
AGAMBEN AND SCHELLING ON POTENTIALITY

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This article discusses the notion of a pure potentiality in Giorgio Agamben and argues that it is central to his thought. It is unavoidable if we wish to understand his general project of establishing a philosophical thought which can adequately conceptualize political freedom. That project is ultimately a defence of the concept of a 'form-of-life', a neologism that is to denominate a form of life where the crude fact of living is inseparable from its particular form. I suggest that we seek aid in our attempt to understand the concept of a pure potentiality in the works of Friedrich Wilhelm Joseph Schelling, to whom Agamben implicitly (but only implicitly) refers in the text 'On Potentiality', where we find some of his most illuminating remarks on potentiality. This suggestion ends up necessitating a critique of Agamben, as the comparison with Schelling demonstrates that Agamben operates with an insufficient concept of the human will; a concept which we find a compelling discussion of in the so-called 'Weltalter' phase of Schelling's intellectual development. I conclude by discussing the significance of the concept of potentiality for political theory and the idea of a political act in particular.

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Giorgio Agamben's concept of potentiality is an enigmatic one. His intense study of Aristotle – for instance in 'On Potentiality' (1999a) – makes it easy for us to think that we should seek a proper conceptualization for it within the Aristotelian body of thought. However, the idea of a 'potentiality as such', a potentiality which 'gives itself to itself' (e.g. Agamben, 1999a: 196) seems to dissociate him from the specific Aristotelian way of thinking about potentiality (Andersen, 2005: 108). In Aristotelian thought potentiality (*dynamis*) is that which is able to turn into actuality (*energeia*), and just that; there is no way for potentiality to relate only to itself. I am arguing in this article that the concept of a potentiality that gives itself to itself is crucial to Agamben's thought, since it is closely linked to his general project of constructing a new concept of life, one in which naked life and spiritual life are inseparable (see e.g. Agamben, 1999b: 239). The impossibility of such a separation is the condition *sine qua non* of a truly political life (Agamben, 2000: 8–9). This in turn means that we must go beyond the Aristotelian framework in the attempt to understand the concept of potentiality. Here I suggest that the historical figure with whom Agamben is really discussing in his reflections on potentiality is Schelling rather than Aristotle, since we in Schellingian thought find a very similar notion of potentiality: a pure potency which relates only to itself. Furthermore, the text 'On Potential-

ity' is full of implicit references to Schelling, such as the notion of freedom as an abyss of potentiality which makes it crucial to understand freedom as 'freedom for both good and evil' (Agamben, 1999a: 195).¹

Taking Schelling as the point of reference through which Agamben is to be understood is not unproblematic. First of all Schelling is a post-Kantian philosopher, whereas there is something wholly pre-Kantian about Agamben's thought. The problem here is not that Agamben draws upon philosophers of the type that dominated philosophy before the Kantian revolution (such as Aristotle, the Stoics, the Scholastics, Spinoza, Leibniz), nor that he seems to follow them quite far into the depths of metaphysical speculation; Agamben moves effortlessly from considerations of the humane and finite to considerations of the divine and infinite (see e.g. Agamben, 1999c: 254, 270; 1999b: 239). Here Schelling is no stranger; his thought is as knee deep in metaphysics as Agamben's is. The Kantian divide that separates the two is thus not the critical revolution which made a certain kind of metaphysics impossible.² Instead what truly opposes a synthesis of Agamben and Schelling is the question of the will.

Concerning the question of the will, Schelling is beyond doubt a post-Kantian philosopher. For him the question of human freedom is a question of the human will. And it is within this context that we find his considerations of the notion of potentiality. Conversely Agamben is quite explicit about wanting to separate potency and will (see e.g. 1999c: 254). His project is still a project of freedom (or so at least I argue here), but it is not freedom of the will that he is interested in. Rather it is a peculiar freedom of thought he is advocating. This is evident in a passage from the conclusion of 'Absolute immanence' where Agamben is atypically explicit about his philosophical project: '*Theoria and the contemplative life*, which the philosophical tradition has identified as its highest goal for centuries, will have to be dislocated onto a new plane of immanence' (1999b: 239, my italics). Agamben thus returns to the Aristotelian body of thought in his conception of freedom; true freedom is found in contemplative life. In the present context the comparison with Schelling therefore also amounts to a critique. I argue that the concept of the will ends up being a crucial lack in Agamben's political thought. The missing notion of the will, however, is not to be identified with choice (as in rational choice or freedom of choice). The Schellingian concept of the will that I am proposing here is a concept of that which is only manifest in a truly political act, the possibility of which is here taken to be a necessary component of political life.

Aristotle on potentiality

In order to see how Agamben's discussions of potentiality can be understood as an important component of a larger project concerning the projects of life and freedom, it will be helpful to take a brief look at Aristotle's discussion of potentiality. In Aristotle potentiality (*dynamis*) always relates to a form of actualization (*energeia*). To be potential means to have a possible actualization. There are several ways in which these concepts can relate. In book Theta of the *Metaphysics* Aristotle initiates his discussion of the terms by dividing powers (potentialities)

into passive and active ones (Aristotle, 1960: 1046a). A thing can potentially have another form or be another thing altogether. In this way wood can be cut to change its shape and in the end become a chair or a table. A thing can also have the active power to change the form of another thing. In this way fire has the ability to burn wood and turn it into ashes.

Concerning persons there are several things to be said about the Aristotelian categories of *dynamis* and *energeia*. First of all persons possess both active and passive powers. As a child a person can to some extent be regarded as a material in the same way as wood in the passage above. It possesses the passive power of being able to learn. Through education a child can be formed into something that it is not yet; it could for instance be taught carpentry. Prior to such education a child already has some rudimentary skills of carpentry (i.e., active powers); given a knife and a piece of wood most children will be able to cut the wood into some new form. Rough as it is, however, such forming still does not amount to carpentry. But by having such a basic ability to deal with knives and wood the child is potentially a real carpenter. Aristotle, however, also considers a second kind of potentiality. This is the kind of potency that is found in a fully educated carpenter. An educated carpenter has a fully actualized potential for carpentry, but this fully actualized potential is in itself yet another potential. This second potential is the carpenter's ability to form wood in a skilful manner – his ability to do carpentry. Having spent a fair amount of time learning the trade of carpentry, a person is free in a sense in which he was not before his training. He is free to exercise his ability to do carpentry and he is free to refrain from exercising that ability. Thus, to say of a person, who hasn't learned the trade of carpentry, that he is free to not do carpentry, does not make sense in the same way that it does for a carpenter. The meaning of the proposition 'he is free to not do carpentry' changes when the subject of the sentence is changed from a carpenter to someone who is not trained in the same way.

In Aristotelian potentiality we hereby find a project of freedom in the interplay of first and second potentiality. Through the actualization of first potentiality a person can become free in the sense that he acquires a new potentiality which he did not have before. The German word 'Bildung', which is often translated as 'ethical formation',³ very adequately describes this kind of freedom achieved through education. It is this kind of freedom which Aristotle defends in his discussion with the Megarians in chapter three of book Theta of the *Metaphysics* (1960: 1045b). According to the Megarians there is 'no power apart from its operation' (1960: 1046b). Following such thought a carpenter would only be a carpenter in so far as he is doing carpentry. In other words, according to the Megarians, the carpenter does not have the freedom to not do carpentry – he is only a carpenter when engaged in carpentry. Aristotle argues against such thought that it makes it impossible to understand what it means to have an acquired ability: 'Hence, when a man ceases to practice his art and is supposed no longer to have it, how can he have acquired the art anew when he subsequently readily knows how to [do it]?' (1960: 1047a). If a carpenter only knows how to be a carpenter when he is actively forming wood, and loses this knowledge when he stops, how can he suddenly regain it, when he later on wishes to continue his work? Clearly that would be impossible if we do not ac-

cept that potentiality of the second order is something that a person acquires, and is both able to actualize and refrain from actualizing, as long as he is in the possession of that potentiality.

From these arguments we can conclude that the kind of freedom which Aristotle indicates through his concept of potentiality is a concept of freedom as mastery. By undergoing the transition from first to second potentiality a person can learn to master a skill or a trade, it could also be the kind of transition one undergoes in being initiated into a society, or in learning how to act in moral or political matters. The kind of freedom that is found in such mastery could be understood as the ability to dismantle the straightforward relation between potentiality and actualization. In such mastery we find the ability to suspend potentiality's full actualization. There is always something potential about second potentiality, even when it is actualized. This is what characterizes a master; he is able to adjust to the specific conditions under which he is working, he is never simply applying a rule or blindly actualizing his potential. He is always in command of an extra potential which can be called forth when the situation calls for it.

Agamben transcending Aristotle

It is this last feature of second potentiality which is of special interest to Agamben: the idea that potentiality is not exhausted in its own actualization. His target is the idea of potentiality that is 'carried over' as potentiality in being actualized. This brings him on the track of a concept of potentiality as such which is the notion of potentiality that is central to his thought. Potentiality as such is a potentiality which relates only to potentiality itself; it is a potentiality which is not merely a potential actualization; it is a potential potentiality.

In order to get at such a pure potentiality it seems evident that Agamben needs to downplay the role of first potentiality in getting at second potentiality. If the kind of potentiality that 'gives itself to itself' is something that can only be achieved through the actualization of some first potentiality, then there is always something actualized about this second kind of potentiality. This in turn would mean that it could never be pure. Therefore Agamben writes:

There is a generic potentiality, and this is the one that is meant when we say, for example, that a child has the potential to know, or that he or she can potentially become the head of State. This generic sense is not the one that interests Aristotle. The potentiality that interests him is the one that belongs to someone who, for example, has knowledge or an ability. (1999a: 191)

One could argue that by overlooking the necessary temporal precedence of first potentiality over second potentiality, Agamben is indeed stepping out of the Aristotelian line of thought. Thus goes the argument of Erslev Andersen (2005), who argues that this is a grave mistake and that Agamben could find the conceptual tools necessary for his project of politics, law and so forth by remaining within the Aristotelean body of thought. I here argue for exactly the oppo-

site, namely that it is crucial for Agamben to leave Aristotle behind in order to get at a concept of potentiality that is adequate for his general project.⁴

To see how the concept of potentiality as such is crucial to Agamben's general project concerning above all the concept of life, we must take a brief look at the notions central to this project. The project is, briefly put, a defence of a new concept of life which Agamben coins with the neologism 'form-of-life'. This concept is defined in opposition to a more common dualism between bare or 'naked life' and 'formed life'. According to Agamben it is a frequent malpractice to distinguish between naked life, which is the simple brute fact of life that something is either living or dead, and specific forms of life that are found in specific groups or individuals, i.e. the life of plants, animals or humans, but also more interestingly modern life, academic life, the life of a European carpenter or of a Persian king. Against this dualism Agamben announces his concept of form-of-life, which is to denote a kind of life in which the brute fact of living is inseparable from its having a specific form – in which life would not be life at all were it not to have the form-of-life that it has.

The idea behind insisting upon such a unity is found in Agamben's crucial diagnosis that where life and its form are separable, life is always at risk of being reduced to naked life. And as long as life is at the risk of being reduced to naked life, human kind is in the state of exception or martial law. Here Agamben often quotes Benjamin (e.g. 2000: 6) for the insight that the state of exception ('die Ausnahmezustand') is exactly not exceptional (eine 'Ausnahme') but the rule. In the state of exception naked life is the ultimate point of reference of political power. Life in this state is in essence only about survival. Here all political rights can be revoked – all forms of life can be deemed invalid – in order to preserve naked life. Such a situation is the condition for the possibility of political atrocities; a possibility which recent history seems to have confirmed all too often (Agamben here devotes considerable effort to the analysis of the historical emergence of Auschwitz, see e.g. 1999d). The idea of a form-of-life where no naked life can be identified or distinguished from its particular form is thus the metaphysical antidote which is needed to re-establish a true political freedom in the face of a permanent state of emergency.

A political life, that is, a life directed toward the idea of happiness and cohesive with a form-of-life, is thinkable only starting from the emancipation from such a division [between naked life and its particular form], with the irrevocable exodus from any sovereignty. (Agamben, 2000: 8)

In the present context I will not go into a discussion of the qualities and consequences of Agamben's philosophy of life. What is at interest here is only the relation of this project to the idea of a potentiality as such, and for that purpose the above presentation will be adequate enough, because it should make it evident why Agamben cannot go along with the Aristotelian model of first and second potentiality and the conception of freedom which is found in the transition from the one to the other. The point is that we find the very same idea of a split between naked life and the particular form such a life takes in the Aristotelian distinction between first and second potentiality. Furthermore, the

temporal and logical priority of the first potentiality over the second indicates a priority of naked life over its particular form.

The idea that freedom is to be found in the kind of *Bildung* or ethical formation that consists in the transition from first to second potentiality is equal to the idea that freedom consists in the forming of a life – a life which must necessarily be present as a material to be worked upon in ethical formation prior to the particular forming. This life is naked life. The first potential of the child discussed above is indeed an adequate description of such a life that is to be understood as a material to be worked upon.⁵ As long as first potentiality is necessarily prior to second, we are faced with a division of life into naked life and its particular form. In the same way we can say that as long as freedom is something that is learned through mastery, there will always be a possible separation of naked life and formed life, and as long as there is a possible separation between naked life and formed life, we are never ourselves the true masters.

This is the reason why Agamben neglects the role of first potentiality in Aristotle as seen above (cf. quote on page 144). We have here the connection between his project concerning the concept of life and his insistence upon the concept of a potentiality as such. Because what is needed in order to overcome the problem we face with the priority of first potentiality over second, is exactly such a concept of potentiality that is to be, if not temporally, then at least ontologically prior to first potentiality.⁶

Bartleby and pure potentiality

One of the many ways in which Agamben tries to conceptualize the notion of potentiality as such is through a reading of Herman Melville's 'Bartleby, The Scrivener' (1853) in 'Bartleby, or On Contingency' (1999c). In this short story Bartleby is hired by a lawyer to copy certain documents. At first Bartleby fulfils his function, but at a given point, when asked to compare a copy made by the lawyer's two other aides with the original, he simply says 'I would prefer not to' (Melville, 1853: 21). From that moment on the lawyer is unable to get any sort of positive response from Bartleby, at every request or demand Bartleby simply repeats his formula or some version of it. In the end the lawyer finds that he cannot even get rid of the troublesome character (being told to leave, he simply replies 'I would prefer not to', Melville, 1853: 139) and instead opts to move his offices elsewhere.

In Bartleby's formula 'I would prefer not to' Agamben finds a genuine expression of a pure potentiality, a potentiality which has nothing actualized to it, even though the expression of it is an act. But this act is no ordinary act since it is without object, without intention. Its true potential lies in its deliberate failure to constitute a move within any kind of language game. It is a blank surface upon which it is impossible to leave any marks. Any attempt to scratch the surface is necessarily futile. In this act Bartleby displays himself as the Wittgensteinian bedrock against which the spade turns.

An important point in the narrative is identified by Agamben as the moment where the lawyer, in one of his attempts to scratch Bartleby's surface, tries to

position him within the register of the will. Bartleby is asked to go to the post office, replies 'I would prefer not to', is then asked in return 'You *will* not?', and redefines 'I *prefer* not' (Melville, 1853: 70–2). Agamben finds in this renunciation of the conjunctive 'would' the effort to avoid any reliance upon the verb 'will'. The question for Bartleby is not whether he wants to or not, but rather whether he can; it is a question of potency or potentiality (Agamben, 1999c: 253–4). Were Bartleby to have admitted to not wanting to go to the post office, he would have allowed for the lawyer to place a handle upon his otherwise blank surface. The lawyer would subsequently have been justified in asking 'why will you not?' and Bartleby would have been codified as someone with a reason, albeit one which might prefer to keep to himself. This in turn would have created a duality between the surface of the action and the will behind, and Bartleby would again be a player within a language game. According to Agamben this is exactly what Bartleby does not do. He is not simply rejecting the possibility of taking part in the symbolic order of the lawyer. He is enacting the impossibility of taking part in this order. This is why Agamben finds this particular narrative so attractive. Bartleby is in a most provocative and unnerving manner capable of his own impotentiality; he therefore is the paradigmatic image of human freedom.

Bartleby is the image of human freedom, because he, through his refusal (or rather inability) to be placed within the register of the will, becomes impossible to identify as a subject. The will is in other words pointed out as the principle which makes coding and identification possible; that which is able to restore order to an otherwise uncontrollable chaos (Agamben, 1999c: 254). In Bartleby, therefore, Agamben finds the call for and possibility of a revitalization of this 'chaos of potency' (1999a: 254). This chaos is namely in turn nothing other than the ungrounding foundation of human freedom. Agamben gives the following elucidation in 'On Potentiality':

[F]reedom is to be found in the abyss of potentiality. To be free is not simply to have the power to do this or that thing, nor is it simply to have the power to refuse to do this or that thing. To be free is, in the sense we have seen, to be capable of one's own impotentiality, to be in relation to one's own privation. This is why freedom is freedom for both good and evil. (1999a: 194–5)

Freedom cannot be adequately understood if it is defined through a dualism of positivity and negativity of the will. Freedom is not simply the ability to do something one could have been incapable of doing. Nor is it the ability to avoid having to do something one could have been forced into doing. In both cases freedom is measured through the number of options available. If someone has acquired an ability to do something which used to be impossible, then he has increased the number of ways in which he can act, but this does not make him free in the sense Agamben is looking for. Likewise, if someone is able to reject being forced into doing something, his range of possible action increases, but it does not make him free. This is because freedom here becomes reduced to the freedom of choice. Making a choice confirms the legitimacy of the options available at hand. To say 'I want this rather than that' goes to say that it makes

sense to evaluate the different options against each other; wanting something more than something else goes to say that the chosen object has a higher value than the rejected one. This in turn entails the acceptance of a structure or system of values within which the two can be evaluated against each other. Saying 'I want this rather than that' identifies a set of values according to which one is willing to make a choice. Every choice therefore entails the concession 'I am such a person who would make this kind of choice'; it entails the acceptance of being placed within the context of that particular choice; it confirms the ontology that is the condition for the possibility of choosing. This is the ontology where every person is identified and coded through the choices that he makes. You are free to choose whatever you want, but you are not free to exit the reality of choice. To a person who is positioned in the permanent state of exception, acceptance of this context means submission to the power that defines this state. Having freedom of choice as the ultimate concept of freedom therefore amounts to a complete and utter submission to the sovereign power. It is lack of freedom in its highest potency.

What Agamben instead installs as the true concept of freedom is found in *Bartleby's* capability of his own incapability. The interplay of potency and impotence is termed the abyss of potentiality or the chaos of potency. Here there are a few things to consider. First of all the metaphors seem to represent somewhat different meanings; the abyss might induce anxiety or vertigo, but it does not necessarily imply chaos. Second, one might wonder how the ability to be impotent justifies the description of being abyssal or chaotic.

The interrelations of these concepts should be seen in the following way. In *Bartleby's* potent impotentiality we find a way to defy the ontology of choosing. He does not choose not to choose, he is capable of being unable to choose.⁷ He is capable of being free of will and desire. This is the pure potentiality that we have been looking for through the course of this paper, the potentiality as such. This is a pure potentiality because it is the capability for the impossibility of actualization; it is the potency which cannot be turned into an act. This pure potentiality amounts to an unbridgeable incoherence within the ontological order (the ontology of choosing). It opens a gap in reality that is bottomless to the one who is placed within this order. Therefore it is termed an abyss of potentiality by Agamben, and likewise the chaos of potency is the situation that emerges when the ontological order is disrupted through the opening of the gap.

The origin of the metaphors in Schelling

Both the concept of an abyss and that of a chaos are often utilized by Schelling (see e.g. 1997b: 363; 1997c: 338). Also the remark that freedom should be understood as the freedom for both good and evil (see quote on page 147 above) mimics Schelling's insistence upon the same in *Über das Wesen der menschlichen Freiheit* (1997b: 353). It would be fruitful to ask here the obvious question of why Agamben, even though he seems to be drawing upon Schelling, refuses to mention it in 'On Potentiality'.⁸ The explanation should be sought within the confines of *Über das Wesen der menschlichen Freiheit*, the text in which Schelling

gives his first thorough interpretation of the abyss of human freedom. In this very same text we find for the first time within Schelling's oeuvre the formulation: 'Wollen ist Ursein' (1997b: 351) (see Fuhrmans, 1964: 141). Where will is the primordial being there must necessarily also be will in the abyss of freedom. This is exactly what Agamben wants to avoid. His idea of an abyss of freedom is one where the will cannot enter.

This is due to the particular concept of the will which Agamben utilizes. This concept is clear already from what has been said above. When the lawyer asks Bartleby the question 'You will not?', he offers him only two options: 'Yes I will' and 'No I will not'. This is in all its simplicity the register of the will according to Agamben. The function of the will is to choose between a given set of options. In the terms of first potentiality as described above, the will is that which decides which potentiality is actualized. A simple refusal (had Bartleby replied 'no I will not') amounts in this context to simply another potential to be actualized. In Agamben's conception the will is therefore bound up with reason; reason is ontologically superior to will. Will is always deliberative in the sense that it is expressed through the informed choice of an individual 'in his own right mind'. The will is something a person possesses in so far as he is a rational being.

The one philosopher who, more than any other, has insisted upon the connection between will and reason is Kant. His philosophy can be described as the persistent resolve to save the legitimacy of the idea of a particular human rational will in a world of Newtonian physics. Schelling, therefore, being *the* post-Kantian idealist who devoted the most energy to the concept of the will, could easily be suspected of continuing along the lines of such a Kantian unity of will and reason. In fact he does not. On the contrary we find in Schelling the idea that will is ontologically prior to reason, in the sense that reason is dependant upon will rather than the other way around. (Thus the expression 'Wollen ist Ursein', which could be seen as the Schellingian counterpart to the Hegelian 'Was vernünftig ist, das ist wirklich, und was wirklich ist, das ist vernünftig', Hegel, 1970: 47). This in turn means that the will in Schelling is something completely different from Agamben's rationally choosing will. In Schelling it is the will itself that constitutes the abyss of freedom.

Agamben finds in medieval theology a distinction between 'potentia absoluta' and 'potentia ordinata' that will be useful to consider here (1999c: 254). Potentia absoluta is the potency in God to be or create anything (thus it is the potency of God to create a world entirely different from the one he created, to commit sacrilege or even to refrain from creation altogether). This potency is opposed by the potentia ordinata according to which God created the world as he wanted it. Potentia ordinata is therefore the potency of God to act in accordance with his will. Expressed in these terms Bartleby is the human image of a potentia absoluta. He is able to remain immanent to the absolute potentiality or the potentiality as such; he is able to be potential without will.

Schelling on the other hand is less enthusiastic about the concept of an absolute potential without will. A proper Schellingian reply to Agamben's concept of an absolute potential would therefore start by making the point that such a pure potentiality could not be entirely devoid of will, because at least there must be a potential expression of the will within such pure potentiality. In other

words there is will in *potentia absoluta*, but this will is inactive. It is without any object, or it does not want anything; it is the 'will that wills nothing' (see e.g., Schelling, 1997c: 235). Therefore Schelling's term for such pure potentiality is 'indifference' (1997b: 407). Indifference, however, should be understood in its dual meaning. First of all it is the description of the inactivity of the will as we saw it above, but in addition to that it designates a non-dialectical unity. Indifference is a completely transparent unity, free of any kind of differentiation. As such it is the ultimate condition of any subsequent differentiation; it is the highest genus which in itself is not a species. In theological terms this highest unity is God prior to creation.

Contrary to Agamben, however, Schelling does not think there is much freedom to be found at this stage. For him freedom is ultimately bound up with the question: How does creation occur? God's freedom is necessarily tied to the world he creates. To speak of a freedom in God prior to the creation of the world is therefore to confuse priority with superiority (Schelling, 1997c: 311). To say that the unity in God prior to creation is the 'highest unity' is therefore a mistake. But the indifferent unity is not the 'lowest' either; it is the unity where there is no difference between high and low. At this point there is neither up nor down, neither sooner or later. This original unity is not nothing, meaning that it does possess an ontological status. Only it is not part of the positive ontological order; it is not an existing thing. Schelling calls this unity 'that-which-is-not'. It is the being that is not existing, Schelling therefore also simply calls it 'being' or 'being as such' (1997a: 123–4). Being as such, seen as distinct from any kind of existence, is the being that has not yet actualized itself; it is pure potential being or a potentiality as such.

Now the crucial difference between Schelling's and Agamben's concepts of this potentiality as such is of course found at the point where Schelling understands this original unity as expressing a will, the 'will that wills nothing'. Agamben on the other hand finds that this unity is that which is exactly free of any kind of will; in Agamben it is expressing a 'thought': 'I call *thought* the nexus that constitutes the forms of life in an inseparable context as form-of-life' (2000: 9). For Agamben this means that freedom (and thus a truly political life) is to be found in the ability to remain within the level of thought. This is where Agamben returns to Aristotle. What is installed as the truly political life is here a modification of the Aristotelian contemplative life (see e.g., Aristotle, 1976: 1178b). Only in such a life can one avoid being subjected to the sovereign power. Of course Agamben does not subscribe to the aristocratic tendencies usually associated with such Aristotelian thought. The contemplative life is not the pleasurable life of the aristocratic intellectual at the head of society. Instead the contemplative life is that which does not fit within a modern society; it is the life of the one who never submits to the hegemonic ordering.

In Schelling on the other hand we first find freedom where the will that wills nothing is transcended in an act. In theological terms this is the act of creation. In political terms it is the truly political act. The transition from the will that wills nothing to the will that acts is found at the moment where the will that indifferently wills nothing – that is completely at ease in not having an object of desire – turns into the will that actively wills this nothing. To actively want noth-

ing means to want destruction. The result is not that the will turns outside of itself to destroy the other or itself, because to indifference there is no outside. That which is destroyed is indifference itself. The will that wills nothing contracts into itself in a move of self-destruction. Through this second contraction (the first being the one where the absolute remains contracted within itself in an undifferentiated unity) though, the will that actively wills nothing becomes aware of itself in a new way; it gains itself as an object for itself thereby positing itself outside of itself. In this way contraction is met by expansion through its own repetition, through its relation to itself. Thereby we have the first differentiation that follows after indifference – the one between contraction and expansion – which is the first step in the act of creation.

The political act of Bartleby

To see how this amounts to a concept of the true political act it will be helpful to re-examine the case of Bartleby. Because Agamben seeks his concept of freedom within the realm of thought, he can happily adopt the theological distinction between *potentia absoluta* and *potentia ordinata*. His concept of freedom denominates the ability to remain wholly enclosed within *potentia absoluta*. But this is only half of the movement of freedom as we find it in Schelling. This first contraction needs to be succeeded by the second, the one that violently disrupts the ease of the first and posits itself outside of itself, thereby resulting in the expansion that constitutes the externality necessary for a true act. It is this double-negation of the will that is the possibility of freedom according to Schelling. To take the case of Bartleby it is not sufficient to say that he is the image of a possible freedom, because he is able to escape coding within the register of the will. It is not because he is able to retract into an Elysium of thought that he can be seen as an image of human freedom. It is the other way around: it is because he is not able to remain within an indifferent Elysium that he can be interpreted in this way. It is because he is not able to take upon himself the role of the *lawyer*. The lawyer-narrator in Melville's shortstory describes himself in the following way:

I am a man who, from his youth upwards, has been filled with a profound conviction that the easiest way of life is the best. Hence, though I belong to a profession proverbially energetic and nervous, even to turbulence, at times, yet nothing of that sort have I ever suffered to invade my peace. I am one of those unambitious lawyers who never addresses a jury, or in any way draws down public applause; but in the cool tranquillity of a snug retreat, do a snug business among rich men's bonds and mortgages and title-deeds. All who know me consider me an eminently *safe* man. (1853: 3)

Is this not exactly a description of a man who lives a life of indifference? Does Bartleby's able inability to take part in life in the office then not express the second contraction of the Schellingian absolute? In this light of things, Bartleby's renunciation of the conditional 'would' does not express a rejection of the will across the board. It merely expresses a rejection of the will that is inactive.

In the light of what has been said above the will that is inactive is the one that does not commit itself in a true act. The will that wills nothing is the will that merely chooses which possible actuality should be actualized; it is the will that lives in the 'cool tranquillity of snug retreat'. It is in this retreat that the lawyer wishes to have Bartleby position himself when he asks 'you will not?' Contrary to what Agamben thinks, however, this retreat is not simply the register of the will. Indeed it is a retreat away from the real potential of the will: the pure potential where the will relates only to itself and therefore necessarily turns itself into an act. In a true act of the will, it returns to the order of being, but in this return it brings with it an element of the original contraction.

In a true act of the will, therefore, the hegemonic ordering is fundamentally changed. Indeed this is the very definition of such an act. Freedom of the political act cannot be accounted for within the distinction of positive and negative freedom.⁹ Such a dual notion of freedom is on par with the classical ontology of actuality, because according to it possibility can only amount to a possible actualization. What is possible is that which can come into existence under the given ontological edifice. The true political act on the other hand is the realization of that which is impossible. It enacts a being for which the given ontological edifice has no concept. And therefore this ontology must necessarily be reorganized as a result of the act. Note that ontology is here being used in the sense of a system of concepts denominating what can possibly come into existence. On taking the Schellingian road formulated by the 'Wollen ist Ursein' one is therefore arguing for the fundamental contingency of any ontological order. This is of course also the case where one is considering the field of political ontology. To argue for the possibility of the political act as it is done here, means to argue for exactly such an ontological position that insists upon the fundamental contingency of any ontological ordering.

The ultimate question considering such a notion of the act is of course: how is it possible? How is it possible to accomplish the impossible? Again it would be helpful to consider the case of Bartleby. What is impossible about Bartleby's actions is not that they cannot be accomplished (he does not reverse the rotation of the planet, nor does he turn water into wine). Rather it is their not being incorporable into the world they appear in. They cannot be anticipated, accounted for, or even reacted to within the ontological edifice of the lawyer – the lawyer's only possible course of action is to flee the scene. To use Schelling's term Bartleby's act is unprethinkable.¹⁰ Indeed the whole point of the story could very well be understood as the lawyer's desperate attempt to make sense of Bartleby – a task at which he can only fail. And as a result of this failure the lawyer's world is fundamentally changed.

There is an open field of possible interpretations as to the range and scope of such a political act. Does it necessarily entail a violent revolution? Or can it be accomplished within a functioning democracy? Does it count as a political act to install a change in the political agendas that are publicly discussed? Such questions are important to ask, but they cannot be given any meaningful answer here, where we are concentrating on the ontological foundation of these issues. What can be touched upon in conclusion, however, is the problem Agamben (1998: 43) mentions in relation to Antonio Negri. In *Insurgencies: Constituent*

Power and the Modern State (1999) Negri analyses the conflict between constituent power and constituted power as it surfaces in the great modern revolutions. He finds in constituent power the potential of the democratic multitude, that which is capable of a true political act. Constituted power on the other hand is that which rises after the revolutionary act has taken place. Constituted power is the central and formal authority which for Negri necessarily is in opposition to a true democratic struggle. Negri's ontological ambition therefore amounts to establishing a distinction between two different concepts of potency: the constituted 'potere' and the constituent 'potenza'. A true democratic struggle can only be established through tapping into the constituent potenza, which according to Negri is always in opposition to formal, constituted potere. Therefore, following Negri, the possibility of the true political act hinges upon the possibility of establishing a concept of constituent power that is irreducible to constituted or sovereign power.

Here Agamben is sceptical though. His argument concerning sovereign power says that the divide between constituted and constituent power is exactly not a divide between two autonomous powers, but rather the internal structure of sovereign power itself. He writes:

If our analysis of the original ban-structure of sovereignty is exact, these attributes do indeed belong to sovereign power, and Negri cannot find any criterion, in his wide analysis of the historical phenomenology of constituting power, by which to isolate constituting power from sovereign power. (1998: 43)

Agamben is of course right. If sovereign power is understood as the power to proclaim the state of exception, and if the state of exception is no longer an exception, but the rule, then there is no room for any constituent power that is separate from sovereign power. In other words if we are truly living in the state of exception,¹¹ then there seems to be no possibility for true political action, in the sense that all attempts at such action immediately can (and will) be revoked by the sovereign power. At least that is the case if we follow Negri's construal of the concept of potentiality. Agamben can therefore praise Negri for finding the proper conceptual space for political theory, namely that of (political) ontology. But he can also dismiss his analysis of the concept of potentiality, because the conflict between constituted and constituent power which Negri analyses to Agamben really only amounts to the internal structure of sovereign power. Sovereign power is this very curious phenomenon that is founded in and lives of its own inherent contradiction. In such a phenomenon it is impossible to isolate the one side of the contradiction. Thus Negri's analysis of the concept of potentiality, which was to make room for a true political action by isolating the constituent power of the multitude, necessarily falls according to Agamben.

Following Agamben's analysis there can therefore only be political in-activity in our (post)political reality. This is the in-activity he finds in Melville's character Bartleby. As I have argued here, however, this conclusion can only be drawn by Agamben because he is too restrictive with regards to the concept of the will. If one follows the Schellingian road I am suggesting here, one is able to distinguish between the will that indifferently wills nothing and the will that actively

wants nothing. The first is the will that does not express itself. The second is that which disrupts this lack of expression. The Schellingian point being that if you accept the first concept of the will, which is what Agamben allows for by taking Bartleby as the prime example of political in-activity, then you necessarily have to accept the possibility of the second one, because the will that indifferently wills nothing already has this nothing as an implicit object. Therefore it can also take this implicit object as an explicit one and thus turn into the will that actively wants nothing.

In this way we find the possibility for the political act even in our (post)political reality, where the only form of resistance according to Agamben must be a specific form of political inactivity. The ultimate wager of the idea of a political act as it is described here, therefore, would be to insist on its possibility even in the face of the impossibility Agamben gives rise to by stating that there can be no constituent power outside of sovereign power. If one accepts a concept of the will that goes beyond the one Agamben is operating with and accepts that there is will even in 'potentia absoluta' – a will that albeit inactive entails the possibility for turning into (self-destructive) activity – then one is able to construe a political ontology which enables the conceptualization of a true political act. Thus we can argue that such an act is possible even if we accept Agamben's notion that the state of exception today is the rule.

Notes

1. These formulations resemble some of the central passages in Schelling's *Über das Wesen der menschlichen Freiheit und die damit zusammenhängenden Gegenstände* (Schelling, 1964). Agamben also makes four explicit references to Schelling in *Homo Sacer*.

2. In a sense both Agamben and Schelling are directly discussing the Kantian ding-an-sich.

3. 'Ethics' of 'ethical formation' should be understood as etymologically originating in the Greek *ἠθος* rather than *ἠθος*. With a long e (η) ethics designates a general sentiment or way of conduct, whereas *ethos* (with a short e: ε) has a more specific meaning and designates a person's moral qualities. Ethical formation therefore does not necessarily refer to a person's moral education. It is a more general term designating a person's elevation in several or all aspects of life.

4. This is indeed a controversial claim since Agamben is quite explicit in his statements that it is in Aristotle one should be able to find guidance when formulating an ontology of potentialities. He even praises Aristotle's genius in providing the first step in construing such an ontology (Agamben 1998: 45; 1999a: 183). However, as obvious as it is that Agamben is construing his ontology of potentiality through a reading of Aristotle, it seems even more evident that this is a *very particular reading* of Aristotle, since he is quite explicit in stating that actuality has ontological priority over potentiality: 'Actuality is prior to such potentiality both logically and in being; [...] The logical priority of actuality, then, is clear. For what is potential in the primary sense is potential because it can become actual' (Aristotle, 1960: 1049b). Furthermore, the Aristotelian legacy has been one where this priority of actuality has been crucial. Agamben is quite aware of this, which is clear from his way of arguing against the way certain passages are 'usually read' (1998: 45; 1999a: 183).

5. The ultimate question concerning such material is: who does the forming? Who is the ultimate carpenter of human life? Agamben's answer is that as long as the material to be worked (naked life) is something separate from the particular form it is given, it is never ourselves who are working the material. Naked life is therefore identical to the life of the 'Muselmann',

the name used in Auschwitz for the prisoners who gave in to complete submission, thereby loosing every sign of will and consciousness. In these 'shells of men' Agamben finds the image of a life that is pure material. Such a life does not represent any form, nor does it contain the power or force to give itself a form (see Agamben, 1999d: 41–86).

6 The special reading Agamben makes of Aristotle is built around this very same strategy. Given that we in Aristotle must accept the temporal priority of first potentiality over second, there is still room for Agamben to insist upon the ontological priority of second potentiality and the interpretation he gives of it. The argument would then go along the following lines: It may be that there is a necessary temporal precedence of first potentiality over second (that it is always necessary that someone is a potential carpenter before he or she becomes an actual one), but in order for first potentiality to be ontologically possible, we must necessarily presuppose a more fundamental kind of potentiality. This more fundamental kind of potentiality is the 'potentiality as such' which Agamben is unfolding.

7 In this way *Bartleby* is infinitely more radical than Renton's voice-over in the beginning of the film *Trainspotting*. It begins 'Choose life. Choose a job. Choose a career. Choose a family. Choose a fucking big television. Choose washing machines, cars, compact disc players, and electrical tin openers' (Hodge 1996: 3), and it ends 'Choose rotting away at the end of it all, pishing you last in a miserable home, nothing more than an embarrassment to the selfish, fucked-up brats you have spawned to replace yourself. Choose your future. Choose life. [...] But why would I want to do a thing like that? [...] I chose not to choose life: I chose something else. And the reasons? There are no reasons. Who needs reasons when you've got heroin?' (Hodge, 1996: 5). Renton chooses not to choose, but in making that choice he is identifiable as a junkie. What *Trainspotting* therefore brilliantly presents is the cynicism of modern ideology. Be as radical as you wish, live your life in direct opposition to the bourgeois establishment. Break all the rules. You are still within the reach of ideology as long as you identify yourself with this radicalism. The story of *Bartleby* on the other hand takes us a step further. According to Agamben we find here not only an indication of the futility of choosing, but also a formula for avoiding the register of choice.

8 Agamben does refer to Schelling in his principal work *Homo Sacer*. Especially a remark on page 44 seems to call for consideration here. Agamben states: 'Until a new and coherent ontology of potentiality (beyond the steps that have been made in this direction by Spinoza, Schelling, Nietzsche, and Heidegger) has replaced the ontology founded on the primacy of actuality and its relation to potentiality, a political theory freed from the aporias of sovereignty remains unthinkable' (Agamben, 1998: 44, my emphasis). From this remark Agamben goes on to discuss the Aristotelian idea of potentiality, thereby indicating that if one is to succeed in establishing an ontology of potentiality one needs to complete a step beyond the ones taken, among others, by Schelling. Basically, what I am arguing here is the exact opposite. What is needed is a step beyond the Aristotelian framework, and such a step can be completed through close attention to Schelling's arguments concerning the will in *Über das Wesen der Menschlichen Freiheit* and the fragments of the *Ages of the World*. (I would like to thank one of the anonymous referees who made this point clear to me).

9 Here negative freedom is understood as freedom from coercion (meaning that certain choices are possible because they are not made impossible) and positive freedom as freedom of having the power to do what one is negatively free to do (meaning that the choices that are not impossible are also in a concrete way possible – the acting subject is capable of fulfilling the possibility at hand).

10 The German word is 'Unvordenklich'. It would be quite fair to say that the concept of 'das Unvordenkliche' is the focal point of Schelling's thought after 1827, where he introduces the distinction between positive and negative philosophy: positive philosophy takes the unprethinkable being as its starting point, whereas negative philosophy begins with indifference. In the German translation of *Homo Sacer* Agamben at the very end makes an explicit refer-

ence to Schelling and the concept of unprethinkable being: 'Schelling drückte die äusserste Figur seines Denkens in der Idee eines Seins aus, das nur das rein Seiende ist' (2002: 197). This comment is completely omitted in the English translation!

¹¹ The question whether we truly are living in a permanent state of exception is of course debatable, but for the sake of argument I am accepting the notion here.

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