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The Management of Anomie: The State of Exception in Postcommunist Russia

On November 4, 2010 a mass murder took place in the village of Kushevskaya in the Krasnodar Region of the Russian Federation, population 35000. Intruders broke into the home of a local farmer, Server Ametov, killing his entire family as well as the two families visiting the Ametovs on the evening of the public holiday, the Day of Russian National Unity. A total of twelve people, including four little children, died of numerous stab wounds, burns or suffocation. Within a week three suspects were apprehended by the local police. Yet following pressure by the national media, the investigation of the case was pursued further, eventually culminating in the arrest on November 17 of two members of the District Council, Sergei Tsapok and Sergei Tsepovyaz, who were subsequently indicted as the organizers of the murder.

After these arrests, the local authorities were overwhelmed by complaints about the crimes committed by the gang led by Tsapok and Tsepovyaz, going back as long as fifteen years and including racketeering, robbery, extortion and gang rape. Current membership of the gang is estimated at 400 people. According to the reports of investigative journalists (see e.g. Sokolov-Mitrich 2010, Lebedeva 2010), from 1998 the gang consolidated itself into a major agricultural holding company and gradually took control of the entire law enforcement apparatus in the district, including the police, the courts and the procuracy. Indeed, at the moment of his arrest, one of the suspects, Alexander Khodych, served as the Head of the Organized Crime Unit of the regional police and was responsible for combating ‘political extremism’. According to Attorney General Yuri Chaika, the ongoing investigation of the situation in the district has revealed that over 1500 crimes committed by the gang were covered up by local and regional police and the courts (Gazeta.ru Editorial 2011).

This is not to say that the rule of this gang over Kushevskaya unfolded in isolation from regional and federal politics. Both Tsapok and Tsepovyaz served as members of the District Council elected on the ballot of the United Russia party, chaired federally by Prime Minister Putin and regionally by Governor Aleksander Tkachev, who is reported to have known Tsapok personally and to have praised his efficient business activities (Tirmastae 2010). Moreover, according to the investigation of the opposition movement *Solidarity*, Mr Tsapok was observed in attendance at the official inauguration of President Medvedev in 2008, an honour rarely bestowed on regional politicians or businessmen. Responding to the demands for his resignation, Governor Tkachev justified his unwillingness to resign by claiming that ‘the situation, similar to that of Kushevskaya, where the police and the gangs work together, is typical for many districts of the region.’ (ibid.) Judging by the absence of comments on this case from either Prime Minister Putin or President Medvedev, as well as by the shift of media attention to other gruesome murders in neighbouring regions, Tkachev’s claim met with widespread agreement.

What are we to make of this reduction of the exceptionally gruesome murder to a ‘typical case’ in postcommunist Russia? What is this political order, in which the exception becomes the rule, not merely in the sense of playful logical paradoxes but in the sense of a brutal indistinction between law and crime, authority and violence, government and gang? From the beginning of the Putin presidency in 1999, contemporary Russian politics has been frequently interpreted in terms of the resurgence of ‘authoritarianism’ (see Anderson 2007, Baker and Glasser 2005, Gudkov 2001, Sakwa 2004, Truscott 2005). However, the precise nature of this authoritarianism has remained occluded by facile analogies with Soviet or Imperial eras, whereby the Putin era is understood either as a de-ideologised version of Soviet socialism (‘Stalinism-lite’) or a superficially ‘modernised’ resurgence of Russian autocracy. Both of these analogies are highly problematic insofar as they ignore the genealogical point of descent of the current regime in the process of the *demise* of the Soviet order and pay insufficient attention to the way the *ruins* of the old order form the basis of the new regime (cf. Magun 2008, Prozorov 2009, chapter 1). The fundamental feature of the postcommunist condition is its origin in the experience of the dissolution of Soviet socialism in the three senses of the political order, economic system and the Soviet state.

It is in this sense that the postcommunist condition connects with the condition of colonialism that is the main focus of this book. In contrast to the practice of overseas colonisation, characteristic of European colonial powers, the Russian Empire emerged by mainland expansion into the Eurasian heartland and beyond into the Far East. As a consequence, while European colonial powers could be said to *have* colonies as external entities distinguished from the metropoly, in Russia the metropoly and its colonies could not be distinguished so easily, which resulted in important differences in the process of decolonisation. While, for example, Great Britain *had* an Empire that it could lose without ceasing to be what it was (though of course not remaining the same either), Russia *was* an Empire and decolonisation could therefore only be equivalent to its dissolution as an entity. This process of internal decolonisation, which began with the revolution of 1905 and reached its peak with the Bolshevik Revolution of 1917, was gradually halted by the Bolshevik government itself, which managed to reconstitute almost the entire Empire under the veneer of the anti-imperialist ideology of Marxism-Leninism. The Soviet period could therefore be understood as the temporary halting of the process of decolonisation through the full assumption of its ideology: during the 70 years of Soviet rule decolonisation was restrained in reality by being symbolically asserted in an unrestrained and hyperbolic celebration of ‘Soviet internationalism’. The demise of the Soviet order in 1991 entailed the resumption of the degradation of the Empire, which continues to this day; not merely in the areas of separatist conflicts in the North Caucasus (see King and Menon 2010), but also, in a no less violent manner, within whatever we understand as ‘Russia proper’, of which the village of Kushevskaya is, as we are told, a typical case.

The understanding of the contemporary condition as the process of degradation of previous forms of rule, either Imperial or Soviet, provides us with a new perspective on contemporary ‘authoritarianism’. While conventional accounts of authoritarianism, modelled on the theory of dictatorship (Schmitt 1994), attribute to authoritarian rule a plenitude (*pleroma*) of power, the full realisation of its forces, its unlimited unfolding, and so forth, our approach to postcommunism rather proceeds from the fundamental suspension, deactivation and inoperativity of power, its *kenomatic* state, which Giorgio Agamben associates with the state of exception (2005a, 48). This is the condition in which the legal order is in force but is deprived of all significance (1998, 51). ‘The state of exception is not a dictatorship (whether

constitutional or unconstitutional, commissarial or sovereign) but a space devoid of law, a zone of anomie in which all legal determinations – and above all the very distinction between the public and the private – are deactivated’ (Agamben 2005a, 50).

The application of Agamben’s political theory to the postcommunist condition yields both theoretical and empirical benefits. On the one hand, as we shall see, the postcommunist experience provides empirical support for many of Agamben’s claims that might appear excessively hyperbolic in contemporary Western contexts (cf. Laclau 2007, Passavant 2007). On the other hand, Agamben’s approach provides the analysis of postcommunism with the theoretical framework adequate for grasping the Russian state of exception other than in the merely negative sense of ‘disorder’, ‘instability’ or ‘illegality’, characteristic of Western analyses of postcommunist Russia during the 1990s. In this chapter we shall rely on Agamben’s political thought to elucidate the specificity of the contemporary mode of rule in Russia. In the following section we shall introduce the Russian concept of *bespedel* that emerged in the early 1990s to designate the postcommunist condition and serves as the best crosscultural translation of Agamben’s notion of the state of exception. We shall then proceed to the analysis of the transformation of the condition of *bespedel* in the Putin presidency, whereby the postcommunist anomie became ordered and stabilised by the regime that nonetheless remains within the anomic terrain – a paradoxical configuration that we shall term *cratocracy*. In the fourth section we shall elaborate this logic of the anomic management of anomie with reference to Walter Benjamin’s theory of baroque sovereignty. Despite its self-presentation as a constructive alternative to the ‘wild’ and ‘chaotic’ 1990s, the contemporary Russian regime persists in its nihilistic paradigm, all the more so as long as it keeps negating it. The chapter concludes with a discussion of the possibilities of overcoming this mode of power.

Bespedel: Between Potentiality and Actuality

Let us return to the gruesome scene of the Kushevskaya massacre. According to the investigation of *Argumenty i Fakty*, the information on the implication of the Tsapok gang in the murder was passed to the authorities by the leaders of the underworld of the neighbouring city of Rostov, who were dismayed by the fact that four children, including an infant, had been brutally murdered in this incident (Artemov 2010). While murder as such is generally held to be an acceptable instrument of conflict resolution in the underworld, the murder of children falls outside the informal code of conduct, which is called ‘*ponyatia*’ (literally, ‘concepts’). If something is done ‘not according to the concepts’ (*ne po ponyatiam*), then the situation justifies exceptional measures in response. The cooperation of criminal gang leaders with the police investigation is an example of one such exceptional response, not usually part of the criminal code of conduct.

This expression from the underworld slang is also well suited for attempts to theorise the postcommunist condition. Various approaches to Russian postcommunism, from liberal transitionalism to cultural traditionalism (Prozorov 2009, ch 1), face a perpetual problem of the inapplicability of the conventional conceptual apparatus of social sciences to postcommunist Russian reality, which seems bent on behaving ‘not according to the concepts’. As a result, the postcommunist condition is routinely conceptualised in a purely negative manner, as the *lack* of democracy, *absence* of solidarity, *insufficient* participation, *weakness* of tradition, and so forth. Indeed, it is easy to see how familiar concepts work poorly in grasping a situation like the one in Kushevskaya, which as we recall, was

pronounced 'typical' by the authorities. The familiar oppositions between the public and the private, the legal and the illegal, the norm and the exception appear inoperative in the territory ruled by an organised criminal gang that includes the Head of the Organized Crime Unit, which exercises its authority through a combination of the selective use of legal mechanisms by corrupt police and courts and arbitrary violence, including rape and murder of apparently random victims? Can the Tsapok gang be distinguished from the postcommunist state reconstituted and run by Prime Minister Putin and how is this distinction phenomenologically accessible to the residents of Kushevskaya? As a result of this collapse of all distinctions we are resigned to the construction of oxymorons such as 'mafia state', the designation of Russia in the US diplomatic cables made publicly available in 2010 by Wikileaks (see Harding 2010). However, insofar as this term conflates what we hold to be distinct and even opposite entities, its operation only reproduces a negative conceptualisation, whereby a mafia state is neither a proper 'mafia' nor a proper 'state'. Accessible only in the mode of what it is not, the postcommunist condition is mystified even further.

Our solution to this problem, guided by Agamben's refusal of mystifying and mythologising tendencies in the history of law and religion (1998, 71-80; 2011, 8-17), is to take as the sole point of departure in conceptualising postcommunism the sheer fact of its being 'not in accordance with the concepts'. Evidently, this does not mean the refusal of conceptualisation on the part of the analyst. On the contrary, we shall take as our point of departure the concept, immanent to postcommunist Russian history, which refers to precisely this condition of 'inaccordance with the concepts', the indistinction prior to all distinctions. In the Russian context such a paradoxical concept of 'inaccordance with the concepts' is readily available to us in the form of a late-Soviet neologism, '*bespedel*'.

As opposed to a neutral noun '*bespedelnost*' with the same denotation of 'limitlessness', the abridged form '*bespedel*' entered the popular lexicon in the late 1980s with a sharply negative connotation. Originally this term emerged as part of the criminal slang, in which it referred to the practices that violated the tacit rules of conduct in the ritualised hierarchical structure of the Soviet underworld. It is important to stress that in its original meaning *bespedel* does not designate 'illegality' per se and is thus entirely distinct from the corresponding Russian term '*bezzakonie*', which is literally translated as 'without-law' and refers to acts or phenomena that violate established legal norms or statutes. In contrast, *bespedel* designates not the illegality of acts but rather their inaccordance with the tacit and informal norms that may well be themselves illegal. For instance, it is common for drivers stopped for speeding or other traffic violations to pay a bribe directly to the police officer rather than go through the trouble of paying the fine through official channels and having the violation registered in one's record. According to the tacit 'concepts', the bribe in question must be lesser than or equal to the official fine. It is only when the policeman demands a greater amount, frequently threatening to pin additional violations on the hapless driver, that we leave the domain of illicit regularity and enter the perilous zone of *bespedel*, where no rules apply.

Thus, *bespedel* refers to a meta-illegality or second-degree anomie that is characterised by the radical impossibility of adjudication. In the late-Soviet and postcommunist period *bespedel* became the favourite term to describe the socioeconomic disorder and rampant criminality that characterised the later years of Perestroika and particularly the 'market reforms' of the Yeltsin presidency. In various enunciative contexts, *bespedel* may refer to the utter disrespect for traditional authorities, the acceptability of physical violence in the resolution of conflicts, the politicians' disregard for public opinion, the radical reversal of moral values, the

disappearance of ethical standards in professional practices, the domination of private entrepreneurship by criminal protection rackets, and so forth.

The limitlessness of the postcommunist sociopolitical field is a direct effect of the threefold collapse of the Soviet political system, the economy and the state. Once the Soviet order unravelled, revealing not only the contingency of its own foundations but rather the radical contingency of every positive order, all ordering principles - be they Soviet or anti-Soviet - were rendered inoperative, depriving social praxis of any limitations. In other post-revolutionary contexts, including Central and East European postcommunism, this limitlessness whose momentary eruption is the feature of any genuine revolution, was quickly effaced by the institution of a new hegemonic delimitation that took the form of a 'return to Europe' and the institutional process of NATO and EU accession. A similar installation of limits took place in the Central Asian republics of the former USSR, albeit in an explicitly anti-democratic and traditionalist manner. In contrast to other post-Soviet states whose newfound independence enabled a relatively quick return to order, for Russia the postcommunist condition entailed the resumption of post-Imperial decolonisation, with its attendant fragmentation, disintegration and destabilisation, whereby all attempts at installing a positive form of postcommunist order appeared to be thwarted in advance. As we have argued in detail in the *Ethics of Postcommunism* (2009, chapters 2-4), the collapse of the Soviet order did not merely result in the demise of one historical project among others but rather illuminated the contingency of the historical dimension as such. This deactivated from the outset any attempt to replace the project of 'building socialism' by the alternative project of 'building capitalism', 'building the Russian nation', or other forms of reconstructive transformation. It is the very idea of *building* a social order that has been rendered inoperative in the postcommunist condition, hence the lingering of the limitlessness of *bespedel*.

During the early years of postcommunism the lament about *bespedel* would typically proclaim that 'everything has become possible', with a melancholic caveat 'but not for us'. In his analysis of Russian postcommunism as a 'minimal' or 'negative' revolution, Artemy Magun (2008, 66-84) has demonstrated that lamentation, melancholy and mourning are the dominant moods of the post-revolutionary period. These function as the symptoms of the failure of the revolution to fully actualise its negative potential, which could take place only through the complete annihilation of the symbolic order of human society as such. Since such annihilation does not take place and every revolution is, in this sense, a failure, its aftermath entails nothing other than the materialisation of its negativity in our everyday existence as simultaneously an experience of radical liberty and utter disempowerment. *Bespedel* is both a dizzying experience of freedom from all limitations and a nauseating experience of the impossibility of freedom as a practice; it signifies both a wide expanse of potentiality for being whatever one wants to be and a sense of actual powerlessness in the face of the reign of brute force and universal corruption. In this experience, potentiality and actuality are radically separated, whereby the absence of all limits bars and forecloses the actualisation of the very possibilities enabled by it.

We may therefore conclude that *bespedel* is ultimately the best Russian translation for what Agamben terms the 'state of exception' (2005a). Indeed, this notion immediately recalls two of the most controversial paradigmatic figures in Agamben's work: *homo sacer* and the *Muselman* (1998, 1999) and also permits us to differentiate between them, contrary to the frequent conflation of these figures in the interpretations of Agamben's work (cf. Laclau 2007, DeCaroli 2007). Insofar as *bespedel* designates the dissolution of all structures of authority and the inoperative status of all norms, its subjects evidently inhabit the state of

exception, in which they are all *homini sacri*, beings abandoned by the sovereign power that withdrew from the social realm after the demise of the Soviet Union. Moreover, given the rampant criminality of early postcommunism, its subjects indeed dwelled in the harrowing condition of being ‘capable of being killed with impunity’. And yet, like the objects of what Agamben calls the ‘ban’ (Agamben 1998, 104-111), who have undergone a ‘civil death’ and are ostracised or banished from the community, postcommunist subjects may also experience their banishment as a matter of freedom, an extreme potentiality that has done away with any positive authority. It is this potentiality, which may of course be completely barred from empirical actualisation, that ultimately differentiates *homo sacer* from the *Muselmann*, the utterly desubjectified inhabitant of the camp (see Agamben 1999, 41-86; Agamben 1998, 166-180). For the *Muselmann*, confinement rather marks the withdrawal of all potentiality in the materialisation of the impossible as ‘absolute necessity’ (Agamben 1999, 148). From this perspective, the condition of *bespedel* must be rigorously distinguished from Agamben’s figure of the camp, which, after all, is defined precisely by the limits that *bespedel* lacks.

At the same time, it would certainly be facile to celebrate the postcommunist condition in terms of liberation from the camp-like condition of Soviet ‘totalitarianism’. In the condition of *bespedel*, freedom exists as a paradoxical conjunction of extreme potentiality and utter impossibility, whereby the absence of limits to the practice of freedom consumes the experience of freedom itself in the perpetual deferral of its actualisation. As Agamben remarked, ‘nothing is bitterer than a long dwelling in potential’ (Agamben 1995, 65). It is this bitter dwelling in the gap between potentiality and actuality that defines the postcommunist condition.

Cratocracy: The Stabilisation of *Bespedel*

Is there a way out of this bitter experience? A self-evident solution to the problem of extreme potentiality posed by the condition of *bespedel* would consist in its gradual overcoming through the institution of a hegemonic project that actualises certain of its infinite possibilities and proscribes others. This might proceed in the name of some teleological end-state of a ‘bright future’, in which all potentiality is expected to find fulfilment. The Russian politics of the 1990s was marked by a veritable explosion of such soteriological solutions to the problem of *bespedel*, none of which was able to attain the hegemonic status they attested to (see Prozorov 2008). Nonetheless, it is impossible to deny the widespread temptation in the early 1990s to escape *bespedel* by a retreat into the security of a teleological project, even if the latter could only be conceivable as a simulacrum.

It is from this perspective that we must understand the phenomenon of Putinism as a highly effective, if also uncanny, solution to the problem of *bespedel*. The reason why Putinism triumphed over all its adversaries across the ideological spectrum (socialists, liberals and nationalists) is that its design for overcoming *bespedel* did not involve the imposition of any positive ideological hegemony, but rather invoked a promise of stabilisation devoid of substantive content that we have elsewhere addressed in terms of ‘absolute conservatism’ (Prozorov 2008, 220-222). While the neoliberal ‘conservative’ reformers vainly attempted to conserve what was not yet created (the liberal order), and the nostalgic left strove to conserve what no longer existed (the Soviet system), Putinism simply conserves *what there is*, i.e. the ruins of the Soviet order. Putinism thereby institutes an apparently immutable system, which carries no historical project but *for this very reason* functions very effectively in a society founded on the experience of the contingency of all historical teleologies.

This is what distinguishes Putinism from all hitherto known forms of authoritarianism of the left and the right, which limit themselves to the repertoire of *some* ideological orientations that are deployed against *others* in the manner of a Schmittian friend-enemy distinction. In terms of Ernesto Laclau's (2005) theory of populism, which he presents as a transcendental structure of the political, politics necessarily involves the process of articulation of particular demands into equivalential chains around 'empty signifiers', whose polysemy permits them to serve as quilting points for diverse and frequently divergent values, interests or ideologems. Yet, every process of articulation must presuppose the existence of signifiers that do *not* enter the equivalential chain, but rather function as the 'other' or even the 'enemy' of the newly constituted political unity. Thus, in the late 1980s the anti-communist movement in the Soviet Union was constituted by the articulation around the empty signifier 'democrats', personified by Boris Yeltsin, of such disparate political identities as monarchists, neoliberals, anarchists, social democrats and environmentalists, whose unity was momentarily enabled by their opposition to all things 'communist'. The indisputable advance of Putinism over this logic of populism is precisely its utter indifference to the contents of ideological maxims, which are incessantly combined into most bizarre constellations without any need for the construction of the antagonistic frontier and the determination of the 'other'. What Putinism achieves is something that is barely possible to grasp in the terms of Laclau's theory: a situation of *total* equivalence of diverse demands or, better, their radical indistinction.

And yet, this deactivation of ideology in the reign of pure stability entails that what Putinism conserves must be identical to what it claims to overcome. Insofar as the Putin regime does not introduce any positive ideological content, what its policy of stabilisation achieves is logically nothing other than the stabilisation of this ruinous scene of *bespedel* itself. What was decried, tolerated or barely survived in the 1990s as a 'transitional moment', an exceptional condition on the way to something positive or substantial, became in the Putin presidency reinscribed as the substance of contemporary Russian social life as such, as *all there is*. In this manner, corruption, social inequality or police brutality became normalised as stable forms of life, without of course losing any of their negativity. Thus, the Putinite negation of the negativity of the post-historical condition of the 1990s does not lead to any affirmation whatsoever. Despite its self-presentation as a positive and constructive alternative to the 'wild' and 'chaotic' 1990s, the contemporary Russian regime persists in its nihilistic paradigm, all the more so as long as it keeps negating it. Moreover, in its 'stabilised' form *bespedel* paradoxically ends up a bounded terrain, a limited zone of limitlessness that begins to approximate Agamben's figure of the camp, insofar as the perils of abandonment are multiplied by the impossibility of flight. The Kushevskaya village, in which arbitrary rule and random violence coexisted for over a decade with the rhetoric of stabilisation under the aegis of Putin's United Russia party, is a paradigm of this paradoxical situation, in which the sole substance of order is disorder itself.

In the late 19th century, the period of the accelerated capitalist development in Russia, marked by revolutionary societal dislocations, the conservative philosopher Konstantin Leontiev famously suggested that 'Russia must be frozen in order not to rot'. The solution to the problem of the dissolution of the Empire, i.e. the 'internal decolonisation' of Russia, was found in the suspension of every immanent social process and the reign of pure synchrony. Yet, as every variant of conservatism eventually finds out to its disappointment, what 'must be frozen in order not to rot' has always *already begun* to rot, hence the anxiety about its 'conservation', which would hardly arise, were the phenomenon in question safe in its proper and authentic existence. *Reconstituting* what is already *destitute*, the Putin regime remains as nihilistic as Yeltsin's in its evacuation of all historical meaning from the sphere of politics,

yet, unlike the Yeltsin presidency, ventures to order the field of *bespedel* through the proliferation of purely ritualistic manifestations of authority that maintain a semblance of order amid anomie. Rather than overcome the anomie of *bespedel* through the institution of a new nomos, the Putin regime exemplifies the uncanny rule of anomie over anomie, the attempt to manage the condition of *bespedel* to its advantage. Rather than ward off the dissolution of the Empire in the manner of the Pauline *katechon*, this regime claims its sovereignty over the scene of post-imperial degradation and enacts this sovereignty by persevering in this ruinous scene of Russia's internal decolonisation. The task of the regime is not to overcome the post-imperial decay, fragmentation and disintegration but to make this very condition and its own standing in it permanent.

It is in this context that we may understand the reign of violence in the Kushevskaya village as the paradigm of the management of anomie. From the beginning of the Putin presidency numerous commentators have argued that the Putinite mode of rule, devoid of any ideological or developmental project, consists simply in the reign of *power as such*, of power as brute force rather than authority. In April 2007 Putin's former economic advisor Andrei Illarionov published an article entitled 'The Force Model of the State' (Illarionov 2007), in which he argued that the current regime is sustained by the use of brute violence, unlimited by any legal mechanisms. Similarly, Mikhail Delyagin (2007) has described the existing regime as a 'force oligarchy' (*silovaya oligarkhia*) that comprises the representatives of the repressive apparatus of the state who control the key sectors of Russia's economy and are more prone to the direct recourse to violence than the 'commercial' oligarchy of the 1990s. In a less sensationalist manner, the same thesis is presented in the studies of Olga Kryshtanovskaya (2005), which demonstrate the tendency towards the composition of the Russian political and business elite from the representatives of law enforcement and security services as well as Vadim Volkov's (2002) work on the formation of the postcommunist elite from the representatives of what was once known as 'organised crime' or, in Volkov's terminology, 'violent entrepreneurship'.

The elevation of extra-judicial violence to a distinct 'model' of the state in these analyses enables the criticism of the Putin regime from the conventional perspective of an apparently 'normal' state, founded on rule of law, constitutional principles, etc. Yet, there is no such thing as a 'normal' state that does not contain at its foundation the state of exception that alone gives it access to its object, that is, the life of its subjects. As Agamben (2005a, 84-88) has demonstrated, the state of exception is the 'secret ark' at the foundation of every state. Thus, the difference of the Putin regime from Western liberal democracies or, for that matter, the Soviet Union does not amount to a separate alternative 'model' but rather consists in the *reduction* of state power to its pure form, whereby positive governmental interventions into social life are rendered inoperative and all that remains is the ceremonial display by power of its own power that endlessly glorifies its potentiality of self-cancellation through recourse to brute force. In the absence of any positive project in the post-Soviet condition of the resumption of internal decolonisation, authority in postcommunist Russia manifests itself through a redoubling of its own power, as the power of those who hold power or, to use Andrei Fursov's (1991) fortunate neologism, as *cratocracy*. Thus, rather than view the contemporary regime in terms of plenitude of power in its sovereign majesty, we should rather approach it as an effect of a radical *kenosis* of power, whereby it is split between its own unproductive glorification and its degradation into brute violence.

The Intrigant: Postcommunist Anomie and Baroque Sovereignty

Uncanny as this mode of power might appear, its paradigm has actually been developed by an author whose influence on Agamben's work cannot be overestimated – Walter Benjamin, whose theory of baroque sovereignty resonates strikingly with the postcommunist state of exception. Similarly to our analysis of the logic of *bespedel* in terms of the suspension of the historical process in the aftermath of the demise of socialism, Benjamin's point of departure in his *Origin of German Tragic Drama* is the transformation in the perception of history during the Baroque period, whereby the eschatological dimension was blocked and the historical world was perceived as 'nature deprived of grace' (Benjamin 2003, 81). In this world of history-as-nature, transcendence is emptied of any possible content but remains present as an 'ultimate heaven', a 'vacuum' that is capable of one day 'destroying the world with catastrophic violence' (ibid.). It is from this perspective that we should understand Benjamin's minimal yet profound amendment to Carl Schmitt's (1985, 5-15) famous definition of sovereignty as the decision on the exception: 'the baroque concept emerges from a discussion of the state of emergency and makes it the most important function of the prince to exclude this' (Benjamin 2003, 81). While Schmitt's sovereign consummates his sovereignty by deciding on the exception and thus bringing it into being in the manner of the miracle, Benjamin's baroque sovereign is rather faced with a more prosaic yet also more difficult task of excluding the exception that has always already taken place and even 'become the rule'. Similarly, as we have argued, the political rationality of Putinism in contemporary Russia is only intelligible as an attempt to stabilise one's standing and authority in the general state of exception coextensive with the entire social order, the limitlessness of *bespedel*.

The evacuation of the eschatological dimension ruptures the systematic analogy that Schmitt's political theology established between the sovereign and God (Schmitt 1985, 36-52): 'However highly he is enthroned over subject and state, his status is confined to the world of creation; he is the lord of creatures but he remains a creature' (Benjamin 2003, 85). To the extent that the sovereign is 'itself a creature', it is necessarily itself contaminated by the general anomie of 'history deprived of grace'. Hence, the only possible task of the baroque sovereign is to persevere in its own being without being consumed by the very state of exception it is always already caught up in. By the same token, the postcommunist regime in the Putin presidency is best grasped as the anomic management of anomie, whereby exceptional measures of the kind associated with the condition of *bespedel* are deployed to order and stabilise this condition itself.

Benjamin introduces three figures of power, the relations between which permit us to understand the transformation of sovereign power in the Baroque age. Faced with the task of self-preservation in the general state of anomie, the sovereign may seek to accumulate as much power as possible and in this manner becomes a *tyrant*, who acts on the basis of hubris, as a 'deranged creation', 'erupting into madness like a volcano and destroying himself and his entire court' (ibid., 70). Falling victim to the 'disproportion between the unlimited hierarchical dignity with which he is divinely invested and the humble estate of his humanity' (ibid.), the fearful tyrant is at the permanent risk of turning into a pitiful *martyr*. There is only one possibility to exit the endless oscillation between tyranny and martyrdom in Benjamin's conceptual constellation, which consists in the transformation of the sovereign into the intriguer (*Intrigant*). Contrary to the tyrant, who violently tries to exclude the state of exception and falls victim to it, the intriguer - usually represented in the baroque drama by the servant to the prince - is perfectly aware that the state of exception is all there is, and

rather than vainly attempt to exclude it, tries to *make use* of it through ceaseless plotting and scheming: ‘Baroque drama knows no other historical activity than the corrupt energy of schemers’ (ibid., 88). While the Schmittian sovereign enacts its transcendence through the decision on the exception, the intriguer renounces all transcendence in favour of a purely immanent governance by staging plots and conspiracies, which, in accordance with the general reduction of history to nature, are grounded in the ‘anthropological, even physiological knowledge’ of human beings (ibid., 95). Evidently, this immanentist modality of rule is the only possible one in the postcommunist condition, which permits us to understand the process of depoliticisation that began in Russia almost immediately after the demise of the Soviet order, when the process of internal decolonisation was resumed, rendering inoperative all sovereign transcendence and unleashing the immanent forces of schemers. Unwilling to risk becoming martyrs in the case of failure of their hubristic claims to tyranny, the entire Russian political elite, from President Yeltsin downwards, transformed politics into a technology of scheming, which in the Putin presidency was perfected to a degree unprecedented in modern history. While in the early 1990s we observed the diffuse proliferation of charlatans exploiting the societal shock of *bespedel* (astrologists, messiahs, urinotherapists, faith healers, impostors, pyramid schemers, etc), the stabilisation of *bespedel* entails the concentration of ‘corrupt energy’ in the figure of the sovereign.

Conclusion

The understanding of the postcommunist mode of rule in terms of the baroque-like degradation of transcendent sovereignty into immanent intrigue in the anomic space of *bespedel* poses numerous problems for rethinking the possibilities of resistance to this form of power. Nothing would be easier than thinking up an alternative form of nomos (liberal, socialist, nationalist or any combination thereof) to oppose the anomie which the Putin regime conserves and manages, yet nothing would be less effective, as countless oppositional groups and movements (*Another Russia, National Assembly, Solidarity, Party of Popular Freedom*) have discovered to their disappointment. However, it would be a mistake to infer from these failures the societal support for the existing regime. What we observe is rather a *lack* of support for any project that seeks to exit the condition of *bespedel* by the imposition of a new hegemonic historical task, to whose realisation in the future one’s existence must be sacrificed in the present. Any oppositional project that ventures to overcome the state of *bespedel* through the construction of an alternative order is likely to be met with societal indifference.

Nonetheless, this indifference must not become the object of vacuous moralising that blames those caught up in the state of exception for insufficient resistance to it. Instead, we must recognise that the pathway out of anomie into a new nomos is not merely empirically problematic but conceptually inconsistent. As long as we search for the way out of *bespedel* through the negation of its negativity, we are bound to remain within its nihilistic coordinates: nothing is more nihilistic than a negation of nihilism (Esposito 2008, 45-76). The passage from anomie to nomos is exactly the *same* passage that leads from nomos to anomie. Reversing the direction merely ensures that we remain literally in the same place and the possibility of a relapse back into anomie remains safe, as the residents of Kushevskaya who have lived through over a decade of campaigns for the rule for law and against corruption know all too well. In the case of the postcommunist *bespedel* we are not dealing with an externally induced disorder that could be eliminated by a return to order, grounded either in the depths of tradition or in rational design, but with the actualisation of the

potentiality at work in any form of constituted order. If, as we have seen, anomie is not the opposite of the nomos but is inscribed within it as the potentiality of its self-suspension that remains amenable to management by scheming and intrigue, then there is little sense in fighting anomie with any nomological politics.

Nor is it possible to evade the condition of *bespedel* by retreating from the degraded and inoperative nomos into a pre-nomological state of nature, since in the condition of *bespedel* history merges irreparably with nature and there is no longer a possibility to distinguish between the two (Agamben 2005a, 87-88; 1998, 188). It is at this point of apparent impasse that Agamben deploys his characteristic move of finding the possibility of redemption in the conditions of utmost hopelessness and despair. In accordance with Hölderlin's famous phrase, Agamben finds 'saving power' where we are accustomed to see only danger (Agamben 1998, 187-188; 1991, 108. See also Prozorov 2010). We have no hope of evading the state of exception by opting for the uncontaminated normativity of *bios* or the naturalism of *zoe*. What we can do, however, is appropriate this condition for a different, profane *use*, whereby anomie stops being the privilege of the sovereign, authorising its recourse to violence, but is rather extended to the entire domain of social praxis (see Agamben 2007, 73-92; 2005b, 26-29, 134-137).

This reappropriation of anomie, whose logic in the postcommunist context we have analysed elsewhere, resonates with Benjamin's notion of the 'real state of exception' which differs from the sovereign state of exception in its severing all ties with the law and the state form, even the purely formal ties that we have described in terms of the cratocratic management of anomie through scheming and violence: 'Only if it is possible to think the Being of abandonment beyond every idea of the law (even that of the empty form of law's being in force without significance) will we have moved out of the paradox of sovereignty towards a politics freed from every ban' (Agamben 1998, 59). In this appropriation of abandonment, *bespedel* no longer functions as the condition of separation and disempowerment but is rather the site of potential emancipation that, moreover, is entirely of our own making as the effect of the dissolution of Soviet socialism. The extreme potentiality that characterises *bespedel* must therefore not be effaced, minimised or regulated, but rather brought wholly into actuality as the concrete experience of freedom (see Agamben 1991, 84-98, 1995, 73-82).

In this process of reappropriation, the postcommunist state must be approached neither as a privileged object of struggle nor as the omnipotent obstacle to emancipation but simply as one among many hazards that surround us in this limitless domain in which no norms may be expected to apply. Precisely because *bespedel* is defined by the suspension of every norm, any elaboration of the logic of its reappropriation in normative terms is entirely beside the point. What is needed and presently lacking in postcommunist Russia is rather an immanently developed form of practical reason, a *phronesis* for *bespedel* that seeks to evade the powers of the schemers that presently manage it. Only by out-scheming the schemers of the state of exception will it become possible to transform what is now an anomic zone of abandonment and disempowerment into the site of emancipatory social praxis: 'The prison must imprison itself. Only thus will the prisoners be able to make their way out' (Agamben 1995, 99). While Agamben's theory firmly establishes the possibility of this mode of emancipation, it is neither a matter of historical necessity nor of yet another historical project but remains entirely contingent on the concrete practices that apply the logic of anomie to anomie itself, thereby overcoming our separation from our own limitless potentiality.

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