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Exile, Use, and Form-of-Life: On the Conclusion of Agamben's *Homo Sacer* series

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Abstract

The last two volumes of Giorgio Agamben's *Homo Sacer* series are concerned with developing a theory of use. This article offers a critical assessment of the two concepts, use and form-of-life, that form the heart of this theory: how do these two notions offer a solution to the problem of bare life that forms the core of the *Homo Sacer* series? First, the author describes how the original problem of bare life is taken up in *The Use of Bodies* and how the notion of use offers an important additional characteristic of bare life. Second, inspired by Foucault's analysis of ancient Cynicism, the author discusses in which sense the type of 'solution' Agamben offers to the problem of bare life might be seen as an heir to ancient Cynicism and how this interpretation clarifies his connection of form-of-life and exile. Third, the author critically assesses the different usages of use that we can find in Agamben, by comparing how Franciscan *usus*, Pauline *chrēsis* and Platonic *chrēsis* are taken up in his analysis. Fourth, following Foucault, the author deepens the Platonic sense of use and its relation to taking care of justice. The article concludes with a critical assessment of Agamben's reading of Plato's myth of Er, in which the motifs of use, exile, and care are gathered.

Keywords

Agamben, care, exile, form-of-life, Foucault, *Homo Sacer*, use

The nine volumes of Giorgio Agamben's *Homo Sacer* series are organized in four divisions. The fourth and last division, consisting of the volumes *The Highest Poverty* and *The Use of Bodies*, offer a conclusion to this series. This conclusion is, first and foremost, concerned with developing a 'theory of use' (Agamben, 2013: xiii). The thematic core of this

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division is formed by the concepts of use and form-of-life. Apparently, the project that departs from the problem of biopolitics and bare life is completed by a reflection on use and form-of-life. While the question of biopolitics has already been widely researched, the conclusion Agamben offers to the *Homo Sacer* series and the sense of the notions of use and form-of-life are still in need of a proper reception.¹ In this paper, I will critically interpret and assess Agamben's theory of use and do so by taking relevant motifs from Foucault's later work as the horizon for such an interpretation.

Such a horizon limits my enterprise because Agamben brings many other references into play to account for use and form-of-life. Nevertheless, the Foucault-nexus has a privileged place given its central role throughout the *Homo Sacer* series. The series begins by rethinking and redefining Foucault's idea of biopolitics, and it concludes with an account of use and form-of-life, which are explicitly introduced as alternatives to Foucault's later explorations of care and the art of living. In relation to the fourth division of the *Homo Sacer* series, it is important to note the following three circumstances. First, Foucault (2011: 182) suggests that the Franciscans, who are at the center stage of *The Highest Poverty*, are the Christian heirs of the ancient Cynics, the genuine heroes of Foucault's *The Courage to Truth*. Second, the title of the last volume, *The Use of Bodies*, alludes to Foucault's *The Use of Pleasure*. Third, Agamben (2015: 31–7) shows how Foucault's attention to the ancient philosophical theme of the care of the self is grounded in the notion of use (*chrēsis*) in *The Hermeneutics of the Subject* (see Foucault, 2005: 56–7).

Taking these three elements into account, this article is organized as follows. First, I describe how the original problem of bare life is taken up in *The Use of Bodies* and how the notion of use offers an important additional characteristic of bare life. Second, I discuss in which sense the type of solution Agamben offers to the problem of bare life is Cynic in character; I illustrate this in reference to both form-of-life and exile. Third, I critically assess the different usages of use that we can find in Agamben, by comparing how Franciscan *usus*, Pauline *chrēsis* and Platonic *chrēsis* are taken up in his analysis. Fourth, following Foucault (2015: 72), I deepen the sense of Platonic *chrēsis* and its relation to taking care of justice (Plato, 1927: 222–3) in order to prepare my concluding, critical assessment of Agamben's reading of Plato's myth of Er, gathering the motifs of use, exile, and care.

Effacing the Gap between *Zōē* and *Bios*

Homo Sacer famously opens with the argument that the gap between *zōē* and *bios* – or between *phusis* and *nomos* – accounts for the production of bare life. *Zōē* is natural life and belongs to *phusis*. *Bios* refers to a form of

life, that is, to the art of living of a particular group of people or of an individual; thus, it concerns the social, conventional ways of living adopted by communities or individuals and belongs to *nomos*, meaning custom or convention as well as law (Agamben, 1998: 3).² Hence, the notion of a form of life appears in the *Homo Sacer* series from the outset, as the very sense of *bios* and *nomos*. The hyphenation form-of-life, which appears in the conclusion of the series, aims to retain this sense of *bios*, but in such a way that it is no longer separated from *zōē*. This, in fact, is the very ‘wager’ of the fourth division:

The wager here is that there can be a *bios*, a mode of life, that is defined solely by means of its special and inseparable union with *zoè* and has no other content than the latter (and, reciprocally, that there is a *zoè* that is nothing other than its form, its *bios*). Precisely and solely to the *bios* and *zoè* thus transfigured do there belong the attributes of political life: happiness and autarchy, which in the classical tradition were instead founded on the separation of *bios* and *zoè*. One has a political *bios* who never has his *zoè* as a part, as something separable (that is, as bare life), but is his *zoè*, is completely *form-of-life*. (Agamben, 2015: 219)

As bare life is produced from the gap between *phusis* and *nomos*, the form-of-life aims to overcome this problem since it concerns ‘a life that can never be separated from its form, a life in which it is never possible to isolate and keep distinct something like a bare life’ (Agamben, 2015: 207).

As the longer quotation informs us, Agamben’s wager ultimately concerns a different placement of political happiness and autarchy, namely one that no longer depends on bare life. To explicate what this means, I address the following two questions. Why do happiness and autarchy in ancient thought depend on the separation of *bios* and *zōē*? How is bare life produced from the gap of *phusis* and *nomos*? The first question has to wait until the next section. As for the second question, we know from *Homo Sacer* that its answer must contain a reference to the ban: bare life is excluded from the *nomos* but remains related to the *nomos* from which it is banned. *The Use of Bodies* redescribes this exceptional relation in terms of use, which allows us to get a better sense of the production of bare life.

In general, for the ancients, *nomos* is human because human existence includes a higher calling than the merely natural. Human existence is not only naturally *given* as animal life but is also assigned as a task: to exist humanly is to live life according to a certain form of life. In the Aristotelian paradigm, which is Agamben’s main reference in this context, practicing such a form of life *completes* natural life into a fully human and good life. Therefore, in the political sphere, Aristotle repeats

the aforementioned distinctions between natural life and good life (Agamben, 1998: 4). Humans are motivated to constitute a *polis* because it helps them to survive and maintain their natural life: the *polis* is self-sufficient (*autarkeias*). Yet, this motivation is not the goal of the *polis*: by securing mere life (*tou zēn*), the *polis* opens up the possibility for humans to attain the good life (*tou eu zēn*), which is the fulfilment of political life (Aristotle, 1932: 8–9).

This particular distinction between *phusis* and *nomos* gives rise to the phenomenon of bare life. To show this, Agamben (2015: 3–23) analyzes Aristotle's account of the slave. To illustrate the omnipresence of the logic Agamben discovers here, let me offer another, seemingly more innocent example. For Aristotle (1933: 6–9), philosophical contemplation is the highest possibility of human life and the philosophical life is therefore the highest and truly *free* form of life: contemplation is done for its own sake alone. Yet, such a mode of life is only possible after the basic necessities of life are taken care of and when some people are exempt from taking care of these necessities: the time of the latter is genuine *scholē*, leisure. This happened for the first time in Egypt, as Aristotle suggests: the priestly caste was set free from the care for mere life in order to devote themselves to the mathematical sciences. Hence, the highest form of life is only available to an exclusive group, the caste of priests, who are at leisure thanks to the work of others. This displays Agamben's logic of bare life in a nutshell: those who care for mere life are *excluded* from the good life of contemplation; yet, their lives are necessary and indispensable to offer the priestly caste the possibility to practice the highest and genuinely free form of life.

'Use' now names the particular relation of the good life to the (bare) life it requires: the lives of the non-priests are used by the priestly caste so that they can live the highest, free life, but the non-priests are excluded from this form of life (Agamben, 2015: 2–23). Clearly, this use of bare life is not the use that Agamben concludes his *Homo Sacer* series with. Rather, to anticipate the line of argument that I will develop below, it is better to speak here of an *abuse* of life, and it seems to make sense to describe the wager of *The Use of Bodies* exactly in these terms: how to distinguish use from abuse of life. In the Aristotelian paradigm, the *phusis-nomos* distinction leads to an *abuse* of life: it requires the exclusion of humans from the good life because some lives are needed to serve as means for other lives to be able to attain the good life. In response, Agamben does not claim that we can live without using each other's lives or bodies – we continuously do so and need to do so – but he rather raises the question of how to think such a use without any exclusion of lives from the good life or, what amounts to the same, without reducing human lives to mere means.

To develop a sense of what Agamben's analysis aims at, let me provide a guiding example for the distinction of use and abuse. It is important to

note that I aim to show below in which sense Agamben is not fully true to the particular sense of use and abuse this example offers. When I work, I use my body. As long as I am healthy, this usage is not abusive. In fact, work usually contributes to the health of my body – a body which is always at rest will decay. Hence, while I use my body when I work, my body also uses this work to attain its own good, namely health. Yet, when I get sick, when I am too tired, or when my work is too stressful and demanding for my body, but I still continue my work, I'm abusing my body. Other basic Agambenian notions appear naturally at the horizon of this abuse. When I persevere in this abuse and stretch my body beyond what it can take, it will suffer a breakdown and I will have to confront its *inoperosità*, its sheer inaction or idleness. It is not that my body does not want to obey my tyrannical commands to work – it is not a matter of the will – but it simply *cannot*; it can no longer work (see Agamben, 2011: 43–5). Using my body only as an instrument, and not as what can and needs to flourish itself, will ultimately lead to its deactivation. In more positive terms, when I use my body as an instrument, this body is marked by the fact that it can also not work, that it does not coincide with this (ab)use. *Inoperosità* thus also concerns a *destituzione*, a term which does not exactly mean destitution, as the English translation suggests, but rather expresses someone's removal from office (Agamben, 2015: 264–79). When I use my body by abusing it, I have to be removed from the office of (ab)user so that my body is freed for its own flourishing. In its idleness, the body attests that it is not merely means, but lives for its own sake and has its own good, namely the flourishing to which it strives. Thus, use and abuse are not exactly opposites, but abuse is rather a form of immoderate, one-sided, or unnatural use.

Cynic Life in Exile

The Aristotelian paradigm thus guides Agamben's account of the separation between *phusis* and *nomos* that permeates ancient thought and binds the ideas of happiness and autarchy. Yet, is this separation characteristic of all ancient schools? With respect to this line of examination, Foucault's analysis of ancient Cynicism in *The Courage to Truth* offers an important insight. Foucault (2011: 218) notices that, like the other ancient schools, the Cynics were firstly concerned with teaching a particular mode of life, the true life, which is significantly different from modes of life adopted by other members of the *polis*. Thus, in general, the form of life proclaimed by the philosophical schools was a critique of the 'normal' way of living and one of the first tasks of the exercises (*askēsis*) the schools offered was to lose the habits of this normal form of life, that is, to deactivate the normal form of life and train to acquire fundamentally new habits, completely transforming one's mode of life.

Yet, among the ancients, the Cynics stand out because the form of life they propose is not simply on the side of a particular *nomos*. In this sense, the Cynics are exempt from the Aristotelian paradigm that depends on the separation between *phusis* and *nomos* and, consequently, they propose another sense of politics, happiness, and autarchy. While the Aristotelian paradigm invites us to a higher form of life – *bios*, belonging to a certain *nomos* – that completes the natural life, the Cynics in fact object to the very sense of *nomos*: they do not aim to deactivate a particular social convention, but rather the very idea of *nomos* or social convention itself. Here, to use Agamben's terminology, we confront a *destituzione*: *nomos* itself is removed from its role to guide humans from attaining their highest form of life. The Delphic saying that oriented Diogenes's form of life reflects this: *paracharattein to nomisma*, to deface or devalue the coin (Diogenes Laertius, 1925: 22–3). Based on the connection between *nomisma* and *nomos* – also, money is a social convention – this was interpreted to mean that the Cynic life should be devoted to devaluing all social values and thus depose *nomos* from its position of guiding humans to the good life (Desmond, 2006: 125; more generally chs 2 and 3).

Indeed, as Foucault (2011: 226–7) suggests, rather than proposing another *nomos*, the Cynic practice is concerned with dismantling the *nomos-phusis* distinction as such and proposes a true life that can only be found in natural life itself. The image of defacing the coin says it all: to remove the face from a coin means to remove the object from the circulation of currency and reduce it to its original physical state so that it is only a piece of gold or silver and its value only consists in being this. For the Cynics, natural life is not in need of a completion because it is in itself complete and we can live our lives in accordance with that which nature offers – the natural life is itself the content of the true life.

Although the Cynics do not play a central role in Agamben's analyses, this description of the Cynic enterprise comes in close proximity to Agamben's. In fact, it seems that in ancient thought the Cynic mode of life is concerned with deactivating the very distinction that, in Agamben's thought, forms the basis of the production of bare life. This can be further illustrated by the Cynic understanding of exile (*phugē*) and the self-description of the Cynic as exile (*phugas*).

The detachment from social conventions is also detachment of the social and political community, that is, it is an exile. Note that the image of the exile is a commonplace in ancient thought to depict the philosopher. It illustrates that philosophers no longer feel at home in their *polis* and that they need to adopt a place outside of the *polis* to actually become a philosopher.³ This is closely connected with the philosophers' emphasis on adopting another form of life: if one feels the need to adopt another form of life than the one that one is used to, it means

that one no longer feels familiar or comfortable with the mode of life adopted by the ones in their social environment.

When referring to this general image for the philosopher, Agamben connects the problem of philosophical exile to the overcoming of the problem of the ban that marks bare life:

The relation of the ban in which bare life is held, which we have identified in *Homo Sacer I* as the fundamental political relationship, is laid claim to and assumed as his own by the philosopher. But in this gesture, it is transformed and inverted into something positive, having been posed as a figure of a new and happy intimacy, of an ‘alone by oneself’ as a cipher of a superior politics. Exile from politics cedes its place to a politics of exile. (Agamben, 2015: 236)

In this analysis on *phugē*, Agamben (2015: 234–9) thus distinguishes between the *miserable* ban in which bare life finds itself and the *happy* exile of the philosopher. The ban is miserable because it concerns a mere exile from the *polis* in which the banned life still depends on the *polis*’ sense of the good life; therefore, this banned life is not capable of and has no access to the good life. The philosopher’s happy exile, by contrast, concerns another politics and another *polis*, namely a politics and a *polis* of exile, which no longer depends on the *polis* from which it is exiled for its good life. Hence, this politics of exile truly breaks the ban and severs all ties to the *polis* from which the philosopher is exiled.

If this interpretation of Agamben’s remarks makes sense, it is not clear how he can deduce this from the ancient philosophical image of exile *in general*. In fact, as the example from Aristotle’s *Metaphysics* has shown, the actual *polis* is the social condition of possibility for the philosophical life according to Aristotle – and while this philosophical life might be very happy alone with itself, it is only possible on the basis of banning and using the bare lives of those who provide the conditions of possibility for these happy few. In particular, this means that the philosophical life according to Aristotle *is not autarchic*, from Agamben’s perspective: it depends on bare life. As soon as the slaves revolt, the possibility of this form of the Aristotelian good life disappears from the *polis*. In this sense, it is neither autarchic nor sustainable.

Agamben’s interpretation of the philosopher as exile does make sense, though, if we add the hypothesis that he actually refers to the Cynic version of this image. Because the Cynic form of life deposed the *nomos* itself, the Cynic exile is no longer in a relation of a ban to this *polis*. Indeed, in Cynicism a genuine new sense of politics and *polis* arises based on this exile. This *polis* is no longer social or conventional, but rather concerns nature or the world (*kosmos*) itself. The Cynics were the first to refer to themselves as *kosmopolitēs*, citizens of the world (Diogenes Laertius, 1925: 64–5). Rather than depending on the

autarkeia of the *polis*, the Cynics famously claim that life according to nature grants us a much higher independence and self-sufficiency (Dio Chrysostom, 1932: 249–83). Therefore, as Foucault notes, the autarchy of Diogenes surpasses that of Alexander the Great: ‘Alexander’s monarchy is therefore quite fragile and precarious, since it depends on something else. That of Diogenes, on the other hand, is unshakeable and cannot be overturned, since he needs nothing to exercise it’ (Foucault, 2011: 276). The autarchy in which Cynicism prides itself borrows nothing from *nomos* and only depends on *phusis*, natural life. A Cynic version of the argument against the *phusis-nomos* distinction would thus not only point to the miserable status of bare life, but also to the lack of self-sufficiency of those who are capable of living the good life in the *polis*.⁴ Although the Cynic’s natural life is marked by poverty (*aporia*), frugality (*euteleia*), toil (*ponos*), and exercise (*askēsis*), it is – according to the famous reversal characteristic of Cynic rhetoric and life – richer than the lives of the wealthiest rulers.

Franciscan, Pauline, and Foucauldian Use

Let us now turn to the other basic notion of Agamben’s theory of use, namely that of use itself. While the Cynics are remarkably absent from *The Use of Bodies* – they only appear in reference to Foucault (Agamben, 2015: 102–3, 145) – their Christian heirs, the Franciscans and their *usus pauper*, are at the center stage of *The Highest Poverty*. This volume adds another stage to Agamben’s archeology of the *phusis-nomos* distinction in Western culture: in the reflections on monastic life in general and the Franciscans in particular, it appears in the form of the *vita-regula* distinction (Agamben, 2013: 106). According to Agamben (2013: xi, 101), the Franciscan formula *regula et vita* and comparable formulas such as *forma vitae* – form of life – point to a third alternative in which the two opposing notions of life and rule or form have become indistinguishable; the ‘task’ of *The Highest Poverty* is ‘to bring this third thing to light’. In the case of the Franciscans, the indifference of form and life is understood as follows: ‘The form is not a norm imposed on life, but a living that in following the life of Christ gives itself and makes itself a form’ (Agamben, 2013: 105). When the norm or *nomos* is separated from life or *phusis*, it becomes external to it and is imposed on it. It is exactly this externality Agamben wishes to overcome with his reference to this ‘third thing’. He does not state that life has no form or rule, but he does deny that forms and rules can be separated from the specific life to which they belong as independent entities that subsequently can be fixed, identified, and imposed on life. Bare life is exactly that which remains after subtracting its form and is, subsequently, considered to be the basic bio-matter that can be formed by any external form. When Agamben speaks of an original indifference of form and life, he means that a form is not a

norm originally external to life; rather, it is the form that a life acquires by practicing a certain way of life. In the case of the Franciscans, the life that it practices is that of Christ.

For the Franciscans, as Agamben (2013: 71) argues, the form-of-life hinted at as the ‘third thing’ is determined as *usus*. Ultimately, this use is exemplified by the notion of *usus pauper*, the restricted or ‘poor’ use of goods allowed to the Friars Minor, although they have no right to it. Agamben (2013: 116) shows how in the theological and philosophical medieval discussions, this *usus pauper* is grounded in a natural right: humans can use that which they have no right to use, if they need these goods for their physical survival. In light of the distinction between the miserable ban and the philosopher’s happy exile, it will come as no surprise that Agamben (2013: 110) considers the Franciscan conception of *usus pauper* a failure because, although it aims to establish ‘the possibility of a human existence beyond the law’, it maintains the *usus pauper* in relation to the law. Hence, the human existence beyond the law proposed by the Franciscans does not truly sever its relation to the law and thus remains in the relation of the ban.

This dismissal of the Franciscan *usus pauper* remains rather formal and is discussed quite extensively in the available literature (DeCaroli, 2016; Vatter, 2016). Yet, when contrasted to Cynic poverty, another, more substantial reason can be given why the Franciscan enterprise must be problematic for Agamben – and why, in a sense, this enterprise actually explodes the *phusis-nomos* framework Agamben imposes on the issue of bare life. Franciscan life exempt from the law is, like Cynic life, based on poverty. However, the Franciscan poverty is not that of nature, but that of Christ. The Cynics emphasize the true wealth and resources offered freely by nature and the genuine autarchy nature offers; the Franciscans, however, adopt a different model of poverty. The suffering and hardship that come with this poverty is not simply that of a frugal life that still enjoys the gifts of nature, but is understood in terms of the cross of Christ (Agamben, 2013: 106). With this latter emphasis, the Franciscans embrace a form of life marked by misery. Death on the cross was never simply a death penalty, but it was a punishment for slaves. As Cicero indicated, the cross represents the utmost scandal and disgrace; therefore, a Roman citizen should not even allow the thought of the cross in his mind, in his eyes or in his ears (Cicero, 1927: 466–9).

The scandalous life of the Cynics is one that basically embraced everything natural (Foucault, 2011: 181–6). By its emphasis on the cross, the scandalous life adopted by the Franciscans incorporates a clear sense of bare life. Hence, rather than overcoming bare life, the model of the Friars Minor, in fact, retains it at its heart. At the same time, however, the Franciscan form-of-life is not simply the product of a political interplay between *zōē* and *bios*, but concerns rather a Christian ontology of life

itself – reminiscent of the one portrayed by Saint Paul when he writes that ‘creation itself’ is in ‘a bondage to decay’ and ‘that the whole creation has been groaning in pains of labor’ (*Romans* 8:21–22). Here, natural life appears neither as a resource rich enough for a good life nor as self-sufficient. In fact, it lacks the basic capacity of truly being lived for its own sake. The Franciscan poverty reaches so deep that it cannot even consider natural life and nature itself as self-sufficient. Consequently, if this Franciscan life in accordance with the highest poverty – that is, the cross of Christ – can be called ‘bare life’, this bare life cannot be determined as the product of the separation of *phusis* and *nomos*; it rather concerns a bareness and miserableness at the heart of nature or life itself, beyond the confines of Agamben’s and the Cynic appreciation of the wealth of nature.

Moreover, there is another problem related to the connection of poverty and use. Agamben introduces use in opposition to property and related terms such as appropriation, owning, ownership, and possession. The first time Agamben refers to use and *chrēsis* is in his reading of Saint Paul. There, indeed, he interprets *chrēsis* in opposition to possession:

Use: this is the definition Paul gives to messianic life in the form of the *as not*. To live messianically means ‘to use’ *klēsis*; conversely, messianic *klēsis* is something to use, not to possess. (Agamben, 2005: 26)⁵

This quote refers to 1 *Corinthians* 7 in which Paul discusses how the messianic vocation – *klēsis* is vocation or calling – revokes all previous worldly vocations. To revoke is not to annihilate vocations, but allows people to live their vocations differently. To describe this new way of living, Paul uses the expression *hōs mē*, ‘as not’, which plays a crucial role in Agamben’s reading (2005: 23–7), exemplifying a messianic mode of life that no longer identifies with a vocation but rather uses it.

However, in contrast to Agamben’s reading, when considering Paul’s *hōs mē*-formulas, they do not exactly oppose possession and use. Paul offers two consecutive ‘as not’ formulas (in a total of five of them) in which possession and use appear, respectively, but there is no intrinsic connection: ‘and they that buy, as though they possessed not. And they that use (*chrōmenoi*) this world, as not abusing (*katachrōmenoi*) it ...’ (1 *Corinthians* 7:30–31). The actual tension in the final *hōs mē* formula is not between possession and use, but rather between use and abuse, misuse, or using up (as in the French *usure*: a use to the extreme that leads to wastage or wears out). Paul’s statement on buying does not argue that we cannot do business – *agorazontes* – or own things. Rather, he points out that there resides an abuse in doing business if we do it for the sake of possessing alone, that is to say, if we are possessed by the will to possess.

So, indeed, use is, for Paul, the category to apply to doing business, but the same applies to having a wife, rejoicing, and weeping (1 Cor. 7:29–31) – doing business does not have any privileged place among the other examples: in each case, it is a matter of avoiding abuse. Hence, the latter ‘as not’ formula summarizes and captures the sense of the ones preceding it: use as not abusing, misusing or using up. Thus, this formula says that every use harbors the possibility of abuse, which we need to take care of and need to avoid; hence, the phrase: ‘to use as not abusing, misusing or using up’.

In sum, Agamben’s proposal (2005: 26) to read the *hōs mē* formula in a positive sense as ‘use’ offers a crucial insight, but less so when he reads it in opposition to possession: it should simply be read as ‘to use as not abusing’.⁶ The strict opposition to possession only makes sense from a Cynic perspective in which possession and money are hallmarks of *nomos* in its opposition to *phusis*. Such a perspective, however, is not exactly Paul’s. By this misreading, Agamben runs the risk of not recognizing that Paul speaks here of the intrinsic possibility of abuse in every use. To see how and where this might happen, let us turn to Foucault’s account of *chrēsis*.

The recognition of the possibility of abuse at the heart of every use is not only a matter of Paul’s 1 *Corinthians* 7. For Foucault (1990: 33–77) also, the ancient philosophical question raised under the heading of *chrēsis* in the Greek expression *chrēsis aphrodisiōn*, the use of pleasure, does not concern ownership. It rather concerns the question of how to use sexual desire, which is naturally given but which by its specific nature may lead to abuse. To be precise, natural desire itself is not abuse: it has nothing to do with Christian sin. However, when natural desire is used immoderately or excessively, the natural desire is abused.⁷ Therefore, the ancients urge to respect the ‘internal limit’ (Foucault, 1990: 56) of sexual desire and not use it beyond, for instance, the satisfaction of its natural need. To practice *sōphrosunē* – moderation as well as soundness of mind – is thus for the ancients not simply a way of using one’s desire, but of soundly using it, that is, of using as not abusing it. With respect to the danger of abuse, another urgent need arises: to aim for *enkrateia*, self-mastery, so that humans do not become slaves to their natural desires (Foucault, 1990: 80). Thus, we encounter the same motif as in Paul’s 1 *Corinthians* 7: to abuse sexual pleasure is actually to be a slave to sexual desire, just as to abuse doing business or owning things is to become possessed by one’s desire to possess.

This allows us to explicate a risk in Agamben’s opposition of use and possession. For Agamben, the figure of the master is the figure of the owner and of the one who commands from the outside. Therefore, for him, the figure of the master who owns the slave represents the basic form of abuse he acknowledges and problematizes. However, as Foucault’s analysis of *enkrateia* shows, the ancient philosophers insist

on the importance of self-mastery to avoid enslavement. Hence, mastery has a positive sense here and refers to a proper use. Consequently, it becomes clear how Agamben runs the risk of missing the genuine position and stakes of the figures of master and slave in the particular context of use: as Foucault and Paul show, they serve to illustrate the difference between use and abuse. Abuse means to be enslaved and incapable of differentiation between use and abuse.⁸

Defending Agamben's resistance against the figure of command and mastery, one might argue that while humans may think themselves in control of their desires, these desires can still overwhelm them. That is, one could object that there remains something 'ungovernable' or 'inappropriate' in relation to these desires: the possibility of abuse is, ultimately, ungovernable and that, for that reason, the image of mastery and command is out of place in relation to this possibility of abuse that inhabits all use. Yet, such a defense goes awry by *opposing* mastery to the 'inappropriate'. Children who struggle to learn a language slowly start to master it, but this does not mean that they will ever fully *possess* it; in fact, if they grow up to be a novelist or poet, superbly mastering their language, they will again and again experience that they never own this language. Yet, their continuous exercise counts as mastery in the ancient sense of the word. Self-mastery and moderation do not concern a state of affairs, but rather refer to a practice or exercise (*askēsis*) in which mastery and moderation are realized in the first place and in which the sense of the inappropriate only grows. Thus, self-mastery and moderation are not norms imposed from the outside, but are acquired by living accordingly, guided by the adage 'using as not abusing'.

Taking Care of Justice

Let me add one more distinction. In general, the use of one's world, one's body, one's desire, one's language, and so on, has a definite priority over any form of mastery. After all, before novelists master a language, they simply use it and get acquainted with what it can do, and before athletes or dancers are in full control of their body, they simply use it in a particular kind of familiarity and intimacy with it, becoming more and more familiar with what it can and cannot do, what it needs and does not need, and so on (see Agamben, 2015: 52). With respect to these examples it makes sense to distinguish a sense of primordial use from any form of mastery or being in control. In the first part of *The Use of Bodies*, Agamben hints at exactly such a primordial sense of use, which is a complex of being-affected to-and-fro: by use, the user affects what is used, but, in turn, what is used affects the user and, moreover, the user is aware of this being-affected and, hence, use constitutes a self-relation for the user.⁹ This is why Agamben (2015: 29) suggests defining the Greek verb *chrēsthai* as follows: '[*chrēsthai*] expresses the relation that one has

with oneself, the affection that one receives insofar as one is in relation with a determinate being’.

In order not to reduce this primordial use to the acts and activity of a subject in full control, Agamben opposes this primordial sense of use to possession and ownership. However, he does not consider the other possibility, namely that in certain uses, the user is in fact enslaved by the thing used. Thus, what lacks distinction in his account of primordial use is that the complex of being-affected to-and-fro can also be a form of abuse. It is the experience of this possibility that leads Paul to emphasize not simply a primordial use when he introduces *chrēsis*, but rather to emphasize that one should take care of the original differentiation between use and abuse that inhabits this primordial use, that is to say, to take care to use as not abusing. The ancient philosophical emphasis on exercise and acquiring mastery derives from the same experience that an original difference permeates any primordial use.

This issue culminates in Agamben’s discussion of Foucault’s reading of Plato’s *Alcibiades*. Agamben (2015: 31–7) notes that Foucault (2005: 54–7) refers to *chrēsis* to introduce the question of the subject as the question of who it is that uses the body. For Socrates, it must be the soul that uses the body (Plato, 1927: 198–9). As Foucault (2005: 56–7) writes, Plato discovers here ‘the subject’s singular, transcendent position, as it were, with regard to what surrounds him, to the objects available to him, but also to other people with whom he has a relationship, to his body itself, and finally to himself’. Foucault’s discovery that the soul is placed here in the position of the subject that is called on to take care of itself is crucial here. Foucault’s conclusion (2005: 72) that this care ultimately means ‘to care about justice’, as Alcibiades notes, shows that the question of use is ultimately about the distinction between use and abuse: it is the possibility of abuse – and not simply of possession or ownership – that demands the care for justice. That is to say, it concerns the enactment of the primordial use of the body, of language, of instruments, and so on, in a particular way: using as not abusing.

Agamben (2015: 33), however, worries that exactly at this point Foucault’s understanding of *chrēsis* ‘is resolved . . . into that of the command (*archē*) of the soul over the body’. Again, he fears that the soul, as the commander, becomes the external norm of the body. Yet, for neither Foucault nor Plato is this the issue. In fact, Agamben omits that the urgent need for exercise and mastery arises from the possibility of abuse and injustice that resides in the body as ungovernable and inappropriable. Hence, in the *Alcibiades*, the quest for command is not simply the quest of someone who is afraid to let go and wants to stay in control, but is rather a quest for the sake of justice.

Thus, we stumble upon a difference between a Platonic approach, here explored by Foucault, and Agamben’s. For Agamben (2015: 234–9), the primordial use is in itself a resource of the good life; therefore,

a withdrawal into the ‘intimacy’ of this realm is enough as a politics of exile. Every invocation of a norm, a command or a master, Agamben fears, is to impose an external form on this primordial, intimate movement of life. Therefore, the philosophical exile has to separate itself from norm, command, and mastery into the intimacy of this primordial movement of life. The Socratic question of care, however, arises when we experience that the primordial use is both a resource of good *and* evil. This is why this primordial use requires the exercise of the care for justice; that is, it requires the human to *become a subject that uses as not abusing*.

From Bare Life to the Bare Soul

Despite the questions Agamben raises with respect to Plato’s emphasis on care, the last chapter of *The Use of Bodies* is concerned with Plato’s myth of Er. For Agamben (2015: 250), this myth concerns the souls’ choice of a new form of life, a *bios*, granted to them in their next life. The realm in which this choice occurs, one might add to Agamben’s analysis, is a place of a particular exile: the soul has left not only the *polis* in which it used to live, but also its intimacy with its body, its habits, customs, and so on. Since the myth stems from *The Republic*, could we not say that it offers its own politics of exile? In line with the distinction Foucault (2005: 73) proposes, we do not encounter a soul-substance in this remarkable *polis* of souls left to their own devices, but rather a soul-subject forced to make a choice and carry the responsibility for the next life.¹⁰ In the passages Agamben underlines, the soul is thrown back on this isolated subject position, exempt from substance: the fact that the souls have to choose implies that there is no substantial connection between the soul and its life.¹¹ Yet, this lack makes the sight that Er’s testimony offers both pitiful and ridiculous because many souls lack the means to make a good choice (Agamben, 2015: 251).

While briefly entertaining the idea that the myth only offers the scene of a blind choice and thus a blind necessity, leaving no room for any just choice, Agamben (2015: 257–8) ultimately suggests that the myth still offers the possibility of choosing a ‘mean *bios*’. As he explains: ‘to choose the mean does not mean to choose a *bios* but, in the *bios* that it has befallen us to choose, to be in a position to neutralize and flee the extremes through virtue’ (2015: 259). Thus, like Foucault, Agamben now emphasizes the importance of *sōphrosunē*. Yet, the distinction he proposes between the choice and the use of a form of life is not convincing. In the myth, the soul’s choice is fundamentally affected by its past *bios*: the souls who did not practice moderation during their lifetime are incapable of choosing moderately in the *topos daimonios*; by their abuse and immoderation during their lifetime, these souls have become contaminated by this immoderation – they are possessed by immoderation when they are forced to choose another life.

In Plato's vocabulary (1921: 340–1), separation is not only described in terms of *phugē*, exile, but also in terms of *gumnos*, naked. In the *Sophist*, *gumnos* describes a state of being banned from the sphere to which something or someone normally belongs – the *polis* might be one example, and so is the body. In the *Gorgias* and the *Cratylus*, *gumnos* is used in exactly this way: Plato (1927: 70–1) speaks of the bare soul, that is, the soul stripped bare (*gumnoō*) from the body and from its living conditions. Here, the bare soul is neither simply the immortal soul-substance nor simply the soul-subject that uses the body, its political environment, or other living condition. Instead, it concerns the soul's bare existence set apart from all that is normally attached to it. Rather than offering a spectacle of the soul's very own, immortal wealth, the myths on the bare soul, such as that of Er, tell the tale of the soul left to its own poverty and misery. For instance, of one of the souls who make a terrible choice, it is said that he 'lived his previous life under an orderly constitution, where he had participated in virtue through habit and without philosophy' (Cooper, 1997: 1221–2). In the *topos daimonios*, neither *nomos* nor habitual use or virtue can save the bare soul. However, the soul is not in a completely desolate state – at least, if it practiced the care for justice during lifetime: left to its own devices, the soul maintains the results of this care and does not choose blindly.

Let us recall Agamben's definition of *chrēsthai* as 'the relation that one has with oneself, the affection that one receives insofar as one is in relation with a determinate being' (2015: 29). To be affected in this way happens always, in every use, and in every abuse. Yet, the experience of a difference between use and abuse, misuse or using up gives rise to a particular task, namely to take care of the soul, which is to take care of justice. The question of mastery is thus not opposed to use, but is rather the very task for which we are placed confronted with the experience of primordial use and the ambiguous ways it affects humans.

The Cynic overtones of Agamben's project are difficult to miss, as I have argued. For Agamben, there are two exiles: bare life, banned from the *polis* and the good life it offers, is distinguished from the philosopher's happy exile that severs all ties to the *polis* and its *nomos* in order to achieve authentic autarchy and a return to a sheer, primordial use, which is in itself the resource of the good life. In Plato, however, we encounter a different politics of exile, marked by another difference. In Plato's exile, all souls find themselves equally stripped bare of everything that supported them during lifetime, whether it be their beauty, their power, their wealth, or the orderly constitution they inhabited. In this exile, all souls have severed all ties to the *polis* and its *nomos*. Yet, there is still a difference that runs through these bare souls and their poverty, namely the difference between those who cared for justice and those who did not, between those who exercised and examined the difference between use and abuse on the basis of the care for justice – and those who did not.

Notes

1. The relation of Agamben and Foucault concerning biopolitics has been extensively researched; see, e.g., De la Durantaye (2009: 207–11), Genel (2016), Mills (2014: 59–80), Ojakangas (2005), and Thaning, Gudman-Høyer and Sverre Raffnsøe (2016); for Foucault in *The Use of Bodies*, see Lemm (2017); for Foucault in the first volumes of the *Homo Sacer* series, see Snoek (2010); for a reception of *The Highest Poverty*, see Bignall (2016), DeCaroli (2016), and Vatter (2016).
2. Note that *zōē* can also be used in the sense of a form of life (see Liddell-Scott-Jones s.v. *zōē*); consequently, one may question whether Agamben's distinction is as stable as he thinks it is. This has been the object of several discussions; see, e.g., Derrida (2009: 420–2). I will not go into this debate at the moment, because it is my first concern to capture the specific nature of the alternative Agamben aims to offer. My reference to Cynicism in the rest of the paper clearly shows that the distinction is not encompassing for ancient thought.
3. As suggested, e.g., by Diogenes (see Diogenes Laertius, 1925: 50–1).
4. Basically, this argument inspires the Cynic rejection of slavery: since masters depend on slaves, they lack self-sufficiency; see Desmond (2006: 96–8).
5. Later, Agamben (2015: 80–91) also opposes use to possession and relates use to the inappropriable.
6. In *The Use of Bodies*, Agamben (2015: 57) argues that the 'use as not abusing' refers to the Roman *ius utendi et abutendi*. Yet, why not limit the application of this *ius* to 'those who use the world as not abusing'? Then Paul simply claims that humans do not own the world, i.e. they are not allowed to fully consume or destroy the world when using it.
7. A similar motif can be found in Foucault, especially in his discussion of Augustine's notion of use in relation to marriage (see Foucault, 2018: 369ff). Augustine adopts a similar sense of a natural use of sexuality from the ancient thought. Here, I will not discuss the more specific emphases the early Christian sense of use attains, as Foucault discusses this in relation to Augustine.
8. Agamben (2015: 66–79) seems to suggest that possession and mastery ultimately lead to use as *instrumental* use, as in his description of the difference between the monk and the priest (2013: 84).
9. See, e.g., Agamben's discussion (2015: 31ff) of the positive sense of the use of the body, the Stoic *oikeiosis*, the distinction between use and care, and 'habitual use'.
10. For Foucault (2005: 72), the soul-subject of the *Alcibiades* is opposed to the soul-substance of the *Phaedo*, which describes the body as the prison of the soul. Yet, it remains to be seen whether this distinction is stable enough: imprisonment is another image for enslavement and the body that imprisons the soul does not allow the soul to care for justice.
11. Agamben (2015: 254) seems to affirm the idea that, in the myth of Er, there is no soul-substance.

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