Critical Exchange

From missed opportunities to future possibilities: Towards an improper politics

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The democratic theory proposed in Mark Devenney's *Towards an Improper Politics* begins with the questions of why political theorists have abandoned the critique of property, what this means for our understanding of the relationship between property and inequality, and whether it is possible to redeem such a critical understanding of inequality 'without resorting to the prescriptive politics of

propriety so characteristic of Marxism’ (p. 1). As we shall see, the semantic and etymological resonance between ‘property’ and ‘propriety’ – both of which have made their way into the English language through the linguistic genealogy of the Latin word *prōprietās* – serves in his work as an aperture for identifying a dual theoretical problem, related on the one hand to ownership and on the other to ‘propriety’ (as in ‘being right’, ‘appropriate’). Returning to a number of ‘questions bequeathed to us by Marx’ (p. 53) but offering a set of responses that are not ‘strictly Marxist’, Devenney raises a few challenges for post-foundationalist theorists, probing us to think again about how property structures and reproduces inequalities, and how to resist the hegemonic force of property in ways that are not reducible to representation, signification and identification.

Considering how central property is to every facet of politics, from previous financial crises and the consequences of the Covid-19 pandemic to colonial violence and climate change, the task of reinvigorating this debate is urgent. These questions deserve, and require, continued debate. In this Critical Exchange we have gathered five scholars, all engaged in post-Marxist and post-foundationalist traditions in different corners of the world (Argentina, South Korea, Sweden, UK and USA), to take up this challenge – and raise some challenges for the author, to which he has had the opportunity to respond. The result is best described as a transnational theoretical plurilogue in which the contributors do not always agree, but that may hopefully mark the beginning of future discussions on hegemony, property and post-foundationalism.

Jenny Gunnarsson Payne

Marx, democracy and magic: Disorienting impropriety

Mark Devenney opens Chapter Four of *Towards an Improper Politics* with a reflection on Brian Friel’s play *Translations* set in 19th Century Ireland. He pauses over the character of Doalty, who, on his way home from the pub in the evenings, sabotages the British Army’s colonising attempts to map Irish land. Each night Doalty shifts the soldier’s measuring chains just enough to throw them into confusion, causing them to take their survey instrument apart, thinking the measuring device itself is broken. This is an example of Devenney’s improper politics. Rather than confront domination head on, improper politics resists indirectly. It demonstrates that the *arkhe*, upon which a proprietary order is based, can no longer function. Yet Devenney’s text carries an air of melancholy that casts doubt on the extent to which improper politics can bring meaningful change. Although it may never lead to the elimination of assemblages of order, I argue that the story of Doalty indicates how improper politics creates conditions for a radical reassembling. Crucially, this starts with our propriety, our everyday behaviours, that through conformity uphold the assemblages that dominate our lives.

For Devenney, property, propriety and the proper are central to hegemonic order. This rethinking of hegemony is necessary because critical theorists today have largely ‘given up’ on the critique of property (p. 1). Although few would disagree that property relations allocate vastly uneven life chances, Devenney indicates that the horror of inequality seems to have slipped off the critical theory radar. Its roots in property relations have become commonplace for post-foundational theorists. This neglect must be rectified if post-foundational theory is to contribute meaningful solutions to poverty and inequality.

Devenney’s main target is Ernest Laclau and Chantal Mouffe’s self-avowed post-Marxism. Devenney argues that Laclau and Mouffe miss the potential to really radicalise Marxism. Instead of focussing on how property for Marx undermines the distinction between economic base and superstructure (p. 10), they turn to identity relations, eclipsing property rather than decentring it as they intend. Despite critiquing Althusser for failing to take the consequences of his own theory of overdetermination seriously, they then fail to recognise that these consequences apply to their own work on identity. They reduce the entirety of the social to identity, the subject and its affective perspective on the world. This disregards aspects of property relations not manifested through identity, including the way that property ownership and its associated statuses shape our behaviours, our daily schedules – what is and is not possible regardless of our identifications. Despite the influence of Foucault’s analysis of discursive forms on Laclau and Mouffe’s work, they privilege identification at the expense of other forms of social relation. Devenney instead reminds us that property relations may involve practices of articulation not concerned with identity.

Further, Laclau and Mouffe limit political antagonism through their ontology of lack. By reading antagonism as deficiency rather than contingency they assume we must always seek to resolve antagonism. However, if we did not assume an ontology of lack, there would be no need to overcome it. This ontology limits what Laclau and Mouffe can recognise as ‘proper’ politics: that which seeks to provide a ‘penultimate foundation’ for society (p. 41). Mouffe cannot recognise the Occupy movement as properly political, since it did not create demands or engage with political institutions. Laclau and Mouffe’s theory of hegemony has devised a new ‘proper’ for politics, which Devenney argues has its own associated hierarchies of proper knowledge, status and property relations. In seeking to escape Marx’s ‘proper’ account of the political, Laclau and Mouffe establish their own.

Although I suggest that Laclau and Mouffe read identification in a broader sense than Devenney, the urgency of his critique lies in the need to redress the balance. His aim is not to recentre property relations, but to reconceptualise the social as a form of fixing that infiltrates every area of our lives without neglecting property. He conceptualises hegemonic order as proprietary.

Improper forms of politics politicise property, while reactivating struggles for equality. They utilise a particular interpretation of democratic politics inspired by

Jacques Rancière. In contrast to Laclau and Mouffe's recourse to ontology, Rancière sees in contingency the possibility for an equality that no hegemonic order can recognise as feasible. This is a sort of gamble, an 'as if' that, if staged convincingly (in a sensory rather than rational sense), could, just maybe, pay off. This democracy, the freedom of the unbounded, uncountable people, is never pre-ordained. It takes, or appropriates, that which is not its allotted part and in so doing dis-identifies with its given roles, and comes into being as a subject, an all-too-fleeting subject, of politics (Woodford, 2017). This is not the way political theorists usually theorise democracy. This democracy is not a form of state. It is not a set of institutions or practices that are sedimented and repeated. It is a moment of rupture that breaks with order, with hierarchy, with hegemony. This democracy does not instantiate a new order, a new hegemony. It makes the existing hegemony nonsensical.

Yet in Devenney's elaboration of transnational populist politics there is a yearning for a more substantial politics with a positive instantiation of its own – hints of what seems to be a properly transnational form of populism. First, although Devenney is right to question Mouffe's too quick assumption that democratic equality, in the main, is enacted at the level of national sovereignty (p. 154), it is the case that at times it will be. Given the status of sovereignty today it is unavoidable that a significant, perhaps the main, arena of political struggle will take place on the terrain of popular sovereignty. Devenney is wise to feel uneasy about this, but perhaps this unease indicates a need to rethink sovereignty which could be overlooked if we deny that democratic equality can be at work in the terrain of sovereignty (even as we acknowledge it will be limited, as every other instantiation of equality will always be). Democracy operates through homonymy (Rancière, 1999, p. 9), playing on an already existing bounded community to contest its boundaries. Democratic equality is not an equality 'without bounds' (p. 154) as much as an equality that contests bounds that does not respect or acknowledge bounds. The difference is small but important. It reminds us that all enactments of equality will themselves be bounded. Democratic populism enacts not so much 'the equality of all' (p. 145) as much as the equality of 'the rest' (Rancière, 1999, p. 8) – always playing on an already existing ordering.

Further, Devenney's claim that 'certain demands are not democratic even when voted for by citizens' (p. 145) is unclear, since there is no privileged position from which improper politics can make such an assertion. Democratic equality does not operate through demands, but through staging. Here improper politics threatens to become a stick by which we can measure and critique other enactments of politics, rather than a practice. Although I agree with Devenney's concern that there is little equality enacted in any vote to exclude migrants, reduce taxes for the wealthy, and restrict the rights of religious minorities, if improper democracy is an enactment of equality, then it cannot emerge from any *a priori* assertion of proper democracy as that which never restricts. This would reduce improper politics to a rather proper critique of propriety rather than a tool to dismantle it.

Politics is a scandal. It arises from the poor refusing to know their place and stay hidden from view, denied existence by political philosophy. Politics, if it is politics at all, is always improper. This is not to undermine Devenney's project. His emphasis on the improper speaks to all who would disagree that there is, or should be, anything improper about politics at all. Rancière argues that the purpose of political theory is to deny this scandal to haul politics out of the sea and fence it in where it can be safely contained and controlled (1995, p. 1). Devenney asks how machinic assemblages of control can be dismantled and melancholically bemoans the fact that even though they are dismantled, they will always be reassembled, refined somehow, calling to mind Derrida problematising why we continue to desire order in the first place (1978, p. 353). Why, if there is no ontology of lack, do machinic assemblages continue to be reassembled? Yet if we sidestep ontology here and observe simply that, to the best of our knowledge, they always are reassembled, our focus changes to how we might intervene in the process. This is where Devenney's improper politics has most value for me. If we untether his improper from propriety a little more, I suggest we can bring into focus the way it operates on this process of refinement.

Let us consider the purpose that the 'im' of the improper serves. As a prefix 'im' serves to negate, but Devenney's improper politics does not just negate the proper, nor does it stop short at 'putting into question proprietary regimes' (p. 50). If effective, it undermines the proper. Yet we must acknowledge that every undermining leads to a transformation which will become proper in its turn. There will always be call for subsequent transformation. Devenney's melancholia about refining shows that he shares something of Mouffe's concern with the limitations of Occupy. How do we break the machine, rather than just refine it? The answer is to prompt the transformation to reassemble differently.

When the Communist regime in Poland started to crumble in the 1980s, the scribbled outline of gnomes started to appear on walls in place of political opposition posters that had been torn down by regime officials. This initial protest by what came to be called the Orange collective, expanded into the organisation of protests with no clear political demands. Instead the only thing that united protestors was their hats – pointy gnome hats. The twitchy regime, already on the defensive, arrested them, finding itself in the absurd position of accusing the protestors of their crime – wearing a pointed gnome hat. This 'absurd' form of protest broke with the current regime of order (which was of course remade differently in time), undermining it, not with self-righteous political attack, but by making it look foolish, slowly chipping away at its credibility and ordering. It played its part in the disintegration of the Communist regime in Poland, building to the moment when the Polish people themselves took apart the order that so many had, until that point, helped to keep in place. This undermining of sense, Rancière argues, is central to politics' effectiveness. Staging the equality of all to wear gnome hats or hand out toilet rolls while doing so (a later protest) is on the one

hand banal and on the other a deeply powerful weapon that reveals the limits, ineffectiveness and downright absurdity of the hegemonic or proprietary order.

It would seem, however, that for the improper to achieve this dismantling, it needs to convince that the machinic assemblage no longer functions. This involves a process of dissolution rather than negation which moves beyond the binary relation between propriety and impropriety by showing the impropriety of the proper. This would point towards the use of another prefix – ‘a’ which negates differently to ‘im’ – a sort of moving beyond the need for either side. Appropriation is apparent in improper politics, in the taking and remaking present in all examples, including the tale of Doalty, who remakes the Ordnance Survey chains so as to cast doubt on their operability. Although I detect in Devenney’s work an unease with reassembling, it need not be a refining of negative forms of domination, but a meaningfully different way of ordering our world which takes shape in appropriation’s remaking.

Doalty’s story embodies a humour with very serious consequences. It operates through play, doubling meaning to reveal the limits of that which was taken to be serious or sensible. The ‘im’ of the improper signifies an irreverence and play with the proper. It is not in opposition to the proper. It works on it, opens it, multiplying other possibilities such that the contingency of any particular machinic assemblage can no longer be denied. Politics reveals every order as a miscount. In every count, every measure, every structure, there is an error. Where another way of living is declared impossible, politics can bring it into being. Two orders in one moment, the dominant order and an alternative that is against the odds, are shown to be viable, better. There is an impishness at work here, that far from melancholic, irreverently parodies order. Operating through a trick of logic, it fragments the necessary and natural into multiple alternative possibilities. Like Doalty, who in the Irish gloaming embodied the spirit of mischief and irreverence for human authority so common in fairy tales of 19th century Ireland, the gnomes of the orange collective show that the realm of folklore and magic continues even now to provide a resource to be exploited by those deemed powerless to challenge order. Their ability to challenge comes from their hailing from beyond human order, outside of human sense, creating an irreverence and play that opens up ways of living deemed impossible.

This politics that refuses the fenced-in quasi-politics of our current day plays with the politics we think we have, to show its limits, its ineffectiveness, its absurdity. The function of any enactment of ‘equality as if’ performs a doubling on our world, not just arguing that ways of being, doing and saying deemed impossible are actually possible. But demonstrating their possibility through enactments of equality – a strange equality that cannot exist, that has no place, that does not fit anywhere in our current ordering – but that exists anyway. If this strange equality cannot come from another world, that of myth and magic, then we have to recognise that other worlds can exist within the world we currently inhabit, and that

sense can be multiplied through absurdity. Although not magic, politics causes equality to emerge where it was not expected – as if by magic. Improper politics can and does begin to take the machine apart everyday. Even though it will be reassembled, this need not be a refinement. In refusing the gravitas of authority, politics uses humour and mischief to double worlds and ways. Devenney is not just taking us towards an improper politics, he is showing it at work here and now. Even if ‘only’ to reassemble differently, it is by amplifying these moments, and refusing to bow to the melancholia of our disappointment, that Devenney’s politics can convince the operators of today’s proprietary orders to take apart their own machine.

Clare Woodford

Rethinking ‘equivalence’

This eloquent and stirring book conjoins a critique of property to an inspiring vision of democracy. Devenney’s critique and vision, distinct but intertwined, deliver insights of great urgency to those of us who value democracy and worry that it cannot remain viable in today’s world. Although I find much that is undeniable in both aspects of this book, I worry that in the final reckoning, Devenney’s theory of property leaves too little room for the improper politics he wants to inspire.

Devenney urges a rethinking of modern democracy that must be termed radical in this most basic sense. He takes the concept back to its roots in property, which he argues both liberal and radical democrats presuppose without subjecting it to critique. Liberal democracy centres around logics of appropriation that link each ‘self to a world of external objects, and to a set of relations to others (those who cannot be owned as property but who may sell their properties)’ (p. 76). Radical democracy, with its ideal of sovereignty, affirms the fiction of a people that can be sustained only by ‘identity papers, the drawing of limits’, and other practices of exclusion (p. 47).

Devenney develops ‘improper politics’ as an alternative to both of these. Improper politics contests the partitions of the world that lend property its ground, the distinctions between ‘person and thing’ that pose as ontological (p. 63). Premised ‘upon the simple assumption that all are equal regardless of qualification’, it is ‘enacted by anyone in the name of an equality without limit’ (pp. 110, 113). He gives examples of movements that have disrupted the logics of debt, such as the Rolling Jubilee, and those that have challenged logics of political exclusion, such as the 17th-century diggers and 20th-century feminists (pp. 101, 113). This simple principle – an equality without limit – bears further elaboration. The centrepiece of Devenney’s democratic vision, it is also the linchpin of his piercing critique of radical democratic theory, which prizes apart two things that radical

democrats Laclau and Mouffe suture together: ‘logics of equivalence’ and democratic ‘equality’ (p. 4).

In their 1985 classic, *Hegemony and Socialist Strategy*, Laclau and Mouffe offer an inspiring account of the 18th-century revolutions, which they credit with unleashing a ‘democratic discourse’ of rights that proved an especially powerful engine of equivalences that to ‘propose...different forms of inequality as illegitimate and anti-natural’ (Laclau and Mouffe, 1985, p. 155). Equivalences move like a contagion, displacing rights claims from one struggle to another by the ‘principle of analogy’ (Laclau and Mouffe, 1985, p. 110). In the USA, from the mid-20th century onward alone, popular struggle proliferated from the movement for Black people’s civil and political rights, to feminist struggle for reproductive and economic rights, to rights claims of various kinds by gays and lesbians, transgender persons, fat people and the differently abled – not to mention the rights-based discourse of the Right who claimed the ‘right’ to a ‘choice’ of health care providers. Within the frame of radical democracy, then, equivalence stands as an agent for making popular constituencies.

Devenney argues that neoliberalism operates logics of equivalence as well, but ‘through forms...which have little to do with the articulation of a popular will’ (p. 99). The debt economy begins with the ‘propertied subject – the subject that owns its labour as a disposable asset – [which] is only a step away from the indebted subject, who is preyed upon by the owner of the debt’ (p. 119). If classical liberalism and neoliberalism are ‘only a step away’ from one another, then a radical democratic theory that finds its origin in the democratic revolutions of the 18th century, will have both rights and debt at its core. That is the problem. Devenney paints a stark picture: the debt economy mimics the articulatory practice of radical democracy but hollows out its politics.

Contemporary capital constructs its relations of equivalence by the ‘logic of the derivative’, which monetises financial hardship by the alchemy of side-bets that turn failure into financial gold.¹ As the crisis of 2008 laid bare, the debt economy values individuals according to their risk of default. Depending on the financial instrument (e.g. credit default swaps) default may actually yield investors a gain rather than inflict a loss (p. 96). The shocking feature of 2008 was not this profiteering off default, because investors can always take short positions. It was that home mortgages, which people thought of (and banks once treated) as a loan to be repaid, were repackaged so that it no longer functioned exclusively, or even primarily, as a loan: they had become the object of a bet. People took out ‘insurance’, not to make themselves whole in case they personally had some kind of accident, but so that they could glean a financial payout from someone else’s misfortune. Seventy years ago, the post-war welfare state made it a public responsibility to secure (some) individuals against market downturns and against the vulnerabilities associated with disability and old age. The debt economy

‘externalises all risk’, making ‘taxpaying citizens...the final insurer[s]’ when corporate actors are judged too big to fail (p. 96).

I find Devenney’s account of the parallel logics of debt and radical democracy compelling. He makes it clear that neoliberal capitalism coordinates agents not by rhetoric but by supply chains, and that those agents coalesce anonymously, without ‘political identification’ (p. 97). I am also taken with the profound shift that Devenney initiates from struggling to claim or contest property rights to refusing the ontological distinctions that anchor them. And, finally, Devenney’s generous critical reading persuades me that my work on political representation falls short exactly as he says.

Constructivist accounts of political representation aim to recognise the work and to value the representativity of unelected political agents – social movements, citizens juries, religious and opinion leaders, even celebrities – who participate in making constituencies. Although no one would argue that such constituency-making is exclusively the province of the Left, Devenney is correct that there is a democratic impulse behind this desire to extend the idea of representation in this way. Devenney concurs with the ‘argument that the represented are made’, but importantly adds that the terms of their ‘making relate to particular orders of appropriation, within historically specific proprietary orders’ (p. 126). It is right to argue that what constituents believe to be proper to them will condition which claims they take up, and consequently that, without thematising the ‘sedimented terrain’ of the proper, it is difficult to give a fully critical account of constituency-making, one that could analyse the potent appeal of whiteness or the waning force of such ideals as collective bargaining (p. 128).

I accept these arguments, yet it gives me pause to encounter assertions such as this one, that technologies of ‘financial and calculative equivalence..., once deployed, cement particular ways of acting, thinking and being’ (p. 99). What uptake can improper politics have if neoliberal political forms are ‘cemented’ into place?

Ultimately, I think I’m more optimistic about the achievements of improper politics within liberal democracy. Devenney argues that alongside the activities that liberal democracies count as legitimate, ‘voting for candidates, pre-approved by political parties, by those deemed citizens’, improper politics – ‘assemblies, social and protest movements, riots, strikes, occupations’ – are relegated to the margins of the ‘democratic consensus’ (p. 129). In the USA this past year, Black Lives Matter made ‘structural racism’ enough of a household word that Vice President-elect Kamala Harris could use the phrase in her celebratory speech to the nation. A few years ago, Occupy Wall Street did the same for economic stratification, which created the context for the extraordinary appeal of Bernie Sanders, an avowed socialist who nearly became the presidential nominee of the Democratic Party. Although these small victories will neither take down neoliberal capitalism nor significantly interrupt its logics of debt, they may be cracking the cement.

Lisa Disch

On the juridico-politics of property in the new spirit of capitalism

Towards an Improper Politics deals with the urgent issues revolving around theories of democracy. The crucial concept under consideration is ‘property’. For Devenney, property is nothing less than the capitalist axiomatic that sustains the propriety of inequality. He points out the lack of interest in property among many political theorists and calls for an improper politics against the propriety of the proper. For Devenney property is ‘a contingent political intervention, which in articulating “things” as property renders them open to appropriation’ (p. 2). Property and proprietary impose norms and police people. What attracts me in his arguments is that he does not give up post-foundationalist theories of the political but rethinks them in light of the politics of property.

His analysis of the relationship between propriety and property presupposes the juridical right of private ownership in capitalism. The juridical propriety of the proper is historically shaped by colonialism. Referring to Carl Schmitt, he argues:

Political and legal orders ... require the appropriation of land. The appropriation establishes internal and external borders: internally the division and distribution of land establishes the order of ownership, property and title; externally defined borders ground legal title in international law and secure the recognition of appropriation and of property, by the state. Such divisions of territory are ontological and material. (p. 18).

Devenney points out that the ‘distribution of land’ brings forth the ‘order of ownership, property and title’ (p. 18). This territorialisation of nation-states, in turn, leads to divisions of other borders, of insides and outsides, serving further exploitation. In this sense, property is the material foundation of any political transformation. The right to property is related to the essential element of liberal governmentality, that is, to the juridico-politics of privacy. Property always already comes along with privacy – in other words, a private right to own something properly. In contemporary orders, as he notes, the very nature of property has altered.

I would extend this concept of property to another dimension of the governing mechanism. As far as the ownership of private property is a legal problem, the propriety of the proper raises an issue of surveillance. The modern mechanism of surveillance working on the logic of privacy is one of the necessary components in the legitimacy of property and its ownership. The relevance of Devenney’s discussion would be extended further, if it accounted for this notion of surveillance in contemporary capitalism. Surveillance raises the problem of the interrelation between technology and democracy.

The meaning of privacy is obscure, not only in its daily usage but also in its geographical reception. For instance, I found a sign in Delhi’s metro station, which

informed the passengers that ‘you are under surveillance’. The main message of the sign image – a smiling cartoon character of a female police officer – is not that ‘the average commuter’ is being controlled, or that surveillance cameras risk violating their privacy. Rather, the sign serves to communicate that they are safe and protected from crime. It is intended to be a warning for potential criminals only, not for ‘good citizens’ who observe the law. In this way, surveillance creates an invisible separation within the community, dividing the legal from the illegal. Hence, there is a direct relation between surveillance and juridical subjectivity.

Delhi’s metro sign tells us about the variability of privacy. The concept of privacy is not singular but rather plural, in that its meaning differs between geographical and cultural contexts. (Of course, these different standards of privacy are occasionally contested, which not least becomes clear in the context of human rights discourse.²) While European or US visitors may read the message in Delhi’s metro station as problematic, as an indication that their right to privacy is not fulfilled, local passengers (perhaps female passengers in particular) may instead understand it as a promise of security. Does this example demonstrate ‘the other side of surveillance’? Does the sign’s (relative to its European or US counterparts) different signification of personal safety indicate a tricky aspect of privacy? If surveillance presupposes legal approval, its existence implies a disturbing truth – that people agree to hand over the right to control their data to the authorities. This tacit consensus of surveillance is the rationale of propriety.

The legitimacy of surveillance relies on two features of privacy: the need for privacy on the one hand, and the right to privacy on the other. The former is related to the classical sense of the distinction between the private and public, while the roots of the latter can be found in the historically developed concept of a right to control personal information. Leading up to the 18th century in Europe, the right to privacy was a juridical issue, a question of the right to open or read private letters. Legal issues gradually turned to questions about the collecting of personal information. It was during the colonisation of America that the focus on privacy shifted to the physical distance between the individual realms, because land ownership in the new continent forged a secure base for the privilege of privacy. Already from the start, the home became the primary sphere of privacy, and this dramatic change has pinned down the concept of privacy until our times.

The tension between ‘the need for’ and ‘the right to privacy’ is thus a historical by-product that continues to haunt the issue of privacy today. Since the rise of cognitive capitalism, however, the latter has become increasingly extended through its management of personal information. Importantly, what is significant for this new version of capitalism is not who ‘has’ privacy but who owns the information. The administration of information, in turn, is about the right to privacy, the legal permission to read personal letters. Jacques Derrida points out that every right is also a ‘right of inspection’. According to him, ‘there is no right that does not consist in conferring upon a power a right to control and surveillance, therefore, a right of

inspection, in a situation where nothing guarantees it “naturally” (Derrida and Stiegler, 2002, p. 33). In this sense, surveillance always presupposes a right, tacitly but legally, yielded to authority.

For Derrida ‘what links the juridical, or juridico-political, to seeing, to vision, but also to the capture of images, to their use’ comes along with a question as to ‘who, in the end, is authorised to appear [*se montrer*] but above all authorised to show [*montrer*], edit, store, interpret, and exploit images’ (2002, pp. 33–34). Derrida focuses on the connection between the right of inspection and the right of editing and showing. Still, what is crucial in this transition is not technology but the legal approval to the right to inspect the personal data behind its mechanism. In short, the rise of cognitive capitalism requires legal permission for surveillance. The concept of property needs to be elaborated on this terrain. How do we understand intellectual property in this phase of capitalism? How do we further theorise the consequences of this new phase of capitalism? And, finally, what are the implications for the radical promise of an ‘improper politics’?

The advent of cognitive capitalism is related to this paradigm shift. As Yann Moulier-Boutang conceptualises it, cognitive capitalism is ‘a paradigm, or a coherent research program, that poses an alternative to post-Fordism’ (2011, p. 113). Cognitive capitalism is characterised by three economic processes: transformations in the form of accumulation, the mode of production and the mode of exploitation. Its main feature resides in the progress of new technologies since 1975.

Taken together, cognitive capitalism and the advancement of new technologies undeniably pave the way for surveillance, and in surveillance capitalism, the meaning of property becomes more obscure. For cognitive capitalism, the production of knowledge is crucial for its accumulation process. Knowledge comes to occupy the place of a commodity and the redesigning of property rights through intellectual property. For this reason, cognitive capitalism lays the foundation of surveillance capitalism: the commodification of personal data.

Google is the pioneering company par excellence which invented the paradigm of surveillance capitalism, while Ford Motor Company and General Motors are the chief progenitors of industrial capitalism. Shoshana Zuboff, who coined the term, points out that ‘although surveillance capitalism does not abandon established capitalist “laws” such as competitive production, profit maximisation, productivity, and growth, these earlier dynamics now operate in the context of a new logic of accumulation that also introduces its own distinctive laws of motion’ (2019, pp. 66–67). The new logic of accumulation, based on ‘economies of scale in the extraction of behavioural surplus’ (2019, p. 87), gives rise to the necessary construction and modification of behavioural means. This ‘incorporates its machine-intelligence-based “means of production” in a more complex system of action...in which the requirements of behavioural modification orient all operations

toward totalities of information and control, creating the framework for an unprecedented instrumentarian power and its societal implications' (2019, p. 67).

The shift from knowledge to data is the key difference between cognitive capitalism and surveillance capitalism. In this phase, data become property, owned by commercial companies rather than individuals, and personal behaviours become 'computed' for profit. This leads to yet another modification of the meaning of privacy – one which I believe Devenney's conceptualisation of property needs to take into account.

Even though the arrival of surveillance capitalism does not mean the end of cognitive capitalism – the two types of accumulation systems co-exist and cooperate – knowledge in cognitive capitalism is not a commodity as such. Cognitive capitalism finds its origin in the increased significance of knowledge supported by higher levels of education and the expansion of immaterial and intellectual labour. The main feature of cognitive capitalism is embodied in the qualitative dominance of living knowledge (mobilised by labour) over dead knowledge (incorporated in fixed capital). Rather, then, the main trait of cognitive capitalism is the initiative of knowledge built into living labour. The mutation of accumulation is fundamental, and the so-called 'information technology revolution' is not the single determinant for this new mode of production.

Technological progress is one of the elements that aims to solve the crises of capitalism, and legal orders are always a hidden impetus behind these shifts. As Karl Marx states, 'whose form is the contract, whether as part of a developed legal system or not, is a relation between two wills which mirrors the economic relation' (1990, p. 178). For Marx, the content of the juridical relation means the exchange between 'two wills' determined by 'the economic relation'. Marx's analysis of the link between the legal system and accumulation shows that cognitive capitalism and surveillance capitalism are founded on new juridical norms of privacy, that is, the legitimate permission to use personal data for economic purposes.

For Marx the 'general intellect' is the knowledge built into the 'conditions of the process of social life' and also the social foundation of its changeability (Marx, 1993, p. 706). The transition towards cognitive capitalism, in this sense, is nothing less than the consequence of a capitalist attempt to control the 'general intellect' over the collective workers' hegemony within the knowledge-based accumulation system. The dynamic crisscross of conflicts forces capital to reconstruct its established modality and bring forth the new structure of accumulation and production. Neoliberalism, as a theory of governmentality, is introduced here to re-regulate the relations between capital and the creative power of labour. Industrial capitalism and its utilitarian theory of governmentality were not interested in the cognitive dimension of labour power, but the disciplinary control of work. The cognitive dimension of labour power embedded in the 'general intellect' was repressed in industrial capitalism and is now re-appropriated by the new phase of

accumulation, i.e. cognitive capitalism as the autonomy of work through social cooperation is progressively enhanced.

Surveillance capitalism concerns the technological mediation of behaviour modification through ‘a pervasive global architecture of ubiquitous computational knowledge and control constructed and maintained by all the advanced scientific know-how that money can buy’ (Zuboff, 2019, p. 308). Zuboff warns of the danger that ‘Big Other’, corporations such as Google, Amazon and Facebook, can use collected personal data for their commercial purposes. However, the companies do not sell the congregated data to the market. What they want to do with the big data is to create the perfect model of ‘artificiality’ to anticipate consumers’ behaviour. In a nutshell, surveillance capitalism could be defined as an accumulation system to extract private human experience as free raw material and transform it into behavioural data.

The point is that ‘Big Other’ does not intend to sell the collected big data, but instead use it to re-orient the subjective desires for futures market trends. If adopting Devenney’s discussions, this technology of modification is a new propriety of the proper, it is technology that imposes new norms of property. Surveillance is internal to existing systems of democracy. Recently, in the current phase of surveillance capitalism, we are also faced with the rise of mechanical surveillance. Mechanical surveillance is machine-based surveillance, facilitating an algorithmic operation. Artificial intelligence is one of the technical instruments that makes mechanical surveillance possible. Earlier observation systems have been transformed through automation, leading to a decentralisation of the panoptic surveillance structure. This omnipresent surveillance constantly reproduces ‘artificiality’. The artifactual effect of modern surveillance is the foundation of the proper in techno-capitalism. As Derrida points out, this mechanical operation already assumes the juridical right of inspection. This ‘invisible hand’ of juridico-politics is the principle of centralised media hegemony. Mechanical surveillance seems to exclude human agency from its system, yet its mechanism necessarily contains the possible alternative use within itself, because of its juridico-politics. Surveillance is not a self-fulfilling system, but always requires its ‘supplements’ from outside. Mechanical surveillance today, I argue, ought to be very locus of an improper politics, which could subvert the juridico-politics of capitalist propriety. Devenney’s theory, therefore, would benefit from further consideration of disruptive, indeed, improper uses of technology. Hashtag activism is but one example of such use. What comes to the void within the mechanism of the proper? This question still remains now.

Alex Taek-Gwang Lee

Post-Marxist disagreements: Hegemony, psychoanalysis and the role of the state for left-wing populism

Is it possible to write a rigorous academic book and at the same time a politically invested one? The reading of Mark Devenney's text allows us to answer with an emphatic yes. From the very beginning of the text, the author agrees with Sam Chambers that 'to study the social formation is always already to be implicated in the social formation' (p. 27). He rejects the extended fantasy that prevails within the mainstream of social science and humanities that it is possible to adopt a neutral analytical or theoretical perspective from which to develop a theory uncontaminated by the subjective position of the researcher. Neither is it possible to be academically rigorous and, in a sense, honest without assuming one's own political investments in the research.

This is exactly what Devenney does. He assumes his own investment in the social formation – what he names 'proprietary order' – while making his political concern clear: inequality. This gesture, which could be called an 'academic ethic', allows us to trace the author's passage through the Essex School – the Post-Marxist academic space created by Ernesto Laclau. It is not surprising to find the hard work of attempting to develop a consistent theoretical text knotted with political emancipation(s). These traces are evident when we analyse the (reformulated) theoretical premises in the book: the inextricability of antagonism, the hegemonic and contingent foundation of any social formation and the appeal to transnational populism.

Having said this, the task undertaken by Devenney is enormous: to rescue (the old and forgotten) Marxist's tradition of the critique of property – and in this way address inequality – but without returning to the architectural metaphor of infrastructure and superstructure, nor falling back into the notion of determination in the last instance. In other words, Devenney's main concern is how to reposition propriety at the centre of critical political theory, while remaining within the field of post-foundationalism. To achieve this aim, he conducts a critical reading of Laclau and Mouffe's notion of hegemony, one which 'translates it' into the theoretical vocabulary offered by his account of propriety.

After having criticised a number of scholars within the field of post-Marxism and radical democracy, Devenney argues that hegemonic order is a propriety regime (p. 17). This denunciation also stands as an awkward accusation, particularly if we consider that Devenney understands that the failure to consider property – among post-Marxist and radical democratic theorists – functions as if there was an 'unwitting acquiescence' or 'unspoken consensus' with Friedrich Hayek's assertion that 'modern civilisation rests on the institution of private property' (Hayek, 1960, p. 171, cited in Devenney p. 8). Is this a fair accusation? Not entirely. It is completely true that – in terms of theoretical debate – propriety has become a

marginal at least since the fall of the Soviet bloc. Yet many theorists have never forgotten its intrinsically political character, especially those who were directly involved in (left-wing populist) political struggles and who have experienced the brutality of neoliberal forces.

Even though his main target of opposition is the post-Marxist theory of Laclau and Mouffe, it reaches further, even to Wendy Brown, whose powerful critique of neoliberalism, according to him, lacks ‘a political account of relations of property, ownership and control over the means for the reproduction of lives’ (p. 18). Laclau and Mouffe, on the other hand, are criticised for not anticipating ‘the “proper-tisation” of every aspect of social and political life’ (p. 17). But why are they attributed such a mistake? He argues that they doubly ignored property in their post-Marxist critique of Marxism.

According to Devenney, the problem is theoretical and political. They forgot property when they attempted to relieve it of any positive determination, and reformulated Marx’s analysis of property as an element articulated within the ensemble of dominant relations. They simultaneously underplayed ‘its significance for hegemonic order’ (p. 11). Moreover, when they celebrated the democratic revolutions of the 18th century they missed the fact that, in addition to liberty and equality, they ‘enshrined the sacrosanct right to property’ (p. 17). On my reading, what underpins this critique of Laclau and Mouffe is the assumption that their failure to target property results from the development of a notion of hegemony soaked in psychoanalytical categories.

In different passages of his text Devenney repeatedly affirms that hegemony is not merely a matter of identity, identification or signification. He reminds us of the invisible unequal workings of infrastructure that deliver broadband, of trade, shipping networks, global rules for multinational corporations, and so on (p. 14). He argues that, ‘The accounting mechanisms that structure almost all our relations to the world – which delimit how we can properly move through the world – escape logics of identification’ (p. 100), and instead argues that property should be thought of as a practice of articulation, emphasising that articulation takes different forms and cannot be reduced to processes of signification (p. 16).

The curious thing is that, despite his quest to recast the theory of hegemony by introducing his concepts of property, propriety, the proper and proprietary regime, and while rejecting psychoanalysis, Devenney continuously appeals to psychoanalytical categories, such as overdetermination and nodal point to construct his own reformulation of it. Let us be clear, overdetermination and nodal point are Freudian notions used by Laclau and Mouffe in Freudian terms (rather than Althusserian) to define hegemony. Devenney does not define overdetermination or nodal point in his text. But we are aware that for Freud (and Laclau and Mouffe) nodal points are overdetermined spots inasmuch as they are the places where most associative chains converge enabling (an always precarious and contingent) meaning to emerge. Or, to use Devenney’s own words, overdetermined nodal points ‘lend

coherence to an otherwise incoherent sprawl' (p. 27). So, maybe, signification is at the core of the proprietary regime too? After all, is there any order or regime that escapes the field of signification? To establish what property, propriety and the proper is, would this require that we establish their meaning, thereby 'demarcating and ordering space, time and subjectivity through varied apparatuses of enclosure' and proprietary order? Signification is materiality. The symbolic order is materiality.

Considering Devenney's critique of the Laclauian use of psychoanalytical Lacanian notions I would firstly say that I agree with his assertion that 'the glues that fix socio-political orders go beyond the identification of subjects with empty signifiers' (p. 14). The reasons I agree, however, are different from those expressed in the book. Imaginary identifications are, I agree, not enough to understand hegemonic processes. Rather, we always have to consider them as interwoven with the symbolic, as well as taking into account how both registers (imaginary and symbolic) are pervaded by the real. Socio-political orders, from a Lacanian interpretation, are always (precariously and contingently) established in the knotting of these three dimensions (the imaginary, the symbolic, the real). This leads me to the following question: are Laclau and Mouffe really assuming a mere 'negative ontology that requires repeated political identifications' (p. 44)? Is it that simple? I do not think so, particularly if we consider that what we have is the idea of knotted dimensions. Negativity – call it antagonism, dislocation, heterogeneity, lack or real – is never without hegemony, without the symbolic and the imaginary registers.

It is not merely that there is a fundamental lack – as a substratum – that triggers acts of identification, which could only be thought as if what is considered is the real regarding the symbolic. But the real goes beyond lack. It is also expressed as excess, as *jouissance* (enjoyment) pervading the other dimensions. In any case, there is no ontological privilege of one dimension over the others. One last aspect to mention, what Devenney with a Derridian lens calls 'the desire for a centre' or a 'desire for closure', let us say an 'ontological need' for an order, is what, from the Lacanian reading of Laclau, we view as the dislocated structure, the always failed order that allows at least some signification. In Laclau's own words, it is what allows us to be somewhere in between the cemetery and the asylum. Anyway, if an order is never properly closed, let us say, always dislocated, crisscrossed by antagonisms, pervaded by heterogeneity, why then should we suppose that there is a 'proper' way in which counter-hegemonic struggles take place?

Let us return to Devenney's political concern about how to antagonise within a proprietary order. His answer is through an improper politics. An improper politics 'breaks with proprietary regimes' and 'takes inspiration from moments of trespass and transgression that simultaneously illuminate the forms taken by the proper' (p. 47). It is an antagonistic refusal of the established terms of proprietary order in a broad sense, because it even 'probes the exclusions that constitute dominant ways

of being' (p. 50). That is to say, improper politics puts into question the dominant ways of being inasmuch as 'being is always articulated to particular forms of proprietary order' (p. 50). Here the author hits the nail on the head by considering how neoliberalism has shaped subjectivities: entrepreneur of the self, human capital, the infinite debtor. These subjectivities go beyond the pleasure principle and are linked to the *plus-de-jouir*.

When giving examples of improper politics Devenney uses the Occupy movements as a noteworthy example of protests that oppose and challenge the state: 'The improper immediately politicises property. State and extra-state orders secure property. They rely on violence to defend the current and the historical enclosures essential to legal regimes of property' (p. 52). From this perspective, the state is always in solidarity with the proprietary regime and, in this way, at a certain point always oppressive.

From our Latin American experience in political struggles, however, it makes sense to ask: What about a situation when a state is captured by a (left-wing) populist movement? What if the state plays a part as a 'handbrake' on the unstoppable greed of the neoliberal proprietary regime? What if it is the state that attempts to halt dispossession? What if the state attempts to develop a set of rights that clashes with the patriarchal mandate? Would the state not embody an improper politics in relation to the dominant neoliberal proprietary regime?

Devenney openly endorses (left-wing) Latin American populist movements and mentions the example of Cristina Fernández de Kirchner's government in Argentina. However, even her progressive government is attributed the birth defect of having been (as any populist government) the government of a nation-state originating with colonialism. This fact, according to Devenney, has led it to be oppressive in some ways, the example of the Mapuche peoples in the Andean Patagonia being a case in point. Improper politics could never be incarnated by the state, even if it is captured by a (left-wing) populist movement, because the state is always a fundamental part of the proprietary regime.

This political interpretation draws on decolonial theories that equate the republican legacy with colonial power. From the decolonial perspective to defend any idea of republic always entails standing on the oppressor's side. This approach, however, does not easily lend itself to analyses of Latin America. As Luciana Cadahia asserts, there is a trap in the decolonial gesture. It implies a simplified, abstract and unilateral view of the past:

It is a simplified and abstract view of the past because it loses track of the historical accumulation of the political struggles of those 'others' struggling to achieve a republic of equals ('otherness' that decolonial thinkers consider pre-modern). And unilateral, because they omit the tension (still present in our days) between the oligarchic republican project and the plebeian republican project, that is to say, they forget the republican political

experiences built by the indigenous, black people, women and peasants determined to reject the domestic colonial unity which, on the one hand, reduced them to ‘otherness’ and, on the other hand, excluded them from citizenship (Cadahia, 2020; Biglieri’s translation).

At this point I pose a general question that different intellectuals in Latin America have asked regarding the state and (left-wing) populism: what is behind the *a priori* rejection, which many intellectuals involved with emancipatory struggles have made, regarding the state and any (left-wing) populist expression? Jorge Alemán has suggested the hypothesis that what lies behind this is the efficient silent spread of the right-wing (mis)reading of Foucault. The neoliberal interpretation of Foucault (a source of libertarian thought) is linked to the sequence established by Hayek – who dared to put Nazism and Keynesianism in the same series – thus leaving the state to the oppressors (Alemán, 2020). Once again, the harmful effects of Hayek’s discourse emerge and have to be traced, revisited and contested.

Last, but by no means least, a few words regarding Devenney’s conception of transnational populism. Devenney goes back to the left-wing tradition to revive the debate about transnationalism in political emancipatory struggles. He proposes the original idea of queering (playing with the signifier ‘trans’) the figure of ‘the people’ and with it the national dimension of populism. The point is to detach populism (and the people) from the idea of a national community, the only way of making sure that the people can engage in a democratic struggle for equality. For Devenney struggles for emancipation(s) have to deal with both, the nation-states (or the imagined national communities) that have to be surpassed and the financial logics they secure that require dismantling.

The challenge posed is: Is a transnational populist politics possible? I agree with Devenney, because my answer is yes. However, for the reasons that I have put forward above, my view differs from his. If we look at the Latin American experience, the idea of ‘national and popular’ is historically linked to the notion of ‘a nation built from below’, in opposition to ‘the oligarchic nation built from above’. I find that national-popular projects never exclude the possibility of constituting internationalist solidarity among oppressed subjects. That is the reason why I think that populism, with its leaders and its peoples, is perfectly compatible with a transnational project. Once populist movements accept that there is no possibility of successfully emerging from their antagonism with local oligarchies, without embracing the international context as a frame for struggle, there is no impediment to international openness.

Paula Biglieri

‘Le corps propre’? On the specific materiality of the body with respect to an ‘Improper politics’

Towards an improper politics is not a book ‘about’ the body, yet it is replete with references to it, and to bodies. In this sense, Devenney’s book follows what some have called ‘the turn to the body’, or the ‘embodied turn’, in both the empirical social sciences and political philosophy. Drawing on work by Judith Butler, Roberto Esposito, Derrida, among others, Devenney argues that the ‘instauration of the body as the focus of politics reframes democratic politics’ (p. 80); he wishes to break ‘with the ascription of citizen identity to bodies’ thinking ‘the body politic as a site of imagination and fleshy insistence’ (p. 151). By emphasising the performativity of both ‘inanimate and animate objects’, bricks as well as bodies, Devenney makes a strong case for the need to insist on returning to the place of ‘the body’ in theorising politics, democracy and social transformation. I will take this opportunity to investigate some aspects of the specific materiality of ‘the lived body’ that distinguishes it from inanimate objects, in order to tease out and test its implications for the further theorisation of ‘an improper politics’.

The value of Devenney’s insistence on the central place of the body in understanding and challenging property regimes is obvious. On the one hand, regulating and policing bodies is precisely what property regimes do. Indeed, property regimes articulate unequal relationships between bodies, and therefore help determine whose lives are liveable and whose are not. The function of such regimes is to control which bodies can access various kinds of life-sustaining assets and protections (from care and food to abstract rights and freedoms); how property ‘flows’ between some bodies but not others (through the buying and selling of goods, family and inheritance laws etc.); which bodies have access to which spaces (through ownership laws and citizenship); which bodies are considered ‘proper’ and ‘useful’; which bodies can be owned as property; and which bodies are accessible to whom (to be used for food, have their movements restricted or be involuntarily used for sex and reproduction). The body shows itself to be subjected to proprietary regimes.

The book also documents how bodies serve as ‘tools’ of resistance, such as when bodies occupy places from which property regimes have excluded them. Drawing on Butler’s theory of assembly (2018), Devenney argues that ‘[r]adical challenges to the proper place of politics refigure the relation of bodies to themselves, to others and to their world’ (p. 69). The theory thus seeks to ‘extend the politics of assembly to think about the public enactment of equality as a renegotiation of the body and its “properties” as well as the material property that makes, and is made, in our common world’ (p. 69). Here, the story of the occupation of St Paul’s Cross in London in 2011 is one example of how a physical enactment of equality can break and challenge property regimes. It was the physical presence of the occupiers’

bodies as well as the material objects needed to facilitate their existence, including medical supplies, toilets and cooking facilities (as well as a library), that physically enacted equality, democracy. Such an improper action, Devenney argues, can fashion ‘other worlds and reanimates lost histories yet cannot be coded in advance’ (p. 36).

Another example of an ‘improper politics’ that Devenney gives is the story of a South African protest that, as described by Sheila Meintjies, rallied around the slogan ‘We won’t fuck for houses’ (2007). Devenney opens up several dimensions surrounding this case, one of which concerns the body. The protest was organised in Soweto in 1990 to prevent the police from razing sixty illegally built shacks on a piece of land owned by a mining company. The protesting women, who had built the shacks, performed a naked protest, a tactic that helped ensure widespread attention, but that also effectively communicated the fact that a local councillor had offered them housing in exchange for sex. As a naked protest, it was also improper in the sense that it challenged ‘proper femininity’ and challenged sexism, racism and class inequality. Devenney writes:

Their slogan, refusing to ‘fuck’ for a house, made clear that this apparent exposure was a reclamation. It was an act improper with regard to both the norms and the laws ordering the state. There are many aspects to this impropriety – the naked body, the loud singing and dancing, the teasing of the police, the building and rebuilding of the shacks, the exposure of violence, the remaking of the racialised, sexualised and abjected body as the basis for resistance (p. 105).

Importantly, as an example of an improper politics, such testing of the boundaries of the properly human not only challenges processes of abjection (two interrelated issues to which I shall soon return), but also, as I see it, takes the form of a rejection in drawing a new boundary, related to one’s own body. But what does it mean to ‘have’ an ‘own’ body? And can this idea of one’s own body (*le corps propre*) be squared at all with Devenney’s plea for an ‘improper politics’. Let us further investigate the point.

As Devenney points out, the body enjoys ‘the strange legal status as neither person nor thing’ (p. 57). In many jurisdictions, including within the European Union, officially, the selling of one’s ‘own’ bodily substances and tissue (blood, sperm, eggs, body parts) is banned (although we may ‘donate’ them and be ‘compensated’ for the donation). In an analogous way, the body enjoys what we might call a ‘strange existential status’, being at once both subject and object (see Merleau-Ponty’s conceptualisation of the body, 2012). In a sense the body is ‘me’ and ‘mine’ at once, and when not felt as such, it is likely to be experienced by me as ‘alien’, or ‘other’, sometimes to the extent that my life does not feel liveable (which may be due to the traumatic experience of losing one’s capacities due to illness or an accident, or as has been narrated by transgendered people in claiming

their right to diagnosis and treatment for gender dysphoria). Moreover, this sense of ‘property in the self’ remains central for important struggles, such as those for access to safe and legal abortion, most often a simple procedure that would save thousands of lives each year: an estimated 25 million abortions a year are considered unsafe by the WHO, and an estimated 7 million of them have consequences requiring hospital care (2020).

At the same time, the body is never really ‘mine’, even existentially. It is always constituted relationally. From the very beginning of our lives, the body is dependent on others (Butler, 2020): we need others to care for and nourish us, to respond to us, and others may also ignore us or harm us to the extent that our lives are ‘taken’ from us, or our lives may no longer be liveable. Societal processes of abjection depend on, and abuse, that relationality: they exclude those affected from ‘full’ status of personhood. The act of challenging abjection that harms us may be necessary for mere survival and for liveability. In this sense, may we not say that a protest like ‘We won’t fuck for houses’ seeks to institute the integrity of the subject? Devenney argues with Butler that just like property, gender certainty demands constant regulation of the boundaries, boundaries that, due to the relationality of our bodily existences are ultimately unattainable. Acknowledging that ‘the body is vulnerable, that the infant is exposed to others as it comes to be’, that we are ‘beings in relation’ means, Devenney argues ‘that the improper is the only proper to which the human may lay claim’ (p. 75; see also Esposito, 2015).

Does such a statement mean that we should give up on claiming bodily integrity or autonomy? Or does it mean that the body will necessarily remain a site for the reclamation of some form of ‘integrity’, ‘wholeness’ or ‘own-ness’, despite its intrinsic impossibility? Are not such ‘border controls’ concerning our ‘own’ bodies sometimes unavoidable? Some further remarks from Butler are useful here.

In *Undoing Gender*, Butler acknowledges precisely that it is ‘difficult, if not impossible’ to make certain demands without resorting to bodily autonomy, but also points to its complexities. It is, in her words ‘a lively paradox’ (2004, p. 21). The fact that it is a complex issue, however, does not mean that it is not sometimes necessary.

I am not suggesting, though, that we cease to make these claims. We have to, we must. And I’m not saying that we have to make these claims reluctantly or strategically. They are part of the normative aspiration of any movement that seeks to maximize the protections and the freedoms of sexual and gender minorities, of women, defined with the broadest possible compass, of racial and ethnic minorities, especially as they cut across all the other categories. But is there another normative aspiration that we must also seek to articulate and to defend? Is there a way in which the place of the body in all those struggles opens up a different conception of politics? (2004, p. 21)

Butler's approach to bodily autonomy, as I read it, is a kind of 'both-and', and perhaps this also means that 'border controls', which often takes the form of a claim that 'my body is mine', have historically been, and, I believe, will continue to be necessary. This, in turn, if we continue thinking with Butler, is linked to struggles and demands concerning personhood. The quote above both affirms the continued need to struggle for bodily autonomy, but it also poses the question whether there is not 'another normative position' that we must try to 'articulate and defend', and whether there might not be a way 'in which the place of the body in all those struggles open up a different conception of politics'? From reading *Towards an Improper Politics* I take it that Devenney's answer is 'yes'. But would issues such as personhood and bodily autonomy, with all their complexities, have a place within his improper politics. If so, how would it be re-articulated, and would this not require something 'proper', of sorts?

In the first chapter, Devenney discusses 'personhood' in relation to proprietary regimes, focussing mainly on legal personhood – a strange construction indeed, that while granted to global corporations, is denied to most sentient beings in the world (p. 7). In the logic of the contemporary capitalist system this makes perfect sense: 'Legal personhood cannot be attributed to things that may become property' (p. 24). Turning to Marx, however, he also points out how for most humans, legal personhood is actually a rather 'bad deal' in capitalist societies.

Following the struggles to end slavery, the labour performed by slaves was redefined ... as the disposable property of the person, that is, as labour power. The legal nicety here was the distinction between labour power – which is alienable as a commodity – and the labourer, whose inherent personhood was deemed inalienable ... Those who own no property, and thus have no means to produce their own livelihood, are compelled to sell their labour (Marx, 1976, p. 271, in Devenney, p. 118).

For Devenney, personhood is closely linked to 'the proper order of man'. He shows how, drawing on Derrida, this order relies 'on an abyssal divide between the human and the animal', a divide that is today being profoundly challenged (p. 56). I agree with Devenney that a 'key terrain of that challenge concerns the place of the body' as that which 'endures, that suffers, that expresses pain, that changes and ages' and its relation to reason (p. 56). It is the (alleged) lack of the capacity to reason that justifies the exclusion of those not included in the category of 'human' from being the subject of law. This is why an 'animal' cannot commit a crime, and why they can be owned, as property, subjected to violence and used without it necessarily being called a crime. It is why, finally, they can be bought and sold as property (pp. 55–56) (Derrida, 2009, p. xiv). Thus the 'proper order of man' is 'bound on two sides: first, by what distinguishes humans from other creatures as proper subjects, able to secure things as property; and second by the determination of things as subject to the sovereign will of these proper beings' (p. 56). It seems to

me that, while not reducible to it, ‘the proper order of man’ is closely linked to both personhood and abjection.

Understanding abjection as a discursive process, Butler argues that this term ‘relates to all kinds of bodies whose lives are not considered “lives” and whose materiality is not understood to “matter”’ (Butler in Meijer and Prins, 1998, p. 281). It is, in a way, easy to see how this relates to both human and non-human bodies alike. In processes of abjection of human subjects specifically, however, they are not necessarily fully excluded from ‘the human’; they are excluded from the properly human. They come to occupy a liminal position, articulated neither unequivocally as ‘properly human’ nor as ‘animal’. Sometimes, it is because they are acknowledged as human that ‘animality’ can be negatively ascribed to them. This places them in the liminal space between humanness and animality securing their social abjection. Other times, abjection is articulated as ‘not-animal-enough’, with charges of ‘unnatural’ drives and habits justifying cruelty and exclusions from the ‘properly human’.

To struggle against such processes of abjection does not merely mean struggling for rights that attach to our persons, but for the right to ‘*be conceived as persons*’ (italics in original), as Butler argues (2004, p. 32). The latter, unlike the former, does not presume personhood as pre-constituted, but entails ‘a social transformation of the very meaning of personhood’, making the assertion of such rights ‘a way of intervening into the social and political process by which the human is articulated’ (Butler, 2004, pp. 32–33).

I therefore wonder: Can an improper politics, seeking to ‘refigure the relation of bodies to themselves, to others and to the world’ involve some kind of re-conceptualisation of personhood and bodily autonomy, or are the latter forever deemed to remain a tool in the hands of the proprietorial order? (p. 69). Or, put differently, if my premise concerning personhood is correct, what would the implications be for the statement that ‘the improper is the only proper to which the human may lay claim’? These two questions, which direct our attention both to the specific materiality of the body and to the central role it has in politics, are those I would raise as a challenge to the idea of an improper politics.

Jenny Gunnarsson Payne

Towards an improper politics: Thinking democracy after Trump

The notion of the improper is central to recent debates in political theory: antagonism, *différance*, the real, the ‘Other’, excess, dispossession, all suggest an impossibility that disturbs yet lends coherence to the proper. Yet the play between property, propriety and the improper is ignored in post-foundationalist debates about the political. *Towards an Improper Politics* contends that property and propriety are constitutive of hegemonic order. This argument requires that we

reconceptualise both property and hegemony. In contrast, I characterise democratic politics as improper. It enacts equality and disturbs dominant forms of propriety. This exchange extends and challenges these arguments. It questions the place of ‘property’ in securing neoliberal hegemony; the theoretical status of the improper, in light of psychoanalysis and post-Marxist discourse theory; the claim that democratic politics is always improper and an-archist; and the place of bodies in an improper politics. I respond in the spirit of disagreement that animates any radical democratic politics and with profound thanks for the care taken by all contributors.

Property was, for two millennia, fundamental to any consideration of political order. Yet recent post-foundational theories of the political ignore property. *Towards an Improper Politics* rethinks hegemony through the lenses of property and propriety. It argues that a consideration of politics through the lens of property forces a rethinking of hegemony and proprietary order. In brief, I characterise property as a febrile technology, modified in its extension to an ever-wider range of objects. It demarcates benefit, use and exclusion – but it is always articulated and given sense within a dominant proprietary order. Proprietary orders articulate together material inequality, property and forms of propriety – a distribution of the sensible that orders ways of doing, being and seeing (Rancière 1999). Taek-Gwan Lee worries that I fail to conceptualise how contemporary ‘surveillance capitalism’ extracts and capitalises on behavioural data as property. He is right that attempts to ‘propertise’ data are central to contemporary political struggles. But these struggles coincide with long-standing corporate attempts to establish globally enforceable property regimes. Such regimes extend property rights in a range of things including the genetic coding of life, data and information systems, personal names and management techniques. Following the mid-twentieth century revolutions against direct colonisation, logistical forms of enclosure and control over material and immaterial properties have radically altered the modes of (re)production of all lives, and the organisation of exploitation. Property rights in genetic information, for example, allow for the development of medicines, food and stem cells on skewed global markets dominated by a small number of governments, corporations and universities. The properties over which representative polities exercise their jurisdiction are subject to global property regimes beyond democratic control. When indigenous communities use seeds developed over centuries of agricultural practice, they are compelled to demand property rights against global corporations. Communities reframe the means for the reproduction of their lives as a form of property, fundamentally altering their relation to the world around them. Property regimes – often contested, but always invoked in the name of law and order – place severe constraints on what counts as a political claim. We cannot understand hegemonic order if we ignore how property articulates things and worlds in proprietary terms.

In contrast to my analysis of proprietary orders, the notion of the improper extends the concept of antagonism first developed by Laclau and Mouffe (1985). In

antagonistic struggle they write: 'I cannot be a full presence for myself. Nor is the force that antagonises me...a full presence, its objective being is a symbol of my non-being...Antagonism constitutes the limits of every objectivity ... [it] is the failure of difference' (1985, p. 125). In hegemonic struggle societies are constituted 'as a repression of...the impossibility that penetrates them' (1985, p. 127). The authors make two distinct claims here. The first is that there is nothing essential to human being(s). This upsets any easy ontological distinction between essence and existence. The second is that this impossibility returns as an ontological need to repress consciousness of this impossibility. The notion of the improper avoids this ontological fallacy. Yes, the social formation is an overdetermined ensemble without 'proper' centre. There is no reason though to view this as a lack. Even if experienced as a lack, why should this demand repeated identifications or the repression of such impossibility? Biglieri and I agree: heterogeneity never determines the proper form of counter-hegemonic struggle. Yet for most post-foundational theorists of the political it does – properly political acts aim to institute a new symbolic order and are populist in orientation. It is this argument I contest in developing a radical democratic politics that is not exhausted by populist struggles.

Unlike Biglieri, I do not think that the interlocking logics of the imaginary, the symbolic and the real adequately explicate socio-political orders or their proprietary limits. I cannot here detail my critique of this Lacanian paradigm. Instead, I focus on the problematic role that identification plays in the post-foundationalist rendering of hegemony and populism. In its original formulation, the psychoanalytic account of identification elides the desire for conceptual possession. Freud's use of the concept is febrile, uncertain and constantly revised from its first appearance in 1897 through to his final accounts in 'Group Psychology' and other essays. He relies on rhetorical tropes to grasp a concept that consistently escapes demarcation. This grasping reflects the impropriety of a concept that demonstrates an uncanny foreignness constitutive of the ego. Such conceptual agility is rendered proper in the post-Marxist account. Rather than treat identification as an overdetermined concept that resists proper demarcation, it is ironed smooth. Its complexity is rigidified into an Oedipal story of populist empty signifiers.³

Moreover, Freud's use of tropes to explain identification betrays its implication in a colonial politics forgotten in post-foundationalist theories. One key metaphor Freud repeatedly deploys is cannibalism. Identification and introjection are deemed analogous to the ingestion of the other. The ego is constituted through the ingestion of troublesome objects of identification. Fuss (1995) rightly insists that this concept cannot elide its implication in a colonial ordering of the world. Psychoanalysis responds in part to the failed civilisational narrative about the white European male. If – with horrible irony – identification relies on an idea of cannibalism projected onto the colonial other, then for the colonised subject identification as a path to

subjectivity is rendered constitutionally impossible. As Frantz Fanon argued in *Black Skins, White Masks* identification presupposes a passage through others and the ‘Other’ that constitutes the self. However, in the colonial context this passage through the ‘Other’ is impossible. The coloniser’s identity is constituted through the abnegation of the other, a dis-identification before identification. Can the concept of identification avoid a colonial logic that reserves identification and subjectivity for the ‘white’ self, while relying on a primary abjection constitutive of the self? Can populist forms of republicanism escape these brutal histories, as Biglieri and Cadahia argue? I am not convinced. With Derrida, I contend that this Lacanian frame relies on a politics and a metaphysics that is proprietorial.

In *Margins of Philosophy* Derrida characterised this notion of lack as a form of conceptual appropriation. Philosophy, in trying to think ‘its proper other, the proper of its other...misses it, re-appropriates it for oneself’ Derrida, imagines an ‘other’ that cannot be ‘...re-appropriated.’ (Derrida, 1982, pp. xi–xv). The improper is not the mirror image of the proper setting in motion a dialectical logic of retrieval. This simply reiterates appropriative logics. Derrida later makes this explicit:

It is paradoxically on the basis of a fault... in man that the latter will be made a subject who is master of nature and of the animal. From within the pit of that lack, an eminent lack, a quite different lack from that he assigns to the animal, man installs or claims in a single movement what is proper to him (the peculiarity of a man whose property is not to have anything that is exclusively his) and his superiority over what is called animal life (2002, p. 389).

The notion of lack here reaffirms an anthropomorphic discourse with its long history of racist, sexist and proprietorial phantasies. For Derrida, the heterogeneous multiplicity of relations of the living, the dead and matter is not traversed by a fundamental impossibility. The word animal polices heterogeneous borders between humans and their others, and as Gunnarsson Payne argues, between humans. The improper is policed in trying to answer the ontological question ‘what is antagonism?’ Rather, the improper is the site of jagged, incommensurable distinctions and the human ‘is’ an improper multiple beyond appropriation. In a recent text Oliver Marchart views sedimentation and reactivation as two modes, or aggregate states, of a single ontological force – antagonism (2017). Antagonism, he contends, is a form of radical negativity and original institution that cannot be erased. In my view, this ‘original institution’ polices the proper limits of the political. It is shadowed by histories of domination over other humans and over a world deemed external to the relations constitutive of us. It is traversed by a supposedly fundamental impossibility that is the paradoxical property of ‘Man’. It secures the dominion of Man – a very particular view of Man – over his others.

This leads on to a key question, raised in this exchange by Disch and Woodford, about democracy as a practice of equality without proper bounds. Most theories of democracy are skewed by their unquestioned assumption that democracy is a regime type. Inevitably, they resort to fantastical origin stories to justify the limitation of democratic rights to some. I characterise democracy as improper in two respects, developing Josiah Ober's recent work (2017). First, the notion of the *demos* does not predetermine how many or who should exercise power. Monarchy and aristocracy both limit political power to the few, but the *demos* knows no proper number. Second, *kratos*, or power, is not the power of a regime unlike *archia*. *Kratos* indicates a common ability to act but it does not specify what counts as proper power. Individuals may enact democracy, as may regimes, social movements or global collectives. Democracy does not specify an appropriate subject of, or an appropriate form for, the exercise of power. For these reasons, I agree with both Disch and Woodford. Sovereign powers are not democratic, but they sometimes act to further equality. Yet they can never quell or fully colonise democratic potentiality. The improper aims to democratise democratic politics beyond states and regimes. It profanely prises democracy from its sacred attachment to sovereignty. This is the only answer to Alain Badiou's Platonic claim that 'democracy equals monetary abstraction' (Badiou, 2011, p. 14). Democratic equality breaks with the equivalence of monetary abstraction. Read thus, 'demos' is no longer a Greek word. Its inappropriate appropriation by practices of equality sustains a nonviolent, democratic politics of translation without proper place.

In this sense, democracy is wild and cannot be (b)ordered. I agree with Woodford and Disch – the enactment of equality often begins within existing orders. This raises a second concern for Woodford, my contention 'that certain demands are not democratic even when voted for by citizens' makes the improper a stick with which to measure politics. She suggests a slightly different formulation: democracy contests established bounds. I do not see this as a disagreement. If we assume the contingency of all social order, then there is no way to render equality proper. However, I do insist that certain acts are never democratic. This is not a matter of measure. Many supposedly democratic acts enforce a demographic biopolitics that, in the last instance, is violent (Butler, 2020). Democracy is not just anything that would reduce the term, its sedimented histories, the language games accreted around the *demos*, to mere play on the strategic checkerboard. Subject to the whimsy of whoever wins the game, democratic politics could then never upend the board in the name of equality.

For Woodford, too, there is a certain magic to the improper, a magic beyond the human. Again, I agree. However, this is not the magic of wizards using sorcery as a form of political control. Woodford argues that the point is not to break the machine but to reassemble it differently, rather than to ask melancholically why it is always reassembled. For her, the improper works within proprietary orders,

multiplying their possibilities. It is a parodic, humorous, magical and irreverent politics. Again, my only qualification is ‘sometimes’. Sometimes parody gets you nowhere and magic is killed off by an audience that rejects the ‘as if’ of the trick. Sometimes a committed reverence is more democratic than comedic irreverence. This is the stuff of a democratic politics, but its form cannot be dictated in advance. Democracy avows an impossible equality that belies common sense. No form of assembly can properly bound such excessive potentiality. Every proprietorial order gives a shape and tenor to equality – but never exhausts democratic power. This view is neither melancholic (Woodford) nor pessimistic (Disch), rather, it joyously affirms democratic actions. The history of democracy is no longer captive to fables of regime types. Having said this, no democratic politics ever renders proper the horrors of a past that sediment present inequality. Those who enact democratic equality do so in the face of the catastrophe described by Walter Benjamin in thesis 11 of his *Theses on Philosophy*. Optimism in the face of horror is the paradoxical force of a democratic equality caught in the storm blowing from paradise. This melancholia I cannot disavow.

Gunnarsson Payne’s contribution foregrounds the relationship between bodies and propriety as one key to thinking the improper. Many examples I deploy concern how bodies are put on the line in democratic struggle. Improper political acts challenge the proprietary interpellation of bodies. Contemporary neoliberal orders subject bodies to various forms of proprietary order: wage labour is articulated as a property through violent histories of dispossession; body parts are commodified; the human genome is articulated as a set of properties; the body is made an investment opportunity through debt regimes; the citizen body is subjected to digital forms of identification and control; and a calculus of risk articulates life and death as forms of aggregate possibility for profit. The ghosts of past violence haunt the parks, cities, statues, roads, the properties and country houses of colonial and imperial powers. The sedimented forms of present injustice are the coagulated blood of inheritance and property. What Derrida termed hauntology is material to the core. Yet, surely, Gunnarsson Payne asks, the ‘specific materiality of the lived body’ demands proper limits and basic rights? Does not ‘this sense of property in the self, remain central for important struggles such as access to safe and legal abortion?’ Must we not fight in the name of a personhood proper to the relationality of all lives? Is there, as Gunnarsson Payne avers, a specific materiality of the lived body proper to these struggles?

I have already noted that the improper is not the symmetrical opposite of the proper – rather it indicates an impossibility that disturbs any assertion of what is proper. It is put to work in political struggles with no prior warrant. In demanding what is proper to bodies we cannot rely on a metaphysical assertion about our proper properties. Any notion of what is properly human, or proper to the materiality of the human body, relies on forms of abjection that are the negative by-product of even those discourses that are, on the face of it, non-violent.

Nonetheless, insisting on what is proper to the self is not the same as the assertion that we have ‘property in our selves’. That simply echoes legal orders that defend what is proper to property. In my view, the democratic demands Gunnarsson Payne foregrounds (im)properly take place in that rare tense, the future imperfect. This is how I think the lively paradox that Butler insists on, in relation to the body. Democracy asserts and establishes what will always have been the case. Such future anterior acts are improper and untimely. They cannot be bounded by the present (tense) as they assert what was always thus. In demanding rights over our bodies, we act in an untimely manner to establish an equality that that will always improperly have been the case. This disturbs both the past and the future. Nonetheless, today’s emancipator performs a two-step with the shadow of tomorrow’s oppressor. Democratic struggles occur in contingent circumstances that lend them propriety, but they are haunted by a future anterior that they cannot anticipate or discipline. There are no proper bodies.

Concluding *Persons and Things*, Esposito imagines a politics no longer reliant on property and properties. It arises in the wake of the collapse ‘...of the integration between...sovereign and people fused into an institutional unity’ (Esposito, 2015, pp. 201, 144). Right wing populist leaders promise the restoration of this lost unity. However, the performative force of these living bodies exceeds traditional channels of representation ‘...demanding a radical renewal of the vocabularies of politics, law and philosophy’ (2015, p. 146.) This improper politics begins with bodies pressing for equality beyond the distinctions between persons and things, citizens and foreigners, humans and animals that ontologically anchor the unequal politics of property. Unfortunately, it is the political right that has capitalised on this institutional stupor in the face of gross inequality. Their uncanny triumph is to revive in a deadly séance the ghosts of racist and sexist privileges reserved for the few. Fleshy, angry, insistent bodies, unrecognisable to a liberal order ruled by corrupt norms of constitutional decency will find little solace in polite forms of representation. Thinking democracy improperly is one attempt to imagine a new politics that fundamentally challenges these radical inequalities and the ghosts they foment.

Mark Devenney

Notes

- 1 Samuel A. Chambers, personal communication, 9 December 2020.
- 2 The right to privacy is established as a human right in Article 12 of the Universal Declaration of Human Rights.
- 3 See Diana Fuss’s *Identification Papers* (1995) where this complexity is traced.

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