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Highest Openness
On Agamben's Promise

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ABSTRACT: This essay follows the productive discussion of Giorgio Agamben's *The Open: Man and Animal* that took place as part of the 'Openness in Medieval Culture' conference at the ICI Berlin. The essay attempts to develop a speculative notion of openness within Agamben's work, in particular by connecting the question of openness to the question of the promise: the promise of the resolution of the question of man and animal (*The Open*); the promise of the Franciscans' vow, or *sacramentum* (*The Highest Poverty*); and the promise of language (*The Sacrament of Language*).

KEYWORDS: Giorgio Agamben; The Open; The Highest Poverty; The Sacrament of Language; promise; potentiality; language; Franciscans; eschatology

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The question of the promise, be that in philosophy or in any general-
ized field of critical enquiry, is perhaps always completely reducible to
the promise of the question itself. That is to say, the question of the
stakes of the promise — the promise of thinking, of philosophy, of lit-
erature — is to be traced to the promise of the question itself, i.e. to the
promise of the question that thinking is expected to deliver. It is then
only natural, given this notion of promise — of promise as a certain
openness to the question — to ask whether there might be a highest
promise to attend to, a most urgent one, as it were. As such, the highest
promise would stand for the utmost openness to the question. In the
following, the three guidelines of openness, promise, and question are
traced back to the one self-constituting and self-promising openness
that serves as a common ground for all three guidelines: the openness
and promise of language.

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The occasion for the present discussion of the question of openness
and promise is provided by the conjuncture of these themes in two
of Giorgio Agamben's seminal works, namely *The Open: Man and*

Animal and *The Highest Poverty: Monastic Rules and Form-of-Life*.[1] In
these two works, the themes of openness and promise are unfolded
in thirteenth-century settings instantiated, firstly, by the discussion
of a messianic miniature depicting a form of reconciliation between
animal and human natures, and, secondly, by the analysis of the vow or
promise pledged by the Franciscans upon entering monastic life. The
question to be addressed here will be the extent to which the notion
of openness put forth in *The Open* can be connected to the question of
the promise, precisely through the messianic element introduced by
the miniature, and, vice versa, the extent to which the question of the
promise or vow addressed in *The Highest Poverty* can be set in dialogue,
in spite or by virtue of the cloistered nature of the cenoby, with a certain
notion of openness.

The first section of this essay introduces the notion of openness
developed by Agamben in *The Open*, and positions it with respect to
Agamben's broader philosophical project. *The Open* confronts the *locus
classicus* of the relation between man and animal by means of a read-
ing of Martin Heidegger's seminal 1929–30 lecture course. Through a
discussion of the different forms of openness that, according to Hei-
degger, distinguish man from the animal, Agamben presents his own
notion of openness as that of a constitutive element of the concept
of life itself. Openness will stand in this instance for a certain void of
representation that articulates the very separation between human life
and animal life. The discussion of the messianic miniature found in *The
Open* will introduce the promise, and at the same time the danger, that
this notion of openness constitutes for the Western philosophical and
political traditions. The second section, 'Promise I', effects a transition
between this notion of openness and that of a certain structure of
the promise, namely a certain horizon of messianicity that cannot be
reduced to any particular messianism. The third section presents that
which, according to Agamben's *The Highest Poverty*, has been one of the
most successful attempts in the Western tradition at constituting a life
that inhabits this openness and this promise, namely the *experimentum
vitae* of the Franciscans. Through the unique form of their vow and of

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1   Giorgio Agamben, *The Open: Man and Animal*, trans. by Kevin Attell (Stanford: Stan-
     ford University Press, 2003); Giorgio Agamben, *The Highest Poverty: Monastic Rules
     and Form-of-Life*, trans. by Adam Kotsko (Stanford: Stanford University Press, 2013).

their promise, the Franciscans are claimed to come closest to inhabiting that openness that in the miniature of *The Open* has been set as the very horizon of messianicity. The last section, 'Promise II', points to the common ground that underlies the two instances of openness and promise presented in *The Open* and in *The Highest Poverty*, namely the openness and promise of language itself.

THE OPEN

Agamben introduces the question of man and animal, the question of 'the open' according to the title of his book, through the discussion of a miniature found in a Jewish Bible of the thirteenth century. The miniature depicts the messianic banquet in which 'the just ones' will take part at the end of time. The righteous ones — the 'rest' who will be there when the Messiah arrives — are depicted in the miniature as having human bodies and animal heads: more precisely, as having the heads of the four eschatological animals (the cock, the eagle, the ox, and the lion). To all appearances, Agamben seems to open his book on the question of man and animal by means of a miniature that depicts the very becoming redundant of this question: at the end of time, the question of man and animal will no longer be a relevant one — there will be no animal nature that is disavowed to erect the dignity of the human, and there will be no intrinsic essence of man that is founded through the exclusion of the animal. The righteous ones appear to be, at least in Agamben's reading, completely indifferent to the question of man and animal, and therefore to what we should trust to be the question of the open. After a brief appearance, the miniature is left behind; the book then turns to the discussion of a number of philosophical references, ranging from Bataille and Kojève to Benjamin and Heidegger.

The theoretical backbone of Agamben's argument is indeed developed through a reading of Heidegger's 1929–30 lecture course entitled *The Fundamental Concepts of Metaphysics: World, Finitude, Solitude*, which was not published until 1983, in German (in Italian in 1992 and in English in 1995).[2] The question of man and animal is

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2   Martin Heidegger, *The Fundamental Concepts of Metaphysics: World, Finitude, Solitude*, trans. by William McNeill and Nicholas Walker (Bloomington: Indiana University Press, 1995).

then confronted by Agamben through a reading of Heidegger's own confrontation. It is by now apparent, however, that it is in no way immediately clear what the question itself of man and animal could be. Is the question at stake 'what is the difference between man and animal?' Or perhaps 'what is the relation between them — what is proper to man that the animal lacks and what is proper to the animal that man supplements with a specific capacity, perhaps of being the animal that speaks, the political animal, and so forth?' From the start, both Agamben and Heidegger make it clear that the question cannot be approached in this way. All these standpoints, Heidegger argues, end up anthropomorphizing the animal or 'animalizing' man. On the contrary, the claim is that the question is to be approached only by following a directive provided by a certain notion of openness. The animal, Heidegger will conclude, is not 'open' to the entity (*das Seiende*, a particular being) — which is to say, the animal is not 'open' to any being that can be said to be or to exist (this flower, this stone, the sun). And yet, at the same time, one cannot quite deduce from this that the animal is instead closed off from the entity. For if the animal cannot be said to have access to the entity, to be open to it, this access cannot be said to be refused to the animal either — for that would imply the very possibility for this access to be either granted or refused in the first place. That is to say, according to Heidegger, the animal has no access to the play of openness and closedness, the concealment and unconcealment of entities and of something like a 'world.' Building on Uexküll's work,[3] Heidegger will argue that the animal consists — at least from the human standpoint — of a set of instinctual relations that are dis-inhibited or activated by a certain entity. For example, a tick consists of nothing but a few of these relations or drives: the one activated by the smell of an animal that makes the insect drop onto it, the one that compels the tick to ascertain the temperature of the body and confirm that the landing has been successful, and finally the one that drives the tick to find the least hairy spot to start feeding.[4] Beyond these privileged channels of experience of its surroundings, however,

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3   Jakob von Uexküll, *A Foray into the Worlds of Animals and Men: With a Theory of Meaning*, trans. by Joseph D. O'Neil (Minneapolis: University of Minnesota Press, 2010).

4   Ibid., pp. 44–45.

the animal is claimed to have no relation to the world. To support his claim, Heidegger will refer to an experiment performed on bees in which they dis-inhibit the drive to suck honey. Once the experimenter cuts the bee's abdomen open, Heidegger reports, the bee simply keeps sucking and dis-inhibiting its drive, unconcerned with the fact that the honey flows right out of its abdomen.

On the other hand, if the animal is neither quite open to nor quite closed off from the existent, the latter is not just open (*offen*) to man but is in fact manifest (*offenbar*), literally open-able.[5] In other words, man is open to the existent not only as to a dis-inhibitor to a drive, but is open to the very possibility (*-bar*) of suspending the relation to the entity — that is, through this suspension, man is open to the very domain of possibility (once again, *-bar*, '-able') of either being open to or closed off from the existent (with the *-bar* barring a simple openness to the entity, and, at the same time, enabling a different 'openness' to, or possibility for, openness and closed-off-ness). A certain notion of 'difference' between man and animal, then, starts to emerge: a difference that nevertheless does not quite qualify as one between two entities, for at stake is precisely a notion of openness to the world — a notion of openness to difference itself. The difficulty encountered in posing the question of man and animal as a question of difference between two entities is then traced to the allegedly more fundamental 'difference' that obtains between these two entities insofar as *their very relation to difference itself*, their very openness to the world, is at stake.

The key point to be taken in order to return to Agamben and, eventually, to the messianic miniature is the following: Heidegger traces the issue of the distinction between man and animal back to a prior notion of openness, an openness that grants man access to the existent while refusing the animal not only this access, but the very

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5   'Beings are *not manifest* [*offenbar*] to the behaviour of the animal in its captivation, they are not disclosed to it and for that very reason are *not closed off* from it either. Captivation stands outside this possibility. As far as the animal is concerned we cannot say that beings are closed off from it. Beings could only be closed off if there were some possibility of disclosure at all, however slight that might be. But the captivation of the animal places the animal essentially outside of the possibility that beings could be either disclosed to it or closed off from it. To say that captivation is the essence of animality means: *The animal as such does not stand within a manifestness* [*Offenbarkeit*] *of beings. Neither its so-called environment nor the animal itself are manifest as beings*' (Heidegger, *Fundamental Concepts of Metaphysics*, p. 248).

possibility for this access to be either granted or denied. If the animal can be considered to be neither open to the existent nor closed off from it, man appears to be characterized not simply by a structural openness to the world but by the very possibility of a play between openness and closedness, concealment and unconcealment. It is, then, in the very possibility of *not* having access to the existent that man and animal seem to show their closest connection *and*, at the same time, their most conspicuous difference. Heidegger will provide in this respect a lengthy phenomenological description of the experience of profound boredom in order to present the possibility of the complete suspension of man's access to entities and to the world. Profound boredom (*tiefe Langeweile*) constitutes — like its better-known counterpart in *Being and Time*, *Angst* — one of the *existentialia* through which the structure and possibilities of existence can come to appear in existence itself. In profound boredom, it is the very domain of the possibilities of entities — the possibility for this book to entertain, to disappoint, for the train to arrive, and so on — it is these very possibilities that come to be at stake by refusing themselves completely, leaving man in a state of impotence with respect to the sheer indifference of the world (with the *-bar* of *offenbar* functioning only as a closure rather than also as an access to the domain of possibility). It is, then, in the deactivation of the possibilities of entities, in the disappearance of the possibilities of possibilities themselves, that man's relation to the world — man's relation to a world that refuses itself — lies closest to that of the animal. For when the existent appears to refuse itself completely to us, how is one still to make a case for a fully constituted difference between man's closure and the animal's structural impossibility of having access to the very play between openness and closure to the world? How is one to tell apart, in the space opened by the very refusal of the existent, man's actual and effective closure from the animal's allegedly constitutive *fore*closure? Agamben writes:

> The man who becomes bored finds himself in the 'closest prox-
> imity' — even if it is only apparent — to animal captivation.
> Both are, in their most proper gesture, *open to a closedness*; they
> are totally delivered over to something that obstinately refuses
> itself.[6]

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6   Agamben, *The Open*, p. 65.

It appears that the very possibility of being closed off from entities delineates a space in which man and animal might be as close as they can be, a space in which it becomes impossible to determine whether a tangency or a lack of contact between the two realms is at stake.

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Agamben's own gesture lies in zooming in on this particular space — on the space between man and animal, a space that precedes the *difference* between man and animal, for at stake in this space is precisely difference itself. The title of Agamben's book, *The Open*, does not signal simply the open of the world or of the disclosure of entities, but also the open of this space, the open of a void of representation that simultaneously joins and disjoins man and animal. The void of this space can, in fact, be approached only asymptotically: either from the animal side — but man cannot fully translate the experience of the animal into conceptual terms — or from man's side, but again at that point at which the world refuses itself completely to us and every possibility of conceptualization fails. On the one hand, the animal is open to a closure, or better to a *fore*closure, in that it can neither be said to be open to the entity nor to be closed off from it; proper to man, on the other hand, is instead the possibility to suspend, in certain existential states, his relation to the world — and, through this suspension, to be open, paradoxically, to the (fore)closure that is proper to the animal.

The question of this void, of the open of this void of representation, is for Agamben not only a theoretical question, but also eminently *the* political question, a question that concerns precisely the threshold that makes possible the articulation between man and animal. Agamben claims that the articulation between man and animal takes place through the suspension of one domain, that of the animal, its exclusion, and the foundation of man through the capture of what has been suspended and excluded. The articulation of man and animal functions, then, according to a logic of the exception (*ex-capere*), namely by means of a capture (*capere*) or inclusion *by way of* an exclusion (*ex*). According to Agamben, the anthropogenic machine, i.e. the metaphysical apparatus (*dispositivo*) that engenders our concept of 'man', affords

the production of the human always by excluding something akin to the 'animal', and by constantly redefining the limit at which a life can properly be called human. Agamben's notion of 'bare life' is precisely that of a threshold at which life enters the political domain — once again, a void of representation that articulates the boundary between animal life (ζωή) and politically qualified life (βίος):

> Like every space of exception, this zone is, in truth, perfectly empty, and the truly human being who should occur there is only the place of a ceaselessly updated decision in which the caesurae and their rearticulation are always dislocated and displaced anew. What would thus be obtained, however, is neither an animal life nor a human life, but only a life that is separated and excluded from itself — only a *bare life*.[7]

Power, that as such is always bio-power, decides, i.e. according to the etymology of the word 'separates', which lives are worthy of the political domain and which lives are to be excluded from it — which lives can be killed and which lives are worth being saved.

Once the space of the political has been identified with the decision, the separation and the articulation that take place in and through the anthropogenic apparatus, the question, and in fact the task come to be located in a certain halting of this metaphysical machine — that is, the task comes to be that of thinking, and therefore enabling, a life that is not separated from its bare life, a life that is not grounded by the exclusion of a 'bare' hypostasis. For Agamben, the exhibiting of this void of representation coincides with disclosing the possibility of its interruption, a possibility that is coextensive with a promise. The miniature with which the book opens can then be read as the presentation of a messianic setting in which the anthropogenic machine would be interrupted, in which it would no longer be possible to decide and separate what is human from what is animal. In this framework, messianicity would be coextensive with a deactivation of the mechanism by which life is articulated through the separation and exclusion of a certain kind of life itself. Animal life and properly human life, *zoe* and *bios*, would not be raised and reconciled in a higher form of life, but their opposition would rather precipitate by means of an interruption

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7   Ibid., p. 38.

of gravity itself: as Agamben has it, the two terms of the opposition would 'coincide' in the etymological signification of falling together. The open, the void that served to articulate the anthropogenic machine, would come to be deactivated, and would thus provide the living being with the possibility of inhabiting it in a new mode. To install oneself in this space of indifference to the human and to the animal, in this space of profound boredom, in which it is undecidable whether one has suspended the human relation to the world or whether one has achieved the animal foreclosure to entities — to inhabit the form of life of the righteous ones in the messianic miniature — would imply accessing that which Agamben calls a state of happiness.

PROMISE I

One could then venture to postulate a link between this notion of openness to the world or to the existent — of openness to the other, of openness as the transcendence of always being (*sein*) in the open of a there (*da*), i.e. the Heideggerian notion of the transcendence of *Dasein* — *and* a particular structure of 'messianicity', a dimension of the messianic opened by the promise. Crucially, however, the messianicity instituted by this promise or openness would not be reducible to any of the historical messianisms of the Judaeo-Christian tradition, but would rather first provide the very ground for their possibility. It is through this link that we are to understand the appearance of the messianic miniature that opens Agamben's book. The depiction of the righteous ones does not merely display the end of time or the end of violence, exclusion, and injustice by means of a realized transcendence — i.e. by means of the transcendence of a future that would bring about a final reconciliation or appeasement of the constitutive scission that marks profane time. On the contrary, the righteous ones make manifest, that is, *offenbar*, the very structure of promise or messianicity *as such*. That is to say, they *live*, as indicated by their having the heads of the eschatological animals, a notion of eschatology that is equivalent to the transcendence or openness of life: they live this transcendence not as a supplemental attribute or hidden power, but as the matter of life itself. It is in this sense that that the structure of eschatology displayed in the miniature cannot be traced back to any notion of

teleology, but rather provides a space to think the difference itself between telos and eschaton, namely the difference between the end of time and the time of the end. It is then a priority to dissociate as firmly as possible this structure of messianicity or openness from the teleology of any messianism. The following are four indicative pointers to this irreducibility.[8]

1. Messianicity as openness to the other is not exclusively directed at the future. In this regard, we, and most of all Agamben himself, owe to Benjamin the thinking of the claim that the past makes upon us, a claim that constitutes us in our openness towards an other that is neither present nor to come, and that is therefore not reducible to the possibility of the coming of any messiah. 'We', as Benjamin says, have been entrusted with a promise: that of redeeming not our future, but the future of the past; that is to say, we have been entrusted with the task of redeeming the possibilities that have never taken place, the possibilities that in not being actualized have been missed.[9] We have been promised: that is, *we* have been set as the transitive object of a promise — a promise that lays with us the impossible task of redeeming the missed possibilities of the past. A redemption that would not simply be a recuperation, but a setting free of these missed possibilities: a setting free of the past, of the future of the past, and of the future that lies ahead of this present or future setting free — a redemption of time itself.[10] We constitute the messianicity of the past that entrusts us with this task, and, at the same time, we are ourselves constituted by this very messianicity as if by an openness to

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8   The following reflections are based on a somewhat peculiar Derridean reading of Agamben and Benjamin. For the notions of 'impossible mourning', 'messianicity without messianism', and the speculative difference between eschaton and telos, see e.g. Jacques Derrida, *Specters of Marx: The State of the Debt and the New International*, trans. by Peggy Kamuf (New York: Routledge, 1994), as well as Jacques Derrida, *Memoires for Paul de Man*, trans. by Cecile Lindsay and others (New York: Columbia University Press, 1989).

9   See thesis II in Walter Benjamin, 'On the Concept of History', trans. by Harry Zohn, in *Selected Writings*, 4 vols (Cambridge, MA: Harvard University Press, 2004–06), IV: *1938–1940*, ed. by Michael W. Jennings (2006), pp. 389–400 (pp. 389–90).

10   Giorgio Agamben, *Potentialities*, trans. by Daniel Heller-Roazen (Stanford: Stanford University Press, 1999), p. 158, writes: 'In the paradoxical figure of this memory, which remembers what was never seen, the redemption of the past is accomplished.' For the relationship between memory and redemption, see also Giorgio Agamben, *The Time That Remains: A Commentary on the Letter to the Romans*, trans. by Patricia Dailey (Stanford: Stanford University Press, 2005).

this promise: *we ourselves*, by opening to the claim of the past, come to display our eschatological heads.

Our own constitutive messianicity marks the impossible task of a work of mourning directed at the past, at the missed possibilities of the past, at time itself. The mourning of these missed possibilities is, however, irreducible to any notion of a working through of a loss, i.e. it is irreducible to any detachment from or incorporation of a lost object. The mourning of possibilities — and one could advance the claim that the mourning of every lost object is always a mourning of its possibilities — can only set itself up as a task: the task of redeeming these possibilities, of reactivating the very possibilities of these possibilities. A task that, however, constitutes itself as an impossible one, for to take even a moment longer to fulfil it would infinitely increase the measure of the task itself, i.e. the measure of the missed possibilities to be mourned. A task that, in any case, is insurmountable not only because infinite, but rather because the very notion of its success would be self-contradictory and self-defeating. Succeeding in laying the claim of the other to rest would entail having conceived the other as a lost object to be incorporated or to be separated from, without considering that the success of either of these operations would precisely entail fixing the destiny of the missed possibilities that the work of mourning has set out to redeem. It is to the extent that the work of mourning is inherently bound to fail that it can be said that we are constituted by nothing but the failure — or *weakness* as Benjamin has it — of our own messianicity.[11]

Coextensively with the claim we receive from the 'past', we ourselves make a claim directed to what we indicate as the 'future'. Our promise institutes the possibility of futurity as the site of the possibility of either fulfilling or missing what we envisage to be the possibilities of our own time. Once again, 'we' are constituted by an openness to a future that cannot be reduced to any present presence, for doing so would precisely entail extinguishing the very possibility of futurity, the potentiality of potentiality. Derrida's celebrated formula of a 'messianic without messianism' points to this notion of openness — an openness out of which the very possibility of historical messianisms

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11   Benjamin, 'On the Concept of History', p. 390.

is drawn, but that is nevertheless irreducible to this possibility, for the actual coming of a messiah would deactivate the very openness of this promise. Once again, we are constituted by the failure or weakness of our messianicity, by the failure to mourn for those possibilities of ours that will inevitably be missed. We pledge a claim for our own possibilities, we swear by the name of their own possibilities, and we swear by the lack of a name for the potentiality for potentiality. Our openness is the double failure of mourning for our past and for our future, our failure of mourning for time.

2. Messianicity cannot be reduced to any messianism, for what we indicate by 'past' and 'future' as the possible loci for the coming of the messiah are invariably reconfigured *by virtue of* the very openness of messianicity. That is, the sites of the past and of the future are constituted *by* the very operations of mourning the past and 'mourning' the future. The future that we envisage is at each turn reconfigured by the missed possibilities of the past and by the claim they lay upon us; accordingly, the past, and the future of the past (its possibilities), are in turn reconfigured by our practice of mourning the future.

3. Were the coming of the messiah to respect the profane or linear structure of time, could one still call this coming by the name of justice? Could one still call by this name a certain 'per-version' of the messiah, namely the very turning away from the injustice that has been allowed to hold sway throughout secular time? How could one trust or find any solace in a messiah that had let injustice have its course, only then to claim the glory of its redemption? In this respect, Quentin Meillassoux has recently proposed what could be called a certain 'speculative dignity', namely a certain injunction to reject as perverse any messiah that would come after having let even just one death or suffering take place.[12]

4. Were, on the contrary, the coming of the messiah to alter the very structure of profane time, this alteration, this coming, would not be liable to be represented *in* time. The notions of messiah and of coming, of the coming of the coming, would themselves be altered by the coming itself: for, indeed, the coming, by coming, by altering the structure of profane time, would therefore alter also the very notion

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12   See Quentin Meillassoux, 'Spectral Dilemma', *Collapse*, 4 (2008), pp. 261–76.

of coming, of coming in time. Messianicity, as openness to this utmost 'possibility', would then constitute the 'possibility' of the alteration of possibility itself; it would constitute the possibility of the alteration or even the erasure of the messiah and messianism themselves, and would therefore never be reducible to them.[13]

Having outlined the connection between openness and a certain notion of messianicity that cannot be reduced to any messiah or messianism, let us turn to a different attempt by Agamben to think this promise, namely to think the promise of a vow — not quite a vow to openness, but rather what appears at first to be a vow to seclusion. The singular structure of the promise taken by the Franciscans upon entering monastic life will be seen to delineate a notion of openness that most closely approximates the one presented by the righteous ones in the messianic miniature discussed by Agamben in *The Open*. The two notions of openness will be seen to make contact precisely to the extent that the righteous ones and the Franciscans promise to live a life that can only be constituted by the dimension of the promise itself — a life that is indistinguishable from the very openness of their promise.

THE HIGHEST POVERTY

The Highest Poverty is the penultimate volume of Agamben's *Homo Sacer* project, the twenty-year-long investigation into the Western tradition developed in terms of the historical unfolding of the *dispositif* of *sacertas*, namely the unfolding of the metaphysical machine of exception that has been seen at work in the instance of life and 'bare life'. *Sacer*, indeed, according to Roman law, qualifies someone who can be killed — albeit not sacrificed — without committing a crime; someone, therefore, for whom the law is suspended and does not apply — or, rather, an instance to which the law applies as to an exception, i.e. by dis-applying itself. *Highest Poverty* constitutes the turning point

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13   This is a 'possibility' that is, if not coincident with, at least contiguous with that of negative theology. In the context of theology, it was advanced by Peter Damian in the eleventh century; see John D. Caputo, *The Weakness of God: A Theology of the Event* (Bloomington: Indiana University Press, 2006), pp. 182–207. See also the discussion of this 'anarchic' possibility in Quentin Meillassoux, 'L'Inexistence Divine' (unpublished doctoral thesis, University of Paris, 1997).

at which the *Homo Sacer* project initiates the unfolding of its own gesture and operation on the tradition whose workings it has carefully exposed. As mentioned above, throughout the Western political and philosophical experience, the notion of life, which in this respect is always the notion of a life worthy of the political domain, has been constituted by means of a scission that has always separated it from a 'bare' hypostasis. The exclusion of this hypostasis has been coextensive with the founding of sovereign power, i.e. of that power that according to the Schmittian framework can decide on the exception, of what has been included by way of an exclusion (*ex-capere*). Sovereignty, as per Schmitt's definition, is instituted precisely by the possibility of deciding what constitutes a state of emergency or a state of exception (*Ausnahmezustand*), namely by the possibility of suspending the law in order to secure precisely the continued existence of the law itself.[14] The history of the *dispositif* of *sacertas* (*sacertà*), i.e. of the logic of exception that excludes/includes 'bare' or *sacer* life, unfolds, according to Agamben, along an axis that points towards the creation of a space in which the domains of bare life and politically qualified life can no longer be distinguished (*una soglia* (threshold) *di indistinzione*). That is to say, this history follows a trajectory directed at the creation and maximal extension of a space in which the law can apply as it would to an exception, namely by suspending its own validity: a space in which the law is both within and without itself. The proposal of the *Homo Sacer* project consists, then, in a certain operation on the tradition it has itself exposed: having uncovered the metaphysical functioning of the anthropogenic machine, the task of the politics to come lies in thinking and realizing a life from which, as in the case of the righteous ones depicted in the messianic miniature, something like a bare life could never be separated and excluded.

Agamben finds in the theoretical formulations developed by the Franciscans the pointer to a speculative notion of form-of-life (*forma vitae, forma vivendi, vita vel regula, regula et vita*) that would not be susceptible to any excluding/including scission. In *Highest Poverty* the speculative notions of 'form-of-life' and 'use' are reclaimed from the

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14   Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, trans. by George Schwab (Chicago: University of Chicago Press, 2005).

context of the Franciscan experience and receive their full elaboration in the last volume of the *Homo Sacer* project, *The Use of Bodies*. Crucial in this respect is, then, the Franciscans' attempt at constituting a life outside the bounds of property and of law by means of the declarations of highest poverty (*altissima paupertas*) and the abdication of every right (*abdicatio omnis iuris*). As such, Agamben writes, theirs stands as 'perhaps the most extreme and rigorous attempt to achieve the Christian's *forma vitae* and define the figure of the practice in which it is worked out'.[15] Most relevant for the present discussion is the fact that the *experimentum vitae* of the Franciscans takes place by means of a promise, by means of a vow or an oath.

Crucially, we are to understand this promise not simply as a factual vow to relinquish all possessions for the sake of the cenoby (that is, as a vow to sacrifice the worldly life in order to live according to a certain norm) — but rather, we are once again to understand this promise in terms of a certain openness. For the Franciscans, in pledging their vows, do not merely constitute a life through the factual sacrifice of their material properties; that is, they do not merely constitute a life by making themselves *sacer*, i.e. by excluding themselves from the world and therefore constituting an included exception (sacrifice as *sacrum facere*). To constitute themselves by means of a sacrifice would still entail belonging to and depending on what they wish to deactivate insofar as they would come to be included in the law by a merely sub-tractive act, i.e. through a logic of exception. Sovereign power would then be able to decide on them as on exceptions outside the law — and therefore the law itself would apply to them by dis-applying itself: their sacrifice would include them in the *dispositif* of *sacertas*. The openness of the Franciscans lies in their promise: a promise that can be consti-tuted neither by a transitive object nor by a lack thereof, but is rather to remain constitutively an openness for openness itself. All that can be promised by the Franciscans is, therefore, only the structure of the promise itself: all they can be open to is only openness itself. Agamben writes that the vow

> does not obligate one, like the law, simply to fulfil determinate
> acts and keep away from others, but produces in the will a

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15   Agamben, *The Highest Poverty*, p. 86.

'permanent and, as it were, habitual bond' (*vinculum permanens et quasi in habitu* [...]). Here the vow is a 'vow of the vow' (*habet pro obiecto votum*), in the sense that it does not refer immediately to a certain action or a certain series of acts, but first of all to the bond that is itself to be produced in the will [...]. [This] is the paradox of an obligation whose primary content is not a certain behaviour, but the very form of the will of the one who, by promising the vow, has been bound to God.[16]

It is by deactivating the fulfilment of the promise and openness that the Franciscan way of living constitutes itself as a form-of-life, as a space of incessant practice and self-constitution, an aesthetics of existence that promises its own promise and that is open to its own openness. But why is it the case that the promise needs to turn upon itself to open a space to which the logic of exception would neither apply nor, in the case of an exception, dis-apply?

The structure of the promise or of the oath is indissociable from that of *sacertas*, for to pronounce a vow or a *sacramentum*, Agamben argues, always means to give oneself over to the gods one swears by — to con-secrate oneself to the gods should the promise be broken (*sacratio*). As Agamben writes,

the one who pronounces the vow, more than being obligated or condemned to execution, becomes [...] a *homo sacer*. His life, insofar as it belongs to the infernal gods, is no longer such, but rather he dwells in the threshold between life and death and can therefore be killed by anyone with impunity.[17]

More specifically, to take a vow or an oath marks *the very possibility* of the dimension of *sacertas*, the possibility of losing every right before the gods and before the *polis*. Agamben relies on Benveniste in order to connect the oath and the condition of being *sacer* through the metaphysical operator of possibility: 'The *sacramentum* is properly the action or object by which one anathematises one's own person

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16   Ibid., pp. 56–57; embedded quotes are from Francisco Suárez, 'De voto', in *Opera omnia*, 28 vols (Paris: Vives, 1856–78), xiv (1869), pp. 750–1179 (p. 804). Agamben also relies on Suárez's claim ('De voto', p. 804) 'that the vow properly so-called, insofar as it signifies that act by means of which a person obliges himself with respect to God, cannot have for its object any human act other than the obligation itself, that is the bond that is realized through the act of vowing oneself'.

17   Agamben, *The Highest Poverty*, p. 38.

in advance [...]. Once the words are spoken in the set forms, one is *potentially* in the state of being *sacer*.'[18] It is from this standpoint that the Franciscan *experimentum* (i.e. experiment and experience) can be assessed in its full potential: precisely as that of a promise that, in not having a direct object, in being a promise *of the promise itself*, subtracts itself from the very possibility of *sacertas*. For if the condition of *sacertas* is enacted or deactivated by the being broken or being kept of the promise, by promising the promise itself the Franciscans subtract themselves from the dimension of *sacertas* altogether, for to break their promise — the promise of taking the promise — would entail precisely *not* making a promise, and therefore *not* being liable to the condition of *sacertas*. Through their singular promise they succeed in situating themselves outside the very possibility of *sacertas*, for a promise of a promise can neither be kept nor broken — it can only be promised. If a *sacramentum*, i.e. an oath or a vow, is to be taken as a potentiality for *sacertas*, the vow to keep pledging the vow and the promise of promising the promise stand for the unfolding of a potentiality of potentiality itself, for the deactivation of the possibility of *sacertas* by means of a potentializing of potentiality.

It is in this respect that the unique openness set forth by the Franciscans is to be taken: namely, as an openness to openness itself, as an openness to potentiality and as a potentiality for openness. By living their promise, by making their lives indistinguishable from the openness of their promise, the Franciscan *experimentum* stands as close as possible to the openness depicted in the messianic miniature discussed by Agamben in *The Open*. The righteous ones are then the ones who live their own eschaton and their own promise: they *are* promised (as the content of messianic time) insofar as they *are*, precisely, *the promise*, the openness constituted by a life that is its own eschaton. They not only *display* their eschaton by means of their animal heads, but rather they are able to live it — they are messianic to the extent that they come to live their eschaton and to the extent that their form-of-life is constituted by the promise of their own openness. In the figure

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18   Émile Benveniste, *Dictionary of Indo-European Concepts and Society*, trans. by Elizabeth Palmer (Chicago: Hau Books, 2016), p. 447 (my emphasis). See also Giorgio Agamben, *The Sacrament of Language: An Archaeology of the Oath*, trans. by Adam Kotsko (Stanford: Stanford University Press 2011), p. 30.

of the righteous, life and promise, life and eschaton can no longer be separated. In other words, a life that cannot be distinguished from its form, a form-of-life, is one that neither constitutes its form nor is constituted by it, but rather promises itself as an incessant practice *of* the promise itself — a practice out of which both form and life come to emerge. It is to this extent that Agamben can argue that life and form can be said to constitute each other only so long as they enter a threshold (*soglia*) in which they can no longer be distinguished. In this space of indifference, life and form are not simply sublated into a higher form-of-life, but rather their very opposition is deactivated and they fall together: they *coincide*. The Franciscans succeed in rendering inoperative the dialectic of life and form precisely by situating themselves in the potentiality of the promise and in the promise as potentiality — in a *sacramentum* that precisely by always reconfiguring the possibility of *sacertas* situates them beyond the dimension of *sacertas* itself.

It is beyond the present discussion to verify why this *experimentum* might have taken place in the setting provided by the Franciscan experience. One can refer to Agamben's discussion of how the pressing relations between liturgy, the office, and the various orders within the Church provided a space for a different *modus vivendi* precisely when liturgy itself threatened to have the firmest grip on life.[19] It is relevant to the present analysis, however, to note that the attempt of the Franciscans might have not been successful due to their inability to locate the site that first affords the structure of their promise and of their vows — namely, their attempt might have failed because they did not link the promise of their promise with the only other self-referentially constituting and self-promising potentiality that institutes something like a form-of-life: the promise of language, its *sacramentum*.

PROMISE II

Where does that leave us — leave us in the sense of a rest that remains? We have seen that 'the rest' is not constituted by those who will have remained at the time of the messiah's arrival, but is rather comprised of

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19   For an in-depth discussion of the relationship between liturgy and life, see Giorgio Agamben, *Opus Dei: An Archaeology of Duty*, trans. by Adam Kotsko (Stanford: Stanford University Press, 2013).

those who will have remained in the openness of a certain messianicity: that is to say, of those who, by living their openness as their own eschaton, deactivate the wait for the messiah in realizing that they are themselves messianic — or, rather, that there can be something like a 'themselves' only by virtue of a messianicity that cannot be reduced to any messianism. The claim is that one of the most exemplary attempts at living this openness, that of the Franciscans, had to fail precisely because language could still afford a hope for a messiah — or, more specifically, because the history of the Western experience of language had not yet come to its own end. That is to say, language still preserved the possibility for a final word, a word capable of grounding the whole of language and of providing an anchoring point for all signification. The final word would have marked the name of God, the name of the messiah — but also, crucially, the name of language itself, the name of the name. That is to say, insofar as the possibility of the coming of a messiah persists, so does the possibility of the appearance of a word that would structure the whole of meaning and signification. The meaning of 'profane' words would no longer take place *only* by virtue of their mutual relations and differential play — i.e. simply by their inhabiting the openness of language — but, rather, the meaning of all words would be determined *conclusively* by their relations to one autonomous and transparently self-signifying word, which would, as such, *close* the differential system of signification. The name of the messiah or the name of God, as this very word, would then not be the name of any one thing in particular, but would rather be the name of meaning itself — the name of language. It is to this extent that the death of God, the death of the name of language, marks the coming to terms of the Western tradition with the lack of a final word.[20] In preserving the possibility for a final word, and therefore the possibility for a coming of the messiah, language conceals its constitutive structure of messianicity — namely, the structure of openness or promise that can never be reduced to the actuality of any final messianic word. That the structure of openness or messianicity should be at the core of the constitution of something like a form-of-life is, then, not an

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20   See Giorgio Agamben, 'La parola e il sapere', *aut-aut*, September–December 1980, pp. 155–66 (p. 157).

accidental or contingent event of history, but is rather coextensive with
the very structure of messianicity inherent to language (a structure of
messianicity that, once again, cannot be reduced to the coming of any
messianic word). Accordingly, the lack of a final word reveals that there
is no such 'thing' as language itself, that there is no autonomous and
independent set of relations between words that would constitute a
complete and finished whole. Every speech act, in taking place, points
retroactively to the fiction of a fully constituted autonomous language;
every instance of discourse (*parole*), in taking place, points to the
fiction of an independent language (*langue*). Every event of language
appears to shape and form language in the same way a gesture shapes
a sculpture — but the presupposition of a statue or a monument of
language is only the retroactive fantasy produced by events of language
that are each time utterly singular, events of language whose gestures
cannot be accounted for and subtracted to reach a prior independent
language. The highest openness, the openness of messianicity, is, then,
the openness to and for language, for a language that is always to-come;
which is to say that the highest openness is an openness to nothing,
for language is no-thing at all: strictly speaking, one can never assert,
within language, that something like language 'is' (or, for that matter,
that it 'is not').

   Once again, where does that leave us? According to Agamben,
the end of the trajectory that has directed the Western experience of
language leaves us all as part of a rest:

> What is proper to this time — to our time — is that, at a certain
> point, *everyone* — all the peoples and all the humans on earth
> — has found themselves in a position of *rest*. That entails, upon
> a closer look, an unprecedented generalization of the messianic
> condition.[21]

We are all part of the rest because we all partake of the last experience
of language, a last experience that is an experience of the end. And
yet, even granting that we might all have remained to live the last ex-
perience of language, the experience marked by the impossibility of
the coming of a final word, we do not appear to be feasting like the

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21   Giorgio Agamben, 'Postilla 2001', in *La comunità che viene* (Turin: Bollati Boringhieri,
     2001), pp. 89–93 (p. 92; my translation).

righteous ones of the messianic miniature. It is as if, Agamben claims, the community of the rest *were* to all extents the community of the righteous ones, *and yet* it did not quite know it, and believed itself still separated from the order of the messianic — somewhat akin to Hegel's unhappy consciousness. But, truly, there is no difference between the community of the rest and the community of the righteous ones, i.e. the community of those who live their eschaton *as* their openness and their promise of language. The coming community, the community which has already and always already come, is neither a community of different men nor a community of men speaking a different language: the coming community is, in fact, neither a community of men nor a community grounded in any language. The failure in completing the deconstruction of the human rests with the persistence of the presupposition of some-thing like language, the persistence of a presupposition that would unify the humans by providing a common element shared by everyone — and therefore qualifying those who do not possess 'human' language as either animals or savages.[22] It is only by dispossessing man of the only possession that inheres to its concept, namely language — so that the 'human' may come to speak not by disposing of a possession, but rather by being deposed by what cannot be possessed — that the very notion of the human (as that of the animal having language, *zoon logon echon*) can be unhinged at the very site of the articulation that separates it and at the same time joins it to the animal — so that the very notion of human as nothing but that which possesses (*echein*) could eventually come to pass. That there is no such thing as language would mean that there is no such thing as the human. The singularity of the event of language, irreducible to any substance that would precede it and that would be common to all instances of discourse, points to the singularity of the constituent of the coming community, a singularity irreducible to any substance that would make the unique or the singular commensurate with anything else.

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22   The structure of presupposition produces the aporia in which the notion of the 'human' both precedes and follows its origin in language: the human arises with language, but something like 'human language' relies on an autonomous notion of the human to set it apart from other languages.

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The highest openness is that experience of the promise that constitutes a singularity out of an unrepeatable mourning of the past and of the future, i.e. out of an always singular mourning of time. In other words, the highest openness is the experience of an always singular mourning of language, namely the experience that confronts every instance of discourse with the irredeemable truth that there is no-thing like language — that we have always been abandoned by language and that language has always abandoned itself. We mourn the loss of language, or rather, language mourns its own loss. The community of the just ones, the community of justice, would then only be the community born out of the experience of this mourning, the community that would have turned this mourning into its glory — the glory of not being a community of humans or a community grounded in any language. The highest openness — i.e. the openness of language, of the promise, and of the question — is a universally singular openness to nothing, a universally singular openness to the potentiality of potentiality.

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