negative and dialectical terms. Therefore, though it may seem a bit oblique, I think that one of the best ways to go about gesturing to the materiality of the transcendence of nonidentity

⁴⁴ Jarvis 1997, 7-8.

is through the dialectic between subject and object. I have already described it a bit in the above section, but here I want to try and distinguish Adorno's complex understanding of materiality from the dogmatic materialism Jarvis describes above; the task would be to understand the transcendent, and thus metaphysical, sense of materialism at work in Adorno. This would help us to understand dialectics as the notion that "objects do not go into their concepts without leaving a remainder," and to see that remainder as material (*ND*, 16-7/5). In this dialectic subject is not the same as concept, nor is object the same as nonidentity or the nonconceptual, but a clearer understanding of the mediation of subject and object will help illuminate the complexly materialist sense of nonidentity.

The Materialist Dialectic of Subject and Object

In his essay "On Subject and Object," Adorno writes, "[t]he primacy of the object means [rather] that the subject for its part is object in a qualitatively different, more radical sense than object, because object cannot be known except through consciousness, hence is also subject."⁴⁵ Though the object is only knowable through consciousness, it is logically prior to subject. And although the two exist in dialectical mutual constitution, the relation between them is not equal, and the difference between subject and object makes a difference (*ND*, 184/183). This difference is precisely what identitarian thought and practice seeks to eliminate.⁴⁶ Adorno seeks to remind us that the subject certainly is also an object, because it is somatic or physical. The prominent marker of this is the subject's suffering under an administered world (*ND*, 202-203/202-204). The suffering of the physical subject Adorno sometimes remarks is itself the motor of the

⁴⁵ Adorno, Theodor W. "On Subject and Object." In *Critical Models*, 245-257, 249.

⁴⁶ It is also, as I argued in the previous chapter, what Derrida seeks to resuscitate in the Hegelian dialectic in *Glas*.

dialectic; it is suffering which is the “consistent sense of nonidentity” that defines dialectics (*ND*, 16-17/5). This “sense of nonidentity” ensures that dialectics must never come to rest, since if it did, it would mean putting an end to the passage between the subject and the object by eliminating the objective moment of the subject, entailing the subject’s death. In this sense, as Espen Hammer notes, the world of radical immanence would be Auschwitz, in which the only available transcendence is death itself.⁴⁷

From this we can see that the subject is not reducible to the concept, nor is the object the same as the non-conceptual. This is a mistake that I believe the transcendental realist interpretation of nonidentity (given above) comes close to.⁴⁸ The subject is itself also an object, as its physical suffering indicates. But the object is just as well subject. This indicates that the object itself is already an abstraction from particular concrete things, or that the object is available to the subject only through concepts. It is also because the object has in many cases been formed by the subject, not in the sense that a transcendental subjectivity has prepared objects in advance for us, but in the simple sense that, as a part of a world dominated by the preponderance of the subject, objects are destroyed and disfigured by ideology just as much as the objective element within the subject is.

Since the example of the cherry tree in Marx’s *The German Ideology*, for instance, we are reminded that what we perceive as natural, as distinct from civilization, is already prepared in advance for us by its domination.⁴⁹ Thus a painting of a scene of natural beauty, such as the one

⁴⁷ Hammer 2008, 66.

⁴⁸ This “mistake” could be read as truth in the sense that this reduction of the subject to the concept and the object to the nonconceptual, the simple opposition between them, and eventually the elimination of the object in this sense is the truth of the epistemology of the wrong state of things.

⁴⁹ “The cherry-tree, like almost all fruit-trees, was, as is well known, only a few centuries ago transplanted by commerce into our zone, and therefore only by this action of a definite society in a definite age it has become

Buchwalter refers to above, is ideological through and through: the sense of reconciliation perceived there is very probably the false reconciliation of domination. For these very reasons, Adorno warns us against naïve realism in several places, such as when he writes, “That the object takes precedence even though indirect itself does not cut off the subject-object dialectics. Immediacy is no more beyond dialectics than is mediation” (*ND* 187/186).⁵⁰

Adorno’s materialism should not therefore be understood as a dogmatic gesture to immediacy or givenness, as that is just as abstractly transcendent as the ineffable other of negative theology. Negative dialectics is ideology critique, the critique of reification, or the critique of fetishism. It indicates therefore that what we understand as an object, even or perhaps more especially a natural object, is the result of a process of becoming that is hidden within that object:

Philosophy derives whatever legitimacy it retains from a negative factor: from the fact that, in their insistence upon being so and not otherwise, the indissoluble elements to which philosophy capitulated and which repel the onslaught of idealism are essentially a fetish – the fetish of the irrevocable nature of being. What dispels this fetish is the knowledge that things are not simply so and not otherwise, but that they have come to be what they are under certain conditions. The process of becoming is inherent in the object; it can no more be stabilized in the concept than it can be divorced from its results and forgotten. On this point idealist and materialist dialectics converge. In idealism immediacy is vindicated as a stage of the concept by its internal history, while for materialism that same history becomes the measure not merely of the untruth of concepts, but even more of immediacy in being. Common to both is the emphasis on the history that has congealed in the objects.⁵¹

The reification of commodities through the exchange principle and the reification of consciousness are mediated dynamics: both objects and subjects suffer a similar deformation, a

‘sensuous certainty’ for Feuerbach.” Marx, Karl. *The German Ideology*. Ed. Arthur, C.J. New York: International Publishers, 2007, 62.

⁵⁰ Or alternatively, “[m]ediation of the object means that it must not be statically, dogmatically hypostasized but can be known only as it entwines with subjectivity” (*ND* 186/186).

⁵¹ Adorno, Theodor W. *Lectures on Negative Dialectics*. Trans. Rodney Livingstone. Malden: Polity, 2008, 175.

reduction to fragments or moments, to the disparaged, discarded or disavowed nonidentical in the object on the one hand, and to the disparaged, discarded or disavowed moment of spontaneity in the subject on the other. We cannot assume, therefore, that any sense of transcendence will come to us through an interaction with objects alone, with immediacy or givenness: this would be a mistake in that to accede to the immediate or to the given is precisely to accede to current damaged conditions, and is the side of immanence, rather than transcendence.

So long as we remain under current damaged conditions, object will continue to operate as the “terminological mask” of nonidentity, the positive cover for the dynamic materialism of that transcendent element in which it nevertheless persists. The “need in thinking,” the desire to give expression to suffering that is the definition of thought for Adorno, is itself a materialist impulse. Rather than acting as an absolute limit, the material aspect of the transcendent requires us to continue the work of critique, without presuming to know its results. The work would then be to unearth the sedimented history of the object, in order to liberate the possibilities buried within it. It is in this sense that Adorno argues that, “Objectivity can be made out solely by reflecting, at every historical and cognitive stage, both upon what at that time is presented as subject and object, as well as upon their mediations. To this extent object is in fact ‘infinitely given as a task,’ as neo-Kantianism taught.”⁵²

Nonidentity as Historical.

The materialist character of nonidentity is, as we have seen, already implicitly historical. Matter in Adorno refers to the somatic moment in thinking, the impulse to think as a response to suffering, and the persistent sense that there must be something more than this. The historical

⁵² Adorno, “Subject and Object,” 253.

character of nonidentity could be summed up in the idea that it didn't have to be this way, or that things could have been otherwise. As we have seen above, Adorno thinks of objects as a congealed history (on the model of congealed labor, as he notes in his lectures on negative dialectics) or as an historical process of becoming hidden beneath a fetish.⁵³ The critique of the fetish structure of objects could unlock or unearth repressed pieces of the object's history. This is why the object is given to us infinitely as a task.

Understanding the historical character of nonidentity in Adorno helps us to understand the historical character of constitutive exclusion. As the object is given to us infinitely as a task, I argue that we are ourselves as subjects given as a task, as we reflect on who we are at any given moment. This is an historical process, since, insofar as we can know our constitutions, we can know them only retrospectively, and can therefore only know what allows for that reflection by means of a constitutive exclusion.

It is worth remembering here that Adorno's thought can in a certain sense be summed up as a response to a particular historical incident: that of the Holocaust. As Susan Buck-Morss writes in *The Origin of Negative Dialectics*, for Adorno, "... the present relativized the past."⁵⁴ The project of *Negative Dialectics*, as the project of *Dialectic of Enlightenment*, is an attempt to explain the occurrence of Auschwitz, but as against an attempt to excuse it, or even to fully appropriate it to any purpose.⁵⁵ Adorno (and Horkheimer, in *Dialectic of Enlightenment*) reads the past in light of the present, in order both to show the teleological inevitability of the Holocaust, and to show that it could at any point have been otherwise. To ask how history could

⁵³ Adorno, *Lectures on Negative Dialectics*, 175.

⁵⁴ Buck-Morss, Susan. *The Origin of Negative Dialectics*. New York: The Free Press, 1977, 52.

⁵⁵ Horkheimer, Max and Theodor Adorno. *Dialektik der Aufklärung*. Frankfurt am Main: Fischer, 1989. English translation: *The Dialectic of Enlightenment*. Trans. Edmund Jephcott. Stanford: Stanford University Press, 2002.

have been otherwise, as Stone points out, is impossible for Enlightenment thinkers, reliant as they are upon a teleological or progressive account of history: "... enlightenment thinkers cannot ask whether history could have been different, as this is not a simple factual matter. Their inability to ask whether things might have turned out differently conduces to an unthinking acceptance that current social arrangements are inevitable, a 'fate' that no one can escape. And fatalism of this kind is typically a mythical form of belief."⁵⁶ This mythical fatalism reaches its height in Hegel, for whom history is the "slaughterbench" at which individuals have been sacrificed for the sake of the realization of the idea of World Spirit.⁵⁷ The systematic death of the camps simultaneously fulfills the fatalistic destiny of world spirit and puts the lie to the reason in history, as Adorno argues that to insist that it all "happens for a reason" is to mock the dead (*ND*, 354/361).

As a response to the particular historical occurrence of Auschwitz, Adorno's thought is a testament to the need in thinking as a material response, a response to and a reflection of suffering.⁵⁸ As the relativization of the past, the present had to be made to account for Auschwitz in some way. This is both possible and impossible. It is possible in that universal history, on the model brought to its apotheosis by Hegel, believes it can fully account for the death camps, since

⁵⁶ Stone, 51.

⁵⁷ Hegel, G.W.F. *Reason in History: A General Introduction to the Philosophy of History*. Trans. Robert S. Hartmann. Upper Saddle River: Prentice Hall, 1997, 27.

⁵⁸ Adorno mentions in his lectures on metaphysics that Auschwitz is not for him an exclusive occurrence: "Through Auschwitz – and by that I mean not only Auschwitz but the world of torture that has continued to exist after Auschwitz and of which we are receiving the most horrifying reports from Vietnam – through all this the concept of metaphysics has been changed to its innermost core" (*MCP*, 101). Also: "In face of the experiences we have had, not only through Auschwitz but through the atomic bomb – all these things form a kind of coherence, a hellish unity – in the face of these experiences the assertion that what is has meaning, and the affirmative character which has been attributed to metaphysics almost without exception, become a mockery: and in the face of the victims it becomes downright immoral" (*MCP*, 104). The present to which Adorno refers is not Auschwitz itself, as an event, but the "hellish unity" of torture and the state-sanctioned destruction of humans. Though I lack the time to discuss it here, this obviously complicates his understanding of history, as well as his rhetorical use of Auschwitz. Adorno, Theodor W. *Metaphysics: Concept and Problems*.

by its logic the extermination of millions of concrete individual humans are given meaning in service to the goal of the greater freedom and perpetual peace of an (continually deferred) future abstract humanity. It is impossible in the sense that the death camps shatter the logic of a rational universal history. Any accounting for the excess of death and suffering in the camps that history claims is on its face either absurd or grotesque, or both. The occurrence of Auschwitz forced the idea that it could have been otherwise, *in and through* the very Enlightenment claim that history unfolds by necessity. The thesis of the *Dialectic of Enlightenment* is largely an attempt to push this double historical strategy as a method for illuminating, if not other historical possibilities (the book is much darker and its task more extreme than that), then simply the idea that things could have turned out differently.

Negative dialectics puts the lie to universal history but does not give it up, for the reason that universal history, like metaphysics, retains a kind of promise: it preserves the idea of humanity as a collective, and a kernel of a hope for something better. To do away with the promise of universal history would be a retreat into barbarism: “History is the unity of continuity and discontinuity. Society stays alive, not despite its antagonism, but by means of it” (*ND*, 314/320).

In critiquing the notion of universal history, Adorno is following a strategy similar to the double strategy outlined above in the negativity section: pushing universal history to its limits, as well as reading it against the grain, looking for the disparaged, discarded, and disavowed in history. This double strategy has its basis in the notion that universal history, much like the movement of identitarian thinking itself, has constituted itself on the basis of excluding, repressing, or disavowing certain elements. Our approach to history must therefore be negative, similar to that described in the negativity section above. Since universal history has a dialectical

structure, and therefore represses or disavows some elements just as it holds out a certain promise for something better, we must both critique and rescue the concept of universal history. We must push the concept of universal history to its extreme, as Adorno argues in “Why Still Philosophy?”: “History promises no salvation and offers the possibility of hope only to the concept whose movement follows history’s path to the extreme.”⁵⁹

In pushing the concept of universal history to its extreme, Adorno argues that we must at the same time investigate those places where the concept seems to falter, where its frayed or worn thin. These are those shards of history remaindered from the concept; they are similar to those chips of messianic time discussed in the introduction and described by Benjamin, who claims that the work of the historical materialist is to establish “a concept of the present as the ‘time of the now,’ which is shot through with chips of messianic time.”⁶⁰ Benjamin famously describes messianic time as exercising a “weak force” on which the past has a claim.⁶¹ This “weak force” is similar to that which Adorno argues that the object possesses: “Only the critical idea that unleashes the force stored up in the object is fruitful; fruitful both for the object, by helping it come into its own, and against it, reminding it that it is not yet itself.”⁶² Again, the force is here stored up in the object, buried in it, sedimented in it, or repressed in it. Through the work of critique, we attempt to release the object from reification, or to release its becoming.

Doing this releases the “force” stored up in the object.

⁵⁹ Adorno, Theodor W. “Why Still Philosophy?” In *Critical Models*, pages 5-17, 17.

⁶⁰ Benjamin, Walter. “Theses on the Philosophy of History.” In *Illuminations*. New York: Schocken, 2007, 253-264, 263. I have my own reservations with the “Theses,” specifically in its reliance upon gendered metaphors: for instance, the “whore” called “once upon a time” who drains historians in her historicist bordello, as opposed to the historical materialist who retains “man enough to blast open the continuum of history” (Thesis xvi). How different can any materialist history be if it relies upon the constitutive exclusion of women as agents of history, rendering them either passive objects of imagined sexual conquests, or as the historian’s succubus? How can we re-imagine history if it still relies upon a kind of phallic domination? Who then is redeemed by materialist history?

⁶¹ *Ibid.*, 254.

⁶² Adorno, *Three Hegel Studies*, 80.

These “chips” or forces are, I contend, the nonidentical in history. They are sedimented in history, just as becoming is congealed in the object. They are neither entirely objective nor entirely subjective, but because of the dialectic between subject and object and the reliance of metaphysical experience upon current social conditions, they will be found in different places at different times. These fragments of nonidentity are sedimented or congealed in the object as repressed elements.⁶³ If nonidentity is quasi-transcendental, as I have argued, then these “chips” are the historical quasi-transcendental. As quasi-transcendental, they stand both within and without history: they are within history as its repressed ground(s), upon which it relies to differentiate itself from the diverse particular accidents that it remains.⁶⁴ They are also outside of history, however, in the sense that these materialist “chips” are excluded from the concept of universal history. Falling outside the self-identity of the concept, these “chips” are nonidentical. Insofar as the concept of universal history constitutes itself upon the exclusion of these chips of messianic temporality, these chips are constitutively excluded by it.

Because our thinking is so determined by instrumental reasoning, however, we are always at risk of making our critique of the object *productive* rather than *fruitful*, as Adorno puts it. We are always at risk of determining nonidentity in advance, appropriating, distorting, or reducing it to the demands of the exchange principle. The element of chance, accident, or contingency in this approach must be emphasized here. The negativity with which Adorno approaches nonidentity is itself an attempt to push thought against itself, and toward the boundaries of thought. The success of this pushing cannot, however, be guaranteed; this would be to risk instrumentalizing the negative dialectic itself. Adorno’s negative approach to a

⁶³ For more on the historical sedimentation in Adorno, see O’Connor, 2007, 35.

⁶⁴ In this sense, these nonidentical historical “chips” are closely related to the multiple negativity I described as constitutively excluded by the *Science of Logic* in the first chapter.

materialist history therefore defines a kind of methodology for the releasing nonidentity without damaging or reducing it.

As a kind of double strategy, both critique and rescue, Adorno's negative approach to history gestures towards that which the concept excludes, and the rescue of the concept for what it promises. How is this useful to our conception of constitutive exclusion? How are these nonidentical chips constitutively excluded? How can the historical character of the Adornian quasi-transcendental help us to understand the phenomenon of strategic straightness, or how a translation is effected between what is "excluded" and what is "included," what is "inside" and what is "outside," and to see this as itself a historical structure/process?

The historical character of nonidentity tells us something more about the "time" of constitutive exclusion in its retrospective character. If we are formed through constitutive exclusion, then we can only know this constitution, and the "exclusions" upon which it relies, retrospectively. However, any particular constitution is not a necessity; that things could have been otherwise is the persistent message of Adorno's historical quasi-transcendent(al), as it must be for our analysis of constitutive exclusion. Moreover, the retrospective character of constitutive exclusion itself calls into question the distinction between inside and outside as the distinction between cause and effect, condition and conditioned. This reaffirms Adorno's thinking of nonidentity as ontic or material rather than ontological: nonidentity is not a first principle, but rather the retrospective identification of what has been remaindered in order to constitute us as who we are at any given moment. Adorno does not take nonidentity to be an ontological principle, just as he does not take identitarian thought to be the effect of nonidentity as a cause. Rather, nonidentity is *constitutively excluded*. It is what is remaindered from identitarian

thinking, in that, insofar as it is ever uncovered, recognized, or acknowledged, it is done so only in particular, only retrospectively, and only in relation to current social-political conditions.

Moreover, I would argue that nonidentity is produced *as* nonidentity by identitarian thinking; under some other historical form of thinking, nonidentity might take some other form or “be” something else, but as we have from our position within identitarian thinking no direct access to any other thinking, we ought not say anything about it. If negative dialectics describes the wrong state of things, still that is the best we have, because negative dialectics indicates that things could always have been different. More than that, it indicates that things are already other than what they are: their negativity is already an indication of the traces of alterity contained in the object and in totality, traces which come to us, not from the future, but from the past:

Grayness could not fill us with despair if our minds did not harbor the concept of different colors, scattered traces of which are not absent from the negative whole. The traces always come from the past, and our hopes come from their counterpart, from that which is or was doomed; such an interpretation may very well fit the last line of Benjamin’s text on *Elected Affinities*: ‘For the sake of the hopeless only are we given hope’ (*ND*, 370-371/377-378).

Conclusion

The premise of this chapter is that transcendence has something to do with constitutive exclusion, that there is a transcendent element in Adorno’s thought, and that the kind of transcendence we find in Adorno’s thought can tell us something about constitutive exclusion. What finally are we to make of a transcendence that is dialectical, negative, material and historical? What kind of transcendence is on the side of the ontic rather than the ontological? Is rooted in the empirical? Does not stand outside, in an absolute beyond, but instead comes from within, in the space of immanence? Can be found in multiple places – in the concept, in the object, in the space between them, or which encompasses both of them, called “experience” – in relation to the historical moment and the particular object of inquiry?

In her book *Negative Dialektik und Erfahrung*, Anke Thyen describes nonidentity as a limit concept.⁶⁵ She argues that while other readings of nonidentity which tend to treat it as a form of difference which acts as the absolute other of identity, thereby inappropriately ontologizing it, nonidentity should be treated as a limit concept: "[i]t is a concept that belongs entirely neither to the sphere of the conceptual, of the identical, nor to the sphere of the simply conceptless, of the mimetic."⁶⁶ Instead, nonidentity straddles either side of the distinction, managing the border between them. Thyen argues that insofar as negative dialectics is an attempt at the "deliberate and effective consciousness of nonidentity," nonidentity is the "bearing-in-mind" of that which exceeds knowing or thinking: "[Nonidentity] is remembrance, but what it remembers are not merely the omitted remains of identity-thinking. It is, like the Kantian thing in itself, the memory or the bearing-in-mind [*Eingedenken*] that things are not exhausted in the knowing of them [*Erkenntnis*]."⁶⁷ This "bearing-in-mind" would indicate a new approach to knowing, an approach that is not totalizing, or as she describes it, "an open, but not simply relativistic, structure of knowing, i.e. of a kind of knowledge that no longer predictably terminates in the ultimate concept of identity."⁶⁸

As a limit-concept, nonidentity is therefore quasi-transcendent. As we have seen, negative dialectics is undertaken for the sake of a speculative moment which points a way beyond the immanent totality of current conditions, dominated as they are by identity-thinking, instrumental reason, or ideology. This speculative moment is marked in Adorno's thought by terms such as nonidentity or the nonconceptual. These terms point to a moment transcendent to

⁶⁵ Thyen, Anke. *Negative Dialektik und Erfahrung: Zur Rationalität des Nichtidentischen bei Adorno*. Frankfurt am Main: Suhrkamp, 1989. Translation for the most part my own.

⁶⁶ *Ibid.*, 204.

⁶⁷ *Ibid.*, 203.

⁶⁸ *Ibid.*, 201. This "bearing-in-mind" might already be indicated by the Adornian method of constellation.

those damaged immanent conditions. However, that transcendent moment is not absolutely beyond; it does not indicate an absolute difference or otherness. Instead, the dialectical aspect of nonidentity indicates that it is marked within our thought itself, and if it can be reached, achieved, or gestured to, this must be done from within immanent conditions, or from within a thinking already determined, although not absolutely so, by instrumental reason and identitarian thinking. The historical-materialist aspect of nonidentity indicates that nonidentity lies buried in the sedimented history of objects, as well as in the promise buried in the sedimented history of the concept. Adorno argues therefore in his lectures on negative dialectics that philosophers ought to follow the example of Freud,

... and concentrate on matters that have not been pre-digested by the pre-existing concepts of the prevailing philosophy and science... We might say that the non-conceptual itself, when we approach it for the first time, when we grapple with it, is already mediated by concepts in a negative sense – it is the neglected, the excluded; and the fact that the concept has not granted it access tells us something about the prejudice, the *parti pris* and the obstacles imposed by the concept (*LND*, 71).

While we must approach the nonconceptual through concepts, since our experience is determined by current conditions, we will experience them only negatively, as that which has been excluded. Adorno goes on to refer to the nonconceptual as what has been socially repressed “in certain objects.”⁶⁹ That which has been repressed in certain objects is strongly associated in Adorno with those experiences he remembers from childhood – the abattoir, the dogcatcher, the sweet smell of putrefaction, as well as the sense of promise one gets from certain place names (for Adorno, names such as Wind Gap and Lord’s Valley), as if the happiness one is looking for is found there and only there.⁷⁰ These half-forgotten sense memories indicate what has been repressed in the object – nonidentity, the nonconceptual, the transcendent moment. Instrumental

⁶⁹ Adorno. *Lectures on Negative Dialectics*, 70.

⁷⁰ Adorno. *Lectures on Negative Dialectics*, 71.

reason, identity thinking, or ideology operates through the repression of the nonidentical in the object, despite the fact of the “constitutive character of the nonconceptual” (*ND*, 24/12).

However, because the transcendent element in Adorno is not ineffable, a purely abstract transcendence in a world beyond our own, insofar as we still are able to reach this element (and the contingent quality and timeliness of this “method,” if we can call it that, is important to recall here), we must reach it through the very same damaged thinking that has caused its repression. There is no other world, no other reason, to which we may appeal. Because of the damage that reason has done to the nonidentical and to itself, we must be wary to avoid appropriating and damaging what is nonidentical itself, and this is the importance of the negativity of Adorno’s project. That negativity is the mark of thought working against itself. The materialist history of objects grounds the possibility of the negative dialectic, but the commitment to negativity is its source of hope.⁷¹

The (quasi)transcendent element in Adorno’s thought has much to offer towards theorizing constitutive exclusion. In analyzing the dialectical aspect of nonidentity, I showed that nonidentity is not an absolutely transcendent beyond. It is not a principle of absolute difference, which would make our relation to it, either ontologically or epistemologically, very unclear. Instead, because of Adorno’s dialectical approach to nonidentity, the concept and the nonconceptual, immanence and transcendence, are deeply interrelated. This means that the concept carries the mark of the nonconceptual within it, opening up the possibility of approaching nonidentity. Rather than an absolute difference, therefore, constitutive exclusion points to a difference that is, if not dialectical, contained within the “immanent” space that has

⁷¹ It is outside my purview here, but either despite or because Adorno notes that dialectic can tolerate nothing outside itself, he also develops the method of “constellation” as a way of illuminating nonidentity. Constellation arrays a number of concepts around a central concept in order to illuminate something about it without thereby appropriating it, or claiming to grasp it in its entirety.

defined itself on the basis of that exclusion. The difference that constitutive exclusion represents is therefore absolute in the sense that the immanent space drawn through that exclusion is defined against it, and relative in the sense that it does not stand outside that immanent space, but is remaindered within it.

That constitutive exclusion does not indicate an absolute difference means that an avenue for translation between what is constitutively excluded and the immanent space defined in and through that exclusion is opened. As noted above, if what is constitutively excluded is absolutely unintelligible to the space “inside,” then it seems impossible to be able to hear the claims of contestation of constitutive exclusion from within the space drawn by it. However, as the Montgomery bus boycott illustrates, and as the Battle of Little Rock illustrates (as we shall see in the next chapter), there must be some way to account for the re-constitution that occurred there, as a result of the “successful” contestation of constitutive exclusion. The dialectical interdependency of the (“immanent”) concept and the (“transcendent”) nonconceptual makes this possible.

The negative element of (quasi)transcendence in Adorno’s thought means that negative dialectics is undertaken for the sake of a speculative moment, a determinate negation of the totality of the “immanent” damaged conditions under which we live. That commitment to negativity is a reaction against the affirmative and appropriative character of thinking, and especially metaphysics under instrumental reason or identity thinking. It is the attempt to resuscitate something like metaphysical experience, or to appreciate the meaning of experience at all. The negativity of transcendence in Adorno is important to theorizing constitutive exclusion because it indicates that, despite the fact that there is no other world and no other reason to which we may appeal, there remains a possibility that we can push our thinking against itself, and reach

thereby the promises contained (but never delivered) by that thought. That is, by pushing our thought against itself, we may be able to push towards that speculative moment that defines the boundaries of its self-understanding, towards its constitution by means of what it excludes. The analysis of nonidentity therefore teaches us that this operation must be negative, in order to forestall the impulses towards appropriating or defining what we hear in advance, according to what we already understand, according to what already is intelligible to us.

The material aspect of nonidentity teaches us about *where* we may find our constitutive borders – in what has been repressed, discarded, disparaged, or disavowed: in the material, the physical, or the somatic. Again, this is not a dogmatic materialism, which would be no different, in principle, from the transcendental realist position. Rather, as a quasi-transcendent limit-concept, constitutive exclusion would be on the side of the ontic, rather than the ontological. It is not necessarily an origin, a foundation, or an essential principle of being; to ontologize it in this fashion would be once again to claim to know it, or to claim to know exactly where it goes or where it should be found. While the materiality of constitutive exclusion, just as much as the materiality of nonidentity, is difficult to describe in a negative fashion, I take from the analysis of the materiality of nonidentity above that we must look for clues to constitutive exclusion to come from what is disparaged as the physical or the somatic, and moreover that what seems perfectly natural or objective from within the political body drawn through constitutive exclusion is often in fact the mask given an historical, social, and/or political process. And therefore, we must take not only objects themselves as an infinite task, as Adorno suggests, but also ourselves as political agents.

Although the historical aspect of nonidentity is at some level impossible to distinguish from the material (and with good enough reason), it is the historical aspect which is perhaps most

important for the theorization of constitutive exclusion. Constitutive exclusion is itself an historical process, and the historical analysis of nonidentity above teaches us that the principle for an investigation into constitutive exclusion must take as its slogan that, at any point, things may have been otherwise. It is because at any point things could have been otherwise that they may yet still be so.

Finally, I should remark that although Adorno himself provides us with the tools to critique constitutive exclusion, he is by no means himself immune to it. This is indicated, I believe, by the treatment of male homosexuality as it appears in his texts (lesbians are almost entirely absent from Adorno's works). Adorno consistently associates male homosexuality, and its attendant repression, with cruelty, domination, and fascism.⁷² One could read this as an attempt to put a certain kind of lie to totality, however, much like the rhetorical anti-Semitism employed by Marx in "On the Jewish Question," the abjection of male homosexuality upon which this strategy relies serves to reproduce and reinscribe the abjection of gay or queer men, and the silence or blindness into which the lives of queer women, transgender or gender nonconforming persons are cast.⁷³ While Adorno gives us the tools for diagnosing and critiquing constitutive exclusion, it should come as no surprise that we can and must turn those same tools

⁷² For example: "Totality and homosexuality belong together." From "Tough Baby," section 24 of *Minima Moralia*. Adorno, Theodor W. *Minima Moralia: Reflections from a Damaged Life*. New York: Verso, 1984. For Adorno, homosexuality is (exclusively?) masculine or male. For an analysis of homosexuality (including the absence of lesbians) in Adorno's work, see Rycenga, Jennifer. "Queerly Amiss: Sexuality and the Logic of Adorno's Dialectics." In *Adorno: A Critical Reader*. Ed. Nigel Gibson and Andrew Rubin. Oxford: Blackwell, 2002, 361-378. Also Amidon, Kevin S. "What Happens to Countess Geschwitz? Revisiting Homosexuality in Horkheimer and Adorno" *New York Journal of Sociology*, Vol. 1. 2008, 1-24.

⁷³ The association of male homosexuality and fascist totalitarianism in Adorno's thought may be due to his particular history as a survivor of Nazi Germany. As Judith Halberstam notes in "The Anti-Social Turn in Queer Studies," the association of a particular male homosexuality and fascism results from what Herzog and Hewitt note was a masculinist homophilia within Nazism that served to tolerate male masculine homosexuality as it persecuted effeminacy and gender nonconformance in men. Halberstam, Judith. "The Anti-Social Turn in Queer Studies." *Graduate Journal of Social Science*. Vol. 5 No. 2, 2008, 140-156. See also: Herzog, Dagmar. *Sex After Fascism: Memory and Morality in Twentieth Century Germany*. Princeton: Princeton University Press, 2007. Hewitt, Andrew. *Political Inversions: Homosexuality, Fascism, and the Modernist Imagination*. Stanford: Stanford University Press, 1996.

against Adorno himself. In a world constituted (though never absolutely) through multiple exclusions, we can never be certain that we ourselves are not constituted as subjects through some exclusion that remains unintelligible to us. And this is precisely the point: an ethics or politics that takes constitutive exclusion seriously is a project that remains unfinished.

CHAPTER FOUR: OUTSIDE/IN – ANTIGONE AND THE LIMIT OF POLITICS

Introduction

In this chapter, I return to the five figures I treated in the introduction in order to flesh out the politics and epistemology of constitutive exclusion. I treat these five figures as four models or as four different ways to understand political unintelligibility. It has been my contention throughout the dissertation that political bodies constitute themselves upon the basis of the production and exclusion of some intolerable difference that they nevertheless harbor within themselves; however, the persistence of this remainder within is covered over or disavowed. This remainder takes the form of a figure produced as constitutively excluded. The produced figure is ambivalently within and without the political body constituted on the basis of its exclusion. It is neither present nor absent, nor is it exemplary or representative; rather, the terms of representation are secured in and through the constitutive exclusion of the figure. The constitutively excluded figure therefore remains within the body it constitutes, continuing to do the foundational or constitutional work for that body from within. This work, however, goes necessarily unrecognized by that body, as it operates under a fantasy of unity, purity, and inviolability. Politics and epistemology therefore maintain a kind of dialectical tension, mutually determining each other, subtended by the constitutively excluded figure.

The terms of intelligible political agency are structured by constitutive exclusion. Those figures who inhabit the position of constitutive exclusion are relegated to a purportedly apolitical or pre-political space (the home, the private, the social, the market, the barbaric, prehistory, the

state of nature, the wilderness, India, Ireland, Africa, America, the ghetto) and are thereby produced as apolitical or pre-political figures. Their political agency is impossible, and must remain impossible, so as to secure the intelligible political agency of those on the “inside” of the constituted body. Should those figures contest their exclusion, that contestation will appear (insofar as it does appear) as unintelligible to the body that has defined itself on the basis of the impossibility of such a political contestation of an exclusion from the terms of intelligible political agency.

The four models below trace out the different ways of contesting constitutive exclusion. They will therefore address a number of questions: what does the contestation of constitutive exclusion look like? How will it appear, if it does appear, to the body from which it has been excluded? Is it possible to successfully contest one’s constitutive exclusion and to translate oneself from unintelligibility into intelligibility? What are the conditions of the translation from political unintelligibility to intelligibility? And what might be the risks or effects of such a translation?

The multiplicity of models I analyze here are already an indication that there is no single definitive answer to any of these questions. Rather, the structure and operation of constitutive exclusion is particular to the specific body constituted by it and the terms of intelligibility under which that body appears. Because of this, as I indicated in the Adorno chapter, the effective contestation of constitutive exclusion, the demand that political agency ought not rest on the production of constitutively excluded others on whom we depend but who we resolutely ignore, must be responsive to particular conditions and the multiple exclusions that constitute us. The implications of this are broad: it would mean that both political agency and our selves as political agents are open and constituted by exclusions of which we are largely ignorant. It would likewise

require structures of knowledge or approaches to knowledge and to self-understanding that are open and provisional.¹

Antigone: Contesting Constitutive Exclusion

“Antigone.../ Antigone, What do you mean...?
Antigone, what are you?”
-Ismene, from Seamus Heaney’s *The Burial At Thebes*²

Something about Antigone still confounds us. She has been read as representing the limit between life and death, or as representing the unconscious, or as representing the principle of feminine devotion to kinship. She somehow continues to exceed all of these representations, and to be taken up in new ways in new readings and performances: in Ireland, in Nazi-occupied Paris, in apartheid South Africa. *Antigone* and Antigone, both the play and the character, promiscuously exceed these readings into new ones.

Antigone never ceases to be read, however, as a figure that appears at the borders of the political, troubling the boundaries between politics and kinship, between masculine and feminine, or between state and family. In *Antigone’s Claim* and in the essay “Bodily Confessions,” Judith Butler takes up this way that Antigone seems to exceed all representations of her, and indeed seems to call into question representation itself. Her interlocutors in this endeavor are two of Antigone’s most influential interpreters, Hegel and Lacan. Both of these thinkers read Antigone as either, in the case of Hegel, representing kinship and outside the realm of the political entirely, or, in the case of Lacan, representing the boundary between politics and kinship, and between life and death. Butler instead examines the way in which Antigone exposes

¹ This approach to knowledge is suggested by Anke Thyen.

² Heaney, Seamus. *The Burial at Thebes*.

the relationship between kinship and politics and ultimately breaks down the distinction between the two.

In some places, however, Butler reads Antigone rather too close to the interpretations of Antigone that either Lacan or Hegel give, or close to the curse that she is under from her father, Oedipus. These moments tend to undercut our ability to understand Antigone as a political actor who challenges her exclusion from politics. If Antigone cannot be read as a political actor, this is due to the terms that define the political realm through her constitutive exclusion. While Butler is often very sensitive to this, there are moments in her reading of Antigone that counter or disrupt this reading.

I examine those moments, and what they mean for our understanding of Antigone as well as our understanding of politics. I argue that we must carefully attend to Antigone's exclusion from and her defiant appearance nonetheless within politics, or to her contestation of her constitutive exclusion. Antigone can only contest her exclusion and attempt to make an intelligible political claim through the appropriation of a language and a politics which excludes her, and which constitutes itself on the basis of that exclusion – a language and a politics that constitutively excludes her. How does Antigone make herself understood through this appropriation, an appropriation that is at the same time necessarily a perversion? How does she translate from the unintelligibility of her position on the other side of political agency (yet nevertheless necessary to it) to an intelligibly political claim, if she does in fact succeed? If Antigone succeeds in articulating a critique of sovereignty and a new model of political agency, then it is through her perversion of political speech; in this, she appears as mad, monstrous, threatening. She risks being overtaken by the very language she must use to articulate her claim, and finally the attempt by the king to re-assert the rigid boundaries of the political realm,

foreclosing the threatening possibilities Antigone exhibits, when she is sentenced by Creon to a living death.

In her book *Antigone's Claim*, Judith Butler writes that Antigone “asserts herself through appropriating... the authoritative voice of the one she resists, an appropriation that has within it traces of a simultaneous refusal and assimilation of that very authority.”³ Moreover, Antigone responds to Creon’s sovereignty in this moment with an assertion of her own sovereignty. She will not allow the deed to be separated from her; she claims the deed forcefully as her own, and in so doing, she commits another deed, a defiant speech-act which has the effect of completing the first deed (the burial of her brother) by publishing it or making it public, as well as doubling its criminality – a double defiance. Antigone confesses to the commission of the crime: she admits that she broke the law, and she *at the same time* denies the legitimacy of that law for her. The first deed is an admission of guilt before the law, while the second is a challenge to that law.

Butler claims that Antigone doubles her defiance of the king’s sovereignty by asserting her own sovereignty before him. It would seem that in the context of *Antigone*, sovereignty would at least mean the ability to author one’s own actions, in speech or otherwise, and to retain control over them. Antigone, however, cannot take up an unproblematic relation to sovereignty (if anyone can). Her position would forbid her from taking up such a sovereign position. As a woman in ancient Greece, she is forbidden from participating in politics, from disobeying her male relatives, from appearing in public, certainly from arguing with the king, in public, about her rights in political matters.⁴ There is no language of sovereignty (and arguably no language at

³ Butler, Judith. *Antigone's Claim*. New York: Columbia University Press, 2000, 11.

⁴ A recent article by Tina Chanter rigorously calls to our remembrance the conditions under which the play would have been performed in ancient Greece, specifically fact that the character of Antigone would have been played by a man for an audience of men. The characterization of Antigone’s womanhood here is therefore more complicated than it would otherwise seem: Chanter identifies the tendency to forget these performative conditions as conforming and contributing to the logic of fetishistic disavowal that continues to underwrite her exclusion. For

all) to which she can appeal that doesn't already belong to the king. Butler claims, therefore, that she appropriates this language from him to make her case. This appropriation must also however be a perversion, as Antigone takes up a position inside that from which she is meant to be excluded, and bends the language of that sovereign inside for her own purposes. This perversion carries a double risk: the risk of perverting the language of sovereignty itself by exposing and questioning what it excludes, and the risk of perverting Antigone's own aims through the use of that language, recapturing it in the terms by which it had already excluded her. The question for Butler here is the degree to which Antigone is aware of the risk she undertakes. Does she take this risk self-consciously? Or does she unconsciously allow her own aims to be overcome by the language of sovereignty she takes up? Does she assimilate to it too much, or does she use it against itself, exposing the limits of that sovereignty?

It seems that we can never entirely read Antigone without either Hegel or Lacan peering over one's shoulder. And here it is no different: in the background of this discussion is the way in which Antigone, by means of representing the unconscious (though in vastly different ways) in these two thinkers, has been consigned to a pre-political space. Butler challenges these readings through an attempt to rethink the role of the unconscious in politics, to think what politics excludes, what it cannot see, and what it figures as unintelligible. The effect of this would be to affirm Antigone as a political actor, but one who challenges the boundaries of politics, demanding that we too attend to what politics excludes. In other moments, however, Butler seems to read Antigone too closely to either Hegel or to Oedipus to be a conscious political actor. Perhaps she does remain unintelligible, but this, I would argue, is through no fault

Chanter, the excessive figure of Antigone calls attention not only to her exclusion within the play, but also to the exclusion of women on the stage and in the audience. Chanter, Tina. "Antigone's Excessive Relationship to Fetishism: The Performative Politics and Rebirth of Eros and Philia from ancient Greece to modern South Africa." *Symposium: Canadian Review of Continental Philosophy*. Fall 2007, Vol. 11, No. 2.

of her own, nor is it due to an identification with her father, which drives her to the untimely death understood to be her destiny. Antigone does the best she can with what she has; if she still cannot be heard, then it is we as political agents and the very terms of political agency itself that fail her, in failing to listen to or to understand what it has excluded.

Butler argues that it is only through appropriating the rhetoric of sovereignty from Creon himself that Antigone can make her claim. Antigone makes her claim in language, and she can only use the language to which she has access. She has no language of her own in which to express the law she follows in burying her brother; she has no language of her own to express her justification for her acts. She must use the language of the king.⁵ But because that language is not adequate to her justifications, the language fails her. She appears to some degree, regardless of her intentions, as incoherent and unintelligible. Butler writes that Antigone “cannot make her claim outside the language of the state, but neither can the claim she wants to make be fully assimilated by the state.”⁶

Over the course of the work, however, Butler seems to imply that Antigone intended not a perversion of sovereignty, or to expose the limits of sovereignty, but only intended sovereignty itself. She claims that “Antigone does not achieve the effect of sovereignty she apparently seeks, and her action is not fully conscious.”⁷ Butler argues that this is due to two factors. The first is that Antigone cannot control the effects of the language she must appropriate to make her claim. The second is that Antigone suffers from a pervasive feeling of guilt, stemming from her

⁵ One exception to this may be indicated by the shriek that Antigone is reported (by the sentry, at line 466) to have uttered at the sight of her brother’s unburied corpse. The significance of this shriek and its relation to intelligibility and the appropriation the language of the king is discussed briefly by Carol Jacobs in her article, “Dusting Antigone.” Jacobs, Carol. “Dusting Antigone.” *MLN*, Vol 111, No. 5, December 1996, 890-917.

⁶ Butler 2000, 28.

⁷ Butler 2000, 77.

attachment to her brother and her identification with her father, that unconsciously drives her to commit a crime that will bring her the punishment she feels she deserves.

In the first claim, Butler explains that Antigone's speech at lines 961-971 (in which Antigone argues that she would not have broken Creon's law for a husband or a son but only for her brother) is an attempt to honor her brother's particularity, and in fact to institute a law of particularity. This attempt fails through the use of language itself, as the word "brother" is never attached to any particular human person, but has a universal function, attachable in theory to almost any one. Moreover, the word as Antigone uses it is troubled by the fact that it is not at all clear to whom Antigone refers: brother could refer just as well to Oedipus, who is her father as well as her brother.

This first claim is true, I would argue, of any claim to sovereignty and of any use of language: language always outstrips any particular sovereign intention. Moreover it is far from clear that she Antigone seeks or intends sovereignty, as Butler claims. Who more than she, given the history of the house of the Labdacids, could know the ways in which one's words and deeds compel one to travel far beyond oneself, beyond all control? Indeed, Ismene recounts to Antigone in the opening scene of the play the long list of horrors their family has endured, the tragic effects of the sovereign action of their father and brother, Oedipus. She ends this speech with the statement, "Extravagant action is not sensible."⁸ As for Antigone's justificatory speech, it is not quite so clear that she intends by it to enshrine her brother's particularity as such. She certainly wishes to mourn her brother, whose life is irreplaceable to her. One could counter Butler's argument here with the interpretation offered by Mary Beth Mader in her article "Antigone's Line," which argues that, rather than attempting to preserve or to honor Polyneices'

⁸ *Antigone*, line 78.

singularity, Antigone intends a disambiguation of familial roles and an end to the confusion of her incestuous line.⁹ Under Mader's reading, Antigone articulates in her justificatory speech her intention to stabilize her brother as *only* a brother, who can be begotten only from the mother and the father, and cannot be created by means of yet another incestuous union.¹⁰ Rather than claiming to establish a new law, Mader reads Antigone's act as "an essentially restorative or reparative effort," an act that seeks to restore the broken laws of kinship and the incest taboo.¹¹ Under this reading, Antigone would not be attempting to establish a law of particularity, but instead attempting to restore a broken order, one that has caused her and her family to suffer, and which Creon exacerbates with his tyrannical decree. I would further argue that while Antigone must appropriate the language of sovereignty, she critiques that very sovereignty in her more equivocating statements. We can see this when she makes statements like, "Who knows if in that other world this is true piety?" and "If this proceeding is good in the gods' eyes, I shall know my sin, once I have suffered."¹² Antigone could have said to the king in her confession, "This is not true piety," or "Zeus will damn you for this," but she does not. These statements show that Antigone is no longer sure, if she ever was sure, of the order for which she sacrifices her life. She commits a crime willingly, knowingly, and she argues for her right to bury her brother to the king. She does not expect to be rewarded for it; tragically, she seems to not even fully expect to be rewarded for it in the afterlife. In these three ways, it seems unlikely that Antigone seeks sovereignty in any simple way, or is entirely unconscious about the way in which she is using the language of sovereignty against itself, making a claim in a language that cannot quite express it.

⁹ Mader, Mary Beth. "Antigone's Line." *Bulletin de la Société Américain de Philosophie de Langue Française*, Vol. 14, No. 2, Fall 2005.

¹⁰ *Ibid.*, 17.

¹¹ *Ibid.*, 10.

¹² *Antigone*, lines 574-575 and 982-983, respectively.

The second reason that Butler gives as to why Antigone fails in her attempt to achieve a conscious sovereign action is due to her close identification with her father, Oedipus, and the curse that his words lay on her. In her essay, “Bodily Confessions,” an essay treating Foucault, the practice of psychoanalysis, and the confession, Butler devotes a few pages to discussing Antigone and her confession to Creon. She argues there that through the public confession of her crime, Antigone acts out a guilt she experienced prior to the crime, a guilt which stems from an incestuous desire for her brother, and ultimately from the curse of her own origin in Oedipus. In this essay, Butler relies upon Freud’s “Criminals from a Sense of Guilt,” in which Freud describes patients whose feelings of guilt cause them to seek its relief in some criminal act. These patients are tortured by a pervasive but free-floating sense of guilt. They commit some crime because they feel that they deserved to be punished; being punished for the crime brings them a sense of relief, because their guilt can finally be attached to something. Butler argues that it is guilt over her incestuous desire for her brother that drives Antigone to commit her crime, a guilt that stems ultimately from her father’s crimes. She writes, “[i]s it her own guilt for which she becomes punishable by death, or the guilt of her father? And is there any way finally to distinguish between them since they are both cursed in apparently similar ways?”¹³ Butler goes so far in these moments as to call Antigone’s act, and her defiance in language, a “substitution” for those of her father/brother. If Antigone must occupy a masculinity that is improper to her in order to make her claim in the language of sovereignty, and if we read this not as a perversion, but instead as a substitution, then do we not accede to the idea that Antigone *cannot* challenge this propriety, *cannot* contest what is properly masculine, what is properly sovereign, but can

¹³ Butler, Judith. “Bodily Confessions.” *Undoing Gender*. New York: Routledge, 2004, 170.

only, and necessarily, fail at achieving it? Do we not end up affirming the idea that the defiance of the law, and thus political contestation, belongs properly to the brother and never to the sister?

Here it seems that Butler finally reads Antigone as far too determined by Oedipus and Polyneices, unconsciously driven by her identification with, and attachment to, her father/brother. The effect of such a reading, however, is to push Antigone too far to the side of unconsciously assimilating to the language or symbolic structure she must appropriate to make her claim. Rather than taking a critical stance with regards to the sovereignty of her deeds and her speech, such a reading ultimately erases Antigone's act as even provisionally her own. Such a reading certainly puts Antigone in the place of the unconscious, an aspect it shares with both Hegel's and Lacan's readings of Antigone. It therefore also risks once again consigning Antigone to a pre-political space. Butler is for the most part more careful than that; while placing Antigone in the place of the unconscious may remove her safely from politics for Hegel (or so he hopes), for Butler this is not necessarily the case, as part of her project is a rethinking of the role of the unconscious in politics. Nonetheless, it seems that under Butler's reading here, Antigone runs the risk of being completely unaware of what she does in attempting to follow out a sovereignty that is for her untenable, and of being lead, through this identification with and attachment to the father/brother, to a death she feels she already deserves. Indeed, Butler writes in "Bodily Confessions" that although Antigone's argument with the king "reads as guiltless defiance, it seems in fact to be a suicidal act propelled by an obscure sense of guilt."¹⁴

The source of Antigone's crime, it seems to me, is not an incestuous desire for her brother, nor is it a curse she shares with her father, as Antigone finally seems to cut the circuit of that curse when she takes up her own death in her suicide. The source of her crime as I read it is

¹⁴ Butler 2004, 170.

rather her scandalous contestation of her position in the symbolic order in which she appears. Though her position obviously stems from the positions of her father and her brother, it cannot entirely be explained by it. Her conditions as a woman, and especially as a woman in ancient Greece, mean that that place of sovereignty and of masculinity is closed off from her. And yet she claims that place anyway in her act of defiance, confounding the distinctions between male and female, ruler and ruled. It is her appearance inside those positions from which she was meant to be excluded that makes her criminal. If Antigone does feel such a sense of guilt preceding her crime, I would argue its source is her constitutive exclusion in the city of Thebes, and her commitment to performing the burial and the mourning rituals which are the only rights extended to her and which are nevertheless forbidden.

My concern here is that if Antigone is identified too closely to her father or brother, if she is acting primarily according to an unconscious guilt that stems from this attachment, or if she takes up a straightforward relation to the sovereign language she appropriates as a result of this attachment (which Butler in places goes so far as to call a substitution), then she certainly fails at any sovereign action that she may be intending, but moreover it becomes more difficult to read her as a political actor at all. Under these conditions, it is difficult to identify the refusal of sovereign authority that Butler writes could be read in her appropriation of sovereign language, and it seems that Antigone comes undone by her claim to sovereignty in the same way that Oedipus or Creon does. It becomes more difficult to read her as one who challenges the boundaries of the political as she appears within it.

Rather, closer attention to the structure and operation of constitutive exclusion challenges us to attend to those figures haunting the borders of our polities, to attend to the claims that come from those quarters, and ultimately to question what we disavow for the sake of securing our

own political agency. The model of political unintelligibility figured by Antigone here calls us to question the nature of the political at any given moment. If Creon is properly the tragic figure in the play, the source of his tragic undoing is precisely his certainty in his ability to secure, and to know, the boundaries of the political: Antigone cannot be a political subject, and she cannot therefore make a political claim. When she does, she is seen as monstrous, transgressing the distinctions that define the boundaries of the political, and especially those of gender (such that Creon says that if Antigone wins, she will be the man and not he).¹⁵ She is an insurrection from within the language of sovereignty, perverting it for her own ends, risking being overtaken by that very language, risking criminality, failure, and death in making her claim.

For the most part Butler already recognizes that the position of the constitutive outside that Antigone stands in is a result of her act of defiance rather than the result of her identification with or her loyalty to her father/brother. Or rather, perhaps for Butler they are not so different; the term “king” could refer as much to Oedipus as to Creon, and if Antigone must appropriate the language of sovereignty in order to make her claim, then where she defies the king, she defies the father. Where she perverts the language of the king, she also perverts the language of the father. This language of the father is the curse that Lacan claims establishes the symbolic, and Butler argues that where Antigone appropriates that language to make her claim, “though she is entangled in these words, even hopelessly, they do not quite capture her.”¹⁶ Instead, if Antigone’s criminality can be said to stand for anything, it stands for “the trace of an alternate legality that haunts the conscious, public sphere as its scandalous future.”¹⁷

¹⁵ *Antigone*, lines 528-529.

¹⁶ Butler 2000, 54.

¹⁷ Butler 2000, 40.

This “trace of an alternate legality” is precisely what is lost in Antigone’s failure to effect the translation from political unintelligibility to political intelligibility. She challenges the account of sovereignty upon which Creon insists, and the narrow definition of political agency inscribed by that account of sovereignty. As Tina Chanter puts it, “Antigone calls attention to the blindness and hypocrisy of a polity that defines its membership by precluding as worthy of full political participation those on whom it nevertheless remains dependent materially and psychically.”¹⁸ Antigone figures the radical potential – sparked for a moment – as the outside of politics inside, calling into question the limits of sovereignty, authority, and politics as they are defined by means of constitutive exclusion. What this leaves to us, as readers of *Antigone*, is to listen to her demand to attend to what is excluded by our political language, to attend to those lives that are made unintelligible and unlivable by those exclusions.

Ultimately, Antigone’s claim both fails to be heard and is taken up. Antigone’s claim fails within the confines of Sophocles’ play itself. The history of productions of *Antigone*, however, in its multiple re-interpretations and re-imaginings, do take up Antigone’s claim. In this case, however, the play does not effect a reconstitution of political agency, but instead preserves Antigone’s excess, her struggle, and her perversion of the law for the sake of articulating a new law, re-articulating that “trace of an alternate legality” in new ways with each production, and with each thinker who apprehends her claim.

Silent Sacrifice: Jephtha’s Daughter

Next, the nameless daughter. She shares with Antigone the occupation of constitutive exclusion, and an inability to recognize her exclusion as expressly political, but she does not

¹⁸ Chanter, Tina. “Antigone’s Political Legacies: Abjection in Defiance of Mourning.” *In Interrogating Antigone in Postmodern Philosophy and Criticism*. Ed. S.E. Wilmer and Audrone Zukauskaitė. New York: Oxford University Press, 2010, 19-47, 24.

actually, in any of the stories about her, contest her exclusion or refuse her sacrifice. Instead, she might be said to exemplify those who are consigned to the space of constitutive exclusion, but perhaps lacking the resources, do not contest their exclusion, or act so as to survive within that exclusion. If this can be the case, it is fitting that she has no name, and is instead only known through the name of her father: Jephthah.

Allen takes the story of Jephthah's daughter to be exemplary of the centrality of sacrifice to politics. Jephthah was the illegitimate son of the Israelite king Gilead and was driven from his father's house, and from the tribe of the Israelites, by his brothers (Judges 11).¹⁹ In his exile, however, he becomes a great warrior, and he is invited back to the tribe of the Israelites as its ruler if he can defeat its enemies. Jephthah swears an oath to God that, if he should be successful, he will sacrifice whomever or whatever he should see first upon his return home (Judges 11:31). As Allen writes, "Is there any need to say what happens next?"²⁰ His daughter, his only child, rushes out to greet him. When Jephthah expresses dismay at honoring his oath, his daughter replies, "My father, if you have opened your mouth to the LORD, do to me according to what has gone out of your mouth, now that the LORD has given you vengeance against your enemies, the Ammonites" (Judges 11:36).²¹ Jephthah's daughter requests, however, permission to wander the mountains with her friends in mourning for her virgin death. Upon her return home she is sacrificed, and Israelite women memorialize her sacrifice by "go[ing] out four days a year to lament the daughter of Jephthah the Gileadite" (Judges 11:40).

¹⁹ *The Harper Collins Study Bible, New Revised Standard Edition*, 390.

²⁰ Allen 2004, 27.

²¹ Professor Robert G. Boling, the commentator for the book of Judges in its 1993 Harper-Collins edition, remarks that "[t]he vow once made is irrevocable. Jephthah's daughter speaks wisdom" (Study Bible, 391, n11:36). It is usually taken as wisdom to obey the words of the king and the father, even in they result in your death.

Allen argues that the significance of this story as a foundational political sacrifice is its use in the political philosophies of Locke, Hobbes, and Rousseau. For each of these three figures, the story of Jephthah appears to ground the political body established by consent and by contract. Jephthah's appeal to heaven in his battle against the Ammonites indicates for Locke the distinction between the law of God and the law of men, and a political order grounded on the equality amongst men.²² Rousseau refers to Jephthah in his discussion of the civil religion, as proof of the connection between divinity and the nation.²³ Only Hobbes actually mentions the sacrifice of Jephthah's daughter explicitly as an example of how the unlimited power of a sovereign does not conflict with the freedom of a subject.²⁴ Allen writes,

Discourses identifying and recognizing sacrifice are common for soldiers, firemen, and policemen; for all of these, Jephthah's military sacrifice is the model. Like him, generals, fire chiefs, and police heads often win leadership roles in their communities. The daughter's self-sacrifice, however, is the model for a whole range of anonymous loss in democratic politics, which, as it happens, democratic citizens do not see clearly; nor do they honor it.²⁵

Allen implies in her analysis that the sacrifice of Jephthah's daughter at the foundation of the civil societies established (theoretically speaking) by Hobbes, Locke, and Rousseau is far from accidental. She writes, "Beneath the promise and consent that found the social contract is the most extreme loss."²⁶ It is a loss necessary to the foundation of the political bodies described by Hobbes, Locke, and Rousseau, and yet it is seen as outside, external to or prior to the politics that it founds. One could call its function, after Derrida, quasi-transcendental. It is the condition of possibility of these political bodies in that it establishes the distinctions upon which political

²² Locke. "The Second Treatise of Government." §21. Use of the masculine here is not to be understood as a universal designation for "human."

²³ Rousseau. "The Social Contract", 143.

²⁴ Hobbes. *Leviathan*, 139.

²⁵ Allen 2004, 39.

²⁶ *Ibid.*, 38.

agency rests, especially the distinctions between the celestial and the terrestrial, the order of God and the order of man, or the state of nature and the commonwealth. However, the sacrifice also acts as the condition of impossibility of these political bodies in that those bodies cannot recognize her act of self-sacrifice as itself a political act. This is assured by her age and gender, certainly, and is underscored by the fact of her lacking a proper name. The constitutive exclusion of Jephthah's daughter is obscured and especially difficult to trace, particularly because her appearance is for the most part in her absence; it is her father's name as a founder that marks these texts, since she could never be a founder and since she has no name.

As Allen remarks above, the loss of Jephthah's daughter is the model for anonymous loss, for unseen sacrifice, for those who are consigned to the space of constitutive exclusion and who lack the resources to contest their exclusion, who struggle to survive under impossible conditions and whose names we will never know.²⁷ Insofar as Jephthah's daughter constitutes a figure of constitutive exclusion and a model of political unintelligibility for my analysis, her situation is far different from that of Antigone. Where Antigone chooses a course of action that brings her directly into conflict with the king, Jephthah's daughter accepts her place. She commits no crime and she accepts her sacrifice without challenging its legitimacy. In fact, she confirms its legitimacy when she witnesses her father's doubts. She only asks for two months to mourn her fate, and comes home to accept it willingly. The foundational sacrifice of Jephthah's daughter as that which is constitutively excluded is hard to see as a political, as the "success" of that sacrifice establishes a clear boundary for these three thinkers between the state of nature and a civil society, a clear "outside" against which civil society is meant to secure us. Jephthah's

²⁷ Significantly, Allen contrasts the unrecognized sacrifice of Jephthah's daughter with the recognized sacrifice of soldiers, for instance. In this sense, I would want to distance constitutive exclusion from sacrifice, in that sacrifice is often associated with heroic recognition or idealization, whereas constitutive exclusion is repressed or disavowed.

daughter never contests her position; she never assumes the language of the sovereign in order to argue against her exclusion. She doesn't seem to establish any new political order, she doesn't seem to make any claims, which can be read even improperly as political; indeed, even a proper name is denied her. Yet the uses to which she is put by Hobbes, Locke, and Rousseau leave out the memorializing ritual that the women of Israel perform for her for four days a year; her invisible loss resonates throughout the life of the particular polity to which she was sacrificed, and it resounds through its repetition (in absence) in these three thinkers. The kind of anonymous loss that fails to be heard as a critique and reconstitution of the political body from which she is constitutively excluded is a kind of counterpoint to Antigone's loss. Antigone makes a claim, and she is neither anonymous, nor does her loss continue to successfully underwrite the political body; instead, hers destroys it. The loss of Jephthah's daughter instead acts as the barest trace of rebuke against those modern political bodies that claim to have finally secured equality, to be founded on free contract rather than force, death, or loss, or to have banished sacrifice and tragedy from within the commonwealth.

Elizabeth Eckford: Conditions of Reconstitution.

Elizabeth Eckford could never have known, any more than any one else, through any sovereign pretension, the full extent of the contestation that she was about to engage in when she left home for her new school, Central High, in Little Rock in September 1957. Allen reminds us of the contingencies that led to her walk alone that morning: the parents were asked by the superintendent not to accompany their children to school that morning, to better protect the children; Daisy Bates, the Arkansas State Conference NAACP president, decided to contact local ministers and police to accompany the children in place of their parents, and to have the children gather together at a minister's house before they left; the Eckfords had no phone, and could not

be contacted in advance about this change in plans; and though Ms. Bates intended to contact them in person early in the morning, after a long night of organizing, she overslept.²⁸ The resulting confrontation is immortalized in the photograph taken that day by Will Counts, the image of Hazel Bryan, her face distorted into a sneer, at the lead of a mob following close behind a quietly terrified Elizabeth Eckford.

Allen describes the importance of this event, and the importance of the dissemination of this image of the event, to the notion of democratic sacrifice between the accounts of political philosophers Hannah Arendt and Ralph Ellison. Arendt, in her essay “Reflections on Little Rock,” decried what she saw as the illegitimate use of children to push for the desegregation of public schools, which she in turn saw as an inappropriate incursion of political battles to the social realm.²⁹ Ellison replied in his interview with Robert Penn Warren that what Arendt failed to see in that situation (besides many of the factual errors in her claims about “absent father[s]” and “absent representatives of the NAACP”) was the invisible sacrifice of “the pleasure of personal retaliation in the interest of the common good” that black Americans in the South were required to make every day.³⁰ For Allen, the case is an illustration of the ways in which racist domination and sacrifice by black Americans helped to create the illusion of the sovereignty of white Americans, who as democratic citizens are in reality necessarily by turns sovereign and non-sovereign.³¹ Under my reading, Ellison and Allen describe Eckford as constitutively excluded. Eckford’s exclusion from political agency as a young black woman defines the boundaries of legitimate political agency in the United States at the midcentury. She nevertheless

²⁸ Allen 2004, 32-3.

²⁹ Arendt, Hannah. “Reflections on Little Rock.” *Dissent* (1959) 6: 45-56.

³⁰ Arendt, 1959 50; Allen 2004, 29.

³¹ Allen 2004, 27.

remains within that political body as its internal limit, continuing to do foundational or constitutional work for the United States, by, Ellison points out, sacrificing the contestation of that exclusion for the “common good.” In this sense, Arendt’s reliance upon the division between the social and the political fails her here, in that Eckford was excluded from political agency in the South not only as a child, but as a black child. Black Americans as a whole were excluded from political agency in the South, and from much of the social realm as well. If Eckford challenges the boundaries of political agency, she challenges the boundaries of the social as well, insofar as they rely upon white supremacy.

What I find compelling about Elizabeth Eckford is her brave contestation of her constitutive exclusion, and (though her sacrifice was surely traumatic) that ways in which it was part of a successful project of reconstitution, so different from the fiery but ultimately tragic protest lodged by Antigone. I take Eckford, therefore, as a model of “successful” contestation of constitutive exclusion that resulted not in a simple inclusion, but in the reconstitution of the terms of political agency. But how was this reconstitution effected? How do we judge success in the translation from unintelligibility to intelligibility? And what are its effects?

Black Americans in 1957 in the United States, and especially in the South, were constitutively excluded: they were excluded expressly by Jim Crow and lynch law from the political and social life of the body in which they nonetheless lived and negotiated their complex situation. Yet the South (and the states to the North as well) depended upon them: upon their labor, upon the image of slavery against which many others made their claims for citizenship and equality, and upon their acquiescence to white dominance to secure, as Allen argues, the fantasy of sovereignty. The space of citizenship, of voting, of political representation, of social equality in the form of the use of public goods such as bus stations and hotels, was secured by anti-black

racist oppression. This exclusion secured a political body that extended rights to black individuals in the abstract and thus maintained the colorblind illusion of the freedom and equality of a revolutionary state, when in fact the freedom and equality of that state were defined by whiteness. The folks consigned to the space of constitutive exclusion sacrificed, under Allen's reading, their right to equality and the pleasure of retaliating against the practices that continued to inscribe them as constitutively excluded. This sacrifice was made, Allen argues, in the interests of the stability of the whole, as the contestation of that exclusion would appear as a serious disruption of the political body from the inside by that which was supposed to remain outside, and even imagined contestations of that exclusion were met with swift and ruthless violence.

Allen reminds us that both Hazel Bryan and Elizabeth Eckford knew their roles that day.³² Eckford knew that she was expected to sacrifice not only the pleasures of personal retaliation, but also the expectation of the protection of the police (whether or not she retaliated), as well as her right under the Constitution to an equal education. In her attempt to contest her exclusion from Central High School, she was faced not with an argument with the king, or testimony protesting her exclusion to the legislature of Arkansas and Governor Faubus, but with a mob that was explicitly calling for her lynching, some of them students in the school she was claiming the right to attend, just a few feet over her shoulder. In a complex act in which she had to negotiate the refusal of one exclusion with the assimilation to others, Elizabeth Eckford politely negotiated with National Guard soldiers (called out by Governor Faubus to protect the school from integration) to allow her entrance into the school, was rebuffed, and finally waited quietly for a bus, while the mob roiled around her.

³² Allen writes that "Elizabeth knew the drill and she was lucky that she did" (28).

In her contestation that day, Eckford sacrificed her own safety, as well as (in the days that followed) her ability to speak.³³ Under Arendt's interpretation, these sacrifices were in a significant sense unintelligible, because Eckford could not be expected to make political claims, being a child and belonging properly to the realm of the private. What was unintelligible in her contestation was that the social, pre-political space to which she was consigned was already fully determined in advance by politics. The social, that space which Arendt expected should be protected from the agonistic character of politics, was in no way apolitical. As a young black woman in Little Rock, Elizabeth Eckford's life was political in ways that Arendt herself could not appreciate, and the contestation of her exclusion, a political act by which she sacrificed her own voice, could not be understood by Arendt as a legitimately political contestation. We should remember that it was not unintelligible, however, to Ralph Ellison; as someone who shared what we might call an "epistemic community" with Eckford, Ellison was able recognize and articulate the political agency of Eckford and others similarly constitutively excluded. Eckford was not therefore absolutely unintelligible, but rather unintelligible in relation to the hegemonic articulation of political agency operative at the time.

Elizabeth Eckford shares the characteristics of constitutive exclusion with Antigone: each is somehow unintelligible as a political actor, by virtue of having been consigned to a pre-political space by the structure and operation of constitutive exclusion. Each contests that exclusion, risking themselves to protest the injustice of their exclusion, and although their positions are seen as apolitical or pre-political, through their actions they ask us to call to attention the ways in which this seemingly apolitical or prepolitical space is in fact already

³³ Allen 2004, 33. Allen refers to the fact that after surviving the terrorism of the mob, Eckford "slipped inside herself" and was unable to speak for many days after the incident. This is recounted *The Long Shadow of Little Rock*, by Daisy Bates. Eckford's muteness in the days that followed her walk to school is a stark reminder of the disabling effects of oppression under conditions of constitutive exclusion.

structured by politics and the ways in which our own political agency is structured by exclusions we may or may not recognize or apprehend. They both refuse to be sacrificed, and to have their sacrifices go unacknowledged, any longer. Though both initiated new possibilities for political agency and for politics through their contestations, Antigone's ended in the tragic finality of her suicide, whereas Elizabeth Eckford's struggle went on, and was taken up by others who were able to hear her, making what was before unintelligible intelligible. Eckford's contestation of her exclusion from Central High that day was only in the most immediate sense not "successful"; she was denied entrance, and the Little Rock Nine were prevented from entering Central High until President Eisenhower federalized the Arkansas National Guard and ordered the United States Army to accompany the Nine, on September 25th. Through the photographs of her walk to school disseminated around the nation, through the voice of people similarly constituted as excluded to share in her contestation, through the imagery of the black and white dress Eckford made for her first day of school, Eckford's contestation of her exclusion from political agency *was* taken up, and the political body that excluded her, and relied upon her exclusion, was transformed.³⁴

This is not to say that political agency in the United States, as of 1957, or as of the passage of the Civil Rights Act in 1964, or the Voting Act in 1965, is no longer structured by a fantasy of sovereignty that relies upon the production of a constitutively excluded figure, or by whiteness, cismasculinity, maturity, physical or mental ability, wealth, innocence, or heteronormativity. While I contend that Allen is right that the civil rights movement of the mid-20th century did effect a reconstitution of the United States and of our understanding of political agency in the United States, the distinctions which ground political agency are multiple and shifting. The exclusions at work in this model are complex: Elizabeth Eckford was at least

³⁴ Allen describes the dress Eckford made for that occasion as a "flag for a project of reconstitution," a way of assuring her, through the practice of constructing her dress, that she had the resources to construct her future (23).

excluded as a woman, as young, and as an African-American. More work would need to be done to pick out the different threads of exclusion in operation here, the different ways in which they constitute a political body through the work of their exclusion, and the different social practices that inscribe each kind of exclusion. However, insofar as each of these exclusions consigned her to a pre-political space, her contestation of that exclusion from the outside within that space was bound to appear as somewhat unintelligible. In the next section, I take up a model that addresses the multiplicity of constitutive exclusion, and the translation from unintelligibility to intelligibility is effected through a negotiation of the multiple exclusions that structure political agency in the United States.

Rosa Parks and Claudette Colvin: Strategic Straightness

The final model involves two figures: that of Rosa Parks and Claudette Colvin. Feminist political theorist Holloway Sparks argues that the choice to organize the Montgomery bus boycott around Parks rather than Colvin is an example of what she calls “strategic straightness.”³⁵ Straightness is a strategy that citizens use in their struggle for standing, or in order to contest their exclusions; for Sparks, it is also important as a model for dissident citizenship. Strategic straightness is a tactic that contests the exclusion of one identity category by playing to other identity categories. Strategic straightness was deployed in the Montgomery bus boycott to counter the segregation of black Americans in Montgomery by relying upon the example of Rosa Parks, rather than that of Claudette Colvin. In doing this, the boycott organizers portrayed themselves as respectable, hardworking, middle-class Americans. In later actions, civil rights leaders chose to portray themselves as loyal Americans by situating themselves as

³⁵ Sparks, Holloway. “Gender and the Politics of Democratic Disturbance in the Montgomery Bus Boycott.” Presentation, Western Political Science Association. Vancouver, March 20, 2009.

conservative and anti-Communist; this led to the decision, in the organization of the March on Washington, to de-emphasize the role of Bayard Rustin, who was a gay man and at one time a member of the Communist Party (and a Quaker).³⁶ Strategic straightness allows for the contestation of exclusions based on race, for instance, by playing to and re-producing exclusions based on class or on gender or on sexuality. While the organizers of the Montgomery bus boycott successfully contested the constitutive exclusion of citizens based on race, leading to the re-constitution of the United States as a political body,³⁷ they re-inscribed exclusions based on gender and class and sexuality. The re-enforcement of these other exclusions may have made it harder for other citizens to contest those same exclusions, as Sparks argues was the case in the United States' welfare rights movement in the 1960's and 1970's.³⁸ It also left plenty room for the exclusion of blackness outside the frame of middle-class respectability, and beyond the immediate politics of desegregation.³⁹ In this case and in others, Sparks develops an approach to dissident citizenship, tracing the policed and contested boundaries of citizenship, and the strategies necessary to enter into the practice of deliberative democracy. Her account of strategic straightness is, however, most useful for my purposes in this model in understanding the structure and operation of constitutive exclusion, and specifically as an account of how folks cast

³⁶ *Ibid.*

³⁷ For an argument that the civil rights movement in the United States effected a re-constitution of the United States as a political body, see Danielle Allen's *Talking to Strangers*.

³⁸ On the National Welfare Rights Organization, see Sparks, Holloway. "You can't be nice: Dissident Citizenship, Gender, and the Politics of Disturbance in the U.S. Welfare Rights Movement." Western Political Science Association Annual Meeting, San Diego, CA 2008. On strategic straightness and the Montgomery bus boycott, see Sparks, Holloway. "Standing Struggles and Strategic Straightness in the Montgomery Bus Boycott." Western Political Association Annual Meeting, Vancouver, BC 2009. These are parts of a forthcoming manuscript, entitled *Dissident Citizenship: Gender and the Politics of Democratic Disturbance*.

³⁹ Another instructive articulation of some of the effects of the politics of respectability can be found in Evelyn Hammonds' "Toward a Genealogy of Black Female Sexuality: The Problematic of Silence." In *Feminist Genealogies, Colonial Legacies, Democratic Futures*. Ed. M. Jacqui Alexander and Chandra Talpade Mohanty. New York: Routledge, 1997.

into the position of constitutive exclusion can contest their exclusion and make themselves intelligible to a body that has constituted itself on the basis of rendering them politically unintelligible.

Sparks' focus on strategic straightness reminds us, first, that these exclusions, and these constitutions, function multiply. Insofar as strategic straightness relies upon the ability of excluded persons to portray themselves as "straight," while abjecting, disavowing, or dissociating themselves from those seen as non-normal or threatening, this indicates the multiplicity of constitutive exclusion. The political body is therefore constituted through multiple exclusions, and those who are excluded are never "purely" excluded; they stand within and without, subjects as multiply constituted, as the political bodies they occupy and haunt. The political present is sedimented with the history of these multiple exclusions, indicating that political agency and intelligibility is never entirely singular, nor fully delimited. The multiplicity of constitutive exclusion also indicates that it does not ultimately "work": it never pulls off the exclusion absolutely, and the constitution is never final. Instead, as Butler notes, the norm or the frame produces the shadow of its failure. I hesitate in this instance to say "always," since part of the task of critiquing constitutive exclusion is its de-naturalization or the de-normalization, for the sake of imagining a world in which constitutive exclusion no longer describes what we might call with Adorno the ontology of the wrong state of things.

Most importantly, I think that the model provided by Colvin and Sparks reveals something important about the function of political unintelligibility in the construction of political agency in the United States. The structure and operation of constitutive exclusion has itself served to blind us to the strategy at work in the Montgomery bus boycott, and in the civil

rights movement as a whole.⁴⁰ This is due as well to the multiple exclusions at work in this model. That is, because organizers leveraged Rosa Parks' middle-class black respectable femininity, itself seen as a- or pre-political, in order to strategically to contest the constitutive exclusion of black people as a whole, this became hard to see as strategic and therefore as a matter of a political decision. The narrative of Parks as simply a woman tired from a long day at work made a matter of necessity out of a strategic choice, itself risky and contingent. That there was a strategic choice, between Colvin and Parks, gets covered over in the reconstitution in this instance, and this is itself due to the work of constitutive exclusion, which, in its retrospective function, regularly turns the contingent character of a political decision into a *fait accompli*.

In this vein, we should remember that this model of contesting constitutive exclusion is simply one model among others. That strategic straightness was employed in this case does not indicate that this is the only way, or even the best way, of contesting constitutive exclusion in translating from political unintelligibility into political intelligibility. The critique of constitutive exclusion, especially as an historical critique, demands that we attend to the multiple ways in which this is done, in order to respond to the particular construction of political agency at any given moment, and the particular exclusions that structure that agency. This approach to the critique of constitutive exclusion takes its inspiration from what Geoffrey Bennington refers to as Derrida's "radical empiricism," the commitment to deconstruction as always responsive to the contingent particulars of a given text. The ambivalence of constitutive exclusion as both a structure and a process, however, also calls us as well to pay attention to the risks involved in

⁴⁰ See McAdam, Doug. *Political Process and the Development of Black Insurgency, 1930-1970*. Chicago: The University of Chicago Press, 1982. In this work, McAdam surveys the literature on social movements in sociology and political science and critiques it as inadequate to explaining the civil rights movement, because these disciplines have traditionally treated the emergence of social movements as either an apolitical individual response to psychic strain, the irrational behavior of the masses, or the mobilization of a largely apolitical mass by elites for resources.

any contestation of constitutive exclusion. Just as Antigone faced the risks of being overcome by the language of sovereignty that she had to employ, even as she perverted that language and bent it to her own purposes, so too did Parks and the other organizers of the boycott risk being overcome by the very terms of the political agency they were contesting. They made a strategic choice to challenge some of the terms of political agency, while re-inscribing others. This led to the constitutive exclusion of the figure of Claudette Colvin, and made it difficult for those others who shared similarly constructed exclusions, such as the organizers of the National Welfare Rights Organization.

The task of the critique of constitutive exclusion is, in this case especially, to unearth the memory that it could have been otherwise. The temporality that constitutive exclusion constructs is that of the teleological arc of history, in which what has happened must have happened and has led us to an homogenous present, determined by a fully present past. The critique of constitutive exclusion as I have articulated it in this dissertation calls this temporality into question, pointing out that the past is not finished, and the present is not entirely present to us. Insofar as the past is constructed through constitutive exclusion, the critique of constitutive exclusion calls us to see that it could have been otherwise, and insofar as the present is constructed through constitutive exclusion, it calls us to demand that this be otherwise.

This insight is why the critique of constitutive exclusion is allied with a materialist history, as indicated by Benjamin (in the introduction) and Adorno (in the previous chapter). This is history as counter-memory, or history as genealogy. It is in this sense the radical history of the present.⁴¹ The critique of constitutive exclusion as constructive of political agency acknowledges that political agency is never a successfully delimited field, that it produces its

⁴¹ Foucault, Michel. *Discipline and Punish*. New York: Vintage, 1977, 31.

ontological double, troubling ontology itself, and that no epistemology is proper to it, or that intelligible political agency can never itself be fully intelligible. Rather, the critique of constitutive exclusion calls us to remember that which we have never known.

Conclusion

I have made an attempt here to describe a logic of constitutive exclusion, and the ways in which those who are constitutively excluded are rendered unintelligible in a certain sense. Constitutive exclusion produces a totalized philosophical system or a political body that relies upon the exclusion of certain abjected others, and moreover disavows their exclusion/abjection. The political body produces the illusion of a secure border defending it from a pre-political or apolitical outside. I have argued that insofar as a constitutively excluded figure contests that exclusion, she/he/zie is unable to be seen as having political agency, and her/his/hir claims are unable to be heard as political claims.

In the case of the nameless daughter of Jephthah, her sacrifice appears at the foundation of three early modern political theories, and it seems to secure for these theorists the border between a political body negotiated by contract and consent and a wild, pre-political state of nature. As Allen states, Jephtha's daughter could be seen as standing in for the anonymous loss of those who choose not to contest their exclusions, or whose contestations cannot be heard (as even her haunting memorialization seems to have been forgotten). In the case of Elizabeth Eckford, her contestation, though initially read by Hannah Arendt as unintelligible as a political act, was otherwise rendered intelligible. Through the circulation of the photograph of her contestation that day, and through others called to take up her contestation, she was able to initiate a reconstitution of the political body that excluded her. In the case of Parks and Colvin, strategic straightness accounts for the translation from political unintelligibility to political

intelligibility. However, the effects of straightness served both to re-inscribe further exclusions and to cover over the strategy itself, rendering Parks paradoxically a political agent through what was seen as a largely apolitical action.⁴² Strategic straightness further illuminates the multiplicity of constitutive exclusion, reminding us that political agency is constituted multiply, and that persons cast into the space of constitutive exclusion are multiply constituted as well.

Though Antigone's contestation of her exclusion ended in the tragedy of her suicide, the excessive character of that contestation seems to have instituted a life beyond her death. Not a future in memory of a hero who sacrifices himself for the political order as it was already understood, but a "future" of a fictional figure who is continuously rewritten, re-interpreted, and reworked as a critique of constitutive exclusion in whatever context it appears: in apartheid South Africa, in occupied Ireland, in the lives of the homeless residents of Manhattan, or in Nazi-occupied Paris.⁴³ Though I ultimately agree with Butler's claim that Antigone cannot be seen as representative for a feminist politics, as her political action spells her death, this promiscuous future of Antigone is a resource for further articulations of the injustice of political orders founded on constitutive exclusion. If something about Antigone still confounds us, then perhaps this is only evidence that there is work left to do.

⁴² For more on the relation between politics and apolitics, see Spargo, A. Clifton. "Antigone: Toward a Theory of Apolitics." In *The Returns of Antigone: Interdisciplinary Essays*. Forthcoming from SUNY Press.

⁴³ This point I owe to Tina Chanter, who explores the resources for Antigone's multiple futures in "Antigone's Excessive Relationship to Fetishism."

CONCLUSION

The structure and operation of constitutive exclusion cuts across ontology, epistemology, and politics, and in fact serves both to establish and to trouble the borders between these. My analysis has been undertaken both as a philosophical reading of the structure and process of constitutive exclusion as quasi-transcendental and quasi-transcendent, and as an inquiry into how constitutive exclusion structures political agency. It has been specifically to understand the work unintelligibility does for politics. Constitutive exclusion produces figures who are unintelligible as political agents, yet who nevertheless act as the internal limit to the political body within which they nevertheless remain.

The constitution of political bodies and political agency within those bodies appear as necessary as a result of the retroactive character of constitutions. This means that the distinctions which ground political agency are both contingent and necessary, in that they define the terms of political agency as it has been constituted, but as the result of contingent events and decisions. The retroactive character of constitutive exclusion also shows that constitutively excluded figures are produced as a remainder to that constitution, rather than indicating some prior general economy of difference from which the constricted terms of the constituted body are derived. These remainders persist within the constituted body as that which is disparaged, disavowed, covered over, broken down, surplus, or thrown away. The persistence of what has been remaindered stands as a rebuke to the purported necessity of the terms according to which the body is constituted.

If the analysis offered in this dissertation has achieved any success, then our understanding of political bodies and political agency is altered as a result. It has shown us that

the space of political agency is never entirely closed, and that delimited space is never limited. Instead we find that we as political agents are always more and other than we are. This means that we are multiple, that we are vulnerable, that we are ourselves to a certain extent unintelligible. We are nevertheless also figured as political agents that are unified, intelligible, and self-present. We purchase this fantasy of a fully self-present, fully intelligible political agency – a fantasy no less powerful for being a fantasy – at the cost of forcing others to bear that multiplicity and vulnerability and unintelligibility. Moreover the cost of this exchange is itself erased. Insofar as the delimitation of political agency rests on the fantasy of a bordered, delimited, discrete subjectivity, this will be structured through the production of constitutively excluded others who act as the limit to that agency, and do so under an epistemological block. If those figures appear within the space of political agency, they will appear as unintelligible, as monstrous, or mad.

To effectively critique this delimited political agency would mean to attend to the claims of those who have been excluded, even when we are not sure from where such claims would come, even if we are not sure what they are saying, and even if we are not sure where listening would lead us. It would mean taking on the risks of vulnerability and of multiplicity for the sake of taking up that alternate legality offered through Antigone's claim, or for the sake of a world in which political bodies would no longer be structured through excluding some of their citizens, while relying upon them nevertheless to continue to do that foundational work without recognition. This is certainly a risk, both in the sense that it might not work, that nothing might happen, since there is no necessity to this, but also in the sense that our political present, and our understanding of the terms of political agency, may as a result be destroyed.

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