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## **Lively Agency: Life and Law in the Anthropocene**

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This chapter is an exploration of concepts of agency, law, and responsibility in the epoch of the Anthropocene. In the core of the exploration, I suggest the notion of a *life*, which I define in a way that is not limited to animate beings but as a process of simultaneous connection and withdrawal that characterizes a body in relation to other bodies. The methodological tools for this exploration are Deleuze's concept of a *life*, Deleuze/Guattari assemblage theory, postfeminist and new materialist thinking, and Spinozan ethics. The main question the chapter addresses is the following: how can lively agency be defined across human/nonhuman and animate/inanimate distinctions, in a way that fleshes out a body's juridical responsibility? I understand lively agency as an emergence that assumes the responsibility of situatedness, and works across the animate/inanimate distinction. From this, other questions emerge: can there be an agency that is not legal? How does differentiation occur on the basis of flat ontology? How is responsibility defined in the Anthropocene? The chapter attempts to offer answers to the above on the basis of an ontological continuum of indistinguishability among bodies, which is paradoxically interposed with ruptures that bring in absolute difference as well as power inequalities.

### **Across the Continuum**

To be lively is to be singular. In its turn, to be singular is to be connected. And to be connected is to be withdrawn. These are the premises of the present text. Let me explain briefly. Liveliness is a paradox. While it points to life in the sense of animate being, it demands to be conceptualized in a way that does not operate as another tool for legitimation of animate versus inanimate hierarchies, and then for further internal, anthropocentric hierarchies amongst the animate. For this reason, I am interested in expanding the concept of life to the inanimate, while not circumventing the animate. In order to argue this, I am linking liveliness to singularity, namely the absolute difference of each individual body. This absolute difference emerges under paradoxical conditions. Each body, namely each singularity, is both "withdrawn" and gathered in itself (for how else would it be singular), and at the same time connected to other singularities (for how else could it carry on).

Unlike the rest of the chapters in this collection, I connect liveliness to every body, animate or inanimate. In this I follow the Spinozan/Deleuzian understanding of a body: "a body can be anything: it can be an animal, a body of sounds, a mind or idea; it can be a linguistic corpus, a social body, a collectivity" (Deleuze 1988, 127). As I show below, anything that connects in assemblages with other bodies, provided, I would add, that it withdraws simultaneously, is a lively body. I conceptualize liveliness as a cut across human and animal, temporality and spatiality, actual and

virtual, and animate and inanimate. Lively is not alive, is not animistic, is not even vitalist. Lively is singularity in the midst of an ontological continuum, where distinctions are not made on the basis of predetermined categories (such as human/nonhuman or animate/inanimate) that feed into existing hierarchies; rather, distinctions *rupture* the continuum, emerging each time anew depending on the particular combination of bodies participating in it.

From the above, the concept and practice of agency emerges. In thinking about lively agency, I am drawing on discussions in postfeminism, material and spatial ontologies, and posthuman thinking, and linking them to a Deleuzian understanding of life. I am defining lively agency by stripping it down to its bare essential: the ability of bodies (animate and inanimate) to withdraw in their singularity while connecting to other bodies. Agency is not only a site of privilege but also of responsibility, which in what follows I define from a spatial-juridical perspective. Responsibility emerges in the space of law, which in its turn is folded with the way bodies arrange themselves in relation to other bodies. Lively agency, in other words, is the vessel through which the law emerges, since each body is responsible for its position in relation to the wider assemblage.

This is not an espousal of neoliberal individualism. Quite the contrary, it is a collectivization of responsibility that includes the various bodies participating in the particular conditions under which responsibility emerges. Humans are only one participant but also, as the Anthropocene has taught us, *always* a participant, always situated within the ecological conditions of our planet. For this reason I refer to a *situated* responsibility that a body bears as part of its liveliness. As Elizabeth R. Johnson writes in this volume, the Anthropocene points toward a *spatialization* of human presence and human responsibility. This new space reveals the paradox of the situation: humans find themselves both at the center of geologic change, and exposed to it. Human omnipotence is fragile. The law, in the form of channeling of responsibility towards facing the particular situations in which it emerges, offers part of the answer to the question of what life is. Thus, if the Anthropocene obliges us to situate ourselves in relation to our responsibility, the law's responsibility is to situate itself in relation to other bodies and their laws, whether human or nonhuman, as Richard Janda and Richard Lehun show in their chapter.<sup>1</sup>

In what follows, I map a continuum that consists of singularities. This continuum cuts across human and nonhuman, as well as animate and inanimate, bodies. Its main characteristic is its immanence—namely, that there is no outside to it. The continuum is not, however, uniform. It is continuously ruptured, thus allowing the emergence of singularities. Rupture and continuum are the main tools through which the notions of agency and responsibility are played out. The second part of my chapter draws on Deleuze's notion of a life, Spinozan ethics, and current postfeminist and posthuman material ontologies to explore what lively singularities are. Briefly put, lively singularities are bodies that are both connected to other bodies and withdrawn ontologically. This is the characteristic of the absolute difference of a life, namely the singularity of each life that cannot be compared to another life. From this, the concept of lively agency emerges, which is the focus of the third part of my chapter. Lively agency is characterized by the singularity of life in the above sense, yet its agency is not awarded by law, politics, or even society. Rather, it emerges from the very operation of a life, that is, once again, the paradox of connection and withdrawal. I define agency not as the *ability to act*, but rather as the *ability to be acted upon* by a life. It follows that an agent is never individual but always embedded in a collective, material and immaterial, animate and inanimate, assemblage. In the

fourth and final section, I consider the juridical responsibility of the human in the face of the Anthropocene. In this context, responsibility is connected to the Deleuzian wound from which singularity surges, and refers to the indistinguishability between the bodies that populate the continuum. The principal aim of my contribution is to construct an ontological continuum onto which the positions of the various agents can be conceptualized, both connected and withdrawn, both indistinguishable from other bodies and singular. On this continuum, law emerges to regulate body positions vis-à-vis other bodies.

### **Lively Singularities**

A life is a singularity. As a singularity, a life is absolute. It cannot be compared to other singularities. It is pure incommensurable difference, complete and self-enclosed: it is pure *immanence*. This means that there is nothing outside a life, no possibility of transcending a life onto something other, further, better, more just. This is not an objection to the usual theological constructions. Theological immanence is tight: for some religions this world and the next are in an immanent continuum. Buy now, pay later. Or act now, reap later. There is always some causality that brings this and that world together in an inescapable immanence. But here we are talking about a different immanence that has no gradations and cannot be attributed to individual deeds.

Gilles Deleuze has dedicated a short essay (and, incidentally, a lifework) to showing how a life is singularity. Written shortly before the end of his life, *Pure Immanence: Essays on A Life* (2001) understands pure immanence as unanchored to a subject, a being, or even a supreme being. Pure immanence cannot be understood through empirical connections between subjects or between subject and object, although one necessarily begins with them. But these need to be left behind in order to pass on to a life co-extensive with pure immanence: “The life of the individual gives way to an impersonal and yet singular life that releases a pure event freed from the accidents of internal and external life, that is, from the subjectivity and objectivity of what happens” (Deleuze 2001, 28). This is the passage from *the* life to a life, from *individuation* to *singularization*: “a man who no longer has a name, though he can be mistaken for no other. A singular essence, a life” (29).

A life has some unique characteristics. It is spatially everywhere, actualized in subjects and objects yet exceeding them. It is also temporally everywhere, but not continuously. Its everywhere-ness is ruptured and sharded in *entre-moments* (“between-times”). It is connected to *the* life in a parallel way: there is correspondence and coexistence but no connection in the traditional sense of causality or anticipation. A life is virtual, namely real but not actualized. It is pure potentiality, febrile future, pulsating present. Its virtualities become actualized through the bodies and objects of *the* life, but a life itself remains purely virtual, an event and a singularity. Finally, a life is preceded by a wound, which, as I show below, is neither an a priori nor an origin or a higher actuality.

I build on the idea of a life by Deleuze in order to contextualize liveliness in what I call the *continuum*. I have elsewhere (2014) defined the continuum as the surface that cuts across animate and inanimate objects, bodies, discourses and so on. This continuum is not equivalent to a flat ontology, nor to the unfathomable vastness of the plane of immanence (Deleuze and Guattari 1988). Rather, it is a tilted, power-structured surface, on which bodies move, rest and position themselves, affecting the tilt while being affected by it. The continuum is influenced

by Foucauldian biopolitics because its sovereignty is diffused and embodied in each participating body. It differs from the biopolitical, however, because it is characterized by the persistent erection of boundaries in the form of ruptures without predetermined ethical value. Ruptures can be both positive differences that encourage identity, as well as exclusions or hierarchies that discourage specific kinds of identity; they can be conflicts (necessary or engineered) as well as ontological 'gatherings' as I show below. Whatever they are, ruptures remain part of the continuum. Rather than annulling it, ruptures nourish the continuum, which can be thought of as a (continuous) series of ruptures. Finally, the continuum is entirely immanent, closed upon itself and without an outside.

In this ruptured continuum, a life's omnipresence runs through singularities and flushes them out. A life is what makes a singularity lively, as it were. Every singularity is a rupture of the continuum of immanence, without however rupturing immanence itself. There can only be immanent singularities, on the same plane as other singularities, sharing in a continuous becoming. Rosi Braidotti (2012; 2013), who has developed Deleuze and Guattari's ideas in a vitalist direction, understands life as a process of self-preservation. Braidotti goes beyond the classic distinction between *bios*, reserved for humans of a certain type only that tends to be the glorified cudgel of Enlightenment humanism; and *zoe*, which encompasses animal and nonhuman life (for the distinction, see Elan Abrell in this volume). It is indeed important to resist this distinction, not because it is not real but because it has been co-opted and instrumentalized in order to produce and legitimize further distinctions that lie in the core of exploitation of nonhuman species by humans: *zoe* in the service of *bios*, nonhumans in the service of the good human life.

For this reason, I revisit and criticize the distinction between animate and inanimate. The inclusion of the inanimate is where this chapter differs in relation to the rest of the volume. The contrast between *bios* and *zoe* is indicative not merely of anthropocentrism but of an omnipresent, movable, fractal boundary between hierarchically positioned (animate and inanimate) bodies, organized in some enlightenment-infused fantasy of harmoniously centralized imperium, where Man (masculine and capitalised) in the center dominates and determines all distinctions. A life is actualized in *bios* and *zoe* but finds itself in a relation of continuum/rupture to them. A life cannot unfold through the distinction but through the unity of the distinction. A life is given to any body which, in its turn, is given to a life. It can blossom in an insect, a marine environment, a stone, or a planet. By attempting to redress the distinction between human and nonhuman, discussions on liveliness often bypass the distinction between animate and inanimate. Undoubtedly important, the former distinction is only a symptom of the latter. Treating the symptom is necessary. Treating the condition, however, is the task I have set myself.<sup>2</sup> While a discussion on this eschews the limits of the present text, it is important to clarify this: the use of the term *lively* in the present context relies on the understanding of a life that trammels every singularity. A life is not about consciousness, perception, or even a body, but about a *process* that occurs spatiotemporally and allows a singularity to emerge. A life is the operation of singularity that emerges along the only constituent element of the continuum: its rupture. A life, in other words, is the ruptured continuum brought forth in every singularity: the condition of simultaneous connection and withdrawal.

I would describe the focus of this collection as the quest for a life; all chapters share this preoccupation and struggle to determine it. I understand the focus on the animate as a necessary further rupture of the quest for a life, itself folding out in

numerous ruptures, one of which is also the animate/inanimate. In its turn, even the animate becomes ruptured in classifications and lists, which, as Irus Braverman shows in this volume, also need to be questioned. In other words, every battle is worth fighting, since every fight fractally affects the assemblage of battles around it.

The issue of withdrawal is one of the points of difference between what I propose here and current understandings of assemblage thinking, be they Latourian networks, vitalist flows, or other new material ontologies. Unlike Bruno Latour (2005), my understanding of withdrawal is a quality that does not contradict but rather enables assemblage formation. Just as the continuum is made of ruptures and just as ruptures are continuous, in the same way withdrawal and assemblage clustering are not dialectically opposed values. There is no difference, only parallel folding of one into the other. Every singularity assembles itself in larger bodies while at the same time withdrawing from the ontology of the assemblage. Withdrawal has been referred to by Deleuze and Guattari (1988) in the context of their discussion on Nietzsche, where the movement was linked to the schizophrenic and her revolutionary potential. This is a *strategic* understanding of withdrawal, in the sense of a machine that goes against issues of identity, origin, causality, and other enlightenment cudgels. But there is also another, complementary way of thinking of withdrawal. In his work on Gottfried Wilhelm Leibniz, Deleuze (2006) refers to the famous formula of the monad as “no windows.” There is no opening in Leibniz’s monad. A monad is “an inside without outside” (Deleuze 2006, 31). Every body is a closure that withdraws from full openness, connectivity or exteriority, and into a monadic singularity that is gathered around its need for perpetuating this singularity. Its openness rests on its closure. Assemblage rests on withdrawal.

In his work on Latour, Graham Harman positions himself in similar terms by writing that “objects are not defined by their relations: instead they are what enter into relations in the first place. Objects enter relations but withdraw from them as well; objects are built of components but exceed those components. Things exist, not in relations but in a strange sort of vacuum from which they only partly emerge into relation” (Harman 2009, 132). The above shows that objects (here: bodies) withdraw not just from each other but also from themselves. This is the crux of the foundational unknowability of bodies: a body never fully presents itself to itself. In that sense, withdrawal is ontological. The world is what each body makes of it. But this is not relativism or subjectivism. The world withdraws as much as the body withdraws. “Nothing ‘points’ toward anything else or bleeds into anything else. Everything withdraws into itself” (Harman 2009, 113).

I have so far set the basis for the ontological continuum onto which the concept of agency emerges. To sum up: first, the continuum is continuously ruptured, separating bodies from other bodies, allowing them to withdraw to their own absolute difference. Second, the above paradox is embodied in each body that constitutes the continuum (therefore, every body, since the continuum is immanent). A body, therefore, is by definition part of a life, namely the process of connection and simultaneous separation, regardless of whether it is animate or inanimate, material or immaterial. On the basis of these two propositions, the following section attempts to sketch an understanding of lively agency as emergence.

### **Lively Agency**

The original term that Deleuze and Guattari employ for assemblages is *agencements*. This gives a clearer idea of the kind of role envisaged for the

gathering of singularities. As the editors of *New Materialisms* Diana Coole and Samantha Frost write, we have moved away from an epoch where

agents are exclusively humans who possess the cognitive abilities, intentionality, and freedom to make autonomous decisions and the corollary presumption that humans have the right or ability to master nature. Instead, the human species is being relocated within a natural environment whose material forces themselves manifest certain agentic capacities and in which the domain of unintended or unanticipated effects is considerably broadened (2010, 10).

One can take this further: there can no longer be a boundary between a body and its environment. The whole point of assemblages is that they are bodies themselves (perhaps larger and more complex but still bodies) that necessarily include their “environment”, whether “natural” or otherwise. A body is an assemblage of various conditions and materialities. Eben Kirksey’s multispecies families in this volume is an example of such an assemblage containing human and animal bodies, discursive bodies of economics, politics and law, conservation agencies, wildlife experts, government agents and hobbyists, the spatiality of Florida, affects from gentleness to aggression, and so on. The total sum of these connections constitutes a body that is internally ruptured in an infinity of modalities (Morton 2013). Rigid separation between bodies is an epistemological construct, perhaps even a necessity, according to the foundational fantasy of distinction between self and environment, as Teresa Brennan (2004) writes. And, yet, as we have seen, every body withdraws...

Agency emerges when, at an *entre-moment* between connection and withdrawal, a life becomes singled out. Agency is grabbed from the vast immanence of a life and donned by a singularity at the height of this singularity’s withdrawal. *An agent is not someone who acts, but someone who is acted upon by a life.* Agency emerges from within, at the moment where singularity gathers itself to produce itself. At that moment, a body becomes infinite in its withdrawing isolation, so infinite that it includes the vastness of a life. This is the paradox of distance and immersion, of withdrawal and connectivity, of singularity and assemblage. An agent is a body withdrawn and at the same time assembled in infinite connectivity.

Karen Barad (2006, 175) has introduced the term “agential separability” to signal the need for boundaries between bodies. These boundaries are not placed as fixed constructions between subject and object, human and animal, or indeed animate and inanimate. Rather, they emerge in order to produce meaning relative to the continuum on which the boundary appears. I understand this as the rupture of withdrawal that brings agency forth without flattening it to an all-connected ontology. It is significant that these boundaries are not conceptualized as either prior or immutable: they are drawn every time as part of the emergence of agency. This is the foundational paradox: bodies are singular because they withdraw from the assemblage, and they can only be part of an assemblage because of their withdrawing.

Both assembling and withdrawing come from *conatus*, the Spinozan term (in turn inspired by Hobbes) for the striving to affirm and maintain oneself. Moira Gatens and Genevieve Lloyd put it thus: “the endeavour or struggle to persist in being” (Gatens and Lloyd 1999, 26). The term *conatus* has been used and developed extensively and in a juridical way by Deleuze:

the *conatus* defines the *right* of the existing mode. All that I am determined to *do* in order to continue existing (destroy what doesn’t agree with me, what harms me, preserve what is useful to me or suits me) . . . all this is my

natural right. This right is strictly identical with my power and is independent of any other ends, of any consideration of duties, since the *conatus* is the first foundation, the *primum movens*, the efficient and not the final cause (1988, 102).

By building on Spinoza's understanding of power as the affect between bodies that become stronger or weaker as a result of encountering each other, Deleuze brings down conatus to a juridical-ontological category, a body's *right*.

Deleuze adds another decisive aspect in his reading of conatus, and this is the immeasurable and excessive conatus. The conative excess is the reason for which every body withdraws. The vastness of the conative machine, always overflowing the body itself and affecting all others, renders a body immeasurable. Immeasurability is at the core of ontological withdrawal: no body ever presents itself fully ontologically. Even conatus exceeds itself. In other words, conative striving and withdrawal are one and the same. The conatus is a tool of a life, itself excessive and immeasurable, beyond prescription yet instrumental in the emergence of agency. It follows that to be an agent is an ontological condition, a body's *right*, a condition of a life. This is why we can talk about *lively agency*.

Lively agency is not an effect of an agency-giving social system (such as the law or politics or the state) but an emergence from within an assemblage (Lenco 2012) that includes law or politics or other social institutions in its assembled body. The body does not have a pre-given agentic outline. Deleuze (2013) writes: "the limit of something is the limit of its action and not the outline of its figure." Agency is an open emergence, each time differently positioned in relation to its constituent elements. Karen Barad (2012, 54) puts it clearly: "Agency is not held, it is not a property of persons or things... is not about choice in any liberal humanist sense; rather, it is about the possibilities and accountability entailed in reconfiguring material-discursive apparatuses of bodily production, including the boundary articulations and exclusions that are marked by those practices." Agency, in other words, unfolds in the continuum, taking up forms that are co-determined with this very continuum while rupturing it.

To summarize, lively agency is an always already emergence that does not depend on an agency-giving institution. It emerges between connection and withdrawal of each body (which means, each assemblage, each collectivity) as the *right* of the particular body to perpetuate its *conatus*, namely to carry on existing. In that sense, agency is an ontological condition. Not merely a privilege, but a responsibility, as I show below.

## **Responsibility in the Anthropocene**

The emergence of law in an assemblage, at least at first instance, renders an agent legal. This is the way one can think of agency in terms of Bruno Latour whereby agency can be attributed to any object (actant) in a network of relations. Simply put, if an actant has an effect on another, then agency is established. In that sense, agency is merely the ability to act, or actancy (Latour 2005; Law 2009). To describe an agent as legal denotes nothing more than a "legal" network of actants operating in what can be constructed as a legal environment. Despite this initial openness, in his work on the French *Conseil d'Etat* (2009) Latour found a rather limited legal agency, embodied in files, courtrooms, and so on, but not so much in terms of the broader life of the law. This tendency to return to a standard, text-based materiality of the law has encountered resistance from legal materialists (Pottage



2012; Philippopoulos-Mihalopoulos 2014b). Let me therefore broaden the conceptualization of legal agency in order to include the more “hidden,” less “institutionally vouched-for,” legalities.

I will start with a rather simple hypothesis: if an agent orients itself in a way that its assemblage includes legal positions (from basic claiming of rights to adhering to legal obligations, to going through a legal procedure, to intentionally disobeying the law), then the legality of the agent would seem to become predominant, and one could talk about a *legal* agency. However, this is only partly true. First, in terms of temporality since nothing remains settled for long in an assemblage: bodies move around and assume different positions, velocities, and directions. Second, in terms of unitary characterization: law is simply one of these positions, directions, and bodies, part of an assemblage, that may or may not pull or push an assemblage in a certain, more obviously legal direction. A house whose ownership is disputed at a court case will not stop being a building, a home, a nest for birds, an economic unit, an outlet of electric energy and so on while the court case is carried out. This means that it will *also* be a legal agent, while retaining other sorts of agency. But the real question is this: can an agent ever *not* be legal? Is the above, standard understanding of the law-in-court or law-as-statute the only space of law?

To put this even more radically, is there a space without the law, inhabited by a body that is not related in some way or other to the law? This is an extensive and well-rehearsed discussion, captured by the ambiguous but catchy “the law is all over” articulated by Austin Sarat (1990). I have discussed the omnipresence of the law elsewhere (2014a), and I have also sketched out the basics of legal material agency (2014b); so here I will limit myself, somehow axiomatically, to two points (but see the discussion in Adam Reed’s chapter, this volume). First, there can be no agency that is not legal. In this sense, the law is not linked to humans but to the material positioning of various bodies in relation to others. This is the *lawscape*, namely the ontological tautology between matter and law (Philippopoulos-Mihalopoulos 2014a). This is not some sort of legal supremacist point but, rather, a point of legal banalization. Just as any other body, the law crops up in assemblages alongside other bodies, and informs the way bodies position themselves. The same can be said about economy, politics, science, religion, and so on. But this does not amount to an eradication of the other bodies that partake in the assemblage.

Secondly, an agent becomes *predominantly* legal, meaning that it is immediately recognized by other bodies as first and foremost of the legal system, when the emergence of the law within the assemblage is connected to a life. Let me recall the final characteristic of a life, which is the wound: “A wound is incarnated or actualized in a state of things or of life; but it is itself a pure virtuality on the plane of immanence that leads us into a life. My wound existed before me: not a transcendence of the wound as higher actuality, but its immanence as a virtuality always within a milieu (plane or field)” (Deleuze 2001, 31-31).

The wound is the juridical moment of a life. It is inseparable from the body, yet belongs to the virtual pure immanence of a life. It emerges at the gashing *entre-moment* of *the* life of the body in a mundane, everyday way as a rupture; but points to the vastness of the continuum that trammels everything. The wound needs to be embodied to be understood, but its embodiment does not exhaust it. In *What is Philosophy*, Deleuze and Guattari write: “my wound existed before me; I was born to embody it” (Deleuze and Guattari 1994, 159). This is neither fatalistic, nor transcendental. It emerges from the body itself. This is the law: the wound at the beginning, the arch-rupture. This wound makes a body cry for the law. The body

nurtures its own actualized and embodied wound, its very own rupture, in the form of a life whose actuality is dealt by the law (and as often, also inflicted by the law).

At the same time, however, the body reaches out towards the pure virtuality of the wound. "I was born to embody [the wound] as event because I was able to disembody it as a state of affairs or lived situation" (159). This disembodyment is the reaching out for the virtuality of the law: the call for justice. Interestingly, this is also the kind of justice sought by Barry, an animal welfare charity's officer, who is the focus of Adam Reed's chapter in this volume. Reed places justice outside the law because the desire for it is driven by moral outrage and compassion, in turn feeding legal strategies. Its placement outside the law follows Barry's own positioning as affected by his understandable mistrust toward the law. However, to seek justice outside the law is to succumb to the old semantics of a justice that exceeds the parameters of the assemblage in which it emerges. To talk about justice in a transcendental or even universal way does little more than re-embodiment of the wound as *impossibility* of justice. Law might indeed be "an ass," in Barry's words; but it is the common wound of a life, and as such, it is the only law we have. It is only through this law that justice can be sought, not outside of it. Although pure virtuality, this is a non-transcendental justice. Rather, it is an immanent justice, namely a justice determined by the conditions of the particular assemblage in which it emerges. Justice can only come about through law.

The wound is already here, embodied by every body like an original sin. Its name is the Anthropocene, the geological epoch determined by the (over)presence of a single species on earth: the human. The term was coined by Crutzen and Stoermer in 2000, and has become the source of a cross-disciplinary debate on the repercussions of both the name and the idea of a separate geological era. The wound is being inflicted by humans on the surface of the earth, but also embodied by humans and the whole earth—for, as mentioned earlier, there is no meaningful boundary between humans and environment, and the Anthropocene is the living proof. While waiting for the 2016 International Geological Congress to decide on whether we are in a new epoch, and whether it can indeed be called the Anthropocene, an authoritative cluster of fourteen geologists led by Jan Zalasiewicz have announced that "some types of anthropogenic changes may now be compared with those of 'the great forces of Nature'" (Zalasiewicz et al. 2011, 1037). The surface of the earth has changed, both lithostratigraphically (i.e., geologically proper) and biostratigraphically (i.e., the strata produced by animate beings):

Anthropogenic modification of sedimentary patterns comprises both modifications to natural sedimentary environments (such as the damming or straightening of rivers and coastal reclamation) and the creation of novel sedimentary environments and structures (such as the construction of cities and anthropogenic deposits); these are not entirely separate categories, but are to some extent inter-gradational. In detail, they are diachronous, reflecting the spread of human activity across the Earth (Zalasiewicz et al. 2011, 1038).

The only position left to assume is that of responsibility. No longer able to hide behind a benevolent anthropocentrism or a well-wishing ecocentrism, the human is *de facto* placed in the center of the wound. But how to redescribe things in a way that neither absolves a body from the responsibility of situating itself, nor inebriates this body with the illusion of control of the assemblage, or indeed the whole world if we are talking about human-centered bodies? The question of the *anthropocenic* responsibility is this: how to take advantage of the human omnipresence and not be

fooled by the superficial impression that to be *everywhere* equates to being *central* to everything (Chandler 2013). It is clear that responsibility now becomes *situational*: it is the juridical responsibility of situating one's body within an assemblage. Responsibility needs to be thought of as *extended*, namely both material and unrestricted by the immediate or the local. Doreen Massey (2004, 9) puts this as "the Russian Dolls issue of care and responsibility: we always begin with the proximate, home, and then move outwards. But care diminishes as we move out." We might think we try to be "responsible" about our presence in a locality, even a locality that "thinks globally," as the motto goes. But the problem is much vaster. Timothy Morton (2013, 140) writes: "the problem goes beyond how to dispose of human-sized things, like the stuff that gets flushed down a toilet. What should we do about substances on whose inside we find ourselves?"

This gives rise to what I would call the *responsibility of indistinction*, which refers to the ontological indistinguishability between bodies. Before I explain this, one clarification: indistinguishability is not annulled by the rupture of singularity. Ruptures do not disband the ontological continuum, nor however do they fix it in immutable hierarchies. They are not Foucauldian "caesuras within the biological continuum addressed by biopower" (Foucault 2009, 255). Ruptures can be organized politically to serve different masters, but are inherently amoral. Their ontology is one with the continuum: every body emerges into a life, quickens into a lively agency, assumes its situated juridical responsibility. The ontology of indistinction is translated juridically as the inability to distinguish. This is the source of a responsibility that extends spatially and temporally across bodies: future generations but also fossilized past, as Kathryn Yussof writes in her work on fossils in the Anthropocene:

The assumption is often that something of one (mineral) passes to the other (life), but that this crossing is a one-way street until death fossilises life, returning it to mineral... But what if the relationship has other paths in which the geologic criss-crosses corporeality not only to make fossils per se, but also to mobilise specific modalities of geologic life? (Yussof 2013, 786)

This criss-crossing is only one of the avenues in which Yussof questions existing conceptualizations and hierarchies of life. Her deep inquiry into the forms of life accepted as "lively" that include what would be considered inanimate (such as fossils), are invariably connected to "forms of responsibility and inheritance (in a genealogy of concepts of the human and the propagation of these forms into the future)" (2013, 786). This is both a material and a discursive responsibility and refers to the way a body (material, immaterial, of discourse) situates itself in relation to the assemblage.

Yussof's concept of responsibility goes further than Latour's argument that everything can be an actant/agent, because it refers to specific responsibilities that come from this, while linking it to the *situational* emplacement of each body. Karen Barad (2006, 393) writes: "we (but not only "we humans") are always already responsible to the others with whom or which we are entangled, not through conscious intent but through the various ontological entanglements that materiality entails." We are all responsible because we are all situated in a continuum of indistinction. Yet, human responsibility must be heightened: being indistinguishable does not mean being the same in terms of power. Assemblages are bodies, and each body, individually or collectively, has some power (and responsibility) to move the assemblage in specific directions. Some bodies have more power than others – and this applies to human bodies in relation to nonhuman or inanimate bodies (and then some human bodies in relation to other human bodies). This is emphatically not

a neoliberal discourse. It is not about one's individual, or even collective, freedom to decide one's own fate. If there is freedom in it, it is a Spinozan freedom, namely the *necessity* of self-actualization of each body, rather than an expression of free will. Since every body is part of the continuum, freedom is the actualization of one's situatedness within that continuum, as mediated by that continuum. This is a distinctly *collective* freedom (Braidotti, 2013) that operates as the enabling bondage of the responsibility of being situated with regards to other bodies. Freedom is a responsibility, and the responsibility of freedom is to unveil the illusion of freedom (in the sense of free will) and allow this to inform our knowledge of the causes for which bodies move the way they do. No body decides its own fate, not because there is a teleology that determines it, but because a body is part of a continuum (Spinoza, 2000, Part IV).

In the legal context, there are prejudices that count more than formal law. There is formal law in the service of corporations. Some bodies weigh more, whether they are a corporation, a billionaire, a religion or a tsunami. This means that not every body is equally able to act and react. This, however, also means that the old categories between "the powerful" and "the weak" are just that: old categories in the service of existing structures. When we eternally recycle these categories (and others, such as private/public, us/them, north/south, formal/informal), we remain with the problem. Of course there are inequalities. But it is much more complex than this. To retain distinctions of this sort (such as the ones who decide as opposed to the ones whose fate is decided) is an abstraction in the service of the distinction itself. All bodies are part of an assemblage, and while one is always determined by the structures, one is also able to move this assemblage, including the structures.

This is not always a peaceful process. Kathryn Gillespie in this volume eloquently shows how animal resistance is a spontaneous affect that differs from the equivalent human affect, and pushes the assemblage of property relations in such a way that can inform the human reaction to it, in turn altering the positioning of the various bodies in the assemblage. It is true that some bodies manage to move assemblages more efficiently than others. This does not necessarily happen because they are more powerful, but because the rest of the assemblage allows them to move in such a way. A body is not necessarily able to change the assemblage just because it is an individual agent or even a multitude (Hardt and Negri 2001). But a body can organize itself in relation to the rest of the assemblage, in turn in relation to the world, and in turn in relation to a future.

Will this be a future or a future? Claire Colebrook (2014, 30) writes: "the anthropocene thought experiment also alters the modality of geological reading, not just to refer to the past as it is for us, but also to our present as it will be without us. We imagine a viewing or reading in the absence of viewers or readers, and we do this through images in the present that extinguish the dominance of the present." Human extinction is a possibility ontologically included in the Anthropocene, and epistemologically required. Jean-François Lyotard (1993, 11) spoke about the *inhuman* already in the 1980s: "Human death is included in the life of human mind. Solar death implies an irreparably exclusive disjunction between death and thought: if there's death, then there's no thought. Negation without remainder. No self to make sense of it. Pure event. Disaster. All the events and disasters we're familiar with and try to think of will end up as no more than pale simulacra."

Solar death is one way, death by human is another. Whatever it is, the Anthropocene asks of us to consider the earth without us. In order to do this, we need to reach for a future, from where we can glimpse at our *inhumanity*. In other

words, the responsibility in the epoch of the Anthropocene is one of *withdrawal*: withdrawing from the present in order to read it as inhuman future; withdrawing from centrality while retaining omnipresence; withdrawing from ourselves in order to read our traces. In withdrawing, human bodies learn to situate themselves in a position of responsibility, “embedded in geologic temporalities (rather than just as authors of them) . . . beyond the narrow confines of ‘our’ humanism and historicity into inhuman beginnings, and beyond biological materialism into thinking better with different geologic materialisms” (Yussof, 2013, 785).

Admittedly, this is not an obvious place to conclude. The challenge of imagining new ways of assuming that responsibility, as well as fleshing out the existing ways in which this responsibility is already embodied, is considerable. But it is an interesting precipice, at which point the rest of this collection can enter and populate the horizon. For, in a way, this is precisely what the collection offers. The perspectives here trace a life that is both absolutely singular and connected to other bodies. Many of the chapters refer to specific animals, often by name, acknowledging the way lively agency springs up in the *entre-moment* between singularity and connectivity (from life-threatening moments as Gillespie, Abrell, and Reed show, to moments of quotidian repetition in the case of Braverman, Kirksey, and Bear), and finally solidifying this to embodied gestures of juridical responsibility, whether seen from the narrow understanding of textual legality, as Abrell has shown in terms of administrative law; the broader legal understanding of governance, as Johnson has done in the context of jellyfish; or the vastness of nonhuman legality in the case of Janda and Lehun.

What I have attempted to show in this chapter is simply this: that every body is fleshed out by the singularity of a life and, as such, flourishes into the position of a lively agent, whether animate or inanimate. The immediate consequence of this is that no body is exempted from the juridical responsibility that comes with being part of the continuum. This responsibility, which originates in the indistinguishability between bodies, weighs heavier on human shoulders because of the privileged position on the otherwise tilted, power-determined flat ontology of the continuum.

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#### Notes

- <sup>1</sup> However, I respectfully disagree with their notion of nonhuman law as transcendent. As I try to show, nothing transcends the immanence of the juridical responsibility of a body.
- <sup>2</sup> This task has been attempted by Jane Bennett's (2010) vibrant materiality for example, which only to some extent kept a distance from vitalism. The focus of her book *Vibrant Matter* is greatly on animate matter (with exceptions, such as the grid of objects, which is, however, still intimately connected to the animate).