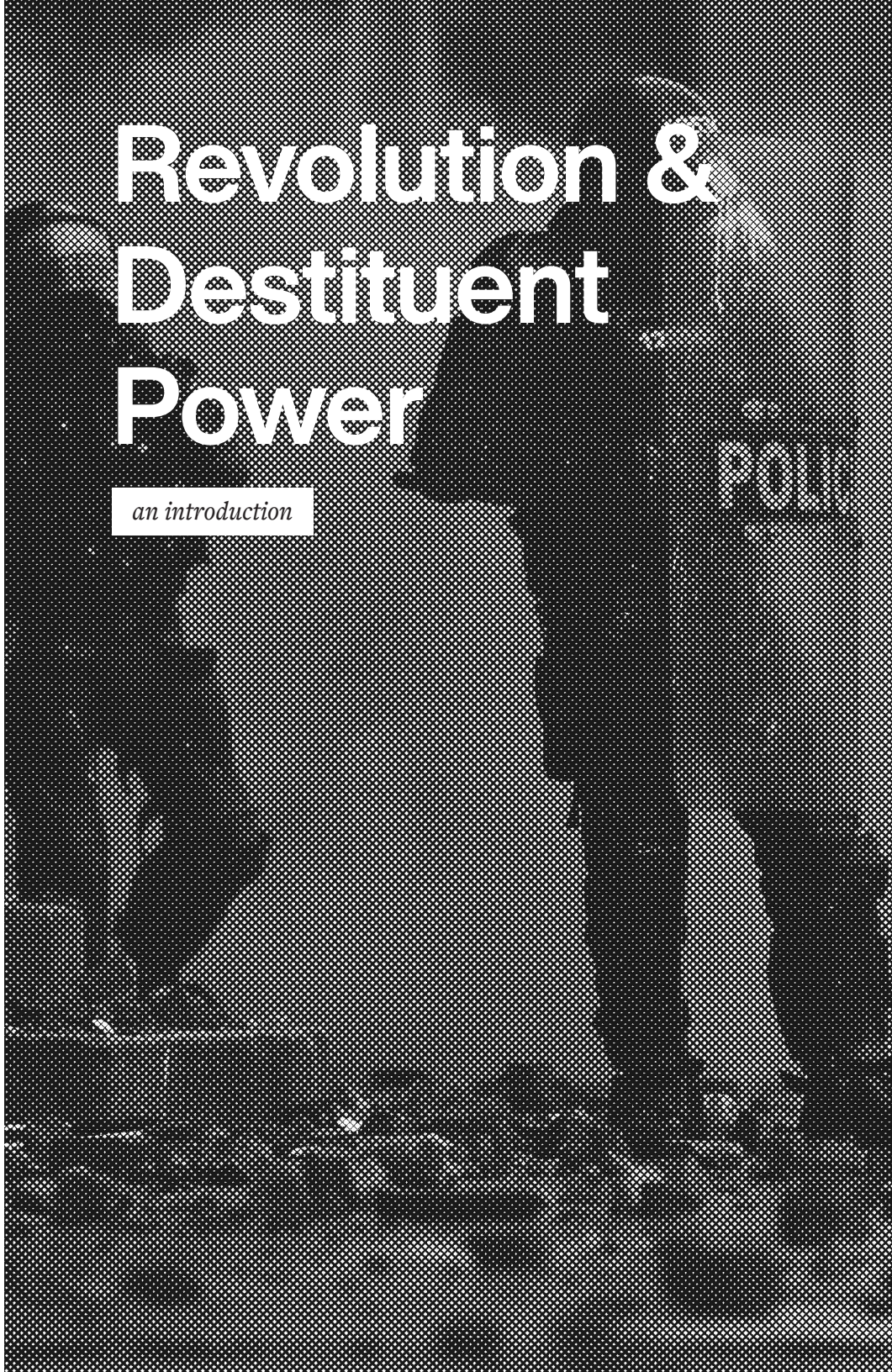
Historically, the revolutionary process in the West has centered on violently destroying a certain order and then re-founding a new order based on that prior violence. From the revolutionary terror of the French Revolution, and the writing of the American constitution in the wake of revolutionary war, to the authoritarian nightmare of the Soviet Union, to contemporary demands in Chile for a constitutional assembly, it seems impossible for revolutions to escape the logic of sovereignty, constituency, and security. How do we escape the vicious spiral of terrorism and the State?

Seeking a way out of the traps of modernity, some theorists and revolutionary movements have proposed an idea of *destituent power*: a revolutionary process that breaks the law not in order to found a new law, but to do away with the logic of law altogether.



Revolution & Destituent Power

an introduction

Anonymous

2020

This is a edited transcript of a presentation given anonymously on February 28th 2020 in so-called Olympia Washington.

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Cover photo of police in Colombia, May 2021.

Further Reading

Giorgio Agamben, "From the State of Control to a Praxis of Destituent Power"

Giorgio Agamben, *The Use of Bodies*

Robert Hurley, "Communist Ontology"

Fred Moten & Stefano Harney, *The Undercommons: Fugitive Planning & Black Study*

I want to end obliquely with a sharp turn toward a different history of scholarship and ideas that I think is complementary. In James C. Scott's *History of Agriculture and States* he describes the rise of the earliest states in Mesopotamia as a process of simplification and control. Early states drained marshes, destroyed diverse ecosystems, and replaced them with monoculture crops that could be easily counted harvested and taxed. Draining the wetlands serves two functions the creation of fertile ground and irrigation systems that could grow crops and the destruction of zones of fugitivity—the closing down of escape routes to which people constantly fled. Scott describes wetland societies as follows, "There was no single dominant resource that could be monopolized or controlled from the center let alone easily taxed. Subsistence in these zones was so diverse variable and dependent on such a multitude of tempos as to defy any simple central accounting. A state, even a small proto-state, requires a subsistence environment that is far simpler than the wetland ecologies we have examined."

Another way of imagining destitution or the undercommons is through the idea of fugitive biodiversity. I would like to suggest that building lives of complexity, that being situated where we are, that expanding our ability to exist on our own terms requires a proliferation of complexity, diversity, and entanglement. We are already deeply entangled with the world in ways that we cannot count or calculate. Destitution refuses to attempt to count or calculate those entanglements and instead celebrates their existence for their own sake. James C. Scott also suggests that the work of the state is at its most basic consists in the elimination of mud, and its replacement by its pure constituents: land and water.

To destitute would not be to celebrate water over land, to celebrate labor or capital, to celebrate the domestic over the political, but to make the distinctions muddy, to make the ground soggy, to turn lakes and parking lots into wetlands and estuaries, to spread complexity and biodiversity, to make our daily lives dependent on such a myriad of different relations and worlds and practices that our lives could never again be separated from their specific forms.

I
Introduction

Revolution and Destituent Power: How do we de-activate the State without founding a new one?

Historically, the revolutionary process in the West has centered on violently destroying a certain order and then re-founding a new order based on that prior violence. From the revolutionary terror of the French Revolution, and the writing of the American constitution in the wake of revolutionary war, to the authoritarian nightmare of the Soviet Union, to contemporary demands in Chile for a constitutional assembly, it seems impossible for revolutions to escape the logic of sovereignty, constituency, and security.

How do we escape what Giorgio Agamben calls the vicious spiral of terrorism and the State? Seeking a way out of the traps of modernity, some theorists and revolutionary movements have proposed an idea of destituent power: a revolutionary process that breaks the law not in order to found a new law, but to do away with the logic of law altogether. This talk presents an overview of Italian philosopher Giorgio Agamben's writing on the question of destituent power, tracing the history of the idea from Walter Benjamin and Georges Sorel, through the Italian Autonomia movement and the refusal of work, and into present theories of destituent power.

Finally, we briefly discuss the interesting points of intersection between the largely European concept of destituent power, and the decidedly Black and North American concepts of fugitivity and the undercommons, rooted in Fred Moten's work.

II
Constituent & Constituted Power

We'll start with the most exciting part, the etymology: destitution, or destituent, is posed directly against constituent power and we'll talk about that soon but in order to talk about it we'll first talk about the roots. Constitute comes from the Latin, means to stand or make firm together or to enter into formation as a necessary part. So, "com-": together with, "statuare" is to stand, to set up, to make firm.

Incidentally the indo-european root of statuare which is "sta" is also the root of state. Opposed to constitute, to destitute would be to abandon, to forsake, or to stand apart.

Destitute has a slightly different etymology and history than the way that it usually gets used in an American or English context—simply impoverishment or poverty. While a constituent power would be a group of constituents coming together to create a political body that represents them, a destituent power would abandon, deactivate, and forsake political power or representations entirely.

The easiest place to understand destituent power is starting with constituent and constituted power. In order to do that we have to start with some controversial thinkers. Thomas Hobbes who is a 17th century English social philosopher and Carl Schmitt a 20th century German jurist.

Neither of them are particularly sympathetic. Thomas Hobbes was nasty, British, and short. Carl Schmitt was a Nazi. However their ideas have been enormously influential to modern conceptions of politics and if we don't understand them we may not realize how trapped we are within the frameworks that they established.

Consider Thomas Hobbes 1651 book *Leviathan* for which he's famous. This book was written in the wake of the English Civil War and on the cover we can see the image of the sovereign made up by the multitudinous bodies of the populace. So in this image and in the book Leviathan the sovereign is constituted by the people. The sovereign is the head that manages the body politic. He wields force to protect the people from outside threats but also from themselves. in Hobbes the state of nature—a war of all against all—everyone is out for themselves and it's only through a social contract enforced by the lethal power of a sovereign (Leviathan) that we get to have nice things like borders and cities and cars and cops and private property.

and common use? How do we liberate a building, a relationship, a community—halve it from its single function and instead play with it in common?

Unfortunately it is often at this point that philosophy fails us as revolutionaries or as destituents. The examples that Agamben gives us of destitution are centered on poetry, dance, Sabbath, and feasting. Poetry renders inoperative the communicative function of language, combining sounds and images for the sake of play but not toward any end. Dance destitutes the functions of the body, creating movement with no particular productive purpose. The Sabbath renders all activity inoperative, forbidding work that is aimed toward a productive end. These are all beautiful examples and certainly any destituent process should be full of poetry and dancing and feasting but it often feels hard to translate from the world of literary examples to the world of real struggles that we find ourselves embedded in.

A better example might be found in the streets of Santiago, where amidst ongoing anti-austerity protests and riots people began to loot grocery stores and set up communal kitchens, sharing their immediate needs and sustaining their everyday lives. Distinct from the efforts to establish a constituent assembly, these neighborhood assemblies sought to feed one another and share their lives together in the present.

To destitute the courts might not be to burn them to the ground, but to become powerful enough that we can be indifferent to them. To show up to hearings and carry on our own conversations and laugh at the performances of the judges when they attempt to discipline us. Destituting the police might not always look like attacking them, but like attacking their credibility and legitimacy. A riot might do that in the right situation but it may also increase their legitimacy.

Destitution asks us to consider in each moment what action will give us the most power and minimize the power of the police or the economy or whatever apparatus we're trying to escape. Destitution has an affinity for fleeing, but it also has an affinity for mockery. As some friends said "The destituent gesture does not oppose the institution. It doesn't even mount a frontal fight. It neutralizes it. Empties it of substance. And then steps to the side and watches it expire."

Growing a destituent power is challenging because it demands illegibility towards the state and towards reform, but at the same time it must demonstrate its common sense and its potential to those who aren't already militants or converts.

while I'm fleeing I will be looking for a weapon." Within those very short phrases there is this paired idea of fleeing and militancy, of building a life and continuing to fight, and linking the two together constantly, rather than separating them into different functions.

And so I think that the destituent approach here shares a logic with the history of fugitivity—of Maroons in the Caribbean and Florida, in the great dismal swamp—of rebel communities fleeing slavery and disappearing into illegible terrain. I think that there's a great deal of power in allowing these two trajectories to speak to each other and realizing that both of these ideas from very different traditions and contexts are pointing towards similar strategies and tactics.

But there's no longer a swamp to flee to there are no longer stateless lands and they never really could hold all those who wanted to flee anyway. The beauty of what Fred Moten has termed the undercommons, and the beauty of destitution, is the realization that we have to build the commune. We have to build the escape hatch, but we don't have to build it from nothing. There is always an undercommons. There are always practices of sharing. There are already resources put in common and there may be co-conspirators and unsuspecting places.

To destitute the world is not to build a brand new world and the ashes of the old. Nor is it to seize the means of production and continue producing the exact same world simply minus capitalism. To destitute, in the words of The Invisible Committee, is not primarily to attack the institution, but to attack the need we have of it.

Destitution has another sense which is to deactivate or to render inoperative. To remove something's ability to function without destroying it. So, inclusive exclusion is the norm in Western ontology. As Agamben describes the process, he says "something is divided excluded and pushed to the bottom and precisely through this exclusion is included as a foundation." And so anarchy is the excluded foundation of sovereignty as both a justification and an internal logic. Constituent power is the excluded foundation of constituted power. The lives of migrants or detainees are the excluded foundation of citizenship. Domestic labor and the home is the excluded foundation of the political sphere or the factory and so on.

Attempting to invert these exclusions will only perpetuate them. We cannot valorize labor over capital, anarchy over sovereignty, because they co-constitute one another. The destituent gesture asks instead how do we deactivate the apparatuses that control our lives and open them up to new

That is the heart of constituted power. The sovereign is the state. The sovereign represents the interests of the people. Whatever the sovereign does in the interest of the people is therefore legitimate. This is the root of arguments like those of Alan Dershowitz at Trump's impeachment hearing who said "anything your President does to stay in power is in the national interest" and there was kind of a liberal panic over this. If you look at sovereignty and look at the history you're like yeah totally that makes sense. You can compare this with a quote from Thomas Hobbes in *Leviathan* where he says "he that complaineth of injury from his sovereign complaineth that whereof he himself is the author, and therefore ought not to accuse any man but himself, no nor himself of injury because to do injury to one's self is impossible."

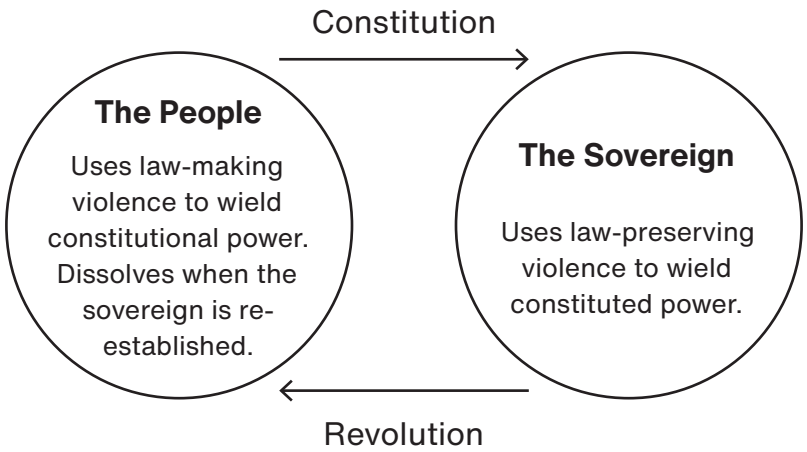
Another way of framing this is if the police are beating you, you have nothing to complain about because you gave the sovereign his power. This is the extreme version of the liberal favorite: 'if you didn't vote you can't complain'. Except in this case it's more like if you were born into the social contract—and you were—then you can't complain because it's better than the alternative.

But constituted power or the power of the sovereign has to emerge from something or at least make a claim for its legitimacy. That claim is constituent power. If you think about how politicians and the mainstream talk about politics they talk about constituents all the time. Who are the constituents of a senator or a representative? How our politicians accountable to their constituents? And so on. You can also think of constituency as entangled with and inseparable from representation. Imagine the ways that the media treats every social movement. They want to know who the subjects are and what demands they're making of politicians. They treat them as constituents and they regard the work of elected representatives as being that weighing and balancing the needs of all their constituents. To the extent that liberals launch critiques against the government or inequality it is limited to critiquing the state for not treating all of their constituents equally.

Below is a diagram of the relationship between the sovereign and the people, or between constitutive power and constituent power. In this framework we have the people and we have the possibility of constituent power, what Walter Benjamin calls "lawmaking violence". but the endpoint of a constituent power is a new constituted power—a sovereign, which is concerned with preserving the new status quo. This sovereign

is able to deploy law-preserving violence in threat or in actuality which is the famous "monopoly on violence". And so this cycle of constituent and constituted power goes as follows. There exists a regime which after a period of contestation via revolution or civil war loses its legitimacy. Once the revolutionary demand (i.e. "the people want the fall of the regime") is met, 'the people' assemble and decide on a path forward. This can look like a new round of elections, or like a constituent assembly to create a new constitution, or like a military leader coming in and promising to restore order. Whatever the outcome the process of constitution dissolves the people as a political force and then it reframes them instead as a source of legitimacy for the new regime which then promises to defend the gains of the previous movement.

But once the legitimate government is established we return to a framework of sovereignty and 'law preserving violence' and the wheel of history keeps on turning. There are a couple of quotes that perhaps helpful for framing a cycle. One is from The Invisible Committee which says "Constituent power is a fiction retrojected by constituted powers beginning from the moment they have succeeded in stabilizing the situation." Referring to the Arab Spring, they say what has happened in Egypt in recent years is an exemplary case for understanding this. "In no time at all the people are again being massacred in the name of 'The People'". And then from [Giorgio] Agamben's book *Stasis* on civil war he says "that the very instant that the people choose the sovereign, [the people] dissolves itself into a confused multitude." This happens not only in a monarchy



the flows of capital and this is another insight that helps to explain why Greek and Spanish left parties like Podemos or Syriza failed. They were able to seize power but they were immediately faced with the disciplining power of the European Union and IMF which made it impossible for them to actually implement reforms and turned them into a machine for implementing austerity instead.

Going back to our etymology, the closest words we have in English that give a real sense of destitution are abandonment or desertion. I would add a third here—drawing from a different tradition—fugitivity. Destitution does not entrench symmetrical conflicts with power. It does not kill the king in order to put a democratically elected sovereign or assembly on the throne. It simply walks away leaving the king, the police, and the economy to govern an empty house.

Destitution asks how do we rob the power structures that exist of their power over us? Certainly there are times that violence does this. I'm not making a pacifist argument in any way. Riots and looting are often destituent. The police lose their ability to enforce the law. People play with the materials of the city. A liquor store becomes a communal free bar, a limousine becomes a barricade and a source of heat. A supermarket becomes a kitchen. But,riots are temporary and they can just as easily turn into a legitimizing factor for a security force, or become so focused on an antagonism with the police that the forms of life created within them are lost. This is the danger of fetishizing militancy, of delinking the war-machine from the care-machine.

Desertion has a long and proud history. The earliest states in Mesopotamia failed over and over again through desertion, not through revolution. In many ways the longevity of the modern state and the economy has been achieved through the eradication of zones to flee to, the destruction of refuges, the elimination of ways of life that allow people to live on their own terms.

We are in a hostage situation and you don't resolve a hostage situation by frontal combat with an enemy. You resolve it by sneaking the hostages out the back door.

George Jackson summed up this approach in his letter to Fay Stender from Soledad prison saying "I may run but all the time that I am I'll be looking for a stick! a defensible position." Deleuze and Guattari famously paraphrased Jackson when elaborating their concept of lines of flight and escape rather than confrontation, saying "I may take flight but all the

When he introduces destituent power in his texts, Agamben very specifically references Walter Benjamin's work on *Critique of Violence*, in which he links law-making and law-preserving violence and says that "the distinction between law-making violence and law-preserving violence is however deconstructed in the body of the police and in capital punishment. Whereby the rotten core of the law is revealed. Namely that law as a manifestation of violent domination for its own sake."

Walter Benjamin in writing *Critique of Violence* was influenced directly by Georges Sorel and by his theory of the proletarian general strike, which as opposed to a specific kind of strike with a demand for more wages or shorter hours, was instead a total general strike with only the end of work as its aim. In Sorel's general strike, or Benjamin's divine violence, or Agamben's destitution the workers abandon the factory not in order to pressure the owners for change nor even to take over the factories and seize the means of production, but in order to end the world of factories and work altogether. Likewise a destitution of state power does not result in a new state or a new constitution, not even a federated egalitarian one, but in a desertion or abandonment of the constituent and constituted power dialectic altogether.

The question of destitution is not how to lay claim to power and make it more democratic, but how to become powerful in a different sense—to abandon the logic of sovereignty entirely and to render it inoperable and powerless. This has some immediate strategic or political consequences for us. It means first of all that political movements and revolutions that seek to seize the state cannot help but fail. At the most basic level this is because any revolution immediately concerns itself with the counter-revolution. The question of securing the revolution enters the equation and down that path leads exception, terror, and sovereignty. and so the revolts of The Movement of the Squares and the left parties that were swept into power in Greece and in Spain subsequently could not help but fail, especially when faced with the disciplining power of a global economy.

By contrast The Invisible Committee says of destitution that "its characteristic gesture is exiting just as the constituent gesture is taking by storm." There's an additional insight here which realizes that real power no longer even exists within the palaces or the centers of governance that past revolutions once sought to take by storm. Real power exists in the infrastructure of the built environment and the flows of commodities and

but even in a democracy or an aristocracy where as soon as the council has been constituted, the people simultaneously dissolve.

You can read this in the present moment with regards to Trump very easily, as the rhetoric around the impeachment saying 'We'll let the people decide in the election. We shouldn't have an impeachment. We shouldn't prosecute him for any crimes.' And so the people become this abstract source of legitimacy that have no actual real power except in these brief moments of constitution.

So hopefully that clarifies at least a little bit the concept of constituent and constituted power and I'll keep returning to that. I want to talk now about sovereignty. Hobbes did a lot to theorize sovereignty but perhaps the most influential thinker on the subject was Carl Schmitt who was a German legal theorist who among other things was instrumental in helping Hitler develop the legal theories that legitimized the Nazi regime. You can see Schmitt as a villain and he certainly was an enemy. But you can also see him as explaining more clearly the underlying logic of the state even within liberal democracy and thereby revealing something important and damning about the whole thing.

Schmitt famously just defined the sovereign as he who decides on the exception and so it was interesting after September 11th when George W. Bush constantly referred to himself as 'The Decider'—acting outside of the norm to decide what was best for the nation in a state of emergency.

For Schmitt the power of the sovereign rests precisely in what he calls the state of exceptions. While the sovereign manages a nation bounded by the rule of law, he can always suspend the law in order to protect that nation. This is the logic that allowed Hitler to suspend the Weimar Constitution and to act outside of it while never formally abolishing it. This is what allowed Bush the second to detain enemy combatants at Guantanamo Bay outside the laws of both due process and the conventions of prisoners of war. It's what allowed Obama to assassinate US citizens with drones abroad and so on. Schmitt's contribution here is important because he recognizes that every state, every sovereign ultimately rests on this state of exception regardless of how democratic it appears. Even the most liberal democratic state will eventually face an existential crisis that can only be solved by suspending the norms of that democratic state.

The sovereign decides who is friend and who is enemy, protects its subjects from enemies. Laws and constitutions aside this is the heart of the sovereigns power and the logic of the state. This also means

importantly, that the sovereign can decide which lives are expendable and which are not. What is a crisis and what is not. that crisis might be terrorism or may be climate change or it may be a pandemic, but whatever the crisis the following logic is the same: expendable lives are confronted directly by lethal force with no mediation by the law. And remember for Hobbes and Schmitt and therefore for Western political thought writ large, the sovereign is necessary because the state of nature is a war of all against all. It's the specter of civil war or disorder that legitimizes the state and sovereignty.

The political combat that has been playing out in DC over Trump's impeachment is simply a demonstration that understand sovereignty and the Democrats don't. When Democrats say that Trump is not above the law they're making a moral argument but at the same time demonstrating its falsity. Trump is above the law because he did what he wanted and got away with it because he's consolidated enough power to erode any challenges. No matter how dearly you hold your democratic principles, power is about power. Interestingly when Senator Lamar Alexander voted against witnesses his reasoning to the media was that the impeachment would pour gasoline on cultural fires. Which is yet another example of the fear of civil war that haunts the state and legitimizes the sovereign.

This lawlessness that at the heart of the law is critical to its functioning, and it's a lawlessness that liberal, Marxist, and anarchist traditions all tend to miss. Which is one of the useful parts of thinking of destituent power and Agamben scholarship. To quote Agamben again: "Walter Benjamin once wrote that there's nothing more anarchic than the bourgeois order." In the same sense Pasolini has one of the officials in the film Salò say that "true anarchy is the anarchy of power". "Because power is constituted through the inclusive exclusion of anarchy, the only possibility of thinking a true anarchy coincides with the lucid exposition of anarchy internal to power anarchy is what becomes thinkable only at the point when we grasp and render destitute the anarchy of power." (*The Use of Bodies* by Giorgio Agamben)

So, in some ways we may thank Trump for his lucid exposition of the anarchy internal to power but I think that this is a point that we often miss when we describe the state, or we think about how it functions. We think that it functions more or less according to its own laws or rules and we think of anarchy or anarchism as something completely separate and alien from it that would solve the problem. The argument here is that

anarchy or a foundationlessness is central to the exercise of power and helps to define it and constitute it. If we don't recognize that we're going to be caught in this dialectic between the two.

To sum it up and return to our diagram we can add that the sovereign can always act outside the law in order to preserve it and can also decide who can be killed in the interest of security. Constituent power depends on the concept of a body of people defined by identity: a nation, or a constituency, or even the working class, asserting its identity and then demanding representation or power. In this sense the workers' movements of the 20th century were all rooted in constituent power, as were the anti-colonial struggles and revolutions around the world. The communist and socialist revolutions by and large centered the working-class as new constituents rather than doing away with the concept of work or with constituency altogether. The problem is that once the constituent power resolves into constituted power the logic of sovereignty takes hold and the power of a sovereign ultimately rests on its ability to decide on an exception. It's important to add here that the state of exception is not a one-off event or an all-or-nothing affair. You can see the state of exception as both constantly internal to the logic of governance but also gradually becoming more and more permanent, more and more totalizing as governance, where the sovereign uses each crisis to assume more emergency powers, declare more and more things outside the law.

This is all overview so far of constituent power and sovereignty. Hopefully it's helpful but I haven't yet defined destituent power. So we'll take a shot.

III
Destituent Power

Italian philosopher Giorgio Agamben introduces destituent power as follows: he says "if revolutions and insurrections correspond to constituent power—that is to a violence that establishes and constitutes the new law—in order to think of destituent power we have to imagine completely other strategies whose definition is the task of becoming politics. A power that was only just overthrown by violence will rise again in another form. In the incessant inevitable dialectic between constituent power and constituted power. Violence which makes the law and violence that preserves it."