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ANTIGONE CLAIMED, "I AM A STRANGER":

DEMOCRACY, MEMBERSHIP AND UNAUTHORIZED IMMIGRATION

A Dissertation Presented

by

ANDRÉS FABIÁN HENAO CASTRO

Submitted to the Graduate School of the
University of Massachusetts Amherst in partial fulfillment
of the requirements for the degree of

DOCTOR OF PHILOSOPHY

September 2014

Department of Political Science

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ANTIGONE CLAIMED, "I AM A STRANGER":

DEMOCRACY, MEMBERSHIP AND UNAUTHORIZED IMMIGRATION

A Dissertation Presented

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ANDRÉS FABIÁN HENAO CASTRO

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Spinoza defines gratitude as the "desire, *or* eagerness of love, by which we strive to benefit one who has benefited us from a like affect of love" (Spinoza 1996, p. 110). No one has benefited me more in this process than my adviser, Nicholas Xenos, who has accompanied this dissertation since before it was even conceived, when I first met him in his seminar on critical theory during my first semester as a PhD student. To acknowledge his role as a mentor means to recognize my obligation towards him, unknowing how his own participation in this project—following my often-scattered way of presenting ideas—might have also benefited him. This dissertation, which owes much to him, is the offspring of that intellectual affect of love between us. He has not only encouraged my way of thinking, his theoretical reflection on the problem of form has also greatly impacted my effort to seek in ancient tragedy a way of rethinking contemporary problems of political membership. As great as my indebtedness towards Nick is, this is also the proper place to release him from any responsibility for the shortcomings of this dissertation, which are all mine. A dissertation is, by its very nature, the proposal of a debate—a conversation that does not end but starts here and, in that paradoxical sense, retroactively produces the final product as an unfinished text.

Once I heard Professor Ivan Ascher say that paradoxes are not the problem but the solution, a troubling thought that has bring some peace to a dissertation that is completely surrounded by paradoxes—to start with, the paradox of looking for a less canonical interpretation in probably the most canonical classical play, Sophocles' *Antigone*. If from Nick I inherited a preoccupation with the form of the text, from Ivan I inherited a desire

for what Roland Barthes (1975) called the pleasure of the text. Anyone who has had the privilege of meeting Ivan knows how addictive a conversation with him is. There is a danger involved in meeting Ivan, the danger of having so many thoughts in your mind after talking to him that four years would not be enough to organize them in a paper. Barthes and Lacan were absent from his wonderful seminar on French Theory, now I know why they did not make it—the pleasure of the text was already there, as was the *jouissance* that we all continue to feel under his presence.

I had a similar experience when I attended Professor James Hicks' seminar on truth and representation, which could have been the alternative subtitle for my dissertation. Jim has been the best reader of my work and I asked him to be a part of my committee because of that. He returned my texts with so much of his own ink that I was no longer sure if I could still claim them as my own. But Jim gave me something far more important than a rigorous and thought provoking reading of my texts—he gave me a second home. I had two homes at the University of Massachusetts Amherst: the political science department and the comparative literature program, an academic community that welcomed me as if I were one of their own. The question of truth and representation, which has haunted philosophy since its origins in Plato's Socratic dialogues, continues to bring me back to Jim's scholarship as one of those beginnings whose gravitational force makes you constantly orbit around them.

Professor Adam Sitze was first described to me, in the corridors of the Clark House in Amherst College, as scarily smart. Soon I understood why the adverb was so appropriate. Slavoj Žižek once said—referring to Alain Badiou—that a figure like Plato walks among us. Adam, who has written the best article I have read on Badiou and Plato,

is another of those figures walking among us. To have walked so close to him is, indeed, a scary privilege. It is scary because figures like Plato are rather scarce. Referring to Plato, Anne Carson (1998, p. 145) once made the connection between the affect of the lover and the affect of the reader, claiming that as much as lovers "[want] ice to *be* ice and yet not melt in [their] hands," readers also "want knowledge to *be* knowledge and yet lie fixed on a written page." The thought of having Adam no longer walking around me, as this dissertation comes to completion, is terrifying. So much that I feel almost compelled to act against Plato's dictum, to avoid fixing anything on the written page so as to extend that walking adventure forever. Much like Jim, who offered me another home, Adam too offered me a third one. Because of his active intervention, Amherst College came to my aid when my first home faced economic difficulties to continue supporting my work, and the College awarded me their prestigious Karl Loewenstein Fellowship, creating the perfect conditions for me to finish my work.

When I speak positively about homelessness in reference to Antigone's refusal to be confined in one singular space, I cannot fail to notice a subtle connection with my own personal experience, having received in my two other homes (the comparative literature program at UMass and the departments of political science and law, jurisprudence and social thought at Amherst College) the kind of hospitality that makes homelessness no longer a condition of dispossession and injury but one of empowerment and happiness. Instead of one I had three homes in Amherst, an excess of homes that is only appropriate for a work devoted to tragedy—always a text bounded to excess.

As a dissertation about membership, my own membership in a variety of academic and non-academic communities has made this dissertation possible. The

department of political science at the University of Massachusetts Amherst constitutes the first community, and the support that I received from its faculty, students and staff has been enormous. I would like to thank, first of all, my professors in political theory: Roberto Alejandro, Angelica Bernal and Barbara Cruikshank, all of who commented on different sections of this dissertation and influenced, with their own work, its final outcome. I owe much to Professor Roberto Alejandro, whose expertise on ancient political theory and enviable close-textual reading skills I wanted so much to imitate. Roberto Alejandro always showed me what was missing in my reading, what was furthered silenced within my own efforts to hear the voices still speaking in those silences, which is probably the greatest gift you can receive from a reader. Great, too, is my debt towards Professor Angelica Bernal, whose support and encouragement knows no limits, and with whom I share many theoretical interests and intellectual passions. The very first draft of this dissertation came from my comprehensive examination on contemporary social and political thought, which I undertook under her and my adviser's direction. Both of them first gave form to what ended up becoming a fascinating four-year exploration of texts. Professor Barbara Cruikshank has been a wonderful friend and companion, constantly reassuring me on the value of my thoughts and on the need to share them with others as she so generously shared hers. Many other professors in political science and in other departments at UMass also added to my work with their friendship, their diligent readings, their theoretical suggestions and countless contributions to my thought. I would like to especially thank professors Sonia Alvarez, John Brigham, Agustin Lao-Montes, Jane Anderson and Leah Wing. This dissertation would also not have been possible without the input from my colleagues at UMass and

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Amherst College served as my second intellectual home when I was awarded the generous Karl Loewenstein Fellowship during the spring of 2014. I would like to express my full gratitude to Professors Thomas Dumm and Andrew Poe for believing in my work and for doing everything they could to help make my work come to fruition. Professor Austin Sarat invited me to take part in the Copeland Colloquium on Catastrophe, from which I learned a lot, particularly from their excellent fellows: Pooja Rangan, Simon Stow, Kimberly Lowe and Joanna Dyl. Many thanks also to my students at Amherst College, who also helped me enormously to clarify my positions in relation to several readings of the play during my seminar on Sophocles' tragedy *Antigone*. Thanks also to

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I have delivered parts of this dissertation at talks, workshops and conferences in several institutions. My greatest debt is towards Bonnie Honig, whose influence on my work is evident in the text and for whom I feel the deepest intellectual admiration. This dissertation would not have been possible had I not attended her seminar at the School of Criticism and Theory at Cornell University in the summer of 2010. I would like to also express my gratitude to my classmates in that seminar, especially to Elva Orozco Mendoza, Christina Kkona, Stephanie Younglood, Anna Ronsensweig, Glenn Mackin and Federica Frediani. An equally fruitful interdisciplinary environment I found during my participation in the Mellon School of Theater and Performance at Harvard University, which has influenced my turn to theater in many productive ways. Special thanks to Professors Bernadette Meyler, Martin Puchner and Freddie Rokem, and to all the other participants in the summer school, especially to Ilaria Pinna, Minou Arjomand, Ryan Hatch, Joseph Cermatori, Serap Erincin and Andrés Pérez Simón. Chapter 4 was improved because of the comments that I received from my friend, Professor Jade Larissa Schiff, as well as from Professor Steven Johnston, when I presented a draft at the Western Political Science Association Annual Conference. Other chapters have been presented at several annual conferences of the American Comparative Literature Association, at which I received a lot of feedback. In the most recent conference in which I shared my work, the “Occupy Antigone” International Conference at Gent, Belgium, I

had the privilege of meeting Professor Tina Chanter for the first time, a scholar for whom I also have the deepest admiration. It has been my fortune to have so many colleagues and friends who have generously read and insightfully commented on parts of this dissertation during all of those academic events.

To my friends and peers too, my gratitude is incommensurable. Many thanks for all of your support, encouragement, friendship, criticism, painful questions, inspiration, your insistence on my being attentive to the margins, always the margins, and your unconditional love. I want especially to acknowledge the support of Elva Orozco Mendoza, Martha Balaguera, Antonia Carcelén, Carlos Valderrama, Julieta Chaparro, John Gibler, Ghazah Abbasi, Richard Ballen, Alix Olson and Kanchuka Dharmasiri.

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ABSTRACT

ANTIGONE CLAIMED, "I AM A STRANGER":

DEMOCRACY, MEMBERSHIP AND UNAUTHORIZED IMMIGRATION

SEPTEMBER 2014

ANDRÉS FABIÁN HENAO CASTRO

Ph.D., UNIVERSITY OF MASSACHUSETTS AMHERST

Directed by: Professor Nicholas Xenos

My dissertation offers a new framework through which to theorize contemporary democratic practices by attending to the political agency of unauthorized immigrants. I argue that unauthorized immigrants themselves, by claiming their own ambiguous legal condition as a legitimate basis for public speech, are able to open up the boundaries of political membership and to render the foundations of democracy contingent, that is to say, they are able to reopen the question about who counts as a member of the *demos*. I develop this argument by way of a close reading of Sophocles' tragedy *Antigone*[1], which allows me to dramatize democracy's vexed relation to the question of foreignness and to challenge traditional concepts of democracy, political membership and agency.

My turn to the classical Greek tragedy of *Antigone* is doubly motivated. First, it allows me to translate the political *agon* (conflict) staged by unauthorized immigrants today in order to read its rival narratives of membership. It provides me with a frame by which to link the politics of burial at the borders with the public protests performed by unauthorized immigrants in the streets of Tucson and Paris. Secondly, it allows me to decenter the frame, to facilitate a new trajectory for this classical tradition against the

[1] I use *Antigone* when referring to the play and Antigone when referring to the character in the play.

dominant reception of *Antigone* as civically circumscribed to one polis. Exploring *Antigone's* alternative subtext of *metoikia* helps me to contest the idealized construction of Athenian culture that has influenced Western European ideals. Filling the gaps in our accounts of democratic theory, this research will contribute to our understanding of the phenomenon of alienage and provide a deliberative platform through which to articulate questions surfacing from this other form of political membership. My research also provides future scholarship with a theoretical basis for a broader interrogation of political agency and opens up a different trajectory for the reception of the classical tradition and for different inter-disciplinary ways of doing political theory.

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INTRODUCTION

"I go to them now, cursed, unwed, to share their home—I am a stranger! O dear brother, doomed in your marriage—your marriage murders mine, your dying drags me down to death alive"

(A, 103 [870], Robert Fagles' translation)

A brief summary of *Antigone* is as follows: Antigone is the most famous daughter of Oedipus, the previous sovereign of Thebes, himself well known for having committed parricide and incest after solving the riddle of the Sphinx. Antigone buries her brother, Polynices, against the edict of Creon, her uncle and new sovereign of Thebes. Her brothers killed each other in battle but proper burial was only granted to Eteocles, who fought on behalf of the city, not to Polynices, who was seeking to destroy it after his own brother ostracized him from Thebes. Polyneices' corpse was kept unburied in order for the sovereign to police the borderland. Creon undoes one border, between death and life, in order to secure another one, between enemy and friend. Such economy proves deeply unstable. Polyneices' corpse ends up contaminating the whole scene, reappearing to Creon as the corpse of Antigone (his niece), Haemon (his son) and Eurydice (his wife), all of whom commit suicide as a consequence of Creon's refusal to grant Polyneices a proper burial and honor Antigone's actions.

As this summary shows, *Antigone* orbits around two interrelated contestations of political membership. First, she performs alternative burial rites for the criminalized

other, which puts into question the symbolic terms by which the sovereign seeks to control the border. Secondly, she enacts such rituals by occupying the space from which she has been previously excluded for being a woman, putting into question the terms of the city's acoustic and visual frame of recognition. Such is, too, the experience of unauthorized immigrants today. They are the subjects who, even though they are unauthorized to speak because they lack proper documentation, occupy the public spaces of the city to protest against the terms of their marginalization. Unauthorized immigrants are also the main targets of improper "burial" through the policing of the U.S.-Mexico borderland, among other territories.

I began work on my dissertation in the year 2010, out of the confluence of two events in my life. In April 2010, Jan Brewer, Governor of the state of Arizona, signed the bill known as SB 1070, which criminalized the lack of immigration documents. A great political mobilization in Arizona rose up to contest the law and quickly reverberated into other states. The UMass graduate student organization I belong to, for instance, helped organize manifestations in solidarity with unauthorized immigrants in the city of Amherst. Many others joined this public contestation in solidarity and soon other laws were invoked as being more binding to its claimers in these protests, as happened with the imperative: "no human is illegal!" More importantly, those who led this political-legal challenge were precisely those whom the law was seeking to disavow. Against the explicit policing threat, unauthorized immigrants occupied the streets with signs, chants and joy, collectively affirming the very same political and social existence that the bill was trying to silence.

Six months later I encountered the story of Leslie, an undocumented student, in a *New York Times* article by journalist Maggie Jones. Leslie was described as a history major at the University of California, Los Angeles who occasionally and cautiously wears a dark blue T-shirt in the street with some words written across the chest: "I'm Undocumented." These words, according to the correspondent, were "provocative enough to upend her life." It was her life, indeed, that was at stake when she risked her anonymity by wearing this particular predicative noun phrase in public spaces under surveillance, at a time when Arizona's law had begun to be enforced and other states had started to mobilize in similar anti-immigration ways. She had witnessed others being deported, despite their attempts to disguise their condition as undocumented and she knew very well that deportation was equivalent to a kind of death.[2]

I started to look for a literary frame that could help me articulate a discussion about our theoretical categories in order to understand the creativity of such protests and the policing terms of such exclusion. A second event in my life helped me to find this frame. Later that same year I attended Bonnie Honig's seminar on *Antigone* at the Summer School of Criticism and Theory. I went to the SCT motivated by her influential book, *Democracy and the Foreigner* (2001), one of the first to change the terms of the question and look for the solutions foreignness provides for the paradoxes of democracy, rather than the other way around. Honig found in the gothic novel a literary genre for the kind of democratic agonism she was defending in her account of foreignness. I thought I could use *Antigone's* literary frame in a similar fashion.

[2] According to Maria Hinojosa's documentary, *Lost in Detention* (October 18, 2011), U.S. Congress "has funded Immigration and Customs Enforcement to deport 400 thousand people a year."

Now framed under this ancient script, my research into Leslie's condition led me to ask how is it possible that this performative claim to a constructed identity, that of being undocumented, carries such a threat that the subject's whole life might be compromised by the single gesture of revealing such a condition publicly? What is she producing, what is she inaugurating and interrupting, so that the city (the established order) feels so compelled to deploy its excessive repressive apparatuses in return? What is the meaning of this grammatical sign, which is capable of risking the carrier's whole life when made visible and audible and which mobilizes, linguistically, its own lifelessness (not having a say or even a recorded existence in the city because of not having documents) in order to acquire one? Is the condition she signals, that of having no documentation, a deprived and marginal condition we seek to escape and overcome at any cost, or could it be a promising one to endorse and replicate if viewed from another perspective? What can we read into her act of wearing that T-shirt, if we go beyond the common trends of exploitation and domination, if we venture to understand something else taking place, something that might bring into crisis the current conditions of political membership under neoliberal conditions of capital accumulation and that has already invented another type of community? Is it possible to address the courage of her affirmative identity under a different script than that of mere deprivation, which tends to see in the promised citizenship the only possible alternative? Is it possible for her to claim this condition of not having documents, not only as a way of resisting an authority for which documents and sophisticated devices of control are necessary for making a life livable (to employ Judith Butler's terms), but also as a political way of being which invents another world, one in which it is possible to *be* with no documents?

This set of questions about the performative claim to strangeness and its disruptive political impact, gestured to by the subject's affirmative emphasis on a lack of proper documentation, defines the course of my dissertation. I was first shocked by the clash of uneven images: police devices multiplied at different sites along the border encountering the force of a linguistic code parading in the streets. Such a clash was brought up by the paradoxical, life-risking act of disclosing one's socially constructed identity by wearing a costume, so to speak. It was almost as if the "real" drama could only acquire its factuality by resorting to the fictional resources of a theatrical scenario. The theatrical resourcefulness is all the more appealing due to the aporetic identity being invoked by Leslie, an identity that defines its affirmative stanza (I *am*) through a negative predicate (*un*documented). She is, indeed, the one who simultaneously is and is not; the one who has no stable status granting her speaking rights in the city (*un*) but nevertheless appropriates the linguistic public-political space to affirm her existence (*am*). It is this paradoxical convergence of being and not-being, of life and death, that I argue accounts for the productive politicization of the stranger's constitutive ambivalence today.

At one point in her tragedy Antigone claimed, "I am a stranger (*metic*)!" (A, 955 [860]). There is another meaningful ambivalence in the word stranger, one which is frequently lost in the most common English usage of the word "foreigner" to describe this global subject-position—which Saskia Sassen (1999) has said constitutes the second major institution of membership in our global era. Contemporary political theory written or translated into English is more familiar with other terms: "foreigner" (Bonnie Honig), "alien" (Seyla Benhabib), "refugee," "stateless" (Hannah Arendt), "noncitizen" (Giorgio Agamben), or even "denizen" (Tomas Hammar), are more frequently used. However,

none of them are able to capture the same linguistic polyvalence rooted in the word "stranger." "Stranger" means alien, outsider, outcast, undocumented immigrant, and, of course, foreigner, but it also means unfamiliar, uncommon, infrequent, odd, and rare.[3] In other words, as much as the stranger demarcates a geographical exteriority by solidifying borderlands and strengthening the separations between an "us" and a "them", (s)he also constitutes a vehicle of *passage* by which such borderlands are rendered porous. The "us" and "them" divide happens in at least two ways: exteriorizing the interior (the xenophobic attachment of foreignness to those "we" want to disavow inside) and interiorizing the exterior (the xenophilic attachment of foreignness to those in charge of remaking the city anew, as being from abroad).[4] This complex web of political functions operated by the uneven uses, claims, and attributions to and of strangeness led me to interrogate the conditions of possibility accounting for Leslie's dramatic act, in which life and death are at stake for different actors and for different reasons. They also highlight the difficulty of employing one single category by which to undertake this theoretical journey, given the need to disaggregate this unifying symbolic marker—stranger—in order to account for an irreducible and incommensurable set of categories which I frequently use indistinguishably in the course of this dissertation: unauthorized immigrant, alien, foreigner, stranger, refugee and non-citizen[5]. If I use these categories interchangeably, despite the nuances in each of these terms, it is not because I consider

[3] The entry for the Oxford English Dictionary includes a rich repertoire of definitions: "one who belongs to another country (…) something that comes from abroad (…) a new comer, one who has not yet become well acquainted with the place, or one who is not yet well known (…) a guest or visitor, in contradistinctions to the members of the household (…) any of the things which are popularly imagined to forbade the coming of an unexpected visitor (…) an unknown person (…) said playfully of a newborn child (…) a customary mode of address to one whose name is unknown (…) an infrequent visitor (…) a non-member of society (…) a person not of one's kin (…) something that has no place in (…) ignorant of an art, a language, etc. (…) unaware of a fact of things (…) having no experience of (…) not one's own."

[4] See Owens (2004).

[5] On the relevance of historicizing these categories, see Xenos (1993).

their genealogies to be equivalent, nor is it my purpose to propose the stranger as the new common denominator standing for such grammatical spectrum. Notwithstanding, I justify this promiscuous use because they share similar conditions of precarity and vulnerability. As the Italian philosopher Giorgio Agamben noted, "These noncitizens [referring to those which cannot be naturalized nor want to be repatriated] often have nationalities of origin, but, inasmuch as they prefer not to benefit from their own states' protection, they find themselves, as refugees, in a condition of de facto statelessness" (Agamben 2000, p. 22).

I use Sophocles' tragedy *Antigone* to advance this interpretation for several reasons. First, *Antigone* has been one of the ancient texts most frequently read by political theory in its effort to reinvent its own categorical apparatus. Secondly, and more importantly, scholars have traditionally interpreted the character of Antigone as being politically circumscribed to one singular polis, despite the fact that her character claims the condition of *metoikia*—(A, 955-58 [865-70]), meaning "resident alien" (Whitehead 1977)—as her own.[6] Basing my analysis in *Antigone* thus allows me to contest and invert political theory's traditional investment in the citizen when seeking to undo the citizen-alien binary. Thirdly, the theatrical quality of Antigone's act and the performative character of the identity she claimed de-essentialize the subject as one whose invention is not independent, autonomous, or exterior to the uses and practices in charge of producing

[6] In his wonderful analysis of the co-constitutive relationship between truth and violence particularly through the practice of torture, Idelber Avelar problematizes the decision to translate *metoikoi* as "resident alienage." Avelar adequately highlights that Benjamin Jowett's choice to translate *metoikoi* as resident alien in the lexical translation of Aristotle under the editorship of W. D. Ross for Oxford University Press in 1941, "bears interesting traces of modern, twentieth-century configurations of Anglo American immigration policy" (Avelar 2004, p. 35). Avelar's deconstructive analysis questions the historical erasure that such translation imposes, once the "changing one's abode, emigrating and setting elsewhere" is replaced with the vocabulary of the Immigration and Naturalization Service. If I have kept the problematic signifier is to both: emphasize that my historical preoccupation is with the present rather than with the past, but also to problematize the very semantic content of resident alienage, which ends up accumulating other meanings through this foreign equivalent, contradicting the very Anglo American immigration policy it is meant to signify now.

it. Finally, strangers themselves have performed *Antigone*. Her characcter has already been reclaimed by non-citizen positions as voicing their conditioned agency under the current global regulation of political membership. Sara Uribe did it, most recently, with the publication of her *Antigone González* after the massacre of more than seventy people in the process of emigrating from Tamaulipas, México to the United States (August 2010). Uribe was seeking to problematize the complex geopolitical conditions of domination, which reveal the radical violence to which immigrants are exposed, where massive disappearances in Mexico are a consequence of the militarization of the border, the inequalities reproduced by the US imperial policy of the "war on drugs," the social marginalization of global capital best symptomized with the signing into law of the NAFTA agreement and the links between the mafia and the state institutions that such criminalization fuels and sustains. Other positions of non-citizenry have also claimed Antigone's voice as signifying their experiences, as happened with young Palestinian refugees at the Jenin Refugee Camp in the northern West Bank, who performed the tragedy years after the Israeli invasion of 2002 to mobilize their struggle, recognizing its symbolic value and its rhetorical force. *Antigone* is also the first tragedy to be performed in the newly reconstructed theater in Ramallah. One could go even further into the past and highlight Nelson Mandela's (1990) invocation of Antigone as the character who symbolized their struggle against apartheid, a struggle for which the performative act of burning identity cards (a characteristic practice of contemporary *harragas*, the Arabic term for those who burn their immigration papers when trying to reach the European territory) and becoming "undocumented" was an essential practice, informative to other social movements, like the *sans-papiers* in France.[7]

[7] I am indebted to Adam Sitze for pointing me towards the significance of this event in the transformation

The tragedy, reinvented in other contexts, operates as a political framework that makes readable the conflict over the social categories that rendering the "human" intelligible or not. Two main problems of social and political intelligibility are connected through this kind of literary emplotment: first, the social arrangements that regulate public speech and action in the city—who is and who is not allowed to author acts—and second, the disavowal of certain human losses as socially irrelevant through the interdiction of mourning and burial (Butler 2000, p. 24).

When putting the play in conversation with the protest, however, I also understood that *Antigone* itself, the frame of the frame, needed to change. As a result, my turn to *Antigone* became doubly motivated. First, by framing the political *agon*, or conflict, of unauthorized immigrants in terms of *Antigone's* narrative, I was able to illustrate what I call the theatricality of political mobilization. I argue that in contrast to readings that emphasize the vulnerability of undocumented immigrants, my juxtaposition of the play with the protest emphasizes the creativity of their agency and, more importantly, the ways in which they re-appropriate symbols of anti-immigrant and security regimes in order to give themselves a voice and avow the significance of their political existence in the city. In this way, *Antigone* provides me with a script by which to link the politics of burial at the borders with the public protests performed by unauthorized immigrants in the streets of Tucson. Secondly, such a juxtaposition allows me also to explore the subject of resident alienage in *Antigone*'s tragedy itself. It helps me to decenter the frame, to facilitate a new trajectory for the classical tradition against the dominant reception of *Antigone* as civically circumscribed to one polis. Here I argue that there is in *Antigone* an alternative subtext of *metoikia*. Thus is my dissertation

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of the African National Congress.

constituted by a double journey, from Sophocles' tragedy *Antigone*, written in 441BC to the tragedy of unauthorized immigrants in Arizona today, and back from Arizona to Greek antiquity, seeking to reimagine *Antigone's* plot by addressing its multiple figures of alienage.

My first chapter advances some reflections on what it means to do theory in this interdisciplinary way, linking theater, classics, performance studies, political philosophy, history and other disciplines in order to explore a subject-position, that of the stranger, in connection to democracy. In chapter 2 I undertake the first journey. I begin from Sophocles' tragedy *Antigone*, written in 441BC, and arrive at the tragedy of unauthorized immigrants in Arizona today. In doing so, I seek to rethink the political agency of unauthorized immigrants by means of a parallel with the action taking place in *Antigone's* drama. In Chapter 3 I undertake the second journey, I travel back to Greek antiquity, seeking to reconsider *Antigone* and the classical tradition itself by addressing its multiple figures of alienage. I pay close attention to the textual evidence of the play, including Antigone's own claim to be a *metic* (resident alien); Sophocles' reinvention of this character in *Oedipus the King* (429BC) and *Oedipus at Colonus* (405BC), where he further stresses her *metoikia*; and some of the most recent theatrical adaptations of the play where Antigone represents de facto stateless people. Chapters 4 to 8 are devoted to re-thinking foreignness in ways that stress not the marginalization but the political opportunities of occupying such a condition differently. In chapter 4 I reflect on the category of homelessness as defining a new political possibility and a different genealogy of dispossession, one that results not in the marginalization of immigrants, always excluded from proper housing, but in the political invitation to a more vibrant public life.

In chapter 5 I argue for a different way of authorizing laws from unauthorized positions by exploring the problem of law and rights in relation to immigrants and their paradoxical status of not being recognized as legal claimants. In chapter 6 I engage with the literature on biopolitics and advance a conceptualization of necropolitics that argues why *Antigone* still constitutes a valuable paradigm for a critique of sovereign power today. In chapter 7 I stress the connection of my analysis with post-colonial theory by addressing speechlessness not as the lack of speech, but as the need to read it elsewhere within theory's effort to account for subaltern agency in the agonistic theatricality of action. Through theatricality I address politics as the confrontation between two ways of performing membership through the political construction of different theaters of action. The last two chapters represent two alternative journeys through two different close textual readings of *Antigone*. In chapter 8 I engage in an intertextual reading of the original play written by Sophocles. In chapter 9 I extend this intertextual reading to Tommy Lee Jones' 2005 film *The Burials of Melquiades Estrada*, which I put in conversation with Sophocles' play. I conclude my dissertation with some claims about an alternative future for Ismene—the survivor of this tragedy—by means of my reinterpretation of non-citizen positions as being politically more promising than as normally conceived.

Framing the unauthorized immigrant's protest in *Antigone's* plot allows me to further contest the emphasis on citizenship within efforts by the humanities and the social to challenge the citizen/alien binary. When rethinking political membership, the theoretical distribution of labor is frequently decided in advance: it is citizenship, not alienage, that must be reworked. Citizenship is still the dominant desirable locus of

arrival for democratic agency in theory's imagination and foreignness is still conceived as the temporal condition to be overcome, as the problem to be solved. Foreigners, nonetheless, have started to occupy public spaces affirmatively, embracing their constructed social positions as undocumented immigrants in counter-hegemonic ways in order to claim political equality with others beyond the normative space defined by proper documentation. This dissertation constitutes an effort to listen to those voices and to honor their agency.

CHAPTER 1

CRAFTING AN UNLIKELY CONSTELLATION

"The idea thus belongs to a fundamentally different world from that which it apprehends. The question of whether it comprehends that which it apprehends, in the way in which the concept of genus includes the species, cannot be regarded as criterion of its existence. That is not the task of the idea. Its significance can be illustrated with an analogy. Ideas are to objects as constellations are to stars. This means, in the first place, that they are neither their concepts nor their laws. They do not contribute to the knowledge of the phenomena, and in no way can the latter be criteria with which to judge the existence of ideas."

(Walter Benjamin 2003, p. 34)

"In order to acquaint ourselves more closely with both of these drives, let us think of them first of all as the opposed artistic worlds of dream *and* intoxication*; the opposition between these physiological phenomena corresponds to that between the Apollonian and the Dionysian."*

(his emphasis, Nietzsche 2000, p. 19)

1.1. Producing a Constellation

An academic tragedy haunts our very turn to tragedy. Both Friedrich Nietzsche's *The Birth of Tragedy from the Spirit of Music* (1872) and Walter Benjamin's *Trauerspiel: The Origin of German Tragic Drama* (1925) are now iconic examples of such tragic

encounters. In both cases, the philosophers' contact with tragedy made a political cut across the discipline's boundaries that turned them into its first victims. One might even invoke Jacques Rancière's term "indisciplinarity" to understand such an encounter with tragedy, in which the disciplinary transgression ends up turning the sacrificed victim into the heroic promise of future interdisciplinarity. The publication of Nietzsche's *Birth of Tragedy* signified Nietzsche's own ostracism from classical philology, but philology could not remain the same after his work. Benjamin's *Trauerspiel* had a similar fate. The *Trauerspiel* was his habilitation thesis, which he submitted to the University of Frankfurt in order to qualify for a faculty position. The book proved fatal for its intended purpose; however, the critical theory of the Frankfurt School would have never been the same without the prolific work of Benjamin.

It is almost as if the constitutive *agon* of the text—the struggle between the Dionysian and the Apollonian in the case of Nietzsche, and between tragedy and melodrama in the case of Benjamin—could not withstand the frame and erupted into the politics of the discipline itself. In terms of classical dialectics, such breaking of the frame is at the same time the crisis of a rigid and bounded discipline and the opportunity for its new opening. Tragedy is not, of course, the atemporal reservoir of a vital source with which to infuse a dying discipline. Tragedy can be, rather, retroactively constructed as the original site of such irresolvable conflicts, as the conflict that remains resistant to integration in the disciplinary system and which can be revived through the creative juxtapositions of ideas.

Benjamin gave a name to such an epistemo-critical method in the *Trauerspiel*: the production of constellations through dialectical images. The Benjaminian constellation is

partially indebted to the surrealist technique of production by juxtaposing things that are radically different in order to arrive at an idea. This is even best exemplified by the poet Pierre Reverdy's constructive principle, which André Breton quoted in *The Surrealist Manifesto* a year before Benjamin (2003, p. 34) finished his *Trauerspiel*: "The image is a pure creation of the mind. It cannot be born from a comparison but from a juxtaposition of two more or less distant realities. The more the relationship between the two juxtaposed realities is distant and true, the strongest the image will be—the greater its emotional power and poetic reality." Benjamin held a similar view of ideas, claiming that, "ideas are to objects as constellations are to stars. This means, in the first place, that they are neither their concepts nor their laws" (2003, p. 34). Constellations are neither the original cause nor the teleological end, but the dialectical production of a new idea out of the juxtaposition of what is most distant to it.

It was precisely through the concept of constellations that Benjamin (2003b) first challenged the homogenous course of history, silently rehearsed in teleological views of progress, which he identified as empty time. In clear political conflict with such a metanarrative for history, one which tried to resolve the conflict constituting historical production through their subordinated integration into a hegemonic symbolic economy, Benjamin's celebration of historical constellations represented an effort to revive the irresolvable discontinuity that inhabits "progress" by means of allegorical images, which he defined as literary devices that awaken life in petrified objects. His turn to tragedy was, in that sense, a *re*-turn, a repetition that broke with the continuity of the frame in order to open the frame for different voices to be heard, for different temporalities to emerge, for a different constellation—one in which it could be possible to put *Antigone* in

dialogue with unauthorized immigration—to coalesce against the empty time of Eurocentric imperialism.

The Benjaminian constellation, however, left something unresolved, which it also inherited from surrealism: the coordinates of power under which the two realities could be juxtaposed in order to produce the allegorical image. Lacking critical perspective, surrealism ended up returning to the very metaphysical view it so much tried to displace: the one that establishes a priority of reason over passion, or the mind over the body. Thus, in the *Surrealist Manifesto*, Breton claimed to define "once and for all" the term "surrealism" as "the *actual* functioning of thought. Dictated by thought, in the absence of any control exercised by reason" (my emphasis). To make the severing of reason the condition under which one could access the "actual functioning of thought" reestablished, to some extent, the priority of reason the whole critique was seeking to displace. To problematize the principle of montage that governs the juxtaposition of ideas is not to deliver such governance to unstated assumptions.

Gilles Deleuze and Félix Guattari undertook the same challenge in their influential book *Kafka: Toward a Minor Literature*, in which the "major literature" is juxtaposed with the "minor literature" in order to produce the "revolutionary conditions for every literature within the heart of what is called great (or established) literature" (2003, p. 18). According to them, such conditions de-territorialize language. They displace *Antigone*, geopolitically, from the projected idealization of her Eurocentric enclosure to her prolific afterlife in other contexts, primarily of the global south, infused with otherness by the Western canon. Yet still, the major-minor architecture of the constellation remains the blind spot of the frame. Slavoj Žižek (2006), most recently, has

taken a different road when trying to redefine the practice of critical theory. For Žižek, the juxtaposition of conflictive positions should not arrive at their reconciliation. Such a method requires the affirmation of the negation instead of considering the negation as an affirmation. Rather than arriving into a third, neutral position that both includes and supersedes the conflictive positions of the juxtaposition (the highness of *Antigone* and the mundaneness of unauthorized immigration, for example), radical critique operates by exposing the irreducible gap between them as the affirmation itself. Influenced by Kojin Karatani's *Transcritique*, Žižek names such critique as the *parallax view*, which he describes in terms that echo, again, those used by Pierre Reverdy, "the confrontation of two closely linked perspectives between which no neutral common ground is possible" (2006, p. 4).

Conscious of the irreducibility between the play and the protest, the effort of my own juxtaposition is neither that of finding a common ground nor that of blurring the differences. If anything, it is that of awakening life in the petrified object, in the tragic text whose meaning depends not on the original but on the new constellation with which its own perpetual foreignness increases and continues to accumulate new meanings. Given *Antigone*'s status in the Western canon, such an alternative constellations requires further explanation: how to escape the frequent idealization of the Greek polis that, otherwise, a *re*turning to the ancient tragedy inevitably reproduces? Such is, I claim, the role that rumination plays when crafting this constellation in ways that no longer take for granted the politics of the frame.

1.2. From Classicization to Rumination

Borrowing James Porter's (2006) distinction between classicism (an empty aesthetic claim to universality) and classicization (an interpretative technique that while focused on the present "turns for understanding to ancient circumstances, scripts, or images for analogies that might illuminate our condition or even mirror our circumstances"), Honig's own return to *Antigone* argued for a form of classicization "that treats the classical past as alien and resistant to appropriation," which she considered "more instructive than the sort that seeks and finds our stammering selves in the mirror" (Honig 2013, p. 32).[8] Honig's greatest methodological challenge did not come from those still invested in classicism—in the sort of immediate dissolution of historical particularity through the reclamation of a presumably canonical text that escapes historical groundedness and can inform every society and every epoch through trans-cultural motifs of humanism. This is what, on the contrary, her differing classicization invites us to contest, especially given the book's larger argument against the uncritical celebration of universality in tragic lamentation and the frequent evacuation of the political that is its result. Her greatest challenge came from Rajesvari Sunder Rajan, with whom Honig shared a similar critique of anti-statist feminism but who, unlike Honig, claimed for the necessity of de-centering Antigone as a model in order to "draw on other non-Western models of female agency who may also offer more empowering narratives and tactics" (Honig 2013, p. 222n70). Honig agrees with Rajan, but she also claims that it is important to pluralize Antigone in ways that escape the heroic isolation of her individual act (where both liberal theories of civil disobedience and psychoanalytic models of the

[8] I prefer Julio Ramos' definition of classical text as one "whose conditions of production have become effaced in the process of its canonization and the passage of time" (quoted in Avelar 2004, p. 133).

ethics of the real converge) and propose as yet unexplored versions of collective action, such as the one taking place in sororal conspiracy.

There is, I argue, a way of pluralizing *Antigone* that also responds to Rajan's important challenge of de-centering her character in a more conscious way of the social positionality of theory and transcripts in the global economy of knowledge, one which makes such de-centering internal to the play, as its very methodological pluralization. One needs first to realize that *Antigone* has already traveled outside the West, that her character already signifies non-Western models of female agency, and that *Antigone* is no longer reducible to the fictive Eurocentric origin into which classicism tries to enclose her. Rather than recalling *Antigone's* prolific nomadism in non-Western contexts in order to account for such transformation (potentially a Deleuzian/Guattarian de-territorialization), I would like to take the Žižekian role of the *parallax view*, that affirms the irreducibility of the conflict among the distant realities it juxtaposes, and invoke, for my own purposes, Moira Fradinger's Nietzschean notion of "rumination."[9]

For Fradigner, "rumination" informs the de-colonial tactic of gnashing *Antigone* and remaking it through a double process of digestion: first "ingesting" the frame to then later "regurgitate" it (pluralize the frame) and fully digest it. "Rumination," Fradinger argues, means:

> to turn over and over something that has already been 'ingested' (and not properly digested) physically or mentally. The metaphor of cannibalization stresses the first moment of the violent encounter with that which is foreign and external to the body; that first bite, which tastes of rebellion (with regard to the European

[9] Fradinger mobilizes "rumination" in sympathetic opposition to Oswald de Andrade's notion of "anthropophagy" in his *Manifesto antropófago*.

> canon). This metaphor may no longer suffice to account for certain aspects of the rewriting of New World *Antigones*. Come to think of it, cannibalism is limited as an image in comparison to rumination (…) The 'ingested' *Antigone* is cannibalized as a foreign artifact, a colonial legacy, in the early nineteenth century. But, having ceased to be *external* to the Creole symbolic-digestive system, it returns from within the system to be re-created in the twentieth and twenty-first centuries (2013, pp. 63-64).

Neither classicism (empty claims to universality) nor classicization (an historically attentive way of mirroring the politics of unauthorized immigrants with the politics of *Antigone*, stressing their differences rather than their identities), but rather rumination—a constant turning over of *Antigone*'s frame*,* which reinvents her as irreducible to one topography and finds its proper place in the place of the improper, in the insatiable appetite to taste again what has already been tasted before. The interpretative technique that operates the double digestion, which in its turn produces the constellation by acknowledging the irreducible gap between the play and the protest, is a political process of translation, a translation as a political project.

1.3. Translating *Antigone*

By making *Antigone* symbolize the alternative articulation of the subject-position of the stranger in my reading I engage in what Roman Jakobson (2000, pp. 113-118) calls inter-semiotic translation.[10] Unlike intra-lingual translation—in which linguistic signs are interpreted "by means of other signs of the *same* language"—and inter-lingual

[10] For an analysis of inter-semiotic translation see Derrida (2001), where he argues for a never fully closed economy of language, given that signs signify beyond their regular equivalents as a result of their semantic accumulation.

translation—in which they are interpreted "by means of another language"— inter-semiotic translation "interprets linguistic signs by means of systems of nonlinguistic signs" (Derrida 1985, p. 173). The rigidity of Jakobson's typology was fairly questioned by Derrida by means of his deconstruction of the word "Babel," a word that signals both the confusion of languages and the proper name of God (the master signifier) since the proper tongue of its belonging remains undecidable "within a scene of genealogical indebtedness" (Derrida 1985, p. 174). Thus, its translation presents simultaneously an intra-, inter- and semiotic challenge that confuses Jakobson's distinctions. "Babel" is a homophone that confounds the proper name of God with the common nouns it denotes (tower, city, etc.), two heterogeneous and incommensurable values that are brought together by the same term and therefore resist any word-to-word correspondence as a result of its semantic polyvalence.

Derrida's point was not to render translation impossible, although some kind of impossibility is at work in any meaningful translation, but to consider original writing as "already a translation of a translation of a translation" (Gentzler 2002, p. 198).[11] That is to say, *Antigone*, as the ancient tragedy most often adapted and rewritten in modernity (Steiner 1984), is inseparable from her afterlife, from the semiotic chain it iterates politically in each performance in which it gets re-animated.[12] More importantly, the relevance of the translation lies not in what gets transferred, transposed or transmitted, but in what does not. The deconstructive effort of conjoining undocumented immigrants'

[11] Tymoczko's (1999, p. 20) claim that literary translation "is an *analogue* of post-colonial writing" makes a similar argument.

[12] Because of this semantic excess, her proper name gets pluralized in George Steiner's *Antigones* (1984). A similar point is made by Slavoj Žižek (1989, p. 243) when he claims that "the 'true' meaning of *Antigone* is not to be sought in the obscure origins of what 'Sophocles really wanted to say,' it is constituted by this very series of subsequent readings—that is, it is constituted *afterwards*, through a certain structurally necessary *delay*" (underlined in the text).

performative acts with those of *Antigone* seeks not only to emphasize the impossibility of a simple correspondence of meaning, in which "undocumentation" and "*metoikia*" would be to render equivalent at the expense of the historical conditionedness of their semiotic contexts and of their semantic accumulation, but to supplement each other. Such a supplement revives the political vocabulary available for a new subject-position of the stranger to articulate its grammar of power beyond the signifying scope of the police's appropriation of the same term: "undocumented."

In order to clarify what is gained with such a supplement it is useful to recall Derrida's interpretation of Walter Benjamin's essay "The Task of the Translator." Derrida concurred with Benjamin's emphasis on the connection between translation and the afterlife of the sign rather than the connection with its "original" (as it was still practiced by hermeneutics). More importantly, he considered the crucial element of this afterlife to be what moves in-between the lines (Benjamin 1969, p. 82; Derrida 1985, p. 205). The task of the translator for Benjamin is not one of simple correspondence or "[striving] for likeness to the original," which in fact transmits an inessential content. Rather, the task of the translator is that of "serving the reciprocal relationship between languages," which means re-animating the intention underlying each language *as* language and is "best defined as the element that does not lend itself to translation" (Benjamin 1969, 75).

My own political translation performs the same confusion between the intra-lingual, the inter-lingual and the inter-semiotic by juxtaposing a play originally written in classical Greek against a political protest enunciated in English with a Spanish accent. I cannot understand the meaningful action of unauthorized immigrants without mediating it

through language, without giving to such action some textual support. Their action is, however, irreducible to the language mediating it. My turn to literature as a political translation and as a form of reading that ruminates the frame produces an otherwise impossible constellation. This constellation does not, however, function as a closure, as if filling the irreducible gap that separates the ancient play from the current protest. Rather, it animates the productive power of this juxtaposition, amplifying the sound of the unauthorized immigrants' actions through the echo it produces within the conjoined text of *Antigone*, resulting in a continuous and productive displacement.[13]

The political role of such an echo in the theoretical role of translation has been better theorized by Gayatri Spivak (1988), who claimed that it was literature's role to translate "not from language to language but from body to ethical semiosis" (Spivak 2003, p. 13).[14] The semantic accumulation of both "undocumented" and "*metoikia*" undermines any simple correspondence between the two, but it is precisely because of such non-identity that such terms can be juxtaposed and proliferated. That Leslie's act in California can resonate (echo) with the *sans-papiers* in Paris by means of the literary translation elicited by the script of *Antigone* means that there is something generalizable in the contextually bounded features of their performances, something, in the words of Spivak, "susceptible to cutting and pasting, poiesis trembling into the task of teleopoiesis" (Spivak 2003, p. 43).

Teleopoiesis (imaginative making), like catachresis (the application of a term to a thing which it does not properly denote), informs the kind of translation I seek to perform in my reading of undocumented immigration, when juxtaposed with the tragedy of

[13] Benjamin uses "echo" to emphasize the difference in the repetitions of a translation. Derrida uses "lick" to emphasize the desire for the other idiom when one tongue "caresses" another.
[14] Spivak (1993) also considered translation as a form of reading.

Antigone. When unauthorized immigrants invoke the term "undocumented" it resonates with Antigone's appeal to the figurative term "stranger" (*metoikos*). Both invoke subject-positions that exceed the semantic field defined by the police or the state's vocabulary. Trying to fix her identity, trying to determine and disavow the "other," the policing state calls her "undocumented," and she re-iterates (translates) the name for herself without replicating the action she resists, thus dis-appropriating the police from what was never its property by re-appropriating a name that is never hers alone. Borrowing from Jacques Rancière's conceptualization of the political, we could say that unauthorized immigrants and policing institutions simultaneously understand and misunderstand each other when they say "undocumented," There is an irreducible disagreement in the ways they use the word. Such a misunderstanding cannot be solved semantically, as if clarifying the meaning or supplying additional material for its proper use could be enough. Something does not translate; something which literature, as a practice of reading, can echo through the traveling text of *Antigone* and the productive power of its de-territorialized afterlife.

I recognize my debt to postcolonial theory (Spivak 1993; Bassnett and Trivedi 1999; Tymoczko 1999; Arrojo 2002; Bhabha 2004; Santos 2007; Aschcroft 2009) when I position the practice of translation as the political task of theory. I also recognize it in my conception of the de-territorialization of *Antigone*'s frame as related to the Diaspora, a geo-political journey which emphasizes the uniqueness, multiplicity and diversity of historically grounded voyages of difference rather than the cosmopolitan emphasis on multiculturalism and the underlying idea of a shared universal humanism that it articulates. Translation participates in the geo-politics of the trans-historical rather than in the cosmo-politics of the a-historical.

1.4. *Mythopoiesis*

My dissertation follows the interpretative tradition of the social sciences, emphasizing the question of meaning. I share with Paul Ricoeur's (1981) hermeneutics the need to recognize the autonomy of the text from the intentionality of the author, the effort to emphasize the historical context in which the reading takes place—without subordinating or reducing the text to it—and the eagerness to overcome the "understanding vs. explanation" dichotomy by engaging meaning as the constitutive product of dynamic relations internal to the text (which Ricoeur borrows from structuralism). Within this methodological horizon I conceive unauthorized immigrants' performative actions as meaningful and receptive to textual translation and I proceed by putting them in conversation with other texts—primarily *Antigone*'s—in order to explore their political opportunities. Meaning is not something I seek to discover in a text, as if it could be simply unearthed, but something the text produces once it is placed in a particular set of relations with others texts that make explicit the irreducible differences between them in the resulting constellation.

If I find the move to textuality in contemporary hermeneutics an important methodological strategy, I also find it limited. Paul Ricoeur bases his idea of textuality on a distinction between the spoken and the written word—a distinction that collapses in the theatrical combination of the spoken and written word in the protests of undocumented immigrants. As a result, I turn to Derrida's (1997a) deconstructive undoing of the distinction between the spoken and the written when focusing on the performative dimension of language. Derrida's emphasis on the performative, the speech-act in which the "re-" of the theatrical representation is not the original "re-" of return but the iterative

"re-" of repetition (paraphrasing Lisa Dish 2008), will play an important methodological role in my reading of the performative interconnectedness between *Antigone* and the undocumented immigrants' protests. Their public apparition must be read as immanent to their practice, as inseparable from their doing. To sum up, the methodological approach of my reading textualizes the performative act it seeks to interrogate (hermeneutics), places it with other texts in order to analyze their constitutive relations and relevant resonances (structuralism), and opens it up to produce unexpected and paradoxical meanings through the trace of its alternative iterations (deconstructionism).

In doing so, my interpretative strategy follows the well-worn practice of using the mytho-poetic to strengthen the relevance of its own storytelling, one that has also found a great echo in recent poststructuralist theory (Kristeva 1991; Cavarero 2009; Honig 2011; Ginzburg 2001; Harries 2007). This strategy uses ancient texts to problematize received readings of contemporary problems by reworking the constitutive myths in order to produce new constellations. By doing so, not only are these stories de-familiarized from their conventional interpretative contexts, but re-invigorated through the alternative ones supplemented to them.[15] The problems themselves are equally de-stabilized, inverted and reposed as ongoing and unfinished conversations, able to be articulated by means of a new written artifact, a new textual frame.

I choose *Antigone* not only because of the symmetry between the socially constructed identity she claimed and that of contemporary undocumented immigrants, or the rich and plural performative strategies they both employed in their actions, but because her unaddressed strangeness speaks to the same uneven theoretical investment on

[15] De-familiarization has an interesting trajectory in literature. Founded in Russian formalism by Shklovsky, it arrived on Bertolt Brecht's epic theater (Ginzburg 2001) and made its way into Jacques Derrida's deconstructionism, which lent it to postcolonial theory (Spivak 2003, p. 77).

citizenship that results in the exclusion of immigrants when it comes to understanding democratic membership in the current context of capitalist globalization. It is therefore the present historical context that I have in mind when reading the tragedy, not the practices and institutions of Athens in the time of Pericles.

I make use of different translations of the play as well as the Greek original, but I do not grant any privileged authority to the Greek in solving tensions and disagreements, which I consider productive in their own. Etymology works for me as a useful device for opening the meaning of the play and showing its potential trajectories, not as the relocated depositary of truthfulness in the re-assessment of the play's "real" meaning. The written script of the play will be interpretatively subordinated to the animated action I am trying to understand, rather than the other way around. In other words, I am not trying to provide a new reading of *Antigone*, so that her often overlooked foreignness finally gets the notoriety it deserves. I aim to offer a theoretical framework by which other readings of foreignness can be possible today by reworking the unaddressed strangeness Antigone claimed for herself.

There is a major risk in this endeavor. Just as the tragic plays of Dionysian festivals were not used for mere entertainment but, as Moira Fradinger (2010, p. 40) has shown, as a way of providing a ritualized, safe space for vehiculizing the city's catharsis, the potential theatricalization of undocumented immigrants' political acts by means of this literary translation could very well anaesthetize the radical dimension of their political message by inscribing it in a secured ancient script. My literary translation harbors a different expectation. I look for what Jacques Rancière (2004b) has called literarity. Literarity (*littérarité*) is the name given by Rancière to the disorder peculiar to

writing in its ability to "introduce dissonance into the communal symphony" to "confuse the destination of living speech" (Rancière 2004b, p. 103).[16] This explains the plethora of texts that appear as the microcosms of this constellation. My objective is not to turn politics into theater—not to banalize a real socio-political conflict by considering it as a fictional representation—but to conceive politics *as* theater, to read the socio-political conflict in its contested fiction. The aim is to understand the ritual dramatization already embedded in the meaningful action I am trying to interpret, as the acting out of the conflict introduced by the one who both is and is not part of the community—a problem of democratic membership, which is, for example, stressed in unrecognized funeral rituals when they are performed by strangers. In conclusion, by assembling a variety of texts to organize my constellation, I follow the benjaminian principle of *montage*—a term that informs the materialistic approach to history. I telescope the past through the present, revisiting the ancient frame of *Antigone* through the current enframing of unauthorized immigrant politics in the very same tragic script they help me to pluralize.

[16] Samuel Chambers (2005, p. 17) considers it Rancière's "explicitly political response to the question of language."

CHAPTER 2

FIRST JOURNEY: FROM SOPHOCLES' *ANTIGONE* TO UNAUTHORIZED IMMIGRATION TODAY

"(...) but it's a good bet that more than a few Greeks would have said, 'Show me a barbarian who can parse a Greek verb—no mean feat—and I'll show you a human being.'"

(Alexander & Nicholas Humez 1983, p. 102)

Let us begin with a summary of *Antigone*'s narrative. Antigone is the most famous daughter of Oedipus, the previous sovereign of Thebes and himself well known for having committed parricide and incest. Antigone's major transgression in the play is the burial of her brother Polyneices, done in obedience to the unwritten divine laws but in disobedience to the written civic laws of her uncle Creon, the new sovereign of Thebes. Following Oedipus' banishment and death, Antigone's brothers Eteocles and Polyneices fight over the Theban throne when Eteocles denies Polyneices his share in the right to rule. After Polyneices raises an army in Argos to destroy Eteocles, the two battle and kill each other and Creon takes the throne. To punish him for his treason and his attempt to overthrow his brother, Creon denies Polyneices' right to a proper burial, leaving his body unburied outside the city to be chewed by birds and dogs while still being visible to the citizens of Thebes. Defying his edict, Antigone buries Polyneices anyways, declaring the punishment unjust and choosing to follow the divine laws instead of the civic ones. She tries to convince her sister Ismene to perform the act with her in public but fails, so she

buries Polyneices alone. Creon, furious at his niece's disobedience, locks her in a prison chamber where she awaits punishment, the same prison chamber where Antigone is later found hanged. Soon after but already too late, Creon realizes that his deeds have unleashed dreadful consequences for his own family. Tiresias, the prophet, reveals to him his wrongdoing: he has kept alive a man who belongs to the netherworld, Polynices, and he has sent to the netherworld she who belongs to life, Antigone. As a result of his actions, his son Haemon, betrothed to Antigone, commits suicide in the "bridal tomb" where she is found hanged. Creon's wife Eurydice, in mourning for her son also commits suicide, mimicking Haemon's death and multiplying the corpses in Creon's house. By the end of the play, Creon himself takes his life, placing his body in the lifeless tomb in which he put Antigone's. The tragedy's only surviving character is Ismene.

As this summary shows, *Antigone* orbits around two interrelated contestations of political membership. First, Antigone performs alternative burial rites for the criminalized other, which puts into question the symbolic terms by which the sovereign seeks to control the border. Secondly, she enacts such rituals by occupying the space from which she has been previously disavowed for being a woman, putting into question the homosocial terms of the city's audiovisual frame for recognition. This is precisely, I argue, the experience of unauthorized immigrants in protest today. They are the subjects who, even though they are unauthorized to speak because they lack proper documentation, occupy the public spaces of the city to protest against the terms of their own marginalization. Unauthorized immigrants are also the main targets of improper "burial" through the militarization of the U.S.-Mexico borderland and other sites of border crossing.

2.1. Theatrical Assemblage

Theater produces first and foremost a political assemblage, a regrouping of what Deleuze and Guattari called intensities, but which I think is better understood as political problematizations. Gilles Deleuze and Félix Guattari (1994) first developed the influential concept of assemblage, which also suggested a theatrical path for political theory. Mackenzie and Porter (2011) described this word "assemblage" as representative of "the method of dramatization," the method that brings political concepts into life by means of conceptual characters. The theatrical assemblage I argue for in *Antigone*, which as my leading constellation constitutes my own layout of the presuppositions governing the juxtaposition that I construct between the play and contemporary protests, operates through the non-causal link of four political problematizations or intensities:

i) the moment in which the disavowed subject speaks against her/his public marginalization;

ii) the sovereign demarcation of an "us" and "them" divide through the politics of burial;

iii) the production of the other through her/his policing;

iv) and the ways by which membership, who is and who is not counted, is theatrically contested and re-opened as a political question.

Antigone represents a woman of noble origin; however, like all women at the time, she was excluded from the public domain. This was evidenced in the theatre when a man played her role, as elite women were only allowed entry as spectators. It is also evidenced within the narrative when she buries her brother Polyneices. Owning the deed with public words, her speech becomes unintelligible for Creon who expects a male

transgressor and sees that Antigone's acts exceed their political scope, that they put in crisis not only the friend-enemy terms to which the sovereign subordinates politics but the homo-sociality of the *polis* itself. Antigone thus represents a crisis of representation, as the one who can only be played by or understood through the "other."[17] Such is the first political problematization of this assemblage. Creon's declaration to deny burial to Polyneices becomes the second political problematization in so far as it establishes an "us" versus "them" divide. This divide can be visibly mapped in the regulative intention of Creon's decision to leave Polyneices' corpse's visible, as a gruesome spectacle at the seventh gate. To obey the law is to remain loyal to the city, to dissipate any doubt of one's membership in the "us." To violate the law is to be against the "us," to be a member of the "them." The city's affects towards Polyneices are to be disambiguated—only one affect is acceptable. But Creon's acts go beyond the denial of burial. The sovereign declared not only that Polyneices would receive no proper burial but also that his body would be abandoned for birds and dogs to tear apart as citizens beheld the horrific spectacle at the limits of the polis. The war was over, yet it was not. The denial of burial to the other was Creon's way of continuing the violence and policing the Theban borderland, which refers to the third political problematization of this assemblage. In this, however, Creon undoes one border, between death and life, in order to secure another one, between enemy and friend, and such an economy proves deeply unstable. The corpse of Polyneices ends up contaminating the whole tragedy, reappearing to Creon in the corpse of Antigone (his niece), Haemon (his son) and Eurydice (his wife), with the latter two committing suicide as a consequence of Creon's refusal to grant Polyneices proper burial and honor Antigone's actions.

[17] For a broader exploration of the notion of playing the other see Zeitling (1996).

Such theatrical assemblage allows me to argue that the play's semantic scope can be re-appropriated in the twenty-first century for the contested subject position of unauthorized immigration. Unauthorized immigrants perform, today, the speech that only the subject who is deprived of speaking rights can perform (first political problematization). They are also subjected to the binary-logic of the "us" and "them" divide through the asymmetry of burial practices at the border (second political problematization). The militarization of the border participates in a broader production of their "otherness" as signifying a public threat that needs to be constantly policed (third political problematization). And it is through the public performativity of their actions that membership becomes a contested political issue of public litigation (fourth political problematization). In what follows I unpack the terms of such political problematizations.

The first political problematization of the assemblage refers to the public protests staged by undocumented immigrants since 2010 in the United States, wearing T-shirts with the words "I'm undocumented" written across the chest. The subversive occupation of public places by undocumented immigrants, transforming their deprived condition of legal non-recognition into a democratic claim for equality, had a prior manifestation in the *sans-papiers* movement in Paris, when migrants from former French colonies, mostly West-African countries, occupied the Churches of St. Ambroise and St. Bernard in 1996 (Cissé 1999). Such global contestation of political membership puts immigration in a broader genealogy of imperialism, neo-colonialism and extractive capitalism. Documents are the devices by which such structures regulate the movement of labor. Unauthorized immigrants cannot be visibly in public because they lack the proper documents. Yet in the protests it is they themselves who perform the political act that avows their own

public existence by reclaiming the injurious name of "undocumented" as an empowering category. Their act is one that, in Judith Butler's terms, puts in question the limits of the human, exposing the miscount of the members of the larger community. Unauthorized immigrants must also be continually represented by others, given that in official representations it is illegal to hire them. The interdiction of their self-representation transforms them into those who always must be played by the other. The overlapping of the exclusion both in relation to the content (who is not allowed to speak) and to the form (who is not allowed to play) comes full circle in the case of unauthorized immigrants.

In the second political problematization, that of the "us" and "them" divide made visible through burial, there is an apparent snag. Some might argue that undocumented immigrants cannot be mapped onto *Antigone's* narrative because they do not seek to attack the U.S., as Polyneices attacked Thebes. I would counter, however, that undocumented immigrants are consistently associated with national security issues and what's more, the mistreatment of their bodies is a normal and widespread practice at the border. According to *Human Borders*, 2,269 migrant deaths were recorded just in Arizona between October 1999 and March 2012. Their bodies were frequently unidentified and buried in unmarked graves, without any significant memorialization. There is thus plenty of space in which to establish a parallel between the politics of burial in Arizona and the politics of burial in *Antigone*.

Lawrence Taylor addressed this burial asymmetry during a lecture at UMass Amherst on October 18th, 2012, entitled "Deaths in the Desert: Symbolic Politics and Moral Geographies at the Edge of America." Taylor opened with the startling contrast between two political representations of death in the same Arizona county: on the one

hand, the deaths of fourteen unnamed unauthorized migrants on May 24th of 2001, who received almost no significant attention by official institutions and were only graphically recorded in red dots on the death maps of *Human Borders*; and on the other, the memorialization of the death of the Park Ranger Kris Eggle in August of 2002, after the criminalization of immigrants had already advanced through the post 9/11-fueled xenophobia. Different memorials were built for Eggle, including a grave in Cadillac, crosses marking the site of his death, a Memorial at Organ Pipe, another memorial bench on Lake Cadillac, the Kris Eggle Visitor Center, the Kris Eggle Award and the Kriss Eggle website—all memorials that highlight the political value of post 9/11 militarized patriotism. Through the politics of memorialization Eggle becomes singularized as an individual, while immigrants are abandoned en masse to the anonymity of their socially sanctioned dehumanization. *Antigone's* figuring of the division in state-sanctioned burial serves as a useful frame for Taylor's effort to read different mythologies of "America" within these rival stories about burial sites, where immigrants are simultaneously described as pilgrims, migrants, workers, invaders, undocumented, illegal, militants, aliens and terrorists. The play calls attention to the materiality of these burial sites. The confrontation, for example, between the life-supporting water stations left by volunteers of *Human Borders* and the life-denying binoculars and fences left by volunteers of the *Minuteman.* Burial sites become the space by which the "us" and "them" seeks to naturalize its artificial production but fails to escape its *agonistic* residue.

Coding Taylor's concerns with the materiality of the border through *Antigone's* drama made me more attentive to a broader landscape of policing systems, which brings us to the third political problematization. This requires shifting the analytical accent from

the text of the law to the performative effects of its materiality, which is one of the most important dimensions of the concept of theatricality that I explore with more detail in Chapter 8. Theatricality refers to the visual organization of these rival narratives of membership, which invites a broader conceptualization of political agency that is not exclusively limited to speech-acts but is also enacted through materials invested with meaning. We can see such theatricality in the day-to-day implementation of immigration policy that turns immigrants into national threats, as Creon turns Polyneices into a spectacle with a particular horrific materiality.

The literature on US immigration policy traces the political link between unauthorized immigration and national security far back into history. Of recent significance, however, is the "Illegal Immigration Reform and Immigrant Responsibility Act" of 1996 and, even more, the Patriot Act, signed into law October 26th of 2001, which authorized the detention of non-citizens for national security reasons. To enact the policing measures of the Patriot Act, the Bush Administration created the Immigration and Customs Enforcement agency (ICE) on March 1st of 2003 as part of the Department of Homeland Security with the goal to deport every deportable non-citizen. The signing into law of the "Secure Fence Act" on October 2006, building the largest wall along the U.S.-Mexico border, further strengthened the symbolic division between "us" and "them" at the border through its increasing militarization. As I write this project, a new law is being discussed in the Congress, one that doubles the amount of agents at the border and extends the fence 700 miles, also making joining the military the most favorable alternative to acquire citizenship. Prisons, re-named as detention centers, were also built, though now run by transnational private capital under administrative as opposed to penal

laws, which further marginalized immigrants by not allowing them a lawyer. Transnational capital, already favored by guaranteeing the conditions that reproduce cheap labor as an inexhaustible source of exploitation for capital, labor that such militarization of the border guarantees, turned such policing into a profitable market. The world's largest transnational provider of detention centers, GEO Group Inc., now has 96 facilities across the United States, United Kingdom, Australia and South Africa, making millions of dollars through the commodification of these policing systems of detention and expulsion. Even citizens have been included in such policing activities, blurring the distinctions between state agents and civil society. This started when the ICE launched the "Secure Communities" program in 2008, authorizing state and local jails to detain deportable immigrants and encouraging communities to denounce and accuse unauthorized immigrants as their civic, patriotic duty. The program reached 1700 jurisdictions by March of 2012, helping Obama's administration achieve its infamous record in deportations, expulsing more than 400 thousand immigrants per year. Deportation has also increased by making living conditions impossible for immigrants lacking proper documentation, either by making access to life-supporting sources reliant on the possession of such documents, or by replicating border politics at every site of transit. For example, the Transportation Security Administration (TSA) agency reported in 2011 that there were currently 385 full-body scanners in use at 68 U.S. airports and that there is currently an ongoing project to place 1000 scanners since the end of 2011, including the possibility of using them at train stations too. What such materiality reveals is that immigration is cut across a complex global process of imperialism—seen with the militarization of the border and the reproduction of such borders everywhere—as well as

excessive capitalist extraction—seen in asymmetrical trade agreements that marginalize labor conditions, producing a source of cheap labor by which to appease labor struggles and increase security and control of the population. Such profound connections make the production of the "other" inseparable from this complex articulation of policing apparatuses.

The concept of theatricality, however, allows me to make visible the material traces of these different logics, the policing logic of exclusion and the political logic of empowerment. It also allows me to address their failure to fulfill the fantasy of territorial immunity and achieve closure, which brings us to the last political problematization. Two theaters confront each other in this *agon*: on the one hand, the protests and plural forms of political organization of unauthorized immigrants, dramatically staged in their wearing t-shirts with "I'm Undocumented" written on the chest in public, and on the other hand, the complex systems of surveillance and control to which unauthorized immigrants are subjected. By emplotting these theatres within the ancient play, we can provide a frame for these rival narratives to enact their *agon* between, on the one hand, the confrontation of Leslie's willingness to expose herself to risk, despite her seeming fragility, and on the other hand, the sovereign's conspicuous emphasis on security and its attempt to naturalize its structural violence as the deliverance of national security. In my interpretation, the courageous acts of unauthorized immigrants like Leslie represent an emergent political subjectivity in the twenty-first century and stand as an echo of the radical political subjectivity of Antigone. Like Antigone, Leslie speaks from a social position of dispossession, policed as she is for lacking proper documentation. Like Antigone, Leslie's public actions and speeches seek to redress the injury of improper

burial, supported by a multiplicity of policing apparatuses and structural inequalities. Thus, like Antigone, Leslie also seeks to redress, more broadly, the complex policing apparatus that makes migrant deaths in the desert not an exception but a norm to which society at large has become acclimated. Such political problematizations allow me to rethink the political attributes by which to reclaim the figure of the "stranger."

2.2. Theorizing the Stranger

Tracing the significant literature in political theory oriented towards the (de)construction of the figure of the stranger, I turn back to Hannah Arendt's celebrated chapter in her *Origins of Totalitarianism*, entitled "The Decline of the Nation-State and the End of the Rights of Man" (1951). In this chapter Arendt coined the famous idea of the "right to have rights" (2004, pp. 341-384) in her effort to theorize the condition of statelessness. Writing in the aftermath of WWII, Arendt claimed that we became aware of this "right" when "millions of people emerged who had lost and could not regain these rights (political belonging) because of the new global political situation," one in which "there was no longer any 'uncivilized' spot on earth [left], because whether we like it or not we have already started to live in One World" (2004, pp. 376-377).[18] The transformation of the world into "One World," into a huge interconnected territory already fully and unequally partitioned (which we call "globalization"), faces a radical challenge: what about the people who do not belong to these entities into which civilization is distributed but nonetheless inhabit it with an equal "right" to do so, despite the fact that according to such an arbitrary division there is no room left for them?

[18] I engage more broadly with Arendt's problematic conceptualization of this phenomenon in Chapter 5.

The stranger is the one who, having lost her/his home and political status (*bios*), which is equivalent to the loss of a juridical-political space of recognition, cannot find another one. This is what I am calling a death, following Hannah Arendt's (2004, p. 577) association of denationalization, deportation and the international sanction of lawlessness as a possible status with the first of three murders in her description of the road to total domination in totalitarian regimes. Although reduced to mere being (*zoe*), the stranger continues to live (speak and act) in the world, which, while needing her/his vital energies to subsist (the continuous exploitation of the stranger's cheap labor-force), offers no-space for her/his existence to be recognized. This unremitting affirmation of existence through action in the world is what I call a life, in contrast to the death of the stranger's given situation.[19]

(S)he is already outside that place called "home." Yet at the same time, there *is* no place outside home where (s)he can be, because outside the home there are only other homes to which (s)he does not belong. This is the paradox of the stranger: the one who cannot *be*long to a world (s)he inhabits because of the ways in which belonging have been organized, as resting on the prior belonging to a political entity already counted among those in which the "One World" has been ordered. The paradoxical coexistence of life, which I understand as the affirmation of existence in this world through speech and action, and death, which results in not being counted by a political entity that juridico-politically recognizes this existence, is the result of policing the gap between those who populate the world and those who are recognized as rightful members of the political entities through which recognition in the world is distributed. The two counts are not interchangeable, nor are they commensurable. The former exceeds the latter, inventing

[19] This distinction will be further explored in Chapter 6.

some as supplementary; producing a remainder that escapes the territorial closure; a surplus, an excess in which life and death are no longer separable but overlap.

This paradox is still formulated as a problem "we" need to solve within political theory. The evocative "we" of this instance refers not only to the normative theorists claiming it but to those more specifically who already speak and act from a recognized and stable juridical-political condition, as the ones in charge of "solving" the problem into which the strangers have been placed. In this way, the strangers' juridical-political muteness is duplicated in the effort of the theorist to frame its solution as depending and resting almost exclusively on those whose speech is already potentially audible, therefore repeating the invisibility into which they are placed by endowing them with a "danger" they pose to "us."

The force of this discursive construction was made clearer with Hannah Arendt's concluding remarks in *The Decline*. Having framed their ontological paradox under the motto of the "end of the rights of man," she defined the stateless as the carrier of a "great danger": the danger of being "thrown back, in the midst of civilization, on their natural givenness, on their mere differentiation" because equality and significant political expression, by which one belongs to human artifice (*bios*) and not merely to the human race (*zoe*), are the exclusive privileges of "being the citizen of some commonwealth" (Arendt 2004, p. 383).[20] Arendt was not indicting the stateless but the consequences that emerged from the decline of the nation-state form. There was nothing else to see, for her, other than deprivation in their condition. But is it possible that, from their point of view, even if lacking a safe and secure belonging to those political entities already counted, the

[20] The paradox lies in the fact that those for which human rights should have been more determinant and urgently ascribed, because they could not claim any other identity than that of belonging to humanity, were the ones who could not be protected or even recognized.

stateless are more than just "natural givenness"? Perhaps from their point of view they could be inaugurators of another kind of politics incommensurable with that of the republican citizen but irreducible to that of "natural givenness."[21]

Arendt never resolved what she framed as a great danger. For her, nation-states were part of the problem, a World State was a monstrosity and supra-national institutions lacked active and democratic constituencies to legitimize them. Although she never delivered her solution, she did offer conceptual tools to advance one. Those who have attempted a solution, like the political theorist Seyla Benhabib (2004), kept Arendt's insight almost intact: the strangers are still a "problem" requiring a "solution." In Benhabib's cosmopolitan federalism, which is as indebted to Arendt as it is to Jürgen Habermas's theory of discourse and deliberative model of democracy (Benhabib 2002), the contextual rights of nation-states to self-determine their conditions of membership—in a world in which a right to exit equals a right to enter—are balanced with the universality of human rights, indistinctive of local contexts.[22] This balance incorporates a crucial obstacle, which was already identified by Arendt. Universal human rights are only morally enforced while citizenship rights are politically institutionalized, reproducing the asymmetrical treatment given to the "rights of the other," which are always at a disadvantage in comparison to those of the citizen.

Influenced by Derrida's deconstructionism, Benhabib's best critic, Bonnie Honig (2001), was probably the first to invert the terms of the question. Instead of asking, "how

[21] Given that strangers share similar conditions of vulnerability, such generalization might override strong differences in their realities and resources. I seek not to overlook such differences. Thus, it is important to take into account the different specificities and conditions of their agencies. Current activists of the Pioneer Valley Project, an organization in support of undocumented immigrants at Springfield, Massachusetts, count with very different resources to those inhabiting refugee camps in the West Bank and my use of the stranger, as an abstraction, by no means seek to marginalize the centrality of such differences.
[22] More to come about this in Chapter 5.

should we solve the problem of foreignness?" which Arendt, Benhabib, and, according to Honig, "most contemporary discussions of democracy and citizenship" (Honig 2001, p. 1) asked, she posed the question "what problem does foreignness solve for us?" (2001, p. 4). In Honig's terms, strangers are no longer discursively constructed as a "problem." What they carry on with them is not a "great danger," something "we" fear, but a material and cultural reservoir, something "we" cherish: an agency "we" need in vulnerable moments and particularly in those of (re)founding. Honig critiques the construction of strangers as the problem "we" need to solve by exposing the ways such a construction allows democracies to profit from both xenophobia and xenophilia.

What if we change the perspective from which these questions are framed and ask, how can "we" (strangers) solve the problem of citizenship? Or, what problems does citizenship solve for "us" (strangers)? The oddity of these alternative formulations show us two things: on the one hand, the silent privilege given to the secured juridical-political position of the citizen as the stable site of enunciation of the problem/solution framework, and, on the other hand, the contingent character of such sites as potentially unfixed and unstable. Thus, we can interrogate for whom this agency of foreignness performs politically salient functions. Is it only posing problems or providing solutions for the citizens, the nationals, the territorialized *demos*, the already recognized, or is it also performing some crucial political functions for the ones claiming it, the unrecognizable ones deciding to perform their unintelligibility in public and inaugurating a new world as a result?

The Italian philosopher Giorgio Agamben (2000) tried to view the solution, and no longer the problem, from the perspective of the stranger. From such a perspective, for

which he used the historical case of the Palestinians expelled by the state of Israel, he proposed the yet unclear and materially opaque "paradoxical condition of reciprocal extraterritoriality (…) that would thus be implied, could be generalized as a model of new international relations" (Agamben 2000, p. 23). What was left unclear in the otherwise promising ideal of reciprocal extraterritoriality, in "which the guiding concept would no longer be the *ius* (right) of the citizen but rather the *refugium* (refuge) of the singular" (2000, p. 23), was the agency in charge of realizing it. My dissertation offers a theoretical framework in which such an agency can be read, one in which the stranger is not independent from the discursive uses performed by its symbolic invocation, but it is no longer reducible to the functions it operates for an "us" from which it is always exteriorized.

2.3. Problematizing the Citizen/Alien Binary

Antigone's acts call attention to the previous violence inflicted on Polyneices. It is the continuity of this violence what she wants to bury too, through the burial of her brother. Polyneices was expulsed by his own brother unjustly from his territory, marking his foreignness, his otherness, as a violent constitution. The politics of unauthorized immigration do something similar; they inscribe the mistreatment of immigrants in a larger history of capitalist and imperial practices, outside of which the current drama of immigration cannot be understood. But the most important contribution of this parallel between the play and the protest lies in accentuating the political agency not of the citizen but of the migrant in making such violence visible in order to contest it, a subject position where frequently only dispossession or exploitation are read.

Some of the most groundbreaking works in the humanities have been the result of trying to rework the category of citizenship, whether in terms of the cultural (Flores and Benmayor 1997), the flexible (Aihwa Ong 1999) or the contested (McNevin 2011). All of these re-workings of citizenship, which have inspired my own work, engage citizenship's "other" in their own endeavor of political re-imagination. In the theoretical distribution of labor, in which citizenship, not alienage, is what must be reworked, this "other" remains unwelcomed (Reimers 1998), illegal (Bacon 2008), and disposable (Bales 1999). With noteworthy exceptions (Agamben 2000; Honig 2001; Bosniak 2006), citizenship, not foreignness, is still the desirable locus of arrival for democratic agency in theory's imagination. Foreignness remains the temporal condition to overcome, the problem to be solved. My dissertation builds on this recent scholarship and offers a theoretical framework by which such an agency can be read by emplotting it in *Antigone's* tragedy.

Framing Leslie's act through *Antigone's* tragedy makes visible the crisis of this model of democracy for which citizenship is always already decided in advance, and its concrete promise of openness to an alternative form of political belonging for which documents might be unnecessary or alternatively allocated from below. Unauthorized immigrants signal a constitutive paradox in democracy, understood as the political articulation of equality, because they make visible the prior non-democratic definition of the *demos*. Leslie, I argue, practices democracy when she performs this speech/act in catachresis, which appears through the theatrical supplement of the t-shirt.[23] It is through this theatricality that she makes a claim for equality using the rhetoric of the universal ("We are *all* Arizona", "*No* Human is Illegal"…). Such universality makes visible the miscount of the members of the community in which not everyone who counts is

[23] Catachresis is the metaphor of a nonexistent referent.

counted. This is a crucial structural asymmetry that capital produces under its current global conditions of accumulation. It is, too, a condition that facilitates new forms of colonization.

By emphasizing Antigone's different allusions to the figure of the stranger, I argue, her act symbolizes the counter-politics inaugurated by strangers today (refugees, undocumented immigrants, noncitizens) when problematizing the global conditions of political membership for those divided between two polities across structural inequalities. Going beyond a singular *polis* allows us to read, for example, the politics of non-burial that Palestinian women are confronting today in their struggle to exist against the occupation of their territories by the settler-colonial state of Israel. This case exemplifies the obstacles those displaced into lawlessness face when they try to give the deaths of their relatives public meaning. The symbolic peak of this struggle took place in February 2006, when the Museum of Tolerance in Jerusalem, launched in May 2004, was forced to temporarily suspend its construction, due to a legal challenge presented to Israel's High Court. According to Saree Makdisi's (2010, p. 520) reconstruction of the event, "the site of the Museum of Tolerance, it turns out, includes a cemetery—in fact, the largest and most important Muslim cemetery in all of Palestine, which had been in continuous use for hundreds of years from the time of the Crusades until the uprooting of Palestine in 1948."[24] Despite the efforts of Palestinian organizations to stop the construction plan, the leaders of the project continued with the excavations. The impossibility of grieving, of

[24] Udi Aloni's film, *Forgiveness* (2006), named after attending Jacques Derrida and Avital Ronell's seminar on forgiveness at New York University, employs the Hebrew word, Mechilot, with its double meaning, "forgivenesses" in plural and underground tunnels, to speak about the construction of an Israeli mental institution for holocaust survivors, among others, on the burial grounds of a massacre of Palestinians. I am grateful to the blind reviewers of the essay that I published in the journal *Hypatia* for this reference.

burying their dead and of honoring the lives of the dead by giving them public significance is one of the most frequent forms of violence suffered by Palestinians in their occupied territories (Butler 2006)—an impossibility shared by the undocumented at the U.S. Mexico border. While Israel launched the Museum of Tolerance, with the support of the Simon Wiesenthal Center in Los Angeles, immigrants celebrated a great Mass at the U.S.-Mexico border to remember the undocumented immigrants who died trying to cross the desert and whose bodies were either left unburied, improperly treated or buried unidentified in common graves. Five years later, Arizona's Governor Jan Brewer signed the strongest law yet against immigrants, SB 1070, which not only criminalized the failure to carry proper documents but also institutionalized racial profiling as a policing technique to persecute immigrants.

Who and what gets to be remembered is cut across policing agendas of control and political lines of conflict for meaningful existence. Here we see two forms of remembrance that are in conflict, one enacted by the sovereign state with its material excess and set of exclusions, the other enacted by the political resourcefulness of the dispossessed stranger within her/his efforts to continue affirming her/his existence in the city. It is this counter-political force that Antigone's strangeness helps us understand and make politically translatable, one that requires, in return, revisiting her own unattended allusions to positions of foreignness.

2.4. From the Equivocality of Kinship Positions to the Geo-political Undoing of Kinship

I will conclude this chapter by turning to the pressing subject of desire and kinship positions, which also dominate the interpretation of *Antigone*. I will put such discussion it in the positional context of the experiences lived by non-citizens, split in more than one territorial geography. Doing so, there is no better place to start than Judith Butler's very influential work, *Antigone's Claim*, the first attempt to move *Antigone* from the ethical framework of psychoanalysis into a more political, cultural framework of intelligibility.

Butler made Lacan's pre-political sedimentation of kinship positions in the Symbolic order the main target of her book. For Butler, the divorce of the symbolic from the social (Lacan's critique of Hegel) risks the "preemptory normalization of the social field" (Butler 2000, p. 69) that Lacan's ethics of the real would otherwise seek to disturb. In other words, by positing kinship positions as pre-political and making the Name-of-the-Father into the originary site of signification, Lacanian psychoanalysis risks the normalization of heterosexuality, always defining that against which the real becomes the irreducible trauma. Profoundly influenced by queer practices, by other forms of doing kinship that do not correspond to the norm of heterosexual monogamy, Butler found the psychic presupposition of heterosexual positions in the Symbolic order as a problematic naturalization of heteronormativity, no longer susceptible of being socially transformed through other ways of doing kinship, given that they will always be measured against a heterosexual monogamous matrix that defines a Mother a Father and a Child.

For Butler, Antigone's claim represents a critical opportunity for the displacement of kinship, an invitation for doing kinship differently through the catachrestic articulation of a different signifying chain in which kinship positions become equivocal. Given that Antigone's father is also her brother, it is impossible to claim that her non-compromising fidelity to the singularity of her brother—as constituting the law by which she acted—ever fixes the signifying chain in the form expected by Lacan's ethics of the real when she claims to have done it for her brother alone. The political and social character of language, whose meaning cannot be subordinated to the author, betrays Antigone and thus, "disperses the desire she seeks to bind to him [Polyneices] cursing her, as it were, with a promiscuity she cannot contain" (Butler 2000, p. 77). What Butler reads in Antigone is a failure of heterosexual closure, thus, a critical opportunity to read the social (redefining Hegel's *Sittlischkeit* as the cultural framework of intelligibility) through that which the social renders unintelligible within its symbolic economy. Antigone represents a crisis of representation, given that her desire, because of the heteronormative interdiction of queer forms of kinship, faces an aporia when it confronts the equivocality of her terms, the fact that "nothing in the nomenclature of kinship can successfully restrict its scope of referentiality to the single person, Polyneices" (Butler 2000, p. 77).

With Hegel, Butler returns to the social, to ethics as the cultural framework of intelligibility. But she also problematizes the pre-political displacement of kinship within Hegel's dialectic. She finds a similar displacement in Lacan, not in the social but in the psychic—one that does not preclude other forms of kinship but that subordinates them to a heterosexual logic of kinship positions. Luce Irigaray, too, participates in the same figuration of Antigone as articulating a "prepolitical opposition to politics, representing

kinship as the sphere that conditions the possibility of politics without ever entering into it" (her emphasis, Butler 2000, p. 2), which Butler finds common to Hegel, Lacan and Irigaray. Butler's way of resisting the prepolitical displacement of kinship is by way of undoing the distinction between the symbolic and the social, a distinction that allocates change in the latter to secure the invariability of heterosexual monogamy in the former. In problematizing such distinctions, Butler realizes that kinship is not only positioned in relation to a sexual binary but also to racial occlusion, and she goes on to cite how heterosexual monogamy is used to render black urban kinship arrangements dysfunctional, quoting Carol Stack's *All Our Kin* and Orlando Patterson's *Slavery and Social Death*. Race and sexuality, however, hardly come together in Butler's undoing of the binary between the symbolic and the social in *Antigone's Claim*. At least, they never do in Butler's explorations of the ways by which a socially constructed category of kinship, indebted to white heterosexual monogamy, gets posited as the pre-political geometry of the psyche through the stable interplay of presupposed kinship positions in the discourse of psychoanalysis. Sharing both Butler's suspicion against the pre-political exclusion of kinship positions and the possibilities of reading Antigone's claims as catachrestic, I conclude this chapter with a reading of kinship that taker her improper usage of language in order to explore a different signifying alternative, more attentive to racial differences.

When Antigone claimed, "I am a stranger!" (A, 955 [860]), she built a political connection with the doomed marriage of her brother to Adrastus' daughter in the foreign city, and she privileged her natal over her marital, to employ Helene Foley's (1995) distinction. Read through this lens, Antigone introduced marriage into the transnational

regulation of political membership. Her coalition with her brother was always political, not only because kinship is always already political but because kinship positions are, today, geopolitically dispersed. Her duties to her brother, conventionally interpreted as a problem of the family versus the polis (Hegel 1998), could be re-interpreted as a problem of the stranger versus the citizen if we read into them the political drama of filial attachments in the transnational regulation of political membership through family law.

What if Antigone's public turn to Polyneices and Ismene (strangers) rather than to Haemon (citizen) is neither a sign of her Homeric ethos (Honig 2009, p. 7) nor a sign of some desirous abjection (Butler 2000), but a refusal to compromise the political ambiguity of her strangeness in marriage? She might have turned first to Ismene and not to Haemon because of Haemon's bond to the ones responsible for violating her brother's body, but there is something else politically significant in her allegiance to her foreign siblings over her citizen fiancé that might have played a greater role. Is the political fragmentation of the family merely contingent or does Antigone's allegiance reveal the inseparable function of marriage in organizing and regulating political membership?

In order to read Antigone's preference for the natal over the marital family under the script of the stranger, I propose an intertextual reading of the play with two contemporary accounts of marriage in transnational contexts. The first case is Suzana Maia's recent analysis of Brazilian women traveling to work as erotic dancers in New York; the second one is Kimberley Crenshaw's exposure of the vulnerability of immigrant women to spousal violence when applying for citizenship. Maia found that the only choice for these Brazilian women, if they decided to stay in the United States and wanted to be able to move back and forth between their native and their host countries,

was to get married (Maia 2012, p. 124). As a citizen-making device by which they regain their legal status, marriage is also an immigrant-unmaking one. Antigone's refusal to marry Haemon, her priority of the natal over the conyugal, and to instead speak for Polyneices and with Ismene may have in the text and context prioritized natal over conjugal kinship forms, but if we approach the play intertextually we can see another possibility: what if in this act Antigone reveals her decision to keep the ambivalent political condition of lawlessness she shared with her brother and sister as strangers?

If marriage constitutes a citizen-making device by which the uncertainties of the stranger's world are potentially overcome through legal recognition, it can also duplicate the vulnerability of the foreigner while transitioning to citizenship, by eliciting other kinds of violence in the relation of power of the marital couple. According to Kimberley Crenshaw (1991, p. 1249), "immigrant women are vulnerable to spousal violence" because they are afraid of being deported if they try to fight against it, given the temporal provisions established by the United States marriage regulation, in which they have to remain "properly" married for two years before applying and "because they depend on their husbands for information regarding their legal status" (1991, p. 1241). The threats of deportation and the access to information become opportunities for the husband to carry on his abusive behavior with impunity—something Antigone might have had in mind after witnessing the treatment the exile received by Creon's family. Cutting across the global regulation of political membership, marriage endows Haemon with a supplement that makes his relation to Antigone unequal. On the contrary, Ismene and Polyneices are equals for Antigone. It is therefore with them she can act in concert. Antigone sees in Polyneices not only the brother for whom she has duties and obligations (Hegel) or the

lover for whom her desire is uniquely attached (Lacan), or the equivocality of kinship position that her speech act exposes as irreducible to the symbolic order (Butler), but also the symbolically produced stranger whose conditions of existence she shares, being deprived as she is of public logos in the patriarchal-policing and heteronormative organization of the civic space.

Within such a translational landscape Butler's (2000) symbolic use of Antigone's aberrant way of doing kinship acquires a different political dimension. Antigone's refusal to marry Haemon could be interpreted as a rejection of the heteronormative construction of the nation-state, which her heterosexual marriage would have reinforced. Since 1996, the Defense of Marriage Act (DOMA) defined marriage in the U.S. as taking place between a man and a woman, denying marriage as a citizen-making device to queer bi-national couples. According to Alix Olson (2013), in the strategic battle to repeal DOMA, queer activists lobbying for the legalization of same-sex marriage, like Immigration Equality, ended up normalizing queerness, neutralizing everything that was transgressive in same-sex in order to facilitate the acquisition of the status.[25] Queerness needed to look like heterosexual monogamy in order for citizenship not to be differentially allocated to same-sex couples split in bi-national contexts. Citizenship acted as the trade-off of transgressive sexuality. Doubly stigmatized for failing to comply with the norm, queer bi-racial couples needed to trade the sexually dangerous component of their relationship in order to neutralize the racial one in order to be accepted. Antigone, as Butler claims, scandalizes the public because she does not do what is necessary "to stay alive for Haemon, by refusing to become a mother and a wife" (2000, p. 76). Her (un)doing,

[25] See also Phelan (2001).

however, is also irreducible to the refusal of queerness to compromise its sexuality; it exemplifies a refusal to transact sexual aberrance for citizen status, a refusal to occlude the racialized politics of her exclusion by another occlusion, that of her own way of doing sex differently, non-normatively. Within this matrix of power, the fetishism of the national document demands the sacrifice of her queerness. Thus, her scandalous privileging of the natal family in death over the conjugal family in life counts as her resistance against the political transaction requiring her to give up on her non-normative sexuality in the name of her being officially documented as a member of the *polis*.

Furthermore, the public exposure of her defiance is nothing but the inauguration of an alternative form of documentation of her social value.[26] Antigone's polyvalent claim resists a social order in which she can only *be* at the expense of severing one of the multiple positions that constitute her as who she is, many of which put her at the limits of the social order's cultural framework of intelligibility. Such reading requires not only exploring the ways in which Antigone's interdicted sexuality troubles heteronormativity, as Butler does, but also how such trouble is inextricably related to the alternative subtext of *metoikia* that runs throughout the tragedy and that demands us to address contingent geopolitical and racialized positioning of kinship in addition to the equivocality of kinship positions.

Another interpretative possibility lies in shifting emphasis away from Antigone's refusal to marry and toward this refusal's connection to her suicide. In other words, Antigone's refusal to marriage could be on the one hand a final call for a more decisive opening of democratic enfranchisement, but it could also mean, in more radical ways, a

[26] More about this in Chapter 8.

greater divorce of political membership from the ways in which state and kinship re-accommodate each other through the regulation of birth. Lee Edelman has advanced one of the most promising readings of Antigone's refusal to marry within this horizon, even though, as happens with Butler's interpretation, his is also unresponsive to other vectors of difference structuring her act.

Edelman reads Butler's radical sexual politics as all too familiarly liberal. Indeed, Butler's reclaiming of Antigone's anomaly serves precisely to widen the horizon of inclusiveness for queer couples. In this, Edelman criticizes her for repeating the fundamental tie to what he identifies as the ideology of reproductive futurism. Antigone's death to kinship continuity is re-posed as the imagined futurity of queer kinship in Butler's theory. Yet, Antigone dies not only unmarried but also childless. Thus, according to Edelman, it is in Antigone's suicidal virginity that unreproducibility acquires a more interesting and challenging political dimension. Antigone, who acquired speech and action as a foreigner when dwelling with Oedipus at Colonus, opts for interrupting the kinship that her marriage to Haemon will have reassured. Her marriage to death might, in this account, signify her burial of marriage as the foundation of the political order of civility, which already targets women's reproductive labor as the body to control. As an exceptional virgin suicide, Antigone's geopolitical act calls attention to the exclusions reproduced by linking political belonging to kinship through the privileging of marriage as the political device by which citizenship is done and foreignness is undone (Shachar 2009). According to Nicole Loraux (1991, p. 31), hanging was the form of suicide most disgraceful in Greek tragedy, chosen under the weight of necessity and mainly performed by women. Indeed, Jocasta, Phaedra, Leda and

Antigone all die in this way. What distinguishes Antigone from them, Loraux tells us, is that she kills herself in the manner of grieving wives, but unlike them, she is a virgin, unwedded and childless. Virgins in the world of tragedy have less autonomy than wives, Loraux continues. They therefore do not kill themselves but are always killed. Yet Antigone acts otherwise. Doing so she contests the conditions of possibility for action as always failing to constrain. In this, Antigone divorces action from its grounding in a form of property, in an identity.

Edelman's challenge to Butler becomes pressing when faced with the conservative politics advanced by Immigration Equality, where the fetish of the future (the child for Edelman; the "paper" as the site of the proper in my own case) is used to neutralize radical action as a stronger refusal against white heteronormativy. What if the critical perspective that Antigone offers is not one that helps *do* kinship differently—a difference that she marks and breaks, given the challenges that she imposes to the cultural framework of intelligibility—but one that helps us *undo* kinship? What if this inscription of kinship in its geopolitical space is a way not only of opening the social space to accommodate other forms of kinship but a way of undoing the social arrangements that always require certain figuration of kinship to distribute political membership? The exploration of these possibilities require a reinterpretation of Antigone's character that adequately explores her border-crossings and the ways by which such crossings, as processes of de-territorialization and re-territorialization, opened different opportunities for Antigone to perform different roles. And it is towards such reading that I now turn.

CHAPTER 3

SECOND JOURNEY: A *METIC* ANTIGONE

"What If Antigone Were A Refugee?"

(Event organized by the Freedom Theater at St. Paul Church in New York, October 16, 2010)

3.1. Framing *Antigone*

Honig (2011, p. 29) was right when she claimed that, today, "to encounter Antigone is also to encounter Hegel, whose reception of the play frames virtually all later receptions." Hegel's frame intensively orients us towards the civic order as the loci of Antigone's legibility, never a full citizen, always outside the normative framework, yet always defined by its relation to it. As a civil disobedient she is considered either as a civilian who disobeys or as someone who, having disobeyed, waits for her civic status to be clarified in the legal resolution of her act. In other words, her civic status is complicated by her act but never exceeds it. In this chapter I argue for the non-civic domain of the stranger as an alternative framework for reading Antigone's agency. I relate strangeness to contemporary adaptations of the play that use Antigone to represent non-civic positions. I then explore foreignness intertextually, putting *Antigone* in conversation with Sophocles' two other plays on the Theban family and addressing the conditions for social action such context allows us to problematize in the case of Antigone.

Traditionally circumscribed into a singular political unity, that of Thebes (Hegel 1976; Lacan 1997; Butler 2000; Honig 2013), just a few interpretations break with such circumscription. Cecilia Sjöholm (2010), in "Naked Life; Arendt and the Exile at Colonus," considers Antigone to be a geopolitically more complex subject, first a native of Thebes then a refugee at Colonus. In a hyperbolic way, Tina Chanter (2011) also argues that the political question of endogamy and exogamy—that is, marriage either within or outside of one's own community—is translated into the drama of incest in Sophocles' *Antigone*, given that the play was staged ten years after Pericles prescribed double endogamy to acquire citizenship in 451BC. In Chanter's analysis, incest might be taken as the allegorical critique of an excessive political closure, one by which the natal family becomes the inescapable limit of the social order, trying to fix democracy's potential boundlessness through the regulation of birth and family law. Such closure risks making the *polis* indistinguishable from the *oikos* (household), as Creon increasingly does in his discourse and as Hannah Arendt warns in *The Human Condition*, when she describes the contemporary nation-state as the super-human household of modernity where birth remains the privileged device to allocate political membership. The *Antigone* for which I advocate in this chapter I craft first through an extra-textual argument that addresses *Antigone's* afterlife in non-hegemonic contexts to represent a plurality of subject positions that are irreducible to dramas of a singular *polis*, and second, through an inter-textual argument that explores her alternative yet unattended subtext of *metoikia* throughout the Theban cycle.

3.2. Extratextual Argument

My reading of *Antigone* responds to contemporary adaptations of the tragedy that have addressed Antigone's border-crossings as well as her prolific nomadism. Quite influential for my reading has been Janusz Glowacki's *Antigone in New York*, which I mentioned in the previous chapter and to which I give a more comprehensive reading in the next one. Glowacki represented Antigone as the Puerto Rican homeless woman, Anita, who buried her lover Paulie, a US citizen, in a co-opted park of New York with the aid of Sasha, another homeless migrant of Russian origin. Perla de la Rosa (2005) also used *Antigone* to dramatize the impossibility of women to bury their relatives in Ciudad Juarez, where violence against women increased as a result of the war on drugs, the militarization of the borderland, the conditions of inequality imposed by global capital through the signing into law of free trade agreements (NAFTA) and the precarious conditions imposed in *maquilas* by neoliberal globalization within a dominantly migrant female labor force on the US-Mexico border. Sara Uribe had the same context in mind in her pastiche-version of the play, *Antígona González*, which speaks to the massacre of seventy-two migrants in their way to the U.S. through Tamaulipas, Mexico, the country with the most recorded disappearances recently, and points to the intensive drama of human rights in the region.

Equally influential for my reading have been the work of Moira Fradinger, who mapped *Antigone's* trajectory in the Americas as a character that refuses to stay in one place, whose power lies precisely in the crossing of borders. Similar to Fradinger, Jennifer Duprey recently edited a volume on Iberian and Latin American *Antigones* that exposes their diversity and plurality, always historically and contextually bounded, yet

always embodying a myriad of social positions. Finally, my reading also builds on the extensive literature exploring the place of classical studies in post-colonial contexts, influenced by Goff and Simpson (2007), Hardwick and Gillespie (2007) and Chanter (2011), particularly invested in the remaking of the play in African contexts. What my research has shown is that both theorists and contemporary playwrights have turned increasingly to *Antigone* in search of signifying positions that involve geopolitically complex conditions. In doing so, they have changed our reception of the classical tradition itself and have called our attention to revisit its origins accordingly.

"What If Antigone Were A Refugee?" was the title of the event organized by the Freedom Theater at St. Paul The Apostle Church in New York on October 16, 2010, where I learned that *Antigone* was performed by young Palestinians at the Jenin Refugee Camp in the northern West Bank, years after the Israeli invasion of 2002 and around the time in which the Museum of Tolerance was being constructed. Antigone has provided a voice for the inexhaustible political energies of Palestinian refugees in their struggle to exist as a people against the Israeli state's attempt to erase them. She continued to do so, as hers was scheduled to be the first tragedy performed in the newly reconstructed Palestinian theater of Ramallah. Their struggle was represented through the script of *Antigone* in this deprived area of Occupied Palestine where Antigone's invocation to the queen from the East finally materialized.

The continuous invocation of *Antigone* by those agents inhabiting social positions of radical dispossession solicits a reconsideration of her origins through this prism. By the end of the millennium, as Kevin Bales' famous book, *Disposable People* (1999) claimed, the capitalist accumulation of today's global economy rested in the unpaid labor

of millions of slaves, probably more slaves than ever in history, even if not named as such. More than a decade before him, Smith, Wallerstein and Evers (1984) made a similar remark about female labor in the household. Unrecognized and unpaid in most nation-states, female labor in the household has subsidized the capitalist accumulation of the world-economy for centuries, calling attention to the political organization of those spaces and the need for crossing the borders by which they are de-politicized. Most recently, Saskia Sassen (2011) has included the overexploitation of undocumented immigrants, a massive source of cheap labor for transnational corporations, as another inexhaustible supply of profit in the global market. Without erasing the historical differences and political contexts between ancient Athens and today's global economy, undocumented immigrants, slaves and women once again share a similar plane of dispossession. Because tragedy offers an alternative imaginary for subject-positions to articulate different grammars of power beyond exclusive narratives of marginalization and exploitation, *Antigone* remains a politically salient figure with powerful symbolic resources to mobilize in their service. In what follows I argue for an interpretation of *Antigone* that makes her representative of a *metic* political drama for today's globalized world. I do this by re-interpreting the original frame.

3.3. Intertextual Argument

3.3.1. The Plural Positions of the Audience

The recent performances of *Antigone* in the West Bank and Ramallah echo what is believed to be the tragedy's first appearance in the fifth century B.C., most likely staged in the theater of Dionysus at Piraeus, which was described by Nicole Loraux

(2002, p. 25) as "an "alien' enclave inside the territory of the city into which it is nevertheless fully integrated." For Loraux, the ambivalent spatiality of the theater—alien yet fully integrated—carried out a crucial function in the de-politicization of the tragedy by emphasizing the phonetic role of the mourning voice over the semantic role of the staged *agon* in the script. It made it possible for her to claim that spectators discover themselves to be mortals first (antipolitical) and citizens second (political) through the catharsis they experience in the performance (Loraux 2002, p. 81). For Loraux, the tendency to transform the theater into a "double of the assembly (*ekklesia*)" by filling this Athenian institution with political, civic and democratic attributes overlooks the significant presence of foreigners and women, who were never forgotten by Attic orators (Loraux 2002, p. 19) and for whom it was not the civic discourse but the ineffable grief that the *oratorio* was really about. However, what Loraux calls antipolitical in her effort to split the theater from its civic enclosure—that is, the turmoil of division enjoyed by Dionysus—is what rests at the core of the *agon* staged by Antigone and Creon if the stranger is not exclusively attributed to spectators but to textually articulated positions in the text.[27]

Loraux helps us to see that the tragedy is not necessarily bound to the cultivation of a civic ethos and that its poly-ethnic audience forces us to find another role for it. However, the openness she performs is interrupted by relocating the tragedy's "essential" function in the antipolitical "delogogized *phone*" of the mourning cry, in which another

[27] Bonnie Honig (2010, pp. 5-7) makes a similar critique on the depoliticizing consequences of Loraux's turn to humanism. She questions the presumed absence of politics in the priority that Loraux gives to the universality of the mortal over the particularity of the citizen. I agree with Honig's critique on Loraux's problematic appropriation of Nietzsche for the reproduction of a binary between language and sound, to the extent that any concept of universality in the latter is inescapably bounded to a certain configuration of politics. I don't follow this line of argument but instead trace such configuration in the geopolitical architecture of the tragedy.

attachment—that of belonging to the race of the mortals—neutralizes the constitutive and conflictive differences of the audience, replayed in the semantic content of the script in which Antigone's strangeness is once again rendered invisible.[28] In other words, Loraux de-civilizes the script of the tragedy by displacing its loci of legibility from the performance to the audience, but she does it at the cost of overlooking the semantic dissonance of alternative meanings in the play in order to stress a cross-ethnic phonetic universality in our shared mortality. The interpretation that I offer here exposes the subject of the stranger in the audience as well as in the semantic content of the play.

3.3.2. Tragedy and Foreignness

Meanings are not contextually fixed, and their symbolic potential always exceeds the boundaries of their own scripts. Edith Hall (1997, p. 118), for whom "taken as a whole, tragedy [legitimized] the value-system necessary to the glorification of Athens and the subordination of the slaves, women, and other non-citizens who constituted the majority of her inhabitants," claimed that tragedy also "[challenged] the very notions which it simultaneously [legitimized]," by imagining the powerful agency it sought to disavow. This propensity to mimetic inversion and transgressive repetition of the tragic template, which has been fundamental for the political afterlife of *Antigone*, is a result of what Edith Hall calls tragedy's relentless polyphony, an irresolvable coalescence of different voices and linguistic registers by which otherness and foreignness affirms itself in the misappropriation of language producing a fundamentally political act. This dramatic form of action in fiction publicly enacted the otherwise impossible agency of

[28] I borrow this is term "delogogized *phone*" from Cavarero (2005b).

foreigners, women and slaves.[29] In doing so, tragedy provided a political script for the otherwise voiceless agency of those lacking speaking rights in the city.

Greeks usually performed tragedies under the Great Dionysia at Athens. Dionysus, understood to be the main spectator of the plays, was a singular deity. According to P. E. Easterling (1997, p. 45), Athenians identified Dionysus with: "(i) the god of wine, (ii) wild nature and sexuality, (iii) ecstatic possession, (iv) dance, (v) masking and disguise, (vi) and mystic initiation." Dionysus was the deity of excess, boundlessness and unfamiliarity, frequently associated with madness and even considered to have arrived from elsewhere, beyond Greece, becoming paradigmatically the divinity of "otherness" celebrated by Nietzsche.

Simon Goldhill (1997, pp. 60-61) has shown that citizens outnumbered foreigners and *metics* at the festivals, justifying his warning about the proto-nationalist aspects of tragedy. They were, however, allowed to be present at the Dionysia, unlike other civic spaces from which they were excluded and in which citizenship was performed.[30] Likewise, Edith Hall, for whom tragedy was an ideological laboratory to reproduce and perpetuate the xenophobic, patriarchal and imperialistic character of Athenian democracy, recognized that in tragedy all ethnicities were somehow represented. She also recognized that tragedy continuously negotiated the social boundaries of the Greek/barbarian dichotomy and frequently suspended them through fantastic inversions of given hierarchies.

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[29] All three occupied a similar space of speechlessness in Athenian democracy. According to David Whitehead (1977, p. 16), *metics* were not only immigrants, but also freed slaves, who did not become citizens after their liberation.

[30] According to Hall (1997, p. 123): "In the tragic theater individuals whose ethnicity, gender, or status would absolutely debar them from public debate in democratic Athens can address the massed Athenian citizenry".

Dionysus, as *the* deity of the genre, reveals important features linking tragedy to foreignness, theatrical performance to boundary crossing, and the fallibility of stable identities to the political effects of disguising and masking. Within the sphere of the Dionysia, the contemporary "trans" of *Antigone's* trans-national, trans-disciplinary, and *trans*gressive journey becomes simultaneously: i) the queer *trans* of an indomitable anti-normative sexual desire—disruptive of stable identities and disorganizer of the regulation of political membership through birth and marriage; the ii) mystical *trans* of religion—in which madness, the extreme rhythmic pulse of the body's anarchy, rules over a disembodied conception of reason and moderation; and iii) the migrant *trans* of spatial motion—which crosses a multiplicity of symbolic borders.

3.3.3. Alienage in Disguise

Demetra Kasimis approached Euripides' *Ion*, an iconic tragedy on the subject of *metoikia*, with a similar political aim at deconstructing the citizen/alien binary. The missing son of Kreousa from Athens, Ion arrives at Athens as the surrogate of Xouthos' son (the foreign king), with the aid of Athena, who finally persuades Ion to return to his native homeland disguised as a *metic*. Kasimis focused on the tokens of the *Ion*, the compulsory disguising and masking of Ion's "true" origins, in which each one of the resolutions carries its own problems, in which each one of the exposures of Ion's truth is accompanied by its respective binding secrecy. No wonder why Moses Hadas' (1960, p. 148) commentary on his own translation of the play envisions a different origin—one in which Ion would be born neither from the rape of Kreousa by Apollo, making him a native of Athens, nor from the unclear sexual intercourse of Xouthos with an unknown

woman, making him a foreigner, thus a *metic* in Athens, but from the priestess who acted as his mother.

According to Hadas' interpretation, the priestess would have instrumentalized the situation in favor of her own son by fulfilling the much needed lost object of desire through the symbolic economy of both parents, which also represented the solution to the quarrel between the gods and the humans. In fact, the priestess provided a solution to a multiplicity of riddles: parents looking for children, children looking for parents, humans' resentfulness to gods, gods' violations of humans. Ion was the external (strange, foreign) gift that satisfied "everyone," and even Kreousa's anger against Apollo eased. According to this reading, the priestess would have given her own child, making him the prince of Athens at the expense of her biological tutelage by filling the much needed position for every other character in the play. The point being, as Kasimis' (2010) compelling reading of the play claimed, that the *Ion* does not end with a happy-ending resolution of antinomies, but preserves them in the positional equivocality of the character's status as always linked to political action and strategic use. The *Ion* leaves everything unresolved because secrecy remains the binding force, when Ion's native origins are, once again, covered up under the sanction of Athena.

There are important resonances between the tragedy of *Ion* and the epic of *Odysseus.* After all, much like Ion, the founder of Ionia, Odysseus returns to his native land in disguise as a wanderer, following the advice of the same deity, Athena, to re-found his city. Wearing a costume, a mask, Odysseus is able to recover his throne, but not before his true identity is discovered by the lower-class servant Eurycleia, who is forced to remain silent at the threat of death. Indeed, one wonders if the costume by which

Odysseus hides his “true” identity has not become, instead, his new one, as artificial as the previous one. One wonders if identity itself, in the midst of multiple strategic uses, has not already been successfully emptied from its solid foundations in ontology and biology and exposed as a fundamental problem of fiction, whose stable origins are forever unsteady, forever shaky.

Paraphrasing Julia Kristeva (1994), Odysseus becomes a stranger to himself. Disguising himself as a foreigner does not merely cover up his true identity, it also fictionalizes the truthfulness of identity as inescapably subordinated to performative instantiations by which it needs to be constantly verified. The problem for Odysseus—a wanderer who had already learned how to adapt to different roles in order to negotiate different realities and contexts—is not, like that of Oedipus, that he does not know who he is, but which costume he needs to wear. It was not a problem of the real self hiding beneath the surface of appearances, but a political problem of deciding what would be the best strategy of cross-dressing, the best strategic use of identities. Here we find an echo in the protests of Arizona's undocumented immigrants, who put on t-shirts proclaiming their socially sanctioned status in order to stage a performative interruption of the state's policing regime and reclaim the speaking positions from which they've been excluded.

One could object that Odysseus engages in the game of political fictions at the level of appearances because, in essence, he already knows that he comes from Ithaca. This is not, however, the only possible interpretation. After all, he has been away for more than twenty years. Ithaca has changed enormously. Ithaca is no longer the same city, there are new edifications and, with the arrival of more suitors, all new kinds of different markets. Telemachus is now a bearded man. Penelope has made a space for

herself, in the absence of any *kurios*, for twenty years by then. Ithaca is not a place of war as a result of his absence but a perpetual party, for which his absence, the non-fulfillment of his position by any suitor, has become a necessity supplied by Penelope's undoing of her tapestry.

One even wonders if Odysseus, the ruler and native of Ithaca, is precisely the one who must not return, who must be forever suspended in the act of returning so that the absence of the national ruler can create the conditions of possibility for an unending and inexhaustible collective banquet. Does Athena know this, disguising Odysseus as a result, so that, as a foreign founder (Honig 2001), he can re-establish order into a city that has gone anarchic? Maybe Odysseus' disguise has covered up not his origins in Ithaca, but his own anxieties as the foreigner he now realizes himself to be. He might be using this opportunity, provided by Athena, to cover up these anxieties and perform, so to speak, a test of hospitality in order to see if Ithaca would receive a foreigner, the foreigner into which he has been transformed by his wandering years away.

Yet, another problem emerges. As we know, the success of Odysseus in disguising his identity fails at the feet of of his old housekeeper Euryclea, which fixes Odysseus' identity in the authenticity of his scar, the body-mark. This is an outstanding paradox of ancient Greek literature. It is as if the confounded political identity of its heroes and heroines could only be resolved by the supplemental knowledge possessed by the dispossessed ones, that is, servants and slaves. Paradoxically, servants and slaves, like *metics* and foreigners too, were not accepted into the space of appearances in which identity was collectively constructed, yet they were the only ones able to solve its cultural

confusion. Such is the case in Homer's *Odyssey* as well as in Sophocles' *Oedipus Tyrannos*.

It is as if the uncertainty about the ruler's identity needed the supplemental work of the dispossessed classes to solve its fictional confusion. Paradoxically, tragedy makes the identity of the sovereign rest in the knowledge of the slaves, themselves deprive of the power to signify. Tragedy subordinates, so to speak, the legal and political fictions of the upper classes to the knowledge and verifying capacity of the lower classes. In doing so, tragedy challenges the very notions by which it is legitimized, soliciting the inversion of power and enabling the reading of a different text, a subtext of power running through other social-positions.

3.3.4. Producing the Cycle

Deborah Roberts uses Gérard Genette's concept of the paratext to show how a reader already interprets *Antigone* even before engaging the text. She refers not only to the title, preface and introduction that accompany the publication, all of which are paratextual to *Antigone's* frame, but also, for example, to the inscription of *Antigone* into a cycle which Sophocles never envisioned as one. According to Roberts, the "publication [of *Antigone*] with the other Sophoclean plays that tell the story of Oedipus and his family contextualizes the story of Antigone as part of a continuing story and insists on a relationship of one sort or another to the other two plays about the family" (Roberts 2010, p. 290). The paratextual effects of such over-arching titles as, "The Theban Cycle," are crucial for the interpretation that I develop here as one possibility. The reader might look

for something missing in one play to be explained in the other, but a temporal rearrangement of the stories is crucial.

This interpretative strategy, to read Antigone's character in relation to the other two singular plays, informed the production of *Oedipus Tyrannos* in the Odense municipal theater in Denamark on February 1999. This was a collaborative project between the Swedish director Leif Stinnerbom and the literary scholar Freddie Rokem, in which Antigone is dramatically split into two temporally although related subjects: the one having to leave Thebes with Oedipus by the end of *Oedipus Tyrannos*, and the other forced to return to her native land by the end of *Oedipus at Colonus* in order to stage the tragedy of her own name. In Stinnerbom and Rokem's version, the Antigone that experiences the traumatic event at *Oedipus Tyrannos* was seven years old. She was young enough to be considered by Oedipus as not yet ready to receive his advise in *Oedipus Tyrannos*, but old enough to be chosen by him to become his sight, his supplement, and lead him through foreign lands.

My reading follows Stinnerbom and Rokem's interpretative strategy, however, it differs from them in trying to assess the riddle of the play not by emphasizing Antigone's remembrance—the temporal gap by which the characters gets even more inscribed in the Oedipal model of the return of the repressed from which they were trying to separate her—but in the political effects that deterritorializations and re-territorializations have in Antigone's temporally split subjectivity, the spatial-temporal gap. I argue that a silent character in *Oedipus Tyrannos* (429BC) becomes the most important and vociferous agent in *Antigone* (441BC) because the regulatory mechanisms that allocate voice and action in a particular gendered, sexed and classed subject were temporally suspended and

in some occasions even inverted in *Oedipus at Colonus* (405BC). My reading depends on approaching these texts according to both the chronology of the story and the chronology of its composition.

3.3.5. Temporal and Spatial Complications

The Antigone from *Oedipus at Colonus* is closer in age to the Antigone of *Antigone*. She is no longer a child, even though Creon continues to refer to her in infantilizing terms. We know, however, that several years have passed between *Oedipus Tyrannos* and *Oedipus at Colonus*, years that refer not only to the chronology of the compositions themselves, but to the chronology of the story as well. In *Oedipus at Colonus* Oedipus is now an old man, Polyneices has already been ostracized by his brother, married Argeia (Adrastus' daughter) and assembled an army to invade and destroy his native city. Antigone is no longer the seven-year-old child that was cast out with her father. She has become a woman who speaks, argues and achieves what no other character was able to achieve in *Oedipus Tyrannos*: she persuades her father to receive Polyneices at Colonus. She has grown up and the most important years of her pedagogical and political training have taken place under very particular conditions.

It is unclear how many years had passed since Antigone was expulsed from Thebes with Oedipus, but we can get an approximate idea. We know that Oedipus could not have been that old when he left his native city. He was cast out only some time after his adoptive father, the Corinthian King Polybus, died of old age. Oedipus had already produced four children with Yocasta, however, he was still significantly younger than Polybus. At the beginning of *Oedipus at Colonus*, however, Oedipus is presented as

already being an old man, quite close to his final days, most likely closer in age to the Polybus in *Oedipus Tyrannos*. His daughters were no longer little and his sons, probably children when he left, were now quarreling for his throne. If this is plausible, it means that Antigone's political uprising was not a Theban product. Her ethical and political cultivation were heavily dependent on Oedipus, who was morally belittled, blind and needing her to perform protective and leading roles, but most importantly, it was a result of border crossings.

If the Antigone of *Antigone* is close in time to the Antigone of *Oedipus at Colonus*, the opposite is true of the Antigone of *Oedipus Tyrannos*. The greatest textual, spatial and temporal gap in Sophocles' reflection about this Theban family refers to the spatial and temporal span between *Oedipus Tyrannos*, when Antigone was a silent child who experienced a traumatic event, and *Oedipus at Colonus*, when Antigone had already become a persuasive woman who spoke confidently and referred to strangers as friends. Such transition takes place in foreign lands, while dwelling with a disgraced Oedipus who she is in charge of leading through unknown paths.

Of course, these stories could very well be taken as having nothing whatsoever to do with each other. Yet, what if that is not the case? What if Sophocles kept returning to the story in order to explain, retroactively, how Antigone was able to do what she did in the tragedy of her own name? What if the retroactive construction of Sophocles' *Antigone* as original is not only a product of future adaptations but also a constitutive aspect of the assumedly never-envisioned "Cycle" Sophocles produced? Such question has nothing to do with the literal intentionality of the author. It suggests, rather, an interpretative possibility elicited by the use of the same names and the invocation of the

same myth, a possibility as legitimate as that of taking the stories as three completely different engagements.

According to my reading, Sophocles describes Antigone's political upbringing as exceptional. She had to deal with very difficult and demanding tasks at an early age. She not only witnessed the suicide of her mother when she was seven, she learned that she was the product of incest, a heinous crime for the community into which she had been socialized, and that she was entrusted with the mission of leading her damaged and criminalized father through foreign lands. Such leading role she performed while haunted by her incestuous origins, becoming part of her identity. Antigone is the only one forced to spend every day of her life with Oedipus, who had blinded himself violently, and who knew that no citizen or foreigner would ever welcome him again. Antigone was severed from her own family, uprooted from her native city and ended up spending more years of her life as a foreigner outside Thebes. She is not exposed primarily to the cultural codes and social norms of Thebes, but to the relative and changing ones in the different towns and cities that she visits with Oedipus while wandering towards Mount Cithaeron. It is in Colonus that she finally calls foreigners friends and when she is forced to return to her native land by the end of *Oedipus at Colonus*, she no longer considers such land her home. She is uprooted a second time, taken away from her long nomadic journey to a forced settlement in the city of her origin, now foreign to her. If parricide and incest forced her to exit Thebes, filicide awaits her when she enters it again.

It is also at Colonus that Antigone promises to bury Polyneices. She makes that promise already knowing that both of her brothers would kill each other in Thebes, given that Polyneices refuses to stop the war even after hearing the hateful prophecy of his

father, who condemns both Eteocles and Polyneices to kill each other in battle. Antigone prepared herself to fulfill the promise she made to her brother during her forced journey back home. She will bury the body of the brother who tried to destroy her natal city. Did she feel some responsibility for it? After all, Oedipus only enunciates his curse after he meets Polyneices against his own will, persuaded by Antigone. Without her intervention, Oedipus would have never seen Polyneices; given the oracle's original prophecy, neither brother might have won the war. The oracle prophesied the outcome of the war, not the fate of her brothers. Oedipus' curse was the one directed towards them, and he only enunciates the curse after Antigone succeeds in persuading him to meet with Polyneices.

But perhaps it is not a matter of guilt and responsibility. Perhaps she feels and knows that even those most disgraced in the eyes of society also need care, as Oedipus and she herself did, having depended on the solidarity of others, of strangers, for years while in exile. Some were, like Theseus, hospitable to them. Antigone knows what it means to be regarded as abject, to be received with suspicion for bearing the mark of divine hate. She is better situated than other characters in the play to respond to Polyneices, to empathize with him. Although she never verbally commits to perform the rites for her brothers in *Antigone*, Sophocles makes the promise explicit in *Oedipus at Colonus*. The promise binds her and she makes such a promise specifically from a dispossessed site of strangeness.

Antigone's character also shatters gender arrangements in the story. Unlike Ismene, who stays in Thebes and tries unsuccessfully to persuade her sister not to disobey Creon's edict, arguing that "[they were] only women, not meant in nature to fight against men, and […] ruled by those who are stronger" (A, 50 Grene 163), Antigone knows

otherwise. She knows that nothing in her gender makes her naturally unfit to fight against men. She has been leading Oedipus in foreign lands for years. She has learned how to speak and to persuade where men have failed. Her experience tells her that there is nothing natural in women's subordination to men and that a change in circumstances, as in her own case, proves the opposite. In their wanderings, Oedipus was a subordinate to Antigone. She was the one telling him where to go, where to step, with whom to talk, which places to avoid. The regulatory mechanisms of the city allocating legitimate speech in a particular gendered subject were operative for Ismene, who stayed in Thebes, but not for Antigone, who wandered for years. Gender hierarchies were suspended if not inverted, and she was able to perform a different role as a result. Despite all the difficulties, Oedipus and Antigone survived and she managed to bring them both safe to mount Cithaeron. Antigone knows strength and leadership are contingent attributes, dependent on the transformation of the social conditions under which gender roles are politically constructed, and it is towards such constructivist aspect of gender that her actions have become emblematic.

3.3.6. The Origin of the Cycle and the Effects of Border-Crossings

In *Oedipus the King*, written some fifteen years after *Antigone*, Sophocles develops Antigone's origins, modifying our perception of this character. Antigone was not only born from an incestuous union, as the audience already knows, but from a Theban mother and a foreign father. As Sophocles makes clear at the beginning of the play, through the speech of Tiresias, Oedipus "is a stranger among citizens [who] soon will be shown to be a citizen true native Theban, and he'll have no joy of the discovery"

(OK, 455 Grene 30). Classical scholar R. C. Jebb argues that until Tiresias' revelation, the status of Oedipus was that of a *metic* in Thebes. I argue for the legitimacy of this interpretation, given that Oedipus arrived from Corinth and, thus far, he knows nothing about his Theban origins. In the social context of Sophocles' time, Antigone would have also been perceived as a *metic*, given that the play was performed only twenty years after the Periklean laws of 451-450BC, which prescribed double endogamy to confer citizenship and would have made Antigone's status closer to her father's than to her mother's. Moreover, Oedipus' political education, the cultivation of his morality and ethics, was not the social work of Thebes but of Corinth. The new context would have undoubtedly impacted Oedipus' Corinthian background but it would not have erased it. One could rather expect a complex mixture of both cultural frameworks in Oedipus' political decisions as the Theban ruler and as the *kuryos* of the household. One could also expect such diaspora to have impacted Oedipus' children, raised in a culturally mixed family.

Here I should emphasize that the achievement of sovereignty did not represent a change in the status of the sovereign as a *metic*. We know this from Euripides' *Ion*. Such is the case with Xouthos, who becomes the king after marrying Kreousa yet remains a foreigner in the eyes of the people (Kasimis 2013). In Euripides' play, Ion knows he would also be considered a *metic* in Kreousa's house if coming to it as Xouthos' son. Such would have been the case of Antigone under Yocasta's roof. The fact that Antigone was not only Oedipus' but also Yocasta's daughter does not solve the complexity of her birth-given status.[31]

[31] The Periklean laws proscribing double endogamy remained in place and were actually reinstituted during the archonship of Euklides in 403-402BC, after Sophocles' death. According to Just (1989, p. 61)

Sophocles fills the gaps between *Oedipus the King* and *Antigone* in *Oedipus at Colonus*, his last surviving tragedy about the Labdacids family, Oedipus' ancestors. *Oedipus at Colonus* refers to the events in the middle, according to the chronology of the story. This play helps us understand how a silent child, Antigone in *Oedipus the King*, could become the most vociferous agent in the play of her own name. The Antigone of *Antigone*, already transformed by the Antigone of *Oedipus the King* into a *metic* princess brought up in a bi-cultural family, gets further transformed into a stranger in *Oedipus at Colonus*, where we learn that she has been dwelling with her father in foreign lands. And, as Sue Blundell's important work on women in antiquity affirms, even though "we know very little about the lives of *metic* women […] as they were not in most cases vehicles in the transmission of citizenship, it is possible that masculine control over their behavior was less rigorous than in the case of Athenian women" (1995, p. 146). Reinterpreted as a *metic*, Antigone's performance, by comparison to that of her sister, Ismene, becomes more intelligible. Rather than the isolated heroic individual that liberal theory celebrates in civil disobedience, Antigone's strong voice had specific conditions of possibility, linked to the ways in which her foreignness opened up a space for her to perform a different role.

Henceforth, as much as Antigone's family is haunted by filial transgressions, it is also haunted by territorial unrest, border-crossing and irresolvable mobility. From the point of view of the state, which epitomizes biological reductionism in the law of Pericles, Antigone belongs to Thebes as much as she belongs to the household and not to the public domain of logos and action, which is made clear in Creon's *agon* with her.

"Aristotle is the only source that provides an explanation for the law: that it was passed 'because of the multitude of citizens.'" Aristotle does that in *The Athenian Constitution*, 26, 4.

From the point of view of Antigone, such a fixed territoriality was probably never operative, nor was the conventional role associated with her gender. Foreignness represented for Antigone the temporal suspension of the Theban status quo, whose distribution of agency and speech in a gendered and racialized subject were no longer operative in the same way, and she showed them to be subjected to political variability. As a foreigner, Antigone learns to assume risks that she might not have otherwise taken. She is exposed to a unique experience of the contingency of political orders, one in which no solid foundation can be uncontestably established. Considered a *metic*, unable to beget a citizen, it is possible that she was also under less rigorous masculine control.

3.3.7. The Status of *Metics* in Athens

The earliest definition of *metoikia*, given by Aristophanes of Byzantium, is extremely general: "a *metic* is anyone who comes from a foreign (city) and lives in the city, paying tax towards certain fixed needs of the city. For so many days he is called a *parepidemos* and is free from tax, but if he outstays the specified time he becomes a *metoikos* and liable to tax" (Whitehead 1977, p. 7). According to Whitehead, still the authority on ancient *metics*, such broad definition was no longer valid in the fifth century, when "*metics* may have constituted a more settled population *de facto*" (1977, p. 9). Sue Blundell (1995, p. 145) estimates the population of *metics* by the beginning of the Peloponnesian War to be one-sixth of the total population of Athens. *Metics* were excluded from citizenship and not allowed to own land. Only a few of them, Blundell continues, "made large fortunes in industry or banking, and would have mixed on equal

terms with members of the Athenian upper classes." The majority of *metics* would have engaged in productive activities.

Metics were economically indispensable for the city, mainly because of their commercial and industrial activities, but also because of the revenues they brought in the form of taxes. They were also militarily significant, serving in the army and navy, although in subordinated roles. Their role in the restoration of the Athenian democracy proves this, as when they fought in Thrasybulus' army. Their contribution was so significant that Thrasybulus proposed citizenship to be granted to all those who fought with the democrats from Phyle to Mounichia, a proposal which included foreigners and slaves too but which was probably only granted to *metics* (Austin and Vidal-Naquet 1986). Thus, rather than being tolerated, "[metics] were actively encouraged by the city (…) and citizens did not consider *metics* to be rivals in economic activity" (Xenophon, quoted in Austin and Vidal-Naquet 1986, p. 101).

As Blundell shows, *metic* women were not subjected to the same vigilance that Athenian women were subjected too. In fact, although considerably marginalized, their work in the city was materially recognized to some degree. This explains paradoxes like actually counting *metic* women in the city's census, while not including Athenian women at the same time. According to A. H. M. Jones (1986, pp. 10-11), the census of Demetrius of Phalerum, "taken at the end of the fourth century showed 10,000 *metics* as against 21,000 citizens." The end of the fourth century was, according to Austin and Vidal-Naquet (1986, pp. 100-101), "the period of greatest success of the *metic* system." In fact, Jones (1986, pp. 10-11) offers a rather benevolent description of the situation of *metics* in Athens, who he acknowledges "made a great contribution to Athenian prosperity,

particularly in the fields of industry, commerce and banking—indeed they seem to have dominated the two latter." Jones characterized them as "voluntary immigrants" who "could leave when they wished (except in time of war)" and who's large numbers were "a testimony to their liberal treatment." Just (1989, p.17) seconds Jones' description claiming that, "we appear to be confronted with a situation in which the free non-citizen population of Athens was neither persecuted nor discriminated against, in which *metics* lived in practical equality with citizens, in which with the major exception of being able to own land, they were free to prosper economically, but in which the distinction between citizen and non-citizen was rigidly maintained and the exclusiveness of the Athenian citizen body reaffirmed." A famous pamphlet, entitled *Constitution of the Athenians* (wrongly attributed to Xenophon), makes a similar point, further stressing the similar conditions under which poor citizens, *metics* and slaves would have lived in Athens:

> As far as slaves and *metics* are concerned, it is in Athens that you see them behaving with the greatest insolence; you may not strike them there and the slave will not stand out of your way. The reason for this local custom is this: if there was a law allowing the free man to strike the slave, the *metic* or the freedman, he would often have struck an Athenian thinking he was a slave. For the common people (*demos*) there are no better dressed than the slaves and the *metics*, nor any better in appearance (…) This is why we have granted to slaves the right of equal speech (*isegoria*) towards free men, and similarly to *metics* towards citizens, because the city needs the *metics* on account of the multiplicity of trades and because of the fleet. Accordingly it is with good reason that we have given the

right of equal speech to *metics* as well (quoted in Austin and Vidal-Naquet, 1986: 282-283).

Even though *metics* enjoyed an unparalleled mobility one should be cautious with potentially erasing their subordinated status in Athens and especially in the Peiraieus (economic center of Attica), where most of them were registered. Jones does recognize that they did not have political rights, nor could they own land, which explains their concentration in industry and commerce. He is also aware that they were subjected to all duties attributed to citizens and to a higher scale of taxation, yet Jones characterizes them as "a contented class," which "demonstrated their loyalty to their adoptive city by generous gifts at times of crisis."

The evidence from Austin and Vidal-Naquet (1986, p. 99) suggests a less benevolent image of their social situation. After a month in Attica or Athens, foreigners (*xenos*) had to register as resident aliens (*metics*) and begin paying, in addition to all other taxes, the *metoikion* (tax on *metics*), of which both citizens and foreigners were exempt. If they failed to pay they could be seized and sold into slavery. Austin and Vidal-Naquet also affirmed that "some *metics* would have been granted the privilege of *isoteleia* (equality in taxation)," but they were not allowed to acquire land (*enktesis*), which restricted their financial mobility since credit relied on land ownership, nor were they considered members of the *demes* in which they were registered (*oikesis*). They also had no access to their own legal representation, needing to find a "*prostates* (a patron), an Athenian citizen who would undertake to represent them at law" (Austin and Vidal-Naquet 1986, p. 99). The failure to produce a *prostate* would have also resulted in slavery for *metics*. Moreover, "the murder of a *metic* was assimilated to involuntary homicide

and treated as such" (Austin and Vidal-Naquet 1986, p. 100), as it was the murder of a slave, both of them still punishable on such basis yet marginalized in comparison to civic status.

Indeed, Vidal-Naquet's famous analysis of Oedipus' political status in *Oedipus at Colonus* argues that Oedipus never acquired Athenian citizenship by the end of Sophocles' last play, serving as an iconic representation of the process by which the status of *metoikia* was granted in Athens. Oedipus' story follows the standard political procedure to request this type of residency. Oedipus engages in *aitesis* (a formal request). By means of a *prostates* (the men from the deme of Colonus) Oedipus presents his solicitation to Theseus. The *prostates* then advocates for Oedipus' credentials, for his advantages (*kerde*) as a benefactor for the city (*euergetai*). Then he engages in supplication and is granted residency by Theseus, but not equal membership. As Vidal-Naquet says, Sophocles wrote *Oedipus at Colonus* not *Oedipus from Colonus*.

Just (1989, p. 23) offers us a different description of *metics* when comparing them to other excluded groups. According to Just, even though Athenian women were certainly not in the same situation or conditions with *metic* women or slaves, "democracy meant that Athenian wives and daughters, by contrast with their men, were placed as a group alongside those others who like *metics*, were outsiders, or who, like slaves, were always officially subject to rule rather than being capable of becoming rulers themselves." The citizen/non-citizen divide was not structured around the basis of economic considerations alone. The economic restriction on property was without doubt crucial, but the most important restriction rested in the lack of political rights. Given democracy's vibrant conception of citizenship as active participation in the government of the state, its

exclusion of *metics* made their case more similar to those of slaves, foreigners and women. And even though some *metics* were granted citizenship on exceptional circumstances, there was not an established process of naturalization. Holding no political rights meant that they could not take part in the assembly nor be appointed to any magistracy—they had limited control over their destiny within the society.

3.3.8. Burial Reconsidered

Antigone's decision to invoke *metoikia*, to compare her case to that of *metics* when she claimed to be a stranger, is also significant in relation to the main subject of the play: the politics of Attic funerary practices in Athens. According to Nicole Loraux (2006, p. 64), "when foreigners were not buried apart, in a collective monument erected especially for them at the edge of the *demosion sema*, their names were added in spaces left vacant or in an additional list, sometimes preceded by the heading *xenoi*." Loraux continues her reflection on the Funeral Oration, one of the founding documents of democratic ideology in classical Athens, claiming that:

> (…) these *Athenaioi* also include the *metics* enrolled as hoplites…Thuscydides clearly includes the *metics* among the *astoi*; and if any non-Athenians were to be honored with an official funeral, it must certainly have been the *metics*, whom Aristophanes calls the 'bran' of the city, inseparable from the pure wheat of the citizens … At the end of the fifth century, the *demosion sema* seems to have been wide open to foreigners, at least to those who fought in the ranks of the democrats in 403 and whose 'valor took the place of country'; the city did not shrink from

giving this composite group, comprising *metics*, mercenaries, and allies, an official funeral and burial in the Kerameikos (2006, pp. 66-67).[32]

Slaves, on the contrary, were not buried together with citizens. At Marathon only Athenian hoplites were honored while slaves were buried with the Plataeans (according to Pausanias). Burial sites thus represented not an iconic site of universalism but a political site that, although democratic, was not exclusively reduced to citizens. Other subject-positions, whose constitutive roles are frequently erased by an exclusive emphasis on citizenship, felt equally addressed by Perikles during the Funeral Oration. Such is the case of *metics*, in general, and of Athenian women in particular, who were expected to perform burial rites and participate in religious ceremonies.

If, as Bonnie Honig has argued, Antigone makes a parody of Pericles' funeral oration in her infamous speech, it is also in part because it was "to 'the whole crowd, Athenians and foreigners,' that Pericles addresses his lesson on Athens" (Loraux 2006, p. 122). And even if *metics* were not officially entrusted with the mission of delivering an oration—Loraux is confident that the authentic epitaphios of the *metic* Lysias is an exception rather than a rule (2006, p. 136)—they were certainly addressed by them. Such inclusiveness contrasts with the clear subordination of *metics* in Athens. Loraux (2006, p. 411) has not been the only one to highlight the ideological functions that the funeral oration performed when concealing internal divisions in the city by consistently ignoring the "strangers within" (*metics* and slaves). Loraux' most important contribution in this regard is her understanding of "a more general omission" accomplished through the funeral oration: "the oration suppresses whatever does not belong to the sphere of war or

[32] Based on Thucydides, Loraux claims that Jacqueline de Romily's translation of *astoi* as "citizens" is too restrictive, and includes *metics* along with citizens as "all those living in Athens," to which *astoi* refers (Loraux 2006, p. 451n.8).

politics, that is, everything that allows the city to ensure its own subsistence, from the work of the slaves to the commercial role of the *metics*, from the artisans to the importation of wheat. Those were matters for the ekklesia" (Loraux 2006, p. 415).

What if Antigone's reclamation of *metoikia* made these matters relevant for the funeral oration too, so as not to restrict them to the *ekklesia* in which *metics* were not allowed to participate, as other social positions were not either? Antigone's reclamation of *metoikia* might have suggested a re-signification of democratic coalition from the point of view of its constitutive outsiders, built on the basis of shared forms of dispossession with other non-civic social positions. In its figurative reclamation of *metoikia*, the tragedy might even have suggested that the presumed stability of *genos*, of "nature" and "race" to grant citizenship, was impotent and ultimately bound to failure because it needed to be verified in action. Following the same de-naturalization of *genos*, the tragedy tells a similar story about gender. Gender is done differently under a different status and in different circumstances. Such difference in *doing* gender meant, ultimately, that gender was ultimately undoable *à la Butler*.

3.3.9. A *Metic Epikleros*

Forced back into Thebes after her brothers killed themselves in battle, the conditions for the *metic* princess changed again. Antigone became an *epikleros*, which literally means "with the property," in the eyes of the audience. Antigone was "with the property" and for another man to inherit it and become its proper *kuryos* that man needed to marry her. Helene P. Foley (1995) first argued such condition to inform her case, which Roger Just described in the following terms:

> A man could bequeath his property and his *oikos* to whomsoever he wished, provided that he married his daughter to that man, who, of course, also became his adopted son and direct heir. If, however, he failed to bequeath his property by adopting the man to whom he married his daughter, or if he died before arranging the marriage of his daughter, then the fate of the *epikleros* was practically the same as the fate of the property in the case of intestate succession: i.e. the daughter could be claimed in marriage along with the property to which she was attached by her father's closest male relative within the *anchisteia* (1989, p. 95).

According to Athenian practice, the first claimant of the *epikleros* was her father's brother or her mother's brother in his absence, Antigone's uncle Creon. He would be under the obligation to marry her unless he was already married, as is the case in this myth, where Creon is already married to Eurydice. The next claimant was the next male kin, her mother's brother's son, which corresponds to Heamon in Sophocles' tragedy. And, indeed, Antigone is to marry her cousin and to pass the property. Sophocles' play was staged in Thebes but seen by an Athenian audience, familiar with these practices, and his text respects the legal customs of that city-state.

The institution of the *epikleroi* was a very complex one. Quoting from Isaios' *Pyrrhos*, Just (1989, p. 97) claims that "the *epikleros*' father's next-of-kin could force the dissolution of her marriage in order to claim her and "her property" himself—though it has been argued, not very conclusively, that this could not be done if she had already produced a son." Just (1989, p. 98) concludes that her father's next-of-kin, "who claims the *epikleros* in marriage, becomes merely the caretaker of the *epikleros*' father's property until such time as she supplies by her marriage with him a male heir for her

father's *oikos*. Hence the regulations which demand that the husband of an *epikleros* should have sexual intercourse with her at least three times a month, or, if he was incapable of this, that she should be allowed to 'consort' with her husband's next-of-kin." Interestingly, as Just notes, the *epikleros* guaranteed the patrilineal succession of the property through a *de facto* matrilineal succession, which further strengthened Antigone's bargaining power.

As an *epikleros*, Foley (2001, p. 33) claimed, "[Antigone] may even be going so far as to suggest that Creon is illegitimately attempting to deprive her future offspring of their rightful leadership of Thebes." Just (1989, p. 98) adds that the *epikleros* "stands in, as it were, for her non-existent brother until she has produced a son capable of carrying on her father's *oikos*." Antigone's link to her brother, her "standing" for him as *epikleros*, makes the relationship with Polyneices all the more problematic and politically polysemous. Instead of the traditional interpretation of her actions within a binary of the *polis* and the *family*, still attributed to the influential reading of Hegel, Antigone's duties to her brother are one of the multiple occasions in which both domains are shown to be inseparable—as inseparable as they are for Creon too, who fails to fulfill his state responsibilities because he fails to recognize Antigone's claims as his sister's child (Foley 2001, p. 32).

As an *epikleros*, Antigone plays a crucial role in the economic transference of Oedipus' property. Her decisions thus complicate the story. Opting for her natal, rather than her conjugal family (a distinction first drawn by Foley), had important political implications. As an *epikleros* Antigone could be trying to undo the curse of the blood that her marriage to Haemon would have continued, given that it would have been Oedipus'

household, not Haemon's, that would have continued through her marriage. Even in death Antigone is still looking for a way to inscribe foreignness, to reconfigure her subjectivity as no longer confined to proper places. Found in her cell hanged by her knotted veil—a Persian garment—Antigone's death follows her own terms. If we take it as a suicide, the fact that she wears a Persian garment further complicates things. As noted by Loraux, virgins (like Antigone) do not kill themselves, but are killed, because they have less autonomy. Antigone's case is exceptional because she is the only suicidal virgin, killing herself "in the manner of grieving wives, who hang themselves as a last resort" (Loraux 1987, p. 32). Unlike every other virgin in Greek tragedy, Antigone "changes execution into suicide" (1987: 32) and becomes glorious "in her *hybris*, the only mortal to go down to the land of the dead of her own free will (*autonomos*)" (1987, pp. 47-8), as the tragedy's Chorus even recognizes.[33]

In her suicide Antigone strangles not only herself but also the confinement that her marriage to Haemon signifies for her, especially in light of her status as an *epikleros*. Haemon's marriage to Antigone is also politically relevant, however, because it signals Haemon's independence from his own paternal household. As Honig argues, through marriage Antigone would have strengthened Haemon's conditions of speech, given that he would have been talking to Creon not as his son but as his equal, as the head of a household. Conversely, Haemon's marriage to Antigone represents an even more disturbing reality for Creon. Haemon would be administering Oedipus' property, not Creon's, who lacks other children for the perpetuation of his own. This might explain why even after Haemon attempts to marry Antigone symbolically in death, by killing

[33] Symbolically, the use of the Persian garment could convey a different meaning (more on this in Chapter 8).

himself in her tomb, Creon recovers his corpse as if interrupting the marriage (Honig 2013; Griffith, 2010a). In fact, Creon may be as interested as Antigone is in undoing this marriage, even if for different reasons. Creon might have been motivated by his desire to perpetuate his own household, rather than Oedipus'. Antigone might have been motivated by the privileged position she had to interrupt, within this patriarchal economy that turns women into systems of exchange, the cursed blood of Oedipus. She has been wandering around, she knows that there are other ways of doing gender, other ways of doing politics, that Oedipus' curse, the curse of the *polis* self-enclosure to the extreme of corruption and self-annihilation, hyperbolically signified through incest, needed to be interrupted by the kind of hospitality promised by the triumphant Athens of *Oedipus at Colonus*. Reimagined as a *metic* princess, Antigone's motivations and conditions of possibility shed light on a different kind of agency.

3.3.10. Antigone's Figurations of Foreignness

Polyneices is Antigone's brother, and blood relations are unquestionably important for a family deeply haunted by incest, parricide and fratricide. But Polyneices is also an exile, having been previously cast out of Theban territory by his brother and former co-ruler Eteocles. The singularity and uniqueness of Polyneices' situation, which Antigone invoked as the reason for which she acted, is not reducible to their filial relations. The filial connection to Polyneices might have overshadowed Antigone's political alliance with foreigners, exiles or expatriates, but it could never erase this possibility entirely.[34]

[34] The biological fixation of Antigone's political identity, as a native of Thebes by birth, corresponds at a representative level to the legal effort of Pericles to secure Athenian citizenship by requiring double-

My reading of Antigone's status as *metic* allows us to solve the enigma of her constant reference to foreign practices, deities and stories. If we read her first as a *metic* we can explain the fact that she knows Polyneices' improper burial reflects a Persian custom rather than a Greek one (Foley 1995, pp. 140-141). We can also explain why she invoked Tantalus' daughter Niobe, who she named the "stranger queen from the east" (A, 915 [820]), a foreign deity to represent her case. Her citation of the Persian story of Intaphrenes' wife when she announced her intention to transgress the law and perform the burial only for her brother finds explanation in her *metic* status. And finally, it gives reason to why she entered her tomb dressed in foreign garments, the Persian *sindon*, signifying her marriage to death.[35]

Non-citizens in the audience of the Dionysia might have been particularly sensitive to Antigone's Persian dress, her reclamation of *metoikia*, her invocation of foreign divinities, like Niobe, foreign stories, like that of Intaphernes' wife and her knowledge of foreign punishments, like the abandonment of Persian enemies to be eaten by dogs and birds. I argue for the possibility of an Antigone that speaks with a foreign accent in the theater, in order to further convey that her political skills were not a Theban gift but one resulting from her border crossings. More importantly, I argue that it is possible for us to open up this classical tradition by imagining a different type of female agency, a female agency that is no longer abstracted from its material conditions of possibility, and which recognizes that such material conditions refer to the unstable

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descent (Cartledge1993, p. 28; Kasimis 2010, p. 34). Demetra Kasimis (2013) has recently shown in her analysis of the Athenian *metic* within Euripides' *Ion* and Plato's *Republic*, that the attempt of the nation-state to resolve the equivocal status of citizenship by reverting to the presumed givenness of birth conflicts with democratic commitments to political equality and finally fails in its attempt to privilege blood over action as the political way of allocating membership in a *polis*.

[35] More about this garment in Chapter 8.

phenomenon of foreignness as productive of better conditions for female agency, and not of citizenship. It is towards a broader re-signification of such conditions that I now turn.

CHAPTER 4

HOMELESSNESS

"Home is the place where, when you have to go there, they have to take you in."

(Robert Frost)

"There's no place like home."

(Dorothy when she returns home from her nightmare-dream in the Land of Oz)

"Home is where you go when you run out of places."

(Barbara Stanwyck to a stranger in Fritz Lang's Clash by Night*)*

"The ice that still supports people today has become very thin; the wind that brings the thaw is blowing; we ourselves who are homeless constitute a force that breaks open ice and other all too thin 'realities'."

(Friedrich Nietzsche)

Homelessness often connotes a condition of destitution. It refers either to the lack of a private home (referring to he household, the *oikos*) or to the lack of a homeland (referring to the political community, the *polis*). As an adjective, it refers to (s)he who has no home or permanent abode. Such is, too, the oldest definition of *metics*. As a verb, *metoikos* means "changing one's abode, emigrating and settling elsewhere." Given that property was denied to *metics*, as it is denied to unauthorized immigrants who lack proper

documentation today, the second sense of homelessness entails the first one. Having lost the native *polis* as a result of the territorial transgression entails, in the inhospitable *polis* of arrival, losing the chance of having a home too, in the private sense of the word. Less frequently, homelessness refers to a refusal to be confined, to a positive appreciation of mobility, fluidity and open space, as the basis for human freedom. The possession of a property is no longer cast as a good but as the opposite, as that which restrains human freedom, the contact with others, the exposure to difference and alterity. Such exposure might be greater for the homeless, but greater exposure is no longer conceived exclusively as a negative condition. On the contrary, it is the fiction of being protected from risk what is conceived as the danger. Given the constant privatization of public spaces under neoliberal conditions of capital reproduction, homelessness is most often turned into a greater condition of destitution. Those who do not own homes cannot be outside them, because outside homes there are other homes that already belong to others. Such is, too, the condition for the global distribution of *polis*. In this chapter my use of homelessness fluctuates across all of these registers, imagining how might it produce different conditions to those of poverty and destitution, with which it is so frequently associated.

4.1. Rethinking Homelessness

I use homelessness to comprehend a broad range of experiences characterized by a new form of political action—one that speaks and acts not from the standpoint of property-holders, but from the standpoint of those characterized by dispossession. Such dispossession refers to the simultaneous events involved in losing one's home without the

ability to regain a new one as a result of the global organization of political membership today. Counter intuitively, I refer first and foremost to homelessness in the second sense, because for unauthorized immigrants the first and more common use is already political wrapped by the second, historically prior. In my account, different forms of disenfranchisement—experienced by undocumented immigrants, non-citizens, stateless, etc.—expose both the crisis of a political model predicated upon the possession of a home and the invitation to reimagine political action from the perspective of those who inhabit this form of dispossession. Homelessness calls for a new form of political belonging for which possessing a home is no longer a necessary pre-condition. Equality and political community is to be found not in the possession of properties, but in the refusal to make property and to strive for the desire of identity stability that such property holding articulates.

As the place where they must take you in, if you must go there (Robert Frost), home is frequently depoliticized as a location free of power and conflict. As Bonnie Honig (1994, p. 567) described it, home is a place "unmarked or unriven by difference and untouched by the power brought to bear upon it by the identities that strive to ground themselves in its place." For homelessness to be made into the site of conflictive difference, home needs to appear as the withdrawal from politics. Home, then, is idealized as the neutralizing arena in which the individual finds grounds for "agentic integrity" rather than contingency and indeterminacy (Honig's term, through a reading of Bernard Williams). Honig, reading Teresa de Lauretis, endorses the risks embedded in homelessness as politically more relevant for democracy, in opposition to the violence reproduced by the dreamed-homes in which security and privacy are re-located. More

importantly, she challenges the very terms of the distinction by which home as security is politically neutralized against the contingency of conflict, and by which homelessness is dislocated as pure violence in an external otherness from which the space of the home is immunized. In this opposition between home and homelessness, the latter, as the site of conflict and difference, is already subordinated to the former, as the site of integrity and identity.

Something very different happens in Hannah Arendt's otherwise seemingly conventional distinction between the public (*polis*) and the private (*oikos*). Unlike the distinction between home and homelessness, previously described, the potential homelessness of Arendt's difference is not negatively described as a lack, as the lack of a home, as the lack of property, as the lack of a space for security, integrity and identity, but as the opposite. It is the home, the private, which is negatively defined, as being deprived of publicity, of the kind of agentic contingency taking place in the public realm, where your "whoness" is crafted in collective conflictive encounter with difference. What happens in the agora, the public space, happens there because nobody can claim ownership, because the kind of self that is re-created in speeches and actions is never one's own craft, but always, someone in which others co-participate.

If Thomas Dumm (1994, p. 156) celebrates the moral psychology of homelessness for democracy and addresses the need to rethink the material condition of homelessness in a manner consistent with the encouragement of this psychological condition, it is because homelessness works against the structures of our life pushing towards its confinement and enclosure. But Dumm addresses what in Arendt is only marginally mentioned. It is the need to rethink this reconciliation of the publicity of

politics with the material accommodation of homelessness, not as a problem of need but as a question of freedom. What becomes problematic in Dumm's account, as much as in Honig's, is the impermeability of the home, the sacrifice of contingency and exposure for a desire to be one, the urge for identity, fixity and definition. This form of agoraphobia neutralizes conflict and difference, and even if it no longer embraces a naïve conception of the individual as the identitarian subject, the pluralism that it celebrates as historically situated and multiple continues to neutralize its schisms, its voids, its constitutive conflicts and gaps in a celebration of multicultural diversity from which conflict is, once again, erased in the celebration of a home that can accommodate everyone.

The anti-political translation of the home/homeless divide—in which the former is always regarded as the site of security, privacy, peace and protection, and the latter as the site of poverty, precariousness, violence and exposure—is the political disenfranchisement of the homeless, their economic marginalization and the transformation of their otherness into a form of threat to the cultural and racial integrity of the home itself. This divide reproduces the home as a non-conflictive space of identity, which rests in its increasing confinement from otherness, difference and struggle, and which always displaces this otherness as pure violence and givenness happening elsewhere. The political translation of the home/homeless divide as a problem of membership and disenfranchisement (Arnold 2004), always renders the distinction itself ambiguous, undecidable to the extent that homelessness slips into the home and vice versa, opening the experiences in both spaces to contingency, indeterminacy and conflict, and rendering unstable the identities seeking fixity in the homely place. Such is the case of household labor, for example, frequently performed by migrant women in the wealthy

homes of the North. As in-maids, the house they inhabit is not a "home" for them; it is the place in which they both work and retract from labor to rest, making the space deeply ambiguous. Such confusion between different spaces of confinement means that subjects are decentered, otherness is not safely neutralized elsewhere but participates in the constitution of the subject both at home and outside of it. Constituted subjects do not merely coexist with otherness, but struggle with their own difference, with the interrelatedness upon which this unceasing movement of subject-formation is produced, and with the desires to exteriorize this difference into the "other" in order to safeguard their identity beyond the purview of politics, beyond its perpetual failure to full closure.

4.2. Antigone and Homelessness

Antigone is not traditionally associated with homelessness. If I choose this heroine it is precisely because her unaddressed homelessness allows me to contest political theory's traditional investment in the home, expanding my deconstruction of the citizen-alien binary at the same time. Antigone's homelessness is normally unnoticed because she was born in Thebes and died in Thebes. The territorial circumscription of her birth and death within the Theban border has led to the circumscription of her drama within this singular *polis*, reducing the interpretative possibilities of her act as bounded to one city. However, the interpretative lack of homelessness in the tragedy of *Antigone* is not due to its textual absence but to its overwhelming presence. That is to say, Antigone's homelessness is pre-textual to *Antigone's* tragedy. She finds herself homeless in *Oedipus at Colonus*, which means that homelessness conditions the actions of Antigone in the

later tragedy of her own name, where she calls herself *metoikos* (A, 950-50 [860-70]).[36] As we saw in the last chapter, *metics* are neither citizens nor foreigners, but an in-between category problematizing the separation between "us" and "them," rendering the distinction unstable.

As Hannah Arendt claims, in the globalized world we inhabit today homelessness refers neither only to the lack of property, nor just to losing one's home but to the impossibility of regaining a new one after this loss is first experienced. Antigone loses her home in *Oedipus the King*, when Oedipus is expelled from the city. These crimes were so terrible that he blinded himself in order not to see his deeds, needing Antigone to guide him after requesting his friends to "take [him] away, far, far from Thebes, quickly, cast [him] away" (OK, 1475 [1340]). The impossibility of regaining a new home, however, most fully takes place in *Oedipus at Colonus*, when Antigone asks: "How can we [Ismene and Antigone] travel home to Thebes? I see no way" (OC, 1960 [1740]). There is "no way" they can travel to home in Thebes because Thebes and home are no longer correlative terms, one cannot be predicated on the other. Nonetheless Thebes is the only place where they can go. Thus, they must go to no-home. Undocumented immigrants share this form of *de facto homelessness* with other non-citizens. First of all, legally unrecognized, they cannot own a home. But the dispossession of a home as *oikos* is a result of a prior dispossession of a home as *polis*, which converge in their case, given their juridical-political marginalization.

It was in foreign lands, when the social arrangements of the city no longer applied to either Oedipus or his daughter, that Antigone learns how to act and speak in public. No

[36] The numbers after the letters correspond to the numbers in the margins of Fagles' translations of the plays. The numbers inside the brackets correspond to the Greek original. On the *metic* in Athens see Whithead (1977).

longer a citizen but a wanderer, homelessness creates the opportunities for Antigone to perform a different role. As we saw in the previous chapter, Antigone, who was completely silent in *Oedipus the King* and becomes the strongest voice in the tragedy of her own name, learns how to speak persuasively in exile at Colonus. Her vocabulary there is distinctively political. She calls strangers friends when Creon (from her former natal city) was trying to take her away: "They tear me away—help me, strangers, friends!" (OC, 960 [840]). But more importantly, she succeeds where others failed. She is able to persuade her father, Oedipus, to receive Polyneices, another exile. The political values she defends at Colonus are significantly marked by the experience of homelessness. Antigone calls for peace and hospitality, and she does so consistently throughout the dialogue.

Oedipus considered homelessness as the punitive substitute for his death. For him, homelessness was equivalent to another kind of death. What died for Oedipus in exile was not his physical life but his symbolic one, his existence as socially meaningful for a community that recognized him as such, as belonging to its frame of cultural intelligibility. The opposite happens to Antigone. Her exile creates the conditions of possibility for her to speak and act. It does so because the city's social and political arrangements that deprived her of speech and action on the basis of her gender are no longer operative when she becomes a foreigner. Her own tragedy confronts the political skills she gained when she lost her home and became a vociferous foreign agent, with the de-politicization of her subjectivity when forced to return to Thebes, the place she no longer considered to be her home, as a *metic*.

It is not her loss of a home, but her loss of homelessness that becomes traumatic for Antigone. Her meaningful existence as a foreigner was marginalized by her repatriation. It is when she loses the possibilities of homelessness that she senses Oedipus' political death. Hannah Arendt (2004) named the production of the homeless by the global arrangements of political membership in the twentieth century—through the institutionalization of denationalization—as the first of three deaths, which further stresses why exile parallels death. She did so when she analyzed the totalitarian production of the "musulman"usulman' in the concentration camps:

> The first essential step on the road to total domination is to kill the juridical person in man. This was done, on the one hand, by putting certain categories of people outside the protection of the law and forcing at the same time, through the instrument of denationalization, the nontotalitarian world into recognition of lawlessness; it was done, on the other hand, by placing the concentration camp outside the normal penal system, and by selecting its inmates outside the normal judicial procedure in which a definite crime entails a predictable penalty (Arendt 2004, p. 577).

The label "illegal," which is attributed by some to resident aliens with no proper documentation today, registers and rhetorically mimics this murder of their juridical persona, by which they are immediately turned homeless (since they are unable to acquire a home as a consequence of their unauthorized crossing). The homeless person is already dead to the world to the extent that no political community, no home-based community, recognizes her/his speech and action as legitimate, placing her/him outside the law. But the unprecedented calamity of the first loss suffered by the homeless, as Hannah Arendt

put it, is not the "loss of a home but the impossibility of finding a new one" (Arendt 2004, p. 372). The remaining political entities contributed to the production of lawlessness by sanctioning this non-civic status. Both Antigone and Ismene lost their home, but they must return to Thebes because they have run out of places (Barbara Stanwyck).

"There's no place like home." These are the words spoken by Dorothy when she returns to Kansas from her nightmare-dream in the Land of Oz and the first ones used by Bonnie Honig in her book on the relationship between democracy and the foreigner. Honig takes advantage of the double meaning of Dorothy's utterance, which "combines an unrelenting yearning for home together with an awareness that the home so yearned for is a fantasy" (Honig 2001, p. xiii). Antigone's yearning differs from that of Dorothy because she experiences homelessness as, in arendtian language, both a liberating opportunity to find her voice and speak within the embrace of new political values, and as the first of three deaths when she is forced to return home. In other words, the considerable ambiguity of her homelessness does not result from a home that might exist in its unique singularity or ultimately be a fantasy, but from a form of homelessness that might result either in political death or in political empowerment of the dispossessed.

Antigone, from a position of dispossession, performs the burial rites for the other, Polyneices: the ostracized, the one who cannot be part of the community, the radical difference the system is unable to assimilate. Today, those who cannot be buried, or whose burials are events of continuous violation, are mainly non-citizens, strangers most often previously colonized subjects and undocumented immigrants trying to get to the other side of the border in order to survive the harsh conditions under which they live in

their countries of origin. Thousands have died in the Mediterranean Sea, trying to reach Europe. Thousands, too, have died in Arizona's desert, trying to reach the United States. Thousands, finally, who are buried in Palestinian lands are also desecrated by the construction of Israeli settlements in their territories and over their burial sites. The militarization of the border renders those losses unmarked, insignificant in the literal sense of not able to be signified. The one who cannot be properly buried, or whose burial is turned into a spectacle of sovereign power, is increasingly the one who has lost her/his home through the first murder of total domination. More importantly, however, the ones who are speaking for these burials to be dignified, respected and signified are not civilians in possession of their attributes and properties, but organizations of undocumented immigrants who are also politically dead to their cities of arrival, which profit from the social sanction of such death.

4.3. The Historical Origins of Homelessness

Hannah Arendt traced the origins of this new form of political subjectivity, the homeless, in "The Decline of the Nation-State and the End of the Rights of Man" (1951). For Arendt, homelessness described a subjectivity defined precisely by its radical (in the sense of root) de-politicization, as a result of losing one's political membership through the continuous history of colonialism and imperialism. Without a home*land*, one's status as a right-bearing subject, as a *citoyen*, as civilly bounded, was equally lost with the aggravating situation that there was not an "uncivilized" space left for one to be. Exiting home and entering lawlessness became simultaneous events, indistinctive. Homelessness, for Arendt, meant the loss of political belonging first of all.

The transformation of the world into "One World," into a huge interconnected territory already fully and unequally shared out, was not the dreadful consequence of the First World War or the dissolution of the Dual Monarchy and Czarist Empire, where Arendt wrongly located it. Even if she was right to point out the massive statelessness caused by these events in Europe, to historically situate the invention of the "One World" in the first half of the twentieth century is to perform a Eurocentric displacement of the foundational event of modernity by which this global re-signification of homelessness in the "One World" was made possible. Seeking to understand the political production of homelessness demands a broader historical and geopolitical perspective, otherwise it is impossible to understand why homelessness targets particular subjects of non-European origin today. Europe should not be taken as the spatial and temporal site of reference in the retelling of this history. By de-centering the discussion from its Eurocentric enclosure, we then can understand why there was no longer any "uncivilized" spot on earth left, which is the pre-condition for the kind of homelessness Arendt addressed in the twentieth century. This might render visible the violence by which civilization gained, historically, such an overwhelming territoriality, including the discursive shielding of its violence as the proper sign-holder of "civility."

The historical origins of the "One World" should be traced to the historical event of the colonization of the Americas, when the idea of "One World," with no "uncivilized" place left, finally took shape through European imperialism. For many scholars, the European colonization of the Americas signaled two important political consequences for the hierarchical organization of the citizen/barbarian difference in modernity—two

consequences that are crucial for our understanding of homelessness.[37] On the one hand, it recast the attributions of superiority and inferiority in terms of the biological determinations of citizen and alien, rather than in terms of language or cultural production unintelligible to the one in charge of classifying the other, as it was the case since Greek Antiquity (*bárbaroi* meant unrecognizable speech). In Latin the "barbarian" was named *indígena*, or "sprung from the land," unlike the Greek word *bárbaroi*, which referred to language specifically. Civilized ones considered barbarians not only inferior in their practices and linguistic systems, more problematically they also constructed them as the embodiments of the primitive evolutionary stages of their own development, naturalizing the asymmetry and immunizing it from political discussion. Rather than linguistic difference, colonial rule operated on the basis of biological identity. The *indígena* was the representative of a newly emerging universalized notion of man, of the *homo sapiens* as a species, distantly securing its past in a singular historical universe in which the "other" was made to symbolize the past, always the past, what no longer is.

On the other hand, colonization was also bounded, materially and symbolically, to the only religion in the singular, Catholicism, which etymologically means "universal." Thus, simultaneously with the colonization of the Americas, Spain expelled all Jews and Moors from its territory and embarked on the task of forced religious conversion on the other side of the Atlantic. Unlike previous imperial enterprises, colonization did not expose one *polis* to the sacking and destruction of another, but *civilization*, altogether as politically boundless, dominating nature, altogether as politically insignificant.

The consequence of both processes was the elimination and total erasure of other worlds in the production of the "One World" we live in today. The violence of this

[37] See Dussel (1995 and 1998), Quijano (2008) and Mignolo (2008).

erasure is now better known and documented. As retold in Howard Zinn (1980), only two years after the arrival of the Spaniards, half of the Indians in Haiti were dead. If, perhaps, fifty thousand Indians were left alive in 1515, to be enslaved in horrible conditions at the *encomiendas* (colonial organizations of land), by 1550 no more than five hundred had survived these conditions. Bartolomé de las Casas, one of the first ones to expose the cruel realities of colonization, wrote, after his arrival in Hispaniola in 1508, that:

> (…) there were 60,000 people living in this island, including the Indians; so that from 1494 to 1508, over three million people had perished from war, slavery and the mines. Who in future generations will believe this? I myself writing it as a knowledgeable eyewitness can hardly believe it (Bartolome de las Casas, quoted in Zinn 1980, p. 3).

The year 1650, when the English revolution was taking place and Thomas Hobbes was finishing his *Leviathan*, marked an important historical event. According to Zinn, a report of that year "shows none of the original Arawaks or their descendants left on the island" of Haiti. Through war, massacres and enslavement, the civilized world violently erased one of the other worlds in its progressive road to the "One World" of the twentieth century. What is more, the violence by which the civilized world succeeded in such enterprise was attributed to the one suffering it used, in its turn, to justify both its continued exercise (as a civilized or divine mission) and its symbolic disavowal. Unlike civilized ones, *indígenas* were cast as savage, unlawful, innocent, and most of all, violent. Having been "sprung from the land," *indígenas* did not *have* a nature, as Europeans did—a human one endowing them with privileges and a civilizing mission—, they *were* nature.

Indians were *homo sapiens* without *sapiens*, fully *in*human, thus, de-humanized in the policing administration of their labor-force.

A year after Hobbes published his *Leviathan,* it was reported that the Arawaks were finally erased from the earth in its journey towards the "One World." Keeping in mind this context, the merit of Hobbes' book lies not—as Hannah Arendt nevertheless rightly criticized him for—in equating the private interest with the public, thus becoming the great philosopher of the bourgeoisie, but in reshaping the colonial difference between the citizen and the barbarian in the capitalist rationalization of the world within the language of the bourgeoisie. Already constructed as nature, and deprived of *logos*, Hobbes could easily characterize the state of nature as the state of war. The attribution of war to nature erased war's historicity, the political past of colonization that crafted the modern state on the contractual figure of capital's original form of mercantilism. It also further contributed to the colonial practice of turning others first into nature and then into the rightful bearers of the violence that was inflicted upon them, as nature's ruthlessness. Indians were regarded as nothing more or less than nature, and their domination was justified on the basis that nature was fundamentally unlawful. A political project that continued during the Enlightenment and the Industrial Revolution.

Thus, the state of nature and the state of war were equated in the *Leviathan*, and the violence of the civic domain was defined as a necessity. The civic domain was further associated with the mercantile contract, rational instrumentality and the individual interest of private contractors. What we have in the *Leviathan* is an inverted image of colonization in which it is the colonized and not the colonizer that is the bearer of violence, death, and war. Deprived of its historicity, the main political category, in proto-

bourgeois terms even until today, was security for the new order. How to immunize the city, its boundaries, the home, from the violence of nature in which other worlds could still be found? Security became the single *raison d'être* of the modern state, and the way of reshaping civilization within the terms of the liberal bourgeoisie. The de-politicization of the political, taking place in Hobbes' mechanical view of the state, whose language was now populated by an economic vocabulary—interest, accumulation, contracts—further erased those other worlds as possible ones to exist. Additionally, Hobbes redefined sovereignty as no longer concerned with the legitimacy of legal authority, but with the intimation of authority within security. Security, since Hobbes, has become the decisive category of sovereign power. Modernity still operates under this logic. The Department of Homeland Security now regulates all issues concerning unauthorized immigrants.

But the genesis of the modern notion of security is different to that of the state, which had codified the characteristics of sovereignty through legal power and legitimacy. As Michel Foucault's influential work on biopolitics argues, rather than the law, the bourgeois notion of security was interested in regulation. Rather than the subjugation of the individual to the contract, political liberalism was interested in the administration of populations. Hegel was probably one of the first ones to recognize the difference between the state and the police, and to understand the importance of this distinction. The police was fundamentally an economic institution. The police belonged to the civil society, to the sphere of necessities. Hegel was aware of security's indebtedness to the police, as an institution, rather than to the state, as the political sublimation of the tension between universality and particularity.

The link between security and sovereignty was produced at the expense of political contestation. No longer under Hobbes' territory, still the domain of the law, security was to be related to the norm, associated to the reproduction of social forces for the satisfaction of human needs. The ancient questions of right and wrong were also politically deflated. In the new political arrangement of modernity, given that the civic domain was no longer decided on the basis of language but on those of nature—a concept of nature, of course, as non-linguistically mediated—the question for the legitimacy of authority was replaced by the question of technological management, administration and statistics (a knowledge of the state).

Arendt (2004, p. 191) was right when, referring to Hobbes, she affirmed that, "this process of never-ending accumulation of power necessary for the protection of a never-ending accumulation of capital determined the "progressive" ideology of the late nineteenth century and foreshadowed the rise of imperialism." What she missed was Hobbes' indebtedness to a process of colonization in which the political and the biological were collapsed and acquired the distinctive bourgeois characterization of mercantile-rationality. Nature was differentially attributed to an abstract representation of man's progressive biological evolution, making of *indígenas* the primitive and violent stage of a future civilized lawful self-interested and rational individual, the founding member of the civil contract. Without these sets of erasures, the "One World" could not have gained such an overwhelming territoriality and such an oppressive grammar of power.

When John Locke published the *Second Treatise of Government* in 1689 the English Civil War was over and the Arawaks no longer existed in the island of

Hispaniola. Locke no longer needed a sophisticated artificial monster to guarantee security for the reproduction of capital against the violent resistance of nature in the continuous colonization of their territories. His greatest contribution to the construction of the "One World" we live in today, fully civilized, was what the neoliberal philosopher, Robert Nozick (2013, p. 175), called, the "Lockean proviso":

> Nor was this appropriation of any parcel of land, by improving it, any prejudice to any other man, since there was still enough and as good left, and more than the yet unprovided could use. So that, in effect, there was nevertheless left for others because of his enclosure for himself. For he that leaves as much as another can make use of does as good as take nothing at all. Nobody could think himself injured by the drinking of another man, though he took a good draught, who had a whole river of the same water left him to quench his thirst. And the case of land and water, where there is enough of both, is perfectly the same (Locke, *Second Treatise*, Chapter V, Paragraph 33).

What Locke gave to a bourgeois concept of the political as an accumulation was a liberal theory of property under which the appropriation of land was predicated on the basis of two fictions: labor as embodied possession and "free" land. The first fiction was grounded on the naturalization of contingent capitalist relations of property, no longer on the basis of a community but on the individual itself. Locke embraced a conception of the self whose relationship to the body was mainly defined by ownership, without historical or political considerations. Human nature, already pre-linguistically immunized from political reflection, and further individualized within the abstraction of the bourgeois individual, was now also colonized by an economic vocabulary and logic. In the late

1600s you were, first and foremost, the owner of your own body. This was your first property, the foundation of your home-owning future, by the appropriation of other commodities as an extension of your owning-drive substance. In other words, the economic language rendering the fundamental political relation between the self and the other as one of ahistorical contractual relations, grounded on a universal rational subject, was also attributed to the relationship of the self to himself (women were denied property), as a calculating, self-interested individual—the epitome of European civilization. But it was the second fiction that was even more problematic. The fiction of land ownership not only erased the historical processes of colonization, but also justified their violences. By assuring that appropriation was legitimate and lawful as an extension of the individual's nature in capitalist terms—to the extent that one left enough land for another to colonize too—it further encouraged colonization on the basis that such land, left unworked, was there waiting to be appropriated in the competitive struggle for land accumulation.

If the English revolution helped naturalize economic relations as both a-historically grounded in the self-interested individual and in the civilizing mission of land accumulation against nature's ruthlessness—erasing the political history of colonialism—, the French Revolution introduced other innovations. On the one hand, it subordinated an already naturalized conception of humanity to the organization of political membership by the nation-state, which granted citizenship on the basis of both blood (*ius sanguinis*) and territory (*ius soli*), further emphasizing nature's pre-linguistic political entitlements through birth. On the other hand, it invented the passport to police the movement of citizens and non-citizens alike across the borders (Torpey 2000).

The twentieth century proved that without citizenship in a nation-state there was no "humanity" left to claim for the purposes of political recognition. The confluence of capitalism and colonialism, and the rendering of the political according to this anti-political *oiko*nomic logic of accumulation of property, ends in the completely organized humanity of the twentieth century, in which, paraphrasing Hannah Arendt, the loss of a home equated the loss of political status and became identical with the expulsion from humanity altogether (Arendt 2004, p. 377).

There were moments in which Arendt noticed that this juncture was indebted to the link between capitalism and colonization. This is evident, for instance, when she addressed what she called slavery's fundamental offence against humanity, as grounded not in the act of enslavement *per se*, but in the institutionalization of its practice so that some men (sic) were "born" free and others not. Similarly, the classification of humans in a hierarchy of races under a politically and historically immunized biological determinism predetermined any particular action as a "necessary" consequence of a given race, further stressing the transformation of the other into nature and into a spatially and historically distant elsewhere, away from the sacred place of the home. For Arendt, then, the paradox of the twentieth century was that those who could claim no other identity than that of belonging to the "human species"—the ones for whom "human rights" should have been more determinant and urgently ascribed precisely because a common humanity was all they could claim—were the ones who were neither protected nor even recognized. Such was, of course, not solely a phenomenon of the twentieth century, but one experienced much earlier by indigenous communities displaced from their territories when Europeans arrived to claim property over their homelands.

In the new global organization of political membership within the fully civilized "One World," homelessness was made equal to the rightlessness of the "other." In this imperial organization of political membership of today all there was, for the homeless, was an a-legality defining their identity as "natural givenness," without any other attribute considered as politically relevant. This meant that expatriation was no longer taking place, as a massive phenomenon, on the basis of actions or speeches but on the basis of an existential lack, of biological attributions. People were not being expulsed from a particular community because of violating a law or speaking against the political regimen in place (even though these forms of violence also continue), but on the basis of simply being there, and today more concretely, of being there while lacking proper documentation. Not because of what you did or say, but because of the way you are in the city, with or without proper documentation, you can be expulsed into a place you no longer recognize as home.

Homelessness was no longer, if it ever was, a consequence of actions and speeches but of the de-politicized administration of global populations that increased their exploitation. Homelessness, then, describes a new mode of political disenfranchisement in which three processes, deeply rooted in capitalist and colonial accumulation since the 16th century, have been taking place through the securitization of the home: i) the naturalization of the other with its subsequent a-historical de-politicization, in which inequality is rendered biologically determined on the basis of race, gender, ethnicity and sexuality, rather than politically produced in contingent relations of power across different practices, institutions and struggles; ii) the neutralization of conflict by adopting the managerial language of the *oikos* as the political

logic in both the concept of the *polis* as an abstract social contract and of the individual who enters the contract as an abstract self-interested and isolated monad; and iii) the subordination of the legal-political history of sovereignty to the economic institution of the police in charge of guaranteeing security, which includes controlling the movement of labor and the militarization of the border.

The current political organization of homelessness, in which to be homeless means that no political organization recognizes your voice and actions as politically relevant, reduces you to a biological entity, fully de-politicized, in which only your labor, your embodied energy, becomes relevant for exploitation but for nothing more. In addition, homelessness always happens elsewhere. Home, as the confined space of security, is immunized from an irrational violence that is always attributed to the external other, spatially and temporally distant from the home. Homelessness must be turned into radical deprivation, into full political non-existence, for a fully politically neutralized idea of home as conflict-free to rule as normatively superior.[38] Within this dichotomous construction of the home/homeless binary, a safe reproduction of the self as the site of identity and security and the other as the site of contingency and difference, is reposed as aiding the normative superiority of the home. Predicated upon a politically neutralized notion of the home, homelessness becomes a site of violence, of conquest and colonization. Furthermore, this neutralization displaces not only its historical constitution, as a material and discursive historical practice of violence, but attributes to the other the very violence that it silences and authors.

[38] Honig (1994, p. 585) has shown that this yearning for home is dangerous, "particularly in postcolonial settings, because it animates and exacerbates the inability of constituted subjects—or nations—to accept their own internal divisions, and it engenders zealotry, the will to bring the dream of unitariness or home into being. It leads the subject to protect its internal differences onto external Others and then to rage against them for standing in the way of its dream—both at home and elsewhere."

In the end, homelessness is not conceived as a space of deprivation because of increasing privatization, restrictions and regulations of public spaces, cut across racial differences, but because of irresponsible subjects who have not yet achieved rational maturity and who contribute to the stigmatizing logic of racism. Produced as a problem, the homeless are further depoliticized by turning them into an administrative problem of public policy. Rather than freedom, public rights of existence and openness to conflict and difference, their non-confined existences are reduced to an issue of need, which finally erases their agency. In the civilized "One World" you can be either a politically neutralized citizen, enjoying the privacy and security of a fetishized home as conflict-free, or a deprived and vulnerable homeless, reduced to the biological needs that capitalism exploits for its reproduction.

4.4. Homelessness and the Crisis of Political Liberalism

Article 13 of the Universal Declaration of Human Rights says: "(1) Everyone has the right to freedom of movement and residence within the borders of each state; (2) Everyone has the right to leave any country, including his own, and to return to his country." Homelessness brings into crisis the potential disagreement between these two clauses, because in the "One World" we live today, where the Lockean proviso has shown all of its limitations given that all land has already been colonized, the right to leave a state necessarily coincides with the right to enter another one (Benhabib 2002).

Liberal theory, preoccupied with the normative legitimation of this historical conjuncture has always been unable to solve this contradiction. Hannah Arendt made clear that liberal theory reserved the first clause to the universal field of "inalienable

human freedom," which lacked political enforcement, while the second clause belonged to the contextual field of "national sovereignty." Homelessness in the "One World" makes it impossible for liberal theory to reconcile at the same time: i) the local principle of state sovereignty with the rights of its community to self-determinate its conditions of membership and ii) the universal principle of respecting human rights which includes a right to exit.

Given the coincidence between a right to enter and a right to exit, liberal theory cannot, without contradicting its own principles, deny some kind of "universal citizenship" and justify borderlands. But universal citizenship and the radical opening of frontiers renders liberal theory unable to justify the nation-state, which the theory presupposes, in order to grant membership to its members, to secure a home from the contingency of homelessness' elsewhere. In its effort to uphold principles of justice on the basis of universal standards—for which it assumes a rational self-interested individual as being the normative universal abstraction of reason rather than the social and historical product of a particular set of colonial violences, practices and institutions—liberal theory undermined ethnic and cultural characteristics as historically relevant to determine the conditions of the contract. But the political contract, which is still significantly bounded to the formation of the nation-state, and the boundless economic contract of the globalization of capital, enter in contradiction in the "One World" were there is no longer any uncivilized spot left for the nation-state to colonize in its drive towards never-ending accumulation. The material consequence of this contradiction has always resolved in colonization and imperialism and continues to do so. The discursive consequence

demarcates the crisis of liberal theory to justify national sovereignty given its territorial exhaustion after de-colonial struggles.

Given that the social contract is not the description of a practice historically performed, but a political hypothesis with the pretension to legitimate a particular historical-political regime, its limits cannot be justified on the basis of empirical considerations. The universality of the contract demands its boundlessness, given that none can be excluded on the basis of contextual considerations, but must justify, factually, the demarcation of a territorially existent division between an "us" and a "them," a dividing line separating those who are part of the contract from those who are not. According to the liberal model, the only condition of becoming a member is the individual's free and voluntary agreement to be one. This is precisely the paradox brought up by stateless today—those who are in fact able to freely and voluntarily agree to be part of the contract are precisely the ones who cannot be part of the contract. The only ones who are part of the contract are those who were "born" into the contract but never agreed freely or voluntarily to enter it, those who were part of the contract on the basis of the characteristics that liberal theory renders rationally irrelevant and ultimately arbitrary. The paradox of liberal legitimacy parallels the paradox of the nation-state in its impossibility to guarantee human rights. As much as those who were nothing else than human were precisely the ones for whom human rights could not be guaranteed, those who have nothing else than their will to agree to a contract are the ones who are excluded from the contract. Liberal societies only include as part of their contract those who never said yes to the contract, voluntarily, and continuously excludes those who can only say yes, explicitly. The political fiction that legitimizes a social arrangement as rationally

justified on the basis of free and voluntary actions cannot allocate membership precisely to those who can only participate on the basis of their free and voluntary decisions.

Because of the presupposed freedoms and equalities liberal discourse grants to the individual, it cannot, unless contradicting its premises, restrict the individual's choice to belong to a political community. Belonging to a particular political community is pre- and anti-democratically decided in advance, and the historical process by which this form of belonging organizes inclusion and exclusion are beyond the purview of liberal discourse. Liberal theory remains silent and, through its silence, it contributes to the legitimization of this violent historical process. The consequences of this silence are increasingly problematic. An inalienable right to freedom presupposes that no citizen can be restricted to her or his own state. It presupposes that individuals must have rights to move from one state to another. The policing of borders on the basis of a racist organization of political entities immunized from the abstracted discourse of liberal theory, however, restrains such mobility to such an extent that for the majority of the population the right of movement is a complete fiction.

The consequence of this abstraction has been twofold. On the one hand, many people have been reduced to their labor, becoming nothing else than cheap labor available to be exploited by a transnational forms of capital, which cannot be subordinated to territorialized regulations under which labor continues to operate. The asymmetry between a de-territorialized form of capital accumulation and a territorialized form of labor organization has led to increasing social exploitation and new and more sophisticated forms of pervasive colonization through the transnationalization of capital. This is the reason why Marx and Engels, in the *Communist Manifesto* (1848), claimed

that the internationalization of labor was the only alternative to counteract the internationalization of capital, which implied a different set of political institutions.

On the other hand, cheap labor and the poor conditions reproducing massive unemployment are no longer discussed under political terms, and the phantasmatic invocation of totalitarianism is always there to play its symbolic ideological function of de-mobilizing radical political alternatives when the challenges to private property are invoked and homeowners feel their security shattering. The language under which this is discussed is, once again, subordinated under an economic logic of a nation's comparative advantages and competitiveness in the global market, further redefining the citizen/alien divide in terms of a racist mapping of the world into the develop/underdeveloped, forward/backwardness, first world/third world, and many other iterations of an asymmetrical classification of peoples. Neoliberal globalization redefines citizenship via relations of individuals abstracted from particular contexts and histories of violence and power. A reified notion of the market with no clear territorial markers gets celebrated as the new site of communal reunion.

The experience of unauthorized immigrants calls into question the *sine qua non* premise of liberal theory, which claims that everyone who is affected by a norm must have a right to participate in its validation. Because in globalization a right to exit equals a right to enter, border restrictions affect not only nationals but foreigners, and it is precisely in the regulation of people's movements that those who are the main addressees of the norm, foreigners, are precisely the only ones who cannot participate in its validation. The territorial circumscription of democratic participation presupposes the previous and anti-democratic delimitations of their constituent power, in which the

normative principles informing it are precisely the practical principles it cannot support. The *demos* that validates a law is pre- and anti-democratically constituted. It excludes, at its basis, the stateless, and it reproduces the fiction of a home, which immunizes its authoritarian logic from political redress and turns the stateless into a *de facto* homeless.

4.5. Homelessness and the Super-Human Family

Given its semantic complexity, the category "home" presents a difficult task. "home" refers to a place (house), a set of relations (family) and an imagined community (nation), indistinctively. Hannah Arendt, herself, used "home" in at least two contradictory senses. Home was an anti-political term in *The Human Condition*, where she said: "According to Greek thought, the human capacity for political organization is not only different from but stands in direct opposition to that natural association whose center is the home (*oikia*) and the family. The rise of the city-state meant that man received 'besides his private life a sort of second life, his *bios politikos*'" (Arendt 1998, p. 24). Home was used differently in her *Origins of Totalitarianism*, in which losing one's home was equal to losing one's political belonging. Rather than the *oikos*, from which *oikonomia*—the administrative management of the household—comes, the home of the *Origins* referred to a form of political belonging in which a public space between men was protected by the law. This home was associated to the *nomos* in *iso*nomia, which guaranteed equality among citizens. These two notions of the home organize the constitutive tension of Arendt's philosophy. They reproduce a distinction between the public (home as *polis*) and the private (home as *household*), the equality of the political and the necessity of the economic.

Most critical reactions to Arendt's distinctions, like those of Wendy Brown and Adrienne Rich, find that her distinction upholds the conventional de-politicization of labor and gender by accepting, uncritically, the social arrangements by which the private, the household, has been rendered politically irrelevant by a masculine conception of the public, which silently reproduced its class and gender pre-arrangements for political oppression. More generous positions, like that of Bonnie Honig's, find that her distinctions allow us to rethink identity in performative ways, calling attention not so much to the public-private distinction as a product of nature, as a given accepted by Arendt, but as a human artifice which could then be performed differently.

Given the experience of unauthorized immigrants today as lacking home in the dual sense (home as *oikos* and home as *polis*), it is necessary to reconsider the distinction again and revive one of Arendt's insights. I refer to Arendt's diagnosis of the nation-state as a modern invention in which the distinction between the public and the private is rendered opaque, one that identifies neoliberal globalization as precisely one way of undoing the distinction. Arendt conceived the emergence of the social realm as a modern phenomenon, "which is neither private nor public, strictly speaking (…) and which found its political form in the nation-state" (Arendt 1998, p. 28). In Arendt's narrative, the modern invention of "society" substitutes the city of the ancient city-state for the nation of the modern nation-state, in which "the collective of families economically organize into the facsimile of one super-human family" (Arendt 1998, p. 29). The super-human family, in Arendt's account, substitutes the artificial equality of the *bios*, which the law protected as a space of appearance in which individuals could see themselves as equals and construct their subjectivities collectively through conflictive deliberation, by the

economic administration of the household in which what matters is the satisfaction of needs, the vital reproduction of men (sic) as *zoe*, as species-being. Arendt criticized modernity's blurring of the distinction between the publicity of a *bios* and the privacy of a *zoe*, not because it politicized the private but because it privatized the political. In this process, power, which is the main category of the political, was also conceived in economic terms, as something to be possessed and accumulated in capitalist terms. Both, liberals and Marxists alike shared this assumption, according to Arendt. For liberals, power was an economic transaction and civic institutions were there to restrain its cumulative nature. Constitutional rights were thought of as restrictions of power for the individual to gain the space that the state, otherwise, would take from them. For Marxists, power was also negative: the oppression of one class to another, the cumulative result of possessing the means of production.

Arendt criticized Marx because, in her reading, what communism was doing was not to politicize labor in class struggle but to subsume labor struggles into a historical necessity. Society was fundamentally a laboring society and the *animal laborans* was seeking to satisfy his (sic) needs. That there is enough potential in Marx's theory for a different conception of the political was already seen by Arendt herself, when she claimed that the "most explosive and indeed most original contribution" of Marx "to the cause of revolution was that he interpreted the compelling needs of mass poverty in political terms as an uprising, not for the sake of bread or wealth, but for the sake of freedom as well" (Arendt 2006, p. 52). Thus, one could argue, what Arendt feared was not the politicization of the private, the public discussion of gender arrangements and labor conditions as they relate to freedom and equality, but the privatization of the public,

the transformation of the public into a massive administrative machinery for the technological management of populations.

That Arendt's theory promises a politically robust undoing of her own distinctions is to work as much with as against Arendt. This is very clear in her problematic claim that the NAACP was wrong to politically prioritize segregation in the schools instead of addressing discrimination against intermarriages and miscegenation, which appeared in her infamous article, "Reflections on Little Rock," published the same year as *The Human Condition*. For Arendt, desegregation in the schools addressed social opportunities, but desegregation in marriage addressed political rights and belonging, which were always, in her view, prior and more important than social issues. Arendt failed to see that social issues are always already political. The NAACP also reinterpreted the compelling needs of racial equality in political terms as an uprising, because freedom is inseparable from better social opportunities, because better social opportunities are always for the sake of freedom as well. To bring class, gender and race into the political problems of the *vita activa* was not to bring biology into politics but the opposite, to bring politics into biology, to expose biology as always politically produced as the naturalization of a racial and gender hierarchy. To understand the body not as a the warehouse of nature, but as one of the sites in which power produces a subject in a multiplicity of ways, as racialized, gendered, sexualized, etc., is not to bring totalitarianism into life, but to politicize the de-politicized construction of nature that upholds hierarchies and informs authoritarian regimes.

That racial inequality should, for Arendt, first be challenged on the basis of marriage explains the extent to which political belonging, even for her, continued to rest

in the regulation of sexual reproduction and family law. Marriage is still, in most countries, the easiest legal path to nationalization and the easiest way by which this political source of homelessness is overcome. Marriage is, obviously, also a strategic site of political action for unauthorized immigrants. There is a name, in France, to characterize this strategic use of marriage in order for an undocumented immigrant to acquire a new home. It is called, with no small irony, *le mariage blanc* (the white marriage). Indeed, marriage whitens you. Undocumented immigrants use marriage, politically, to enfranchise themselves. Marriage is always already a political event. Immigrants do not render marriage political through their strategic use. Rather, it is the attribution of a political use to their instrumentalization of marriage that exposes the extent to which marriage has been depoliticized by the ideological discourse of the home.

4.6. Becoming "less than nothing": A reading of Costa-Gavras' film *Eden à l'Ouest.*

4.6.1. Asymmetrical Journeys

Costa-Gavras' opening scene in the film *Eden à l'Ouest* inverts the epic homeward bound journey of Homer's *Odyssey*. Rather than returning from the foreign Troy to the home of Ithaca, from the East back to the West, Costa-Gavras describes the journey of the *sans-papiers* who are leaving their home in the East to look for homelessness in the West. Lacking clear territorial coordinates, both journeys face the sun and the sea, but their trajectories are essentially different: from Troy to Ithaca, the Homeric journey resolves in the successful return to home. In Costa Gavras' journey, the story resolves in homelessness.[39] This "other" journey finds multiple iterations today:

[39] In Gustavo Akakpo's *Odyssées*, edited by Lansman in 2012 and performed by the *Théâtre de Poche* from Brussels, in September 2012, Homer's epic is equally decentered from its Eurocentric territorialization, and

from the South to the North, from the periphery to the Center—journeys characterized not for reaching one's homeland but for abandoning one's home in order to inhabit homelessness in an inhospitable place of arrival.

The *sans-papiers*, the main characters of the film, are not returning to their home when they embark on the ship, they are abandoning it, becoming homeless in the dual sense. More importantly, they are not returning after having successfully colonized another country, as in Homer's epic tale. Rather, these *sans-papiers* undertake the journey after having succeeded in de-colonizing their own homelands from European rule. The broken parallel between the two journeys is made visible when one of the ship's crewmembers utters the first word of the film: "papers." From their expressions, everyone on board understands what it means. For the about-to-be *sans-papiers*, to burn one's papers, *harragas* in Arabic language, means the burning of the fetish that regulates their territorial confinement to a socially deprived site. The crewmember that utters the word is not a policing authority. He mimics the policing interpellation, the hailing of the subject, but with different performative effects. While the police seek out political identity in papers in order to place the subject, to operate a territorial fixation in the global distribution of (non)membership in which identity and the home are linked through the paper, the member of the crew is himself without papers, invoking the word in an act of liberation. Instead of supporting the ritual by which the subject and its identity are linked through the paper in the policing gaze, the performative consequence of the crewmember's utterance is the opposite, the liberation of the subject from the fixation of the paper.

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turned into an African journey thematizing the contemporary drama of the *sans-papiers* (no-papers) in Europe.

At his invocation everyone takes out their papers, not to show them to a demanding authority, but to tear them apart in pursuit of a paperless state, throwing them into the sea. We understand why these new subjectivities are named *harragas*, which literally means "burning." In today's world you become homeless by burning your papers, by destroying the artificial identity that is asymmetrically coded by those papers in order to travel the world, in order to break with the identitarian foreclosure of your political subjectivity, the link that the paper establishes between your self and your home. The papers end up in the sea, uncannily floating as the signifiers they are, marking humans as Algerians, Senegalese, Turks, Palestinians, members of the other, of the forever elsewhere. In-between the place of departure (home) and the place of arrival (homelessness), in the in-between par excellence that is the sea, incessantly moving with no solid ground to fix it or interrupt its flow, the subject becomes paperless, becomes a contingent subject exposed to all sorts of risks.

In our global epoch, to name this political subjectivity defined by a lack of papers is already a very complicated task. There is no satisfactory solution. Anti-immigrant advocates call them "invaders," or "illegals," while must academic texts opt for the seemingly more neutral term "undocumented immigrant," but there is no way in which they can go beyond the negative attribute. The prefix "un," which already defines them by their lack, leaves the status of papers and proper documents unquestioned in their utmost negativity. Instead of arguing for one name or another as being more or less de-humanizing, more or less just, more or less politically or semantically appropriate or oppressive, I want to emphasize this perpetual failure of political correctness, the ultimate dissatisfaction to be found in all of them, the frustration that is already in place in naming

the subject because of the current conditions of political membership demand such names to be attributed from elsewhere.

The source of this linguistic dissatisfaction comes from a poignant paradox: the damage of their loss, their lack of a home, which addresses the vulnerability and precariousness of their condition as a result of lacking proper documentation, silently performs the policing task of fixation—proper political membership equals proper documentation and naming them reproduces the normalization of the name as the fetishistic securitization of the home. That is to say, the inability and dissatisfaction produced when naming this subject-position comes from the obligation it imposes to repeat the policing interpellation, to ask for papers when it comes to defining anyone's political membership. Papers are exposed in their political contradiction, as the material supporters of freedoms, authorizing legitimate speakers and actors of particular political entities to act and speak, and as policing markers of identity seeking fixation, control and surveillance, disavowing non-members from equal recognition to such rights. It is in a world in which mobility depends on papers that the possibility to move without papers comes also into being.

However, the linguistic aporia of the name comes not from our inability to address the damage that lacking papers inflicts on the one who is dispossessed of them. On the contrary, it is quite easy to portray those who cannot produce proper papers as the normal victims of the social and economic injustice of the global political configuration of membership. It is also easy to portray the homeless as victims, to further transform them into the legible tokens of deprivation. Given that papers are required to access even the most vital resources to survive, it is not difficult to imagine the kind of everyday

dangers paperless and homeless people face. The difficulty lies in seeing the political potential that is grounded in this destructive gesture, in which the material record of policing fixation is torn apart and tossed into the sea, freeing the subject to be a perpetually moving political subjectivity.

A positive representation of freedom as grounded in this transgression of the dispossessed subject, this refusal to be papered, either erases the damage (the imperative is that there cannot be freedom if exploitation or domination are present, as they clearly are in the case of undocumented immigration) or becomes complicit with the right wing interpretation, which portrays paperless people as powerful invaders already taking over the city and threatening the polity's stability by diffusing boundaries and sucking vital life-sources. To endorse the political possibility of paperlessness becomes an impossibility, a sort of empty horizon that can only be mobilized if it marks deprivation or contests the paranoiac rhetoric of anti-immigrant reactionaries. This might explain why *Antigone*, once again, has turned into a stateless person in the twenty-first century, as the figure of political impossibility. Antigone represents a crisis of representation. She did what women were not allowed to do, not only in the ideology of the play but also in its materiality, given that a man played her role in the theater. Like Antigone in fifth century Athens, the main character of Costa-Gavras' film, Elias, cannot be on stage who he is in the story. Elias is an immigrant with no proper documents, played by the famous Italian actor Riccardo Scamarcio, a properly papered subject. As happened with Antigone in ancient Athens, the paperless today are precisely the ones who cannot perform their own roles, who must be represented by the other. The representational void is parallel: in the democracy of the past Antigone symbolized the state of women, who were excluded from

political participation in the polis while remaining necessary for the reproduction of the very same institution from which they were excluded; today the paperless are also excluded from political participation in the *polis* while their labor is necessary to the survival of the city.

Yet, Antigone, as I have argued, figures homelessness differently. It is in exile that she was able to speak, persuade, argue, create political relations of friendship, address other subjects regarding justice and hospitality, exercise power, etc. Returning to Thebes meant, for Antigone, returning to the *oikos*, to the family where she no longer had a public self to recreate her selfhood in collectivity, a sense of "who-ness" which is neither prior to its public instantiation nor, more importantly, ever only her own craft, but always a communal product of the space of appearances in which she is called to act with others—the in-between in which action, always dispossessed, circulates through a multiplicity of agents equally dependent on others. What Antigone discovers in her return to Thebes is the loss of homelessness. She does not yearn for the home that was lost. What she affirms, through the excessive attachment to the natal, is its paradoxical inversion, a refusal to ever be at home, to compromise the space in which she found the grounds for her political self to be by no longer being confined to a proper space, the *oikos* in her case. Thus, homelessness for Antigone represents her ambivalence. It is both the loss of a home in its dual sense—the *polis* and the *oikos*—and the loss of the gain represented by such loss. This is what I call the "less than nothing."

4.6.2. Less Than Nothing

The best exposition of the "less than nothing" is given in the opening lines of Alain Badiou's (2013a) *Ahmed the Philosopher*, in which Ahmed claimed to be the Algerian in France, the Turk in Germany, the Mexican in the US, the Moroccan in Belgium, etc.[40] He identifies himself with the "less-than-nothing" to the extent that his being is what makes his existence politically relevant. He is the result of a double privation, the privation of the privation by which his existence was politically valuable. As a conceptual character Ahmed is the nothingness that is neither the negation of the negation in classical dialectical thought nor the affirmation of the negative as if endorsing a positivity that can only be defined through its displacement. As happens with Antigone, the less-than-nothing takes place when a form of nothingness—political disenfranchisement—occludes another form of nothingness—spatial confinement in the immunized space of the home in which identity seeks definitive fixation.

The first characteristic of this political subjectivity is, of course, its negation. Named by Badiou as "the proletarian from the south" (and we could align other geopolitical markers of dispossession and extend the claim to the proletarian of the periphery, the East, the underdeveloped, etc.), this nothingness has an element that might only be addressed in its theatricality. Costa Gavras pays homage to the democratic tradition that finds in theater the enactment of its own self-critique, the undoing of its own spatial confinement, from Sophocles to Badiou. The distinctive element refers to the ways by which the paperless are *un*counted. Second-class citizens are, after all, also uncounted. In such a miscount lies the ground for a potential political coalition that takes democracy beyond the nation-state formation. Second-class citizens are uncounted in the

[40] For the relationship between philosophy and theater in Alain Badiou's work see (2013b and 2013c).

sense that they do not count for the *polis*. They are not allowed to participate or their participation is severely restricted through poverty, racism, homophobia and many other forms of institutionalized exclusion, even when they still possess documents. Unauthorized immigrants are differently uncounted. They are not only uncounted in the sense that they do not count for the city, but also in the sense that they are counted out, that is, their "un" is not merely negative, as a descriptive registering their unequal treatment by official authorities, but expresses an active negation of their being. There is an active disposal of them, a second form of nothingness by which they are turned into less than nothing.

4.6.3. Failure of the First Inclusion

When Elias arrives at the Eden Club Paradise, an expensive resort on the coasts of Italy, he cannot be a member of the club. These failures of inclusion are not merely cumulative; each conditions the future step in the road to becoming the less-than-nothing. After almost being captured when the police hail the ship, he wakes up on the beach and realizes that everyone around him is naked. He then undresses himself in order so as not look suspicious. The other guests of the hotel invite him to play in the sea, not yet knowing that he does not belong there, because he is as naked as they are. Nakedness establishes the grounds for an otherwise impossible equality, in which his clothes would still carry the stigma of his papers, the disavowed foreignness dissuading other guests from engaging with him because of his improper presence. The paradox of this first failure of inclusion is that it is the one who has nothing else to wear, the one who is truly naked, the one who represents naked life to follow Giorgio Agamben's notion, who is

ashamed of being naked. It is Elias who covers himself, who looks disoriented when he undresses himself. The other guests are comfortable being naked because they are, in fact, not. They have proper clothes, and having such proper clothes means being able to put them away. Elias, on the contrary, does not have proper clothes and so he is unable to take them off. Resorts, a contemporary symptom of capitalist alienation, usually portray themselves as paradises. The Christian evocation of Eden in the resort's name is not accidental at all. On the contrary, it strengthens the political dimensions of Elias' transgression of being in the place where he does not belong as well as of the theological figuration of capital as the sole divinity left after Eurocentric secularization. After all, the first thing that Eve and Adam discover when they challenge the rule of their Father God is to be naked, so they cover themselves. Elias is uncomfortable with his nakedness too. He has already been expulsed from the capitalist paradise and belongs to those who cannot be in this Hotel, who are not counted, whose access is negated through prices, fences and guards, through the geo-political mapping of the world that needs him as cheap labor. The failure of the first inclusion lies in the improper distribution of shame and nakedness, revealing the injustice of the Paradise. Unlike the other guests, Elias must cover himself. The privileged nakedness of the few in this Paradise lies in the precarious clothing of the many. Elias belongs to the second count, not to the first one.

4.6.4. Failure of the Second Inclusion

The first piece of clothing he picks up is a working uniform, his new costume, representing an allegory of the second inclusion. His is the uniform of those who perform manual labor in the Hotel, carrying bags, helping the customers with their unspecified

needs, cleaning, repairing, etc. He picks up the uniform accidently, but this is an accident that expresses, on a larger scale, a social and political necessity for the preservation of the home-based world. He can be in this Eden insofar as he performs the functions without which Eden would disappear for those who are its proper guests. He can only be in the home as a servant. When Elias with his bare hands must literally deal with the shit of the privileged guests—after one of the toilets fails and the whole paradise seems to be lost for the pathetic bourgeois family, represented by the cheating and abusive father commanding him to do so—the truth of the Eden is also unmasked: the capitalist paradise lies in the unpaid labor of the immigrant who lacks proper documentation and must perform the labor whose lack would take paradise away, to clean the shit, the disposure. In order to be, to exist in the capitalist *polis* of the North, the West, the Developed, the Center, Elias must work with no proper recognition of his labor. The paradise of capitalism lies in the fact that its shit is taken care of by the uncounted ones. This is the failure of the second form of inclusion, in which the paperless can only belong as the depositary of capitalist residues, as being in charge of its excrement, its waste.

4.6.5. Failure of the Third Inclusion

Elias changes his costume, picks up other clothes and disguises himself as a guest in the Hotel. This is the third form of inclusion. He can profit from the capitalist machine, however, only as its object of desire and only insofar as he satisfies, as the exoticized other, the self's desire for otherness in the xenophilia that accompanies the xenophobia. No longer fulfilling the labor functions without which paradise would never be, he must become paradise himself for the proper subject of the Hotel. As a guest, there is no

paradise for Elias because Elias must be the paradise for others. He must satisfy their desires at the risk of being expulsed from the Paradise he is, once again, excluded from. The second element in this form of inclusion is even more important. It is the simultaneity between becoming a guest and becoming a policing agent who searches for the undocumented immigrant he himself is. This is one of the most important moments in the film. Two things happen to the policing function in this simultaneity. On the one hand, the policing function gets incorporated as part of the spectacle in the paradisiacal scene of capitalist entertainment. Guests are asked to search for the undocumented immigrant as if playing a game. This is one of the film's meta-theatrical moments, a scene in which the movie calls itself into question, portraying the policing of foreigners as a spectacle to enjoy in a theater. As much as the guests in the Hotel are implored to enjoy the persecution, the viewers in the cinema are also called upon to enjoy it. The comic simultaneity of the two events, in which the foreigner becomes the guest-policing agent who knows that they are all looking for him, calls attention to the foreigner in the theater room. Once they find Elias' friend, the other undocumented immigrant who survived the shipwreck and made it to the shore, another message is made manifest. Capitalism organizes a social system in which the only successful way to hide oneself from its fixating gaze is to become part of the gaze that fixes. This is the reason why, in legal immigration reform, joining the military is still the dominant way of regaining a papered status. In order to avoid the police, Elias must become a policing agent. As a guest of the paradise he must first embody paradise for others, still fulfilling an extractive function in which his failure to satisfy the desires of those who have proper membership equals his exclusion from the club. He must secondly aid in the search for the other, the disavowed

one, he must become the police agent he fears, he must perform the policing function he runs away from.

4.6.6. Failure of the Last Inclusion

The last form of inclusion is the most important one. Elias becomes a spectacle himself, first playing soccer for the audience, then taking part in a magic performance. Like the mousetrap in Shakespeare's *Hamlet*, Costa-Gavras also makes use of the theater inside the theater to reveal a truth too difficult to digest otherwise. The exemplariness of this scene lies in its final reach to the less-than-nothing. All the guests are in the audience, enjoying the performance. It is an act of magic. Elias no longer wears the costume of the guest but sports the costume of the police officer he was previously turned into. The policing agent, as much as the foreigner, demonstrates that Eden exists only because there is no Eden. As much as the undocumented immigrant reveals to the proper members of the Club that their comfort rests in the profound and expansive inequality from which they are precisely trying to escape, the police officer that protects its frontiers does too. The police officer reveals them that the hell outside the border is what makes the paradise inside the border possible. The audience looks at the two, the foreigner and the police agent, to be disposed of in one single magic trick: the humane residue upon whose labor their paradise is built and the repressive apparatuses by which they can keep its borders protected. The trick consists in literally flushing Elias down through the "toilet of death," as it is called in the movie. This is the orgiastic moment of the Eden, the revelation of the paperless as the excrement to be flushed from the capitalist-colonial body politic. The undocumented immigrant is both the site of repression and the residue

of fetishized consumption, the remainder after the count, the leftover, the less-than-nothing. Uncounted, Elias is the supernumerary, the surplus disturbing the matching of the two counts, those who exist and those who are proper members of the club. It is only when he is in the theater, performing and becoming too visible, that the managers of the Hotel become suspicious of him. Is he a client or an employee? Those are the only two existential options for Elias. Everything else is nothingness. After the managers of the Hotel check their counts, they realize he is neither one nor the other, that he exists with no proper documents, that he is one of them, one of the ones who do not belong to paradise, a paperless one who must be flushed, otherwise paradise would no longer be paradise.

4.6.7. The Hell of Paradise

It is also in this scene that Elias finds his own sun, the magician himself, who gives him new coordinates when he offers him a job in Paris. Elias is, symbolically, the sun of the film. The name Elias means sun, an important name given that sun and god are etymologically related in Indo-European languages, and that the name can be found in the three major monotheistic religions. He is an aberrant deity who knows that he needs to leave, that he is constantly at risk unlike most deities. Other two undocumented immigrants are found dead on the beach, after trying to reach the Eden unsuccessfully. Like Polyneices in Thebes, himself an exile, the sovereign transforms them into spectacles for watching. The rightful members of the club, those who belong to the city and to paradise, start taking pictures of the undocumented to circulate on the web with their cell phones. The film calls itself into question again. We are also spectators

watching passively the scene of horror while seated in our comfortable theater seats, like those watching on the side of the beach who decide to swim in the pool because the sea is now infected with the dead bodies of the exiles. Elias must leave. Paradise is hell for him. He must take another boat, he must return to the sea where he comes from. The film follows Elias' journey, trying to reach Paris, the promise land, without ever successfully reaching membership.

He will find solidarity in others who are also uncounted: a poor single mother in Spain, two German homosexuals on their way to Hamburg, other undocumented immigrants in the shantytowns of France, the gypsies in the city, African workers in the streets of Paris, etc. Indeed, it is at the *maquila* in which he finds work that Elias realizes, that is finally able to say, "I understand everything." It is there that he rebels along with other undocumented immigrants whose labor is equally underpaid and whose presence is not allowed in the communal places with those who have proper documents. They receive another kind of food and they must eat it outside the restaurant during winter, where there are no proper tables while the rest of the employees, those who do have proper documents, eat inside in the communal dining room. Those without papers are not willing to take it any longer and they burst into the space that they are not allowed to enter. Once again Elias crosses a border, transgresses a line, violates a separation between "us" and "them." Once again, the policing forces are there to enforce the frontier, to keep the two populations separated, to guarantee the immunity of the *polis* to those outside it, to those whose labor they must extract but whose existence they must deny. He finally understands and he rebels, hitting an officer and running from the police.

After he leaves the *maquila* running from the police, he continues to run and does not stop. He runs until he encounters another man running, a movie actor playing an immigrant running from the police in a film, and who Elias mistakes for a real immigrant in his very same conditions. Confronted with these two images, us watching an actor playing an undocumented immigrant who watches an actor playing an undocumented immigrant, we are face to face with the illusion, with the deconstructive gesture of this film, which confounds the stability of the sign in its perpetual deferral. Indeed, Elias finally succeeds in reaching the sun that promised to him—Paris, the city of lights. Yet he reaches Paris only to realize that the promise of work during the magic act was just another illusion, another trick of magic. The whole theatrical phantasmagoria is what rests at the end of the film, when, in front of a large policing body, he lights the Eiffel Tower with the magic wand that the Eden's magician gave him in consolation and everything but himself is frozen on the screen. It is perhaps only then that we, the audience, are able to fully understand that both the Eden hotel and its exteriority are an illusion, that the whole film is an illusion, that there is no undocumented immigrant because he is precisely the one who can only be represented by another one, the zero point of representation in which representation itself is brought into crisis because only the papered can "play" the paperless. Not having a paper in reality means not having a paper in the film. The undocumented immigrant is precisely the one we can never see on the stage, the one who lacks a paper in the play, in the movie, because he embodies the structural void of political existence, the residue of the body politic, its waste, the less-than-nothing.

4.6.8. The Real Voyage

Costa-Gavras' *Eden A L'Ouest* reminds us of an historical event that took place Christmas of 1996. According to journalist Giovanni Maria Bellu, two hundred eighty-three Pakistani, Tamil and Indian immigrants lost their lives trying to reach Italian soil. The so-called "ghost ship," known also as *F174*, sank close to Portopalo Di Capo Passero near Sicily. Survivors from the ship tried to reach the authorities, even at the expense of their own deportation, to open an investigation. It was only five years later, after continuous attempts of local fisherman and official authorities to deny the event and interfere with its investigation, frequently returning the bodies recovered in the nests back to the sea, that the event was officially recognized, due in part to Maria Bellu's photographs. Authorities never attempted, however, to recover the ship for a proper investigation or the bodies, which were abandoned in the fond of the sea, unable to receive proper burial. This event led Iain Chambers (2008, p. 68) to coin the term "uprooted geographies," in order to characterize the complexity of the flows and networks in the Mediterranean Sea "before, between and beyond the self-objectifying logic of European humanism, its modernity and its nationalism." General indifference to the dead bodies of undocumented immigrants was followed by strong support for legislation seeking to criminalize non-properly documented immigration into Italy. The first comprehensive law on immigration was passed on March 6th, 1998, when the event had already gained some public attention but remained officially denied. Among many other policies, Law No. 40, known as "Regulations on immigration and provisions on the status of foreigners," allowed detention centers (Centri di Permanenza Temporanea-CPT) to imprison undocumented immigrants for up to thirty days. In 2002, after official

authorities finally recognized what came to be known as the *Strage di Natale* (Christmas Massacre), the right coalition led by Silvio Berlusconi signed the Law 189 of 2002. This law restricted working permits, introduced obstacles against family reunification, abolished sponsorship for immigrant visas, increased the length of residency to apply for permanent residence permits, reduced residency permits, made fingerprinting a requirement for residency permits and included not a single measure to improve the conditions of immigrants.

The result of these measures became visible in 2004, when captain Stefan Schmidt, first officer Vladimir Dachkevitce and head and chairman of the humanitarian organization, Cap Anamur and Elias Bierdel, were accused of aiding and abetting aggravated illegal immigration after saving thirty-seven migrants from Darfur in the channel of Sicily.[41] The official recognition of the Christmas Massacre did not lead to the investigation of human trafficking in the Mediterranean but to the criminalization of fishermen helping immigrants to save their lives, now prosecuted for aiding clandestine illegals. In contrast, not one single investigation was ever open against those fishermen and authorities who deliberately sought to hide from public attention what happened in 1996. Less than nothing describes the status of those whose life can only be saved at the risk of imprisonment, and whose death is organized as a spectacle to be seen with indifference and complete impunity. Less than nothing describes the political situation of those who must be disposed as the waste of the political system, as its uncounted residue.

[41] In October 7th, 2009, a court in Sicily, Agrigento, acquitted them. They were facing four years in prison and a fine of four hundred thousands Euros.

4.7. The Politics of the Nothing

4.7.1. Homelessness and the Death Drive

In his *Philosophy of Liberation*, Enrique Dussel (1985, p. 4) affirmed that the center, the civilized, the universe of homes, always regards itself as the site of Being. Nonbeing, then, is what gets relegated to the frontiers of Being, to its periphery, always defined in relation to it as its lack. Since Parmenides, "being is, while nonbeing is not." Homelessness is also defined by a lack, a deprivation. Homelessness is the site of nonbeing. But it is possible to make a different reading of this nothingness, one in which homelessness does not express a form of deprivation that renders the homely superior, preferable, or more desirable, but problematizes the confinement of the home as the thin ice to be broken, as in Nietzsche's aphorism quoted as an epigraph to this chapter.

A leftist reading of nihilism, in this fashion, makes Nietzsche and Heidegger philosophers of the homeless, rather than of the home. Nietzsche's devaluation of higher values and Heidegger's emptying of Being as such, are both refusals to anchor humanity in ultimate causes, in a shared human nature, in shared inalienable rights, in proper substances. Rather, the human itself becomes an unstable conflictive value, as much as the pre-linguistic nature securing the boundedness of civilization becomes an interpretative conflict, historically cut across struggles of power and the institutionalization of colonial violence. Gianni Vattimo has advanced this political reinterpretation of nihilism in both Nietzsche and Heidegger. In Vattimo's (1988, pp. 24-26) account, Nietzsche dissolves higher values into a transitory and unstable struggle of forces by turning the real world into a fable. Heidegger, on the other hand, dissolves Being in exchange-value, that is, in the contingency of language and tradition constituted

by ever-flowing interpretation. Rather than the proper, the ultimate cause, the founding origin, the safety of the home, what we have in Nietzsche and Heidegger is the possibility to imagine the political as inescapably prone to risk, uncertainty and most of all, conflict. This is the positive site of homelessness, for which the confinement of home is not to be celebrated and protected, but, on the contrary, problematized and displaced from its privileged position.

Antigone's being-towards-death, then, acquires a different political tonality. In her refusing to be heterosexually re-incorporated in Thebes, Antigone opens up a different universe. All speaking agencies that lack proper rights to speak and act in the city become potential foundations for other possible worlds in which to explore the "One World" of civilization, from which they cannot exit but continue to exist as its nothingness. Ismene is, after all, right. Antigone is performing the impossible: she is violating an edict pronounced by a form of law that does not recognize her as a rights-bearing subject. She is nothingness speaking the language of Being and it is precisely she who cannot be—who cannot exist, who is-not according to the law of the home—it is precisely she who carries the power in the play. In this regard, Vattimo's Heidegger comes very close to Lacan's Antigone. Her death-driven nature, in both cases, is what shows all other possibilities *as* possibilities, the anchoring of the speaking and acting subject in the masculine citizenry as a possibility rather than a necessity. The subordination of women to the household is another *contingent* political arrangement rather than the pre-political space of kinship it is otherwise made to signify. In Heidegger's vocabulary, Antigone's death drive exposes the foundation of Dasein as

groundless, the lack of foundation as constitutive of the subject whose very invention seeks to anchor its identity in a founding origin, in a home.

Vattimo's reevaluation of Heidegger's nihilism is politically more interesting in the work of another Italian political thinker. In Roberto Esposito's concept of *communitas*, Heidegger's insights on the dissolution of Being into nothingness are played against communitarianism, the thought of the community that still subordinates the common to the metaphysical subject of identitarian integrity. The community of communitarians, which praises itself as if against classical liberal political thought through their endorsing of a historically situated conception of the self, continues to conceive the common as a sort of aggrandized or aggregated subject. Esposito, on the contrary, conceives the common as the expropriation of subjective identity. Rather than having a property to share, what is common is defined precisely by being the property of none, by being a non-property, by its negative, its nothingness. The liberal version of the community makes of every subject a sort of individual shareholder in the *polis*, which is reimagined as a sort of enterprise to be owned. Milder versions keep the individualistic premise unchallenged, thinking about the community as the voluntaristic crafting of prior pre-communitarian isolated subjectivities. Against the political vacuum into which liberal thought transforms the community, already subordinated by a pre-political conception of the subject, Esposito re-politicizes the community as the space where non-properties can enter into conflict with each other, making and unmaking the contingent subjectivities by which the common gets enacted anew. What Esposito questions is the constant tendency to subordinate the community to what he calls the semantic of the *proprium*. The common, the political space of belonging, exists to the extent that individuals have

something, a property, their *proprium*, a home. This property, this home, has its ultimate foundation in the individual, in its own identity, its own final possession, its own immune boundary to otherness and difference. In his etymological investigation of the *common*, what Esposito finds is that which is common is precisely defined in opposition to what is proper, to what is privately owned. There is, in other words, not a continuity from the subject to the community, as the aggregation of subjects into another collectivized mega-subject, but the opposite—the radical emptiness of a pre-political subjectivity in a contingent exposure from the standpoint of dispossession, of lacking a property, of lacking a home. What Esposito values in the *community* is the *munus*, which is what gets collectivized, and which Esposito redefines as the gift that must be given because it belongs to nobody. This *munus* should not be confused with that which belongs to everyone because no one can claim property over it—this once again reposes ownership as the basis of the community and leaves subjects pre-politically constituted as the bearers and addressees of that which is shared. Rather, the gift of the *munus* is an *improperty*; it is not a positive substance shared by all the possessive individuals but a lack, a negation of the proper. The subject of Esposito's *communitas* is not the possessive individual, whose first possession is itself, nor the originary vacuum that waits to be filled with attributes, but something that is no longer subordinated to the logic of the positive substance, of the proper, of the property, of the home to be edified. It operates under a different mode. The subject is, to some extent, emptied of its possessions for the bond to appear in its inter-relational dimension. Such relations define a form of political subjectivity whose politics resides in its undoing as the subject of identity, a form of improperty in which one cannot ever be fully a constituted totality, a wholeness, a fixed

identity. What is common is not a home but homelessness, an absence, rather than a presence. When one says, "we have nothing in common," liberal theory understands the dissolution of the community, its absence the lack of shared individual properties and identitarian markers. Esposito's theory of *communitas* understands precisely the contrary: the explicit affirmation of nothingness as that which is shared in the disowning of properties, from the constitutive alterity of the "us", of the *noi-altri*.

4.7.2. The Costs of the Violence Against the Nothing

In "Contaminations: Interruptions of the Nothing," Carlo Galli was the first one to turn to *Antigone* into a figure of the Nothing. Oriented towards death, Antigone represents the radical interruption of life—the norms and orders by which the symbolic order is protected, in Lacan's language. But what the death drive of *Antigone* (rather than of Antigone) exemplifies, in Galli's reading, is the fact that sovereign warfare is not waged against a living body but against a dead one, which means that the sovereign's death-right has been duplicated. The crucial problem for Galli is that in Creon's effort to subordinate death to political legality, the edict by which Polyneices' corpse is kept unburied, Creon's action actually signifies "the absolute contamination of life by death" (Galli, unpublished manuscript). In Creon's effort to resolve and neutralize the alterity of the city made manifest by the split between the two brothers, the immunity of the home turns the exteriority of death—the corpse at the periphery of the city—inside out, and the home of Creon becomes a massive gravesite. In his efforts to protect the home as the pre-political requisite for life, the city becomes wholly contaminated by the death it excludes into an exteriority from which it can never successfully divorce itself, since by repressing

its alterity it further transforms it into a self-destructive force. The corpse that lies unburied in the city, marked as less-than-nothing, potentializes the contaminating force of the Nothing until the Home is fully inhabited by the Nothing it displaced into an outside from which it can no longer separate itself. Such Nothing is not exclusively that of Polyneices but also that of Antigone, who mirrors the ambiguous place of her brother, not as the dead one kept alive, but as the living one who is already regarded as dead. They both embody what Galli signifies as the contaminating power of the Nothing.

4.8. A Homeless Antigone in New York

In Janusz Glowacki's version of the play, *Antigone in New York*, we see Antigone's homelessness made manifest in the story. Renamed Anita by Glowacki, Antigone is a 35-year-old native of Puerto Rico living in Manhattan's Tompkins Square Park, which had been co-opted by her and other homeless people. The play references the historical attack on the homeless that co-opted the park in August of 1988, when the cheapest neighborhoods below and above seventh avenue became the target for the urban expansion of Manhattan, the kind of dispossession and displacement that is named "gentrification," increasing the price of real estate so as to substitute the migrant population with another one and produce what is now called East Village. As happens in tragedy, which is structured by repetition, the violent intervention of the police in 1988 echoed a similar violent intervention in January 13,1874, when the police crushed a demonstration of thousands of unemployed in that very same Tompkins Park.

Puerto Ricans, whom Juan Gonzalez characterized as "citizens, yet foreigners," hold a particularly exceptional status in the US and Glowacki's choice of representing

Antigone as a Puerto Rican woman in the US speaks to the dual sense of homelessness. Puerto Rico became a colony after the US participated in the struggle against Spanish colonial rule, with General Nelson Miles arriving in the town of Guánica on July 25, 1898. Two years later the US Congress passed the Foraker Act, which declared the island US territory. Puerto Ricans were further disenfranchised when the *Downes v. Bidwelli* case of 1901 ruled that: "the Island of Porto Rico [sic] is a territory appurtenant and belonging to the United States, but not a part of the United States within the revenue of the Constitution." Puerto Ricans would not be able to elect their own governor until 1948 and a limited Commonwealth was granted four years later. Given this colonial continuity, Puerto Ricans, although US citizens by birth have neither the same rights nor the same protections.

As a Polish-American, Glowacki's decision to name her Anita is also telling. By 1996, when the play was performed at the Vineyard Theatre, another Anita was already well known for the New York audience, particularly in the context of relationships between Puerto Ricans and Polish-Americans. Anita was a character in Leonard Bernstein famous Broadway musical, *West Side Story*, originally produced in 1957, transformed into a film by Robert Wise and Jerome Robbins in 1961 and revived on Broadway by Robbins in 1980, were it was performed 333 times. Bernstein's decision to replay the Capulet vs. Montague struggle of Shakespeare's Venice as the struggle between the Puerto Rican Sharks (depicted as knife wielders prone to violence) vs. the Polish-American Jets, speaks to the racist anxieties for a new wave of immigrants, no longer of European but of Latin American and Caribbean origin in the twentieth century.

Puerto Ricans started to migrate from the Caribbean to New York City after the Second World War, with 40,000 migrating in 1946 alone. According to Juan Gonzalez, by 1960, "more than 1 million were in the country, part of what one sociologist dubbed 'the greatest airborne migration in history'" (Gonzalez 2001, p. 81). Puerto Ricans faced racism and exclusion at their arrival, their image being, according to Gonzalez (2001, p. 94), that of a homeland "incapable of self-government [that] would perish economically without Uncle Sam." Things changed in the early 70s, after activists from the Puerto Rican Nationalist Party, such as Pedro Albizu Campos and the poet Juan Antonio Corretjer, motivated a new generation of social movements. Independent Puerto Rican scholars also helped by exposing the situation on the island as similar to that of the Algerians before their independence from France or Irish Catholics in England. Puerto Ricans organized the anti-colonial Fuerzas Armadas de Liberación Nacional (FALN), fighting against the illegal possession of their homeland by the Unites States, and by 1985, when the *West Side Story* had been successfully re-launched in New York, twenty members of the FALN were put in jail in the United States.

Among them was Alejandrina Torres, convicted and sentenced to thirty-five years in prison for seditious conspiracy to overthrown the government of the United States. Alejandrina Torres was one of the first women to be locked in the US's High Security Unit, which was placed in the basement of the Federal Correctional Institution in Lexington, Kentucky. The other two women, who also fought for the Independence of Puerto Rico, were the Italian citizen Silvia Baraldini (sentenced to forty-three years) and the Jewish-American Susan Rosenberg (sentenced to fifty-eight years). They were chosen on the basis of their radical beliefs and they were the first ones to suffer the new

experimental form of punitive power to be implemented in the Unit: solitary confinement.

Solitary confinement had been previously used in Europe. In England, it was used against members of the Irish Revolutionary Army and in Germany it received public attention when ten members of the Red Army Fraction—including Ulrike Meinhof, Andreas Baader and Gudrun Ensslin—were kept in solitary confinement at the newly constructed high-security Stammheim Prison in the north of Stuggart.[42] This punitive practice of solitary confinement was implemented in the United States at the High Security Unit in Lexington. The practice immediately captured the attention of human rights organizations, which protested against the Unit's inhuman treatment of prisoners. Though a lawsuit filed on behalf of Silvia Baraldini and Susan Rosenberg forced the Unit's closure in 1988, it did not succeed in challenging isolation as an inhuman punitive practice of state terror. Therefore, torture—in the form of solitary confinement—became legalized and institutionalized as a widespread punitive practice in the United States

[42] See Becker (1977) and Aust (1989). Both Meinhof and Ensslin reportedly committed suicide at the Stammheim Prison by hanging themselves, and the Antigonian resonances of their deaths and the events that followed were immediately captured in the film-college project, *Deutschland im Herbst* (Germany in Autumn), organized several months later by Alexander Kluge and Beate Mainka-Jellinghaus in 1978. The whole film-collage was structured by an aesthetic contrast between the two burials at Stuttgart: that of Schleyer at the beginning of the film, and that of the three-convicted terrorist by the end of it. Easily translatable to the script of the tragic play, Schleyer's funeral appeared as an amplified repetition of the proper burial of Eteocles by Creon, orchestrated by the luxurious reception offered by the state public apparatus to Schleyer's mourners and by the monumental organization of collective grief through the spectacular devices of the industrial private-complex of Mercedes Benz. In contrast, the RAF's funeral rehearsed the marginalization of Polyneices burial at the hands of Antigone, in which a colorful youth's act of mourning, full of political slogans and deprived of any public recognition, was interrupted and violated by the outrage of the police, as if they were the concrete incarnation of Creon's "birds and dogs" in charge of chewing up the unburied body of Polyneices for the citizens to watch in the theatrical spectacle of the sovereign's power recreation. For an interpretation of this film in connection with *Antigone*, see Honig (2013) and Elsaesser (2004).

penitentiary system, which subjugates more prisoners to this kind of practice than any other country in the world, primarily targeting African Americans.[43]

In her book, *An American Radical: Political Prisoner in my Own Country* (2011), Susan Rosenberg claims that she and Alejandrina Torres "were going to [their] own burial with that downward walk (to the basement of the High Security Unit in Lexington), only [they] were still alive." Unknowingly, Rosenberg used almost the same words Antigone used to describe her road towards the rockbound prison to which Creon condemned her: "strange new tomb–always a stranger, O dear god, I have no home (*metoikos*) on earth and none below, not with the living, not with the breathless dead" (A, 940 [870]). Furthermore, the first words used by Rosenberg, when describing her condition at Lexington in Nina Ronsenblum's documentary *Through the Wire* (1989), was as a living death. These were the same words used constantly by Antigone to characterize her condition as a *metic* in her native city. The American Civil Liberties Union also used this rhetoric, denouncing the prison as a paradoxical "living tomb," and grasping the same ambivalence with which Antigone characterized the only place that Thebes could find for her.

Such connections resonate in Janusz Glowacki's play. Significantly, we find the Puerto Rican homeless Anita struggling to bury her US lover, the white-bearded Paulie, who died and was taken to Potter's Field in Hart's Island. Potter's Field makes reference to the infamous land purchased with the thirty coins of silver that Judas Iscariote returned to the Jewish priests, and which they could not include in their treasure because they were tinted with the blood of Jesus, using them, instead, to purchase the field of a potter in order to bury foreigners. Anita cannot withstand the injustice of burying Paulie in an

[43] See Gawande (2009).

unmarked grave, without a priest and with no marker to find him. Others remain passive. She finally offers to pay Sasha, a Jew of Russian origin, and Flea, a Polish-American, who are like her, homeless and living in the park, to go to Potter's field and bring Paulie back "home" so that she can give him proper burial, as it was commanded to her by the gods.[44] She can't go herself because she needs to take care of her cart, the few possessions that she carries around. Sasha and Flea agree to the economic proposal and go to Potter's Field. Once they get back to the park, however, they realize that they've picked up the wrong corpse. Anita, however, does not seem to notice. Alternatively, she simply accepts the stranger's corpse and buries Paulie through the other body that is brought to her.

After the burial of the mistaken corpse, a potential love story emerges between Anita and Sasha, and the latter proclaims: "we have to get indoors [,] when you live outdoors no one thinks you are a person." Sasha commits to overcoming his drinking problem and starting a new life with Anita in Russia. Their plan is to go to Moscow together, following an old invitation that Sasha received from the Moscow Academy of Art. But the plan is ruined when Anita leaves Sasha alone while she buys him a tie and Flea arrives with a bottle of cheap vodka that Sasha is unable to resist. When Anita returns with the tie, a drunk Sasha is unable to help her when "the Indian," as he is named in the play, starts to rape her in front of Flea, who watches passively. Anita had been previously raped by her landlord at Brooklyn, who was only willing to keep her things there in exchange of sexual favors which she delivers against her will. Anita's rape

[44] Both characters make inter-textual references to Gorky's *Lower Depths* and Beckett's *Waiting for Godot* (Kott 2013).

destroys the potential journey to another *polis* and demarcates the final fragmentation of the political community forming around the burial of Paulie in the coopted park.

Anita sits on Sasha's side holding the tie, her clothes torn and her face bruised. The letter of invitation from the Moscow Academy of Art is thrown to the ground and the police, now surrounding the park, occupy the space. The same police officer who in the first scene established the demarcation between an "us" and a "them," "us" being those Americans who live in daylight, "them" being those non-Americans who live in nighttime, reports that the park has been "cleaned." He adds that Anita, unable to return to the gravesite of her lover, has hanged herself from the chain link fence used to immunize the park from homeless people. She was taken to Potter's Field where foreigners are buried.

In Glowacki's version "the Indian" succeeds where the Jets of *West Side Story* failed. Homeless people are depicted as drug addicts, alcoholics, liars, mentally ill and violent, but home is not described as a better place. Anita's mother died, her father abandoned the family and her brother is in jail. Sexual abuse awaits her at her "home" in Brooklyn and she gets sick at work because it is too cold. There is literally no place like home for Anita. The only place she can call home is the public park she co-opted with other homeless people. But the public spaces are now privatized too, and a chain link fence keeps her from the gravesite of her lover in order to make room for "proper" inhabitants of the new neighborhoods of New York. Although a citizen by birth, the Puerto Rican Anita is buried in the land of foreigners. She does not commit suicide when she becomes homeless, when she starts to live in Tompkins Park, where a political

community, however precarious, reorganizes. She commits suicide when this space is privatized, when she cannot even be homeless.

4.9. Homelessness and the Uncanny

The uncanny, like homelessness, is fundamentally an undifferentiating force that destabilizes any grounds where one might edify a distinction between an "us" and a "them." Whether it is the self, the psyche or the home, the uncanny represents an exit, a force of exteriorization that always renders the borderland porous, that undoes its immunity. The uncanny, like homelessness, is inevitably spatial and fundamentally political, even theatrical-political. It is neither a subjective drama of the individual psyche splitting itself and recognizing its own otherness (Freud), nor the universal anguish produced by our existential "thrownness" into the world (Heidegger), but the confusion and disorganization of subject-positions and the regime of power associated with those positions as ultimately ungrounded in the stability of a home. I offer a reading of Sigmund Freud and Martin Heidegger's reflections on the uncanny that criticizes the former for individualizing the phenomenon as a psychic drama and the latter for diffusing it into an existential one. I value their mutual efforts to address the increasing ambivalence of "the homely" (*heimlich*) as finally merging with its antonym, the "unhomely" (*unheimlich*), but I question the depoliticizing tendency that both theorizations perform.

Freud and Heidegger were both invested in Sophocles. But whereas Freud championed *Oedipus the King* in his trans-historical analysis of our psychic life, Heidegger opted for *Antigone* in his equally trans-historical turn to the ancient question

of being, abandoned, according to him, by the Western philosophical tradition obsessed with knowledge. Unlike Freud's unconscious, which tended towards biological determinations in its later developments, Heidegger's *Dasein* tended towards hermeneutic historicity, always situating the possibility of experience in interpretation. Such historicity is crucial given that both theorizations of the uncanny were decisively bound to war. Freud wrote "The Uncanny" in 1919, after the end of the First World War. Heidegger gave his full analysis of the uncanny during his third and last lecture devoted to the German poet Friedrich Hölderlin at the University of Freiburg in the summer of 1942, in the midst of the Second World War. They both engaged in etymological investigations that explored the linguistic complexity of the word "uncanny" in its semantic ambivalence, tracing it back to the ancient Greek and finding a constant slippage of one definition to its opposite. Crucial to this ambivalence is the close relationship between the *unheimish* (homeless) and the *unheimlich* (uncanny), which both of them underscored. They also both felt the need to turn to aesthetics, which was not their familiar discipline but an alien one, and they were both unsuccessful in explaining the reasons justifying their need for such an exit. Freud opened his essay claiming that, "only rarely does the psychoanalyst feel impelled to engage in aesthetic investigations," (2003, p. 123) but gives us no hint as to the source of this feeling. He seeks in literature an explanation to the unsatisfactory theory of E. Jentsch, who defined the uncanny as intellectual uncertainty in unsatisfactory ways. Heidegger's first analysis of the uncanny is found in *Being and Time* (1927). Yet his mid-war lectures on Hölderlin's poem, *The Ister*, are not indebted to the uncanny of *Being and Time*, but to the uncanny he explored during the summer lectures at the University of Freiburg in 1935, a year after being

appointed to the Rectorat by the Nazi party. The notion was introduced in order to explain the ways in which Western philosophy, his own discipline, had continuously misinterpreted Parmenides' fragment: *to gar auto noein estin te kai einai*, translated as: "thinking and being are the same." Heidegger, however, gives us no explanation as to why should we find in the choral Ode to Men from Sophocles' *Antigone* an appropriate answer to Parmenides' thought, why we should seek in theater an answer to philosophy beyond the traditional propaedeutic recourse to literature. The closest we have to an explanation is that "Parmenides is difficult to approach directly and strikes us as strange," (2000, p. 156). Thus, Heidegger claims, we need to turn to the ancient Greek poetic projection of being-human in one of the strangest and most difficult translations to approach, Hölderlin's.

Freud performs his reading through a detailed analysis of E.T.A. Hoffmann's story, "The Sand-Man," while Heidegger embraces Hölderlin's translation of Sophocles' play in order to advance his. Thus, before even engaging with the theoretical particularities of their reflections on the "uncanny" three sets of displacements and exteriorizations are already operative in their work. The first one breaks with disciplinary boundaries, moving from philosophy and science to aesthetics and leaving the explanation for this movement intellectually uncertain. In this, both seek to explain some conceptual dissatisfaction with their own discipline by visiting a work foreign to the one in which their questions were posed. The second displacement breaks with the spatial-temporal boundaries of the interpretation, moving from modern Germany to Greek antiquity. Thought crosses disciplinary boundaries while being travels across spatial-temporal ones. Some level of uncertainty, something not entirely clear, already governs

the compulsion to exit—to exit one's national and historical circumscription, to exit one's disciplinary limits. The third, and probably more difficult displacement to grasp is the one referring to the linguistic register. Freud seeks to solve by the written word a problem that presents itself in speech. The psychoanalytic therapist looks for something in the den of the literary scholar; from the auditory to the visual, from the therapeutic ear to the academic eye, from the spoken to the speechless. In Freud, it is the written word that is called to supplement the oral one. Heidegger undertakes the opposite trajectory. He seeks in the music of oral poetry something missing in the silence of Parmenides' written fragmentary thoughts. During the original delivery of his lectures in 1935, Heidegger read the Greek, so as to "get some of the sound, at least, into our ears" (2000, p. 114). He was neither trying to establish a priority of oral embodiment over the disembodiment of reason, nor silently invoking Nietzsche's privilege of music over reason in the analysis of tragedy, but identifying the semantic ambivalence of the uncanny in the poetic structure of the tension between the strophe and the antistrophe, where opposites coexist. The coexistence of opposites in Heidegger's account is grounded in the coexistence of home and homelessness in the etymological roots of the word uncanny, as Antigone belongs and does not belong to Thebes, or as Anita belongs and does not belong to the US in Glowacki's version.

I will not give an exhaustive interpretation of these texts, which others have done, but will limit myself to some remarks in order to clarify homelessness as an exteriorizing political force, which renders every stable ground contingent and uncertain and which has, in its own architecture, a quite theatrical design. Homelessness becomes the

irreducible negativity that turns the home inside out, that exposes the proper as an object of political contestation through the staging of an *agon* (Weber 2000).

4.9.1. Freud's Uncanny: The Theatrical Undoing of Psychic's Certainty

In his reading of Freud, Samuel Weber notices that the power of the Sandman lies in his ability to invade the private space of the home and turn it inside-out, transforming the place from one of security to one of danger (2000, p. 9), exteriorizing what is otherwise contained, walled, privatized. What he does not address in an otherwise compelling interpretation, however, is the characteristic feature of this exteriorizing force. In E.T.A. Hoffman's story, Nathanael is trying to solve the puzzle which links truth and power, the aporia of establishing the legitimate authority, regarding his own intellectual uncertainty in relation to the conflictive versions of the myth of the Sandman. Nathanael receives two entirely different descriptions of the Sandman: one from his mother, which emphasizes the non-existence of the Sandman and one from the old woman who takes care of his youngest sister, in which the Sandman is an evil being who feeds his own children under the half-moon with the eyes he takes from children while they sleep.

Like Hamlet trying to test the specter's speech with a theatrical prosthesis, Nathanael seeks to solve the conflicting reliability of both sources through a video-centric supplement found in a theater of his own making. Weber claims that Nathanael is trying to determine the identity of the Sandman, to know what he looks like by hiding himself in his father's study behind the curtain of an open wardrobe. Yet what Weber ignores is that Nathanael is not only interested in the identity of the Sandman but in identity itself, in

testing one source of truth as authoritative so that truth and authority can have a reliable location. What Nathanael is trying to do, then, is to define the borders of the home that such unreliability has put into question.

Unlike his mother, who reduces the sandman to an empty linguistic substitute, a turn of phrase that replaces the adjective sleepy with the enigmatic word sandman, the old woman gives a more fantastic and imaginative description of this creature. Unlike the mother, who safeguards the immunity of the household by emphasizing linguistic self-sufficiency—the possibility of solving the riddle of the sandman without abandoning the grammatical sentence, without venturing beyond language (like good analytical philosophers would advise)—the old woman represents a force of exteriority who seeks not to contain the myth in a safe and manageable space, but to multiply its signifying chain all the way to the moon.

Nathanael decides to theatricalize this *agon* of truth by inventing a stage in which the sandman can be either dissolved into language and self-contained in specific spatial boundaries, or amplified in its performative borderless power. Nathanael's prosthesis helps him to confront the undecidability between two authoritative sources. He is unsure if truth is to be found in the safeness of the home—the biological mother and the interiority of language—or in the contingency of homelessness, the artificial mother and the exteriority of the performance. What Nathanael finds out is even more terrifying. This is what is most uncanny about this story. When he finally realizes that the sandman is the old lawyer Coppelius, a frequent guest during lunch, he realizes that neither his mother nor the old woman are reliable sources of truth, he realizes that the Sandman is neither a linguistic phenomenon nor a fantastic evil creature.

Weber sees in Nathanael's description of the sandman a confirmation of the old woman's story, by a set of associations in which the myth and its representative mimesis correlate. By erasing the gap between the three stories, that of his mother (rendered false), that of the old woman (rendered truthful) and that of his own (rendered translatable and reconcilable to that of the old woman), Weber misses something important: the inaccuracy of the theatrical experiment, its ultimate fallibility. What Nathanael discovers is the impossibility of grounding the truth of the Sandman in the two authoritative sources available to him, neither his mother nor the old woman were right. Moreover, in Nathanael's version of the myth, Coppelius and his father look alike, and the Sandman is no longer a contained agent but a multiplicity of differing selves which replicate *ad infinitum* across the borders.[45] In other words, what he learns is that his version might be equally unreliable, that nothing grounds the unreality of this fiction.

The oral uncertainty that the video-centric eye was supposed to solve increases. Instead of human faces, what Nathanael sees are deep black holes. It is when Coppelius requests the eyes, as if confirming the tale of the old woman, that Nathanael plunges from his hiding place onto the floor, entering the theatrical scene only to be grabbed by Coppelius. This wonderful theatricality in which border crossings and exteriorizing forces undo the territorial boundaries of the actor-spectator is not spatially self-assuring for Nathanael. The eye has failed to solve the fallibilities of the ear, as much as the aesthetic failed to solve those of the scientific or the philosophic and merely displaced and multiplied them *ad infinitum*. As much as the Sandman trespasses the borderland of the house, the spectator trespasses that of the stage. Nathanael's unsuccessful test exposes

[45] Weber does not miss the opportunity to highlight the homoerotic tension of the scene, as the two men are undressing before the child in this scene, a significant detail for Freud.

exteriorization as an undifferentiating force, rendering all sources of truth equally fallible to serve as grounds of identity, and identity equally unstable as a theatrical fiction with no grounds to support it. The mother and the old woman are proved equally wrong, his father and Coppelius look alike, everything is at risk of being dragged into a black hole, and eyes are taken in a multiplicity of signifying systems.

Contra Weber, the source of Nathanael's anxiety comes not from certifying the terrible story of the old woman against his mother and, through a set of parallels and mimesis, finding himself subjected to the same dreadful fate faced by other children in the story. Nathanael's anxiety comes from the inability to certify any story at all, to fix identity, to assure bounded spaces through the stability of some ground. What Nathanael looses is not his home but home altogether, the space of the familiar and the interior. This might help us to explain his reaction in the last scene of the short story, when he stands at the top of the tower and tries to throw Clara out of the platform after seeing her with Coppola's glasses, with this visual prosthesis, as if standing before the glass. Weber is right in pointing out that what the prosthesis represents is the inescapability of separation (Weber 2000, p. 18). In my view, this prosthesis further stresses the impossibility of ever arriving at the grounds of the black hole in the undifferentiated blackness into which everything is transformed by the dissolution of the frontier between and the inside and the outside, the familiar and the foreign, "us" and "them." Such is the power of the uncanny.

The repetitive apparition of the sandman leaves no trace of a stable ground, some kind of general feature that could then be taken as its ultimate foundation. The story, and particularly its theater, only amplifies its endless instability of place. To put it in other way, one theater does not supply what is lacking in another; it only modifies it and

amplifies it in its repetition. Seeking to secure positions, the house and its exteriority, the closet and its exteriority, the tower and its abyss, Nathanael is once again compelled to exit, dragged by the undifferentiated black hole which exposes everything as a perspective of a perspective of a perspective, as a translation of a translation of a translation with no substantial origin to return to.

4.9.2. Heidegger's Uncanny: The Theatrical Undoing of Ontological Difference

If Freud misses the theatricality of the scene in Hoffman's short story, Heidegger's analysis of Sophocles' play makes no reference to the performance at all. What remains from the choral ode is only the poetic sound of language in which Heidegger looks for a pre-political reflection on the ontological difference. Action disappears in Heidegger's account. Heidegger focuses on the choral Ode to Men in *Antigone*, the famous passage in which the Chorus characterizes men as *polla ta deina*. *Polla ta deina* could be alternatively translated as "wonderful," "terrible," "strange," "extraordinary," and "uncanny." Heidegger chose uncanny, the *unheimlich*, which is based on the root *heim* or "home." *Unheimlish*, then, is what does not allow "us" to ever be fully at home.

This choral ode presents one of the earliest oppositions between nature (*phusys*) and culture (*nomos*), one in which technological achievement is emblematically called upon to master nature. The foundational opposition, however, is not between *nomos* and *phusys*. On the contrary, Heidegger inscribes *nomos* and *phusys* in a common metaphysical notion of *dike* as that which gathers and opposes this form of *dike* to *tekhne* as violence. Heidegger's definition of the uncanny ultimately relies on this opposition, in

which the *deinon* as doing-violence (*tekhne*) opposes the violence of the *deinon* as the overwhelming (*dike*). The common element being, in Heidegger's account, violence.

The ambivalence of the ode also warns against the hubris of this violence, when domination goes beyond its human limits in death. Death is the limit, according to the Chorus, and despite humanity's resourcefulness in dominating nature, mortality is still beyond the human horizon to control and demarcate a boundary beyond which there is only nothingness. By blurring the boundary between life and death, nothingness, then, rules over being and defines the terms by which the Being of men takes its own being as a question. Creon, as we know at this stage of the play, no longer rules over life but over death. He now wages a war against the dead body of Polyneices. He does so precisely when the Chorus calls for "festive forgetting" (Honig's terms in *Antigone, Interrupted*), for a collective dance led by Bacchus. After Creon's edict, death is the only possible horizon and from then on death constantly contaminates the scene. In other words, when the living start to transgress their mortal boundaries, death transgresses its own and the separation between one realm and the other is no longer possible, the force of exteriorization triumphs over the solid establishment of boundaries. Life and death become undecidable and different characters in the play start to describe their being in the city with the contradictory coexistence of life and death, bringing their non-being into the city to play a part. Polyneices is a dead body that is artificially kept alive, as a spectacle, and that will eventually pollute the city through the agency of dogs and birds in charge of distributing the rotten flesh of his cadaver all over the city. Antigone regards herself as a living death on several occasions, and death will haunt Creon's household until everyone is deceased and Creon too views himself as a living death.

What is crucial, for Heidegger, when characterizing men as the uncanniest of creatures, is that the violence of the *tekhne* by which the violence of the overwhelming (*dike*) is tamed, makes of its artifice, its own home, the polis, an inhospitable place to men. We should not forget that the chorus raises its ode just when the news of the edict's violation have been reported to Creon, and we should take into consideration the representational place of Polyneices himself, as the ultimate uncanny. He represents the turning inside-out of the home, once he was ostracized by his own brother Eteocles and, after marrying Argeia, the daughter of the Argive King Adrastus, builds an army to take revenge on Thebes. That Polyneices' political uncanniness pre-dates the ontological uncanniness of the choral ode is a salient feature. The chorus raises this ode not in order to deliver some kind of trans-historical ontological trope, but with clear strategic purposes. The chorus was seeking to distance itself from the one who violated the edict, who sided with Polyneices—the foreigner—claiming not to be a companion of he who has worked such deeds. But there is not a single addressee in their intervention. The Chorus refers—unknowingly—as much to Antigone, who will be brought by the sentry as the doer of such deeds after the Chorus finishes their ode, as it does to Creon, who has made a decree in which the Chorus of Elders has shown no interest in participating, claiming that the burden of the bidding should be placed in younger men.

Heidegger translates the passage contrasting the *upsipolis* and the *apolis* as follows: "Between the ordinance of the earth and the god's sworn dispensation he fares. Raising high over the site, losing the site is he for whom what is not, is, always, for the sake of daring" (Heidegger 2000, p. 113). Heidegger claims that *polis*, although it usually translates as city-state, should instead be translated as "site." For Heidegger the city-state

does not capture the entire sense of the ode. The *polis* in both *upsipolis* and *apolis*, for Heidegger, refers to the historicity of being-there, for which the word "site" is more appropriate in its more general sense. The problem, however, is the inescapable association between a determined political community, the *polis* as city-state, and the general thrownness in the world, the *polis* as a non-politically defined location, which is still a site, in Heidegger's account.

This is precisely the problem that Hannah Arendt was trying to understand when she described the drama of statelessness as the state of being in a completely distributed world while having absolutely no place (site) to be. By not addressing the already political wrapping of this historical existence, Heidegger erases the geo-political struggle of the play that informs the Theban drama with exteriority. There is no particular location. The city, the *polis*, which the Chorus has already considered as the final and greater stage in the human artifice when seeking to control nature, is de-historicized in the universal ontology of the "site," in which Parmenides' fragment finds its trans-historical significance for Western philosophy. The passage translated by Heidegger is more commonly translated as follows: "If he honors the laws of earth, and the justice of the gods he has confirmed by oath, high is his city; no city has he with whom dwells dishonor prompted by recklessness" (A 370). What distinguishes this claim is that the borderland between "us" and "them" is demarcated by actions rather than by a previously recognized status. High is the city for him who honors the justice of the gods, and no city, homelessness, awaits him who dwells in dishonor. But the one who honors the gods is the one who violates the edict, and is not a man but a woman, whose legal status in the city deprives her of speaking rights.

Antigone speaks and acts because she inhabits homelessness differently. For her, homelessness was not merely a space of deprivation, of political disenfranchisement. Homelessness was also a site in which dispossession created the conditions of possibility for her to speak and act with others. She re-politicizes the uncanny. Neither Creon's authority nor the homo-sociality of the civic domain are sufficient conditions to demarcate the "us" of the civic from the "them" of the non-civic. Antigone's act, as the act of a homeless one, ultimately makes political action rest in the lack of grounds. Rather than having a positive property to act—a home by which one is exempted from public exposure—the one who has lost all positive properties is the one who performs powerful actions.

CHAPTER 5

LAWS AND RIGHTS

"Once they had left their homeland they remained homeless, once they had left their state they became stateless; once they had been deprived of their human rights they were rightless, the scum of the earth" (Arendt 2004, p. 341).

5.1. Capitalism and Rightlessness

The rights of the human have become, paradoxically, the rights of the rightless, the rights of the subject who claims to have the rights that no political institution recognizes (s)he has. Originally informing the condition of the stateless and the refugee—whose personhood becomes lost at the moment of losing the state, the only political unit capable of recognizing it—the state of rightlessness has increasingly begun to inform the condition of unauthorized immigrants as well (Rancière 2004; Benhabib 2004; Krause 2008; Beltrán 2009). Unlike most stateless (whose nation-state was either destroyed or no longer able or willing to recognize the personhood of its subjects) and most refugees (who were persecuted and expulsed from their homeland either for their political views or because their state decided to transform them into an existential threat to its national identity), most unauthorized immigrants were forced to leave their countries of origin because the conditions imposed by neoliberal globalization made it impossible for them to make a life in their homelands. Unlike the stateless and the refugee, unauthorized immigrants do have states of origin in which their existences are officially recognized by a high political entity, even if such abstract recognition hides the

material precariousness that most of them were, in the first place, trying to escape. In other words, unlike the stateless and the refugee, unauthorized immigrants are, for the hostile host, legally deportable.

Unauthorized immigrants problematize Arendt's distinction between acting (political) and being (social), when understanding their conditioned decision to abandon the place in which their abstract legal recognition validated the actions that their material conditions made it impossible for them to enact in order to be in a place where material conditions, despite still being precarious, grants them an existence that the legal order does not recognize. In other words, unauthorized immigrants' conditioned decision to act, to cross a border—which, in doing so, sacrificed their political existence for their material survival—reveals the distinction between the social and the political to be inherently political in this global organization of (non)belonging.

If Arendt's political theory continues to resonate it is because the rightless continue to be linked to a state-centric international system, in which personhood, the legal condition of the human, is still dependent upon the highest territorial authority that issues the papers, the nation-state. The one who lacks papers, the nation-state claims, has no legal personhood or rights. The claim against most unauthorized immigrants, however, is actually stronger, to the extent that social precariousness, unlike political precariousness, does not justify a claim for refuge. The host-state not only does not recognize the legal personhood of the guest, it re-signifies the crossing as an act against territorial integrity further marginalizing the status of this surplus-labor. The journey no longer represents a damage done to the unauthorized immigrant from the global organization of political membership in a state-centric system under the conditions

imposed by neoliberal globalization, but a damage done by the unauthorized immigrant to the territorial integrity of the host-state. If the stateless and the refugee were politically constructed by the host-state as a-legal, a precarious condition they could only overcome, according to Arendt (2004, p. 364), through criminality—"criminal offense had become the best opportunity to regain some kind of human equality, even if it be as a recognized exception to the norm"—unauthorized immigrants were politically constructed, by the host-state, as *il*legal.[46] Criminality, in the form of exception, did not suppose the inclusive exclusion of the rightless, as it did for Arendt in the case of the refugee and the stateless. Criminality is, after the territorial transgression, an existential trait coloring all actions of unauthorized immigrants for the host-state. The criminalization of the unauthorized crossing makes their being with no proper documentation in the territory coextensive with criminality, which is the only way in which they are officially intelligible. Everyday life actions, like driving or receiving dental treatment, becomes a criminal act, somehow traceable and reducible to its existential original crime in the territorial transgression. Such trace exposes the secularization of the Christian original sin by which the state, despite its efforts, continues to expose the theological indebtedness of its policing apparatuses.

In its refusal to recognize legal personhood for the unauthorized immigrant, the host-state implements, among others, two main policing strategies. The first strategy seeks deportation directly. It creates a complex system of control and deportability, which criminalizes unauthorized immigration and turns it into a national security threat. The second strategy seeks deportation indirectly. Through the complex crafting of a system of

[46] See Bacon (2008) for exploring the policing invention of *illegal people* through the simultaneous process of: motivating migration through neoliberal globalization and criminalizing immigration through state-centric regulation of people's movement.

control and regulation for the identification of immigrants and their deportation, the aim is not to actively persecute immigrants, but to establish conditions similar to the ones that unauthorized immigrants suffered in their states of origin, in order to motivate their self-deportation. Multiple strategies converge here. These strategies refer to the increasing state regulation of social and economic areas. Such regulation presupposes that these areas are no longer considered political but merely economic or social, already included in the circuit of capital accumulation. How to code every access to public and private services by means of the proper paper makes the satisfaction of the most basic needs rest in the precious possession of that paper. This is a military strategy that undermines its own war-like logic from political redress. If unauthorized immigrants lack papers, and papers mediate the sustainability of their life in the city, then the aim is to put in risk such sustainability in order to force their exit as "voluntary" deportation. This, of course, further increases their exploitability by capital, whose illegal conditions of overexploitation, their violation of local, national and international labor agreements, are always overwritten by the original illegal crossing that turns the victim into the culprit. The policing arrangement subsumes the political crime of capital into the de-politicized existential crime of labor. The marginalization of life-conditions for workers is not only not legally persecuted, is legally enforced by the policing institutions seeking to deport unauthorized immigrants. The aim is precisely to do what capital requires, to actively pursue the marginalization and overexploitation of the immigrant so as to force his or her self-deportation. Capitalism then, re-signifies the violent means by which it profits from the exploitation of labor as the generous deliverance of security for national-state integrity.

Both policing strategies reinforce each other in the production of the deportable immigrant. The deportable immigrant does not precede the institutional repertoire in charge of producing it. There are not unauthorized immigrants creating a "problem" of national security, which policing institutions are called to "solve." Institutions, practices, regulations, laws, etc., invent, that is, co-produce the "problem" they are supposed to "solve." Hence, despite the increasing number of deportations, ultimately rendering ICE logically useless, immigration policy produces the opposite. There is more money in the policing programs, more jurisdictions in which they operate and the exceptional penitentiary system (outside penal law), which is put in place to discipline people's movement, is turned into a transnational industry that profits from confining and supervising unauthorized immigrants. The system can only be interested in producing more.

The existence of unauthorized immigrants is not an accident of nature; it is inseparable from the discursive and material systems by which the sovereign police re-create its repressive apparatuses and capital redefines its forms of labor exploitation. The production of unauthorized immigrants serves as the political suture that makes sovereignty (the militarization of territorial integrity) and policing (the vigilant administration of the social) converge. It further depoliticizes such convergence by the retroactive positing of unauthorized immigrants as a pre-political threat that comes from outside and in whose creation the hosting state plays absolutely no role.

The political production of the unauthorized immigrant as the existential threat to territorial integrity criminalizes the immigrant not for a particular violation of the law, but because of the sacral immunity of the legal order altogether. In other words, what the

nation-state does in its policing production of unauthorized immigrants is to re-inscribe the "right to have rights," not as marking the inhuman production of the rightless, but as marking the rightless as the existential criminality that threatens the political order and thus helps to delimitate its boundaries. The rightless, instead of having their "right to have rights" violated by the neoliberal and neocolonial distribution of political membership—in which it is impossible to dissociate rights from nationality—are the ones who violate the "right to have rights," the integrity of legalized membership which the nation-state continues to sanction as the sole legitimate source. What happens, then, when the one that the sovereign turns into exception—the rightless—performs the sovereign privilege—problematizes the schism between the norm and the exception by enunciating universal principles? What happens when the one who has been reduced to existential criminality reclaims a legal discourse and mobilizes it against the sovereign discourse of the law?

5.2. The Right to Have Rights: From the "Vanguard of Their Peoples" to the "Scum of the Earth"

Giorgio Agamben (2000, p. 15) traced Hannah Arendt's critique of human rights back to the 1943 article she published in *Menorah Journal*, "We Refugees", when she was a countryless refugee herself, living in the very condition of statelessness she was trying to understand. More broadly, though, her notion of the "right to have rights" belongs to a later text that appeared as the closing chapter of the second volume of *The Origins of Totalitarianism*, published in 1951. In this essay she notably eliminated the use of the first person plural pronoun, "we," in the title, "The Decline of the Nation-State

and the End of the Rights of Man," as well as from the general argument. The Second World War had ended and Hannah Arendt's status changed in 1950. Arendt's terms change too and with salient political consequences: in *We Refugees* Arendt hailed refugees as "the vanguard of their peoples," only to describe them as "the scum of the earth" in the later *Origins of Totalitarianism*.

In fact, in *We Refugees* Arendt rejected the term "refugee" as a proper signifier, preferring instead the terms "newcomer" or "immigrant" to describe her own condition of statelessness. Thus, if Hannah Arendt's notion of the "right to have rights" applies to unauthorized immigrants today it is not only because "inasmuch as they prefer not to benefit from their own states' protection, they find themselves, as refugees, in a condition of de facto statelessness" (Agamben 2000, p. 22), but also because, in the pre-history of the notion, Arendt herself helped to craft the slippage of its signifying chain. The change in voice from *We Refugees* to "The Decline..." is neither inconsequential nor a simple matter of prior historicity. If Agamben (2000, p. 14) focuses on the refugee of *We Refugees* when looking for the "paradigm of a new historical consciousness," and Nicholas Xenos for "the modern political condition," it is, in part, because such a paradigm cannot be found in the refugees of "The Decline…,"who are no longer the vanguard of their peoples, but a return to "natural givenness" and "mere differentiation" (Arendt 2004, p. 383). Unlike the refugee of *We Refugees,* the refugee of "The Decline…" is so biologically overdetermined by the inability of the nation-state to divorce its conditions of political membership from a paradoxical commitment to human nature and national identity, that Arendt (2004, p. 363) describes "statelessness" as a global malady that "spread like a contagious disease." One could object that it is not

Arendt who is doing this, that her discursive construction of the stateless is just a "description" with no constructivist role of her own or that it is the institutional and political framework of the nation-state within the horizon of imperialism and capitalism, which she makes politically responsible for creating the conditions by which noncitizens loose their significance and "belong to the human race in much the same way as animals belong to a specific animal species" (Arendt 2004, p. 383). One could also be more attentive to the problematic terms Arendt chooses when describing a condition that refugees themselves articulated in very different ways when they contest these conditions of exclusion.

The first person plural pronoun reappears in *The Origins* in its possessive form. It delimits an us/them division under which Arendt, at least rhetorically, no longer belongs to the "we refugees" of her earlier identification, but to the "we citizens" of her newly acquired condition. It takes place by the end of the chapter when Arendt (my emphasis, 2004, p. 383) claims that "the danger in the existence of such people," ("such people" being the ones with whom she previously identified when she claimed "we refugees"), "is twofold: first and more obviously, *their* ever-increasing numbers threaten *our* political life, *our* human artifice, the world which is the result of *our* common and co-ordinate effort in much the same, perhaps even more terrifying, way as the wild elements of nature once threatened the existence of man-made cities and countrysides." "*Their* ever-increasing numbers" and "*our* life," the Arendt of "The Decline…" concludes her second volume on imperialism with a too-familiar imperialistic language in which the colonial struggle between the civilized and the savage, once again, reproduces the colonial

hierarchy for which the former is the political horizon to be reworked and the latter the "global danger" to be overcome.

If Jacques Rancière (2004, p. 299) warned against the plainly contemptuous tone of Arendt when she described the calamity of the rightless not as their plight for equality before the law, but because "nobody [wanted] to oppress them" (Arendt 2004, p. 375)—as if they were not even worthy of being oppressed—one should be equally wary of her critique of the nation-state, which participates in the very set of oppositions—civilized/savage, citizen/refugee—it seeks to contest but inadvertently reproduces. Arendt used scare quotes when trying to differentiate the categories of the authoritarian regimes she interrogates from her own. Thus, the "pre-historic man" (in scare quotes) that according to Arendt (2004, p. 249) "historically speaking had little influence on Western man (no scare quotes) before the scramble for Africa," is only "raw material" (in scare quotes) for the Boers, but remains a native, a tribal member and a savage (all of them without scare quotes) for her too. All of these terms are indebted to European colonialism. There is much to say about Africa's influence on the "western man" before the "scramble for Africa," as there is much to say about Arendt's erasure of the colonization of the Americas as politically irrelevant for the construction of a European system of domination based on racial categories, or her failure to fully explore the origins of the concentration camp during the US-Spanish wars in Cuba and the Philippines at the end of the nineteenth century. What I want to underline is that there are substantial limitations in her theory, limitations that we risk further reproducing unless we address and properly criticize them.

A more complex account of imperialism in Arendt's work would have probably inhibited the ideological use that the concept of *totalitarianism* ended up acquiring during the Cold War to justify all kinds of imperial projects, when it was used to differentiate a democratic West led by the US against a totalitarian East led by the Soviet Union, immunizing the imperialism of Western democracy from being criticized as producer of massive human superfluity (Wolin 2003). It definitely would have made it easier for Agamben (1998, p. 10) to justify the gradual convergence he found between "modern democracy's decadence" and "totalitarian states in post-democratic spectacular societies." It also would have helped critics of the efforts by the US and Israel to displace and eradicate the Palestinian people. Among other functions, such a critique might have escaped the kind of de-politicization it suffers when it is immediately neutralized as an absurdist equation of the conditions lived by Jews under Nazi regime with those experienced by Palestinians under Israeli colonial rule. While it is true that Arendt looked for the origins of totalitarianism in the European "scramble for Africa," she would have hardly conceded to Aimé Césaire's lines in *Discourses on Colonialism* (1951), where he suggested that what the bourgeoisie could not forgive Hitler for doing was the fact of "applying in Europe the colonial practices previously applied with the Arabs in Algeria, the coolies in India and the blacks in Africa." She would also have denied Frantz Fanon's observations in *The Wretched of the Earth* (1961), when he claimed that "Nazism transformed the whole of Europe into an authentic colony." For Arendt, "the Boers lived on their slaves exactly the way natives had lived on an unprepared and unchanged nature," because when the Boers "decided to use these savages as though they were just another form of animal life, they embarked upon a process which could only end with

their own degeneration into a white race living beside and together with black races from whom in the end they would differ only in the color of their skin" (Arendt 2004, p. 253). The silent set of equivalences discursively enforced here are extremely problematic. Arendt seems to equate slavery under colonial rule with "natural life." She also equates "natural life" with "black race" as well as perpetrator with victim under colonial rule, as if they only differ in the color of their skin, notwithstanding the enslavement of the black race by the whites and the "civilizational" devices and technologies supporting such enslavement materially while depoliticizing it discursively. This is astonishing but not that surprising, given the Eurocentric tradition of political theory when "othering" what is different (non-European) as lacking all the positive attributes with which Europe is identified. After all, the Boers relapsed into this "natural state" because "they had lost both their peasant relationship to the soil and their civilized feeling for human fellowship" (Arendt 2004, p. 252). The European legacy that distinguished and immunized them from the ruthless violence of the other, whose enslavement signified a damage not to the enslaved one already *in*-nature, but to the enslaver as relapsing into the degeneration of animal race in a different color, gets translated, at best, as a deeply troubling ironical remark and, at worst, as a legitimization of the very same racism Arendt was trying to contest.

This is not to say Arendts critique against colonialism and the imperial instrumentalization of the nation-state for sacking, plundering and looting other people's territories and overexploiting other people's labor in crafting their systems of domination is not important. On the contrary, it is because her work has been so important to critical theory that it deserves a more critical examination, one in which Arendt's historical

reconstruction of imperialism is shown to reproduce the colonial symbolic construction of the other as "passive," "uncivil," "natural" and "savage" For Arendt, the type of domination enforced by Europe outside its own territorial boundaries is qualitatively different to the one enforced inside. She describes the slavery of the Boers as "a form of adjustment of a European people to a black race," which "only superficially resembled those historical instances when it had been a result of conquest or slave trade" (Arendt 2004, p. 252). Likewise, "race-thinking before racism" is territorially circumscribed to Europe and historically traced to the internal class struggle between the nobility and the bourgeoisie, the fight between the "race" of the aristocrats and the "nation" of the citizens, the "Gauls" of the Comte de Boulainvilliers and the "Third State" of Abbé Siéyès (Arendt 2004, pp. 214-218)[47], not in the European modernity's *longue durée* dependence on colonialism through the colonization of the Americas to support its constitutive terms.

Arendt continues to inform our theoretical frameworks and there are important and rich theoretical resources in her work for a continuous interrogation of the political production of the rightless in the figure of the refugee and in that of the unauthorized immigrant. But it is equally relevant to analyze the ways in which the rightless, instead of being empowered as a result of making visible the practices and institutions by which their existence is rendered meaningless for the world, is further entrenched in the non-political deposit of different systems of domination as "pure givenness." The great attention that her work has received to envision a different solution to the problem of refugees and unauthorized immigrants testifies to the malleability and political

[47] Although Michel Foucault's account of race in Boulainvilliers is more complex, his historicization of race is subjected to the same criticism for its Eurocentric scope.

opportunity of Arendt's discourse, and my own project participates in this reinterpretation. However, such investments are frequently silent about the problems that Arendt's framework incorporates and recirculates, passing them to even the most critical projects. Thus, from *We Refugees,* Agamben (2000, p. 23) deduces a new, though unclear idea that he explains as the paradoxical condition of reciprocal extraterritoriality whose "guiding concept would no longer be the *ius* (right) of the citizen bur rather the *refugium* (refuge) of the singular." This idea, however, requires the very same citizen, which it was seeking to decenter in the perforated topology of the reciprocal extraterritorial state, to be able to "recognize the refugee that he or she is." Citizenship becomes not the political horizon to be overcome by *refugium*, but the locus of political reflexivity by which the citizen is, once again, interpellated to enact the reciprocal extraterritoriality as its founding groundwork.

If the Arendt of *We Refugees* might have found Agamben's idea creative, the Arendt of "The Decline…" would not have seen in the *refugium* anything else than social and political deprivation, the global danger to "our" political life as such. Agamben's reciprocal extraterritoriality, for which the Palestinians expelled by the state of Israel will constitute a contemporary version of Arendt's (1943) refugee vanguard, was seeking to provide an alternative to the de-humanization brought by the colonial establishment of the state of Israeli in Palestinian territory. Still a refugee, Arendt imagined a very different solution to the establishment of the Israeli state in Palestinian territory when she published *Zionism Reconsidered* in 1945. To the extent that human rights could only be realized as the rights of nationals, Arendt envisioned a transitory bi-national state in which a Jewish homeland in Palestine could never be sacrificed to the pseudo-

sovereignty of an Israeli state (Arendt 1978, p. 192). She lived to see the consequences of such sacrifice for the Palestinian people. Aware that the nation had already conquered the state—that national interest had acquired priority over civic law and that political subjectivity was now subordinated to national identity—Arendt, nevertheless, conceded to this political form as the only possible solution. But a state of one's own is, as Xenos (1989, p. 230) put it, "at once the cure and the cause of the modern malady of displacement." Very soon after, the state of Israel decided that the Jewish identity was "the key to its being," the only way by which Jews were able to reclaim their political belonging and the justification for the violent erasure of Palestine in order to carry out the nationalist project of homogenization.

There is enough critical potential in the idea of "the rights to have rights" to envision a different vanguard, and even some of her best critics have recognized such contributions. Butler, for example, recognizes the importance of breaking the hyphen between the nation and the state, of questioning both the conservative purification of difference within the rhetoric of national homogeneity as well as the liberal celebration of pluralism that in fact reproduces homogeneity on a different register. Hence, in agreement with Arendt, Butler claimed that, "we govern in common with those with whom we may share no sense of belonging at all and this refusal to mandate cultural familiarity as the basis of shared governance was clearly the lesson to be learned from her critique of nationalism" (Butler and Spivak 2007, p. 25). But also, in disagreement with Arendt, Butler did not hesitate to call attention to the problematic exclusion of her distinction, arguing:

> This last sphere [referring to the private domain in which slaves, children and the disenfranchised foreigners took care of the reproduction of material life] is precisely, for [Arendt], *not* the domain of politics. Politics, rather, presupposes and excludes that domain of disenfranchisement, unpaid labor; and the barely legible or illegible human. These spectral humans, deprived of ontological weight and failing the tests of social intelligibility required for minimal recognition include those whose age, gender, race, nationality, and labor status not only disqualify them for citizenship but actively 'qualify' them for statelessness (Butler and Spivak 2007, p. 15).

Arendt's decision to employ certain terms instead of others articulates a particular view of the problem. Her choice to make the refugee, for example, the icon of statelessness rather than the "one who is newly, and at once, contained and dispossessed in the very territory from which one both departs and arrives" (Butler and Spivak 2007, p. 18), has additional implications. The choice of referring to them in *The Origins* with the same linguistic repertoire, by which they were depoliticized and marginalized by colonial settlers, is all the more troubling. Calling attention to the problematic terms by which such history is told is the first way of retelling such history in ways that are capable of redressing the constant depoliticization of their existence.

5.3. The Position From Which One Theorizes

5.3.1. From the Refugee to the Visitor

Unlike Arendt—who did not have much to say about Kant when she was writing *The Origins of Totalitarianism*—Seyla Benhabib (2004) takes Kant's cosmopolitanism as

her point of departure for rethinking Arendt's notion of the "right to have rights." To link Arendt's notion—indebted to the condition of statelessness in a political context that could not predate the twentieth century—to Kant's universal human right to hospitality, in the eighteenth century, is not only to provide a different political reality for a fertile concept, a creative and legitimate use of concepts frequent in the praxis of political theory, it is also a way of neutralizing the critical potential of the notion, particularly when such a displacement in the framework still claims indebtedness to its historical moment. In other words, Benhabib, like Arendt, is interested in statelessness. Unlike Arendt, however, statelessness is no longer historically addressed as produced by imperialism and the decline of the nation-state, but framed within the normative (a-historical) republican federalism of liberal theory in the eighteenth century.

Kant was interested in the visitor, the traveler, and it is the visitor that most cosmopolitan theorists have in their minds when they envision their citizens of the world. The imaginary visitor of the theorist, for which liberal theory is designed, refracts social legitimacy from the stateless, the refugee and the unauthorized immigrant, from which such normative theory seeks to extract its social-political significance. In many occasions it is even a very specific traveler—the philosopher her/himself—which in part explains why Arendt spoke about Kantian cosmopolitanism only in reference to Karl Jaspers in *Man in Dark Times* (1964). If Arendt did not go to Kant in the *Origins* (she does go to Kant in her later work), it is because Arendt remained a political historian and the federal cosmopolitanism of Kant was unable to respond to the conditions of the twentieth century, in which imperialism was eroding the nation-state and its ability to protect human rights. For Arendt, the republican states, whose global federation, Kant trusted,

would realize the promise of cosmopolitan freedom for travelers, was not the solution, but the problem.[48]

Benhabib was interested in amplifying Kant's cosmopolitanism to encompass not only the traveler, for whom perpetual peace was designed, but the unauthorized immigrant (among other "others") too in the conventional inclusive vocabulary by which liberal theory re-signifies imperialism as multicultural integration. It is true that, like the visitor, most unauthorized immigrants, stateless people and refugees "travel." But their travel—if such is the appropriate world to describe their geopolitical transgressive crossing of militarized borderlands—is decisive to the forms of dispossession conditioning their agency in ways very different to those of the visitor. Travelling from one *polis* to another has very different consequences for the visitor than the ones it has for the refugee, the stateless or the unauthorized immigrant. In other words, to uncritically translate a geopolitical arrangement, which was responding to the visitor, to include the immigrant, is to disregard the concrete political history by which this new political subjectivity was produced. This is the first problem with Benhabib's resignification of the "right to have rights," as the "rights of the others." While she is aware that the iconic stranger is no longer the visitor, but the refugee and the immigrant, the problem lies in her changing the addressee while keeping the framework steady. She forgets that the addressee is produced, as a problem, precisely by the institutional framework that is now interpellated to provide a solution, the nation-state and the federate republic.

[48] A more interesting project would be to understand how such an uncritical confidence in federative republican democracies, from the West, is complicit with the imperial erosion of the nation-state. This has been the task, for example, of Wendy Brown in *Regulating Aversion*, but this is an analysis that goes beyond the analytical purview of Arendt herself and of this chapter.

Benhabib was aware of Arendt's contradictory relationship to the state, which Arendt identified, in the case of the Israeli-Palestinian conflict, as both the problem and the solution. This state was probably not the only possibility for the Jewish people to have their rights recognized but ended being the grounds for a new wave of massive displacement for Palestinians, once such recognition was endowed with the homogenous identity as the vertex of its collective identity. The contradiction, which remained open in Arendt's political thought, is foreclosed in Benhabib's resignification of Arendt's ambivalent approach to the state as a concession to political realism in which the state, as the only structural institution able to recognize rights, continues to figure as the horizon that delimitates the terms for the normative theorist. Going beyond the state-centric system of the twentieth century was not, for Arendt, a normative project but a historical conclusion of imperialism. Benhabib's claim (2004, pp. 4-43) that Arendt continue to hold the hope that democracy could flourish in the framework of a federative state structure is more indebted to Kant than to Arendt, at least to the Arendt of *The Origins*, which is where the idea of the "right to have rights" was coined.

The Kantian supplement further neutralizes some of the most pressing historical aspects of Arendt's critique. Benhabib superimposes the distinction between the political and the moral in order to solve the seemingly contradictory notion of the "right to have rights." It was Frank Michelman's (1996) essay on Arendt, "Parsing "A Right to Have Rights'," which gave Benhabib the analytical tools to further neutralize the political critique of the "rights to have rights." Michelman also gave her the idea of "jurisgenerative politics" (which, according to Angelia Means [2007, p. 406], Michelman himself acknowledge was indebted to Benhabib's "normative self-understanding of

democracies"), by which the critical potential of deconstructionism could be re-appropriated for liberal theory, subordinating democratic iterations to the dialectic between constitutional norms and democratic will-formation (Means 2007, p. 406). Benhabib's solution, following Michelman's text, was to distinguish the first right of the "right to have rights" in the singular as moral, and the second right in the plural as political, thus making the idea a pre-political moral right. Reading the same article, Andrew Schaap reached the opposite conclusion. For Schaap (2011, p. 28) "as Frank Michelman discusses, Arendt's analysis rules out understanding the right to have rights as a pre-political moral right to a set of legal rights. Rather, the right to have rights is best understood as proto-political." The tension lies in, first, distinguishing the moral and the political, and second, establishing a priority between the two that politically displaces statelessness to a pre-political moral space. This is not Arendt's project in *The Origins*, in which morality is not a major concern in her investigation of totalitarianism. What explains totalitarian regimes is not some kind of moral collapse, which Arendt will explore much later in her account of *Eichmann in Jerusalem*. The focus of *The Origins* was both historical and political. Morality, when it surfaces, appears subordinated to politics.

This explains why in the original concluding chapter of *The Origins*, titled "Totalitarianism in Power," the murder of man's (sic) moral person is posterior to the murder of man's (sic) juridical person. Arendt distinguishes steps on the road to total domination—the juridical-political murder is the first step. The murder of the moral person is possible because the juridical-political is already lost. Statelessness takes place in the first murder, not in the second one. Denationalization is one of the instruments by

which the first murder takes place (Arendt 2004, p. 577), and it addressed the juridical-political persona of man. Not an Arendtian project in *The Origins,* the subordination of politics to morality is more of a Kantian one. It was Kant who, having celebrated the *Enlightenment* for encouraging each individual to "use [their] *own* understanding" (his emphasis, Kant 2003b, p. 54), to practice their moral autonomy, was ready to neutralize the political potential of such empowerment when claiming that "it would be very harmful if an officer receiving an order from his superiors were to quibble openly, while on duty, about the appropriateness or usefulness of the order in question [thus] he must simply obey" (Kant 2003b, p. 56). Hannah Arendt (1994, p. 138) had much to say about Kant's conception of duty. Kant's conceptualization of duty rejected blind obedience and was founded in practical reason. Thus, for Arendt when Adolf Eichmann claimed, "he had lived his whole life according to Kant's moral precepts, and especially according to a Kantian definition of duty," he was clearly misinterpreting the German philosopher. Arendt was right when in her demonstration of how Eichmann distorted Kant's moral philosophy, substituting practical reason for the will of the Führer and giving a particular content to the categorical imperative in Nazi-fashion. What Arendt failed to interrogate in Eichmann's "outrageous" and "incomprehensible" (Arendt's adjectives) claim to Kant's moral philosophy was Kant's own problematic conception of morality as pre-political.

In his replies to Professor Garve, "On the relationship of theory to practice in morality in general," Kant (2003d) speaks of an unconditional obedience to duty, i.e. virtue, which justifies a renunciation of man's natural aim of attaining happiness. For Arendt, this is the moral law Eichmann sacrifices, making him anti-Kantian, rather than Kantian. This duty, however, is not the same duty he referred to when answering the

question “What is Enlightenment?” The duty of the reply to Garve is moral, thus categorically binding in Kant’s term, as the law of the free will. The duty he referred to in “What is Enlightenment?” is more complicated because it splits morality and politics. Kant recognizes a tension that he then seeks to neutralize by duplicating it in another register in which morality is always prior and informs politics as resting outside of it. The disobedient officer is aware that following the order of his superior is *evil* in that it is acting against the law of free will. Kant’s liberal strategy is to subordinate the political tension by displacing the political duty to follow the order of the superior, and the moral duty to follow the law of free will, in different registers. The political emerges, in this case, as the undecidable conflict between obedience and disobedience, but gets displaced into the metaphysical grounding of morality, in which obedience and reverence to the law is already decided in advance. This is why, “On the relationship of theory to practice in the political right,” he repeats the argument, claiming that if the supreme legislator were to adopt an unjust law, “it would be permissible to pass general and public judgments upon them, but never to offer any verbal or active resistance” (Kant 2003d, p. 85).

Another set of substitutions further aids Kant. As much as the visitor is the scholar, the safeguard of the people from authoritarian rule is predicated, in this case, on “the freedom of the pen” (Kant 2003d, p. 85)—the enlightened consciousness of the political philosopher who passes public judgment but does not engage in active resistance. Obedience reappears in Kant’s text on “Perpetual Peace,” and it establishes a maxim that “must undoubtedly take precedence” (Kant 2003a, p. 122) of the moral over the political. Things get even more complicated when Kant (2003c, p. 145) claims, in *The Metaphysics of Morals*, that “everything which [the king] previously did in his capacity

as head of state must be considered to have been outwardly in keeping with right, and he himself, regarded as the source of laws, as incapable of any unjust action." The traumatic core of Eichmann's perversion of Kantian philosophy is that it invokes the exact same structure of Kantian ethics, the absolute and unconditional defense of the king. To the extent that the superior authority was "keeping with right," it was incapable of *any* unjust action. In this second iteration of the argument, it is no longer necessary to neutralize the political disobedience of the law through the moral unconditional obligation to obey it. The injustice that disobedience was addressing is erased because, as the lawful authority, authority is incapable of *any* unjust action. The assumption is that law, right, duty, are independent from their pre-legal origins in the colonial and imperial history of violence that first turned kings into kings. For Kant, we are moral before we are political beings. For historians, moral categories are politically produced and Kant's terms are inescapably bound to his time and location.

All republican governments, to which perpetual peace was entrusted, emerged and continued to sustain themselves through the legalization of violence. The political history of this violence and its discursive disavowal functions as a source of legitimacy for disobedient acts. To disobey means to revive the illegitimate origin of the authority in question as already structured through violence. The legitimacy of such political disobedience has no place in the vocabulary of the moral theorist, who finds himself/herself in trouble when (s)he needs to justify that the violence of the disobedient actor is unacceptable while the violence of the obedient one is acceptable, even when the latter commits far worse horrors. The trick here is to solve the empirical political conflict through metaphysical abstraction. Thus, Kant claims that before the transgression is

political—that is, historically contextualized in a series of contingent struggles for power—it is always already moral; it violates the categorical imperative that requires it to be transformed into a universal maxim. The political disobedient is, first and foremost, a moral criminal unless he devotes himself/herself to the freedom of the pen and writes a book of political theory instead of joining the protests in the streets. The political rejection of a particular, historically conditioned authority, which the disobedient actor considers illegitimate, is already inscribed within a moral defense of authority that renders such disobedience suspicious on the basis of the moral reverence to law. The political effects of Kant's moral pre-political priority ultimately show their inclination towards the safeguarding of authority and the status quo. After all, such priority demobilizes disobedience to the law by substituting the street by the pen, the multitude of voices by the reason of the philosopher. It also does something else: it ratifies and re-legitimizes the absolute sacrosanct place of authority in its historical form, the king of his time, the state agent of today.

Since *Eichmann in Jerusalem* (1963) Arendt became more and more attracted to Kant. Kant played a major role in her political concept of judgment, which was supposed to be the third part of her unfinished *Life of the Mind*—a work whose triad structure of thinking, willing and judging mimicked the triad structure of *The Human Condition*'s action, work and labor. Arendt's friends reported that, according to her, judgment, which played an important role in her *Lectures on Kant's Political Philosophy*, was expected to be the easiest part to handle from the volume, because unlike thinking and willing, "only Kant had written on the faculty of judgment" (Mary McCarthy in Arendt 1978, p. 243). Her essay on *Civil Disobedience* (first published in *The New Yorker* in 1970) could have

offered an opportunity to voice her disagreements with Kant, who is mentioned only once in the text, but Kant's moral neutralization of politics is dismissed by Arendt, historically, on the basis that the political phenomena of the twentieth century (the civil rights movement in the U.S. and the de-colonial struggles for independence in other territories of the globe) have gone over the *foro conscientiaei* of the eighteenth century to which Benhabib was returning. Kant's objector of conscience (as Socrates and Thoreau in Arendt's reading), in its individuality, can solve the problem of obedience because it takes place in his/her own mind. This is no longer possible, however, with civil disobedience, which became a collective demonstration of power, enacted by "numbers," by a plurality. There is much to say about Arendt's essay on *Civil Disobedience*, but what I want to underline is that Arendt, once again, shifted the discussion from its liberal resolution in the moral consciousness of the individual to its open irresolution in the contingent action of a plurality in civil disobedience.

The "right to have rights" opens up the question of political priority, which is at the base of democracy's undemocratic foundation. Arendt characterized the first right of the "right to have rights" as a political right, a right to political membership, upon which all other rights depended, not as a moral one. The metaphysical solution in Benhabib's reinterpretation of Michelman is to reread political membership as a moral right, to consider non-political human obligations as grounded not in the refuge to the visitor (Kant) but in the obligation to recognize the political membership of the other. Political membership is no longer a problem emerging from the state-centric institutionalization of being-in-the-world, the ways in which political membership is distributed across nation-state whose populations are never equal to the sum of their parts, to invoke Jacques

Rancière's terms. Political membership becomes another moral subterfuge with which to demobilize the conflict over who counts and who is uncounted by displacing the fight into a moral domain.

Benhabib's temporal inversion of the political/moral irresolution of Arendt through Kant's supplement further neutralizes both Arendt's critique of imperialism and the nation-state form as well as her potential critique of cosmopolitanism and even constitutionalism. In the unproblematic celebration of a federative state structure able to harbor sovereign democracy, according to Benhabib, the liberal theorist fails to mention Arendt's resolute critique against sovereignty, even democratic sovereignty. In addition, such resolution has to be silent about Arendt's confidence in the alternative of an anarchist confederate system of councils, which the Soviets first invented. Arendt's critical potentiality is neutralized by a selective coupling of her notion of the "rights to have rights" with a Kantian heritage that dismisses Arendt's own selective appropriation of Kant for political purposes, which she restricted to the life of the mind (to thinking, judging and willing) but not to acting, disobeying and even institutionalizing power, in which Kant's philosophy did not play a significant role.

Taking the "right to have rights" not as a symptom of the imperial malady but as its solution, Benhabib's conclusion is not surprising. She departs from Arendt, taking the contradiction between human rights and nation-state sovereignty as the inherent discrepancy in the reflexive formation of a collective identity in a complex democracy, increasingly multicultural and multinational. The second neutralization, to which I now turn, takes place in the form of this displacement, which is to make imperialism disappear

from the contradiction that Arendt's thought tried to expose, making it pass in liberal language as the privilege prerogative of "strong democracies."

5.3.2. From Denouncing Imperialism to Reinforcing It

Human rights are differentially iterated across different contexts, and such difference adopts a salient characterization for Benhabib who, in the words of Angelia Mean (2007, p. 408), considers that "only polities with strong democracies possess the reflexivity to view even the right of citizenship as open to reinterpretation, as an inchoate human right to be elaborated and concretized in light of our recognition of the other's right to membership." If the crisis of political membership was Arendt's way of addressing the consequences of imperialism, the recuperation of political membership by Benhabib, on the contrary, employs the very familiar imperialistic language in which "strong democracies" are always better equipped, or the "only polities" to aspire to the developmental stage imagined by the theorist. This, as we know from centuries of Eurocentrism, has implications for the democratic horizon of the countries that do not comply with such normative standards.

The damage of political membership is employed to reestablished a global hierarchy, in which Western democracies are, once again, the locus of agency for solving the problem, given the "reflexivity that they exclusively possess." Of course, in such reflexivity there is a great silence for the role that those very same "western democracies" have played in the marginalization of the human rights of both populations inside their territories and abroad. In other words, their ability to be open to the "visitor" (notwithstanding that most requirements against human mobility are enforced from those

very same western democracies, most policing devices are also invented there) and redefining such openness as encompassing potential political membership, immunizes them, as carries of the democratic solution, against the anti-democratic consequences that their privileged position in the global organization of political membership in the world assigns them.

Benhabib is not unaware of these issues. She has questioned the ways in which the Department of Immigration in the US "has been swallowed" by Homeland Security, at the same time that she recognizes the comparative difference in the increasing number of detention centers between the US and Europe is not due to a more relaxed policy against immigrants in Europe, but because the EU has moved them offshore (2010, pp. 272-273). However, the framework is still restricted to the US-EU geopolitical imaginary, and the role of liberal political institutions in contributing to this framework is never addressed critically. The framework is all the more naturalized when Benhabib returns to political realism once a more radical transformation of the status quo, or at least a deeper institutional transformation, gets depoliticized under the pressure of implementation. The managerial discourse of governmentality passes as political realism and the nation-state as both indispensable and in need of repair.

Thus, facing Jacqueline Bhabha's suggestion of birthright citizenship as ensuring non-deportability, Benhabib's co-author Judith Resnik (2010, p. 282) claims that, "before advocating that a child citizen beget a parent citizen, one has to consider whether the result will be a hardening of the border or more efforts aimed at preventing entry in the first place." This is, of course, both a strategic and political question. The problem arises when the strategic contingency of the model passes into the normative framework, which

then naturalizes as invariant the political realism that it first figured as an empirical contingency. What passes for "reality" in the warning to advocate or not, for such measures, is not the actual deportation, but the potential "hardening of the border" which is not yet real. The new agenda, then, is institutional reformism. No longer the violence inflicted by a legal discourse, but the opportunities of "law's migration" (Benhabib 2010, p. 278) to be iterated in different sites. In such iterations, the immigrant is, once again, turned into the problem to be solved. It is not the immigrant who iterates the law. It is not her/his agency that breaks with the democratic closure of the nation-state. It is the one who is further depoliticized as provider of cultural difference for democracy's openness to the inclusion of the other, an inclusion that always happens elsewhere. In other words, democracy re-inscribes immigrants' agency as the politically impotent deposit of legitimacy for democracy's self-conception as the institutionalization of multicultural openness. But democratic power always already happens somewhere else, rather than in immigrants' speech-acts. Through the institutional framework, which refracts legitimacy from those speech-acts, liberal democracy succeeds in immunizing itself from the responsibility it has in rendering immigrants disposable by erasing their political agency.

Even Angelia Means, who identifies herself as "someone who agrees with Benhabib's normative framework," (2007, p. 409) recognizes that this sounds too much like a "democratic imperialist" (2007, p. 408), and later on that "Benhabib, like Rawls, treats American exceptionalism as exemplary" (2007, p. 412). Means even includes Honig's challenge to the re-valorization of America's pluralism and liberal inclusiveness, as the appropriation of the immigrant's political agency for further purposes of exclusion and closure when advancing her own critique. In this case, the United States uses the

immigrant to reinforce its choice-worthiness, because immigrants are the only ones who can "consent" to the American way of life. This, in its turn, occludes and further depoliticizes the historical, social and political conditions by which this "choice" is (re)produced, which is indebted to processes of imperialism and neoliberal globalization.

Conscious of the implications of this framework, yet still within it, Angelia Means (2007, p. 409) changes the question, finally naming the thing that liberal theory finds so hard to enunciate: "By what right do "we" exclude others?" Means wants to face what Benhabib does not address, not the unjustifiable exclusion that the democratic theorist identifies and questions, but the justification of democratic exclusion that is inherent to the 'Gordian knot linking territoriality, representation, and democratic voice'" (2007, p. 410), which the democratic endorses to justify a hierarchy historically grounded on imperialism and colonization. Means' solution is not to break with the liberal framework of Benhabib (as Honig does), but to economize it. She reframes the political problem of rights as an economic problem of immigrant-management and is aware, at the same time, of the role that immigration plays in shaping the nation-state as well as the atrocious instrumentalization the very same nation-state exerts upon immigrants. Such instrumentalization is most noticeable when the global exclusion of immigrants serves the global hierarchy of western polities as being "more inclusive," "more pluralistic," "more willing to accommodate difference," while dismissing through those very ideas their own role in reproducing the inequality that sustains such inequality at those levels. The rhetoric changes substantially in this case. We no longer have the normative principles of Benhabib, with all the history of violence they obscure, but a more technocratic description of the question at stake. Means (2007, p. 410) claims, "once we

are prepared to accept this human right to membership, we must still ask how many new members (and hence how much value pluralism) we can absorb before we overwhelm the iterative process of democratic nation-building." Benhabib's "we" in scare quotes is no longer in scare quotes for Means. One should ask, then, who is the "we" that Means has in mind? Who is the "we" that determines the pace of absorption? Who determines what is overwhelming and what is not, and for whom is this overwhelming in the hosting state? This is the moment were Rancière's (2004, p. 309) analysis is all the more relevant, because, as he claims, "the rights that had been sent to the rightless are sent back to the senders." The nation-state, whose decline propitiated the perplexity over the right to have rights (first sending), is precisely the institutional framework that is called to be re-equipped, repaired, in order to solve such perplexity (sent back to the senders).

The legitimacy of integration or exclusion is displaced, from a political problem of undecidable, rights-bearing subjects and human dignity, into an economic consideration of institutional capacity for the multicultural absorption of difference according to the proper pace. Her question, "*When is integration so slow as to be illegitimate? When is it so accelerated as to threaten the appropriate degree of democratic closure?*" (italicized in the text, Means 2007, p. 412) emphasizes speed as the new way of displacing a political problem of membership. Reformulated in such a way, the problem is no longer about the illegitimacy of exclusion as reproducing a hierarchy—a hierarchy globally re-scripted into the global hierarchies of polities, which always place "strong democracies" at the top—but about the pace, the regulation of inclusion according to the needs of the nation-state for cheap labor, not to lose its own territorial

boundaries given the threats posed by democratic openness to national identity, yet able to accommodate the necessary material labor to sustain in its own strength.

Benhabib's discussion confronts the American with the European model, valorizing the former over the latter and silencing both the American and the European's privileged locus as resting on the unequal and differential relationality both places have with the rest of the world and with their own disavowed peripheries inside them. The strategy is to regulate difference, to neutralize what in this difference needs to be marginalized in order to be included at the right pace. Thus, the so called "headscarf issue" in France must be resignified as an act of conscience or moral autonomy, faith must be depoliticized and, in Means' words "Islam in the West becomes 'protestant' in its form if not its content" (2007, p. 417). This is so because, according to Means (2007, p. 417), "the headscarf story teaches us that it is possible for Muslim women to turn a religious symbol into an *argument*" (her emphasis). The contemptuous tone with which the political problem of imperialism is deflated as the "headscarf story" further silences what the agency of the Muslin women do, as the theorist now reframes a very complex problem of cultural, political and sexual dispossession by inscribing it into the terms of deliberative democracy (Habermas-Benhabib), when Islam gets secularized and is now conceived, in liberal terms, as an *argument*.

Means does not break the territorial circumscription of the Europe-United States circuit of knowledge production for normative theory. The headscarf can be potentially damaging to democracy's values unless the syntax of the right becomes "protestantized." What is never considered within this account is the imperial injury that democracy inflicts on the "others" who it renders as undemocratic, who it regards as the embodiment

of culture. Thus, Means keeps the framework steady, trying to be sensitive to Honig's concerns about America's instrumentalization of the immigrant for the purposes of closure, without ever getting into the problematic premises of democracy's claim to "solve the problem of immigration," nor the role that the liberal framework plays in further extending the problematic terms of such narrative. Like Benhabib, she recognizes that the new historical circumstances oblige us to reinterpret Kant's right to visit as a claim on membership, like Benhabib, she reinterprets this as the way by which western democracies can redefine their privileged position in the global organization of membership. After all, the relationship between democratic iteration and constitutional boundaries is one that "must be protected from the radical 'openness' of postmodern iteration and (post)colonial frontiers" (2007, p. 419). The new threat, postmodern iteration and (post)colonial frontier, is never explained, but democratic self-reflexivity must be protected from it. By the end, when Means claims that, "all democracies should become immigrant nations" one wonders what still resonates from the critique of Honig that her work tries otherwise to accommodate.

5.4. Constitutive Tensions in Arendt's Political Thought

5.4.1. The Problem of Ideology: From Concrete History to Abstract Normativity

Arendt formulated the notion of the "right to have rights" in order to describe a new condition, which emerged from the political paradox that the decline of the nation-state produced: "The Rights of Man, after all, had been defined 'inalienable' because they were supposed to be independent of all governments; but it turned out that the moment human beings lacked their own government and had to fall back upon their minimum

rights, no authority was left to protect them and no institution was willing to guarantee them" (Arendt 2004, p. 370). Arendt's critique against the failure of international institutions and nation-states to safeguard the human rights of those who could only claim their humanity for the purposes of legal personhood both mimics and silences Marx' critique of human rights in "On the Jewish Question."

Marx' critique depends on a series of dichotomies: social (class struggle) versus political (juridical-political forms of recognition), real versus illusory, factual versus legal. Political emancipation, or the abstract recognition of equality before the law, according to Marx, was ideological to the extent that real emancipation was always displaced from its concrete resolution in the material world into a realm in which it would be at the same time recognized (thus depoliticized) while being devoid of its effective power of transformation, of its material facticity. In other words, instead of helping to traverse the gap between the symbolic and the material, political emancipation fetishizes the gap even further, obscuring the power by which material inequality was reproduced by re-legitimizing the displacement of the struggle from its concrete material conditions to their abstract and already neutralized sublimations in the law.

The illusion of political equality—the equality before the law that human rights were supposed to guarantee—masked (and through its masking depoliticized) the social inequality indebted, in part, to the establishment of a "neutral" juridical-political form, the nation-state, as the locus of emancipation. Despite its dependence on capitalist relations of production—the unchallenged sacrosanct institution of private property—the state represented itself as classless, as autonomous and indifferent to social and economic tensions. Marx, in other words, claimed that the citizen reified the human by

depoliticizing the political struggle for material (real) equality and by fetishizing it in the abstract equality of legal personhood (ideal). For Marx, the abstraction of the human, materiality conditioned as a worker by turning her/him into the legal emptiness of the citizen, implied both the continuity of material subjugation and the further de-politicization of such subjugation by interpellating the human as the subject of inalienable freedom. The real freedom of the worker coincides with her/his unfreedom to the extent that the worker is free to sell her/his own labor. What crosses in the linguistic translation to the juridical-political form, however, is not the worker's enslavement to capital, but the abstraction of freedom from the selling that continues to function as the sole material guarantee of the workers' real reproduction. Unlike the worker whose name addressed the material struggle of the human as an irreconcilable political conflict between classes, the name of the citizen reappropriates the language of freedom for the purposes of unfreedom, of erasing inequality through its displacement into a field of legal fiction.

One should be cautious of deriving from Marx' critique of the nation-state form, of the juridical-political transcendence of man as human, into man as citizen, an uncritical liberation of the human as the "hidden content" in the bourgeois form. As Slavoj Žižek (2008, p. 3) has claimed, when tracing a fundamental homology between Marx and Freud, "the 'secret' to be unveiled through analysis is not the content hidden by the form (the form of commodities, the form of dreams) but, on the contrary, *the 'secret' of this form itself*" (italicized in the text). Marx' critique of human rights is not interested in disguising the real human behind the fictive citizen, but in exposing the capitalist mode of production as requiring such separation to support its logic of exploitation (the secret of the form). In other words, the critique of ideology seeks not to expose the real

conditions mystified by their ideological abstraction, but the dependency of the real, the inequality of material production in capitalism, to the fictions by which such real is supported and which coalesce, today, in the device of the proper document among others.

Arendt, Rancière (2004) claims, inverts Marx to the extent that it is not the citizen who masks the human but the contrary, the human who masks the citizen. The inability to decouple rights from nationality, human rights from nation-state rights, makes it clear that there is no human behind the citizen, that losing citizenship means expulsion from humanity altogether. But Arendt's inversion of Marx, by which the gap between the abstract (human) and the real (citizen) is exposed, further silences Marx' critique. What Marx considered as an abstraction now passes as reality and the violence of personhood goes unquestioned as an exclusive force of freedom in Arendt's celebration of the constitutional state.

5.4.2. Problematizing Distinctions: Andrew Schaap on Rancière's Critique of Arendt

Liberal theory selectively appropriates Arendt's political thought. Liberal theory takes the notion of the "right to have rights" without giving sufficient attention to her critique of imperialism and the formation of the nation-state, not to mention its silence with regards to capitalism. A more interesting dialogue with Arendt results from a sustained critical approach in relation to her own categories. Such is the reading advanced by Jacques Rancière. Arendt's notion of the right to have rights, first exposed in *The Origins* (1951), is collapsed and over-scripted in Rancière's reading by Arendt's ontological commitments in *The Human Condition* (1958). Rancière reads Arendt's

distinctions within the *vita activa* (labor, work and action) as already operative in her analysis of the aporia of human rights. Doing so, Rancière enacts a different spatial-temporal displacement, one that implies reading the notion through its futurity in the Aristotelian ontological presuppositions she advances in *The Human Condition*.

The depoliticization of human rights, according to Rancière, takes place because of Arendt's unquestioned archi-political principle, which subordinates the political, that is, the public realm of action and speech, as already governed by a self-immunized ontological distinction in which the delimitation of the political is not, in itself, already a political factor. In such a critique, the terms employed by Rancière to characterize Arendt's archi-political position are not the ones used by Arendt in *The Origins* but the ones she uses in *The Human Condition*. As I argued before, there is enough material in *The Origins* to expose some problematic distinctions already governing her discourse on the rightless. Yet, Rancière reads the notion of the "right to have rights" as being indebted to the ontological framework of *The Human Condition* in which politics is to some extent neutralized by the pre-political displacement of the realms inhabited by those who are excluded. The specialization of the political as the sphere of action serves to depoliticize the claims made by workers, women and immigrants from political redress, from then on essentialized as belonging exclusively to anti-political domains—labor or work—that cannot aspire to belong to the realm of the good life.

Rancière calls into question the republican distinction informing Arendt's thought, as committed to an unexamined premise for which the political is already pre-politically decided in advance. Andrew Schaap (2011, p. 39) goes even further and maps Arendt's notion of the "right to have rights," not only to the political-social dichotomy of

The Human Condition, but also to the dichotomy of freedom-liberation found in *On Revolution*. Overlapped and superimposed in this way, Arendt's distinction separates the public-political domain of action, where freedom is located in world-disclosing contingent performances of political subjects, from the social-private domain of labor and work, where liberation is located in instrumental and identitarian claims for the satisfaction of necessities. Arendt's ontological distinctions are indebted to Aristotle, the original source of the distinction between life as such—man as human species—and human life as distinctive—as concerned with the good. This is Aristotle's distinction between *zoe* and *bios*, which Rancière questions in his *Disagreement* by problematizing the depoliticizing effect of this separation as neutralizing the already political event that finds the inequality of this distinction between *bios* (as *logos*) and *zoe* (as *phone*).

The *zoon politikon*, the social animal in which Aristotle grounded the political, is a speaking animal and not merely a noise emitting animal (Aristotle naturalizes slavery by means of this distinction) because it is the only one who can participate in public affairs and articulate notions of the just and the unjust, the expedient and the inexpedient. For Rancière, the acceptance of such distribution between language and voice as pre-political is the fundamental trick of what he calls the logic of the police. Rancière considers Arendt's commitment to the act-in-concert as unproblematically close to Aristotle's neutralization of the political division between those who emit sounds and those whose emitted sounds pass as language, to the extent that the political is, for Arendt, also identified with a domain rather than with a process.

Unlike Rancière, Schaap realizes that what Arendt values in Aristotle is not the political "nature" Aristotle ascribed to man, when describing him as acting in concert, but

the political potential of action as grounded in the artificial world as opposed to "nature." The political, for Arendt, is the space of appearances that artificially allows different individuals to act and speak in concert. In other words, against Rancière, Schaap (2011, p. 31) finds value in Arendt's expressive conception of the subject as performative, as having an identity that is not prior to an action that the actor never authorizes alone, but discloses through the act in which others participate as well, that is co-authorized.

This is the reason why Arendt, in her unfinished *What is Politics?*, opens with a challenge against Aristotle's *zoon politikon*. For Arendt, man, which she identifies prior to politics, is by "nature" a non-political being. Politics is exterior to man to the extent that politics can only take place in plurality. Politics takes place in-between-man, not in man alone, certainly not because of something that pertains to his nature. Arendt says, "the human condition is not the same as human nature, and the sum total of human activities and capabilities which correspond to the human condition does not constitute anything like human nature" (Arendt 1998, p. 10). Human nature is for Arendt humanly impossible to know or define. Politics belongs to humans as conditioned beings—conditioned in their existence by life, natality, mortality, worldliness, plurality and the earth (a list more indebted to Heidegger than to Aristotle)—not to their nature, which will imply, for Arendt, to "speak about a 'who' as though it were a 'what'" (1998, p. 10). Thus, when Schaap claims that "Arendt's description of the experience of rightlessness in terms of the loss of a place in the world in which one's opinions might be significant and one's actions effective […] correspond to the two features in terms of which Aristotle distinguishes human nature," he misses some important distance Arendt takes against Aristotle's theory of the social animal that is men. This is clearer in the losses implied by

statelessness, particularly when thinking about speech and action as attributes not of human nature but of the artificial world build in-between, by plural beings—different beings—coming together. Arendt's notion of citizenship cannot be mapped onto its liberal formula in modernity, as if rights were a substance possessed by individuals as ahistorical subjects that can engage in the transaction of their rights while keeping their agentic identity intact. What Arendt wants to reclaim is the artificial constitution of the political, in which speech and action become relevant as producers of political subjectivities that are not given, as givenness is the domain of necessity for her. Thus, Schaap is right when he claims that for Arendt "there is no such thing as Man in the singular […] but only in the plural" (2011, p. 26), but he misses the point when he claims that "Arendt rejects any notion of human nature understood as an ahistorical essence of the human." This is so because she rejects any notion of human nature altogether, as obscuring the fundamental artificiality of the human condition.

Rancière's critique, however, still holds. Arendt's emphasis on action-in-concert tends to miss the constitutive conflict that is at the heart of politics, even if she endorses an agonistic conception of the political as ineluctably connected to conflict in its performative character. And as much as Rancière's focus on conflict might miss the coming-together-of-a-plurality, which would also inform the part of those who have no part in their coming-together, he is right in questioning the limits within which Arendt's agonism is constructed. Indeed, as much as there is a conflict between the given parts of the community and the supplementary parts, the part that is not a part, there is a coming-together that is never entirely divorced from its antagonism against the given distributions of parts, nor reducible to it. Rancière sees in such concertation the relapse to a consensual

form of politics in which, once again, the disagreement is neutralized in favor of a managerial logic of counts, taking this part as a group of interest, a party, a faction, etc.—a countable part that can be fixed in the counts of the community. In other words, once we start to emphasize the common capacity of speech and action, we miss "the account by which a sonorous emission is understood as speech, capable of enunciating what is just, whereas some other emission is merely perceived as a noise signaling pleasure or pain, consent or revolt" (Rancière 1999, p. 23).

Schaap goes one step further. The acting-in-concert in which Arendt locates speech, the in-between of plural praxis (the contingent enactment of the space of appearances) and its potential institutionalization (lasting consolidation of power through constitutions and rights), Schaap warns us, is already "the space of dissensus" for Rancière. If Arendt's theory runs the risk of reifying the exclusions it seeks to destabilize, by moving from identity-politics to political performativity, it is because the space-of-appearances rests not only in the contingent and spontaneous enactment of the speakers, but in the prior satisfaction of needs by which the expressive subject of politics can enjoy his/her public happiness after being liberated from the necessities of life by the "others" whose depoliticization not only needs but solicits. By trying to divorce politics from nature (identity and necessity), Arendt reposes the very same depoliticized notion of nature from which the artificiality of politics distances itself as supporting it, conditioning it. The subject of politics that was supposed to enact the space of appearances and realize its difference in commonality, rests in the prior stabilization of a political arrangement by which needs are already satisfied and the distribution of labor is further considered as apolitical in both their definition and their satisfaction.

Why did Arendt fail to extend the expressive subjectivity she identified in the political to the social, crashing not the subject to its biological substance, as she claimed Nazi ideology to have done, but the biological substance as always irremediably expressivist (socially constructed in symbolic and material relations of power)? There is no clear answer. Arendt did not grant the same contingent and historical performativity to the social that she granted to the political, thus, all those social positions that were claiming a political understanding of their socially constructed positions (workers, women, blacks, immigrants) were displaced into a pre-political realm of economic necessity. A displacement that, problematically and disappointingly for such a thinker of freedom, ended up looking like the most conservative conception of politics advanced by male white property-owners.

The way in which Arendt conceptualized the phenomenon of rightlessness justified Etienne Balibar's (2007, p. 733) critique of her theory, who claimed that for Arendt, "humans simply *are* their rights" (his emphasis). Otherwise, the loss of rights as guaranteeing the space of appearance could not have had the de-humanizing power she ascribed to them. Therefore Schaap's (2011, p. 27) question, "if to be deprived of citizenship is to be rightless, on what basis might a rightless person claim a right to have rights?" On what basis can a rightless person be considered a person at all, if the loss of personhood is at the same time what configures its inhuman production as an irrelevant speaking actor? Stressing Balibar's critique, what Schaap seeks to explode in Arendt's theory is the tension of the "right to have rights" as being split between an institutional notion of personhood and a philosophy of praxis. Personhood is conceived as pre-existing its subjective enactment, embedded in the abstract formulation of rights and ultimately in

her celebration of constitutionalism. Her philosophy of praxis is, by definition, an-archic (without principle) in the ways by which such rights are exercised as contingent articulations of public demands. As happens with personhood, Arendt's notion of the space-of-appearances is co-extensive with the contingent acting together in concert of a plurality of men, but also dependent on a prior and depoliticized sphere in which needs are satisfied.

Both Arendt and Rancière are ultimately trying to ground the political in equality. And in both cases equality is neither naturally given, nor just a premise, but the artificial axiom of politics. Arendt considers the artificiality of equality as grounded in the fiction of personhood, in *isonomia*, in the artificial clothing of the naked man through rights that guarantee the protection of a space-in-between. This artificial view of equality is made compatible with inequality in the domain of necessities, which it requires as its prerequisite, but against which it defines itself as politics' exteriority, thus further depoliticizing its prior violent arrangements. Rancière, on the contrary, considers equality as the starting point of departure, always operative when those "who have no specific qualification for ruling, except the fact of having no qualification [the part of those who have no part, the count of the uncounted]" to participate, rule. Rancière puts Arendt's disclosure in its antagonistic stage, against the background of inequality, which in his view, always frames this enactment of equality. Rather than plurality appearing as acting-in-concert, plurality appears as splitting the common in such dissensual instantiation of the part that has not part signifying the whole.

5.4.3. Reformulating the Paradox outside the Circle

Rancière notices a circular structure in Arendt's formulation of the "right to have rights" because, unlike Benhabib, he does not read the first right as moral and the second one as political. He accepts Arendt's challenge to understand them both as political. The circularity is either i) a void, when the "right to have rights" describes the rights of those who have no rights because, as nothing more than humans, they are unpoliticized persons, or ii) a tautology, because as the rights of those who have rights—the citizens—they merely confirm or duplicate what is already present in the term. In order to make the political formulation operative, Rancière reformulates Arendt's notion of the "right to have rights" as "the rights of those who have not the rights that they have and have the rights that they have not" (Rancière 2004, p. 302).

The solution of the vicious circle involves a crucial distinction between the authorial source of the rights and the bearer of rights, their addressee. This is what Rancière calls the "process of subjectivation that bridges the interval between two forms of the existence of those rights" (302). The two forms of existence of those rights are, i) the written form which is not (against conventional readings of Marx) merely an abstract ideal, but "part of the configuration of the given" (303), and ii) the verifiable form in which some "make something of that inscription […] a case for the verification of the power of the inscription" (303). This is the decisive distinction between law and fact, between what should be and what is in Rancière's theory. This difference is also a temporal one and Rancière claims that the strength of the rights of man lies in the "back-and-forth movement between the first inscription (written) of the right and the dissensual stage on which it is put to test (verifiable)" (305). Rancière identifies the political with

the dissensus apropos this temporal interval in which appearances, the written configuration of the given, and reality, the verifiability of the rights, no longer match in the particular event in which they are called into question. Law and fact are not co-extensive, not even commensurable, but open to contestation, suspension and re-articulation.

The temporal gap solves what puzzled Bonnie Honig (2001, p. 149n53) when she claimed that Arendt thought about the "right to have rights" as the "political theoretical ground for the model of political agency as taking […] that is, as an authorizing ground for the claims made by those without proper standing to make them." Honig's suspicion of Arendt's formulation was grounded in the temporal location of the event of authorization, which for her as for Rancière, is post-hoc, rather than prior. Rather than reading Arendt as an institutionalist, for whom rights, prior to their enactment, will contribute to form the space-of-appearance in temporally enduring fictions, Honig, like Rancière and Schaap, prefers the philosopher of praxis, who considers authorization to follow the claim, rather than to ground it in advance.

Yet, by emphasizing Arendt's ontological distinctions Rancière dismisses too easily Arendt's consideration of man and citizen as if they were reducible to their ontological fixations in separate realms of the *vita activa*. He misses the Nietzschean expressivism that Schaap still celebrates in her theory, where the agent does not prefigure its action, but is partially constructed collectively through it. This political action is not entirely hers/his own craft. The "who-ness" of the agent is, post-hoc, politically constructed by the others with whom (s)he engages in language, which is no one's property. Against what Rancière claims to be Arendt's understanding of political

subjectivities as already fixated in different realms, Schaap considers these names—man as citizen—as always contingent names, as intervals which signify power relations by which these predicates are appropriated and dis-appropriated by particular subjects, which do not pre-exist their dissensual embodiment. Schaap understands this distinction as the opposition between an existential conception of human rights in Arendt, and a strategic one in Rancière. One in which politics is, for Arendt, a bordered sphere within the domain of the *vita activa*, and, for Rancière, the dispute (disagreement, *litige*) over that very same border. Arendt, for Schaap, challenges the essentialism of identity politics by ascribing to it an essence of the political "which she associates with a distinctively human form of activity," the public realm where identities, the "who-ness" of the subject, are not pre-given but always contingently co-dependent on the relational plurality that enacts the space-of-appearances through its being-together in linguistic communication. Rancière's challenge is more radical and fundamentally different from Arendt's. For Rancière there is neither an essence of the subject nor of the political, but a contingent calling into question of "the distinction between what is essentially political and what is not" (Schaap 2011, p. 38).

Here Rancière returns to a crucial dimension of Marx' critique of ideology, which in the compelling interpretation of Wendy Brown, refers to the de-literalizing of the state's religiosity in "On the Jewish Question." Much in the way religion signifies not a distinctive ontological realm but a logic of power that already governs the political functioning of the non-religious state, Rancière also engages with de-literalization—the semantic excess in the names by which an idea signifies against its closed fixation. Against Arendt's pre-linguistic grounding of the political in ontological domains,

Rancière grounds the enactment of equality in the unfixed literary capacity of humans—that is, in the excess of words by which speech is never reducible to its presumed referential fixation, to the social order it refers to in the policing distribution of bodies and things. The words of the literary animal always exceed the order of things, dislocating their positions. Paraphrasing Schaap (2010, p. 36), politics exist not because humanity is properly distributed across its different names—citizen, refugee, stateless, immigrant—but because names are always potentially divergent from the populations to which they are supposed to correspond. This is what Rancière calls the unreality of representation. Enacting the referential equivocality of the name, the literary animal exposes how consensus—hegemonic linguistic communicability—erases the incommunicability of the others that it disavows to a pre-political place. For Arendt (as for Agamben) there is a man of the rights of man, a naked man prior to politics. For Rancière there is neither a man, nor a need for such a man. As Schaap (2011, p. 23) puts it, "whereas Arendt views 'the human' in human rights ontologically as a life deprived of politics, Rancière views 'the human' polemically as the dismissal of any difference between those who are qualified to participate in politics and those who are not."

The difference between man and citizen, between the naked human being and the clothed citizen, is not a counter-effect of institutional perplexity, when the nation-state is in crisis, unable to recognize rights in those who are nothing more than humans. It has always already been there. The difference is, for Rancière, "the opening of an interval for political subjectivization" in which the rightless exercise the form of verification. Such verification should not be confused with some means of traversing the gap between abstract idealism and the effective facticity of the rights being claimed. Rather, it should

be understood as the problematization of the givenness of the written form of the right, redefined as the space of indifference between what previously demarcated a sphere as political and another one as apolitical. Political subjectivities do not pre-exist the enactment of the disagreement by which they "demonstrate the *reality* of both their *equality* as speaking animals and of their *inequality* within the social order" (his emphasis, Schaap 2011, p. 34).

Here we have the two instances of the rights by which Rancière reformulates Arendt's notion. Unauthorized immigrants do not have the rights they have because their existence is governed by policing technologies and the degradation of their living conditions make it clear that their rights, upon which "strong western democracies" ground their legitimacy, cannot be enforced. The immigrant nation celebrated by Benhabib and Means is shown in its fetishized form by rendering visible the violence it exerts over the immigrant that it also instrumentalizes in order to reposition the West as the locus of democracy. This instrumentalization further marginalizes immigrants by depoliticizing their constructed marginalization through their abstract incorporation in the symbolism of the nation as a nation of immigrants into which they are counted. In the second formula, it is through immigrants' reclamation of their speech, their public appearances, the enactment of the very same space-of-appearances that denied their existence as subordinated to the instrumental role of satisfying the needs for others—as cheap labor—that immigrants exposes that they do not have the rights that they do have, as speaking animals with the same equality and entitlement to intelligibility and legitimacy in the polity.

Schaap even considers the possibility to compatibilize Arendt's conception of the political with Rancière's dissensus, an effort characteristic of Christina Beltrán's (2009) analysis of immigrant workers in the United States in 2006, and concludes that it is bound to fail. For Schaap, the impossibility lies in Beltrán's own consideration of immigrant's protests as potentially subordinating the political to the social when re-positioning themselves as bearers of necessity rather than as agents of freedom. Adequately, Schaap (2010, p. 38) calls attention to the potential relocation of Beltrán's critique, which silently moves from the social and political conditions of exclusion to the activist's own performances. Immigrants, who are rendered as deportable and disposable—the institutional framework of the nation-state and the imperialism that Arendt had in mind in the first place and which still organizes political membership today—, whose living conditions are severed through all forms of policing, need to further invisibilize those conditions at the risk of compromising their activism as emphasizing necessity rather than freedom. Within Arendt's framework (and moreover in Benhabib's and Mean's conceptualizations as well), the struggle of immigrants becomes instrumental rather than political; their struggle becomes politically deferred by the temporal priority of civic and economic guarantees to real political participation. In Rancière's model, according to Schaap (2011, p. 39), unauthorized immigrants actualize their political equality because they put "two worlds into one: the world in which 'no human is illegal' into the world in which there are *sans papiers* (unauthorized immigrants)."

As Leroy Quintana's poem *What it was like* put it, "Where do you begin if / you begin with if / you are too good / it's too bad?" Quintana poses this question to Antonio, a truck driver who, according to his uncle, was claimed by the Anglos to be too good (he

could handle a rig as easily in reverse as anybody else straight ahead) but too bad (he was a Mexican). No matter what they do or how many cautions they take, unauthorized immigrants, coded as laborers and embodiments of cultural difference, will always face the codifications of their actions as potentially threatening the political (as if the political were already beyond their reach). Rancière's philosophy of praxis targets such political displacement, which Arendt's ontological distribution of action risks reifying.

5.5. *Antigone* and the Law-Fact (In)distinction

5.5.1. A Productive Distinction

Surprisingly, despite Schaap's otherwise fantastic reconstruction of Arendt's and Rancière's political theories in the way they relate to both their understanding of the rightless and their conceptualization of the political, Schaap makes no reference to what constitutes Rancière's ultimate critique of Arendt as a consensual theorist. His first problem was in turning the "right to have rights" into a void or a tautology, further identifying the rightless as the victim rather than the agent of a political conflict. Consequently, they could not reclaim those "rights of the rightless," which are then resent to the senders through humanitarian intervention. For Rancière, the ultimate aim of consensual practice is to support an identity between law and fact (2004, p. 306), in which no gap, no semantic excess of the literary animal can instantiate a disagreement between names and subjective positions.

What both Rancière and Schaap failed to address is that this indistinction was precisely the subject of Arendt's reflection on the "nature" of totalitarian terror at the end of *The Origins*. Arendt considered totalitarianism to be precisely the regime that blurred

the distinction between law and fact by collapsing all positive laws into the transcendental law of *ideology*, whose logic ultimately sacrifices even the idea it required for its immediate realization. Arendt's reflection on ideology is materially emptied from its prior Marxist content. She refers not so much to the materiality of the idea (the class struggle) as to its operative mechanism. What is problematic in ideology is the *logic* that accompanies the idea, as a premise that imposes itself against the politics of verification. The ideas that Arendt problematically equates, by emphasizing the form (logic of immediate positivization) rather than the content, are the ideas of Nature (struggle of races for the purification of the race) and History (struggle of classes for the classless society). Nature and History become, as ideologies, the logical impositions of their governing ideas as immediate positivities. There is for Arendt, as much as for Rancière, a problem with blurring the gap between the written law and the form of verification. The written law is, for Arendt, fixed in its immediate anti-political translation. Ideology ascribes to the political domain of action a form that is completely antagonistic to it, the form of deductive logic in which the premise (idea) supports no empirical contradictions, sacrificing everything to its immediate empirical translation.

Arendt confronts the totalitarian indistinction with the juridical-political model of the *lumen naturale*, which considered positive laws as the always contingent and political revisable translation of divine laws. What is just and unjust becomes a political process of translation by which the gap between what is and what should be survives in the fertile conflict between different political interpretations of the law. There is, for Arendt, no gap in totalitarianism between the premise, the governing idea and the movement that translates it empirically. No gap means no space between men, no space for plurality to

engage agonistically in new and different translations. Total terror is what facilitates such translation. Humanitarian intervention is what does it now, in Rancière's account.

Rancière characterizes humanitarian intervention as the ultimate consequence of Arendt's circular formulation of the paradox of the "right to have rights," given the force of her ontological commitments. Arendt's commitment to a prior definition of the political as a distinctive ontological realm, itself politically immune to the instantiation of a conflict, justifies such critique. Rancière extends this critique to Giorgio Agamben and Jean-François Lyotard, questioning the potential indistinction between sovereign power and bare life as indebted to the ontological distinctions that Agamben's theory inherits from Arendt. He criticizes Lyotard for similar reasons, for rendering otherness and inhumanity indistinct. It is within this indistinct space of exception and norm, sovereignty and bare life, inhumanity and otherness, that the unreality of representation, the semantic excess of the literary animal is no longer possible because words are rendered semantically inappropriate and immediately collapsed into pre-political positions.

5.5.2. Politicizing the Ethical Turn

Rancière identifies such indistinction with the ethical neutralization of the political. Ethics, according to Rancière, displaces the political conflict between two speeches that disagree on the correspondence between the names and the populations such names describe. Ethics substitutes a conflict about the equality of speaking beings with the speechless proximity of the face-to-face relationship (Levinas) in which no conflict is possible in front of such infinite demand. All relevant distinctions are obliterated in the service of an "infinite conflict of Good and Evil" (Rancière 2004, p.

309). In order to clarify such an ethical turn, Rancière opposes an ethical Antigone to a political Oedipus, putting into question most contemporary adaptations of the play, in which Antigone always appears to be fighting against authoritarianism, patriarchy and exclusion—providing a voice to the disavowed others and opening the political space for those previously excluded to be recognized as equal speaking beings.

Rancière is not alone in his characterization of Antigone as an ethical rather than political character. In 2001, Žižek published *Did Somebody Say Totalitarianism? Five Interventions in the (Mis)use of a Notion*, establishing a similar association of Antigone with the ethical rather than the political, in the ideological function totalitarianism served for neutralizing radical positions. The depoliticizing invocation of the Holocaust was ,for Rancière, equally informative of the ethical displacement of politics. After all, totalitarianism epitomizes the indistinction between law (what ought to be) and fact (what is). But Arendt becomes useful in a critique against the ethical turn, rather than obstructive, when she shows how totalitarian ideology must be realized at any cost, even at the cost of the very idea that sets it in motion. Arendt's critique of ideology opens up an important space of critique, one that is echoed in Rancière and Žižek's objections against the ethical evacuation of conflict and dissidence.

In fact, it is precisely the ideological use of totalitarianism that Žižek found most depoliticizing in his own exploration of totalitarianism. Totalitarianism becomes an ideological subterfuge under which to cancel political debate in Žižek's account. He compares its operation to that of antioxidants in chemistry, which are used to neutralize free radicals. Namely, by invoking the Soviet gulag or the Nazi concentration camp, political opponents (free radicals) could be morally blackmailed and required to give up

their radical positions (chemically neutralized), at the risk of joining a form of action fated to the same catastrophic end (Žižek 2002). For Žižek, the Holocaust could occupy this ideological position because, since the very beginning, the event has been signified as always already beyond representation—a void that, essentially non-communicable, escapes any possibility of political intelligibility. Such is the case for Rancière too.

Indeed, Jewish survivors of the Nazi concentration camps—Primo Levi, Elie Wiesel, David Rousset, etc.—like Armenian survivors of the Turkish genocide before them—Zabel Essayan, Hagop Oshagan—have always highlighted the importance of this characteristic. Representation encounters a symbolic limit in the catastrophic event of the concentration camp, rendering language and the existant political vocabulary incapable of grasping the dimension of the horror and dehumanization experienced under totalitarian regimes. As Marc Nichanian (2003, p. 107) claimed of totalitarian regimes in the twentieth century: "no political interpretation, of course, could be sustained before the will to extermination without remainder." The concentration camp, "remainderless extermination," the cold and technical organization of mass murder until complete extinction—this is what escapes representation.

Yet, contrary to the critical and political function such irrepresentability served for Primo Levi, Elie Wiesel, David Rousset, Zabel Essayan and Hagop Oshagan, among many—in a time in which the singularity of the event was at risk of being subsumed under an a-historical narrative of anti-Semitism—it is this discursive sublimation of the event, as being beyond representation, that has become problematic for Žižek today. In other words, the irrepresentability of the event, which before allowed these critical writers to engage in representations of the irrepresentable is what now undermines any

representation at all. The irrepresentability of the Holocaust now serves the opposite function of critical thinking. It occupies a sovereign discursive position that condemns *prima facie* any radical political interpretation of reality, always marginalized as inevitably fated to the same totalitarian catastrophe.

The politically disavowed discursive radicalization of this all-encompassing notion of catastrophe is the most troubling achievement of the ethical turn. As a result, according to Rancière, conflictive differences are codified in the opposition between absolute evil and infinite justice. There is no longer a disagreement by which the fracture of the common can be made visible. The ethical community renders invisible any ontological reminder by which the part of those who have no part can instantiate a litigious action, to employ Rancière's term. Such an operation rests in the ethical mobilization of the catastrophe as being always beyond conflictive representations.

This is the moment when Antigone enters the picture. Rancière describes the polarization in which full inclusion (absolute consensus) or full exclusion (absolute eradication) become the sole alternatives for a policing solution to the problem of membership, as mirroring the psychoanalytic transition from the historically transformable Oedipal trauma to the eternally irreducible Antigonian one, in which trauma becomes the everyday life. Antigone is no longer a figure of political emancipation—neither for Rancière, for whom she represents the ethical collapse in which law and fact are rendered indistinguishable, nor for Žižek (2002, p. 157), for whom she exemplifies "the unconditional fidelity to the Otherness of the Thing that disrupts the entire social edifice." What her tragic continuity, her inability to escape her *atè* (ruin,

fate), informs in ethics, against her political resourcefulness, is this problematic sublimation.

In what follows I offer a reading of Antigone that contests such ethical ascriptions by addressing her political speech in terms of the legal configurations it articulates. Rancière and Žižek's readings of the play, I argue, completely ignore the way her political speech keeps the gap between law and fact open by means of the very literarity of her terms. From Judith Butler to Bonnie Honig, Antigone's language exposes the multiplicity of gaps between names and populations, counted and uncounted ones, laws and facts. Conscious of the *atè* that now informs her life, she turns the last ethical collapse into a political space of contingent conflict and she does so by reformulating the political grammar of the law as bounded to the gap against the sovereign's attempt to foreclose it.

5.6. *Antigone* and the Grammar of the Law

What happens when the one who violates the law escapes its ontological domain of operation? This is the legal dilemma Antigone exposes. She violates the edict. She did what the law forbade. Yet, the law is unable to recognize her as the doer. Her deed belongs to the space of the law, which is unable to come to fruition because it cannot punish the doer. It is not the deed itself that interrupts the enforcement of the law, but the inseparability of her deed from who she is. Her ontological ambiguity puts into crisis the civic attempt to make the performative contingency of the public act rest in the already stable legal status of the agent. Her violation, against any ethical collapse, exposes the

miscount and reveals her to have rights she does not have, because she speaks with the same language of those who occupy the space of speech from which she is excluded.

Even more, she performs this legal violation that the law cannot codify within and through a law-based vocabulary. Already outside the legal order, she deploys a legal discourse that splits the authorial site of legal enunciation. As a stranger to the law who nevertheless disobeys it, Antigone displaces action from its civic field of reference and re-signifies the "a-legal' space she inhabits as no longer de-politicized, as no longer pre-politically decided. She invents deliberation and action where others see only "pure givenness" or "mere being." The legal discourse she invokes introduces the gap that the law of incest otherwise renders indistinct. Antigone mobilizes not just one law but two, leaving a crucial temporal distance between them: the unknown law at the beginning of Antigone's *agon* with Creon, which can neither be written/codified nor be decided or fully occupied, and the positive law by the end, which is not merely derivative of the first one but always bounded and incomplete in relation to it as engaging in the politics of verification.[49] This temporal distance between the two enunciated laws and their contents reiterates their structural gap—the gap between fact and law that she protects, rather than collapses. Antigone's invocation of the great unwritten, unshakable traditions of the gods exposes the first law:

> It wasn't Zeus, not in the least, who made this proclamation–not to me. Nor did that justice, dwelling with the gods beneath the earth, ordain such laws for men. Nor did I think your edict had such force that you, a mere mortal, could override the gods, the great unwritten, unshakable traditions. They are alive, not just today

[49] Sjöholm (2010) makes a similar argument, linking Antigone's invocation of divine laws to Arendt's right to have rights in a reading of *Oedipus at Colonus*. I expand on that interpretation.

> or yesterday: they live forever, from the first of time, and no one knows when they first saw the light (A, 495-510 [450]).

Antigone conversely exposes the second law in her invocation of the great written, shakable traditions of men, where she invokes the Persian story of Intaphrenes' wife:

> What law, you ask, do I satisfy with what I say? A husband dead, there might have been another. A child by another too, if I had lost the first. But mother and father both lost in the halls of Death, no brother could ever spring to light again (A, 1000 [900]).

Lacan (1997) and Žižek (1989), despite their differences, tend to collapse the second law into the first one, emphasizing the un-written void upon which the symbolic order invents its signifying machine, her pure negativity (ex-nihilo) as informed by her *atè*. Butler (2000), however, inverts the trajectory and finds in the second law the written content with which to semantically fill the uncompromising "no!" of the first law. Following Butler, Honig contests the Lacanian/Žižekian attempt to cast her action in the exclusive form of a "no!" in order to show the "affirmative bases of her dissidence" (Honig 2009, p. 19). Honig even re-claims Rancière's term to characterize such legal juxtaposition as an occasion of "traversing the interval." Unlike Butler, in politically more robust terms, Honig focuses on the cultural context informing the complex polyvalent sources of the second law—one in which Antigone appears parodying, mimicking and citing the democrats.

According to Honig's argument, Antigone's dirge mimics Pericles' Funeral Oration when she suggests that Polyneices' irreplaceability rests in her parent's death. In this foundational democratic texts of Athens, Pericles urged parents "if still of

childbearing age not to mourn too long over their lost sons but to have more children to replace them" (Honig 2009, p. 17). The comic element of this parody rests in equalizing death (in the case of Antigone) with old age (in the case of Pericles), therefore, appropriating the democratic motto of replaceability—equality—for the purpose of advancing an aristocratic emphasis on irreplaceability—the uniqueness of her brother. She also mimicked Creon, appropriating for herself the prerogative Creon "reserved for his son and perhaps for all sons": the fact that, like Haemon, of whom Creon coldly claimed "there are other fields for him to plow" (A, 640 [560]), Antigone has "also other fields for *her* plow" (her emphasis, Honig 2009, p. 17). Additionally, Antigone also cites Herodotus' story. This is the story of a woman, referred to as Intaphrenes' wife, who invoked the same reasons Antigone used to justify her privilege of the natal (Polyneices) over the conjugal (Haemon) family. By quoting Intaphrenes' story Antigone puts "Creon on trial" by highlighting the difference between the responses given by the two sovereigns: Darius and Creon, the first one responding with piety to Intaphrenes' wife's reasoning, granting her the life of her brother and that of her eldest son, while Creon resolved it in violence (Honig 2009, pp. 21-22).

For Honig, Antigone traverses the interval, moving from the unwritten void of the first law to the complex literary use of the Persian story in the second law. It is in this dirge that "her agon with Creon" takes place, where "the meaning and significance of her act" (Honig 2009, p. 25) is to be found and where the temporal gap between one and the other is traversed. Antigone does not merely say "no!" (the emphasis on her death drive). She engages in representation, she articulates a literary position that problematizes the immediate translation between names and things, between privileges and addresses,

between laws and their verification. Traversing the interval should not be confused with solving the transcendental riddle of the divine, which already subsumes her action into *atè*, as if she was only providing a human content to the unwritten void of the first law. What Antigone does is precisely to refuse to ever do so when highlighting such traversal as a politically contingent act of interpretation, delivering it for political verification.

First of all, the addressee of Antigone's second enunciation changes in the play. Nobody asked her what law she was satisfying with her speech, yet she addresses the *polis*, the city, when she articulates the term of her new justification. Secondly, she had already provided some content to the divine law in her first *agon* with Creon, when she said "the god of death demands these rites for all" (A, 515 [510]). Thirdly, the gap had already been there since the very beginning of Antigone's response to Creon. In fact, it is because she exposes the gap that we, as the audience and readers, are able to notice the indistinction between law and fact in Creon's language, visible when he collapses the divine and the earthly with his "never the same for the patriot and the traitor" (A, 585 [520]), not even in death. For Antigone, the two orders are incommensurable and their contingent articulation remains the political mystery of action: "Who knows if in that other world this is true piety?" (A, 585 [520]).[50] The gap between the unknown order of the divine and the known order of the human actualizes the gap separating what should be from what is—the field of norms from the realm of facts.

This might even explain Hegel's mistranslation of Antigone's speech, in which the break between the two laws gets lost so as to uphold the ethical separation of the

[50] I use Grene's (1991, p. 181) translation, which makes reference to "piety," explicitly invoked in the Greek: "*tis oiden ei katothen euage tade*". F. Storr (1968, p. 355) alternative translation uses the word "virtue": "Who knows if this world's crimes are virtues there?", both of them with more clearer references to the political notion of justice than the words chosen by Fagles: "pure and uncorrupted."

family from the polis. Hegel misquotes the passage that concludes the "infamous" dirge in which Antigone exposed the second law:

> What law of God have I broken? Why should I still look to the gods in my misery? Whom should I summon as ally? For indeed because of piety I was called impious. If this proceeding is good in god's eyes I shall know my sin, once I have suffered. But if Creon and his people are the wrongdoers let their suffering be no worse than the injustice they are meting out to me (A, 920 [920]).[51]

Hegel's translation in the *Phenomenology*, "Because we suffer, we acknowledge we have erred" (Hegel 1976 §§470), erases the conditional "if," which keeps the gap between the two laws alive: the unknown law of the divine and the known law of the positive order. The "if" of Antigone has other more salient political consequences.[52] Antigone forces Creon to enunciate, to verbally articulate, and thus open, as a political field of contestation, the other supplement that in its own unwritten dimension already governs the legitimacy of speaking subjects, the gendering of the public sphere. The stranger's reinstallation of the legal gap forces the sovereign to enunciate those pre-legal boundaries. She forces Creon to deliver to the politics of the literary animal, the other gap that informs their *agon*, as such gender difference becomes contestable and a subject for verification. This explains Creon's redefinition of the legal contention as a problem of

[51] I use Grene's (1991: 196) translation. Fagles (A, 1010-1020) and F. Storr (1968, p. 385) also include the conditional "if" in their translations.

[52] Butler (2000, p. 34) suggests that Hegel mistranslates the play in order to exclude Antigone from the ethical law, because she does not acknowledge what ethical consciousness must: guilt. I argue that such exclusion has even more pressing consequences. Hegel excludes her from the ethical law, in order to suppress the unbearable gap by which all positive laws are found to be contingent and not necessary, in other words, by which the ethical distinction of Hegel's system is shown to be already the sedimented consequence of a political arrangement, against the meta-ethical historical necessity with which the Spirit is gifted: one in which what is and what should be tend to collapse.

gender assignation. Creon issues three interrelated laws; none of which specify the gender of the addressee:

1. "[Not] to dignify him [Polyneices] with burial, [nor] mourn him at all […] he must be left unburied, his corpse carrion for the birds and dogs to tear, an obscenity for the citizens to behold" (A, 225-230 [200]).
2. Mentioned by Antigone to Ismene: "And he won't treat the matter lightly. Whoever disobeys in the least will die, his doom is sealed: stoning to death inside the city walls!" (A, 40 [30])
3. To the Chorus: "See that you never side with those who break my orders" (A, 245 [210]).

Creon's edicts define a future. Violence in the form of a temporal displacement of death is immanent to the architecture of the law: an expected punishment for its correspondent action. However, the futurity of the law leaves something unclear, unresolved, something which can only be realized contingently in the concrete world of action: the resolution of the agent, the one upon whom punishment will be inflicted and in whose production the law participates. The subject does not precede the law. The law is in charge of transforming the unidentified "you" of its abstract formulation into the identifiable "I" of its practical-policing resolution. It is the law that needs to produce the "I" as its consequence, thus Creon's explicit request to the sentry to "produce the criminals for [him]" (A, 370 [320]). The subject to be produced appears doubly in the law because it is both the one that animates the enforceable power of the law and the one that exists in its posterity, in the future of its projected production, in the form of its absence.

The gap separating the two agents collapses in Creon's response to the transgression of the law. When the sentry reports the violation of the edict, Creon asks immediately: "What? What man alive would dare–" (A, 280 [240]) and later, referring to the sentry, commands: "I swear to Zeus as I still believe in Zeus, if you don't find the man who buried that corpse, the very man, and produce him before my eyes, simple death won't be enough for you, not till we string you up alive and wring the immorality out of you" (A, 345 [300]). Antigone realizes the difference between the predictable future of the law, the expected male to punish in its factuality, and the unpredictable yet-to-come (*l'avenir*) of the political, the unexpected female for which the law encounters its limit, its insufficiency, its representative crisis of intelligibility. Antigone's disobedience not only violates the second edict but also the other unwritten law her act exposes as different and incommensurable: the one that makes the civic order into a homo-social space, depriving her of legal-political recognition and placing her on the side of the strangers, the uncounted.

The legal aporia appears when the "you" the law anticipates and produces cannot be considered a "you" according to its legal enforcement even while it performs the forbidden action that the law proscribes. This is the impasse in which Creon's attempt to close the gap between the law and the fact encounters its limit. This is what makes Antigone into a figure of the political rather than a figure of the ethical. The law produces a "who" that escapes its own closure, that disturbs its symbolic economy, that goes beyond the threshold of its field of death because, as we know, Antigone is already dead for the *polis*. She belongs to no future in the productive economy of the law, but nevertheless performs the action for which punishment has been declared. Her

unpredictable arrival confounds the law, interrupts its completion and exceeds its domain, multiplying the gaps that sustain the politics of the literary animal.

Creon cannot enforce the law as he first needs to do what he neither did nor could have done: resolve the gender difference in which the gap is readable: "I am not the man, not now: she is the man if this victory goes to her and she goes free" (A, 540 [480]).[53] If violated by *bios*, the sovereign's right to take life would have been immediately enforced. The guards, we can expect, would have thrown stones at the male body until he was finally dead. But the law faces a living death, neither a *bios* nor a *zoe* but one in which they are brought together, forcing the law to encounter its own impossibility. This explains the fact that the second edict is never properly enforced.[54]

As a sovereign, Creon represents the ethical law of indistinction between fact and law, between "should be" and "is," the always already political erasure of the "if." The immediate passage from one register to the other, however, is interrupted when Antigone performs the act, when the gap between the written and the unwritten law is reintroduced because she represents and acts as the stranger—the aporetic subject that is created by the law but exceeds its field. Jacques Rancière (2006) redefined the depoliticizing quality of

[53] And to Haemon: "Therefore we must defend the men who live by law, never let some woman triumph over us. Better to fall from power, if fall we must, at the hands of a man-never be rated inferior to a woman, never" (A, 760 [670]). Notice that Creon is not protecting his gender identity, but stabilizing the homo-social condition of the polis. In fact, he is willing to give up on his gender identity if she wins, in order to secure that of the polis (she will be the men, but manhood and civility would remained uncontested). The fact that the sovereign needs to put himself in such a situation is not sign of an immune patriarchy but the opposite, of its immense fragility.

[54] First he threatens Haemon to kill her "now, here, in front of his eyes, beside her groom!" (A, 850 [760]), and then he commands: "I will take her down some wild, desolate path never trod by men, and wall her up alive in a rocky vault, and set out short rations, just the measure piety demands to keep the entire city free of defilement. There let her pray to the one god she worships: Death–who knows? – may just reprieve her from death. Or she may learn at last, better late than never, what a waste of breath it is to worship Death" (A, 870 [770-80]). Not only we find Creon violating his own edict –she is not to be stoned to death inside the city as he originally promulgated–, he is substituting the law with a much more sophisticated one, which involves his own participation in the execution: "I will take her down (…)". This is another manifestation of the sovereign's fragility.

the ethical turn as the result of the growing indistinction between fact (what is) and norm (what ought to be), which is made readable in the political-legal *agon* initiated by Antigone, rather than epitomized by her *atè*. She mobilizes the political gap in which the separation between the two laws is the site of an unfinished conflict, always potentially and contingently activated by the uncounted one (the stranger). What she kept alive by queering the public sphere, once she forced the equivocality of the gender allocation to appear as the "a-legal' surplus supporting the law, is the non-closure of the empty space separating the yet-to-come justice of the conditional *if* and its positive legal incarnations—the unquenchable interval between the laws of the divine and the earthly, making visible the contingency upon which the order rests as an object of agonistic contestation. The law that Antigone articulates exposes the political gap and irreducible difference between the sovereign law of indistinction, between law and fact, and the pluralization of the multiple gaps by which the stranger exposes the democratic deficit—the fact that some are not included and the fact that the basis of such exclusion politically is never enunciated as a public object of contestation.

CHAPTER 6

NECROPOLITICS

"We try the best we can to fit into a world where you have to be sort of politically minded when you buy your food"

(Hannah Arendt "We Refugees").

6.1. Blood and Membership

Giorgio Agamben claimed that life's inscription in politics begins at birth. To make his point he referred to two dominant ways by which countries attribute political membership today: *ius sanguinis* (birth from certain parents) and *ius soli* (birth in certain territory). Being born to the proper family or the proper territory mitigates the ontological vulnerability of being born to the world as a stranger in a world that offers no space for strangers to be. Political membership is unequally distributed and arbitrarily linked to reproduction, which means that it is inseparable from the politics of gender, which go almost entirely unquestioned in Agamben's theory. Parents can beget a citizen, others cannot (sisters, friends, etc.). Therefore, life's inclusion in politics implies at the very same time life's exclusion from politics, life's uneven partition. Politics, in this case, is a gloss for its inversion: politics no longer demarcates the contingent conflict between collective actors but the homogeneity of the community—a form of the common for which its counted parts are decided in advance. The juridical de-politicization of politics seeks to fix the count through the institutional anticipation of this conflict, giving birth to

citizenship in the juridical forms it takes: *ius sanguinis* and *ius soli*. It primarily targets women's reproductive capacities.

Life's uneven inclusion in politics means that some lives are exposed to greater conditions of precarity. Precarity, not as a universal condition of human ethical interdependency and vulnerable exposure to the other (Butler), but as a political by-product of capitalism, which normalizes conditions of uncertainty and endangerment (Isabell Lorey), is refracted back to the neoliberal state. This is one of Lauren Berlant's main arguments in "Austerity, Precarity, Awkwardness"—that "the state was in the same abject and contingent relation to private capital that ordinary people are" (Berlant 2011, p. 1) and that in order to understand why its authoritarian performance takes the form of "austerity,' one needs to address the "state's attempt to reattach collective fantasy to the state's aura as sovereign actor and to block recognition of the similarity of their debt pathos and the corrupting influences of capitalism."[55]

If non-citizens are increasingly exposed to precarity, citizenship is equally deflated by the neoliberal state. It no longer defines an active collectivity, re-created through its shared participation in the government of the city (self-legislation), if it ever did, but refers to an abstract isolated individual as a rights-bearing subject whose political participation is reduced to voting. A politically robust conception of the citizen as a collective actor is transformed into a conception of the citizen as a consumer. Citizens no longer govern the city, corporate and transnational capital does, as it dictates the material terms of inclusion and exclusion (Ong 2006). Paradoxically, this makes the other most common form of membership, alienage, all the more interesting to investigate in its yet

[55] On the concept of precarity see Brett Neilson and Ned Rossiter (2008) and the virtual roundtable around the concept of precarity edited by Jasbir Puar (2012). Thanks to Professor Nicholas Xenos for pointing me towards these sources.

unattended political possibilities. Excluded from government, resident aliens were, nevertheless, economically essential for the proper functioning of the city. The political-economic split of the Greek city into the public space demarcated by the *polis* and the private space demarcated by the *oikos* fails to address the figure of the *metic*, the resident alien that fulfills economic functions at the same time that it is neither fully included (not a citizen with political rights) nor fully excluded (not a slave reduced to the status of a thing).

The exhaustive commodification of everything existing, from life resources to information, from manual labor to the production of ideas, as well as the increasing privatization of previous political domains (war and punishment as privileged sites of sovereign power are now outsourced to private contractors), repositions the figure of the *homo economicus* at the center of politics. Rather than citizens fighting for power, rights and equal right to collectively govern the city, neoliberal language reinforces its de-politicization by re-signifying these struggles as one of consumers fighting for services and products in a competitive market. Even voting is doubly inscribed in this economic evacuation of politics, first through its anticipation in electoral marketing and corporate lobbies and secondly by conceiving political parties as competitive enterprises, the politician as an entrepreneur and the voter as a consumer.

Hannah Arendt described this liberal view of politics as the invention of the superhuman family, based in the Greek term *oikonomia* and referencing its original meanings related to the management of the household. Michel Foucault called it biopolitics, which explains why his lectures at the Collège de France, entitled "The Birth of Biopolitics" between 1977 and 1978, are but a course on the origins of neoliberalism

as the new and dominant technology of power in modernity. Arendt identified the emptying of politics in the substitution of public conflicts by technical management. Foucault saw not an emptying but a reconfiguration of power in governmentality and regulation. Both delimitated an area of research around life and death's political inclusion, which presupposed some distance from Karl Marx's critique of political economy, even if political economy became the orbiting point.

In the language of political economy—an oxymoron for Arendt and a new modern episteme for Foucault—Marx emerged as the thinker who tried to re-conceptualize the political from the point of view of the worker, the producer of life's supporting conditions. Unlike the seemingly neutral conception of the market advanced by liberal philosophy, Marx revealed the commodity as a fetish, an alienating mechanism by which the world was no longer considered to be an artifice of man's labor-power. It was man's labor-power that was now subordinated to the rhythms of the machine, turned into a thing devoid of life. Life was relocated in the system, in the machine, in capital as the congealment of dead labor. What now counted was dead labor and not living labor, further rendering invisible the power struggles among social classes by which such a shift had taken place, in an effort to further de-humanize the world of labor for its increasing exploitation. What the conventional critique of Marx's economic determinism misses by arriving too rapidly into his problematic progressive view of history are the political opportunities he identified in labor-power.[56] To subordinate the political superstructure to the economic infrastructure was, for Marx, to expose the real vacuity of the citizen subject under liberal institutions. The idea, however, was not to read politics as already

[56] For an analysis of Marxism that explores its political potentials today in relation to biopolitics see Negri and Hardt (1994) and Virno (2004).

dictated by ahistorical class positions, but to read politics as inseparable from the struggles that defined such positions. Marx gives us a narrative that re-politicizes what capitalism has rendered merely economic—the satisfaction of needs and desires, the administration of life and death. Rather than lamenting the inevitable collapse of the political domain because of capitalism's profanation of its holiness—subordinating political questions to the pressing necessities of the biological body in the management of the superhuman household—Marx interrogated, as already political, the material conditions that informed such discourse.

To render biological necessities as *prima facie* excluded from politics is to serve the ideological system that profits from the inequality grounded in such depoliticization. This is a challenge brought again and again against Arendt's architectural distinctions: political/economic, action/labor, public/private, the *polis* and the *oikos*, which should already be considered as effects of power relations. To depart from an uncritical acceptance of such distinctions means to leave politically unexamined the relations of power by which such spaces are produced and distributed, the ways by which some are endowed with language (*logos*) and some others just with voice (*phone*), and the kind of institutions that emerge out of such arrangements of power.

Marxism poses several questions to the political delimitation of a non-political space: which subject does such exclusion further silence? What kind of previous political arrangements are further naturalized by such spatial and temporal distribution? Rather than making the household dictate the dynamic of the political, Marx's project was that of politicizing the economy, of reading conflict, struggle and power where it had not been read. In order to do so, politics needed to be legible in other places—in those places

whose political absence precisely perpetuated the conditions of oppression and domination. He provided a narrative, a dramatic narrative, with characters in the bourgeoisie and the proletariat and a plot in the history of class struggle, which gave visibility to the partition of the common.[57]

Marx offered us a theory that could potentially read the political agent per excellence—the citizen—as being the most anti-political one, complicit with all the bourgeois systems of domination and exploitation by its silent acceptance of the *status quo*, parliamentarism and the nation-state as the locus of politics. He also gave us a theory that could read liberal theory's anti-political subject per excellence—the worker—as being the most political one, enacting a rupture with what is given in order to bring about the equality that is otherwise assumed in abstraction, never to be realized in the material world. Marx understood, too, that given the new historical configuration of capitalism as a global system, that the politicization of the worker could no longer be nationally bounded, or to put it differently, that the struggle against capitalism was at the same time a struggle against the territorial order of the nation-state global system. This is the main difference between the Communist Party and other political parties appealing to the proletariat in the *Communist Manifesto*: its international vocation.

Could it be that by addressing the capitalist marginalization of the political, the metamorphosis of the citizen into the abstract void of the exploited worker, we can start addressing the politicization of the economic? Can we read politics in the agency of the internationalized workers who are otherwise subjects merely regarded as economic? One should recall, here, the work of the French political movement *Organisation Politique*. Its

[57] Both Deleuze and Guattari (1994) and Derrida (1994) offer dramatic readings of Marx that accentuate his fictional contributions and his ability to give an stage, in discourse, to political struggles.

members are primarily unauthorized immigrants, however, they refuse to use the term *sans-papier* (unauthorized immigrant), so as to rehabilitate the political dimension of labor. For the *Organisation Politique* such referential displacement, speaking about *sans-papiers* and not about workers, is complicit with the depoliticization of labor enhanced by capitalist arrangements and the parliamentary consensus. It accomplishes a crucial ideological function: it neutralizes political discussion of equality under globalization by framing it as a juridical problem of border-crossings against sovereign self-determination. The effects of such a construction is the allocation of precarity to the immigrant worker, since then on shielded from political address.

The abstraction of the people's rupture, its constitutive division, is deployed by the established order against both the worker outside and the worker inside. It further curtails their potential solidarity. The national border must be porous enough to allow for sufficient labor to come from abroad, but also impermeable, always ready to be reinforced. Discourses that seek to strengthen the border by pointing towards its fragility sustain the fiction of this caesura in order to neutralize the inequality it perpetuates from political redress. This is a process that continues to involve questions of life and death. This process of increased depoliticization redefines the borders of the human on the basis of its conditions of livability. Under biopolitical conditions, in which life has entered the domain of politics, the borderland that differentiates between those who belong and those who do not tends to overlap with the borderland that separates life and death. For the majority of unauthorized immigrants, crossing the border means risking their life. However, life's precarity does not end after a successful border crossing. On the contrary, given that papers regulate the access to life's supporting sources, unauthorized

immigrant's new onto-political condition makes their lives constantly menaced, constantly endangered. This chapter explores the overlap of borders between members and non-members, life and death, by reading theories of biopolitics into the tragedy of *Antigone*.

6.2. Reading Life in Politics and Politics in Life

Speaking as a *refugee* in 1943, Hannah Arendt was enraged at having to be "sort of politically minded" when buying her food in the supermarket. She pronounces the sentence with great irony, distressed by the newspapermen who publicly told her, along with other refugees, to "stop being disagreeable when shopping for milk and bread" (Arendt 1996, p. 115). Arendt had good reasons to be enraged and to react, with irony, against the newspapermen. Everything she did was being politically underwritten by the racialization of her being. Politics' involvement in life, in the sustenance of her now racialized body with milk and bread, had resolved in politics' self-evacuation. No more contingency or spontaneity in action, only the racist anticipation of every gesture, as if retraceable and reducible to a given body whose identity was exhaustively determined by her blood. Nothing remained to be read in Arendt's gestures other than her race. Race filtered everything for the newspaperman. Arendt's Jewishness was to be marked even in buying milk and bread.

The filter was not a given but a political product. It was supported by a political party, circulated by a mass-media apparatus, repeated in a multiplicity of public discourses and innumerable institutions, from the school to the ghetto, from the army to the concentration camp. Politics had abandoned the public sphere and, in its seeming

totalitarian extension over everything (including the buying of milk and bread), had proven extremely limited. Everything orbited around the racist foreclosure of humanity's plural ontology in biological determination. "Who are you?" A political question opened to the contingency of speech-acts in the public space of appearances was anticipated in the blood one carried. The extremity of this totalitarian "everything" was more clearly visible not in the grandiosity of an extraordinary act but in the tremendous banality of a daily one, like buying milk and bread. Much like the members of the Nazi Party, the newspapermen wanted to see Jewishness in every one of Arendt's acts, in every one of her gestures and those of other Jewish refugees. For the newspapermen, buying milk and bread in the supermarket was no longer buying milk and bread in the supermarket, but exhibiting "one's disagreeable Jewishness." Doing, for the newspapermen, was already anticipated in being, particularly in being a Jew—a racialized group projected as disagreeable and unchangeable whose political history and violent construction was only further invisibilized. Arendt, of course, thought differently. Not only was a pre-political identity politically irrelevant, it was also unable to determine the outcome one's performance in the public sphere might bring about. For Arendt, identities would be, at best, affected by politics, transformed and reshaped by one's contact with others, by one's exposure to exterior contestation and judgment, by one's vulnerability to the differences of a plurality, by one's engagement with a language that is never one's own, by one's (un)doing of oneself in collective speeches and actions.

In Arendt's account, the encounter of politics with life, the characteristic feature of totalitarianism, had proven disastrous. Politics had venture beyond the frontiers of its territory, from the public sphere to the supermarket, from the agora to the super-human

household, and in its journey it ended up substituting conflictive deliberation with technological administration, marginalizing the contingency of action in biological determination, substituting performativity for the satisfaction of needs. Thus, the boundaries of the political needed to be reconstructed for Jewish refugees not to be "sort of politically minded when you buy your food." The political required a new architect, one able to separate the life that contemplates from the life that acts, the life that labors from the life that acts, the life that works from the life that acts, so that only after such boundaries had been raised, politics could understand which field of life was its proper site to rest on. It was not life, *vita* as such, the field of politics, but predicated life, a form-of-life in Giorgio Agamben's (2000) language. The *vita* that is not contemplation, the *vita* that is not work, the *vita* that is not labor, the *vita* that is action. More importantly, politics was neither to be found in the architectonic endeavor itself nor in its resulting distribution.

The irony of Arendt's reply was seeking to contest the injury of the racist interpellation. One can imagine her irony as if yearning for a different world, one in which such a racist interpellation, "to stop being disagreeable when shopping for milk and bread," would not exist. That world, for Arendt, required the restoration of politics to its proper belonging in the public sphere, far away from the supermarket in which the identity of the subject was already anticipated in the inescapable text attached to her body—the text of racism in particular, the text of biological determinism more general. There are other ways, however, of reading Arendt's sentence—ways that need not be complicit with the racist interpellation her irony contests, or that must endorse Arendt's otherwise legitimate suspicion against the politicization of life.

An animal rights activist of the forties, for instance, could have performed one of these readings—especially one deeply influenced by Arendt's good friend Hans Jonas, who she met in the philosophy department at Marburg years before writing *We Refugees*. Rather than lamenting the demand to be politically minded when buying food in the supermarket, the animal rights activist would have welcomed it and hopefully further radicalized it. The content of such political mindedness would no longer be dictated by the racist interpellation. Unlike the racist anti-politicization of buying milk and bread, in which the newspaperman finds yet another occasion to inflict injury and disavow the other as less-than-human (marking the division of who counts and who does not), the animal rights activist seeks to uncover another text in the seemingly neutral image of the commodity, avowing another one considered as less than human, the animal, to count where it has been traditionally been uncounted. Like the newspaperman, however, the animal rights activist also seeks to read in buying milk and bread something more than just buying milk and bread. In both cases food continues to be a site of political contestation and the supermarket continues to bear political meanings. In both cases another text is attached to that of the quotidian action of buying milk and bread, a text without which that gesture could not be fully understood. They do so, however, in completely opposite ways. One seeks to police the racist borderland of the human and secure exclusion, the other wants to problematize that very same borderland and perform an opening that addresses the limits of humanism. Thus, the animal rights activist of the forties does not want to read in the "buying of milk and bread" the mere "buying of milk and bread" Arendt was legitimately yearning for, in the context of the racist interpellation. The animal rights activist seeks to expose, in buying milk and bread, the

commodification of life—the injustices committed by humans against animal life and against other humans in the normalization of capitalist consumerism, in the invisibilization of its violence by guaranteeing the absence of another semiotic chain in "buying milk and bread."

One of the unauthorized immigrants could have performed a different reading. Giorgio Agamben, in his reading of *We Refugees*, considered such immigrants to be *de facto* stateless. They were those who were forced to work in the crops of wheat, producing cheap supplies to sell the kind of bread that refugees could afford in the supermarket. Arendt does not see, in extending political mindedness to buying food, an opportunity to address what politics seeks to render as apolitical, material conditions that are also discursively disavowed as politically irrelevant, the normalization of inequality in the now globally unequal distribution of the means of production by which milk and bread arrive to the supermarket as mere milk and bread to be purchased by consumers. In buying food Arendt sees *biopolitics*, the subordination of the political—the contingency of action, its unpredictability and plurality—to the biological, to the sustainability of the body—its necessities, its determinations, its regularities. Buying food is not a political action, nor can it be politicized in any significant way other than its racist transcription, which extends the political beyond its borderlands, taking it from the public sphere to the supermarket and annihilating it in such extension through its racist transcription. Plurality and the indeterminacy of whoness—the unpredictable production of the self as a collective text—are transformed into their antithesis, homogeneity and identity in the biological body, in its racialization.

To clarify, this is not an indictment of Arendt for failing to be a precursor of the now globally visible animal rights movement, as if her theory—itself merely a short paper addressing the situation of refugees—needed to address every single political issue at hand. It is important, however, to expose both the opportunities and the limitations of her investigation around *biopolitics*. Interested as she was in the phenomenon of statelessness, her conceptualization of *biopolitics* made it impossible for Arendt to see the potential alliance between refugees and unauthorized immigrants that a more politically minded reading of food could have enabled, just to give an example. Refugees, cast as consumers in the supermarket, and unauthorized immigrants, cast as producers in its silenced political economy, were both subjected to similar racist narratives when her paper was published, before and after. If the iconic consumer of Arendt's ironic description of racism in the U.S. was the Jewish refugee, the iconic producer of food, subjected to racist narratives, was the unauthorized immigrant of Mexican origin who could not make it to the *bracero program*, a series of laws seeking to facilitate the importation of manual labor from Mexico since August, 1942. Like refugees in the supermarket, unauthorized immigrants in the plantations were also vulnerable to verbal injuries from racist transcripts. They were before Arendt's essay was published and they still are.

Yet, what is specifically problematic is that Arendt sees the politicization of the supermarket in ways shockingly similar to those of the racist newspaperman. This is not to say that she shares his racist prejudices. Rather, in her account as much as in his, the only way in which the supermarket can be politicized is through the fixation of a biological identity to a depoliticized body. To politicize the act of buying meant, for both

the newspapermen and Arendt, to subordinate the contingent world of action into the determined world of being, in which any gesture was already codified by the seemingly pre-political text attached to the body, the race of the refugee. This is another name for a particular version of identity politics, one that claims that a particular identity is at the core (informs, directs, motivates, explains, underwrites) a particular action, one which Arendt herself tries to confront by exposing identity, the who-ness of the actor, as a political effect.

However, unlike the political actor that Arendt will celebrate in *The Human Condition*, one whose identity is not only never his own but always contingently co-produced with others in speeches and actions, the who-ness of the buyer can only be seen as anti-political, as already dictated by corporal necessities. For both the newspaperman and Arendt, to politicize this identity means not to attribute to our identities the unstable, contingent, collective and conflictive characteristics of the political, but to depoliticize the political by anticipating it (diminishing its contingency and openness) in the regularity and reliability of whatever makes the self definable and recognizable in her/his needs. The supermarket is an unworthy site for politics. Politics in the supermarket can only result in racism and politics' self-annihilation. The political conflict that the disagreeable presence of the Jewish refugee generates, to the homogeneity of its regular consumers, cannot render unstable the presumed homogeneity of whoever enacts the injurious speech at the supermarket. Nor can the political conflict of picking up one kind of milk and not another, or one kind of bread and not another, propose a different text to the neutralizing narrative of capitalism, which seeks to read in the commodity something

to be sold and bought and not the consolidation of global inequality, the exercise of violence over human and non-human subjects, etc.

In a political meeting with unauthorized immigrants from the Pioneer Valley project at Springfield, I heard a different version of *biopolitics*. One of the unauthorized immigrants present talked about the precarious conditions under which he and other unauthorized immigrants were living, as a result of their lack of proper documentation. They were unable to find work in the fields during the winter season, which compromised their ability to feed their bodies and provide for their families. The houses in which they were living were improperly heated, compromising their health. They could not make public demands given the fragility of their status. Health was a major issue for them, given that they needed a social security number to receive proper attention in hospitals, but they could not get one after having crossed the border without authorization.

Their life, in other words, depended on the alternative relations they were able to craft among themselves, organizing politically with other citizens and authorized immigrants to counter act their unlivable conditions, to borrow terms from Judith Butler. Despite the inhumane conditions in which he and other unauthorized immigrants were forced to live, I will never forget his confidence in humanity. After organizing themselves politically they were able to craft an agreement with dentists from Northampton who provided free treatment for them, just to give one example. Dentistry was transformed from its capitalist reduction of a business—restricted to those who can pay, and the sovereign system for which dentistry is a service restricted to those who are "properly" entitled to them because they do belong to the *polis*—into a political space in

which membership was contested. Dentistry, like buying milk and bread, was no longer just the satisfaction of a social need but the conflictive institution of another view of the community, one for which dentistry was no longer to be conceived as a selective commodity or an entrepreneurial service but as a humanizing act, one in which everyone, regardless of their papers or their proper documentation, should have access to.

If unauthorized immigrants have become one of the iconic subjects of *biopolitics* today it is because the political marginalization of their existence, after crossing the border, haunts the sustainability of their lives on a daily basis. Once the city has made the reproduction of one's life rest in the possession of documentation, one's life, as a whole, is compromised (constantly endangered) by the absence of such papers. Even if not buying milk and bread, driving a car without a valid license could resolve no longer in a banal traffic offence but in a life-risking action for unauthorized immigrants. To be interpellated by the police agent means that one's life in the city is at the verge of ending.[58] Deportation lurks in the most banal actions. Thus, Marlon, an unauthorized immigrant of Colombian origin, runs when the police interpellate him in New York in Jorge Franco's novel, *Paraiso Travel* (2002). Carlos Galindo, another imagined unauthorized immigrant of Mexican origin might have wanted to run, like Marlon did, but could not in Chris Weitz's film, *A Better Life* (2011). Like Marlon, he knew that deportability was awaiting him after being interpellated by the police agent to pull over. Unlike Marlon, Carlos was not alone. He decided to protect the life he had been crafting for his son in the unwelcoming city, by refusing to escape, knowing that an attempt to escape will compromise both of their lives and not just his own. He gets deported in the film and his son has to visit and see his father dressed as a prisoner in an orange jumpsuit.

[58] For a deeper analysis of this action in the context of producing the subject, see Althusser (2012).

Traffic violations do not normally end in imprisonment, but such a statement is only valid for some. Such consequences are the norm, rather than the exception, for unauthorized immigrants. As imaginary as these stories are, we know that they are not all that different from the reality most unauthorized immigrants experience. President Obama's administration has a historic record in deportations, expulsing 400,000 immigrants per year. By 2014 his government will have deported more than 2 million people.

The title of Weitz's film, *A Better Life*, has an uncanny resemblance with the Aristotelian notion of the good life (*eu bios*) as the distinctive characteristic of the citizen. This is the same concept with which the philosopher established the foundational dichotomy between *bios* and *zoe* that rests at the core of all biopolitical theories (Hannah Arendt, Michel Foucault, Giorgio Agamben, Roberto Esposito). Marlon and Carlos Galindo were looking for a better life, better than the one they had in their countries of origin. The search for a better life already addresses global inequality; it makes the incommensurability of citizenship accountable to the social injustice it silences in the global distribution of opportunities. The crossing by which the citizen becomes the alien makes visible a world of extreme inequality, one in which the life of the undocumented subject in the *polis* of arrival can be considered as "a better life' than the one of the documented subject in the *polis* of departure. Citizenship, where Aristotle located the *eu bios*, is worse than alienage in the non-bios into which unauthorized immigrants start to live in their hosting/hostile *polis*, paperless as they are.

One could argue for the paradoxical confirmation and inversion of Arendt's insight, when she said that "public life, obviously, was possible only after the much more urgent needs of life itself had been taken care of" (Arendt 1998, p. 65). Such a statement

is a confirmation because the urgent needs of life are a priority for unauthorized immigrants. It is an inversion because the temporality does not move from needs to public life but in the opposite direction. In order to satisfy their needs they must renounce the public life they already had, though in its most radical abstraction. In the global market of capitalism, which reduces citizenship to an empty abstraction for the commodification and regulation of cheap labor, unauthorized immigrants opt for giving up on the abstraction. Citizenship carries no "good life" for them in their *polis* of origin. There is also no other *polis* willing to recognize and honor their lives by granting them a citizenship less emptied from any substantial content. No *polis*, if there ever was one, can honor Emma Lazarus' poem and receive with dignity the "wretched refuse of so many teeming shores." Least of all the United States—the one for which the sonnet was written and which deports and imprisons more immigrants today than any other country in the world.

If the life of unauthorized immigrants has become incredibly fragile, death has become equally vulnerable to inhumane treatment. Some of today's most improperly buried bodies are those of unauthorized immigrants when they die crossing the border. As mentioned before, according to the information collected by *Human Borders*, 2,269 undocumented immigrants have died in Arizona alone from October 1, 1999 through March 28, 2012.[59] Among the causes for death included on the Map of Migrant Mortality: asphyxia, blunt force injury, diabetes, drowning, drug overdose, exposure, exsanguination, gunshot wound, heart disease, lightening strike, motor vehicle accident, nonviable fetus, not reported, other disease, other injury, homicide, pending, pregnancy complication, and undetermined. Life is most threatened by the body's inability to

[59] See http://www.humaneborders.info/, visited on Oct 21st, 2013.

survive the harsh conditions of the crossing and the majority of deaths are said to be caused by dehydration or are considered heat related—conditions that are never "natural" but fabricated through the policing of the site. This is the reason why *Human Borders* has made its water station program a priority of political action, challenging the political establishment for allowing them to place the steel stands in the desert to help prevent further deaths. It has been proven that immigrant deaths increase where water stations are not allowed. To humanize the border means to secure the livability of its crossing and to contest the politically produced unlivable conditions of the crossing for which others advocate.

By mapping both political struggles onto *Antigone's* tragedy we can see what is at stake in the confrontation over two views of the political community. Creon wants to leave the bodies of those immigrants unburied, unaided, because they carry the mark of pollution. They are unauthorized, thus they are marked as "illegal." Aiding those bodies through water stations, GPS location of dead migrants, or more outspoken public protests led by unauthorized immigrant themselves in front of the U.S. Immigration and Customs Enforcement building in Arizona represents Antigone's confrontation over membership, over who counts and who does not. Their humanity is reclaimed as politically prior to the de-humanization of the civil law. Who is and who is not authorized becomes a problem that borders life and death: physical death for the unauthorized immigrants who are unable to survive the crossing, symbolic death for the unauthorized immigrants who are deported for speaking on their behalf.

6.3. The Origins of Biopolitics: Hannah Arendt and Michel Foucault

Arendt considered the inclusion of life in politics, understood as the managerial technology in charge of regulating the satisfaction of needs, as the sacrifice of the political. The satisfaction of needs belonged to the household, a fundamentally non-political sphere given the absence of a deliberative plurality and the logic of its substitute, a hierarchical structure. Rather than equally shared power in government, which is at the core of the *polis* in her account, the logic of the household rests in mastery, domination and, ultimately, violence. Unlike Arendt's strong identification of the political with the "space of appearances" (able to realize humanity's ontological plurality and give birth to a new collectivity in shared action), Foucault's more diffused conception of power (as circulating in a multiplicity of local relations) was more ambivalent regarding the exclusive sacrifice of the political brought up by modernity's biopolitical trope. Foucault did not find power in a singular space, since then on threatened by politics' exteriority. He located politics in a complex web of institutions, practices and discourses whose logics could not be reduced to a singular matrix of explanation nor followed a singular logic, and which always included resistance as one of its constitutive aspects.

The biopolitical paradigm depends on the ancient Greek distinction between *zoe* and *bios*. This is the point of departure for both Hannah Arendt in *The Human Condition* (1958) and Michel Foucault in *Society Must be Defended* (1975-1976). Hannah Arendt used Aristotle's distinction to differentiate the human from the animal, the individual from the member of a species. Arendt read Aristotle mediated by both Heidegger and St Augustine. Heidegger pointed her towards the temporality of being. She considered *bios* as the life that had a beginning and an end and *zoe* as an endless cyclical process. St.

Augustine offered her a possibility to invert the temporal content of Heidegger's ontological association, in order to emphasize natality, humanity's capacity to begin anew, rather than death, human finitude, as the distinctive feature of *bios*. The citation she frequently used from St. Augustine is found in the twentieth chapter of the twelve book of *De Civitate Dei*: "[initium] ergo ut esset, creatus est homo, ante quem nullus fuit" ("that there be a beginning, man was created before whom there was nobody"). It first appeared in her article "Ideology and Terror" (1953), which would become the last chapter of the third volume of *Origins of Totalitarianism* in the second edition of 1958, where she wrote:

> But there remains also the truth that every end in history necessarily contains a new beginning; this beginning is the promise, the only 'message' which the end can ever produce. Beginning, before it becomes a historical event, is the supreme capacity of man; politically, it is identical with man's freedom. *Initium ut esset homo creates est* – 'That a beginning be made man was created' said Augustine. This beginning is guaranteed by each new birth; it is indeed every man (Arendt, 2004: 616).

The same quotation would appear in her chapter on action in *The Human Condition* (1958), in her chapter on freedom in *Between Past and Future* (1961), in her second chapter about foundations on the *novus ordo saeclorum* in *On Revolution* (1963), and finally in her conclusive chapter on the abyss of freedom in her second volume of *The Life of the Mind: Willing* (1978). Augustine's quote appears always in Arendt's engagement with the political and in relation to a set of categories that define her view of action: birth, beginning, initiation, creativity, plurality, freedom and founding. With such

notions Arendt opposed a view of the political based on structures and laws beyond human reach, whether based on nature or history. Arendt distinguished *bios* from *zoe* through this notion of beginnings, initiation/founding, one that could not be anticipated by referring to antecedent causes nor explained by some sort of future *telos* to be realized. She characterized the performative domain of action by its unpredictability and irreversibility, in opposition to the biological domain of labor, which is marked by deathless repetition and regularity in her account. Doubly inspired by Heidegger and St. Augustine, Arendt emphasized Aristotle's use of the concept of life in two different ways: as *bios*, when he was talking about "the time interval between birth and death," which "follows a strictly linear movement," and as *zoe*, which refers to what sets in motion this bios, "the motor of biological life which man shares with other living things and which forever retains the cyclical movement of nature" (Arendt 1998, p. 97). As for Heidegger, what distinguished the human from the animal was its temporal distinctive condition, linear rather than cyclical. Unlike Heidegger, such temporality could be found in natality rather than in mortality:

> Labor and work, as well as action, are also rooted in natality in so far as they have the task to provide and preserve the world for, to foresee and reckon with, the constant influx of newcomers who are born into the world as strangers. However, of the three, action has the closest connection with the human condition of natality; the new beginning inherent in birth can make itself felt in the world only because the newcomer possesses the capacity of beginning something anew, that is, of acting. In this sense of initiative, an element of action, and therefore of natality, is inherent in all human activities. Moreover, since action is the political

> activity par excellence, natality, and not mortality, may be the central category of political, as distinguished from metaphysical thought (Arendt 1998, p. 9).

Arendt does not completely detach natality from the biological experience of giving birth, but her category of natality is not strongly related to the literal act of birth-giving. On the contrary, natality belongs more to the theological experience of the miraculous than to the earthly one of reproduction. In his influential essay on Arendt's concept of natality Miguel Vatter pays close attention to the site in which Arendt first invoked the concept: in a critique against totalitarianism and its attempts to make human beings superfluous, destroying what is human in man (sic). However, he underestimates Arendt's own suspicion against blurring the distinction between the human and the animal, leading Vatter to mistakenly claim that Arendt's theory was seeking to "deconstruct the 'humanist' opposition between animality and humanity based on the distinction between *zoe* and *bios*, but which nonetheless maintains an internal reference to divine creation that it never loses" (Vatter 2006, p. 148). According to Arendt, man (sic), when considered as a singular individual in relation to others, belongs to *bios*, to time, while as an isolated member of a species-being, in its animality, it belongs to *zoe*, to cyclical repetition. Only in *bios* is man fully human in Arendt's account. In fact, it is in her *Origins of Totalitarianism*, where Vatter locates her turn to natality, that she first claimed, "Men, insofar as they are more than animal reaction and fulfillment of functions, are entirely superfluous to totalitarian regimes. Totalitarianism strives not toward despotic rule over men, but toward a system in which men are superfluous (…) Precisely because man's resources are so great, he can be fully dominated only when he becomes a specimen of the animal-species man" (Arendt 2004, pp. 588-589). Arendt was not deconstructing the

distinction between *bios* and *zoe*, nor the 'humanist' opposition between humanity and animality, as she was one of its main contemporary architects. She upholds such distinction because she identified its deconstruction with the inevitable sacrifice of the political by the biological. Arendt saw in totalitarianism an a-political regime for which only animal reactions, species being, were needed. This is the inherent fear she had when trying to politicize the biological. When life-processes as such become not only the dominant theme of politics but its governing reason, when no longer man *qua* man in the realm of *bios* (singular individuals among whom a space in-between exists and communication is possible) but man *qua* species in the realm of *zoe* (loneliness experienced massively, together into One Man of gigantic dimensions) determines the temporal rhythms of politics. This is a threat she identified in the Nazis' emphasis on Nature and in the Stalinists' emphasis on History, with both of these ideologies constructed around the endless repetition of irresistible necessity, symbolically modeled under the primacy of the body:

> The most powerful necessity of which we are aware in self-introspection is the life process which permeates our bodies and keeps them in a constant state of a change whose movements are automatic, independent of our own activities, and *irresistible* –i.e., of an overwhelming urgency. The less we are doing ourselves, the less active we are, the more forcefully will this biological process assert itself, impose its inherent necessity upon us, and overawe us with the fateful automatism of sheer happening that underlies all human history (Arendt, quoted in Honig 1992, p. 218).

Life isn't singularized at the level of *zoe*, which is under a law-like process of repetition; life is singularized at the level of *bios*. Arendt's counter-totalitarian politics of life, articulated through her concept of natality, is not equivalent to a biopolitics. Arendt was seeking to preserve the *bios* as the *zoon politikon* in plural, collective life with an adjective, life with a temporal form that interrupted its cyclical repetition without which it was reduced to its organic nature. Emphasizing creation rather than production, Arendt was able to rethink politics as inauguration without antecedents, a major subject in existential philosophy. One needs not be well-versed in existential philosophy to find Albert Camus' *L'Étranger* in Arendt's claim that newcomers are born into the world as strangers, an ontological condition decisive for an alternative articulation of homelessness. Heidegger characterized this ontological condition as "thrownness," being thrown in the world, while Arendt characterized it as plurality. Arendt's actors, it is worth saying, differ from both liberal and existentialist assumptions, to the extent that the actors' identities are not resolved in advance, but are exposed to an unpredictable futurity. The recipient audience of the actors' speech co-participates in making their utterances meaningful, offering or denying a public to them, thus, co-producing the actors' "who-ness." In other words, agentic identity is not temporally secured in the past, in the unknown pre-origin of action, but unresolved in its collective afterlife, in its future reception by a collectivity from which it can never be severed and whose existence is temporally coeval with that action.

Marx, on the contrary, regarded such "thrownness" as already invested with meaning, defined by material conditions and social positions, including those of language, by which one's coming into the world was already heavily conditioned. The

antecedents of action in Marx's philosophy were significantly defined by class, by one's position in the structure of production. Critical theory after Marx has amplified the vectors of difference that inform our actions and condition them without completely determining them: race, sexuality, capability and age, among others, play a role. Foucault's philosophical contribution, greatly indebted to the structuralism from which he was trying to move on, rested in rethinking such material conditions of actions as relations of power rather than solid structures. He nevertheless recognizes an important contribution from structuralism. The view of action that posits the acting subject as the site of origin leaves unexplored the different processes by which the actor is endowed with such originating force, from institutions to discursive constructions. For structuralism, in the works of Claude Lévi-Strauss and Louis Althusser for example, the actor not only exercises power, power is already exercised upon the actor. Rather than emphasizing the actors' capacity to begin a new signifying chain, structuralism emphasizes the social construction of the actor as an originator of actions. For Althusser, the subject who acts cannot address the discursive structures of knowledge and the material structures of production that already make that subject into the originary site of action.

Michel Foucault wanted to explore politics in both the subject as inaugurator of power relations and also as one of its products, as one of its sites of transit. For Foucault, the political is not to be found exclusively in the space of appearances where men act in concert with other men. Power is also not reducible to subjects' class positions, either. Politics is disseminated in a multiplicity of technologies and discourses that cannot be

synthesized in a universal logic but are always opened to interruption and inversion. Foucault, nevertheless, agreed with one of Arendt's diagnoses of modernity:

> What might be called a society's 'threshold of modernity' has been reached when the life of the species is wagered on its own political strategies. For millennia, man remained what he was for Aristotle: a living animal with the additional capacity for a political existence; modern man is an animal whose politics paces his existence as a living being in question (Foucault 1990a, p. 143).

Foucault's "threshold of modernity" is equally related to the relationship between history and life, and all the more focused on the body as the locus of power. Foucault shared Arendt's critiques against both liberal and Marxist conceptions of history and human nature. He did not share, however, her architectural commitments to the political value of Greek distinctions, or the normative consequences she extracted from life's inclusion in politics. They were both suspicious of historical metanarratives and the power of normative philosophy to evacuate politics from its discourse. Yet, despite their similarities there is no equivalent in Arendt's philosophy of Foucault's notion of discourse, by which he performs his genealogy of power and archeology of knowledge, nor is there a notion of practice in which the assemblage of power/knowledge can be articulated. Likewise, Foucault embraces no notion of the public sphere as the space of appearances, nor a tripartite conception of the *vita activa* as separable from the *vita contemplative*, which would be the effect of another power relation according to him.

Unlike Arendt, Foucault's account of modernity is not informed by a prior investment in the ancient model of the Greek polis. Their philosophical trajectories are, in fact, almost opposite to each other in this regard. Arendt's philosophical trajectory takes

her from antiquity to modernity, from the celebration of Aristotle in *The Human Condition* (1958) to the celebration of Kant in the unfinished volume on judgment in *The Life of the Mind* (1978). Foucault's philosophical trajectory starts with Kant, whose work he translated as the complement to his doctoral work, *Folie et déraison: Histoire de la folie à l'âge classique* (1961), and ends with Aristotle and the Greeks more generally, when he moves towards an investigation of the *History of Sexuality* (volumes II and III were published in 1984, the year of Foucault's death).

One of the consequences of such an inversion is a different account of power. Both conceived of power through its positive effects, that is, as enabling rather than disabling the subject in action. Building off a tradition deeply influenced by Machiavelli and Nietzsche, power is no longer that which the individual or the class should fight against in order to be free, but an integral component of the freedom to act. The negative conception of power is more clearly attributable to liberal political thought, equally committed to a negative conception of freedom (*free*-from). The Marxist identification of power with oppression is irreducible to this model, given its otherwise positive conception of freedom as participation and transformation of material reality (*free*-for). However, both liberal and Marxist economic accounts of power were the target of Arendt and Foucault's theories. In the desire to exercise power, to act collectively with others, Arendt found the joyful life of public actors, the Aristotelian *eu bios*. Foucault framed the discussion differently. Power was not to be explored by its negative effects, what he identified as the repressive hypothesis, but in its productive aspects. Power was to be read not in the prohibition to speak but in its incitement, not in the prohibition to act but in its

stimulation. Power was pluralized and investigated through its effects, rather than through its causes.

Foucault's pluralization of the sites of power, however, breaks with Arendt's architectural distinctions as he proceeds to interrogate its effects and mechanisms in a multiplicity of relations that include as much public as private domains and, moreover, the very epistemological organization of such domains as separable and definable. Scientific forms of knowledge (like psychiatry) and disciplinary institutions (like the prison) were also sites of power production. Such power was no longer exclusively restricted to the public "space of appearances." Foucault might have arrived at similar conclusions to those of Arendt, regarding the *biopolitical* annihilation of politics in totalitarianism, but such agreement should not obscure other substantial differences in their theories. Such is one of the mistakes made by Giorgio Agamben's synthetic effort.

Michel Foucault first coined the term "biopolitical" during his understanding of totalitarianism as the political system that solved the paradoxical tension between two antithetical technologies of power: sovereignty (power to produce death) and biopolitics (power to produce life). Totalitarianism's solution was that of turning the regulation of life into its contrary, the massive production of death in the concentration camps. In Foucault's account, three types of technologies have coalesced in the modern formation of the nation-state that Arendt characterized as the super-human household: i) the juridical technology of sovereign law, with its emphasis in the figure of the social contract; ii) the disciplinary technology of normalization, which included a broad series of institutions in charge of the vigilance and observation of individualized bodies; iii) and the biopolitical technology of regulation, which integrated disciplinary through collective

phenomena. As Castro-Gómez (2007, p. 160) suggests, the novelty of Foucault's analysis lies in not taking the individual as the point of reference to explain the origin of the state but the changes between these different technologies of power.

To the model of the sovereign belongs the individual as the subject of rights, as the free-contractor. To disciplinary normalization belongs the individualized body, the body that needed to be shaped against "deviations," and "irregularities." shaped in all of its movements, the body as the prisoner of the soul. To biopolitical regulation belongs the individual as a member of the species, the population that therein gets objectified as a life source for the rationality of the state. The state started to regulate previously unexplored areas, or only randomly addressed ones on a more regular basis, including those of natality, longevity, mortality, demographics, public hygiene, public health, and social security, among others. Discipline and regulation converged in several of these areas, from urban planning to the reformation of the hospital. Power-knowledge around the body got circumscribed into a larger technology of government over collectivities and populations: biopower.

Totalitarianism is not a historical necessity, but an impossible and ultimately suicidal solution to the technological antithesis of power created by modernity's nation-state system of political membership. Foucault defined sovereignty, the rule of the king, around the logic, "let live and make die." Biopolitics was characterized by its opposite logic, "let die and make live." The totalitarian solution to this antithetical convergence was to collapse one technology into the other through the supplement of racism. Racism enabled three translations for totalitarian regimes to solve the production of one life by the extermination of another: i) it offered a system by which to separate the lives left to

die from the lives made to live through the fixation of biological differences; ii) it further established an inseparable relation between life and death, as the cultivation and survival of one race could only succeed through the elimination of the other race; iii) it medicalized the political enemy who was no longer recognized as an opponent but turned into a biological threat. If the immigrant worker continues to be subjected to racist interpellations and produced as the enemy, the threat to national security, as it is the case today, it is because such modern conditions have not yet changed. Instead, they are increasingly described as becoming the norm rather than the exception.

6.4. Supplementing Biopolitics: Bare Life, *Immunitas* and Necropolitics.

6.4.1. The Temporal Confusion of the Homo Sacer

Giorgio Agamben opens his reflection on the *homo sacer* by revisiting the ancient Greek distinction between undifferentiated life in the singular, *zoe*, and differentiated life in the plural, *bios*. As Arendt did before him, Agamben also maps the *bios*/*zoe* distinction onto political split of the city's space. While *bios* belongs to the *polis*, *zoe* belongs to the *oikos*. The *polis* nurtures distinctiveness, the *oikos* guarantees biological reproduction. The gender aspect of such architecture is as absent in Agamben as it is in Arendt's and Foucault's works. Agamben repeats Arendt's account in *The Human Condition*. However, he opens his *homo sacer* by placing Foucault's notion of biopolitics at the forefront, his investigation into the "resulting increase of importance of the nation's health and biological life as a problem of sovereign power" (Agamben 1998, p. 3). Once he invokes Foucault, Agamben then refers to his own connections with Hannah Arendt's critique on the *homo laborans*, the diagnosis of modern society as "the primacy of the

natural life over political action," that was already informing his reading of the Greeks. One should credit Agamben for tracing such a connection between Arendt and Foucault's views of modernity as problematically blurring the distinction between *bios* and *zoe*, but one should also be cautious about the temporal displacements and the other distinctions that are blurred by making such connections intelligible in his philosophy.

By not making explicit his commitments to Arendt's view of classical political thought, the separation between *polis* and *oikos*, *bios* and *zoe*, political action and natural life, Agamben runs the risk of subsuming Foucault's theory into Arendt's philosophy. Yet, even if there are crucial connections between them, there are significant differences too. As we saw, Foucault and Arendt differ more than they agree. Moreover, such absorption leads Agamben to invert Foucault's temporality. As a genealogist of power Foucault was trying to historicize the emergence of new technologies of power and he found biopolitics emerging in the eighteenth century, along with the consolidation of the police as the institution in charge of governing collective rather than individualized bodies. Biopolitics, in Foucault's account, is preceded by sovereignty. It emerges, in part, because of the economic limitations of sovereign power in the scaffold, in the erratic excess of the scaffolds as the sites of torture and the production of truth. Agamben's (1998, p. 6) investigation inverts such historical discontinuity: "the inclusion of bare life [*zoe*] in the political realm constitutes the original—if concealed—nucleus of sovereign power. *It can even be said that the production of a biopolitical body is the original activity of sovereign power*" (his emphasis). Bare life, the subject of biopolitics, constitutes the original nucleus of sovereign power. However, in order for bare life to

become bare life, sovereign power needs to produce it as such. This is the main paradox of the *homo sacer*:

> The peculiar phrase 'born with regard to life, but existing essentially with regard to the good life' can be read not only as an implication of being born (*ginomene*) in being (*ousa*), but also as an inclusive exclusion (an *exception*) of *zoe* in the *polis*, almost as if politics were the place in which life had to transform itself into good life and in which what had to be politicized were always already bare life. In Western politics, bare life has the peculiar privilege of being that whose exclusion founds the city of men (Agamben 1998, p. 7).

Agamben flirts with deconstruction, when trying to read Arendt through the lenses of Foucault. The division between political action and natural life, *bios* and *zoe*, good life and bare life, *logos* and *phone*, is shown to be an effect of power, or rather, of politics. Bare life is not an ontological datum but a political production, one by which some are depoliticized in order for others to become fully political. Furthermore, the architectural distinction is shown to then neutralize the privileges by safeguarding the boundary through the natural/cultural split, which erases the artificiality of the code. The boundary is artificial, but its artificiality calls attention to politics, to its conflictive crafting, not to ontology. Behind a political life there is not a bare life, which does not mean, paraphrasing Bonnie Honig (2013, p. 27), that we do not have a factual biology. It is rather that such factual biology is always already wrapped up in its meaning.

This also means, contra Agamben, that the investigation into biopolitics needs to address its own constructive role. A deeper interrogation of the *bios*/*zoe* distinction needs to account not for their problematic indistinction in modernity, but for the political

neutralization of their unaddressed fictional boundaries from their hypostatized image in antiquity. If Arendt's work remains even today "practically without continuation," as Agamben argues, one imagines that such continuity would seek to undo her boundaries—not in order to turn politics into biology, which Arendt, Foucault, Agamben, Esposito, and the whole tradition of biopolitics has warned against, but in order to politicize biology, to explore the ways by which the human is politically constructed as a biological datum in different historical contexts and the purposes of exploitation and subordination such construction serves. This has been the route taken by Jacques Rancière, Adriana Cavarero and Bonnie Honig (among others), who refuse to take for granted the split between *logos* and *phone*, between the living being that produces mere noises and the linguistic being that utters grievances. These thinkers try to address the human in its political crisis either as *litigium* (Rancière) or as an *agon* (Honig), or as the re-vocalization of logos (Cavarero).

Let us first take Agamben's claim (1998, p. 8) that "there is politics because man is the living being who, in language, separates and opposes himself to his own bare life and, at the same time, maintains himself in relation to that bare life in an inclusive exclusion." Yet, what if one were to change the terms of the sentence to claim that there is ontology because through politics, that is, through conflicts and *agons*, man is politically produced as the living being who in language is forced to separate and oppose himself to his own bare life? What if we add that such separation is just a contingent and transitory hegemonic effect of the power relations from which it emerges. That it is definitively never the "fundamental structure of Western metaphysics" it might seek symbolically to be in order to eschew its historical limitations.

This would also call attention to Agamben's own problematic indistinctions. We cannot yet fully understand the historical conditions of the ancient Greek *bios*/*zoe* when such distinction is, to a certain extent, collapsed into the archaic figure of Roman law, the *homo sacer*. Agamben talks about bare life in connection to *zoe*, to life without attributes, while he also claims that the protagonists of his work on bare life is: "the life of *homo sacer* (sacred man), who *may be killed and yet not sacrificed*" (his emphasis, Agamben 1998, p. 8). Bare life guarantees the historical transition, allowing Agamben to traduce the Greek drama of *zoe* into the Roman drama of *sacer*. In this he inverts Foucault's genealogical historicity, making biopolitics not an external, antithetical and posterior technology of power but the trans-historical correlative of sovereign power. Unlike Hannah Arendt, who contested modernity's indistinction by crafting her own distinctions, *vita contemplative*/*vita active*, *labor/work/action*, and unlike Foucault, who contested modernity's totalitarian indistinction by historicizing a technological convergence of power systems that solved their antithesis through a racist supplement, Agamben's theory simply leaves us with a greater zone of transhistorical indistinction. *Bios* becomes *zoe*, *zoe* becomes *bare life*, and *bare life* becomes *homo sacer*. Moreover, sovereignty, Agamben claims, "borders […] on the sphere of life and becomes indistinguishable from it." A sphere of life that, as bare life, "remains included in politics in the form of the exception" (Agamben 1998, p. 11). Exception, however, is also the field of the sovereign. This creates a further indistinction between the bare life and the sovereign. The sovereign is at the same time inside and outside of the juridical order. The exception precedes the law as the bare life precedes political life. Indistinction not only defines the space of sovereignty, it also characterizes its logic: "the situation created in the exception has the

peculiar characteristic that it cannot be defined either as a situation of fact or as a situation of right, but instead institutes a paradoxical threshold of indistinction between the two" (Agamben 1998, p. 18). As in Arendt's philosophy, indistinctions continue to emerge between *bios* and *zoe*, between the juridical and the natural, between law and fact, between bare life and the sovereign, yet there is no counter-power. Not entirely one or the other but the impossibility to differentiate between them, to clarify when the exception, whose extension in time and space are unparalleled, has turned into the norm. Bare life, originally identified with the *homo sacer*, is now the category that enables the proximity between the two exceptions, the sovereign and the *homo sacer*, "what unites the surviving devotee, *homo sacer*, and the sovereign in one single paradigm is that in each case we find ourselves confronted with a bare life that has been separated from its context and that, so to speak surviving its death, is for this very reason incompatible with the human world" (Agamben 1998, p. 100). By addressing the ways in which both bare life and sovereignty complicate boundaries, other boundaries and other significant differences between bare life and sovereignty are rendered invisible so as to establish a problematic equivalence between the sovereign who sanctions from the void, and the *homo sacer*, who is sanctioned into the void.

More importantly, like Arendt and Foucault, Agamben hints at the colonial dependency of such conception of sovereignty to its colonial heritage, but never fully explores such a relationship:

> Schmitt shows how the link between location and ordering constitutive of the *nomos* of the earth always implies a zone that is excluded from law and that takes the shape of a 'free and juridically empty space' in which the sovereign power no

> longer knows the limits fixed by the *nomos* as the territorial order. In the classical epoch of the *ius publicum Europaeum*, this zone corresponded to the New World, which was identified with the state of nature in which everything is possible (Locke: 'In the beginning, all the world was America'). Schmitt himself assimilates this zone 'beyond the line' to the state of exception, which 'bases itself in an obviously analogous fashion on the idea of delimited, free and empty space' understood as a 'temporary and spatial sphere in which every law is suspended' (Agamben 1998, p. 36).

Bare life, as the site of exception, as the site of indistinction, is finally though indirectly identified with the colonized subject, the savage and the barbarian. The New World is produced, discursively and materially, as "the beginning of the world," that is, as bare life—as that pre-political origin where politics no longer exists so as to justify the colonial violence exercised in its territory as a civilizational project. Sovereignty, in its modern sense, is indebted to such a construction and the erasure that such construction entails. Erasure of languages, traditions, other juridical-political systems, cultures, forms of life, etc., all of which precede colonial sovereignty and go unquestioned in Agamben's theory, as they are also in Foucault's and Arendt's. To make the New World into the beginning of the entire world one must destroy everything that contradicts the image of the New World as the pre-political beginning. The New World must be violated in order to find the pre-legal violence with which to refract legitimacy in a civilized and lawful European space. Agamben moves too fast. The political production of such a void passes without interrogation. Schmitt's theory, scripted over Locke's, never revisits its foundational myths. When Agamben claims that "the state of exception is thus not so

much a spatiotemporal suspension as a complex topological figure in which not only the exception and the rule but also the sate of nature and law, outside and inside, pass through one another," This complex topology requires one to connect the colonial experience to the violent construction of the world into the "West" and the "Rest." The state of exception is not at the origin. It must be produced; it is an after-effect of violence that constructs, as one of its violent devices, the fiction of its origin.

It is after the conquest that law starts to coincide with life in its modern sense. It is through the colonial experience that, to paraphrase Michael Taussig, the allocation of violence to the state of nature justifies the violent nature of the European colonial state. Agamben's theory is insufficient. Such insufficiency ends up collapsing into the *homo sacer* a great deal of differences: between citizens and refugees, sovereigns and bare lives, everything subsumed into an undifferentiated mass of pure biological facticity now indistinguishable from politics. Thus, the camp, which both Arendt and Foucault historicized—a history indebted, among other things, to the colonial and imperial projects of Europe—becomes the almost inescapable *nomos* of modernity in which "we" are all *homo sacers*.

In order to understand the concentration camp—the conflation of terror and ideology in totalitarianism—one needs to first understand the historical conjuncture by which the *human condition* was reduced to natural life, to a raw material in Arendt's account ("Anti-Semitism" and "Imperialism" are the first two volumes of Arendt's *Origins of Totalitarianism*. Arendt's universe, however, is not entirely defined by such a condition, nor is Foucault's. Totalitarianism is not the *nomos* of modernity, but one horrific and ultimately suicidal solution to one of its most pressing paradoxes. For

Arendt, the problem is the increasing depoliticization of men in modernity, the reduction of action's contingency to the biological satisfaction of needs, which she traces back to the political emancipation of the bourgeoisie, when power becomes an economic question. To map it into the language of Greek antiquity, the problem lies, for Arendt, in substituting the *polis* (city-state) with the super-human household (the nation-state).

This reveals, in fact, Arendt's old veiled Marxist heritage. In the *Origins* it is the bourgeoisie that turns politics into economics. It is the bourgeoisie that marginalizes political questions of language, action and the common by turning them into a managerial-bureaucratic machine whose sole goal is accumulation. Thus, it is the bourgeoisie that, within its search for territorial annexation, leads to imperialism. Her critical efforts changed in *The Human Condition* where she was no longer targeting capitalism. Rather than Hobbes, she wanted now to expose the limitations of Marx. For Arendt, Marx's emphasis on production participates in the same economization of the political, in the same reduction of men to the *animal laborans*, which began with bourgeois liberalism. She fails to see the ways by which Marx seeks not to turn politics into economics, but economics into politics. That is to say, Marx sought to show that politics lies not in the *polis* but, first of all, in the material and ideological conditions by which the division between the *polis* and the *oikos* (or the factory in his case) reproduces all kinds of inequalities—material and discursive conditions that, strategically, discursively shield such architecture from the purview of political contestation, by naturalizing, by making it into a given. Marx's philosophy also invented distinctions between classes and modes of production. Through his distinctions, Marx showed that capitalist exploitation was not modernity, but one hegemonic view of modernity that was

always already counter-acted by another view: that of communism. Agamben, in a problematic way, creates distinctions to make them indistinguishable. There is no counter-hegemony in Agamben's account, even if there is great critical value in showing the problems with the current neoliberal blurring of distinctions. There are also problematic omissions. Agamben considers modernity as the historical configuration of power in which naked life becomes the grounds upon which all other forms of life rest. Nevertheless, bare life never appears deprived of a particular form of life when it is produced as such. Bare life is always already named differently; it is always already signified and is thus never "bare life." The ontology of bare life, the mode of being of natural life, exterior to power is, paradoxically, already "a naturalized effect of political configurations."

6.4.2. A New Paradigm: *Immunitas*

Roberto Esposito's contribution to the literature on biopolitics was his conceptualization of another paradigm into which sovereignty was inscribed as one of its manifestations: *immunitas*. *Immunitas* places us in the zone of *genos*, of genetics, of both race and its biological regulation. It is in *immunitas* that politics' evacuation—the erasure of conflict and contingency—takes a medical/biological form. Conflict is first and foremost marginalized by the conception of the *polis* as a body, as an organic unity, which Hobbes named the body politic. Like Arendt, Foucault and Agamben, Esposito too traces the medicalization of politics back to ancient political theory. He identifies it with Plato's recurrent references to physiology. Indeed, Plato conceives the statesman under the form of the physician, there is a medical allegory of the politician in his theory. Like

the physician, the politician is the one who knows what is better for the body, thus, truly rules over it. This is also not just a model for politics but, to some extent, politics' democratic evacuation—the displacement of conflict and disagreement among the many by the singular rule of the expert. Plato's own physician, nevertheless, enacts a conflict with the *status quo*. Plato gives a dramatic stage for the conflict between the unfulfilled promises of democracy as collective rule without attributes and his aristocratic project of a collectivity ruled by experts. Knowledge is a political strategy to antagonize the political regime under which Plato lives as well as the supplement that neutralizes the conflict by changing the question from a problem of equality (equal right to rule and be ruled) to make it a problem of expertise. The statesman, the man involved in politics is described as a doctor; the ruling of the city is compared with the prescription of a physician. A particular form of expertise that is not merely a *tekne* but the knowledge of wisdom replaces the domain of *praxis*, the expert has truth while the many have disagreements, conflicts, and *agons*.

Paradoxically, this form of expertise no longer belongs to the domain of *tekne*. Plato carefully distinguishes the technical expertise of doing, knowing how, from the philosophical expertise of (s)he who pursues knowledge. Despite the medical analogy with the physician, which gives birth to the *immunitarian* paradigm, the Platonic philosopher-king cannot be reduced to the physician in Plato's *Republic*, something frequently forgotten in the absurd reduction of totalitarianism to antiquity. Moreover, one should not forget Plato's own dramaturgical intervention—the fact that his habilitation of

the philosopher presupposes the *agon* with a regime in place and takes on a dramatic form.[60]

There is, however, an *immunitarian* paradigm built on the intimate proximity between the physician and the anti-political character of the expert, which is only part of Plato's narrative heritage. Many other historical processes needed to happen for the integration of medicine and politics to assume its final form in the National Socialist regime, which it is not, once again, a historical necessity or a logical conclusion. Processes included, among others, changes in the institutionalization of knowledge, the fact that religious explanations give way to scientific explanations, and in the transformation of the state, with the professionalization of its administrative apparatus. With the emergence of *statistics*, a type of knowledge that belongs to the state and that makes "counting" into a technical register rather than a political activity, the *genos* around which *immunitas* operates becomes scientifically coded. According to Agamben, "the sovereign decision on bare life comes to be displaced from strictly political motivations and areas to a more ambiguous terrain in which the physician and the sovereign seem to exchange roles" (Agamben 1998, p. 143). The sovereign decision is now encoded in a technical vocabulary. This is, once again, an experience indebted to colonial relations. Genetics served the ideological function of producing differences to legitimize the domination of one group to another. Invoking the very same "objectivity" such discourse presupposed, racial hierarchies were further naturalized. National Socialism is not the politicization of medicine, but the medicalization of politics, the

[60] There is a lot to say about Plato's philosophical and political project and I will undertake such investigation elsewhere.

substitution of the political with a genetic project. The project consists in making a race, in forging an identity that reduces the self to the body and the body to its blood.

Esposito inverts Arendt's insights on the relationship between sovereignty and racism. For Arendt, the sovereign's anxiety for unity, for securing the affects of its subjects, leads to racism, which is temporally posterior to sovereignty. Race is, according to Hannah Arendt (2004, pp. 209-210), the only unifying bond available between individuals under the conditions of an accumulating society, the conditions imposed by capitalism and imperialism, by the political emancipation of the bourgeoisie. In the absence of a public space, when political values have been transformed into commodities in the marketplace, racism becomes the powerful ideology of imperialistic policies. *Communitas*, or common life, which is common precisely because it belongs to no one and because it has nothing to do with the order of property but of improperty, is substituted by the logic of territorial accumulation.

Esposito alters Arendt's temporality. Sovereignty is just one form of *immunity* and *immunitas* becomes the key to solving Foucault's questions in *Society Must be Defended*: Why does biopolitics turn into thanatopolitics? Why does a regulation of life turn, increasingly, into a factory of corpses? (Esposito 2008, p. 65). The question, as I mentioned before, refers to the problematic articulation of two different technologies of power: sovereignty and biopolitics. Esposito's solution suggests sovereignty's belonging to a different and older paradigm, the paradigm from which racism, that is *genos*, becomes politically relevant. This is the paradigm of *immunitas*. According to Esposito, "the immunization of the political body works by introducing into its body a minimal quantity of the pathogen substance from which it wants to be blocked in order to

contradict its natural development" (Esposito 2008, p. 75). Sovereignty, property, and freedom are three different figures of *immunization*, political devices by which the common, that which seems to be unbounded, is controlled against its potentially unsustainable excess. Thus, Esposito affirms:

> From this point of view it could even be said that immunization, more than a defensive apparatus over-imposed to the community, is a cog wheel internal to it: the fold that, in some way, separates it from itself, protecting it from an unsustainable excess, the differential margin that impedes the community to coincide with itself and to assume the semantic intensity of its own concept. In order to survive, the community, every community, is obligated to internalized the negative modality of its own opposite, even if this opposite still sustains a way of being, privative and contrastive, to the community itself (Esposito 2008, pp. 83-84).

Sovereignty neutralizes political conflicts by in-corporation via the codification of proper bodies or *corpor*ations in the state. In doing so, boundlessness no longer refers to the improperty of *communitas*, but to the territorial annexation of imperial accumulation. With Esposito, once again, biopolitics touches, through the *immunitarian* paradigm that orbits around *genos* (race), the problem of colonialism without fully arriving at it, without fully exploring it. It is towards such exploration than I now turn.

6.4.3. A Different Technological Resolution: Necropolitics and Disposability

Like Hannah Arendt before him, Michel Foucault traced the origins of totalitarianism within the political development of racism. Both turned to the same

author, the Comte de Boulainvilliers (Arendt 2004, p. 215; Foucault 2003c), in their efforts to explore the historical emergence of a discourse of races. As Foucault speaks about an aristocratic war-of-races that is transformed into the racist state by the bourgeois invention of the nation, Arendt frames the historical struggle as one between the "race" of the aristocrats and the "nation" of the citizens, which can be found in her chapter on the political emancipation of the bourgeoisie in *The Origins of Totalitarianism*.

Postcolonial theory has turned more frequently to Foucault's work than to Arendt's, especially in terms of expanding on the colonial relations of biopolitics. Such is the case of Santiago Castro-Gómez (2007, p. 157) who conceived of biopolitics as a technology of government "that 'makes live' those populations that are better adapted to the productive profile required by the capitalist state and, instead, 'lets die' those which do not contribute to productive labor, economic development and modernization." In the appropriation of Foucault's theory, Castro-Gómez calls attention to the geopolitical circumscription of Foucault's theory to Europe, which Foucault himself always emphasized. Rather than a universal claim by which the discourse of racism is reduced or made equivalent to its colonial experience, European colonialism is shown to have contributed to its development without for that reason explaining it altogether. In other words, colonial racism is just one specific form of racism. Foucault's theory is able to accommodate a more plural view of historical-political processes, one in which the *micro*, the *meso* and the *macro* are different levels of the exercise of power through which the coloniality of power gets materialized. Castro-Gómez argues that Foucault's "heterarchical theory of power" offers a better model than Wallerstein's to understand the different dimensions of the modern colonial world-system.

What is insufficiently addressed in his interpretation of Foucault's 1975-1976 lectures is his focus on Foucault's theory of biopolitics as the "making life" rather than in the "letting die." Because Castro-Gómez's theoretical target is Immanuel Wallerstein's hierarchical conception of the world-system, he moves quickly from Foucault's analysis of the role played by racism to solve the technological impasse, into an exploration of the different levels in which power operates. Achille Mbembe offers a broader interrogation of the colonial matrix of power that organizes the *immunitarian* logic. Mbembe, influenced by Foucault and Agamben, argues that the distribution of those who may live and those who must die, changes with the impact that biopolitics has in sovereignty's prerogative to exercise control over mortality. Mbembe sees in Foucault's theory an opportunity to explore sovereignty not as a process of self-legislation (autonomy) but as a process by which human existence is instrumentalized and human bodies along with entire populations are materially destroyed (Mbembe 2003, p. 14). That is to say, Mbembe emphasizes the opposite pole of the equation, the "letting die" rather than in the "making life."

Mbembe emphasizes a different economy of power in the sovereign's ability to inflict death through its abandonment, rather than through its active making. Through negligence or the deliberative destruction of life's infrastructure, sovereign power is able to inflict more death than through its old forms of violence. The dominant figure here is that of the slave, whose conditions of unlivability are demarcated by a triple loss: "loss of a "home," loss of rights over his or her body, and loss of political status" (Mbembe 2003, p. 21). In the plantation system, which is already a normalization of a space of exception, Mbembe continues, the slave is kept alive but in a perpetual "*state of injury*, in a

phantom-like world of horrors and intense cruelty and profanity" (his emphasis in reference to Wendy Brown's analysis of this category). Turned into a thing, a property, the reproduction of the slave's life is already conditioned by her/his social and political petrification. The same process takes place in the colony, though by other means; the colony is the "zone where the violence of the state of exception is deemed to operate in the service of 'civilization'" (Mbembe 2003, p. 24).

What changes with colonial occupation, according to Mbembe, is the way in which this kind of necropower operates. What results from its operation is a new depoliticized subject, the *disposable* subject. Colonial occupation no longer produces a surplus population to exploit; it organizes the continuous material destruction of the living conditions under which such population is forced to live. *Necropolitics* no longer refers to the sacrificial substitute, to Agamben's *homo sacer* as the one who can be killed without impunity. The *homo sacer* has become a limited category. The *disposable* is no longer killed but abandoned; she or he is no longer left to die in impunity, but slowly sanctioned to death by the law through the marginalization of her/his living conditions as unworthy of social intervention.

Like the modern *homo sacer disposable* subjects are not sacrificed, but their killing differs substantially. It is, first of all, a killing that is not a killing, a killing that refuses the *denotation*. This is what Mbembe finds in the colonial occupation of Gaza and the West Bank, through the infrastructural warfare waged against the Palestinian population. The occupation calls attention to death inflection beyond bombing—the systematic terror exerted by the colonial settler through "*bulldozing*: demolishing houses and cities; uprooting olive trees; riddling water tanks with bullets' bombing and hamming

electronic communications; digging up roads' destroying electricity transformers; tearing up airport runways' disabling television and radio transmitters' smashing computers' ransacking cultural and politico-bureaucratic symbols of the proto Palestinian state; looking medical equipment" (Mbembe 2003, p. 29).

Necropolitics includes other forms of destruction equally invested in a larger world-scale regulation of life, such as resource extraction and the material dispossession of entire populations through destructive financial policies. For Mbembe (2003, p. 40), Foucault's notion of biopolitics is relevant but insufficient to understand the creation of death-worlds, "new and unique forms of social existence in which vast populations are subjected to conditions of life conferring upon them the status of *living dead*" (his emphasis). Unauthorized immigrants, like refugees, are increasingly placed into this condition of *disposability*, a condition in which some kind of death has already been inflicted. Hannah Arendt called it the first of three deaths, Emmanuel Levinas the experience of non-being, Patterson social death, Gilmore identified it with higher risks of mortality, and Laurent Berlant called it a slow death. Judith Butler saw in this condition a form of precarity that she differentiated from its ethical opposite, from precarity as existential vulnerability, interdependency and exposure to others.

Necropolitics refers to destitution and assigned disposability. It is with this second notion of precarity, in the artificial creation of conditions of endangerment, either through colonial occupation or anti-immigrant legislation, that Athenasiou also turned to Mbembe's category of necropolitics to improve her own investments in biopolitics. Athenasiou defines precarity as a descriptor of "the lives of those whose "proper place is non-being." This is indeed related to socially assigned disposability (a condition which

proves fundamental to the neoliberal regime) as well as to various modalities of valuelessness, such as social death, abandonment, impoverishment, state and individual racism, fascism, homophobia, sexual assault, militarism, malnutrition, industrial accidents, workplace injuries, privatization, and liberal governmentalization of aversion and empathy" (Athanasiou and Butler 2013, p. 19).

In the face of two different types of policing strategies meant to secure "proper places:" "restricting a population to a land of which they have been dispossessed and refusing the entry into the European metropole of those who are presumed to belong to another land" (Athanasiou and Butler 2013, p. 24), the improper subject, the dispossessed one, engages in a politically emancipatory action by refusing "to stay in one's proper place" (2013, p. 24). This is the case for unauthorized immigrants who refuse to stay in their "proper place." They cross the territory against the policing threat. Without disregarding their motivations for refusing territorial fixation—whether from impoverishment, racism, malnutrition, sexual assaults, political exclusion, etc.—the refusal already calls into question the global system of inequality supported by the fiction of borders and the violence of their arbitrariness.

To inquire into their motivations for crossing frequently depoliticizes the conversation by moralizing it. Rather than posing pressing political questions about membership, the violence of the border, its militarization and its complicit commitment to neo-colonial capitalism and the necropolitical system that allocates precarity differentially at both sides, this sort of analysis further contributes to stripping *disposable* subjects of their agency and humanity. According to Athenasiou:

> In Greece, for example, women migrants are prompted to perform an "authentic' self-identity of enforced migration and trafficked victimhood in order to become eligible for state or NGO assistance. And in the context of French politics of political asylum, 'humanitarian claims'—informed by health-care needs—are being discursively and institutionally privileged over political claims (such as claims of fear of persecution) (…) A moral economy of obligatory vulnerability and compassion is deployed as a regulatory norm of paternalistic and sentimental liberal humanism (2013, p. 113).

While policy discusses immigration law, the machinery of domination continues its course. A course of action in which it slowly achieves what Athenasiou (2013, p. 43) calls "precaritization," and defines as "that process of acclimatizing a population to insecurity." Governments tighten migratory policies and stateless people, whether as refugees or as unauthorized immigrants, become increasingly disposable in their material and discursive production.

Given the need to provide other frames, I now turn to *Antigone*, whose proper name already calls attention to the *immunitarian* paradigm—the anti-*genos*. Athenasiou also reads Antigone this way; she is the "incest-born manly daughter who uses proper names improperly [and] stands against the intelligibility of *genos*" (Athenasiou 2013, p. 58). Because of incest the orders of authority and hierarchy are confused in Antigone's family. Oedipus is both her father and brother and Polyneices is as much her brother as her nephew. When she claims to perform the burial rites for her brother, it is difficult to secure the referential relation and her own name means as much *anti* as it means *alter*. Antigone confuses the stability of the *genos* that turns life's political inclusion into its

opposite, greater exposure to death in "precaritization." She is "too manly." She leads Oedipus through foreign lands. She buries Polyneices in Thebes. She speaks in public when it is forbidden for women to do so. Her improper use of proper names has broader implications. She disturbs the order of the city, the separation between *logos* and *phone*, between the fully human and the de-humanized other. She articulates a counter-power to the racist and patriarchal foreclosure of her acts.

6.5. Reading *Antigone* in the biopolitical literature

Antigone's inclusion in the biopolitical horizon is not new. This inclusion, in fact, is closely related to the many variations of the figure of the stranger: the refugee, the undocumented immigrant, and the stateless. In her recent contributions to S. E. Wilmer and Audronė Žukauskaitė's volume, *Interrogating Antigone In Postmodern Philosophy & Criticism* (2010), both Cecilia Sjöholm and Audronė Žukauskaitė inscribed her within that horizon, mainly through Giorgio Agamben's category of the "bare life." Sjöholm did it by reinterpreting the Theban trilogy through the lenses of *Oedipus at Colonus*, in which she symbolizes not the sort of modern second-class citizen that mirrors herself in the subordinated position of women in the Greek *polis*, but the Arendtian refugee of modernity's crisis of political belonging. Žukauskaitė was equally invested in Agamben's theory of the *homo sacer* and found the biopolitical model also useful for reinterpreting Antigone's claim, arguing that Agamben's definition of "bare life" "perfectly suits Antigone" (Žukauskaitė 2010, p. 75).

My own approach has several resonances with both of these attempts. Like Sjöholm, I also consider that a more interesting interpretation of Antigone comes from

reading the tragedy in conjunction with the other two Theban plays in which the heroine appears (See chapters 2 and 3). This allows us to understand her spontaneous act as conditioned by a set of political deterritorializations and reterritorializations through which Antigone acquired different political skills to those of her sister, Ismene, rather than uncritically celebrating the heroic individualism in which liberalism finds its myth of political freedom confirmed. Like Žukauskaitė, I also consider Agamben's theory relevant though limited for expanding our understanding of Antigone as a refugee. My reading, however, differs from them in significant ways. Not only do I expand Agamben's framework for understanding the ways in which Creon articulates biopolitics and sovereignty, and the ways by which both Polyneices and Antigone are produced as disposable, I also try to assess their resistance to such technologies of power.

6.6. *Antigone's* Alienage and Necropolitics

Death and life are not inherently correlated to the *bios/zoe* distinction. They are, nevertheless, related. As we saw in previous chapters, the murdering of a *bios* as a result of home's disavowal (through expulsion, denial, non-recognition, sanctioned precarity, etc.), abolishes a space of appearances in which political subjectivity is co-produced in openness with others and subscribes such subjectivity to what Foucault named biopolitics, a technique of governmentality. This is what I have called a symbolic death. At the same time, their life (*zoe*)—the vital energies of their bodies—are constantly animated and exhaustively regulated by the policing order. Things get complicated, however, when the stranger engages in speech (*lexis*) and action (*praxis*), which are supposed to be the exclusive attributes of the citizen. Instead of a clear division between

those who possess speech/logos (*zoon politikon*) and those who are only voice/phone, we have their confusion in the performative utterances of the stranger.[61]

And yet, a juridical-political non-existence, which appears when one has no documents, has become increasingly more significant in a world where vitality and life supporting institutions, the very terms by which a life is make livable or unlivable, depend on having proper documentation. This is a life exposed to the constant threat of death, not as a distant possibility but as its normal frame within an assigned precarity. I use the category of "the stranger" and not that of "bare life" or the "disposable," because I do not see just deprivation in the politically produced conditions of precarity for unauthorized immigrants. I take the category of the stranger not as standing for something—as if naming a stable and already fixed identity informing Antigone's condition—but as a category that she uses to do something. This "doing," this symbolic use from which the category of the stranger can never be split, differs meaningfully when the category is employed by the sovereign to secure the "us" and "them" divide (the citizen and the alien) by which alterity/difference is exteriorized in the "other," from the one it performs when it destabilizes such a division by claiming otherness as one's sign. I conclude this chapter with an exploration of the sovereign uses of the stranger, mapping the functions it serves onto *Antigone*'s tragedy in order to understand the current biopolitical technology faced by unauthorized immigrants and what this tragedy can illuminate within the conditions of disposability. In the next chapter I explore the alternative work the reclamation of this position performs for the subject that reclaims it, beyond the biopolitical model.

[61] For a similar argument see Rancière's (1999) conception of the people/demos and Cavarero's (2005b) vocal ontology.

6.7. The Policing Use of the Stranger

The stranger operates two crucial functions for the sovereign police: on the one hand, it erases what Walter Benjamin (2000) called the foundational violence of its law, which is exteriorized in those who are experienced as a threat and discursively constructed as the disavowed "other"; on the other hand, it allows the exteriorized violence to return and circulate in the interiority of the city, making use of the stranger's ambivalent condition (not entirely outside nor inside) to transform the limited "right to kill and let live," which is characteristic of the sovereign, into the more extensive principle "to make life and let die," proper to modern necropolitical technology. This account of biopolitics seeks to explain a form of violence that, as Agamben says, "neither preserves nor simply posits law," a form of violence that Benjamin analyzes as constituting (making the law) and constituted (sanctioned by the law), as both prior and posterior to law's mystical origins. The violence exercised in the sate of exception "conserves it in suspending it" (Agamben 1998, p. 64), and such suspension lies in the policing production of the *stranger* as the vehicle for its circulation.

6.7.1. Disavowing the Other and Occluding the Violence: The Spatial Pole

Laius, Oedipus, Polyneices, Eteocles and Creon were all, at one point, sovereigns. As sovereigns, they all disavowed the ones they experienced as threats by converting "them" into strangers through the murder of their juridical-political existence, placing "them" outside the civic space defining the contours of the polis ("us") and leaving their ontological condition in perpetual suspense. They made of these human threats a sanctioned precarity.

Oedipus and Polyneices are emblematic cases for making this move visible. Oedipus represented a threat to his parents, the sovereigns of Thebes, carrying upon his shoulders their ill fated demise. Polyneices, the eldest-born, represented a threat to Eteocles' sovereign aspirations. Laius wouldn't be a ruler if killed by Oedipus, nor would Eteocles if Polyneices claimed the throne first. They had the choice to coexist with the radical alterity of those now transformed into "others," in lieu of their political ambitions, but they chose not to. Laius and Yocasta, trying to undo the prophecy of the oracle, asked their servant to kill Oedipus in the no-place where the two legal-political landscapes opposed and encountered each other. Eteocles transformed his brother into an outcast. To paraphrase Honig (2001), the sovereigns' solution was to erase the antagonistic difference, constitutive of the city, by expulsing the irreducible alterity—the city's otherness—through the first of three deaths by which the stranger was invented and the city's outlines established.

Oedipus' name means "swollen foot," registering the foundational violence of the sovereign (OK, 1130 [1030]). The threatening form of life (the anomalous, incestuous and abject) is exteriorized in this production of the "other," creating the illusion of the interior as normal in order to safeguard the city-state from the relentless toxicity of the one they turn-into-a-stranger and so as not to confront the institutionalization of this "other" in the de-humanized form of slavery that continues to sustain the polis. The relevance of Tina Chanters' (2011) reading becomes apparent here. Incest functions as a hyperbolic figuration of democracy's anxieties with its boundlessness, as seen in Pericles' substitution of exogamy for endogamy in 451-450 BC, requiring two Athenian parents to make an Athenian child. The *ethnos* externalizes difference as an abject attribute of the

other, the stranger, in order not to confront the paradoxical dependency of democracy to slavery. The tragedy of *Antigone* questions the implications of such measure, the false projection of abjection which is already grounded in its excessive closure—one by which the natal family becomes the inescapable limit of the social bond when the nation is transformed into the super-human family (Arendt 1998, p. 29).

Strangeness, which signals lack of familiarity, oddness or infrequency, becomes a floating signifier used to disavow the threat represented by those differences upon which identities try to secure and stabilize their otherwise contingent status. By making the "other" into a stranger and the stranger into an "other," the world is divided into a "familiar" inside of safe, stable and ordered civility and a "strange" outside of unsafe, chaotic and unpredictable contingency. The first of three deaths—the murder that is inseparable from the re-founding act inventing the city—simultaneously produces the sovereign and the stranger, the law and its violence.

The stranger, the embodiment of the unfamiliar/anomalous, is always an ambivalent figure that provokes as much fear-repulsion as fascination-attraction. We can identify the same gesture of exteriorizing "otherness" in order to secure the "us"/"them" civic divide in both the centrifugal forces of xenophilia by which the citizen embraces the immigrant as its self-image, and in the centripetal forces of xenophobia by which it rejects her/him as its negation. In fact, they complement each other and the same exoticization (sometimes eroticization) with which the stranger is endowed informs them both (Owens 2004).

An ambivalent figure, the stranger remains a site of uncertainty. As Honig explored extensively in her *Democracy and the Foreigner*, the stranger might be feared

as a “great danger” “we” need to deport in order to preserve “our” ethnos, but also celebrated as a cultural and economic source by which “our” ethnos can be remade. Wanting to immunize the citizen’s response beyond unpredictable attachments, the sovereign invents an auxiliary nomenclature, a policing grammar with which to stabilize the citizen’s affects and reintroduce the exteriorized violence back into the policed interiority.

6.7.2. The Metamorphosis of the Right to Kill in the Regulation of Life: Policing Names and the Temporal Pole

In order to safeguard what René Girard (1987) called the scapegoat solution—the exteriorization of its violence—the sovereign invents a policing nomenclature. It is one by which the potential excess of the stranger’s symbolic economy, the unpredictable consequences of her/his ambivalent character, can be neutralized so that the affects and solidarities of the people are not potentially deterritorialized in the “other” but reterritorialized in the reinforcement of national attributes. This is, in the language of Lauren Berlant, the kind of violence through which the state attempts to reattach collective fantasy to its own aura as sovereign actor.

The body of Polyneices bears the ambivalence of the sacred, the proximity between holiness and uncleanliness (Agamben 1998, p. 77). It must be seen, mistreated and abandoned. Yet, it must also be placed on the margins of the city, guarded, left untouched. An excessive violence is inflicted on the body to contain the body’s excess: its overwhelming presence. The body of Polyneices carries a double toxicity: the mark of incest and that of treason. His corpse, then, is turned into the pathogen substance of

immunitas. In order to avoid civil strife, a quantity of Polyneices' body, which soon proves unmanageable, needs to be reintroduced into the city, kept alive. Though he is already dead, beyond the city's reach, the birds and dogs who devour him are also in charge of distributing his body over the city. They are the corpse's non-human accomplices in death, undoing the divide between humanity and animality. Through the non-human agency of these animals Polyneices achieves in death what he could not in life—the destruction of the Theban royalty (Fradinger 2012).

Is Creon who orders the reintroduction of Polyneices' corpse to neutralize the development of factions. By looking at the desecration of Polyneices' body, sympathizers of his cause would be dissuaded from taking further action against Thebes. The *immunitarian* logic of Creon consists in continuing with the war so as to interrupt its course. *Immunitas* is structurally defined by the absurdity of this arithmetic. The sovereign needs to reproduce the pathogen, to keep the enemy alive, so as to protect himself from it. Such economy proves deeply unstable. *Immunitas* reveals its dependency upon its contrary, the being-in-common of the city, its radical and inescapable exposure to exteriority. As Creon keeps Polyneices' body exposed, the orders of death and life start to contaminate each other. The contours of the polis become unclear, the inside blurs into the outside. Creon cannot control the political economy of the pathogen by which he seeks to delimitate it, to territorialize the city's alterity. Polyneices' body projects an exteriority from which Creon wants Thebes to be foreclosed. *Immunitas*, in this way, is the failed reversal of *communitas*, of the being-in-common that it nevertheless presupposes. In order to interrupt the future civil war, led by the potential followers of

Polyneices, Creon needs to already enact the civil war, by keeping the body exposed in torture.

Creon first called Polyneices a traitor and then an enemy in order to secure the civic space.[62] He was violently expulsed by his brother, yet the violence of his expulsion is rendered invisible. The potential affiliation still granted to the stranger, with whom hostility and hospitality, xenophilia and xenophobia, coexist undecidably, is erased when endowed with the supplementary attribution of criminality or enmity—one with whom no friendship can be found to be virtuous. We can see this grammatical conversion in the dialogue between Creon and the leader, who is puzzled by the first burial of Polyneices. Trying to find the doer for the deed, to solve the policing riddle, the chorus suggests that it was a work of the gods, and Creon reacts: "Exactly when did you last see the gods celebrating traitors? Inconceivable!" (A, 325 [290]).[63] "Traitor" is the new name given to the dead body of the returning exile and it is the name given to Antigone when she claimed ownership over the deed in front of Creon, justifying it as legal according to the "great unwritten, unshakable traditions of the Gods" (A, 505 [450]). Creon rebuts by calling her a traitor: "Oh but I hate it more when a traitor, caught red-handed, tries to glorify his crimes" (A, 550 [490]). Creon pushes the notion of the traitor even further through the form of an irreconcilable difference: "never the same for the patriot

[62] I work with Fagles' translation, because it keeps the name "traitor" as a transitive along the passages I'm using, allowing me to make the name-connection between Polyneices and Antigone, but it would be more proper to employ Grene's translation, which chooses the word "criminal" as the name by which Creon identifies Polyneices in the Greek: "*he tous kakous timontas eisoras theous; ouk estin*," all the more relevant in the policing tendency to de-politicize the dissident act still exposing the contingency of the regime –its original violence (Eteocles' expulsion)– by encoding it in the already fixed and determined legal order of the city evoking the moral discourse. Another substitutive name, which Creon employs in his encounter with Haemon to describe Antigone and Ismene, is rebel (A, 815 [730]). Grene (1991, p. 189) also uses rebel in his translation of this passage: "*ergon gar esti tous akosmountas sebein*."

[63] Criminal in Grene's (1991, p. 172) translation.

(Eteocles) and the traitor (Polyneices/Antigone)" (A, 585 [520]). There is no ambiguity in the response still available for the stranger, when the citizen faces her as a traitor instead.

The other word Creon used, even more relevant for securing the circulation of affects in the symbolic construction of the stranger as the "other," was "enemy." He used it when he disavowed Antigone's justification of her act, calling her disloyal and suggesting she should be ashamed of her actions: "Then how can you render his (Eteocles) enemy (Polyneices) such honors, such impieties in his eyes" (A, 575 [520].[64] The anaesthetizing effect of the word enemy by which any solidarity is render impossible is clearly exposed by Creon: "Once an enemy, never a friend, not even after death" (A, 585 [520]).[65] Enmity amplifies the antagonism so that not even death can undo such a relation. Death, which marks the extreme limit of the sovereign's exercise of his right to kill, is temporally extended by the use of this name with which it acquires immortality. It is towards this function I now turn.

The war between Thebes and Argos is over; the chorus is calling for peace: "Now let us win oblivion from the wars, thronging the temples of the gods in singing, dancing choirs through the night! Lord Dionysus, god of dance that shakes the land of Thebes, now lead the way!" (A, 165-170 [150]). But Creon wants to continue with the murdering machine. Claiming to now "possess the throne and all its powers" (A, 190 [170]) he proclaims not "to dignify him [Polyneices] with burial, [nor] mourn him at all […] he must be left unburied, his corpse carrion for the birds and dogs to tear, an obscenity for

[64] Grene's (1991, p. 180) translation of the passage "*pos det' ekeino dussebe timas charin*" does not include the name "enemy" given to Polyneices, which Fagles might justify by the explicit reference of Creon to impiety, capable of undoing not only the ambivalent attachment still granted to the stranger but even the blood relationship evoked by Antigone.

[65] Grene (1991, p. 181) also uses the term enemy (*echtros*) in his translation: "My enemy is still my enemy, even in death," because of the strong reference to an impossible friendship in the Greek "*outoi poth' ouchthros, oud'otan thanei, philos*." There is an important difference between the more personal notion of enemy, as *echtros*, and the public notion of *hostis*, which should not be overlooked.

the citizens to behold" (A, 225-230 [200]). The violence of the law, which the stranger externalizes by carrying it out with her/him, returns to the city in the form of a theatrical spectacle by making use of its ambivalent condition. Creon keeps Polyneices' dead body visible (alive) in order to extend his death-right over the living bodies; the city must behold the spectacle so that he can continue the war in its absence.

Creon repeats the foundational act of Eteocles as a sovereign, the annulment of duplicity/alterity in the reinvention of Polyneices as an outcast in order to have a homogenous Thebes. What is crucial here is the singularity of this act, which is the only one that, at the same time, establishes the conditions of possibility for all his future acts. The first act of Creon, the edict that enacts and invents the law as the law of the sovereign, is an act of (de)nationalization or, as I claimed, a first murder inventing the disavowed other as one by which the sovereign extends his right to kill within the control/regulation of life.

Michel Foucault (2003c, pp. 240-247) shown both: the distinctive characteristic of the sovereign in this right to kill and the singularity of the modern state in the global age in the regulation of life. The orientation of the former towards death and the latter towards life created a theoretical impasse: How could the modern state reconcile two logics with opposed aims? As we saw, Foucault found the solution in the racist state of the twentieth century, able to re-signify the old sovereign right to take life as a biological problem of making a "race." What he did not explain was the subject-product upon which such a convergence/passage between dead-infliction and life-regulation rested: the colonized as the racialized body that rearticulated the *genos* of the *immunitarian* paradigm and takes the form of the *disposable* subject under necropolitics.

Death, the right to kill, the very means by which the sovereign came to being, establishes the boundaries of his domain. Beyond death the sovereign exercises power no more. The prerogative of the sovereign is to take life, to inflict death. The stranger's ambivalence offers him two ways by which he can prolong the existence and exercising of this policing function. It duplicates the spatiality. Polyneices' body is left outside the city, but the citizens must be able to see him. By placing the "enemy" in the exterior Creon seeks for the criminal as his internal metastasis, both of them under the spectrum of his death-right, heretofore securing a circulatory function of control for the exercise of his policing role. It also defers its temporality. Polyneices' body is actually not buried, meaning that death is not yet resolved but suspended and extended as the pathos of the living. The spatial border is undone at the seventh gate while a temporal one is undone between the lives of the living and, as paradoxical as it sounds, the lives of the dead. War continues to be fought but no longer against a living enemy, but against a dead one.

According to Carl Schmitt's *The Concept of the Political* (1927), the eventual realization of death—physical killing in war—plays a structural role in the definition of the political as the distinctive act of the sovereign, but it can neither equal nor substitute for it. In fact, war is excluded from the political or deferred temporally in order to perform its architectural role. That is to say, war is the presupposition always present as a real-effective possibility for the political, accounting for enough of a degree of intensity to codify social groups into the friend-enemy binary, but whose actual concretization ends politics. This is clear in the non-textual aspect of the war between Thebes and Argos, which takes place between the plays *Oedipus at Colonus* and *Antigone*. The war is post-textual to the former and pre-textual to the latter: it is the mute field of violence.

This temporal and spatial elongation is the crucial performative function the sovereign seeks in the ambivalence of the stranger. Death, characteristic of the sovereign's right to take life, acquires its public form in the temporal displacement of war as an eventuality to be expected, secured by the spectral invocation of the stranger as its bearer. Through the stranger, violence is extended beyond its otherwise limited although excessively intense experience in torture, which was its privileged locus under the classical period in Europe (Foucault 1979). The absence of an actual war is all the more present in the symbolic simulation of the sovereign's invocation of its specter—an expected, although temporally displaced eventuality animated by the theatrical stage of an obscenity for which the stranger's body is essential. The sovereign profits doubly from the stranger: the stranger externalizes the sovereign's original violence by making such violence the carrier of the stranger's symbolic death. The sovereign uses this ambivalent condition to extend, temporally and spatially, a circulative violence in the form of a policing regulation of the interior-exterior space.

In order to further understand this temporal extension it is useful to contrast the violence Creon inflicted against the corpse of Polyneices with the violence inflicted by the sovereign in the scaffold, which was the simultaneous political site of punishment and truth in Foucault's genealogical account of punitive practices. Another body serves as contrast to map and understand what is at stage in this necropolitical mode of power, the body of Damiens, the condemned regicide who was killed by the sovereign on March 2nd 1757 in the scaffold. For Foucault, public torture was the discontinuous pre-history to a normalized regime of discipline in the prison, which emerged as a solution to the irregular economy of the sovereign excess of the scaffold. In contrast to the anatomical

discipline of the body and the later biopolitical regulation of the population, Foucault characterized the sovereign right to kill in the excessive spectacle of the tortured body as being incidental (dependent on the degree of the actual offense), lacking constancy (waiting for the crime to be committed), being inefficient (open to be inverted by the popular repudiation of those who were contemplating the scene) and reproducing constant elusive counter-effects (in the event of a clear asymmetry between the crime and the punishment the sovereign revealed his tyranny and abuse).

Anachronistically read through modern lenses, Polyneices' corpse no longer represents the classical tortured body of the scaffold but the modern necropolitical exercise of power. Sovereign violence is not inflicted upon a living body, whose death marks its end and reduces its economic expenditure. The sovereign inflicts violence upon a corpse, a dead body whose end is endlessly deferred, thus amplifying it as a result. Rather than killing, Polyneices hyperbolically represents the slow death inflicted by sanctioned precarity—the abandonment of the other to its slow decomposition under the sight of the public gaze. To turn this spectacle of slow suffering into a normalized experience requires temporal modification, mainly, to constantly defer the end-point of death.

Through the stranger, the sovereign position is able to generalize its death-right in the civic spatiality of the *bios* via its metamorphosis in the form of a regulation over life; since then haunted by death as that which it slowly inflicts through the deprivation of material conditions of livability (the corpse sill unburied, the unauthorized immigrant as the living death). The stranger resolves for the sovereign what Michel Foucault exposed as a potential contradiction between the classic sovereign right to "take life or let live"

and the new biopolitical logic of power operating through the opposed form: "make life and let die." Her/his ambivalence is used by the sovereign to secure this circulation from death-infliction to life-regulation: the racist transcription which is at the basis of xenophilic and xenophobic tendencies to associate the slow death of "them" to the life of "us"; the mobile caesura by which the enemy is re-signified as the biological/existential threat, in a sanctioned and normalized disposability that acclimatizes society to precarity.

Furthermore, the agonistic *bios* of speech and action is neutralized by the nomenclature of the sovereign, one by which violence circulates from the externalized enemy to the internalized traitor, disavowing the speech-act of those who speak out against the established set of norms and technologies of government as suspects of exteriority. All significant disagreements, conflicts, differences and contradictions are turned into signs of dis-unity, loss of national identity, potential civil unrest, chaos and disorder: figurative threats of death to life re-production, the new function of the sovereign police. Its violence is no longer perceived as an injustice but treasured as a form of care-for-the-city. The sovereign uses the stranger to normalize its regulative function over life and de-politicize the possibility for the people to name the violence to which they are now extensively and intensively subjected. In the next chapter I turn to the ways by which such economy of disposability is contested by Antigone and by the theatricality of politics more broadly.

CHAPTER 7

THEATRICALITY

"This is a certain performative politics, to be sure, in which to make the claim to become illegal is precisely what is illegal, and is made nonetheless and precisely in defiance of the law by which recognition is demanded"

(Judith Butler 2011, p. 64).

7.1. How to Speak When One's Voice Cannot be Heard

Gayatri Spivak's seminal work "Can the Subaltern Speak?" has proven extremely productive for reading the agency of those whose speech-acts are silenced before they even speak. What she shows is that one must look for speech elsewhere, through its catachrestic displacement into a material, for example, or into a way of doing that articulates a different signifying chain. Spivak reads a counter-hegemonic politics against the discourses governing Bhuvaneswari Bhaduri's suicide, in the kind of displacement her suicide performs. When interpreting Bhaduri's suicide—hanging herself in her father's modest North Calcutta apartment in 1926—Spivak ventures a plausible hypothesis: "perhaps (she) rewrote the social text of *sati*-suicide in an interventionist way" (Spivak 1988, p. 103). What Spivak reveals is that Bhaduri's suicide was trapped between two transcriptions of her act, from which she could never separate herself entirely: the colonial argument, emerging from the British abolition of widow sacrifice in 1829, which Spivak famously describes as a case of "white man saving brown women from brown man," and the anti-colonial Indian nativist argument, for whom "women

actually wanted to die." The voice we could never hear, Spivak tells us, is the voice of the sacrificed widow.

Spivak's yearning for that voice is not a retreat into an ideologically free subjective position, out of which truth will finally emerge out of political overinterpretation. It is, rather, a postcolonial questioning of the social text that cannot be heard, the subject-position that cannot speak as it is already transcribed, anticipated in the dominant discourses trying to exhaust, close and reduce her semiotic possibilities. Bhuvaneswari needed to wait until she was menstruating to clear herself of accusations of illicit pregnancy. She could not speak, and it is her silence, the impossibility to hear her voice in the voiceless temporal displacement of the *sati*-suicide, in which the postcolonial theorist exposes a counter-hegemonic discourse.

Like Bhaduri, Antigone's reasons for burying her brother have already been inscribed in the theoretical discourses that subordinate her to the drama of kinship and the state. She can bury a brother but she cannot bury a fellow foreigner, for example, since kinship and state-formation are territorially circumscribed to one polis. The political connection she builds with the ostracized Polyneices at Colonus cannot find a place in the textual economy of the play. Antigone is either made into the tragic subject who fixes the object of her desire in an unconditional demand to one sole member of her family (Lacan), or the subject that is reduced to her filial duties realized in the ethical equilibrium of the brother-sister relationship (Hegel). Yet, Antigone says something else—she articulates a social text that displaces the monolithic *polis* as its frame of reference. Like Bhaduri, she does so precisely through the as yet unexplored meaning articulated in the materiality of her suicide.

When Antigone commits suicide she wears a particular piece of clothing, a *sindon* (A, 1221-22). The piece of cloth with which she hangs herself, this material trace, was her last way of rewriting the social text. It was her last way of escaping, through the catachrestic displacement of her voice, the enclosed narrative of her action into one singular context, hyperbolically represented in the incestuous drama. The *sindon* is a Persian article of clothing. Though I discuss the significance of this garment in more detail in the following chapter, what I want to emphasize here is that Antigone's wearing of this garment represents her last attempt to escape the enclosure of her narrative to one singular place. What's more, she wears this garment after quoting Intaphrenes' wife, further revealing her search for political resources from elsewhere, outside the Greek *polis*. Following Spivak, the garment participates in a series of displacements by which the territorially circumscribed code of kinship-state is constantly put into question. These include, as I mentioned in Chapter 3, the invocation of foreign divinities, the invocation of foreign stories, the identification with foreign social positions, and the wearing of foreign clothing when her speechless body is all that remains after the failure to escape the patriarchal enclosure of her narrative.

Such displacements reveal the need to attend to the theatricality of action. In doing so, we are better able to explore agency in conditions of inequality, particularly when speech must travel and meaning must be sought in the materiality of the objects in which it is invested and in the registers in which such meaning is coded. There is, significantly, an important metric change when Antigone invokes the story of Intaphrenes' wife, found in the passage where she emphasizes the uniqueness of her brother as the reason by which she acted. Such metric change made Goethe suspicious of

its authenticity. He wrote a letter to Eckermann in 1827 expressing his doubts. The metric change represents a change in her voice. It calls attention to the fact of her speaking Greek with an accent, to the fact that she has been wandering around, that her political skills are not a Theban product but a product of her cross-bordered encounters. The complex theatricality of her quoting a Persian story and wearing a Persian garment exposes the voiceless rewriting of her social text as a *metic* political drama.

7.2. Written Over the Body: The Fetishism of the Document

The ambiguity—between word and deed—that Judith Butler attributed to speech, belonging "exclusively neither to corporeal presentation nor to language" (Butler 1990, p. 102) is noticeable in the protests enacted by undocumented immigrants in the streets of Arizona.[66] Wearing "I'm Undocumented" shirts, immigrants turned their bodies into walking signs, making visible the very same terms by which their invisibility was sanctioned. "I'm Undocumented" is written over the body so as to make the sign coincide with the act in a performance that bridges language and corporeal presentation. It brings about that which it claims to refer, stressing what Paul de Man (1979) called the necessarily "aberrant" relation of the performative to its own referent. The referential subject is no longer presupposed as existing prior and elsewhere, separated from the sign, but *performed* by it. The sign *produces* the subject to which it refers; the referential subject embodies the name by wrapping herself/himself in it.

[66] Here I follows the legacy of Derrida's deconstructive undoing of J. L. Austin's separation of performative utterances said in the theater from ordinary speech-acts, which Parker and Sedgwick regarded as "structured by a generalized iterability, a pervasive theatricality common to stage and world alike" (Parker and Sedgwick 1995, p. 4). Derrida's (1984) troubling of the constatation/performativity binary in "Signature Event Context" acquired a renovated energy in the work of Butler (1997), which made the epistemological impasse politically productive for a more imaginative interrogation of the subject's identity in its inescapable performativity. For a different interpretation of Austin (1975) that insists in its theatricality see Felman (2002).

Undocumentation refers to a double lack, to a dual form of dispossession. It is not only the subject who lacks the documents marking her or his existence intelligible in the city. The field of documentation also lacks the presence of certain subjects within its scope of intelligibility. Some are *un*documented, they exist beyond its field of inscription, historically unrecorded. Thus, undocumentation defines a body prior to significance. After all, to signify the body is to already document it, to locate it within a signifying system. By making undocumentation, rather than documentation, the legible sign on the body, undocumented immigrants call attention to the artificial separation of "the body" from this regulatory grammar. There is a body behind the sign, filling out the t-shirt, a body that becomes visually available through its creative articulation of the very term by which its invisibility is policed—its lack of documents. But such body is not independent from the t-shirt; it is precisely through the t-shirt that such bodies get differently noted.

The visible inscription conjures the invisible one. The gaze turns toward the sign because the sign should not be there, because the lack of documents precisely signifies a certain interdiction from public visibility, a certain expulsion from the public audio-visual record making existence legible. The act documents—through the public exposure of the body as a legible text—both its own public disavowal and the failure of such disavowal to completely exclude those bodies from public appearance and spectatorial address. The performative act, the wearing of the t-shirt in the public space, demonstrates that those bodies, despite their marginalization, are able to inaugurate another signifying chain. In doing so, it makes visible the regime of power that organizes the legibility and illegibility of different bodies through the production or deprivation of certain documents—

documents that both enable or disable the spatial movement of the body that carries them or fails to produce them.

The current hegemonic legibility of the body is, in great part, codified by the possession of certain documents and the dispossession of others. The passport—an invention of the French Revolution that reorganizes the movement of populations through the global codification of the citizen/non-citizen binary (Torpey 2000)—is just one of the documents through which freedom of movement is unequally allocated. The French Revolution had not yet finished when the document that was supposed to materialize freedom, by enabling its carrier to cross the border (freedom of movement), turned into its opposite, the reproducer of a new source of unfreedom that restrained another populations' ability to cross.[67] Rather than enabling movement, documents turned into a new means of confinement. Documents, endowed with the mystical capacity to confer personhood, to breach the gap between the human and the citizen that the Revolution produced, were simultaneously bestowed with the same mystical capacity to refuse it.

The document became the new political fetish and the fetishism of the document served several political functions for post-revolutionary liberal governmentality. First, it enabled the policing mechanism through which the nation-state was able to strengthen the hyphen between the juridical order of the state and the ethnic order of the nation. Documents could be conferred, granting membership to some, but they could also be revoked or denied, depriving it from others. The racist caesura separating the proper from the improper subject of the nation was normalized by the administrative machinery of the

[67] Nietzsche (2005, p. 155) was probably not thinking of the passport when he wrote in *Twilight of the Idols*: "liberal institutions cease to be liberal as soon as they are attained: later on, there are no worse and no more thorough injurers of freedom than liberal institution." The invention of the passport, however, suits Nietzsche's diagnosis of liberalism.

state, now in charge of conferring or refusing documents for the subjects that it produced in the process. Second, it facilitated the re-articulation of colonial practices of control under the liberal language of national self-determination. Through documents, populations were now classifiable and controllable. All kinds of identities were fabricated—political, ethnic, national, sexual—and codified through the administrative apparatus, a policing process that has its origins in the colonial practice of issuing identity cards in order to organize, discipline and control different populations (Longman 2001; Lyon and Bennett 2008; Lyon 2009). Finally, documents guaranteed the reproduction of the global asymmetry between capital and labor by making the former fluid, territorially unbounded, and the latter static, territorially fixed. Such asymmetry has only increased with the consolidation of neoliberal globalization, which emptied the distributive function of the nation-state, still the dominant space of juridical-political address for labor, in order to increase its exploitability. The accumulation of capital relies on the underpaid labor of invisible workers whose conditions of livability rest, paradoxically, in their conditions of unlivability, the disenfranchisement that renders them disposable and thus attractive to capital (Bales 1999; Athanasiou and Butler 2013; Butler and Spivak 2011, p. 113).

"Undocumentation," then, names the political injury, the policing grammar through which the invisibility of these subjects is achieved so as to make the political privileges of some rest in the unrecognized material labor of others. By naming the injury, however, undocumented immigrants contest the terms of their invisibility. Unlike the policing name, which destroys the body through its inscription, the self-naming *re*creates the body—it calls attention to its existence, alternatively documenting it. The

subject is, in both cases, partially constituted through this very naming, which does not exhaust its efficacy in this political process of subject-production. The verbal injury of the policing interpellation produces not only the victim, the addressee of the name, but also the perpetrator, its authorial source. The naming of the subject as undocumented, by the sovereign police, produces the sovereign police as the fictive origin of the naming, which further occludes the equivocal source of authority that the reclaiming of the name re-opens as a political question.

To be undocumented, to be outside dominant forms of documentation, means to be in a condition of non-belonging in relation to the juridical forms conferring a meaningful and recognizable existence within the state. Such a condition is not a given factum, but a politically produced one. It is *performative* in the same sense as Judith Butler's notion of gender *performativity*: it "constitutes as an effect the very subject it appears to express" (Butler 1990, p. 130). Political membership is unevenly distributed by the state. The state documents some and deprives others of documents, manufacturing the citizen/alien binary that, otherwise, is presupposed as grounding the documentation. The possession or dispossession of documents regulates a great variety of activities for the subjects it produces: from access to health services to driver's licenses to trans-border mobility and political action. Documents and their lack, then, allocate precariousness and social and political capabilities differently and unequally. They make some lives more vulnerable to injury and exploitation than others, and some other more publicly notorious and significant than others. Such allocations vary according to particular circumstances and contexts. Sometimes not possessing a document is the condition to have access to life-supporting systems, more often it risks the sustainability of such lives. The complete

absence of papers, nevertheless, is never a return to a bare life, to the original nakedness of birth. Judith Butler was right when she claimed, against Giorgio Agamben's (1998) notion of the bare life, that "no matter how destitute the situation becomes (…) there are a set of powers that produce and maintain this situation of destitution, dispossession, and displacement" (Butler 2012, p. 10). Bare life does not appear when the subject is dispossessed from her/his documents; dispossession is always politically produced and sustained by a domain of power. To echo Butler again, the undocumented subject is not stripped of a status but given one—a negative one—that prepares her/his dispossession and future displacement from the city.

All the predicates used to name such status denote some kind of dispossession. "*un*documented," "*un*authorized" and "*il*legal," all these social constructs require a negative prefix, they all describe an ontological lack that is politically produced. The predicates bring some into being in the form of non-being, of non-existence. They name the one who does not belong in an effort to de-politicize political belonging by referring to a pre-political ontology, to a given reality that further attenuates the political production of the naming itself as the site in which belonging and non-belonging is not made but merely marked. The predicates, then, reproduce the geopolitical border discursively. The violence of the border, however, is as visible in its crossing as it is in the absence of such crossing. The successful unauthorized crossing marks the undocumented as deportable, as liable to expulsion. Yet it also marks the unsuccessful one as undesirable in the racist reorganization of populations. Bodies are expulsed from the unwelcomed territory through deportation but they are also contained in their territories of origin by the refusal of documents.

The existence of the document, however, does not guarantee the impermeability of the border; it does, however, guarantee the commodification of the subject that it injures by refusing to document it. It is as much a political as a social and economic device of control to separate desirable from undesirable aliens, to place and displace destitution so as to make some more exploitable than others. Desirable aliens, those able to be documented, are frequently the ones who can demonstrate their own means of production, means whose materiality exceeds the limited scope of economic solvency. They are able to pay the fees to acquire a valid document but, more importantly, their future document rests in the prior possession of other documents and in the dispossession of still others. This means that undocumentation participates in a series of violence that it neither originates nor ends. These other forms of violence might predate and very often participate in the juridical deprivation of personhood that undocumentation inflicts on the subject: political persecution, unemployment, war, extreme poverty, sexual violence, racism, etc. Undocumentation is inseparable from them but it is also irreducible to them. Instead, it contributes to make those forms of violence more saturated by placing the subject beyond the law. The policing threat, the fear of deportation looming over the subject after it has succeeded in its unauthorized crossing, enables all kinds of abuses from official authorities, bosses, co-workers, partners, etc. This is especially true given that the subject cannot seek protection in a law that does not recognize her/him as a right-bearer but only as a transgressor. Juridical deprivation, the injury, becomes a weapon with which to inflict more injuries and increase the abuse and the exploitation of the subject. It also contributes to further fetishize the document.

What's more, the excessive policing of undocumented immigrants helps to further render invisible the policing of the documented. The asymmetry between the documented and the undocumented subject is played against both by the representatives of the status quo. The political, social and economic deprivation of the undocumented neutralizes the documented subject from its power to discursively articulate the terms of her/his own unfreedom. The absence of rights and privileges, subjugation and precariousness, radical exposure to state and other forms of violence, do not characterize the condition of the documented because they already characterize the condition of the undocumented. The goal, then, is decided in advance: how to turn the undocumented into the documented. Having papers becomes the new political goal of emancipation, the objective that re-codifies the political struggle as doing the work of supplementing the lack, of fixing the negative prefix, shifting the accent from the protests in the street to the lobbies at the Capitol. This shift of emphasis refers to the recodification of the protest as the new site of nationalistic fantasies, a desire for "America" in the US context that romanticizes both what "America" signifies and the referential object of such desire.[68] The political struggle

[68] In the US case, such fantasies are usually mapped into the "American dream" that the *Dreamers* (a recent social movement of unauthorized immigrants, mainly in college, fighting for alternative legal means to be enfranchised) are said to dream now in Spanish. In her conversation with Gayatri Spivak, Judith Butler provided a different reading of this reclamation of national icons, even if warning against the potential reproduction of nationalism in them. She analyzed the singing of the US and Mexican anthems in Spanish in the spring of 2006 during the street demonstrations of unauthorized immigrants in various cities of California. Singing the US anthem in Spanish, just after Bush had claimed that it could only be sung in English, directly contested the linguistic exclusion that reproduced the racial boundary. The singing troubled the border that rendered Spanish speakers non-existent through the public interdiction of their language. The singing of the Mexican anthem troubled the national fixation of affects in the territory as reducible to one singular polity. The singing confronted a homogenous view of the state as mono-linguistic with a pluri-linguistic one, an imagined one in which the hyphen between the nation and the state could be severed so as to allocate more than one attachment. But the most important political aspect of the singing was its creative articulation of equality. The claim for equality, for equal belonging, was articulated through the alternative singing of the national anthem. As a national symbol that refers to the totality of the community, the singing of the anthem in the interdict language mobilizes the inclusiveness of its totality against itself, against the silences that if facilitates through its fictive invocation of universality. The singing calls attention to the supplementary part that troubles the totality, the Spanish speakers that are excluded from its universal count nevertheless invoke the very same terms of such inclusion. The invisibilized

that reveals and contests the complex system of governmentality through its re-signification of "undocumentation" in its theatrical iteration gets reduced to a problem of future enfranchisement. Such reification of the document reestablishes the hierarchy between the documented and the undocumented, between the document and its lack, where the former describes the desirable state and the latter the undesirable one. The teleological subordination of the "I'm Undocumented" protest to its future enfranchisement misses an important dimension of the protest—the political confrontation of two logics of being in public: one that renders undocumentation invisible and another that grants it visibility by empowering the subject through the very same terms by which (s)he was politically disavowed. It erases the transitory world in which it is possible to *be* without documents, which the protest brings about.

The fetishism of the document generates such political displacement by repositioning the document as the desirable object, further marginalizing the empowering potential of its lack when such lack is articulated with different contestatory aims. To be undocumented, then, is thrown back into that pre-political universal ontological condition of nakedness upon which politics (fully-legally-codified-personhood) then, crafts a subject, a "real" subject of politics fully enfranchised. Undocumentation, however, describes neither a *tabula rasa*, nor a universal human condition prior to power; it describes an effect of power-relations. The alternative self-naming renders legible the political process that distributes dispossession on the basis of the prior possession or lack of certain documents. It also visibilizes the regulatory functions articulated through this

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exclusion of Spanish speakers gets articulated through the public chanting in Spanish of the anthem that articulates national inclusion. To invoke the terms of Jacques Rancière, the protestors demonstrate that they are a part, that they belong to the same community by chanting its national anthem, but at the same time they also demonstrate that they are not yet a part, that they chant it in the interdict language, that they are the part of those who have no part in the order of the community. See Butler and Spivak (2011).

policing device. Finally, it produces its failures; it anticipates the potential undoing of this regime of power by making present what should be absent in the failure to produce them. It would be a mistake here to look for the human behind the document—the new site of universal humanism beyond the signifying capture of the document that, in its turn, makes documentation into the universal language of political intelligibility. Such reading participates in the same uncritical celebration of nakedness as the pre-political state of the body that, some would claim, does not carry papers when the newborn arrives into the world. Both papers and their absence are already there, prior to the newborn's arrival, even marking her/his arrival *as* an arrival and as *her* or *his* arrival. There is no ontology that is not always already involved in politics.

7.3. Re-politicizing Ontology

Hannah Arendt, whose work on refugees has shaped contemporary debates on membership, citizenship and immigration, claimed, "we are born into the world as strangers" (Arendt 1998, p. 9). Arendt's claim significantly changed the previous ontological claim of Martin Heidegger, "we are thrown into the world," with which it retained an uncanny resemblance. Arendt added a predicate—strangers—and modified "thrownness" as birth, putting the ontological accent on humanity's beginnings where Heidegger had emphasized their finitude in their end. The claim left the subject "we" of the sentence entirely unexamined, making strangeness into a universal condition of the human. Such universality, nonetheless, is betrayed by the very structure of the sentence and its specific philosophical genealogy.

First, the idea of "being born into the world" has a particular history and cultural indebtedness to the Christian tradition, which explains why Arendt invokes it within her first discussion of the concept of *natality* indebted to St. Augustine. The world into which the "we" are born already presupposes an inside and an outside; a certain contained sphere from which the "we" are first absent and then present. "We are" not yet, but the world is already there, probably waiting for the "we" to be in it. The use of the definitive article, moreover, already articulates a view of the world, one in which the world is *the* world. Because the definitive article allows the use of singular and plural nouns, marking the world as singular further adds to the inescapable linguistic and political constructedness of the ontological claim. Pluralizing the world would have already provoked a different interpretation; imagine the impact one 's' could have had if Arendt had instead claimed, "we are born into the worlds as strangers." Being, the "we are," is additionally conceived of as transient, as passing from the state of not-yet-being-born to that of being-born. "We are" now because we were not before. Birth marks the border, and such transiency articulates a silent desirability if not, in some circumstances, a veiled teleology—some kind of progression from absence to presence, from non-existence to existence, from nothingness to being.

Even more, the predicate only makes sense if one imagines a variety of alternatives. To claim that "we are born into the world as strangers" would be a tautology or a pleonasm if strangeness were somehow equivalent to being-born. The sentence makes sense because there are other ways of being born into the world, other predicates whose predicative priority and meaning strangeness now disputes in the philosophical vocabulary of Arendt. Those rival alternatives, although grammatically absent, already

play a structuring role for the claim's theoretical significance. The sentence conjures their spirit in order to produce its effects. In doing so it rearranges the field of discourse. It displaces the significance of birth from theological and scientific domains, for example, in order to deliver it to philosophical ones. St. Peter, who also refers to a "we" [God's elect] as strangers in the world (St. Peter, 2: 3), claimed that *we* are "being born again, not of corruptible seed, but of incorruptible, by the word of God, which liveth and abideth for ever" (St. Peter 1: 23). For St. Peter "we are" not born *as* but *of* [incorruptible seed] or *by* [the word of God], a notable difference. Likewise, "we are" born *again*, birth is cast as iterative, as susceptible of repetition, a crucial characteristic for Arendt who differentiates the linear time of a *bios* (the human as member of the political community) from the cyclical time of *zoe* (the human as member of the species-being) precisely on the basis of the former's capacity to repeat, of *re*naissance, of *natality* as the repetition of new-beginnings. Science refers to birth with a similar theological obsession for origins, for its *causa prima*. In science "we are" also not fundamentally born *as* but *from* the zygote (ancient Greek word referring to "joined") resulting from the fusion of gametes—an ancient Greek word referring to "wife."

Both discourses, theological and scientific, articulate in their own grammar a complex history of sexual regulation that is absent from Arendt's formula. The absence of women in St. Peter's definition is as telling as their presence as "wives" in the sedimented gametes of the scientific one. Not only is the seed of God incorruptible, as opposed to a previously corrupted seed, the patriarchal logos of the eternal being has a fertilizing power, the one that passes from God to Adam, who named all the creatures including women (Genesis, 2: 19-23). Man's language impregnates the absence "woman"

signifies, making women not only into an empty and exclusively passive receptacle of seed, but a subject that is further deprived of logos. Men name; women are named. The subordination of her gender is further linguistically marked by her role as a "wife," which now governs her sexual incorruptibility. It is this term, "wife," that gets naturalized in the otherwise seemingly neutral language of biology through its historical sedimentation in the gamete. The newborn comes (originates) from the properly lawful sexual relation between one man and one woman, hetero-normativity gets reinscribed in the secularized translation of patriarchal theology through scientific positivism.

Yet, the very terms by which the symbolic domain of power reproduces its hegemony are there to contest it. Women, not men, are signified as active birth-givers. Women give birth; men are born. It is men, not women, who are now absent from the semantic field. This change has a meaningful consequence. What differentiates *active* from *passive* is not that the former *does* (subject) and the latter *is done* (object), but that the former *can* not-do. Hannah Arendt, who differentiated the *human condition* (a "who") from the unknowable *human nature* (a "what"), grounded such condition in *natality*, which she understood as spontaneous action and as the "capacity of beginning something anew" (Arendt 1998, p. 9). She never equated the human condition of natality with the concrete experience of birth-giving, from which it is, nevertheless, not entirely separate. "Capacity" in this case means that the doing is contingent—that it is liable to happen or not to happen. This capacity to begin is different from the capacity to end. Something must already *be* in order to end it. The decisive aspect of *natality* is that it refers to a particular kind of potentiality—a potentiality to undo not what has already been done but what has not yet been. It is by this very capacity that the "coming-into-being" becomes a

potentiality rather than a necessity. The political making of women into mothers, into birth-givers, symbolically endows them with this capacity. Men's exclusion from this biopolitical privilege turns, then, into their compulsory regulation of sexual reproduction. It does this by controlling women's capacity to produce children but also by controlling women's capacity not to produce them, their *can* not-do.

Wifehood was, to some extent, the political device by which to secure such gender hierarchy. The making of the woman into the wife accomplished two different political functions by which women were further naturalized as a given: on the one hand, the making of the woman into the mother and on the other hand, the making of the mother into the wife. The first one guaranteed pro-creation, the continuity of the paternal line and the fixation of gender roles. The second one guaranteed its legitimacy, that it was indeed the paternal line that got continued. The separation of motherhood from marriage displaces the site of anxiety for men's diminishing power to control the female body from the latter to the former. The latter targeted the "bastard," the corrupted offspring; the former targeted the unborn, the very existence of the offspring itself. This explains why the criminalization of abortion as "murder" reveals not a fear towards women's power to destroy but towards women's power not to create. Birth, then, becomes the last ground, the last deposit of all these ontological fantasies in their refusal to name the kind of gender struggles that are historically sedimented in these different disciplinary vocabularies. Birth is endowed with similar mystical powers to confer personhood, to turn the human into the citizen. The gap, however, is no longer breached through a cultural document but through a "natural" fact. Birth becomes the zero-point of membership, its threshold as well as the new vacuum of sexual politics. It defines who is

and who is not a member of the community. Both *jus soli* and *jus sanguinis*, still the two dominant frameworks to confer citizenship, presuppose birth as this liminal event. You are either born in the proper territory (*jus soli*) or born from the proper parents (*jus sanguinis*). The political fetishism of birth, however, does not reveal the ontological interdependence between sovereignty and biopolitics—the fact that life itself, bare life, is not invested with the principle of sovereignty, *à la* Agamben, but its historically contingent articulation in the politics of gender.

Agamben is right when he claims that refugees represent a disquieting element in the order of the modern nation-state because, "by breaking the continuity between man and citizen, *nativity* and *nationality*, they put the originary fiction of modern sovereignty in crisis" (Agamben 1998, p. 131). What results from such discontinuity, however, is neither the revelation of the universal "bare life" behind particular forms-of-life, nor the "true man of rights" as the human bearer of rights outside the fiction of the citizen, but the artificial production of that bare life as the fictitious origin that supports the fetishism of citizenship and obscures the gender politics that are consolidated through the disavowal of their history in this invocation of ontological universals.

What, then, does the philosophical invocation of the stranger do to this rhetoric of being born into the world? It might substitute the eternal being [God] with the metaphysical void [a humanly emptied world] in the disenchanted era of modernity, but its consequences are politically more salient. On the one hand, it potentially naturalizes a political construct, that of the stranger, which gets turned into a universal condition by making strangeness into the new human ontology. "We are" lacks the boundaries that the "stranger" requires to make sense. The stranger comes from abroad; (s)he performs a

fundamental political function, (s)he demarcates the border. In other words, there is not a world into which "we are" born without the stranger, granting it its outlines. Strangeness must be attributed to the "we" so as to have a bordered world that can be entered and exited.

On the other hand, invoking the stranger also problematizes such naturalization. This might be the most promising gift of Arendt's claim. Strangeness refers not only to what comes from abroad, but to what is expelled, to what is actively rendered as "other." The philosophical discourse, then, posits otherness rather than identity at the core of being, failing to notice that such contestation is already political in itself. Arendt's ontology of plurality anticipates the non-identity of the "we" that is born into the world as a political project, a non-identity that is differently articulated when the "we" acquires juridical-political existence. This explains why Arendt, who considered action as being the closest of the three domains of the *vita activa* to natality, considered the identity of the subject and that of the collectivity to be a performative effect of public appearances in speech and action, rather than a foundational origin that gives them stability.

One should avoid trying to find the human behind the citizen, the face behind the mask, the body behind the t-shirt. As much as belonging is not a universal condition of the human, expressed through its proper documentation, neither is non-belonging. There is no "naked life" behind a form-of-life. A naked life is always already wrapped in something, even if that something takes the form of nakedness as its form. Nakedness is not the void, the existential zero or the political vacuum, but the form-of-being that is forced to take the form-of-non-being as its form. In other words, there is not an ontological substratum behind politics that is able to ground it. On the contrary, such

substratum is, in part, one of its retroactive political effects. This deconstructive reading shows that behind a politically documented subject lies not a pre-political undocumented human, but one that is always already produced by the kind of politics seeking to reproduce, regulate and disavow the artificiality of this binary. Documents are not the rightful property of the citizen. Documents are the policing device by which the citizen is made into the proper and the alien is made into the improper.

7.4. Rival Theatricalities of the Name

7.4.1. Problematizing the Mask

Giorgio Agamben advanced a problematic distinction between "nature" and "person" that he inherited from Arendt. "Person," Agamben claimed, refers to the moral, juridical and political notion of personhood (Agamben 1999, p. 34), but also to the mask of the Greek theater, to which it is etymologically related. "nature" refers to the lack of the mask, to the nakedness of being. In this, we can see that Agamben was reading Arendt, who traced the history of the Latin word *persona* back to its original meaning in Greek antiquity, where it signified "the mask ancient actors used to wear in a play" (Arendt 2006, p. 97). According to Arendt, the artificial mask establishes equality because it enables the subject's "voice to sound through." But does it? And is that all it does?

Arendt distinguished a double function of the mask, "it had to hide, or rather to replace, the actor's own face and countenance, but in a way that would make it possible for the voice to sound through. At any rate, it was in this twofold understanding of a mask through which a voice sounds that the word *persona* became a metaphor and was

carried from the language of the theatre into legal terminology" (Arendt 2006, p. 97). In Arendt's account the mask operates as a device of access and transformation between two worlds: the apolitical, given world of nature, in which you are an individual member of the human species (*zoe*), and the artificial world of politics, in which you are a member of different political communities (*bios*). For Arendt, it was precisely by hiding your individuality, by masking it, that your voice was able to go through, that your political self was disclosed in public because the uniqueness of the voice was equally audible to that of others. But did the masking allow the voice to go through? Whose is this voice "that goes through" the device of the mask? And what kinds of powers already regulate the distribution of masks to some and not to others? What kinds of prior powers already grant those new powers upon the mask? These questions become all the more relevant if one explores their origin in the theater, given that wearing the mask was not a universal right. Only male citizens of certain age and civic status could perform in the theater (Zeitlin 1996), could wear a mask and have their "voice go through" by the supplementary device. Women, foreigners, metics (resident aliens), slaves, disabled bodies, were not allowed a mask. The mask that masks the natural difference so as to enable political equality, the voice that goes through, also masks the political inequality that naturalizes difference, that makes visible the mismatch between existing faces and existing masks.

Arendt's claim (1990, p. 107) that, "without his [sic] *persona*, there would be an individual without rights and duties, perhaps a 'natural man'—that is, a human being or *homo* in the original meaning of the world, indicating someone outside the range of the law and the body politic of the citizens, as for instance a slave—but certainly a politically

irrelevant being," shows the problematic mutual dependency of these terms. Rather than an original *homo*, it is through this *persona* that the *homo* is retroactively posited as the origin, as the "natural man" that Arendt knows can only go in scare quotes. In order to function as the pre-political origin, the slave, the "natural man," needs to be made into the politically irrelevant being it is supposed to signify in this chain that problematically links the "homo" with the "natural man" and with the "slave." The *persona* produces not only the politically relevant being but also the irrelevant one and the regulatory terms of her/his irrelevance. The *persona* also occludes the political product and its political process. Slavery, political irrelevance, is no longer a political effect of the power regime that the *persona* device articulates, but of its absence. Slavery is problematically naturalized as pre-political, as granting the grounds upon which, then, a "truly" political realm emerges when personhood is properly acquired.

Something similar happens with the regime of power that regulates (un)documentation. Non-membership is not politically produced through documentation but through the inability to produce the documents. An absence of papers that marks immigrants, too, as politically irrelevant, while neutralizing the material exploitation such irrelevance enables from political redress. By turning the pre-political condition into a political performative, the "I'm Undocumented" protest exposes the inescapable political struggle that fails to naturalize their condition as pre-political. The t-shirt problematizes the essentialization of the human behind the citizen, of the face behind the mask. They turn the "nature" into which they have been turned, into a performance. This performance troubles the stable dichotomy separating the citizen from the non-citizen, culture from nature, personhood from "natural man," precisely because the "undocumented" is no

longer behind the document—there is not a face behind the mask but another mask named "face" in order to depoliticize its artificial naming as "face." There is not a stable identity grounded in a given nature, as there are no human rights grounding civic and political ones, but always an artificial construction open to contestation. The "I'm Undocumented" protest makes visible the effects of attributing naturalness into this fiction, endowing a fallible representation with the irresistible force of nature's determinacy. Their reality is not a result of nature but a socially constructed condition transversal to relations of power and susceptible to redress and transformation. The protestors already perform part of the redress by producing the referential failure in the street, by granting visibility to bodies while using the very same terms by which their invisibility is governed. More importantly, they avow the very form of being that is disavowed by the established order, the form of being that takes non-being as its form.

By wearing the nature they are called to signify, the protesters in Arizona give to their lack of personhood the same theatrical attributes of the *persona*. They not only invert the hierarchy between the givenness of nature and the contingency of political subject-positions, but reorganize the sensible world in order to make visible and audible what was previously audio-visually marginalized as a natural condition prior to power. Their rival theatricality makes the absence of their voice go-through; undocumented immigrants produce sound through the catachrestic use of the t-shirt. More importantly, the theatricality of their protest reveals the interdependence between the voice that goes through and the materiality that sustains its theatricality. The protest grants visibility to those that are always performed by others. Like slaves, women, metics and foreigners, who had to be personified in the theater, a human form is also attributed to

"undocumented immigrants," at the risk of exposing humanity as an attribute and not as a given, in the words of Douglas Crimp, as a "contingent and cultural construction of historical, social, linguistic, and psychic forces" (Crimp 2002, p. 300).

7.4.2. Antigone's gift

If I have reclaimed Antigone as signifying such change it is because Antigone radically politicizes a pre-political conception of nature (naked life, face). Biologically given, Antigone is a native of Thebes and the result of an incestuous relationship, which haunts her throughout the play. Blood places her in disgrace and renders glory impossible. But the dignity of her *kleos* will not be dictated by her nature. She is irreducible to the condemnation of her biological origins, and the guilt of such an origin is exposed as culturally contingent upon her actions. Antigone's acts do not correspond to the cultural inscription of her nature, as morally shameful. Political action, in Antigone's case, pervades and undercuts biological reductionism. The blood that runs through her body no longer dictates who she is; her acts do not correspond to her presumed feminine nature nor are they decided in advance, dictated by such a nature. Irreversible and unpredictable, as Hannah Arendt defined them, nature cannot resolve, control, or reduce what is initiated by Antigone in the public domain of logos, which she reinvents as a boundless space irrespective of prior depoliticized gender and sexual arrangements. In escaping this natural reductionism through its extreme realization as a volitive act, Antigone's performance shatters nature's givenness.

If Oedipus unknowingly ends up doing, in the realm of action, what he was destined to do in the realm of nature, Antigone escapes nature's fate precisely through the

conscious act of realizing it as inescapably bound to political signification. In the reinvention of her who-ness in action (speech, narration), Antigone renders the determinacy of nature fallible, exposing its fictitiousness and its instability. Her figurative claim to *metoikia* as defining her subject-position becomes all the more relevant, because it enacts her non-natural claim to identity as a performative non-essential attribute of the self. The *metic* is a provisional subject-position from which Antigone acts and re-signifies her deeds beyond the purview of the kinship-state enclosure. Such reclamation not only inverts the hierarchy of the nature-culture divide but also ultimately dissolves it as equally grounded in contingent unstable foundations. The theatricality of her action shows the fictional aspect of her pre-politically attributed nature, the fact that nature always belongs to a domain of power, which means that it can be done differently and, more importantly, that it can also be undone through the mobilization of other fictions—foreign fictions, figural fictions—of *metoikia*.

7.4.3. Rival Theatricalities

As in the case of *Antigone*, the "I'm Undocumented" protests place voice in the artificial world of traveling representations and theatrical contestations, cutting the presumed universality of the human so as to address its inescapable political and historical constructedness, revealed in the conflict between theatricalities. On the one hand, there is the theatricality of the police, which uses the term "undocumented" to inflict an injury and invisibilize some for the closed-off count of the common. On the other hand, there is the theatricality of the protestors, who use the term "undocumented" to redress the injury and empower the bearers of the name by granting them visibility

against the closure of the count. Such is the *agon* between Creon and Antigone, and it acquires a particularly salient theatrical confrontation in the materiality of its theaters.

Let us contrast, for example, the Transportation Security Administration's (TSA) full body airport scanners with the t-shirts worn at protests in Arizona, California and other states. To simply enter the scanners presupposes the possession of proper documents. Thus, undocumented immigrants are not their main targets. Yet, the scanner materially supports the policing theatricality that turns the airport into a more difficult crossing for the improper subject, who is then forced to choose the riskier site of crossing, a less policed site like a river or a desert. In 2010 the TSA agency reported that there were currently 385 full-body scanners in use at 68 US airports and that there was an ongoing project seeking to deploy 1000 by the end of 2011. All of the planned locations were sites of passage, transit, entrance and exit—regulators of flows that demarcate borderlands seeking to place or displace past, present and future undocumented immigrants from entering or moving through the territory. The costs involved in the production of this excessive technology already expose the link between sovereignty and capitalist accumulation, between nation-state formation and labor exploitation. Such linkage has turned the policing of immigrants into a profitable enterprise but also, and more importantly, it has sought ways to naturalize the policing by incorporating it into the logic of the market.

7.4.4. A Misplaced Enjoyment

A good example of this linkage can be found in a 2013 commercial advertisement for the auto-insurance company Geico. Sited at a TSA security checkpoint, the

commercial makes manifest the commodification of security via the sovereign police. In the commercial, we see the Pillsbury Doughboy giggling while the TSA agent repeatedly pokes his stomach. After failed attempts to do a security pat down without receiving a giggle in return, the TSA agent verbally interpellates the animated figure who replies, "I'll get it together, I promise." The Pillsbury Doughboy smiles with his arms wide open while waiting to get his stomach poked again. The TSA agent makes an additional attempt and the Pillsbury Doughboy giggles again, breaking his promise. The commercial ends with the words of two musicians on the other side of the border, which is demarcated by the full-body scanner and the policing agent doing the poking. Seeking to fixate the meaning of the giggle, the musicians pronounce the punch line of the commercial: by switching to Geico, customers will be happier than the Pillsbury Doughboy on his way to a baking convention, who is so happy that he even enjoys the policing pat down.

But why is the Pillsbury Doughboy so happy? It is the meaning of this "happiness" that the commercial first produces and then fails to control. There is a crucial gap between the sign (the giggle) and its presumed referent (the baking convention). The Pillsbury Doughboy giggles when he should not. The Pillsbury Doughboy is so happy for the baking convention, the commercial tells the spectator, that even the unpleasant experience of having his stomach poked by the TSA agent becomes a source of enjoyment. By switching to Geico, customers are expected to be even happier than the Pillsbury Doughboy—happier to enjoy their own sense of security despite the unpleasant poking of their own stomachs.

The baking convention, however, not only seeks to supplement the necessary element that reconnects the sign with its troubled referent, the giggle with the Pillsbury Doughboy's happiness, but to exclude other potential referents, mainly, the more troubling desire the figure shows for the TSA poking. Happiness is legible, in part, because nobody else in the line is happy with the giggle of the Pillsbury Doughboy as the TSA agent pokes his stomach repetitively. The fully human actors next in line look at the animated icon with astonishment, and they are as serious as the TSA agent who is waiting for them too. The happiness of the Pillsbury Doughboy is misplaced. The animated icon "enjoys" the policing injury, which arrests the scene from its sanctioned seriousness, throwing it into ridicule. The giggling mocks the authority, transforming the criminalization of the border into a parody of its theatricality. It is then one notices its extreme artificiality. The policing device, seeking to normalize the poking—that is, to render it as a normal experience to which travelers are already habituated— fails when the subject reacts with the unexpected, re-signifying the poking from an experience of displeasure to one of pleasure.

The desirability for the poking proves more threatening than its transgression. On the one hand this desirability calls attention to the link between state-sovereignty and capital accumulation, between the political sense of security, which turns the undesirable stranger into the criminal searchable in every crosser, and the economic sense of security, which turns her/him into a profitable commodity. On the other hand, this desirability reveals the aberrant relation the performative sustains with its reference. The Doughboy, that is, the humanization of the dough, calls attention to its colonial origins in the dehumanization of the "other" during the imperial war from which the name emerged.

The term “doughboy’ was first used during the US-Mexican war of 1846-48. Attribution falls to the US infantry that fought in the northern terrain of Mexico and, because of the conditions of the terrain, returned with the appearance of unbaked dough. Thus, the humanization of the dough through the animation of the icon calls attention to the dehumanization of the other through the colonial continuity of naturalizing injuries in the regulation of movement through immigration policy. This form of dehumanization verbally neutralizes the violence of imperial occupation by renaming its traces (the chalky dust in the uniforms) with the harmless vocabulary of the bakery. Such harmlessness is equally reproduced by the medicalization of the scene, visible in the sanitized latex-gloves used by the TSA agent, as if visually neutralizing the scene by displacing it from the political field of exclusion to the medical one that renders it “clean.” There are protocols, technological devices and established procedures rendering “hygienic” the stage on which the scene takes place. The humanized dough giggles, however, breaking with the immunizing effect of the latex. The commercial needs the giggle, otherwise, it cannot articulate its meaning. But as much as it needs the giggle, it needs to fixate its meaning, to take the happiness away from the poking and displace it into the absent bakery. The giggle grants too much attention to the poking, to its unstable sanitation. This explains the need for the teleological supplement resulting in the yearning for the baking convention, which is otherwise nonexistent in the scene. The semantic content of the giggle is, however, open to interpretation by the very disturbance of the sanitized scene. The giggle could very well signify a desire for control that goes out-of-control, the desire to be interpellated by the police, to be controlled, to be monitored, to have one’s stomach poked. A desire that, paradoxically, can only be

articulated through the nonhuman animated icon because it reveals a too-human desire to dehumanize the other in the neo-colonial traces of the border that are still legible in the grammatical history of the icon. The giggle, however, could also signify an inability not to laugh in front of this ridiculous ritual, in which one's sense of security becomes dependent on this extremely comic ritual of sovereignty, with the queuing, the undressing, the scanning, the poking, the absurdity of it all. The de-naturalization of the poking that renders it an arbitrary ritual of sovereignty no longer shows the giggling as the improper but as the proper attitude to have in front of it. In other words, the problem is not that the Pillsbury Doughboy laughs after the TSA agent continuously pokes his stomach for "security reasons," but that none of the others do. Their ends are, of course, less easy to fixate. It is harder to close the gap between their apparently emotionless faces and their reaction to the unexpected reaction of the Pillsbury Doughboy when he faces the policing pokes. Perhaps they are also going to a baking convention, but the policing satisfaction of the ritual depends on the vacuity of their ends, on the existential emptiness security is called to fill.

It is, as the TSA's name indicates, security that is performed and produced. Sovereignty performs its own parody, the inversion of security into its contrary. Security now names insecurity, constant surveillance, forceful undressing, technological scanning of the body, physical violation, etc. Subjects are temporarily deprived of their possessions and vulnerable to visual, verbal and physical violence by the authority that claims to protect them. In other words, the subject is violated so as to guarantee her/his inviolability. The violence inflicted on the subject passes as that which protects violence from being inflicted on the subject. Insecurity is normalized so as to deliver security for

the subject. What the Doughboy's giggle troubles in the scene is the success of this passing-for, the failure of the policing theatricality to be naturalized. Security—what the technological devices of control are supposed to deliver at the airport—becomes a parody. The enjoyment of security is no longer delayed but enacted through the giggle, the smile, the opening of the arms, the failed promise that endlessly extends the poking. Joy is misplaced because it interrupts the sacrificial script of patriotism that such naturalization demands. Rather than subordinating the now for the after, the present for the future, the means for the ends, in all their symbolic vacuity, the promises of security, well-being, etc., the giggle anticipates them, it makes them coincide with the act that seeks to displace them. By making the joy appear, the joyfulness of the policing gesture becomes too evident, evident to the verge of rendering the scene completely absurd. The very same devices through which the policing theater seeks to render the scene normal betray this normalcy. The misplaced giggle calls attention to the misplaced seriousness with which this ridiculous technology seeks to deliver security. Security is no longer an after effect that justifies all this insecurity, but dangerously enjoyed in the potential mocking of this re-signification of insecurity as security.

7.4.5. A Counter-Theater

On a performative level, however, the most interesting aspect of the policing device lies in the scanner itself. In order to show this, let us contrast the policing theatricality of the full-body scanner with the political theatricality of the "I'm Undocumented" protests in the streets, confronting their different logics. I see two opposed logics of the visual. On the one hand I see "undocumented immigrants' wearing

t-shirts in the streets with two words written on it. On the other hand I see the faceless specter of a scanned body being watched by an officer who is absent from the scene. Both of these images emphasize the legibility of the body, something that must be seen, noticed, read, marked, and inscribed on the body. But the distribution of visibility and invisibility is doubly opposite in them. The acts of undocumented immigrants are ones of public exposure. Their bodies are transformed into walking signs, visually available for everyone who is willing to see them. On the other hand, the TSA's technology operates through invisibility by deploying quite visible technological excess. The spectral image reported by the scanner must only be seen by the officer, who in turn is not to be seen at all by those who are being watched. The act that offers transparency reproduces an even stronger version of concealment. Moreover, the scanner reports a faceless image so that the one being viewed cannot be recognized by the one viewing it. Conversely, anyone can see the faces of undocumented immigrants wearing the t-shirts and recognize them.

Still, this opposition is not the most interesting one to be read in these images. Undocumented immigrants achieve visibility by wearing a costume. They let us know who they are by dressing their bodies. In opposition, the full-body scanner achieves invisibility through a very sophisticated form of undressing, one that involves no physical contact and reports a naked blue-black image on the screen. Such rival theatricalities reveal, in contrast, the undocumented immigrants' willingness to expose themselves despite their seeming fragility, to risk by performing such an act with the TSA's

conspicuous emphasis on security, given its excessive paraphernalia in an obscene scenario.[69]

The theatrical logic of the police achieves invisibility through the visibility of its technological devices of control. The theatrical logic of the protestors achieves visibility through the deployment of their invisibility as a contentious political sign. The political valence of "undocumentation" changes through this *re*iteration of the name as an act of self-naming, it moves its meaning from that of an injurious term that infuses fear and displaces joy (what makes the Pillsbury Doughboy's giggle into a symbolic threat), to that of an empowering name that allocates voice in the joyful experience of the street, where multiple smiles join each other in concert. The rival theatricality of the protestors turns the voice that cannot go through the mask because it lacks personhood into a catachrestic possibility through the political device of the t-shirt. By doing so, the political performance brings the *persona* back to its artificial theatricality, breaking the gap between the human and the citizen that personhood supports and enhances while trying to undo. In other words, the t-shirt invents an equivalent to the *persona* of the mask in the "I'm Undocumented" of the t-shirt that displaces the stage from its policing site of dispossession to a political one of empowerment.

To claim that undocumentation relies in certain theatrics of the body is not to say that undocumented immigrants' lack of documentation is not "real," that it is merely a fiction open to interpretation. It is, on the contrary, to argue that the dispossession elicited by their lack of documents is inseparable from the repetitions through which it is produced, repetitions that both constitute them as undocumented but also always establish

[69] The word obscene comes from the Greek ob-skene, which means off-stage, and it was frequently used as the (non)site where sexual violence took place. Not only is the room in which the spectral images of the naked body are reported by the scanner off-stage, it is also a place of sexual violence.

undocumentation as a site of political instability open to comic inversion and mimetic insubordination, to use Butler's term. Undocumented immigrants' acts reveal the ritualized dimension of documentation, its performativity, as much as the Pillsbury Doughboy's giggle reveals the ridiculousness of police sovereignty. The theatrical gesture undoes the naturalization of the citizen/alien binary by rendering the binary unstable and open to a different performative articulation. One in which the mask, the costume-like qualities transferred from the theater to the juridical-political frame of recognition, no longer inform the logics of equality of the documented but the logics of equality-in-inequality of the undocumented subject, who re-articulates them within a different logic, the logic of political conflict.

7.5. Re-writing the Body

What does the public reclamation of the injurious name, "I'm undocumented," do for the subject it names in its alternative iteration? First, it re-organizes the domain of power that disempowers immigrants by putting them in the shadows. The authorial locus of the sign travels from the police, who use the name to render the undocumented invisible, to the subject that it names, who uses it to acquire visibility. The name is the same yet it is not. Naming is no longer suffered but embodied. The self-naming makes the policing interpellation vanish through its written anticipation and political inversion. Rather than waiting for the individualizing interpellation, "your documents!" the subject declares its lack of documents publicly and collectively as the loci of a political confrontation. Therefore, the name describes a different political trajectory. It does not end in a policing function of control but in a political one of empowerment.

Undocumented immigrants engage in what Butler calls the politics of citationality, a repetition that makes the name both to differ and to defer from its prior instance.

Secondly, the citation stages a conflict. The name becomes the site of trouble, an equivocal signifier whose semantic content cannot be easily fixated. The catachrestic use of the name reveals the incompleteness of the sign, the erratic valence of the name that changes its pole, from negation (public disavowal) to affirmation (political empowerment). This is what Butler calls an insubordinated mimesis, an imitation that "*inverts* the very terms of priority and dervivativeness" (Butler 1990, p. 128). The political imitation turns the name into a chiasmus that inverts the target of dispossession. If the policing interpellation dispossesses the subject that lacks proper documentation, the self-identification of undocumented immigrants as "undocumented" dispossess the police from its regulatory force. The playful mimesis mobilizes these already socially established meanings against each other. In Butler's words, "the action echoes prior actions, and *accumulates the force of authority through the repetition or citation of a prior and authoritative set of practices*" (her emphasis, Butler 1997, p. 221).

"undocumented" is neither a proper predicate for the subject that lacks documents, nor a neutrally objective descriptor of a state of being, when the subject happens to lack proper documents, but a political litigation over ways of being and sources of authority naming subject-positions. By reclaiming the injurious name, "undocumented," the police are not expropriated from its adjectival property by the protestors, because language escapes the logic of property. Rather, what is proper and improper becomes a question, a political problem, rather than a given. Who is a proper subject of the community becomes an issue for public deliberation, rather than an already

accepted premise. The contradictory performance, the wearing of the t-shirt in public with the very same terms by which their public visibility was interdicted, troubles the stability of status and membership.

The freedom that is marked as absent, that is figuratively mobilized as a lack, gets enacted through the very terms making it impossible. It is the documented, not the undocumented, who is absent from the public space, that is policed as exclusively reserved for those who have proper documents. Undocumented immigrants are, so to speak, free to *be* in the city, to assemble and speak collectively in the streets, even if temporarily. This is not to say that the freedom to *be* is already a reality, that the collective demonstration of their power to assemble is enough for them to overcome the forms of governmentality and control that dispossess and marginalize them. However, freedom in the form of active public life becomes a potentiality, something that is not just imagined but performed. The police, too, anticipate such potentiality in the interdiction of their claim to *be* in the city, in making impossible their conditions of livability so as to keep them off from public exposure. By speaking and chanting in the streets, by avowing the political significance of their existence precisely in the places were they are not supposed to speak and chant, undocumented immigrants render the facticity of this political arrangement revisable. The public assembly of undocumented immigrants in the streets, their speaking freely in the streets demands the right to speak freely that they do not have by exercising it. Their performance says, at the same time, we are equal yet we are not. We can speak in public, yet we cannot. We can congregate with political aims, yet we cannot. We can *be* without documents yet we are not. We are in the city yet we are not, as there is no public record of our existence, as we exist in the form of non-

existence for an establishment that only counts as rightful existences those who can produce the satisfactory documents.

Rather than marking the subject deportable or exploitable, this use of "undocumented" empowers the subject in several ways. First, it interrupts its isolation. The protests are collective and the policing of their bodies becomes more difficult when such numbers are aggregated in public than when they are individually persecuted. Second, it documents their existence differently, by giving a political history to their being in the city with improper documentation. The t-shirt tells a story—a story of vulnerability. Unlike the excessive technology of the police, the t-shirt conveys the precarious conditions of undocumented immigrants while it also contests the disempowerment conventionally attributed to such a condition. Through this contestation, the t-shirts expose the inevitable failure of the excessive police apparatus to secure the border from unauthorized crossings. Third, it theatricalizes its political claim. There is a visual device, the t-shirt that one wears and takes off with ease that interrupts the normalcy of the public space by turning the street into a political stage. The sign confronts the spectator that might or might not turn the gaze away, that might or might not join the protest, that might or might not revise her/his assumptions about undocumented immigrants, that might or might not engage in solidarity, that might or might not wear the t-shirt too. The t-shirt can be worn by anyone and it can be removed from the body that carries it. The theatrical device exposes the fluidity of the sign, its mobility and instability. The line that separates the documented from the undocumented is neither stable nor clear and the costume-like qualities of the t-shirt reveal such instability. Finally, the undocumented subject that protests its conditions of dispossession

invents other conditions for herself/himself, as temporary as they might be, in which (s)he becomes the authorial site of an alternative signifying chain. S(he) invents other conditions in which (s)he enjoys what was previously marked as the prerogative of the documented subject, troubling what belongs to some and not to others. It is the undocumented, not the documented, who produce the slippage of politics into theater, not by masking the body with the *persona*, but by dressing it with its attributed nakedness, troubling the naturalization of the face behind the mask, troubling the binary that continues to separate the citizen from the alien.

CHAPTER 8

A COMMENTARY ON SOPHOCLES' *ANTIGONE*[70]

"For us, there is no going back to the original text of Antigone*, no return to a pure Sophoclean drama that would be shorn of all the translations and adaptations it has inspired. There is no returning to a Greek text somehow outside the political genealogy of its multiple translators. There is no pre-political text named* Antigone. *There are only the multiple resonances, between Sophocles and Heaney, between Heaney's Sophocles and McDonald's Sophocles, between McDonald's Sophocles and Fugard's Sophocles, and so on, ad infinitum."*

(Tina Chanter 2010, p. 4)

It might be surprising to find yet another chapter devoted to Sophocles' *Antigone* after having already visited and revisited the play to the point of exhaustion. Why turn once again to a play that has already been digested? Why turn again and again through the theoretical apparatuses? This seemingly pointless turning fits within my own theoretical approach of rumination, which requires the regurgitating of the frame to facilitate its proper digestion, soliciting a constant return and seeking out multiple resonances ad infinitum. Is there something else new to say about this play, about which so much has been already written in the past? Of course there is; there always will be. But I neither look for a definitive fixation of the play's meaning, as if imposing and

[70] I would like to express my immense gratitude towards Professor Melissa Mueller. This chapter was the result of an independent study that I organized with her in 2013, after having taken classical Greek for two years in order to be able to read the play in its original. Without her encouragement and wonderful support, I would not have been able to discover so many fascinating aspects of the play. I am, however, the sole responsible for its content.

interpretative meta-text upon the original, nor do I conceive the play as closed to future ruminations. I wrote this chapter as a means of reopening the play again, as a sort of de-colonial pluralization of the frame that works against its own previous findings and flirts with the resonance of its plural meanings ad infinitum.

In this chapter I have followed the structural organization of Sophocles' original tragedy, making use of Mark Griffith's distinctions of different stages in the tragic play. My reading, however, follows a particular genre in the field of political theory, the genre of the commentary. Mimicking Derrida's *Glas*, my commentary is constituted by an oscillating movement between text and inter-text.[71] In my mimesis I am conscious not to succumb to the kind of *ascetic* reading Critchley (1998, p. 24) identified in Derrida's *Glas*, which he nevertheless valued as "rigorous in its exegesis and austere in its denial of any fixed interpretative key, grid, or schema (…) an arduous writing that resists the temptation of critique and obeys no other law than to carry on with the labor of reading and writing and keep open the space where thinking can take place." Wanting to be rigorous while at the same time to invite and provoke interpretation rather than to foreclose it, my commentary is intentionally fragmentary. In my selection of lines and passages I am motivated by both a desire to organize my previous thoughts on the play and a desire to say something new about them.

[71] *Glas* is Derrida's indirect analysis of *Antigone*, as that which remains at the limits of Hegel's *Phenomenology*, as "the absolute indigestible," "the unthought or the excluded that cannot be assimilated" (Derrida 1986, pp. 151-166) in the *sittlichkheit*, the sort of blind spot that allows the structure to become a structure.

8.1. Opening Line (o koinon autadelphon Ismênês kara [My own flesh and blood—dear sister, dear Ismene])

Deborah H. Roberts (2010, p. 286) calls it "one of the most notoriously untranslatable lines in Greek tragedy," given Antigone's use of the alien synecdoche, *Ismenes kara*, to refer lovingly to her sister. The term *autadelphon* (born from the same womb) stresses the extremity of the blood relationship that, as we already know from the many readings that emphasize the subject of incest, overdetermines this tragedy. The prefix *auta* articulates the drama of self-enclosure, the folding into oneself of the natal family, the failure to be receptive to what is foreign, a kind of excessive proximity that ends in strife. As Tina Chanter (2011) argues, the incest of the play is irreducible to the drama of the *oikos*, not only because the family at stake is of royal lineage, but also because the play was staged ten years after the democratic general Perikles proscribed double endogamy to acquire citizenship. Incest, as I mentioned before following Chanter, figures as a hyperbolic commentary on the closure of the *polis* to foreigners. Sophocles advances a critical commentary on the policy of his good friend the general Pericles. To close off the *polis* to the encounter with what is alien, is to be fated to the same drama of incest: death. The life of the *polis* rests in the openness of its boundaries. The aristocratic practice of marrying other families for the accumulation of forces and capital can be re-appropriated by the democratic *polis*, through a more hospitable reconfiguration of marriage law.

Koinon is also a quite interesting term, given that it refers to the common—to what is common—but also to the community—the commonwealth, or a community that denotes a constitutive rupture. The scene of fratricide that precedes the first line, the

masculine misfortune (*atè*), is symbolically re-enacted in the failure of sororal action that proceeds the first line, the feminine *atè*. Ismene, born from the same womb (*autadelphon*), will not join Antigone's defiant act. She will not bury the body of Polyneices as she solicits her to do. What Bracha Ettinger (2006) calls the matrixial borderspace of the womb is not enough to overcome the ruptures. Figuring self-enclosure, the womb aggregates as much as it generates ruptures.

The shared womb might articulate a matrilineal alternative to patriarchy, as in Luce Irigaray's (1985, pp. 214-226) reading of the play, but it might also emphasize Antigone's status as an *epikleros*, as the vehicle by which Oedipus', not Creon's paternal line, is what gets continued through her marriage because there are no other male heirs to guarantee the futurity of his lineage in the household. Such is the institutional arrangement in this patriarchal transformation of women as tokens for conferring the civic status from which they are, themselves, deprived in ancient Athens. As I mentioned before, in the absence of men Antigone should marry her maternal uncle, next in kin, unless he is already married, as it is the case in the play (Creon is married to Eurydice and have already procreated two sons with her). Her failure to marry Creon results in her engagement to Haemon, her cousin and next in kin, a political tradition that the play respects. Haemon is Antigone's fiancé. Antigone is an *epikleros*. Her status as an *epikleros* makes her decision to bury Polyneices rather than marry Haemon more ambivalent than it seems. In burying Polyneices, is Antigone realizing "*her mother's desire*" as Luce Irigaray (her emphasis, 1985, p. 219) claims? Is she, on the contrary, interrupting the futurity of her family's *atè* by speeding up her demise, by going too fast to face her death, fast enough not to perpetuate Oedipus' lineage as an *epikleros*?

Antigone, as *anti*-gone, will be burying not only Polyneices but also the dreadful fate of the Labdacids' family that runs through her blood. Could it be that Antigone's priority of the natal over the marital family—her decision to opt for death with her past brother(s), instead of life with her future husband—might be motivated by this refusal to pass on the weight of dreadful self-enclosure to the next generation? Moreover, such would be the case for someone who had experienced freedom precisely through the process of crossing not one but several borders, by breaking with confined spaces. Is not her too-daring care for the dead an expression of the contrary, of her extreme desire to live, of her being born "to love and not to hate"—an expression that has no place in the confined space of the *polis* and that only emerges once her own act inaugurates its possibility by bringing into crisis the gendered separation between *polis* and *oikos?* Incest figures as the inescapable limit of the natal family, which haunts Antigone as the "most painful" of her memories. Is not this extreme love for the womb, for the dreadful horizon of its enclosure in incest, articulating Antigone's desire for the opposite, for the relation of hospitality that might be biologically allegorized in the womb when the mother harbors an alien being, an experience that she, herself, experienced politically at Colonus?

Could not, after all, *Oedipus at Colonus* be Sophocles' reinterpretation of this drama, making Athens triumphant as a result of giving proper hospitality to aliens considered monstrous at Thebes? This is especially compelling when one considers that Sophocles constructed fratricide as the consequence of refusing to cohabitate with difference by eliminating alterity. Eteocles ostracized his brother Polyneices to rule alone. The extreme intimacy of fratricide is preceded by the political production of the

one that the *polis* "others" as the "enemy." The inability of the *polis* to coexist with alterity, with the conflictive dynamic of politics ends in blood violence, symbolized in the very meaning of Polyneices' name—"many struggles." By turning conflict into the site of enmity—the site occupied by an ostracized Polyneices who gathers an army to invade his native land—Thebes becomes equally subjected to violence, the violence of its enclosure, the violence that emerges with the sacrifice of the political. The *polis* is delimited by its exclusions—exclusions that will haunt the legitimacy of its limits, the exclusion of the slaves, the foreigners, the *metics* and the women, all of whom are essential for the development of the *polis* yet neglected by its bounded architecture. Antigone speaks for the rights of Polyneices, but in speaking *for* Polyneices she also becomes the speaking subject that the political system cannot recognize. As J. M Bernstein (2010, p. 126) puts it, "in her action of taking on the burden of Polyneices' singular individuality, she herself becomes a singular individual."

Suspended between life and death, the corpse of Polyneices is in-between places. This is, allegorically, the general situation of non-citizens. Non-citizens are only half-alive for the *polis*, which profits from their labor. They are also half-dead too, when it comes to the policing strategies by which their status is marginalized in order to increase their profitability. Polyneices belongs to Thebes yet he is expulsed. His return to the polis that gave him his life marks his death. Now he belongs to the nether world but is not buried. Polyneices epitomizes the in-between that, on a political level, more broadly characterizes the situation of non-citizens. It is within this in-betweeness that Antigone refers to her brother erotically, calling him her most loved one (*philatatoi*), the one with whom she wants to lay down (*keisomai philon*). Might this be what Antigone wants to

bury: the regime of power that makes of those who inhabit the in-between into a pre-political deposit of exclusion and exploitation? Might it be that in doing so, in performing the burial, she precisely exposes the political richness and efficacy of those who inhabit such in-between space, one able to provoke action and solidarity among other members of the *polis* and even bring Creon's house to an end through contestatory actions that transgress unjust laws, rather than through violence and war?

Antigone pronounces the phrase *Ismene kara* in another in-between space: neither in the fully invisible one of the *oikos* nor in the fully visible one of the *polis,* but in the figural architecture of the play that tries to control its gender dynamics. Antigone and Ismene are beyond the gates that open onto the street (*auleion pulon*), where young women cannot venture without a male escort. Their performance on the stage is, since the very beginning, a spatial act of transgression. The first lines Antigone pronounces while they are in the place where they cannot be refer to who they are, to this mutual belonging to the same womb, which is also a place that society denies them after having being born from an incestuous union. Yocasta's womb is also the place where they could not be, the place that turned their being into non-being through the political condemnation of this sexual union. Antigone and Ismene are, thus, doubly excluded: on the basis of their gender and on the basis of their birth. *Ismenes kara autadelphon* is Antigone's way of re-politicizing such place as one of potential collective action, as one of *koinon*, of sharing in common what belongs to none. Instead of something that happened to them, an inescapable fate of nature, the same womb becomes a political referent re-signified for sororal conspiracy (Honig 2013). Who they are is no longer independent from what they do. The same womb is no longer a "given" of nature but a strategic identity for the

purposes of political action. The politics of the "same womb" is turned against its originary exclusive function. The incestuous origin is invoked to interrupt it as originary, as the inescapable foundation of a law-like external imposition that will always condemn them in advance. The failure of such initial sororal complicity is not proof of the inescapability of the fated blood, but rather marks the political contingency of identity, which does not precede the subject but is crafted through a collectivity that might or might now second the claim. As Mark Griffith says (2010a, p. 119), "The sisters enter together, but leave separately, and the family solidarity so strongly invoked by the opening lines gives way to fragmentation and isolation."

8.2. Prologue (Opening Scene 1-99)

One of the most interesting debates about *Antigone* has to do with the political orientations of the main characters. Is Antigone a democratic or an aristocratic character? If she is aristocratic, rather than democratic, can the opposite political orientation be attributed to Creon? Can Antigone be so easily classified in the political spectrum of ancient Athens? Can Creon? The effort of understanding the tragedy within its own historical context—not the mythical one of the Labdacids family, but the historical one of Sophocles' *polis*—motivated an interesting debate, well captured by Helene P. Foley's (1995) influential essay "Tragedy and Democratic ideology: The Case of Sophocles' *Antigone*."

Foley's essay was part of a conference essay collection originally held October 1992 at the Department of Classics at the University of Texas at Austin, entitled "History, Tragedy, Theory." The organizers of the conference placed tragedy in a double setting:

first in history, soliciting interpretation to look for understanding by placing the text within its historical context, and secondly in theory, which had advanced, primarily in the work of deconstruction, a notion of "textuality" that defied that very historical subordination as the guarantor of its meaning. As Barbara Goff (1995, p. 4) put it, in her wonderful account of the theoretical challenge posed to history, "Deconstruction, if pursued, therefore renders difficult any relation with history; it jeopardizes the very notion of historical inquiry into "documents" or "evidence" by its insistence both on the metaphoricity of all texts and on the impossibility of there being any "reality" or "referent" that is not also constituted by relations of textuality." Foley took the challenge of confronting historically contextualized interpretations of the play with the deconstructive insight on the metaphoricity of language and proceeded to question two diametrically opposed accounts of both Antigone and Creon's political orientation that claimed to have interpreted the play according to its historical context.

As a play orbiting around the interdiction of burial, both interpretations emphasized ancient Attic funerary practices as the proper hermeneutic context for discerning the political orientations of the main characters. Such was the path opened by the French school of structuralism in Classics, associated primarily with Pierre Vernant, Pierre Vidal-Naquet and Nicole Loraux, all of whom tried to understand tragedies within the social and political framework of fifth-century Athens, that is, of democratic ideology. According to the French school, tragedy was the cultural device by which Athenians were able to negotiate the tension between the old religious values of Homeric aristocracy and the new political institutions introduced by the democracy of Cleisthenes

and Pericles, an interpretation that Mark Griffith made famous in his own influential rendition of the play.

Influenced by such historical contextualization of the politics of burial, Christiane Sourvinou-Inwood claimed that the fifth-century audience would have seen Antigone as a "bad woman" (aristocratic) and Creon as the representative of the *polis* (democratic). Larry Bennett and Blake Tyrrell arrived at the complete opposite conclusion. For them, Antigone was a champion of democratic ideology, further confirmed by her praising of Theseus in Sophocles' *Oedipus at Colonus*. Neither position ever questioned the assumptions governing the fantasy of this transposition to the fifth-century, neither Christine Sourvinou-Inwood, who Foley justly criticized for treating the audience as an undifferentiated collectivity with a unified cultural ideology, nor Bennett and Tyrrell, who Foley questioned for not taking recent criticism into account (mostly from post-structuralism) "asserting the difficulty of establishing authorial intention and the author's inability to control his or her text" (Foley 1995, p. 132).

I will not reconstruct the richness of Foley's critique here, which shows in a very detailed and succinct way how selective both readings are, constantly bracketing those passages that conflict with their mutually unified versions of the characters as exclusively either pro-Homeric aristocracy, or pro-Periclean democracy. I want to highlight Foley's most deconstructive conclusion: that tragic characters cannot be argued from the "clearly defined, logically consistent and easily assimilable viewpoint" (1995, p. 144) that only results if dismissing "those elements in the text that apparently create a complex dialectic between points of view or even within one position in the play" (1995, p. 135). This argument helps her to deliver her own conception of ancient tragedy as the "dramatic

narrative" that "requires its audience (each different member of it) not to uncover a message, nor to leave the theater in a state of helpless *aporia* (inability to make a judgment), but to negotiate among points of view just as it would in a court of law or an assembly" (1995, p. 144). Such a statement represents Foley's deconstructive reading at both its best and its worst.

It is her reading at its best because she recognizes that the audience contains a plurality of perspectives—that tragic texts, like any other text, are ambiguous and unstable and that tragedy "is a complex dialogue that evolves in space and time" (1995, p. 145). Such insights have seen a productive impact, for example, in Bonny Honig's move from a one-to-one correspondence between characters and political orientations, to a more ambiguous and unstable elitist accommodation of democracy and aristocracy, which Honig reads in both Antigone and Creon. In Honig's earlier accounts of the play (2010 and 2011) she first made Antigone substantiate aristocracy through excessive lamentation and the emphasis on singularity, while making Creon metonomyze democracy through an economy of exchange and the emphasis on replaceability—a distribution liable to Foley's critical charge of providing a too clearly defined, logically consistent version of the characters. Honig then revised both essays in her book *Antigone, Interrupted* (Honig 2013), where she gave a more complex picture. Sensitive to the evolution of the characters in space and time, Honig read Antigone and Creon as constituting two different elitist ways of accommodating democracy and aristocracy at different instances of the play, and one in which Antigone was finally able to "traverse the interval." Like Foley and Loraux (1998), Honig also considered that *Antigone*'s relevance for contemporary democratic theory rested, paradoxically, in understanding the

character's anti-democratic commitments to an aristocratic form of lamentation that democracy was seeking to replace in the politics of burial in fifth century Athens, even though Antigone's greatest contribution remain that of linking the two economies of membership. Both Honig and Foley were trying not to delimit the clearly defined and logically consistent position of each character in the play as either/or, but wanted to explore the role that democratic debate played in tragedy by attending to its ambiguity, its instability and the slipperiness of the dialogic form. Both of them were looking for democratic ideology in *Antigone*, rather than in Antigone—that is to say, in the inescapable negotiation among different points of view with which the spectators are confronted in the theater, rather than with the deliverance of the solution by the strong vindication or vilification of the tragic heroine.

But it is at this stage that one also finds the limitations of Foley's pluralistic view. Such positing of a plurality, of different points of view to be negotiated among the equally different members of the audience, reproduces the very homogeneity it wants so much to contest. When Foley closes her statement with the parallel between tragedy and the assembly, solving in that way the helpless *aporia* with the kind of negotiation in which the audience would engage "as it would in a court of law or an assembly," Foley re-introduces homogeneity in the very audience she was trying to plurality. By turning the tragedy into a double of the assembly she overlooked the presence, in the audience, of many positions that were not present in the assembly. Such was the critique raised by Loraux, who questioned such tendencies of transforming the theater into a "double of the assembly (*ekklesia*)" for overlooking the significant presence of foreigners and women, which were never forgotten by Attic orators (Loraux 2002, p. 19). As I argued in Chapter

3, Loraux went to claim a very suspicious universality on the basis of such phonetic displacement, which does not follow from her argument, given that different social positions are already articulated in the text and not merely displaced in the song. What follows, however, is a questioning of Foley's own erasure of a more problematic plurality in the slippage from theater to politics, given that women from the Athenian elite, *metics* and foreigners, all of whom were not allowed to negotiate points of view in the courts of law or in the assembly, as she argued, were in any case part of that very diverse audience Foley wanted to rescue from helpless *aporia* through the political supplement of this institutionalized spaces.

What if one were to take Foley's insight on the slippage between theater and politics in order to address democracy as it could have informed those who were neither allowed in the courts of law nor in the assembly? What if the shift from Antigone to *Antigone* is not a shift from the text performed on a stage to the plurality of an audience whose very plurality is once again curtailed through the political supplement? What if the slippage between theater and politics allows us to look for what democratic politics could look like in the text of tragedy for those who were not allowed to negotiate their positions in these institutions? What I want to suggest, as a way of concluding my comment on this prologue, is that for these non-accounted subject positions, democracy, when not looked at negatively through its exclusive terms, could have been seen positively as related to the spatiotemporal journey of speech beyond its established institutionalized sites of power. Such is an insight made possible by Foley and Honig's textual indebtedness to deconstruction, yet not sufficiently explored by them.

Let us now turn to the opening scene of the play, in which the events are recollected through narration. In this scene we learn of Etocles' fratricide against Polyneices and Creon's prohibition of burial for his nephew. Antigone tells all of this in secrecy to Ismene in a place where they are not allowed to be without a male guardian. What this site of narrative implies, as Judith Butler (2000) claimed, is that Creon's *kerugma* has limitations, that sovereign speech is fallible, given that Ismene has not yet heard the news. It also shows fallibility in a different sense too, perhaps even more perturbing. Democratic speech arrives at the addressees excluded from its scope, banned as they are from the assembly and the courts. Democratic speech circulates rapidly via a multiplicity of voices—voices that are not necessarily accorded a status within the city but whose participation, as potential listeners, it cannot curtail either. There is, in democracy, a profound tension between the unrestrictive potentiality of the speech it solicits and the restriction of legitimate speakers to perform it and reproduce it, it imposes.

In democracy, Sophocles tells us, Antigone is the first to pronounce Creon's speech. The authorial source is reversed because the authorial site is confounded within the circuity of speech itself. One could conceive of democracy as the paradoxical institutionalization of this political slippage, revealed, in a rather comic way, later in the play when we hear Creon's own speech mimicking the speech of Antigone in the prologue, rather than the other way around. The force of the speech depends on this repetition, on the iterability of the *kerugma*, but the power of the iteration threatens, in return, the pre-democratic enclosure of speech and its presumed authorial origin in proper subjectivity and proper institutionalized places. In other words, if the life-source of

democracy is the mobility of speech throughout the city, such mobility threatens the boundaries of the *demos* that it also legitimizes and seeks to secure. The graph, the scripture of the law through the materialization of the *kerugma* is, without doubt, an attempt to counteract the *anarchy* (without principle) of such mobility in speech—the dissolution of the authorial source in the circuity of the speech's reproduction through its enactment by both proper and improper subjects.[72]

Theater does something else. There is in theater as much complementarity as conflict between the text and the act, as there is between phonetics and semantics and between music and logos *à la Nietzsche*. Theater confuses the two orders, mixing the positions. We see the same mixing within theatre's gender binaries. As much as we hear the sovereign voice through the voice of the one who radically opposes it, we hear the voice of a woman through the voice of a man who enacts her. The theatricality of tragedy reproduces this gap between selves and roles, the impossibility of ever closing such a gap. As the improper speaker who, nevertheless, speaks first, Antigone reveals the fiction of the boundary seeking to delimitate the *demos* to the field of proper speakers. Speaking from the standpoint of a subordinated position, despite being a member of the royal family, Antigone also metonomyzes, as a *metic* princess, the irreducible slippage of speech into its improper sites, beyond the courts and the assembly, the *crazy* that inhabits democracy as figuring another *demos*.

[72] One might even consider Plato's professionalization of philosophy as an attempt to counteract the democratic risk of speech with writing. Plato substitutes the ungovernable errancy of Socratic orality—the philosophy that is spoken in the Athenian marketplace—with playwriting, with the professionalization of knowledge through textual fixation in the papyrus of the Academy. And yet, there is enough material in Plato to always render such solution unstable.

8.3. *Parodos* (Entrance Song of the Chorus 100-61)

"(…) to bring forgetfulness of these wars; let us go to all the shrines of the gods and dance all night long. Let Bacchus lead the dance, shaking Thebes to trembling" (A, 150). These sentences are uttered by the Chorus, which Lacan defines as a "people who are moved" (Lacan 1997, p. 252), a people that have already taken care of the audiences' emotions. Honig finds in these sentences the unexplored alternative of festive forgetting within the tragic resolution of deadly lamentation. Against both Creon and Antigone's focus on the past, the Chorus wants to forget and *move on*. Against the mourning cry that imprisons the present in the past, the Chorus wants Bacchus to lead the dance, to free the present to the future. But is this temporal rearrangement of action so neat? Whose people are these and what are they trying to forget?

Lacan refers to them as a "people," Honig is more cautious and acknowledges their restrictive status. In fact, the Chorus was composed of "fifteen white-haired old men of upper-class appearance (…) who are long-standing supporters of the Theban royal family (…) summoned now to serve as a Council of Elders" (Griffith 2010a, p. 139). As Loraux has argued, they are hardly a double of the audience, which included foreigners, *metics* and some Athenian women from the elite. In fact, the *people's* voice appears only once: not in the search for festive forgetting but in the form of a rumor retold by Haemon as a warning to his father: the people agree with Antigone, not with Creon or the Chorus. After all, festive forgetting, as Nietzsche made clear, is a privilege of the Masters.

According to Honig, festive forgetting motivates a politics of natality, of desirous sexuality in a more vigorous notion of action than that of mourning and loss. Yet, one should always ask who is forgotten in such dances and festivities of celebration? Might it

be that Polyneices, as the symbol of that irreducible alterity without which the dynamic of the political cannot take place (his name meaning the multiplicity of struggles), is precisely what the elite wants to forget? Is not Antigone's remembrance of Polyneices, which pointedly brings the political back into the scene against the sovereign's evacuation of the political through his continuation of the war by other means, what the *status quo* wants so much to forget? Lacan and Honig are right. The position of the Chorus is not that of a neutral audience, it is an interested position that shifts throughout, like all others in the play. Might their initial moving forward be motivated not by the vitality of politics but by its erasure in the festival? Is not Antigone's eroticization of death, then, precisely a stronger political version of remembrance against the ghastly spectacle with which Creon wants to guarantee the continuity of violence? Is not what Lacan calls Antigone's beauty, her aesthetic sublimation in-between life and death, precisely a redefinition of remembrance as political natality (the *jouissance* of her lamentation) against the mortalist dead-end of Creon's remembrance?

I would like to entertain a different reading, one in which it is possible to differentiate three temporal arrangements in the play. The first appears in the figure of Creon, who imprisons the present in the past by seeking to continue with the war in its absence, turning the future into a spectacle of horror and the *polis* into the will of the tyrant. The second can be found in the Chorus, who divorces the future from the past by focusing on the drunkenness of the present, making sure that the original reasons for the war would not be addressed in the future continuity of the *status quo*, but forgotten with the magic power of the elixir that satisfies the present. Finally, there is Antigone's temporality, seconded by the people, in which a non-violent but politically active

engagement with the past facilitates a questioning of the present *status quo* for a future yet-to-come. In her burying of Polyneices, which recognizes difference and rivalry, Antigone questions the status quo's governing exclusions—the exclusively homo-social gendering of the *polis* as well as the marginalization of other non-civic positions—in order to facilitate a different future, a future in which Ismene can live and not be haunted by the family's *atè*. Instead of an exclusive binary that opposes forgetting and remembering, perhaps such alternative temporal articulations demonstrate that both sides of memory are always implicated. Is not a form of remembering always already implicated in a certain form of forgetting and vice versa? Thus, it might be that the question is not only about what to remember and what to forget, but how to remember and how to forget—through the violence of the spectacle (Creon) or through the politics of the specular (Antigone)? Unlike the Chorus, who emphasized a form of forgetting that reproduces the hierarchical structure, and Creon, whose position reproduced the social hierarchy through the opposite device of remembering, Antigone aims at equality through remembrance. This is true even while she reproduces other inequalities, particularly the one referring to the exclusion of the slaves, as Tina Chanter (2011) has argued.

8.4. First *Epeisodion* (Second Scene 162-331)

The first *epeisodion* is constituted by two events: Creon's speech and the parody of the guard. Creon's speech is populated by the political-legal glossary of democracy. One finds the following terms referring to the collective life of the *polis*: *arkia* (principle), *nomoi* (laws), *polis* (city), *patria* (patria), *chton* (earth), *astoi* (the few/best), *orthosan* (rectitude). One also finds military allegories like the nautical image (162-163),

which was frequently invoked by the ancient elites of Athenian democracy as providing the political rationale in clear conflict with the plurality of voices that governs the assembly, its most important democratic institution. But the collective dimension of Creon's first speech, where Hegel found the communitarian spirit of ancient tragedy, is counteracted by the other trend of Creon's speech—his increasing personalization of power. Within this other discursive pole, the terms of the speech are individualistic, populated by self-referential words, *ego/emos*, *emoi gar* and *sebontes* (I say this). In fact, Creon's name itself translates to "ruler." Having been subjected to power, under Oedipus' house, Creon now has the power to subject, and as the genre of tragedy constantly makes evident, the power that power-holders hold, ends up holding the power-holder too, whose subjectivity is transformed by this very power to rule. The power affects Creon's subjectivity; it affects his reasoning, and he becomes increasingly more and more isolated as the plays advances. Creon's isolation is evident from the beginning when the Chorus asks him to place the burden of the surveillance of the corpse on younger bodies. Such is the Chorus' discursive subterfuge, which they invoke so as to participate neither in the offense against the divine, nor in the violation against Creon's human law.

The tension between the collective "we" and the individual "I" is more strongly felt in Creon's obsession with straightness as the defining aspect of his political imaginary. The ship metaphor Creon invokes includes both an element of collectivity and an element of individuality, but subordinates the former to the latter. It is collective to the extent that the official conduct is made accountable on the basis of such straightness. The captain must keep the ship on a good course and be judged by the crew on the basis of his ability to do so. It is individual to the extent that accountability presumes a hierarchical

division of labor between the active direction of the captain and the passive subordination of the crew, limited to judgment but excluded from the decision-making process. Despite Creon's flirtation with democracy, his rule remains the rule of the one alone, the rule that rules out plurality from its decision-making process.

Creon's decision on Polyneices, on he who signifies conflict, whose corpse Creon leaves suspended in the in-between into which Antigone will also be placed, is another one indicative of division and strife. The former is a dead body kept alive, the latter is a living body that he already regards as dead. Such in-between space is a sovereign creation and it performs several functions for Creon, the most important one being the continuity of war in its absence. As we saw in Chapter 6, the war is over yet it continues to be forged against a corpse. Already dead, there is now no end to his violence. The unsustainability of such position is very clear in the triple resistance that it provokes: i) in the resistance of Antigone and Ismene, both of them disobeying the edict, ii) in the veiled resistance of the Chorus, who tries verbally and cowardly to distance themselves from the sovereign act by refusing to be implicated in his actions, and finally, iii) in that of the guards, to which I now turn.

It is, in my view, the guards who show their disapproval with the greatest rhetorical and resourcefulness. Here I engage in a more speculative interpretation, motivated by Honig's own defense of conspiracy as a democratic alternative. The guard is, in this play, the best representative of a low-class citizen, not only because of the popular vernacular in which he speaks, but most importantly, because the democratic practice per excellence, election by lot, is exercised among the guards to decide who tells Creon about the disobedience of his edict. According to Griffith (2010a, p. 165), "this

guard is one of the most colorful characters in Greek tragedy: a garrulous, cowardly, yet witty figure whose selfish preoccupations and practical perspective throw into relief the more high-minded ideals of the main characters (…) And although he begins the scene in terror of Creon's power and temper, he ends up outmaneuvering the King and controlling the outcome of the dialogue." What I want to propose, as my own willful reading of the play, is that Creon might have been right when he accused the guards of being responsible for the first burial. Polyneices receives three burials in the play. The first one is performed at night, in secrecy, and is reported by the sentry to Creon. Antigone performs the second burial in broad daylight, thus the sentry captures her and brings her to Creon. Creon performs the last burial, after Tiresias reveals the prophecy, which finally puts Polyneices' body to rest.[73]

Who was responsible for the initial burial of Polyneices? Honig has given substantial evidence to persuade us that it was Ismene's act, although most interpretations still argue for Antigone as the doer of both the first and second burials. The ambiguity surrounding the first burial, however, might suggest an impossible fixation of authorship, delivering such authorial uncertainty to a productive recuperation of other agencies in the play. There is ample room for different plausible scenarios. One can imagine a single author, a position that fluctuates between Antigone, Ismene, the gods and the guards, all of whom have been suggested as potential authors of the first burial either by one of the characters in the play or by a future interpreter of the tragedy. One can also imagine some level of complicity, a more collective doing of the first burial in which several players act together. The point is that uncertainty surrounding the first burial is already a constitutive

[73] More to come about the three burials of Polyneices in the next chapter.

dimension of this play, one that invites the creative exploration of different solutions for the riddle of who did it.

It is my claim, then, that the guards might have performed the first burial themselves, or that they at least participated indirectly by allowing Ismene to perform it (as Honig claims). My claim would be further supported by the play's meta-theatricality. On this level, the same actor played them both, Ismene and the guard, which gives a space for a meta-theatrical collaboration between them, if not an explicitly textual one that operates in the silences of the off-stage. As much as the same actor needs to learn both speeches, embodying both agencies, spectators can interrogate such commonality and, more specifically, the silences in which this conspiracy survives as invested with more agency than it is normally granted.

Let's analyze the evidence. There is, in the speech of the guard, an increasing emphasis on time. He comes to report the violation slowly (*bradus*) and verbally distances himself from the event, with the triple negation "*out' out' oud."* The guard is anxious when he reports the events and there is a veiled reclamation of the act, "each one of us was the criminal but no one manifestly so; all denied knowledge of it" (A, 262). Like the Chorus, the guards might be interested in festivities after the war. Unlike the chorus, forgetting is not the strategy of the guards, who might want proper burial for Polyneices' corpse in order to also move on. Their creativity—let's call it the substance of their witty solution—was to provoke the authorial suggestion from the Chorus rather than delivering it themselves, the authorial suggestion being the *deus ex machine*, that this was the work of the gods.

Their solution, I argue, is the crafting of a wonderful *deus ex machine*—they play with the Chorus' own desires for festive forgetting to suggest divine intervention. The political strategy they design consists in having one of the guards, selected by lot (in classical democratic fashion), reporting the events in such a way that, on the one hand, the evidence (or better the lack of evidence) suggests that the burial was performed by the gods and, on the other hand, that their own conspiratorial role passes unnoticed by the sovereign. They succeed with the former but not with the latter. The Chorus buys the story (or becomes complicit, however you might want to read it) and suggests to Creon, "My lord: I wonder, could this be God's doing?" (A, 278).My interpretation assumes the guards' wittiness that, on a linguistic level, Griffith already acknowledges in their speech. They do want to bury Polyneices in order to interrupt the violence that now circulates throughout the *polis*, and more importantly, the contamination that it will produce, as Polyneices' body gets distributed across the altars and holy places of the city. However, they do not want to engage in flagrant violation of the edict, because Creon would immediately reinstate war, which is precisely what they want to avoid.

If the guards wanted neither to restart the war by the flagrant violation of the edict, nor to persuade Creon directly, given their subordinated status and the tyrannical personalization of the *polis* already manifested in his speech, such ambiguous construction of the first burial as authorless results in their best political strategy. One can, of course, still accept that Ismene, military inexperienced, performed the burial at night leaving no trace whatsoever in front of the guards. One can also entertain the possibility of a silent complicity, in which they let her perform the burial, erased the traces, and then reported the event as authorless. This, of course, requires us to explain

why they delivered Antigone later in the play, after she performs the second burial in broad daylight. I will give a possible explanation further down in my discussion of the second *epeisodion*. In the meantime I will limit myself to a few additional remarks on their agency.

Their making public the first burial generates a crucial change in Creon's position. Conspiracy, which Honig promotes as a democratic alternative, is normally a characteristic discourse of tyrannical paranoia, which explains why Arendt, from which Honig's theory draws so much, never considered conspiracy as a legitimate alternative of political action. It is the isolated ruler who sees enemies everywhere, and the transformation of opposition and dissidence into conspiration is characteristically a trope of authoritarianism. [74] Creon, thus, reacts with anger against the Chorus for even suggesting that the gods might have been accomplices in the violation of his edict. He then accuses the guards, and many other men, of conspiracy for hiring other men to perform the burial and conspiring against the *polis*. Creon uses more personal pronouns with compulsion and his authoritarian paranoia grows to a point of redefining the punishment itself. If the guards fail to produce the criminal, the guards' dead alone "will not be enough for him," he will "hang them alive till they open up this outrage;" he will "teach them in the days to come from that which they may draw profit—safely—from their plundering" (A, 308-11).

Creon's increasing transformation into a tyrant is quite evident in this passage. He becomes suspicious of his own fellows (A, 295), transforms punishment into a

[74] Take Ariel Dorfman's *Widows*, his own version of *Antigone* in Chile under Pinochet's dictatorship. Conspiracy, in his play, is the captain's *leitmotif* throughout the novel, who occupies the position of Antigone. It is the captain who can only read women's desire for the return of those the regime has disappeared, as complicit with the sedition they are trying to defeat. Conspiracy figures as an authoritarian rather than as a democratic alternative of action in this play.

pedagogical strategy for submission (A, 310), treats the *polis* as a sick body, corrupted by money-lovers (A, 291)—dominant subject of *immunitas*—personalizes the political and invokes constant threats of which he is the sole judge. The contemporary version of *Antigone* that better expresses Creon's continuous transformation into a tyrant is found in Anne Carson's translation/adaptation of the play, *Antigo nick*, when one hears Creon saying: "Here are Creon's verbs for today: adjudicate, legislate, scandalize, capitalize. Here are Creon's nouns: men, reason, treason, death, ship of state, mine," and when the Chorus replies that "mine" is not a noun, Creon concludes: "It is if you capitalize it." To expose the capitalization of "mine," so to speak, is what the first burial effectuates in Creon, when the guards succeed in having the Chorus suggest that it was a work of the gods.

To such ominous threats the guard reacts with sophisticated mockery and even accuses Creon of wrong judgment, leaving the scene safely as a result of his wit. The guard returns to rethink the strategy with his comrades. Creon was not persuaded by the subtle reference to divine intervention from a valid position, that of the Chorus. Creon has, on the one hand, demonstrated that he is turning increasingly authoritarian and, on the other hand, that he is not yet ready to actualize his threats—he did not punish the guard, so there still may be space to persuade him under a different strategy. The chorus is left with three alternatives: i) to leave the body of Polyneices unburied, unacceptable to them because it constitutes a divine violation; ii) to engage in flagrant disobedience, unacceptable to them because the city has just recovered from a dreadful war; or iii) to come up with a new persuasive strategy.

This reading conflicts with prior readings of the relationships between named heroic characters in the play and anonymous secondary characters, such as the one put forward by Florence Yoon (2012). In the reading that I propose, secondary characters, like the guard, are able to instrumentalize heroic ones to pursue their own interests—that is, they are able to achieve both memory (the burial of Polyneices in secrecy and the fulfillment of religious duties) and festivity (driving the Chorus to invoke the gods in their name). My reading also contests prior assumptions that the heroic-secondary structure organizes the interpretative frame of the play. As much as one can read the secondary characters in *Antigone* as performing crucial functions for the construction of the heroic ones—their lack of textual space in the semantic economy of the play support such subordinated position—one can also proceed in the opposite direction. Heroic characters might, in their linguistic accumulation, be the silent spokespersons for silent actions that already govern them and whose authorial sources are normally unattended precisely because of such prior distribution of textual relevance. The hierarchy, if not the whole heroic-secondary binary is inverted and displaced according to this reading. The guards, then, go on to plot a different possibility, another strategy.

8.5. First *Stasimon* of the Chorus (Second Song 332-375)

One can hardly speak of the second song, the Ode to Men, without making reference to Heidegger's two explorations of Hölderlin's translation, first in the 1935 *Introduction to Metaphysics* and later in the 1942 *Hölderlin's Hymn "The Ister"*. Heidegger founds, in the Ode to Men, a particularly salient explanation of the ontological difference between *Sein* (the ground of Being) and *seiende* (beings as actually existing

entities). *Sein* is what makes possible *seiende*, but not because of any positive substance it contains, as in conventional metaphysics. On the contrary, it grounds it because what lies in the foundation is an abyss, the nothingness from which appearances emerge.[75] Heidegger moves from a representational domain to an ontological one, prior to representation, where Being is considered in isolation and is not yet mediated, so to speak, by cultural or social constructions. Thus, Heidegger is more interested in the song of the chorus than in the *rhesis* of the *agon*—he is more interested in the relationship between ontology and language found in the linguistic structure of the poem, rather than in the moral virtues that are symbolized by each ethical principle, as Hegel was in his interpretation.

Human is the being whose very Being is put into question, inseparable from her/his realization, from the doing of being that always encounters its limits in being thrown back upon itself, in taking her/his own Being as the subject of her/his realization, as a never-closed project. There is no metaphysical consolation, no deity governing the order, no *principia causa*. Such isolation of Being, which is nonetheless internal to being, defines a neutral site for Heidegger. Yet, neutrality, as Cecilia Sjöholm (2004, p. 58) adequately argues, is "a principle of differentiation rather than the idea of an abstract, nondifferentiated body." Rather than attributing some prior consistency to the grounds of Being, it is the indeterminacy and openness of such grounds that sustains the multiplicity of differences in beings. But Heidegger's efforts to esscape the political, to arrive at the pre-political metaphysical abyss of nothingness out of which differences and contingency emerge, are already mediated by a deeply embedded political language.

[75] Such nothingness, for Irigaray (1999), already implies a constitutive forgetting of air, which implies a prior and unstated gender assumption informing Heidegger's analysis.

The Being of humans is inhabited by an alterity, a strangeness that is nevertheless too familiar, and that refers to death. This is Heidegger's consideration of the famous *polla ta deinon* at the beginning of the song, which he translates as "uncanny" (*unheimlich*). The uncanniness of humanity refers to this nonfoundational foundation of the community that renders the *polis* as, probably, the last linguistic artifice in the human effort to deal with this alterity.[76] What exactly is tragic about this being thrown back into oneself? That in the violent process of making a world for men, men [sic] cannot divorce themselves from such a world and end up becoming the target of the violence that they use to subdue it. The uncanniness of men is more profound for Heidegger than for Sjöholm. It is not only that man subdues nature with his knowledge in order to build his world and, therefore, widens the gap that creates more violence. It is that the production of nature as different to man ends up returning to haunt man's own belonging to the natural world from which he [sic] estranges himself in order to master it. In this conceptualization Heidegger does not question the gender arrangement because he also conceives of Being as gender neutral. Poetry, for Heidegger exposes the limitations of beings in this inescapable confrontation with the nothingness that inhabits them—their finitude in death—as well as their opportunity to differ on the basis of such nonfoundational founding and reconcile it aesthetically. This is because there is not a representational scheme that governs the relationship between words and things in the model of a one-to-one correspondence.

As the Chorus concludes the *ode*, death is the only limit that escapes humanity's overpowering force. Death refers to the void that, as the pure absence of being, organizes the system of ontological difference. Language is, in this case, not so much a signifying

[76] For a more rigorous exploration of this notion see Marchart (2007).

system as the home of Being, which encounters its ultimate expression in the *polis* as a set of linguistic institutions that help men to negotiate the terms of such radical exposure to death. Yet, the *polis* that Heidegger has in mind is historically split between the aestheticized whole of Greek antiquity, to which Heidegger romantically returns, where the *polis* is posed as a philosophical question, and the technocratic *polis* of modern capitalism that he rejects when he endorses National Socialism as the new site of authenticity.[77]

In the process of bridging the gap between the two, as Cecilia Sjöholm (2004, p. 68) argues, "the Greek text show us a *polis* that can only constitute a community on the basis of a continuous questioning of what is inherently foreign to it." Such foreignness is not external, but internal to the *polis*. Yet it must be produced and the political terms of such production must pass unexamined. What is interesting is that the political question of how to deal with alterity, with foreignness, which is at the heart of this play and Heidegger's analysis of it—we are, after all, dealing with the corpse of alterity, the many battles that an ostracized Polyneices represents—returns as the gloss of a prior and pre-political problem of ontology: how to deal with belonging to the world as such, the Being of being. The pre-political arrival to ontological differences necessitates the politically produced confusion between the familiar and the stranger in the poetically neutralized notion of the *uncanny*, in order to sustain the very pre-political position that it presumes as its origin.

One of the consequences of such ontological depoliticization of the stranger is that it becomes oblivious to the political mechanisms by which the other (familiar) is

[77] See Philippe Lacoue-Labarthe (1987) for an adequate criticism of Heidegger's romanticized return to Greek antiquity, as a form of *National-esthètisme*.

turned into the "other" (stranger) in order to provide the sustainability of a system that encounters a void at its center, an abyss that it needs to fill when it interrogates the foundations of the community and finds nothingness at its core. The filling is provided by an ideology that stresses, dangerously, the very same nature from which man tried to divorce himself (so as not to confront his own way of producing it) in the form of blood. Here, the text of *Antigone* reveals an even more compelling critique of any possible pre-political escape. The Chorus refers to Antigone as the bird that cries over an empty nest, stressing the continuity of her *atè* in the connection to the maternal bed, to the confusion of blood in the incestuous origin. Her decision to bury Polyneices can be read, in racist terms, as an attempt to purify the blood from its contaminated origin, as if securing the kinship positions that the incestuous marriage of her mother would have rendered equivocal. But her decision can also be read, in racially conscious ways, as the political warning against the purification of the race through the authoritarian policy of double endogamy in Periclean law.

Even if race plays absolutely no role in Judith Butler's discussion of the play, her account of this connection with the mother is quite appropriate. For Butler, Antigone does not represent kinship, as if symbolizing the tragic fate of a life without a child or celebrating incest as the proper return to the family, she symbolizes the crisis of the regime of representation that makes her life unlivable because it turns the fatality of her family into a necessity. For the Heidegger of *Hölderlin's Hymn "The Ister,"* the uprootedness of Being is politically fixed by the recovery of "the alterity inherent in one's heritage: only by exposing that which is foreign to it can the singular character of a people begin to emerge" (Sjöholm 2004, p. 73). What such exposure entails is precisely

the inescapable subject of a political interpretation. Not only because, in Heidegger's time, it had resulted in the extermination of the Jews, but also because exposure is insufficient as a political term—it cannot do the work it is required to do. That which is foreign is not simply exposed, as the Being of man is (radical exposure, thrownness in the world). What is foreign must be produced, and the terms of such production, particularly when it comes to death, under the conditions of industrial capitalism, results in the fabrication of corpses in the concentration camp. Heidegger conceives this "foreign" not as the excluded other, but as the lack inherent in the community. To properly address the political production of the foreign in history helps to interrupt any racist translation of this negativity, but in the absence of a political discourse that interrogates the ideological solution to the confrontation of the lack—the racist production of a people (the Germans) on the basis of the exposure of that which is foreign to them (the Jews)—merely sublimates, philosophically, the horror of totalitarianism in Heidegger's own celebration of National Socialism in his *Introduction to Metaphysics*.

One way of escaping such political evacuation is by taking into account the double reference of the Chorus, who not only refer to Antigone as the *apolis*, the one who transgresses the law and therefore places herself on the side of its negativity, but also to Creon, as the *upsipolis*, the one who places himself above the *polis*. For the Chorus, both Antigone and Creon are law-breakers because they both try to rule over death—a similarity that hides a profound asymmetry in their positions, which many other interpreters continue to replicate.[78] Unlike Creon, who enacts the law, Antigone first

[78] Chanter (2011, pp. 166-68n.42) criticizes Markell for failing to see precisely such differences, that "the fact that Antigone's rigidity seems to reflect in significant ways that of Creon might be explained not so much by her adherence to similar view of sovereignty, but rather her thorough understanding that her views, feelings, aspirations, and judgments are simply not relevant to Creon, and those of his ilk." Such a

suffers it and then proceeds to enact her own law from a position of dispossession, as a woman who is not allowed to speak and act in public. Antigone's law differs from Creon's to the extent that she guards the gap that contests any direct positivization of the law. She says to Creon, "Who knows if in that other world this is true piety?" (A, 521). As the sovereign, Creon enacts the law, thus placing himself beyond its limit as its authorial source. Antigone, potentially representative of "bare life," if one conceives of "bareness" not as pre-political ontology but as a politically produced status of dispossession, opens up the contingency of the sovereign law by pluralizing its authorial source and invoking the gods and foreign stories as alternative origins.

Heidegger, like Hegel before and Lacan afterwards, is fascinated by the poetic and tragic death of a young girl. Yet, in his efforts to address this death beyond a representational system, in its ontological drama, he cannot escape providing a symbolic text that conflicts with the one Antigone articulates. While Antigone desires a *kalos thanein*, the "beautiful death" that Lacan celebrates, she desires such death not because death is the limit, the zero point that grants meaning to human acts or the foundational void of every foundation. Seen through the historical/philosophical displacement of her acts into the twentieth century, perhaps she desires this death because she wants to undo the problematic presupposition of death as pre-politically secured in the drama of ontological difference. Thus, she takes it upon herself; she authors it, she signifies it, and she signifies it as beautiful. As Sjöholm (2004, p. 77) argues, "Antigone disrupts and

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critique can be easily extended to Butler (2000) and Honig (2013), who, like Markell, also characterize Antigone as a sovereign seeker agent on the basis of a suspicious linguistic symmetry with Creon that, in its turn, fails to address how radically asymmetrical the positions of Antigone and Creon are, given that as a woman, despite being a member of the aristocratic royal family, Antigone is deprived of political rights and public voice. Rather than a sovereign seeker, *a la Creon*, Chanter asks if "the constrains of her situation [do not] compel her forcefulness?"

challenges the naturalized representations of belonging, through this function, she discloses the lack of origin around which tragedy turns." If Creon confronts the lack by filling it, by becoming the authorial source of the law, Antigone confronts the lack by re-opening the gap, by confusing the authorial source of the law as a politically contingent event—doing so precisely where contingency is more profoundly denied, in the affirmation of her *atè*, in her commitment to death. There is not a pre-political ontological site that can be neutrally accessed through the tragic power of the poetic song; there is only a pre-political site that can be re-politicized—exposed as inescapably linked to relations of powers and conflictive systems of signification.

8.6. Second *Epeisodion* (Third Scene 376-581)

Let me return to the hypothesis of the first *epeisodion*: my claim that the first burial was either performed by the guards or performed by Ismene with their silent complicity. I suggested that the guards instrumentalized the Chorus' desire for festive forgetting to have them invoke the gods as their non-enunciated alibi, given that Creon would have never accepted such a suggestion coming directly from them. After Antigone performs the burial in full visibility the guards are forced to report her to Creon. Her performance thus offers them several ways out, mainly by releasing them from sovereign suspicion.

I propose to understand the guards' reporting of Antigone as doubly motivated. On the one hand, Antigone's disobedience offers a second chance for the guards to engage in indirect persuasion with the king. Though the Chorus/Gods strategy did not work, Creon still did not enforce violence despite his threats. As the guard says during

the first *epeisodion* “I never hoped to escape, never thought I could. But now I have come off safe, I thank God heartily” (A, 330). Creon’s inability to punish the guard, despite his violent threat, could have been more a sign of his own hesitance than of his single-mindedness, of the vulnerability of his decisions rather than of their firmness. The guards might have a second chance to persuade him and they know that. This time they can do it through his niece, promised in marriage to his son Haemon and captured in flagrant disobedience. In other words, Antigone offers them another and even stronger opportunity in their political calculations. They cannot, of course, anticipate Antigone’s own challenging speech. In other words, their plan gets out of hand. Though one must ask, could this have been the plan from the very beginning, in order to get rid of the royal family altogether? There is always another and another possibility. In any case, Antigone gives them time and time is everything in this tragedy, where words and messages run faster than actions.

Here I should speculate even further. If the guards can be made to stand as a synecdoche for democratic practice, it is possible that their conspiratorial participation in the first burial was not an unanimous decision among themselves but that some of them might have wanted to avoid action altogether while others wanted to engage in a more openly resistant one. Thus, Antigone's subordinated position in the *oikos* turns the political event into a family drama and offers the winning faction some time to reconstitute a hegemonic position around the alternative of indirect persuasion, as it offers too, a chance for the rest to continue to push for their own particular agendas. One of those positions will later be voiced by Haemon as more dominant—one in which they

show their explicit sympathy for Antigone with a greater degree of flagrant disobedience driving to open revolt.

The guards' sympathy for Antigone is even better shown in their own recollection of her unlawful burial as being accompanied by divine intervention:

> Each of us wakefully urged his fellow with torrents of abuse, not to be careless in this work of ours. So it went on, until in the midst of the sky the sun's bright circle stood still; the heat was burning. Suddenly a squall lifted out of the earth a storm of dust, a trouble in the sky. The great empty air was filled with it. We closed our eyes, enduring this plague sent by the gods. When at long last we were quit of it, why, then we saw the girl (A, 412-22).

Though this creative retelling was initially meant for Creon, it is equally for Antigone. This will be the second time Creon hears of divine intervention in support of Polyneices' burial. For Antigone, however, it is the first time. Antigone understands the message and she proceeds to invoke the gods as her justification for having performed the deed. She reads the complicity that is sub-textually crafted through this traffic of messages. This is her famous first justification of the act, when she tells Creon, "it was not Zeus that made the proclamation; nor did Justice, which lives with those below, enact such laws as that, for mankind" (A, 450). She did not invoke such a law when trying to persuade Ismene, but she does in front of Creon, given the grounds offered by the guards. And, as we know from Antigone's political experience in exile, one of her greatest political skills is that she knows how to listen and identify alternative political messages embedded within more explicit ones. Creon, however, does not understand. He is either too suspicious to believe the Chorus, the guards, or Antigone, all of which have reclaimed the gods' favor

of burial, or too incompetent to get the message. Sovereign power disempowers the sovereign; it strengthens the power of the voice yet weakens that of the ear. Creon's greatest failure is a failure to listen.

It is additionally my claim that, although the guards do deliver Antigone, they fail to produce the criminal in time. The guards bring Antigone to Creon's attention after the Chorus finishes their Ode to Men. Waiting for the Chorus to conclude their speech, Antigone gains some time to reformulate her case. She interprets, correctly, the words of the Chorus as questioning both her and Creon, apropos their *polla ta deina*. In this way, my reading explains the otherwise unexpected sensitivity that the guards show for Antigone when the guard claims, "she did not deny a word of it—to my joy, but to my pain as well. It is most pleasant to have escaped oneself out of such troubles but painful to bring into it those whom we love" (A, 438-40). The guards love Antigone. They share her desire to bury Polyneices, to interrupt the violence, to be open to conflicts and disagreements. They also turned her in, perhaps trusting that Creon would have mercy for the fiancé of his own son, especially after they heard the news that the disobedient guard escaped death. They might have done it to win some time, waiting to see what unexpected consequences the public performance of the burial might bring about in the city at large, as if testing the political ambience, as if evaluating the political climate in order to adopt a more radical posture.

The guards help Antigone by delaying her exposure to Creon, which allows her to hear the words of the Chorus and know that they, too, found Creon guilty. The guards also help her by suggesting that the gods were on her side and, by doing so, that they were on her side too. Collective action passes in both sub-textual references and silences,

through the temporality of action, through delays and rushes, through indirect references, through subtle speech and non-spoken deliberative pauses. Antigone says to Creon, "Yes, I confess; I will not deny my deed" (A, 445). Honig reads a surprise here, a sort of distribution of the two events to the two parts of the sentence. Denying nothing differs from asserting something, giving room for Antigone to allocate the undecidability of the first burial. Antigone understands this after she knows that there was a first burial performed in secrecy. But Antigone's surprise might be equally motivated by this other *sotto voce*, this other vindication of her act by the guards' suggestion that her own burial was supported by divine intervention, protected by their wind. Furthermore, the guards report that the burial was fully complete, that both the dust and all the libations were poured, as if settling the affair with Creon to move on. Water, honey and wine were poured over the body. She had enough time to do it all. They did not interrupt her until she brought it to completion, for the satisfaction of all. The gods protected her, but such is their claim, not hers. She argues for the legality of her act, but she does not second the guards' description of her act as having been accompanied by divine intervention. Such is their perspective, not hers. Much like them, she also has her own agenda.

There is, for Creon, still one option. This is the option on which some of the sympathetic guards might be relaying too when instrumentalizing Antigone, who, in her turn, instrumentalizes them as well. Perhaps Antigone did not know about the proclamation (A, 447). After all Ismene did not know of it when Antigone looked for sororal conspiracy with her. The guards' own miscalculation in their own instrumentalization of others' agencies (or perhaps their own confident calculation, depending on how one reads their political motivations) encounters an obstacle here,

because Antigone speaks not only for Polyneices but also for herself: “I know that I will die—of course I do—even if you had not doomed me by proclamation. If I shall die before my time, I count that a profit. How can such as I, that live among such troubles, not find a profit in death?” (A, 465), she says to Creon. She has an agenda of her own, an agenda that calls attention to other unspoken laws governing the intelligibility of speakers in this play, a gender structure that fights back against the guards and their attempts to enlist her into their ends.

Against Hegel’s reading of her acts as reducible to the ethical principle of the family and the divine, which finds expression in the sister’s care for the bloodless brother, Antigone reclaims a different motivation, one that seeks to undo the curse of incest, the continuity of the blood’s curse through her rushing towards death, by dying before her time. Antigone’s own reclamation of the act, however, does not end there. Her symbolic construction of the act, which concludes with the offensive words she directs to the sovereign, “if you think me a fool to act like this, perhaps it is a fool that judges so” (A, 470), is as important as the act itself. As much as Creon’s refutation of the Chorus exposed his political theory, Antigone’s signification of her act reveals hers and transforms her into a political subject that articulates a different symbolic universe. She voices a political alternative that I summarize as follows.

First of all, Antigone established a relation of political priority between the unwritten divine laws and the written human laws, which expresses not her commitment to one against the other, as in Hegel’s dichotomous presentation of both principles as equally one-sided, but one way of articulating them, of organizing their priority and derivativeness. Secondly, Antigone performs her speech through refusals, rather than

through affirmations. It would be a mistake to read in such negatives a form of hesitance, what they convey is Antigone's resolute commitment to the gap, the fact that there are things that we might never know, that speech-acts are not sovereign but always await a public to bring them into completion. Thirdly, she forecloses any neutrality in the subject-position of spectators. She violates the law of Creon, but not violating it means becoming complicit with the violation of another higher one—the law of the gods. Finally, she does not hide her emotions; her antipathy to Creon is quite explicit and it participates in the political *agon*. The inflammatory and sarcastic conclusion of her *rhesis* is as important to Antigone as it is the clarification that she will obtain a true benefit (*kerdos*) when performing the burial.

Antigone's speech is immediately followed by the conservative reaction of the Chorus. The Chorus makes no mention whatsoever of the political theory she articulates in contrast to that of Creon. Such silence works as a political displacement of her act. They limit themselves to take Antigone's profit against her, her potential undoing of her *atè* in the anticipation of her fate, which takes place when she transforms her chance into a desired act. The Chorus invokes the "savage spirit of Oedipus" as the source of her trouble. They can accept Oedipus' speaking through her. What they cannot accept is her autonomous speech, her transformation of an unspoken incest into a spoken volitional act. They use a verb that denotes conviction in her knowledge—*epistatai*—rather than her reasoning—*manthanein, gignoskein,* or *phronein*. By invoking Antigone's father, the Chorus also gives Creon the strategy through which to depoliticize her otherwise politically robust speech. They realign themselves in the face of the gender-challenge by

re-framing the struggle from a political problem of justice into an *oikos*-centered problem of gendered mastery and sexual hierarchy.

We are confronted not with a division between the *polis* and the *oikos*—the state and the family, the public and the private—but with the division between a politicization of such distinction that delivers it to public contestation, and a de-politicization of it that re-confines it into the language of hierarchy. Antigone politicizes the division by articulating a political language in the public space from which she is disavowed in the architectural arrangement of gendered spaces. Creon makes no fewer references to the *oikos* than Antigone does, but the *oikos* is not a political domain for Creon, it is an administrative-managerial one. Thus, Creon proceeds to re-frame the *agon*. The problem is no longer between two legal orders and their relation to a never fully positive concept of justice, which is the political frame given by Antigone to the subject of Polyneices' burial. The problem is between two gendered conceptions of the *polis*, which is the frame given by Creon, anxious about the consequences Antigone's act might have for the homo-sociality of the space. Such anxiety shows, in return, the political fragility of the gender arrangement itself and through this Antigone succeeds in bringing about the unspoken naturalization of her gender. In other words, Creon's re-framing confirms as much as it refutes Antigone's inescapable politicization of the burial. Creon feels equally threatened by Antigone's mockery as he does by her act. Antigone succeeds in making the other unwritten laws appear in Creon's own speech, the laws that govern her speechlessness, that exclude women from the public domain. It is Creon who, in the heat of his *oikos*-oriented discourse, calls for Ismene to be included in the patriarchal

punishment. Indeed, Ismene is revealed to have been under surveillance by Creon, who claims to have seen her in distress inside the house (A, 490).

Antigone's mockery continues after he summons Ismene. She will use Creon's words against him again and again, most notably during her invocation of Intaphrenes' wife's speech. The speech in which, as Honig has persuasively argued, Antigone invokes for herself the prerogative that Creon reserved for his son—when he claimed that there would be other fields for him to plow—by highlighting the replaceability of the husband she will not have. Antigone has, in fact, taken Creon's words from the very beginning of the play, and at this stage she does it again, showing him to be indulging in speeches, as he accused her before. Mockery, as a political strategy, travels from the guards to Antigone.

It is Antigone, too, who first refers to Creon as a tyrant, a characterization that his son will echo afterwards. Could we suggest that Antigone redefines tyranny here? Under her terms, tyranny becomes not the politicization of the *oikos* but the *oikoization* of the *polis*. In fact, the politicization of the *oikos* would be what she seeks and achieves, by speaking in the language of the human from which she is excluded for being a woman, thus showing the artificiality of this pre-political arrangement of space based on unstable gender attributes that restrains her to the household. She achieves such politicization because Creon is forced to confront the pre-political displacement of kinship and turn gender into the after-effect of a performative resolution.

It is Antigone's evocation of tyranny that prompts the *stichomythia* between the two characters, the rapid exchange between Creon and Antigone that accentuates the *agon*. This exchange concentrates the conventional dichotomous reduction of the play,

which attributes a political language to Creon and a family-oriented one to Antigone. He speaks of patriots and traitors, she of brothers; he speaks of the city, she of the family. He is concerned about *nomos* and she is concerned about *phusys*. For such a dichotomy to work, however, one needs to overlook many features of both their speeches. Most notable is the erasure of slavery, a point raised by Honig but more significantly (or explored more fully in terms of the Eurocentric idealization of Athenian culture that it articulates) by Chanter (2011). The divine universalism for which Antigone speaks, when she claims that the nether world makes no distinctions among her brothers, that the enemy-friend difference is irrelevant past the death-point, is not as universal as it is normally argued. Antigone, knowing that leaving the corpse unburied for dogs and birds to chew apart reflects a Persian, rather than a Greek custom, counters that her brother is not a slave and should not be treated as one. Presumably towards slaves, then, such punishment would be acceptable to her, even though such a conclusion does not follow logically from her claim that "it was his brother, not his slave, that died" (A, 516). The scope of the action, however, exposes inevitable limitations. Antigone is not a figure of universality. She is also partisan—as partisan as all claims to universality are.

The extreme isolation of Antigone in the play, however, is less clear after reading the surfeit of sub-textual messages in the play. One of the less explored enigmas of this tragedy refers to her refutation of Creon when denying that she alone holds those views, that the gods favor Polyneices' burial. Antigone contests: "No, these do, too, but keep their mouths shut for the fear of you" (A, 508), referring to the Chorus. Her accusation against the Chorus (*upillousi stoma)* has no grounds, according to Griffith, unless, as I suggested earlier, one argues that the guards allowed her to hear the full speech of the

Chorus, their Ode to Men, in which they articulated their own disagreement with Creon in poetic verse so as not to confront him directly in action. She knows that she is not alone. Perhaps Creon missed the double addressee of the Chorus' song, or is avoiding a more open conflict with them by refusing to engage with it. But Antigone knows that the guards are with her. From then on she will start addressing the city, as if calling for a more active role on her behalf. So much for the *oikos* oriented character.

The *stichomythia* between Creon and Antigone ends with the radical demarcation of two different logics. As I have mentioned before, Creon undoes one border, between life and death, to secure another one, between friend and enemy: "My enemy is still my enemy even in death" (A, 524). Enmity has no end within such logic. Antigone's nature, on the contrary, "is to join in love, not hate" (A, 525). Creon's last words grant a gender-script to such political distinction. While he is alive, "no woman shall rule" (*oux archei gune*). Antigone's silence exposes the fact that gender cannot be pre-politically displaced. Ismene enters and the political discussion over the justice of the act shifts from a question of legitimacy to a question of authorship. Antigone expresses her rejection of Ismene's attempts to share the guilt over the burial in hateful ways (A, 549-50). A hate that is so theatrical that Honig is able to read the opposite, a profound love for her sister that crafts a play inside the play, this anachronistic Hamletian *mousetrap* by which the sovereign is fooled and one sister saved. Antigone has, of course, already by this point built a mass of evidence against Creon's ability to read the *sotto voce* of public speech. Ismene's reclamation of her participation in the burial, on the contrary, gives Antigone enough confidence that her sister will not fail to notice the message, that she has already acquired the political skills that de-naturalize the sexual subordination of women.

At this point, Creon's words, like those of Oedipus, backfire. Unknowingly, Oedipus puts a curse over the toxic body that pollutes the city, not knowing that he himself was the target of his own dreadful prophecy. Creon unknowingly opens the possibility for women to rule in his absence, not knowing that very soon he, himself, will be regarded as the living dead he has produced and that the only remaining member of the royal family will be Ismene. Antigone puts it in very explicit terms: "Life was your choice, and death was mine" (A, 555). Hegel's overtly emphasized focus on the ethical equilibrium of the brother-sister relationship completely overlooks this other exchange, which has for him absolutely no ethical significance and is thus left completely unexplored. Indeed, Hegel's silence reproduces Creon's perspective when he calls both sisters *anoun*—without reasoning, mad.

In her attempts to save Antigone, Ismene is also forced to change her strategy—she invokes Haemon. She is the first one to verbally articulate the political implications of this act for Creon himself. In other words, she ends up playing the role that Antigone aggressively attributes her, when she claimed that all her concern was for Creon. Or, to put it differently, as much as Antigone invokes divine la, by listening to the guards (borrowing their frame), Ismene invokes Haemon by listening to Antigone (borrowing the frame she delivers for her). Killing Antigone means, for Creon, trying to solve the conflict of the *polis*—the potential *stasis* (civil unrest) that granting Polyneices a burial might generate—by reintroducing the conflict in his household. This is the scene in which Creon claims that Haemon will have "other fields to be ploughed," emphasizing the replaceability of Antigone. And it is Ismene who emphasizes her singularity, that there is no other one so loved by Haemon.

As I have argued, there is another significant singularity in Antigone, which refers to Antigone's status as an *epikleros*. Haemon's marriage will continue Oedipus' lineage, not Creon's. When Creon claims that there are other women (*chachas gunaichas*) for Haemon, that he has other fields to plow, he is, of course, not only excluding Antigone, but criticizing Oedipus, who did not plow other fields. Creon might be seizing the opportunity to lawfully release his son from the Greek custom that will force him to participate in the continuity of a cursed blood. He cannot, of course, control his own discourse and Antigone will reclaim the masculine prerogative as her own right. She, too, argues that there are also other men for her to marry. But if she quotes Creon's replaceability, as Honig argues, she also quotes Ismene's emphasis on singularity. The singularity of her brother, in the absence of her parents, is a point first stressed by Ismene in relation to conjugal love. Democratic speech passes from one agent to another, constantly differing with regards to its performing implications and intended effects, when the frame is iterated in the traffic it suffers.

Creon ends Ismene's speech with the harsh statement: "do not speak of *her*. *She* isn't, anymore" (A, 567), the statement that articulates, linguistically, the non-being that Antigone continues to signify for a dominant tradition of reception of the play. Placed on the side of non-being, on the threshold between life and death that belongs neither to one nor to the other entirely, Antigone's transgression becomes susceptible to *telepoiesis*—Gayatri Spivak's way of conceptualizing political translation as an act of *copy-paste* between different semiotic contexts. The failure of Antigone to participate in the patriarchal economy of the natal and the conjugal family transforms her into a floating signifier, one to be re-appropriated without ever been entirely owned by whoever claims

her symbolic valence. In this, Antigone is able to materialize different critiques against patriarchy in a multiplicity of different contexts. Her power lies precisely in her ability to be pluralized, to travel from one context to another.

The *agon*, as the exemplar moment of democratic life, is structured by three simultaneous orders: i) nonnegotiable conflicts; ii) sub-textual messaging; and iii) the political articulation of a position of power. Unlike deliberative democracy, *agonism* seeks neither concertation nor persuasion, at least not to the one directly addressed. In this sense it is a nonnegotiable conflict. Though conflict differs from violence, there is no common ground between these logics, no neutral position. This is evidenced by the fact that Antigone cuts off negotiation from the very beginning of the dialogue. Her emotional investment is not just an addendum to her rationale. It is part of the political rationale itself and it claims that there is nothing to resolve here because resolution will happen elsewhere, in the public reception that gives completion to one or other speech-act. It must be clear that there is no common ground. The *agon*, however, has more than one addressee and is articulated across many sub-texts—sub-texts that are never entirely governed by their authors, irreducible to intentionality. The vitality of the *agon* lies there in the creative appropriation of the other's language to empower one's own—in the strategic equivocality of such linguistic trafficking of words. The linguistic encounter is strategic. It is an occasion for reorienting the valence of forces—it is power. Finally, the *agon* is structured by the opportunity to clarify one's position in relation to that of others, to delimit that for which one fights for in one's own terms, which further needs the terms of others. Terms that are, nevertheless, always open to further contestation. Indeed,

Antigone continues to develop her distinctions, this time between words and deeds, between claiming and doing. She keeps opening up the gaps.

The second *epeisodion* of the *agon* is probably the most important one in the play. I will conclude my commentary with a final note on Hegel's interpretation, itself heavily invested in this moment of the play. J.M. Bernstein (2010, pp. 111-130) might be right when he claims that Hegel's greatest gift to feminism was to make *Antigone* into the life source of a future ethical moment. For Bernstein, Hegel makes Antigone into the force of the negative that exposes the gap between the fantasy and the reality of this spiritual moment, between the "ethical world" and the "ethical action." Unlike other German idealists seeking to confront the abstract character of Kantian morality with the aesthetic idealization of the Greek polis, Hegel does not seek for a harmonious wholeness in the Greek past. On the contrary, *Antigone* reveals for Hegel, according to Bernstein, what he calls the failure of the social metaphysics of sexual complementarity (the dichotomous organization of the world according to a sexual division of labor: divine law/human law, nature/culture, woman/man…) to allocate singular individuality. Antigone is, in Bernstein's reinterpretation of Hegel's *Phenomenology of the Spirit*, the tragic heroine that demystifies the beautiful whole that German idealism yearned for in the Greek past. In doing so, she is also the one who prepares the stage for a different ethical arrangement capable of allocating individuality in the Roman notion of personhood.

What Bernstein misses, of course, is that Antigone—the feminine principle of individuality in Hegel's text—does not get recuperated in the Roman notion of personhood. Judith Butler is right when she argues that there is no *Aufhebung* in which Antigone gets recovered, a point already stressed by Derrida in *Glas*, who argued that

Antigone constitutes the structuring limit outside of Hegel's *Phenomenology*. In fact, Butler argues, Hegel displaces Antigone twice—first through her becoming generalized as womankind, a generalization that loses her in the overvaluation of male youth as forming the new army for the *polis*; and secondly by substituting the figure of the woman with the state, which reclaims the love of male youth for the duty of civic patriotism (Butler 2000, pp. 36-37). Against Bernstein's reading of Hegel as pro-Antigone, Hegel's double displacement of Antigone mimics Creon, who ends up referring to Antigone in the third person of the plural (A, 883-90), even though Bernstein is right in that one cannot simply collapse Hegel's interpretation into Creon's patriarchal position.

The most creative insight of Bernstein comes from assessing that Antigone challenges the ethical order because what she does no longer matches who she is, or in Bernstein's language, because she reveals the gap between the self and her social roles that are otherwise foreclosed in the subordination of spiritual meanings to sexual identity (still considered by Hegel as naturally given) in the Greek polis. By performing the act in full visibility and owning it publicly, Antigone's transgression opens the gap between sexual and social identity. This gap, however, is not interrogated by Hegel himself and Bernstein's reading holds true only to the extent that one overlooks the rest of the *Phenomenology* and Hegel's own return to Antigone in *The Philosophy of Right*. It is true that because of her act, the homo-sociality of the polis becomes an issue for Creon, who re-frames the political problem of justice as a question of manhood versus womanhood. If she wins, she is the man. Bernstein is right when he claims that when Hegel calls womankind "the eternal irony in the life of the community" Hegel questions rather than endorses the limitations of the Greek polis for their inability to give a space for her as the

spirit of singularity. Yet Bernstein never explains why, if such is the case, womankind remains politically displaced in Hegel's own account of the future stages of the spirit's materialization.

For Bernstein (2010, p. 121), "Spirit is nothing but the story of how Antigone would finally be allowed to choose life rather than death," a possibility opened by the failure to collapse an ideal of gender complementarity into social metaphysics, enacted through Antigone's undoing of the determination between sexual and social identity. Such interpretation conflicts with the abandonment, rather than with the confrontation of such undoing in Hegel's work. Hegel's *Phenomenology* posits Greek tragedy in-between the transition from morality to ethicality as an unfinished project, one in which the community fails to make room for the individual. But if the communitarian city-state of Greek antiquity makes no room for individuals, the Roman Empire celebrates individuality (with no reference to gender) without a collective ethos that brings such individualities together. From one ethically incomplete principle to the other, the exclusion of women remains unchallenged and constant.[79]

8.7. Second *Stasimon* of the Chorus (Third Song 582-625)

The third song of the Chorus emphasizes Antigone's *atè*, which Lacan considered as the defining motif of the tragic genre, frequently translated as "misfortune," but probably better understood as "ruin." The Chorus offers an interpretation precisely

[79] One should, however, avoid the conventional teleological charges brought up against Hegel's philosophy. For Bernstein, Hegel remains a thinker of the negative, a reading indebted to Adorno's *Negative Dialects*, which conceives each moment of reconciliation as the unending conflict of opposites whose resolution is not to be found in the absence or resolution of the conflict in a future and substantially different moment, the *Aufhebung*, but in its new unfinished re-positing of conflict as precisely that very *Aufhebung*.

opposite to the one I am arguing. For the Chorus, "No generation frees another, some god strikes them down; there is no deliverance" (A, 595). On the contrary, Antigone's act, by making the God-striking fate into a subjective act, into something she decides to undertake and delivers for political reception, means that she free future generations from it. The absence of the imaginary *Ismene*, a play that would continue the curse, creates the conditions of possibility for re-interpreting the otherwise nihilistic view of Antigone's sacrifice as prone to unchangeable repetition. Such an alternative reading I pursue in the conclusion of this dissertation. What such repetition promises, however, is that the next generation, that of Ismene, does not have to end in suicide. There is deliverance, a freeing of Ismene from the "ancient evils of Labdacids' house" (A, 590) that Antigone takes upon herself in order to interrupt.

The Chorus, truth be told, succeeds in delivering an over-played tragic view of humanity—one that registers its profound ambivalence, following their previous description during the Ode to Men. The lines that well express such tragic ambivalence include: "nothing very great comes to the life of mortal man without ruin to accompany it" (A, 612). Such observation, however, does not represent the neutral point of view of an external spectator. Referring to Antigone, the Chorus claims, "that evil seems good to one whose mind the god leads to ruin, and but for the briefest moment of time is his life outside of calamity" (A, 620). The Chorus here touches on the in-between, a time-space in which evil and good become undecidable. It is a brief moment, but it lasts an eternity, immortalized in the poem and its creative re-articulation by the poem's future journey through dramatic *teleopoiesis*. What gets engraved is the brevity of such suspension, one in which evil, that is death, appears as good, as Antigone's profit, precisely because it

delivers her character to future political articulations, in Chile, Colombia, Puerto Rico, Mexico, South Africa, Ireland, etc.

Let's confront both positions with regards to death. Before the guards announce that Antigone has transgressed the rule death appears as the limit that structures the whole domain of action and production, the symbolic space of the play. In order to displace death, and more concretely the anguish that such non-existence provokes for life, affirmation takes the form of incessant activity: crossing the seas, taming the beasts, plowing the fields, etc. Trying to achieve mastery over death brings ruin to men [sic]. It brings ruin to the *upsipolis*, Creon, because the already dead is kept from arriving at its proper place. Death, in other words, has already taken place but has not yet been fulfilled. It also brings ruin to the *apolis*, Antigone, because, still alive, she rushes towards death by transgressing the law. This passage, however, which seems to re-articulate the structural ambivalence of the "cunning fellow," refers only to Antigone, and it does so in terms that emphasize a qualitative aspect of her *atè* that can no longer be extended to Creon.

Because she rushes towards death, the calamity of calamity is, only in her case briefly suspended. *Atè* is no longer something she suffers, as if incapable of escaping it, *à la Oedipus*, but something she performs, as if re-signifying it in its political affirmation, *à la Nietzsche*. What the song reveals is the impossible commensurability between the sovereign and the bare life, even though both of them occupy a structural position of exteriority in relation to the *polis*, as the *upsipolis* and the *apolis* respectively. There remains, between them, a crucial difference, an asymmetry that is politically crucial. Creon remains on the Oedipal diatribe, he brings the *atè* to himself unknowingly.

Antigone, on the contrary, re-signifies it from the very beginning and releases Ismene from it. She creates an impossible alternative, to turn the *atè* against the *atè* in order to open up a space of freedom for the reminder, even if a brief one.

8.8. Third *Epeisodion* (Fourth Scene 626-780)

Once again, the exchange between Creon and Haemon reveals a political struggle over frames as a decisive aspect of democratic theater. It is as if the direct political conflict over justice always needed to be already enframed in a prior scheme, and democracy is but the political contestation of governing frames in speech. Haemon's frame is markedly political. He is worried for the public, echoes the divine law invoked by Antigone and even claims that the people are on Antigone's side. Creon's frame, on the contrary, is markedly *oikonomic*, oriented towards the family, marriage, pleasure and the reproduction of the gender hierarchy in the spatial distribution of bodies. In this case, the absence of Haemon's love for Antigone as an argument to persuade Creon stands out as contributing to his political reception of Antigone's argument as refusing such enframing. On the contrary, the "authoritative identification of the city's well being with himself" (Griffith 2010a, p. 232) stands out in Creon's speech.

Creon's political strategy, already used with Antigone, is to displace the subject of litigation. Both Antigone and Haemon define the subject as a confrontation between human and divine law, a conflict in which Creon's edict has already been defeated, as his proclamation constitutes a clear violation of the chthonic gods. Creon's strategy is to de-politicize the discussion by invoking, as "pre-politically" guaranteed, the established hierarchy that otherwise reveals as a consequence its socially constructed contingency.

Male over female and father over son, are the filters by which to disregard the justice/injustice public political problem emphasized by Antigone and Haemon. The *agon* is always an *agon* over the frame and the first fighting for framing a political problem is to de-frame it from its received tradition.

Creon's attempt to move the conversation into a field where he has the upper hand reveals, in its turn, that the space of the family is never pre-politically safeguarded but constitutes a strategic resource, a discursive weapon. As a woman, Antigone's political roles are subordinated to both the fulfillment of religious duties (funeral rites) and the production of citizens for the state (marriage rites). Citizenship is an institution from which she is excluded, but which cannot function without her labor at both end-points of the chain—mortality and natality. If the brother (natal family) is the object of the first role, the husband (conjugal family) is the object of the second role. This means that as much as Polyneices gains something from Antigone—he escapes the natural reclamation of his body as an otherwise animal corpse, which her ritualized act sublimates as culturally meaningful for the community—Haemon also gains something from Antigone. Haemon gains the equality he lacks, as the son of Creon. It is through his marriage with Antigone that Haemon would have become a *kuryos* himself, an equal to Creon as a master of an independent household. Thus, it is preemptory for Haemon not to use of the language of the *oikos*.

Creon's first intervention constitutes a failed attempt to secure Haemon's affects. What Haemon does, in response to Creon's ultimatum between paternal affect and heterosexual desire, is to refuse the frame. Haemon responds by invoking the *res publica*, the affairs of the city as the proper frame in which to discuss Creon's wrongdoings. Such

an argument prompts Creon's authoritarian reaction, that is, his articulation of a discourse that remakes the public in the imagery of mastery over the household. Creon first emphasizes inequality and subordination, the proper relationship between fathers and sons. Secondly, he reiterates gender hierarchy, one that further transforms women into the "enemy," an ever-present danger that takes the son away from the father and the citizen away from the fatherland. Finally, he redefines the domestic space as correlative to military discipline and raises obedience as the political value per excellence in the sovereign domain of total indistinction. According to Griffith (2010a, p. 237), "domestic discipline" becomes "the bass for civic order" in Creon's speech. In fact, military discipline conflicts with Creon's strongest democratic commitment to the circulation of government, the *archein…archesthai*, to govern and to be governed by others, that he also invokes during his dialogue with Haemon and that expresses his strongest democratic conviction. Creon's political ethos is ideologically divided between a tyrannical personalization of the polis (the despotic character of his language when he uses *epitasso* and *kraatno* rather than *archein*), and the democratic recognition of political distribution in the circulation of power through governmental change. In order to avoid the confrontation of such tension Creon recurs to the naturalization of gender. The disobedience of the law compromises not only the authorial source of the law, but the unspoken law of gender subordination that, in the first place, sanctions Antigone as an improper speaker. To support Antigone's position is not just to agree with her, it is to break up the homo-social exclusivity of the public; is to become complicit with the political downfall of patriarchy. "If we must accept defeat," Creon says to his son as if knowing that his acts constitute a legal violation of the divine, "let it be from a man; we

must not let people say that a woman beat us" (A, 677-80). Creon, responsible for setting up the boundaries, tries now to secure them by mapping as many as he can to the gender hierarchy: reason versus madness, order versus anarchy.

Haemon's deferential reply (A, 683) focuses on the *polis* again, as his dominant frame. He argues that citizens are against Creon (A, 688-92), that they praise Antigone (694-99) and that Creon needs to yield (A, 710-18). Rather than obedience, Haemon's political value per excellence is judgment. Unlike obedience, which is unidirectional and vertical, judgment is multidirectional and horizontal in his account. Obedience moves from the multiple to the one, as if marginalizing differences in the identity of sovereign. Judgment moves in the opposite direction, from the one to the multiple, as if demanding for the subject to adopt a variety of points of view from which to evaluate a situation. Obedience concerns only Haemon. Judgment concerns them all. This is Haemon's strongest accusation of Creon, whose solitude is equivalent to misjudgment, because it lacks the plurality without which it cannot survive. It is also during Haemon's speech that the *demos*, the voice of the multitude, appear for the first time. What he reports is that the people speak in secrecy, a conspiratorial language characteristic of Antigone and Ismene, since the very first scene, and of the guards too, according to my argument. Haemon concludes his speech with a demand for his father to yield—to move from the active position of doer into the not less active position of listener, to undo the blinding anger of the former with the *manthanein* of the latter.

In perfect symmetry with the second *epeisodion*, the exchange between Creon and Haemon concludes in *stichomythia*, from which Haemon emerges as the moral victor. There is nothing of the ambiguousness that Hegel identifies in the second *epeisodion* in

the third one, and Hegel remains rather silent about the encounter. Creon's terms during the *stichomythia* are further attempts to de-politicize the issue by, paradoxically, reconstructing linguistically the presumed pre-social subordination of one gender to another. Creon's glossary opens up with nature (*phusys*), follows with the immunological language of disease, and ends in the complete personalization of the political with the isolated figure of the tyrant. Haemon's glossary opens with a reflection on justice, a preoccupation for the city as a whole and the articulation of the democratic principle, the *polis* belongs to no man alone (A, 737-738). One should avoid idealizing this *stichomythia* as an ideal occasion of rational deliberation between speakers, as if confirming models of deliberative democracy. Not only are the speakers unequal, occupying different social positions that are played out in their selective frames, political positions are not negotiated as if looking for a consensus in the dialogue, political positions are publicly exposed in order to compete for publics. Neither Creon nor Haemon looks at the other's "good judgment;" the linguistic conflict is strategic. They see not whether the other is right or wrong, but what each can use from the other's argument to turn them against the other in order to advance their own case. Haemon concludes his own case in paternal mockery, by the very same gender equivocality that Creon motivated before, calling his own father "a woman" (A, 740).

The slippage between the private and the public is just one in a series of slippages produced as a result of Antigone's actions. Many borders are made unclear: the border between life and death, between friend and enemy, between male and female, between the foreign and the familiar, etc. As much as Creon uses Polyneices, the ostracized alterity, to rebuild the damaged boundary of Thebes, he also uses Antigone to rebuild its

damaged homo-sociality. She is the enemy (A, 648-52) and Haemon should "spit on her" and "throw her out like an enemy," because she is to "marry someone in Death's house" (A, 652). Creon's words, like those of Oedipus before him (according to the chronology of the story, not to the chronology of its composition), backfire, because she does marry someone in death's house, the very someone Creon's words were trying to sever from such a marriage. The dialogue ends when Creon threatens to kill Antigone in front of Haemon's eyes. This is, of course, a confirmation of Haemon's diagnosis. Creon is insane. He does not even follow his own rules. He first proclaimed that the transgressor would be stoned to death inside the city. Now he changes the punishment, in the heat of his reaction.

If Creon's tyrannical rule, his treatment of Polyneices' body according to Persian rather than Greek customs, was still invested by a legal procedure: the publication and justification of the law, Haemon reveals that now only tyranny remains. He is, indeed, the moral victor. Almost nothing remains from Creon's democratic principle of *archei…archesthai*. The political circuit of government that defines democracy, as governing once and being governed next is an impossibility in the extreme personalization of the political best exemplified by Creon's rhetorical question, "must I rule the land by someone else's judgment rather than my own?" (A, 738). It is only after Haemon mocks Creon as becoming the "fine dictator of a desert" that Creon resorts again to the gender hierarchy. However, the linguistic equivocality of gender-positions, in which both Antigone and Creon cross genders, is further stressed by the theatricality of the play. Men are cross-dressed as women in the play. Despite its presumed naturalness, gender becomes something that can be "played." Furthermore, because women were not

allowed to perform in the theater, men had to perform their roles. Such performative disavowal of the female gender turns it, paradoxically, all the more unnatural. Her gender becomes that which, on a representational level, can only be played by the other. It becomes a representational crisis. The sexual interdiction exposes the multiplicity of exclusion upon which the democratic regime reproduces itself—the exclusions that Haemon echoed and against which the multitude of the people conspire as the plays continues to go on.

8.9. Third *Stasimon* of the Chorus (Fourth Song 781-800)

The fourth song of the Chorus follows their continuous attempt to distance themselves from potential disobedience. In the pursuit of distance they also betray Haemon. Having claimed that Creon should "learn from him" and that Haemon too should "learn from [his] father" because they have both spoken well, the post-*stichomythia* song of the Chorus addresses Haemon exclusively and none of his arguments are honored in their song. We can map the political transformation of the Chorus throughout the changes in the addressee across the three songs as defining a clear path in the strategic location of their political position, which becomes more and more pro-Creon. In the second song the chorus addresses both Creon and Antigone and the inescapable limit was death, when it came to question the human hubris. In the third song they only address Antigone, but death was mixed with love in the aesthetic image of the beautiful death, the in-between in which the clear demarcation between good and evil no longer holds, even if only for a brief period of time. Finally, in the fourth song they only

address Haemon, but this time it is love that constitutes the limit, "love undefeated in the fight, love that makes havoc of possessions" (A, 781).

Sjöholm is right when she claims that not only death, but also love, constitutes a human limit. This is a limit that does not have the same ontological weight for Heidegger, although it does for the Chorus and for the ethics of psychoanalysis which is interested not in the distinction between the two drives, *eros* and *thanatos*, but in the point at which they converge, when the love for the cause equals the realization of the death drive. Haemon's exit from the stage coincides with Antigone's entrance. Haemon leaves the scene motivated by love and goes to encounter death. Antigone arrives at death too early, motivated by love. She, as the Chorus says, "makes her way to her bed—but the bed that is rest for everyone" (A, 806). Unsympathetically, the Chorus nonetheless recognizes Antigone's agency. It is, certainly, a limited kind of agency or, better put, agency at the limit. The agency that even in *atè*, out of that which we cannot control, we can nonetheless still assert. To make an even stronger reading of this passage, it is probably only in atè that we can achieve freedom—only when we are subjected to conditions that are completely external to our control, which determine us and place us in positions from which we cannot break out, that the act exposing the gap between the self and the social position assigned to the self becomes possible. It is only when this gap is monitored, controlled and enforced as if a natural work of necessity that we can reclaim such a position as something we desire rather than something we suffer—only then can we problematize the irresistible necessity of the frame. The subject opens up a space for political action, as thin as such space is, in the revaluation of this *atè*. Such an act,

however, promises a deeper political opening by challenging the conditions of possibility for acting itself, which is precisely what Antigone achieves.

8.10. *Kommos* and Fourth *Epeisodion* (Fifth Scene 801-943)

Antigone's final speech is addressed to the people. She begins her lament (*kommos*) with a different argument—one that articulates a discussion about two different boundaries: i) the religious boundary between humans and divinities; and ii) the anachronistically political boundary between the "west" and the "east." Her husband is to be the Lord of Death. She will be the sole suicide virgin among Greek heroines, she goes "to the place where the dead are hidden," but she goes "with distinction and praise" (A, 815), as the Chorus fails not to address her singularity. Turning her *atè* into a political work of her own, she dies with *kleos* (fame), what heroes look for in the battlefield, the kind of *kleos* that immortalizes a life, as she gets immortalized in the poem that bears her name. She is "alone among mankind," and her solitude is marked by in the instability of the borders around her, descending into the world of death alive.

Antigone proceeds, then, to claim for herself a different status by identifying her predicament with that of Niobe, who she calls the Phrygian stranger. The daughter of Tantalos, Niobe came from elsewhere to marry King Amphion at Thebes and witnessed the massacre of her ten daughters and ten sons by Apollo and Artemis in retaliation for her boasting superiority to their mother Leto. Antigone's identification of her rock-bound death to Niobe's petrification is as important on a religious basis as it is on a geo-political one. Like Niobe, Antigone also claims to have come from elsewhere, she identifies with *metics* given that the polis offers no space for her being and that, at Colonus

(retroactively), she claimed that Thebes was no longer her home. Such identity not only allegorizes Antigone's efforts to undo the incest that haunts her family, but further expands, allegorically, on her own critique against the *polis'* exclusions and territorial self-enclosure.

Judith Butler (2000, p. 52) is right when she claims that, "by obeying the curse upon her, Antigone stops the future operation of that chain." What Butler misses is the multiplicity of interruptions that her obedience to such a curse performs—the fact that more than one chain is put into question by her act. Such interruptions refer to a more compound marginalization in which she addressed the artificially constructed limitations of her gender (questioning her enclosure in the household for being a woman), her sexuality (questioning her enclosure in the *atè* for her incestuous origin) and her political belonging (questioning her enclosure in one *polis* through the prescription of double-endogamy). Niobe is both a divinity and a target of divine rage. Niobe is also a mother and, as Griffith claims, "she is finally transformed into rock by the gods," "with water (rain and springs) pouring down her face and flanks," "an eternal monument to maternal grief" (2010a, p. 269). Unlike Niobe, whose children were massacred, Antigone loses hers before having them. Rather than tragic maternalism, what this association signifies is political accountability.

This is what Weber (2004) refers to as "calculating the incalculable" and Zupančič (2011, p. 251) defines as the "infinite measure." It is the last attempt to establish the counts, to hold the accountability of her political act by listing all that she would have, had events turned different for her. It is not last in the sense that it terminates a set of incomplete or failed previous attempts, but in the sense that it can only be done at

the last, in the end, when the threshold of death has already been crossed. In more political and less ethical ways, such articulation of an "infinite measure" gives reason to Butler's claim, when she argues that what Antigone offers us is "a critical perspective by which the very terms of livability might be rewritten, or indeed, written for the first time" (Butler 2000, p. 55). Antigone's lament articulates a different litigation, the political imaginary of a world in which she would be able to "know the marriage songs," and "know the chants that brings the bride to bed" (A, 810), have tears, friends and marriage (A, 877) and have the due term of her life (A, 895). This is the impossible list of her already lost experiences, of the possible experiences that she could have had if a different social order were in place, but which are now only imagined, temporarily promised as the yet-to-come through their discursive articulation. Such is politics as the linguistic articulation of a conflict that makes visible the gap between what is and what should be, between actuality and potentiality. A potential speech-act such as this is grounded in the contradictions of the actual. Antigone gives a verbal enunciation of a different futurity for which she sacrifices her life, one that puts into question the dominant social conditions that require her sacrifice.

Seeking to domesticate the terms of her *kommos*, the Chorus subordinates the semantic and political accumulation articulated in the divine identity that she claims for herself, by focusing exclusively on the divine/human separation. Indeed, they mock her, as Antigone claims, by means of such reductive interpretation. Mocking her, they also seek to separate themselves from their dangerous praise of her action before—a separation that is as much semantic as phonetic when they move from *anapests* verses to *lyric* ones, which according to Griffith bear a higher emotion. She makes a last

unsuccessful call for the city and claims the identity of the *metic* as that of her own, "neither among the living nor the dead do I have a home in common—neither with the living nor the dead" (A, 850). Life and death have become strong figurative sites, given that, as the Chorus claims, Antigone is represented as the sole among mankind to go alive to death. Life and death also have inescapable political connotations. Some are, as Judith Butler's use of Patterson's term put it, "socially dead." Women, foreigners, *metics* and slaves, all of them experience this social death in different ways. To the extent that their status is a subordinated one—they do not participate actively in the government of the *polis*—all these non-citizens do not have a *bios politikon*, they are, in very different ways, socially dead.

Antigone's language circulates through many positions of non-citizenship. Polyneices is not a slave, she says. Niobe is a foreign deity with whom she identifies herself. Her situation resembles that of *metics*, neither entirely out (they live in the city and perform crucial functions for it) nor entirely in (they do not have political rights and their socio-economic ones are severely restrained). Antigone's failure to fully pass from childhood to adulthood, from femininity to masculinity, from the natal to the conjugal family, from life to death, exposes the instability of such crossings as inescapably embedded and vulnerable to political re-arrangements against any pre-political foreclosure of them as beyond public contestation. The failure is as much a failure of exogamy. In the light of Niobe's narrative, such failure finds the alternative presence of foreignness in the family—the alterity that needs to be recovered as part of one's heritage in order to inaugurate a different signifying chain, in order to create the conditions of possibility for a different future. Not to marry within one's own clan means not to restrain

marriage to one's own *polis*, in this case. Such is the hyperbolic allegory of the drama of incest, the poetic critique of the *polis'* closure to a foreignness that it needed and encouraged.

It is only after she addresses the city with the script of *metoikia* that the Chorus evokes Antigone's most painful memories, her mark of incest. And she invokes *metoikia* again in her own reply, in her own acknowledgment of her fate as dreadful. She continues to conduct her own funeral lament, her own beating of the breasts. Honig claims that the temporal prolongation of her laments, as well as its public orchestration, align her with an aristocratic ethos. Creon's interruption of her lament resembles, on the contrary, the democratic interdiction of the excessive celebration of the individual in the funeral democratic economy of exchangeability. Honig is right. Against any semantic evacuation of the *kommos* as representative of phonetic universality in the cry, what one founds in this passage is the articulation of the *rhesis* in the *kommos*. To lament and to repeat the lament is to mobilize a counter-ethos. To interrupt her and economize her lament is to be conscious that politics, partisanship, has not ended in the presumed universality of the cry. Such universal address is, like any universal, a claim to universality—a competitive claim for the power such space grants to the subject.

Antigone relocates the *agon* in the content of the *kommos,* after Creon interrupts its transitory displacement to the *form* of the lament, as the *agon* between two conflictive temporalities in which two distinctive ethical orders are differentiated. She redefines the law for which she acted, moving from universality to singularity, from democratic exchangeability to aristocratic exclusivity. If before she claimed to have done it because the gods of the underworld reclaim the rites for both of her brothers, indistinctively, now

she claims to have done it because the unique singularity of her brother is irreproducible, unlike her potential husband or child. Honig (2013, pp. 128-140) has also written, in my view, the best account of Antigone's citation of Herodotus' story as constituting a parody of Pericles and mimicry of Creon. I will not repeat here what she has already said. I will, however, remark on something that is as yet missing in Honig's account.

It is certain that Antigone puts Creon in check by invoking Intaphrenes' wife's story. If there were any doubts about his ambivalent fluctuation between democracy and tyranny—which refers to Creon's problematic articulation of antithetic political principles, the mobility of the *archein…archesthai* and the personalization of the *epitasso…kratuno*—Antigone's invocation of Herodotus' story dissipates the doubts. Even a tyrant like Darius was more pious than Creon. What Honig misses is the participation of this story in the other narratives that Antigone has been trying to articulate in order to overcome the enclosure of her acts in a circumscribed territory: the narrative that shows her knowledge of Persian burial customs, her invocation of foreign divinities, her allegorical reclamation of the status of *metoikia,* her epistemological recourse to foreign stories, her attempt to undo the self-enclosure through the obeying of the curse, her refusal to perform the burial in the shadows, her going out of the palace to conspire with her sister in a disavowed locus for women without proper masculine guardianship. Antigone is trying to get out, to cross a multiplicity of borders—the borders of her gender, of her polis, of her sexuality. She wants to overcome the enclosed space that the *status quo* offers her, a space which turns her into a form of nothingness. She calls foreigners friends in *Oedipus at Colonus*, where she acquires a voice. She considers Thebes no longer a home for her. She travels, and the richness of her political vocabulary

lies there in crossing borders, in meeting others. Her excessive turn to the natal family, her obedience to the incestuous *atè* is precisely her explosion of that border from the inside out. She produces a political explosion from within, so to speak. Of course, the success of this act can be measured by the plays' border-crossings, by the semantic accumulation of this tragedy, performed again and again in different places for different constituencies. It is as if after turning the outside radically inside—her cumulative references to foreign divinities, non-civic positions, transgressive acts, etc.—resulted in the turning the inside outside—the extensive nomadism of the play (Steiner 1984; Fradinger 2010b; Duprey 2013; Wilmer 2010).

Antigone's final dirge expresses too, her deep isolation. It is this isolation that gets undone in the afterlife of the tragic script, in her multiplication across so many different interpretations that inscribe her within a collective space of literature's link to politics through the creative adaptation of classical drama. Her isolation is significantly marked by her passing endorsement of Creon's position, when she claimed that she is taking this "weary task" upon herself "against the will of the city" (*Biai politoon*). She identifies the position of Creon with that of the city. She has been waiting for others to intervene. For Haemon, for the guards that might have shown their sympathy through a variety of non-verbally articulated gestures, by the people that Haemon claims to be on her side. She has been waiting, extending the lament so as to wait for the political solidarity that was crafted in silence, that was shown to her in previous performances, through those rhetorical figures of speech in which Honig reads a democratic alternative in political complicity (*soto voce*, *adianoeta*, double entendre). She can wait no longer but she does not fail to declare, as if the power of her words had already shown her that

she could undo the *atè* that traverses across her family, that her *atè* dies with her. Symbolically, Antigone severs her sister from the Labdacids' family through the extremity of her language, through its double meaning. Ismene is divorced from the curse. Ismene lives, fatality is divorced from its pre-political necessity and transformed into a condition susceptible to transformation through the aberrant iterations of this performance. "Look on me, princes of Thebes," she says, "the last remnant of the old royal line" (A, 942). Family is everything but natural, Ismene's belonging to the *atè* is performatively and successfully severed. She need not die; she survives.

8.11. Fourth *Stasimon* of the Chorus (Fifth Song 944-987)

The fifth song of the Chorus offers us three stories with which they try to interpret Antigone's misfortune, as if de-singularizing her own story through the generalization of fate's inescapability. The stories, as argued by Griffith, are not at all obvious in their correspondence with Antigone's. The first one tells the story of Danae, unjustly imprisoned by her father and king of Argos, Akrisios. One might ask if the injustice is, in this case, attributed to Oedipus, Antigone's father, whose deeds, as in the case of Danae, were consequential to her end in a tomb-like cell. The injustice could also be attributed to Creon as the new *kuryos* of the family—the one actually responsible for Antigone's entombment. The second story refers to the just imprisonment of Lykourgos by Dionysus, for having mocked the god in fury and, according to the myth, having tried "unsuccessfully to prevent Dionysus from bringing his new cult into Thrace" (Griffith 2010a, p. 289). Like Antigone, Lykourgos is restrained in a rocky dungeon. Unlike Antigone, Lykourgos is a king who resembles Creon. Guilt is now attributed to the

sufferer of the punishment, rather than to the perpetrator, who is here considered as just. Is the Chorus finally convicting Antigone in allegorical ways, by cross-gendering Antigone again? Are they, on the contrary, anticipating the future punishment of Creon? Are we to fix the addressee of the first example in order not to conflict with the potential contradiction carried through the message of the second one? The last example is probably the most obscure one of all. It refers to the blinding of Kleopatra's sons after she divorces Phineus. According to the myth but absent from the song, Kleopatra was also imprisoned. The passage focuses on the children and the noble lineage of Kleopatra, which makes it all the more confusing given that the most important evidence is precisely absent, as Griffith argues. One has different interpretative possibilities as a result. One can consider the children as, allegorically, Haemon and Antigone themselves, or as the children that Antigone will not have. Griffith (2010a, p. 284) suggests that "only if we could be sure that the Lykourgos story presupposes the death of his children, and that the Kleopatra story is supposed to involve her imprisonment, could we point to these as the requisite features in common, and we could recognize the obvious pints of analogy between these and Antigone's fate at her uncle's hands; but we cannot be at all sure that those elements of the story should be supplied in either case." He concludes his reflections with a warranty, that "any links we make must be tentative: and we cannot tell whether this uncertainty was shared by the original audience" (A, 292).

Let's engage in those tentative distributions. First, we can imagine that the three victims are linked somehow to Antigone. Creon unjustly judges her (Danae), then she proceeds to mock him, thus she is rightly punished according to the Chorus (Lykourgos), and ends up crying for the children she would no longer have (Kleopatra). Another

distribution makes Creon into the main addressee. Creon unjustly judges Antigone (Danae), thus, becoming a too proud King who offends the gods by keeping Polyneices' corpse alive (Lykourgos) and whose fatal consequence is to have both of his sons—Megareus and Haemon—killed as a result of his blindness (Kleopatra). Between these two positions we can entertain many others. What is crucial is the Chorus' undecidability at this point, constantly fluctuating between one position and the other. They acknowledge Creon's guilt in the Ode to Men but take it back in the next song. They highlight the ethical value of Haemon, but take it back in the song. They shift. They fluctuate constantly.

8.12. Fifth *Epeisodion* (Sixth Scene 988-1114)

The fifth *epeisodion* constitutes a missed Hegelian moment in what Bernstein (2010) has called the failure of the social metaphysics of sexual complementarity. Creon faces a third *agon*. It is Tiresias who authors the finally persuasive *rhesis*. Antigone staged the first *agon*, and Creon disregarded her on the basis of her gender. Haemon staged the second *agon*, this time with the proper gender for Creon, but he disregarded him on the basis of his age. Antigone is, for Creon (and Hegel too), a representative of a pre-political domain, which is associated with the unwritten laws of the divine. Haemon is, on the contrary, part of the public language of the polis that is not yet fully in it. It is Haemon who reports on the conspiracy of the demos, but as an unmarried man without full status. Tiresias constitutes a sort of socio-sexual *Aufhebung*, a third *agon* that somehow incorporates both Antigone and Haemon. Despite Hegel's obsession with a triadic structure, he misses this third moment—one that is further enhanced by the play's

meta-theatricality given that the same actor performed the role of Antigone, Haemon and Tiresias on the stage. In other words, the same actor who fails to persuade Creon as Antigone has a second opportunity as Haemon, finally succeeding as the blind and decrepit transgendered Tiresias (Loraux 1997).

Tiresias had been transformed into a woman for seven years, and was involved in Theban politics for seven generations, since the ruling of Cadmus. The son of a shepherd and a nymph, Tiresias becomes the missing *Aufhebung* in the social metaphysics of gender complementarity. Like Haemon, Tiresias articulates a properly recognized public discourse, given that his masculine appearance does not threaten the homo-sociality of the *polis* for Creon. Like Antigone, he communicates himself with the unwritten domain of the divine, vindicating Antigone's arguments (A, 1113-14), having been a woman for some time. Finally, he even queers Creon, so to speak, when he claims Creon's corpse to come from the "entrails of the father" (A, 1066), in exchange from the one he has mistreated, as if referring to a womb. The displacement of gender from particular bodies is complemented in Tiresias' speech by the displacement of organs from particular bodies.

Tiresias faces in Creon the same blindness he faced in Oedipus. Creon even accuses him of the same charges as Oedipus had before—charges that were also brought against the guards. Creon claims that Tiresias was bribed by those who wanted to depose him as sovereign (A, 1035-39), representing the continuous sign of authoritarian paranoia that repeats endlessly in the case of different power-holders. Power has an effect on the subject that holds such power, a blinding effect, and Creon's blindness reaches its most

extreme heuristic moment when he offends Zeus himself (A, 1039-41), and it is the physically blind who is, ironically, in charge of correcting his sight.

The *agon* with Tiresias, the third moment of the play, effectuates the key reversal of the play. Such reversal transforms Creon into a tragic character, in the Aristotelian logic that defines tragedy through the catharsis effectuated by fear and pity. Creon is the one whose passions are purified through the fearing of Tiresias' prophecy. Tiresias is the last event, the intolerable limit for the sovereign. If Antigone constitutes the impossible subject (structurally disavowed as a consequence of her gender), and Haemon constitutes the possible subject (as he is in the process of achieving autonomy, of ruling his own household and becoming an equal), Tiresias stands as a successful mix of both principles—a double mix of ethical and gender complementarity. He has the credentials to speak that the previous *agonistic* moments lacked, and he turns the moral language of rightness against Creon, by employing the very same terms (*di'orthes*) Creon has used. His credentials are presented as his know-hows, his description of how the ritual should be done.

As an ethical mix, moreover, Tiresias constitutes another moment of political evacuation. As recent readings of Hegel have claimed (Jameson 2010; Žižek 2012), the *Aufhebung* is not the reconciliation of opposites but the opposition itself. The crisis of gender complementarity does not end with the overcoming of Antigone, in the inassimilable equivocality of her gender because she speaks with a too-strong voice that fails to fully emasculate her. The crisis of gender complementarity also informs the failure of Tiresias, when *politics* is substituted with *tekhne*, with the unsuccessful resolution of a political problem between counted and uncounted speaking beings,

unsuccessfully neutralized through an epistemological displacement as a matter of public policy. Tiresias' *rhesis* is epistemologically organized in a sequence: first, observation; second, diagnosis; third prescription. This is, in other words, the failed attempt of trying to contain the deep structural crisis of the status quo, which Antigone's performance of the burial brings about, through a few reformations in the public policy of the state. The forces unleashed by Creon's violations are too strong to be medically sutured in this way. The performative consequences of Antigone's act have already mobilized the people, wresting the problem away from technical expertise and transforming it into a public debate and conspiratorial action.

But let's analyze Tiresias' own strategy in more detail. What Tiresias observes in the sky is the madness of the birds. Creon entrusted the birds with a mission: to chew on Polyneices' body. Yet the birds fight back by means of Tiresias' divine knowledge. He too, cannot escape being instrumentalized by a partisan position. There is in the play an unaccounted for animal agency that reacts precisely through the one who has yet to return to nature. Polyneices achieves, as a corpse, what he couldn't as a living being: the destruction of Thebes. The birds act on his behalf. The birds distribute the flesh of Polyneices throughout the city (A, 994-1004). The sacrificial fire fails as a consequence (A, 1005-11). The unintelligibility of the birds makes the divine unreadable and Tiresias concludes that it is the fault of Creon's policy. Such is the diagnosis of the prophet. The gods reject the lack of a burial. Tiresias would have been able to read the birds otherwise. The prescription is, obviously, a change of policy, for Creon to yield (as Haemon demanded) and do what he undid (as Antigone demanded).

The birds carry a language that resembles the structure of poetic verse. This language operates in the complementariness between semantics and phonetics—the former refers to the cries of the birds the latter to their flight patterns. Both are corrupted, according to Tiresias. One should remember, here, that Antigone was also called a bird, one with an empty nest performing a shrill cry. The birds are the animal associates that still fight for Polyneices and Antigone's cause, even as they eat his flesh. It is as if coming into close contact with the dead body of the "other" had a mystical, almost transformative power. Unintelligibility, of course, has a stronger political reference in a tragedy that has articulated a very strong message about democracy's confrontation with the question of foreignness, particularly through Antigone's constant figurations of non-Greek positions. In language, unintelligibility refers to the "barbarian," to the non-Greek language that is not understandable. What Tiresias reads, then, is not something positive, but the lack of something, the absence of a ritual that should have ended in completion, the absence of a flight pattern that should have been clearly visible. What he reads is his own misunderstanding of the new order (or better, of the new disorder), his own impossibility to read the messages in the burning flames (A, 1010-18). His solution is epistemic. He looks for the element that has changed from the pre-erratic cry and flight of the birds to the post-erratic one, finding the solution to the riddle: the birds are eating corrupted flesh. Polyneices should have been buried. The violation must be acknowledged and rectified (A, 1024-25); Creon needs to yield (A, 1029). The diagnosis, however, reveals another political problem. What Creon has done is not only a violation against the divine order, but a violation against the human order too, which is of course inseparable from the first. He has been waging a war against a dead body, stabbing the

one who has already fallen, as Tiresias says. His sovereign power has turned the vitality of the *polis* into a deadly field.

Creon's final displacement is economic. Three times the same actor has presented the argument to Creon in political terms, as a conflict of justice (an offense to the divine), as a conflict of legitimacy (lack of popular support) and as a problem of public contamination through the excess of the spectacle of sovereign power. Three times Creon has tried to depoliticize it. First he recurs to a presumed pre-political gender hierarchy (against Antigone), then he recurs to a presumed pre-political kinship hierarchy (against Haemon), now he recurs to the economic logic of the household as such, he invokes *kerdos* (benefit). There is a problematic continuity across these three arguments. They all confirm on one level what they have been trying to question on another: the evacuation of the political (the conflict of differences) through the personalization of the *polis* in the figure of Creon. Antigone calls him a tyrant, but she claims that her deed hurts the city, as if finally recognizing that Creon does, in fact, stand for the city. Haemon calls him a tyrant, but he does not join the people he credits with conspiracy. His fight remains personalized and he commits suicide when he fails to kill his own father with his own hand. Finally, Tiresias makes the strongest recognition of such status: the city's pollution correlates with Creon's folly; the diagnosis is symmetrical to the one he delivers to Oedipus. When looking for sickness elsewhere, the sovereign become blind to the fact that they, themselves, are the sickness they have been looking for (A, 1016).

Three times, also, Tiresias turns Creon's language against himself: first, by turning Creon's recognition of Tiresias' credentials against himself, as the proper demonstration of his ruin; second by turning his moral rectitude against his policy; and

third, by turning his economic accusation into his punishment. The prophecy is delivered through an economic language. Creon will pay for one corpse with another, a democratic economy of equivalences. Divine justice, democratically translated, equals distributive justice. He will pay for the corpses he has produced in another domain with corpses in his own household. This is the moment of political accountability, of measuring, as with Nick's role in Anne Carson's *Antigo nick*, the frozen time that turns the past of Thebes into its inescapable present.

Yet Tiresias reveals something even more terrifying for Creon. Indeed, someone else has been plotting against him all along. On one side are the gods, who are preparing a painful surprise for Creon in secrecy (A, 1074-5). On the other side are the foreign armies, the Argives, who are busy readying troops for an attack, angry at the Theban refusal to grant proper burial to their soldiers.[80] Argos, Pantheropaios from Tegia and Tydeus from Kalydon, all the cities want the bodies to be respected (*kathegisan*) and are willing to fight Thebes again, in the name of such injustice. Creon's mistreatment of the corpse, his continuity of the war in its absence, has produced the very same scenario he wanted to prevent—more war.

It is only in the face of such widespread attack that Creon changes his position. Though having declared that he would rule the land by no one else's judgment than his own, he now asks for advice from the Chorus (confirming Haemon's position). Having said that he will not bury Polyneices, not even if Zeus' own eagles were carrying the polluted flesh to the throne of the god, he now rushes to perform the rites for Polyneices (confirming Antigone's position). Creon capitulates, but errs a second time. The advice

[80] On an inter-textual level, a different version of the story has Theseus intervening to force Creon to bury the Argives (Griffith 2010a, p. 308).

he receives is to first address Antigone and then Polyneices in rectifying his act. The priority is important for the gods, because it demonstrates that Creon has learned to privilege life over death. But Creon inverts the logic. He does not know that Antigone is at risk of dying. Polyneices, on the contrary, is at risk of disappearing. Such rearrangement of priority proves both, fatal and tragic. It is tragic because it is precisely when Creon stops personalizing the *polis* and starts caring for the city, by making the city his priority and attending to the polluting factor first, that his demise arrives.[81] It is fatal because it costs him the lives of his family members and even his own, which he will very soon regard in the same terms he regarded Antigone's, as a living death.

8.13. Fifth *Stasimon* of the Chorus (Sixth Song 1115-1154)

The last song of the Chorus is a desperate yet optimistic call for divine intervention. They address Dionysus, the patron-god of Thebes and the host of the Festival. Yet the song arrives too late. As Griffith argues, the poetic function of the verses is limited to the strengthening of the tragic pathos. The Chorus returns, in the last song, to the subject of the first one: festive dance. But such repetition is chiasmic. If in the first song we move from current death (in prior action) to future festivity (annunciated in verses), in the last song we move from the current promise of festivities (annunciated in verses) to the future deaths to come (in posterior action). If the first dance is improperly attached to forgetting the second dance is improperly attached to remembering. The

[81] Against Patchen Markell (2003a), who reads the failure of Creon's acts in these events as registering the contingency and finitude of the human world that informs Arendt's plural ontology, in which our acts always exceed our efforts, as actors, to control them, Honig (2013, pp. 251-252, n.71) considers that Creon might have more agency than Markell is willing to grant him. Honig reads the temporal rearrangement of his obligations as ways by which he continues to plot and conspire, choosing "not only to try (and fail) to undo his deed, as Markell suggests, but also or instead to *permit* the deed to continue to outrace his efforts to undo it—Antigone dies in the time it takes Creon to get there, having stopped first to bury Polyneices."

Chorus either forgets too soon or remembers too late. The temporality of action remains crucial until the end. The play is tragic because action is never at the nick of time. Time is out-of-joint, as in the famous line of Shakespeare's *Hamlet*. The corpse of Polyneices does not return to the underworld, but lives in Thebes. Paraphrasing Zupancic's interpretation of *Hamlet*, Thebes does not even have a present because the city is condemned to live in the past, because Creon, Antigone, and the rest of the characters are captives of the past, of the incestuous past, of the allegory of self-enclosure. Unless the past is properly reworked—reworked in such way that the chain of curses gets interrupted—Antigone's story, what she represents, will forever be repeated. And what she represents, as Judith Butler claims, is a crisis of representation; it is the irrepresentability of socially marginalized positions in the semantic economy of the given status quo. In the words of Tina Chanter (Chanter 2011, p. 46), the "dynamic demonstration of the contradictory logic subtending a polity that depends materially, psychically, or spiritually on those it symbolically and politically excludes"—slaves, metics, foreigners and women.

Antigone's burial of Polyneices is not universal, even if performed under a certain claim to universality, yet it constitutes one effort to rework the cursed past. She reworks it in two interrelated ways: first, she reveals that the subject who is symbolically dead yet materially kept alive for the survival of the *polis* speaks with a stronger voice than the voice granted to proper speakers; secondly, she shows that those bodies reduced to an extractive matter will continue to haunt the *polis* unless proper recognition is given to them—that their destructive force is more cumulative in this state, that the s*pecter* will always haunt the *spirit*. To delay the reworking of the past, to delay the transformation of

the social and political conditions of exclusion is equivalent to inverting the redeeming dance of Dionysus, the final demise of the *polis* in the vengeful reaction of the gods.

8.14. Sixth *Epeisodion* (Seventh Scene 1155-1256)

This episode contains Antigone's *postmortem* message, delivered by a Messenger to Eurydice. A message that, I argue, communicates her border-crossing force, her desire for exteriority, her desire for foreignness, her desire not to be confined. What survives her death is the irreducibility of her narrative to one single interpretation, to one single context, to a territorially fixed drama. I argue for a different genealogical history of the material conditions of her death as including message still unexplored in the literature devoted to the play. The Messenger's narrative of the event once again focuses on the *oikos*-oriented drama of the household, framed within Eurydice's demands to hear the news about the ruin of her household. Yet, was it not Antigone's constant effort to undo the limits of the *oikos,* to escape this frame of the household? Honig (2013) has emphasized the centrality of this moment, in which the normative heterosexuality Antigone stands against (as representative of certain equivocality of kinship positions) in Butler's account, reestablishes itself in death with the consummation of the marriage through the re-signification of Haemon's suicide, who pours "a sharp stream of bloody drops on her white cheeks," "so he has won the pitiful fulfillment of his marriage within death's house" (A, 208). Not to deliver her again to heterosexual closure demands a closer attention to the materiality of her death.

Antigone is found dead, hanging from a noose of muslin. Both Griffith (2010a) and Rosie Wyles (2011) suggest that the thread-woven noose of silk probably refers to

her veil (*kallumma*), used for both marriage and funeral purposes, in order to strengthen the pathos of the scene through the piece of cloth that brings life and death together in the materiality of the object. Such was a great dramaturgical choice on the part of Sophocles. It is also one that, against Antigone, continues to exclusively subordinate her messages to the household. As I have argued throughout, Antigone wants to escape this register in politically more salient ways. Might there be a different meaning in this particular piece of clothing, this *sindon* (A, 1221-22)?

The most frequent appearance of the word *sindon* in Greek antiquity can be found in Herodotus' *Histories*, which contains four evocations of the garment. Besides Herodotus, Aeschylus and Thucydides also use the term. Given that Antigone has already made reference to Herodotus' *Histories*, where Intaphrene's wife's speech is to be found, it makes sense to focus on the meaning of the garment in this book. It is in Herodotus' *Histories* that a coded inter-textual message survives, one by which she can continue her argument *postmortem*.

In the first book, Herodotus (I, 200: 5) uses *sindonos* to refer to the linen that three Babylonian tribes use to strain the fish they catch, becoming, allegorically, the material that supports the life of the community. Crucially, in the preceding section of the book, Herodotus' recalls a "foolish" Babylonian custom, which "compels every woman in the land to sit in the temple of Aphrodite and have intercourse with some stranger once in her life" (I, 199). To fulfill the ritual in honor of the goddess of love, strangers must invoke Aphrodite and pay whichever amount of money they consider appropriate for the woman, as they verbally invoke the deity in their foreign language, inviting the woman to have intercourse in the name of Mylitta (the Assyrian name for Aphrodite). Given the

context in which I have placed the tragedy, Antigone's usage of the *sindon* to either hang herself or be killed with it, as it is left ambivalent in the play, might be her final allegorical critique of the double endogamy prescribed by Pericles, as the ultimate exclusion in a series of enclosures. Having already sub-textually evoked Herodotus' story, her selection of this garment might call attention to other political traditions that enforce exogamy rather than endogamy, and that motivate inter-linguistic exchange rather than linguistic immunity.

Sindonos appears twice in Herodotus' next book, with even stronger connections with her narrative (II, 86: 23 and II, 95: 10). The first mention refers to the garment Egyptian women use to mourn and bury their dead collectively in public. In the second appearance Herodotus invokes the word to compare the uselessness of this garment to protect the body in comparison to the net with which Egyptians are able to protect their bodies successfully from mosquito's bites. If the first case establishes a strong correlation with funeral rites, the second one offers a meta-critique of Creon's policy of border closure. The garment figures as the sign of a porous border, which is not immune to the contact with otherness, even with a dangerous form of otherness.

Sindonos appears for the last time in Book VII (181: 9), offering the most important inter-textual relation to Antigone's narrative. The passage refers to the heroic fight of Pytheas, son of Ischenous, against the Persians. His courage was so greatly praised by the Persians that they "took great pains to keep him alive for his valor, tending his wounds with ointments and wrapping him in bandages of linen cloth (*sindonos*)" (VII, 181: 9). The Persians enslaved all others but Pytheas was "treated with kindness" because of his valor. Heroic Greek life was safeguarded by means of this Persian garment. Rather

than closing the *polis* against foreignness, rather than closing women's voices and actions to a politically constructed household that is regarded as a pre-political space, Antigone attempts a final gesture of exteriorization through the ultimate figuration of foreignness at the event of her death. In Herodotus' stories the garment refers increasingly to non-Greek sites of power: the story of the garment moves from love with strangers that sustains the life of the city (first book), to a heroic public honoring of death by strangers (second book) and culminates in saving Greek life through its foreign wrapping (seventh book).

I conclude my commentary of this passage by claiming that at least one character in the play is able to follow the meanings that Antigone articulates: Eurydice, Creon's wife. Eurydice disappears completely in most contemporary translations and adaptations of *Antigone* (Jean Anouilh's [1944] and Bertolt Brecht's [1948], to give two examples, completely erase her). At best, Eurydice appears as a passing reference, as if it were only her death, her presence as non-presence, that mattered for the plot of the story. Though she is often mentioned, there is no longer a need for an actress to represent her, given that her marginal intervention can easily be told rather than performed. She does, however, have some lines in Sophocles' original—a few lines she authors, scarce lines that are completely erased in subsequent versions. She says, "I heard your words, all you men of Thebes, as I was going out to greet Pallas with my prayers. I was just drawing back the bolts of the gate to open it when a cry struck through my ears telling of my household's ruin. I fell backward in terror into the arms of my servants; I fainted. But tell me again, what is the story? I will hear it as one who is no stranger to sorrow" (A, 1190).

Eurydice goes to Pallas with her female slaves (*dmaisi*) but she loses her senses (*kapoplesomai*) because she hears the terrible truth, delivered by the messenger, the gods

had reserved for her. She is no stranger to sorrow because she has already experienced maternal loss, after her other son Megareus sacrifices himself for guaranteeing the triumph of Thebes in the war. In fact, as Griffith claims, Eurydice is the embodiment of motherhood, the "all mother" (*pammater* 1282-83). And it is this other mother, whose fragile presence mimics that of Yocasta's, who tries to understand Antigone.

What is the truth that Eurydice understands? It is, first of all, a truth that crashes the subject. As happened in *Oedipus Tyrannos*, truth is devastating for the subject that it targets. It is as if, to confirm Plato's argument in *The Republic*, the subject needed some training to see the truth, as if, under the risk of blindness, truth could not be approached directly. Such training is not epistemological; it refers not to a *tekne* that helps one properly to discern it—to know how to separate the false from the true, the essence from the appearance—but to the ethical. One needs to cultivate one's character, one's power to withstand truth when it arrives, when one is finally exposed to it. Truth crashes the subject, as it crashes slaves through the violence of torture by which truth was produced in Greek Antiquity. Truth is, echoing Nietzsche, a political weapon in the hands of those who occupy subordinated positions, such as messengers and slaves, whose linkage to truth is also a work of violence in the institutionalization of torture by democracy.[82]

The messenger enunciates his own political principle in his message, frequently unmarked by interpreters of the play. He claims that it is always best to tell the truth (*orthon alethei aei* 1195). We might ask, best for whom? And is what is best ever separable from a differential social positionality, which regards this truth in a variety of ways and which makes slaves out to be the bearers of truth-telling to the infliction of

[82] For an excellent exploration of the subject of truth and its relation to violence and the construction of Western civilization see the first chapter of Avelar (2004, pp. 25-49). See also Vernant and Vidal-Naquet (1988) and Foucault (1994).

violence? In a different context, one could also argue that if the upper classes want festive forgetting, the lower classes want truthful remembering. Truth becomes, as Michel Foucault claimed and Plato before him, a discourse of power—which is also to say, a discourse of counter-power through what Nietzsche named the slave revolt. The message plays a crucial role in the play. Without the speech of the messenger, without the performative effects of his retelling of the event, the event to come would not have taken place.

The destruction of Creon's household needs not only to be enacted but also to be told, to pass from truth to fact. This is a fact that is inseparable from its surrounding fiction, from the interpretation that goes through the retelling. One should here avoid two misunderstandings when highlighting the discursive construction of these events as truthful: first, the one that erases the event by emphasizing its discursive construction, as if language were all there is; and second, the one that erases discourse by considering language to in no way participate in the production of the event that it merely narrates, that the referential object, so to speak, is untouched by the language describing it, as if ontologically secured in a pre-linguistic order. To refer to Antigone's deadly prison as "the hollowed rock, death's stone bridal chamber for the girl" (A, 1205) is, of course, to already invest the site with meaning, a meaning that is supplied and whose lack means not to arrive at the clean degree-zero of a non-interpreted fact, but as the alternative construction of this fact as devoid of meaning.

Let us return to Eurydice—to try to understand why she alone was able to understand Antigone's message. Eurydice bears a peculiar name in the context of this play as it orbits around a conflict over justice. Her name is a compound of *eu* (good) and

dike (justice). She is the good-justice, and good justice is what the enforcement of the law has evacuated from the city—the double edict that kept Polyneices' dead body alive and Antigone's living body in death. The closure of the *polis* to alterity, the immunization of Thebes from the inhabitants of non-politically recognized positions, brings about the loss of the household itself. Against any political neutralization of the relationship between the two spaces, Eurydice understands that they are both interconnected, that de-politicization is just another political strategy, one that disavows its own participation in the unmaking of the world through a violent exclusion. The closure of the *polis* repeats not just the closure of incest on a larger scale, but also the dreadful fate of the incest-curse that passes into Eurydice's family and that freezes everything into the cadaveric time of the past.

This might explain Carson's otherwise confusing translation/interpretation of Eurydice's monologue:

> "[ENTER EURYDIKE]
>
> EURYDIKE: THIS IS EURYDIKE'S MONOLOGUE IT'S HER ONLY SPEECH IN THE PLAY. YOU MAY NOT KNOW WHO SHE IS THAT'S OK. LIKE POOR MRS. RAMSAY WHO DIED IN A BRACKET OF TO THE LIGHTHOUSE SHE'S THE WIFE OF THE MAN WHOSE MOODS TENSIFY THE WORLD OF THIS STORY THE WORLD SUNDERED BY HER I SAY
>
> SUNDERED

BY HER THAT GIRL WITH THE UNDEAD STRAPPED TO HER BACK. A STATE OF EXCEPTION MARKS THE LIMIT OF THE LAW THIS VIOLENT THING THIS FRAGILE

THING

TRY TO UNCLENCH WE SAID TO HER SHE NEVER DID. WE GOT HER THE BIKE WE GOT HER A THERAPIST THAT POOR SAD MAN WITH HIS ODD IDEAS, SOME DAYS HE MADE US SIT ON THE STARICASE ALL ON DIFFERENT STEPS OR VIDEOTAPED US BUT WHEN WE WATCHED IT WAS NOTHING BUT SHADOWS. FINALLY WE EXPELLED HER WE HAD TO. USING THE LOGIC OF FRIEND AND FOE THAT SHE DENIES BUT HOW CAN SHE DENY

THE

RULE

TO

WHICH

SHE

IS

AN

EXCEPTION IS SHE AUTOIMMUNE NO SHE IS NOT. HAVE YOU HEARD THIS EXPRESSION THE NICK OF TIME WHAT IS A NICK I ASKED MY SON WHAT

IS

A

NICK

I ASKED MY SON

WHEN THE MESSENGER COMES I SET HIM STRAIGHT I TELL

HIM NOBODY'S MISSING WE'RE ALL HERE WE'RE ALL FINE.

WHY DO MESSANGERS ALWAYS EXAGGERATE

EXIT EURYDIKE BLEEDING FROM ALL ORIFICES

[EURYDIKE DOES NOT EXIST]"

The structure of this poem is too rich to give it justice here, so I will limit myself to a few comments. I am interested in the expression *nick of time* that she invokes at the end to make some meaning out of these events. "Exception she is," reads one line in the poetic (re)ordering of the words in Eurydice's monologue. "Sundered" stands alone, as the verb that articulates Antigone's deeds in the world, the world that she "tears apart." Such is the truth that Eurydice understands. She knows that public policy does not work here, that something more structural has been shattered by Antigone's acts. That neither a bike nor a therapist would do. That such transgression cannot be easily contained. Carson proceeds to indicate that despite her exit, Eurydice does not exit—that what gets bracketed, as indicating dramatic instructions, is Eurydice's refusal to exist the frame.

Her non-exit takes place in highly dramatic ways—bleeding from all orifices, as if the blood that Creon wanted so much to contain in the singular body of the tyrant, of one family, of one *polis*, could no longer be contained, exploding through all of her symbolic orifices. Eurydice exits, yet in brackets (indicating stage directions) she does not. She

stays as the reminder of what is always compelled to exit from the patriarchal logos. By indicating that she does not exit, despite the fact that she is the last female voice heard in the tragedy, Carson enacts her own *agon* against the patriarchal script.

The messenger, however, does not understand what he himself has delivered. He reports the truth and expects, like a good representative of the new economy of democracy, that Eurydice will go and mourn in private, as the new ethical economy of mourning demands of women (Loraux 1998). He does not understand the *nick of time*, not that the news arrived at the precise moment, but that the moment, the fatidic incest that continues to repeat its fate, has become the inescapable limit of the *polis*, that the *precise* has collapsed time altogether. This is what Eurydice understands. The *polis* inhabits an empty-time (to employ Benjamin's [2003b] category), the time frozen, the *nick of time* in its perversion, not as the political event that seizes the Subject (Badiou 2010) but as the evacuation of the event in the ever-sameness of eternal repetition. Eurydice is the only character that comes from within the stage, while all other characters come from without it. This is the positionality she understands, as she invokes the *nick of time*. All other female voices have been silenced. There is no space for women's speech in the *polis*, only one remains. Eurydice understands, there is no justice; she cannot bear her own name. She only exits for her action to be factually suspended, put in brackets, as the presupposition that needs always to be displaced. She ends her own life with a sword, as her son did. Unlike Antigone, who closes an orifice, Eurydice's suicide resembles patriarchal penetration.[83] With her death the female voice is finally and completely severed from the play. What is left on the stage, as Griffith so eloquently describes it, is a

[83] For this distinction see Loraux (1987).

tableau of corpses, the political accountability of Thebes' closure in the excess of its *necropolitical* regime.

8.15. *Kommos* and *Exodus* (Final Scene 1257-1353)

The tragedy concludes with Creon's grief, his unending *aiei aiai* (repeated in lines 1290, 1306, 1310, 1311), his unstoppable lament, as if mimicking Antigone. Creon too cites Oedipus, requesting to be punished, *agete m'ekrodon* (A, 1321), as if finally understanding that the curse has been successfully transferred to his own family. He regards himself as Oedipus did, another living death, cursed to live with the guilt forever (A, 1317-18). Creon takes full responsibility and demands his prosecution (*episkepsis*), but there are no laws yet in place for his crimes. Tragedy articulates its main pedagogical message here: learning arrives too late and suffering fills the temporal gap. The Chorus also understands too late. They reclaim the authorial source too late, enunciating what needs to be done and in what order (A, 1334-35), interrupting Creon as if, finally, privileging the present over the past, the living over the dead, vindicating Antigone in order to move on. But it is too late for their moral preaching. The future of the play no longer belongs to them.

8.16. The Final Line

The final line of *Antigone* refers not to the moralizing statement of the Chorus, which concludes the textual play, but to the yet-to-be written line. This is the absent line that denotes a different futurity. This is the line that inscribes tragedy within a larger event—the Festival of Dionysia—which is meant to celebrate life. This is also the line of

Ismene, the sole survivor of the tragedy, who presents the new conditions of possibility as the improper speaker who has already spoken. It is the line that, in Sophocles' refusal to write it, performs and honors Antigone's undoing of her family's *atè*. There is no continuity of death, as what follows is life, action. The house of the sovereign is down. The people have shifted their sympathies from the ruler of their city to the infamous woman the sovereign called mad. There are new conditions of possibility as a result of Antigone's claims and deeds—Ismene's speech does not need to end in political suicide.

Could Antigone's tragedy culminate in Ismene's comedy?[84] Can democracy be made to confront its lack of foundations and face the arbitrary outline of the *demos* as resting on the exploitation of those "others" who, nevertheless, speak like humans? Are Antigone's acts a necessity, a transitory step in the development of the spirit through the negation of opposites, or—as I interpret Butler (2000, p. 216)—the necessity that turns the sacrificial language of necessity against itself in order to re-found political freedom as the public questioning of the non-necessary conditions that make migrant women's fatality appear as a necessity?

For the final yet unwritten line of *Antigone* to become the occasion for a different play for Ismene, it is important not only to highlight the ways by which *Antigone* contests the conditions of political membership, but also to reinterpret what kind of story is told through the representation of those conditions. This means, first, to analyze the ways by which she performs the alternative burial rites for he brother, that is to say, her distinctively political way of occupying the space from which she was previously excluded in order to reopen the question of who counts as the *demos*. Secondly, the reinterpretation of those conditions demand a greater analysis of the problem of burial, if

[84] I return to this question in the conclusion.

its significance for political membership and of the kind of story that survives in the margins of its representation. It is towards that second task that I now turn.

CHAPTER 9

THE THREE BURIALS OF MELQUIADES ESTRADA

DECONSTRUCTING THE "AMERICAN DREAM:' AN ALTERNATIVE RESPONSE TO THE ENIGMA OF *ANTIGONE*

"*The 'real world,' however one has hitherto conceived it—it has always been the apparent world* once again"

(his emphasis, Friedrich Nietzsche, *Will to Power*, Bk. III, No. 566)

9.1. The Enigma

In his dramaturgical analysis of *Oedipus Tyrannos*, Freddie Rokem (2009) reinterpreted the dramatic text as a riddle to be solved, much like Oedipus' riddle of the Sphinx: "What goes on four feet in the morning, two feet at noon, and three feet in the evening?"[85] Rokem's strategy was, in part, to displace Oedipus' solution of the riddle from the textual to the inter-textual level. He found an alternative solution by transposing the triadic creature that walks at night in *Oedipus Tyrannos*, to the triadic structure of Sophocles' Theban cycle. The three-legged creature refers no longer to an individual body but to a corporal assemblage, with Antigone serving as a cane—the third leg for her old father—in the last tragedy devoted to the Labdacids family, *Oedipus at Colonus*.

Much like *Oedipus Tyrannos*, the tragedy of *Antigone* is equally haunted by riddles. One of the most interesting enigmas surrounding this tragedy refers to the ambiguous author of the first burial of Polyneices, who ended up receiving three burials

[85] The content of the riddle is never specified in Sophocles' play *Oedipus Tyrannos*, however there are a number of allusions (OK, 37, 131, 382 and 485).

in total by the end of the play. The enigma of who committed the first burial of Polyneices, which has received the greatest attention as of late and has motivated a productive conversation between classics and political theory—a conversation instigated when Simon Goldhill challenged Bonnie Honig's attribution of the first burial to Ismene in the context of sororal action as one political alternative. The enigma that interests me is different, and probably prior to that. I refer to the less attended enigma about the three burials themselves—why did Polyneices receive three burials? Can something else be read into this excessive need to be buried? The answer to these questions, I argue, relates to the politically produced status of non-citizens, the status of both Polyneices (who was previously ostracized by his own brother from Thebes) and Melquiades Estrada in Tommy Lee Jones' 2005 film *The Three Burials of Melquiades Estrada* (who enters the US without authorization). The film works as my own inter-textual displacement of the enigma, the one by which I follow a similar dramaturgical solution to that of Rokem, claiming that the film provides a solution to this important riddles of Sophocles' *Antigone*.

Both Polyneices and the character Melquiades are unwelcomed strangers (Reimers, 1998). Both enter without authorization into a territory where authorization was not needed for them in the past, that is, before their status changed through a history of violence. Polyneices enters his native-born city, Thebes, after re-building an army at Argos because he was expulsed by his brother. Melquiades, an unauthorized immigrant of Mexican origin, enters Texas, which was part of Mexican territory before the imperial invasion of the territory by the US in the 1846-1848 US-Mexican War. Their motivations are significantly different. Polyneices wants to destroy the Theban regime as retribution

for its violence against him, Melquiades wants to make a living in the inhospitable city up north, where he could find a better job as a cowboy. Their foreign status, however, is similar. They both entered a territory without proper authorization, and their encounter with the reigning sovereign power—Eteocles' army in the case of the former and the Border Patrol in the case of the latter—proves fatal to them both. They loose not only their lives—when Eteocles and Polyneices kill each other in battle and when the Border Patrol, agent Norton, murders Melquiades by mistake—but also their deaths, the symbolic recognition of their deaths as such.

Even more, both strangers' bodies find similar fates after death. Creon, the new sovereign of Thebes, left Polyneices' body unburied for dogs and birds to chew on and for citizens to behold as a warning, promising death by stoning to whoever dare touch the body. The violation of the stranger's body is different in *The Three Burial*. The border Patrol agent Norton improperly buries Melquiades' body in order to hide his crime. Melquiades' body is not to be seen by anyone; his gravesite is erased. Yet his body is so improperly buried that the film opens with a coyote chewing on the unearthed corpse, much like dogs and birds chew Polyneices' corpse offstage at the beginning of *Antigone.* A digested corpse, unseen in both the play and the film, yet conjured as the visual spectacle that calls attention to the policing injury.

If the first burial of Polyneices, performed in secrecy, represents a limited scene of restitution, the first burial of Melquiades represents the opposite, an extreme scene of destitution. Unlike Creon's edict, which turns the body of Polyneices into a ghastly spectacle for the citizens to behold, Melquiades' body is taken away from human gaze, the erasure of his death-scene disappears Melquiades. The state-sanctioned non-burial of

Polyneices is equivalent to the unreported precarious burial of Melquiades. The violence of the exposed body is similar to the violence of the disappeared one—even if their logics are antithetical—to the extent that they both seek to reproduce the borderland that displaces the other as unworthy of recognition. The disobedient act of Antigone takes place through the performance of the burial. The equivalent act is performed by Pete Perkins, Melquiades' best friend in *The Three Burials*, but takes place by undoing the improper burial. Both strangers receive three burials and both stories conclude with some satisfaction in a final, acceptable burial. In both, the perpetrators of the original crimes are the ones to perform the final burials. Creon buries Polyneices by the end of *Antigone* and agent Norton, the member of the Border Patrol responsible for Melquiades' death, buries Melquiades by the end of the film. Likewise, both narratives engage in a similar tragic trope, which emphasizes learning through suffering. The moral economies of the two stories are invested in the human miscalculation of hubris. Creon tries to secure one border and undoes another. Norton tries to secure one border, between the lawful-state agent that polices the territory and the unauthorized immigrant that enters it without authorization, by undoing another one, between legal and criminal action.

The violation of the strangers' corpse, by which Creon and Norton are able to keep their temporary status as agents of the sovereign state, are equally unstable with regards to their consequences. Creon ends up losing his family, all of whom commit suicide. Norton ends up losing his wife, who abandons him even before Perkins releases him from captivity. The damaged sovereign agents finally show some consideration for their agonistic contenders, Antigone in Creon's case and Perkins in Norton's one, after having suffered themselves for their blindness—after experiencing some kind of loss.

If, retroactively and anachronistically, one could imagine *Antigone's* tragedy as an ancient western, one could likewise imagine—perhaps more easily—Tommy Lee Jones' western as a classical tragedy. By interrogating these parallels, I propose that we can read *The Three Burials of Melquiades Estrada* as a modern commentary on *Antigone's* tragedy. The parallels, after all, are endless—the film even includes a blind prophet in the middle of the journey and a great collection of birds to interpret the messages of the gods. As a commentary on *Antigone*, there are some significant differences in the broader themes of both narratives. First of all, the film displaces the explicit articulation of the agon in terms of gender equivocality, even though gender still plays major role in the narrative of the film. The disobedient act of Antigone, which Creon finds to compromise the homo-sociality of the status quo, does not affect the gender arrangements in the film because Perkins, who would stand as Antigone, is another male character. Because of this, Perkins is not *de facto* excluded on the basis of his gender when he tries to make valid appeals to the sovereign, as Antigone is for being a woman. Secondly, the film does not explore incest, which is constitutive for the family-oriented drama of *Antigone*, even though the homoerotic tension between Perkins and Melquiades still informs the transgressive sexuality of the script in the film. In any case, Perkins is not a brother by blood to Melquiades, like Antigone is a sister by blood to Polyneices. Thirdly, the film's status quo is not concentrated in one character—Creon in Sophocles' case—but split in two, the border patrol agent Norton and the Texan sheriff Belmont. In fact, the confrontational relationship between Belmont and Perkins parallels, in some important ways, the Ismene/Antigone sororal relationship, in this otherwise impossible analogy

between the ancient tragedy and the modern western. After all, it is Belmont who performs the second burial.

It is precisely in the burial itself where the most important differences between these two narratives become more salient. *Antigone* moves from secret disobedience (first burial) to public disobedience (second burial) and culminates with the transformation of the status quo (third burial). *The Three Burials* moves from the secret reproduction of the status quo (first burial) to the public reproduction of the status quo (second burial) and culminates with de-territorialized disobedience (third burial). One could argue, then, that the violence of *The Three Burials* has become all the more extensive and pervasive. To expose such pervasiveness I will recur to Lacan's psychoanalytic differentiation between the Real, the Symbolic and the Imaginary, extracted from the topology of the psyche and projected into the narrative of the film as a social commentary on the politics of membership (Stavrakakis, 1999).

Lacan's discussion of the Symbolic, the Imaginary and the Real has already an extensive literature devoted to it, particularly when it comes to both its political translation and its reference to *Antigone's* tragedy.[86] I will not rehearse the arguments here. A short summary of some of his characterizations, however, will allow me to make them operative for my discussion of the politics of burial in the film. The symbolic refers to the metonymy of the signifier—the positional architecture by which the structure organizes the cultural terms of intelligibility for those within its domain on the basis of exclusion, that of the Real, which escapes its domain of signification. The Real is, therefore, at the same time the void, that which cannot be signified, but whose absence

[86] On Lacan and *Antigone* see the essays edited by Žukauskaite and Wilmer (2010), on Lacan's distinction and the political see, Žižek (1989), Stavrakakis (1999), Copjec (2002), Edelman (2004), Eagleton (2009) and Zupančič (2011).

organizes the field of signification. Finally, the Imaginary, which Lacan developed most thoroughly through the figure of the mirror stage, belongs to the representational domain of the *ego*. It is the projective image by which the distorted *id* (Real), in all of its fractured and unintelligible non-being, tries to match the symbolic demands of the *super-ego* (Symbolic), giving a consistent identity to what ultimately lacks any identity at all. Thus, both the Symbolic and the Real are absent from the image yet their absence is what grants the Imaginary its conditions of possibility. In other words, it is this mutual exclusion that structures the image, giving to the Subject the illusion of consistency that it otherwise lacks.

There is another probably more salient characteristic differentiating these three domains, which refers to their efficacy. The authority of the Symbolic, which wants to locate desire in proper places, can only be directly enforced at the risk of losing its position. For Lacan, such authorial force is identified with the Name-of-the-Father, which does not correspond to the empirical father, but the subject-position that organizes possible signifiers to be exchanged at the expense of the forbidden one—a subject-position that escapes signification or the desire for the Mother. The authority of the Father holds true to the extent that it is not exercised. In order to be efficacious it must be presupposed but not enacted, given that actualizing it exposes the Father's impotency to guarantee the economy of exchange. The anarchy of the Real, which seeks to undo properties and redistribute proper places, blurring their boundaries and collapsing everything into the void, can only be embodied at the sacrifice of the symbolic universe it holds. The Real always erupts, for Lacan, as a challenge to the Symbolic order and as the promise for a different symbolic articulation. From the structural struggle between the

Symbolic and the Real, the Imaginary emerges as the illusion produced by both absences—the absent force that demands a location, and the absence counter-force that dissolves such location—of some kind of presence.

Against the psychic limitation of Lacan's original analysis, I seek to interrogate the representational power of the three burials according to the categories of the Symbolic, the Imaginary and the Real. What this analysis gets us, as we will see, is a closer reading of the relationships between the theatrical representation of the burials and the material and cultural sites of these representations. Lacan's categories, I argue, illuminate three distinct burial sites within each of the represented burial acts. The Real illuminates the material place of the outside world in which the representations are actually performed. This is Athens and the Theatre of Dionysus for *Antigone*, and it is the city of Shafter, Texas for *The Three Burials*. Though these physical locations are denotatively concealed in order for the Imaginary location to exercise its representational role, they organize signification altogether by escaping it, as the representation only works if the material site remains unnamed, outside the symbolic. The Symbolic location of the burial refers to the site that is represented in the narrative as the site in which the stranger is *supposed* to be buried. This is the seventh gate in the case of *Antigone,* and Texas, U.S. and Coahuila, Mexico, in the case of *The Three Burials.* Finally, the Imaginary site of the burial refers to the site of the burial as the characters imagine it in the sense of desiring the burial to take place. This is the Theban border in the case of *Antigone*, and Jiménez in the case of *The Three Burials*. Each one of the three burial acts has a Real, Symbolic and Imaginary component to it. The differences between the film

and the play are better seen through the transformations these positions suffer as we move from one burial to the other.

In *Antigone*, all three sites remain stable. Athens, as the material site of the performance, is the Real location of all three burials of Polyneices. The same is true of the Symbolic. The seventh gate that Polyneices never entirely abandons remains also as the continuous site in which his body is suspended between life and death, a no-site. Thebes also remains as the burials' Imaginary site throughout the play. In *Antigone* it is the doing rather than the being of the burial that matters politically. This is so because the being of the burial has become indistinguishable from the doing of the burial, from how the burial is performed, which is where the politics of the play are to be read. In *The Three Burials*, both the being and the doing of the burial matter politically in its complex articulation of place, and it is through its being—through the topography of the burial—that the burial is equally (un)done in the film. Hence, the topography is more complicated in the case of *The Three Burials* where only the Real remains the same—the face that the film was shot almost entirely in Texas. The geo-political locus of the Imaginary changes only in the last burial, when spectators are confronted with the fact that Jiménez, Melquiades' desired burial site, does not actually exist. The Symbolic, on the other hand, is completely unstable and continuously mobile, from the unknown borderland between the US and Mexico in the first burial, to Texas in the second, and some unknown Mexican territory in the last one.

This instability of the Symbolic and Imaginary burial sites in *The Three Burials* refers to what Žižek (1989) calls the "reality of the virtual," as it calls attention to the represented burial's political efficacy. Melquiades asks to be buried in Jiménez, a little

town whose actual existence is put into question, until Perkins and Norton, after a long journey, finally reach the land that Perkins takes to be Jiménez. Both, then, produce the Jiménez in which Melquiades wants to be buried. The burial site, in this case, does not preexist Melquiades' desire. On the contrary, it becomes an after-effect of his desire. To some extent, the absence of Jiménez works retroactively. The journey holds to the extent that the burial site is unreachable. Thus, the journey ends when Perkins and Norton find the site, producing Jiménez in order to materialize Melquiades' desire. In *Antigone,* Polyneices wants to be buried, but the location of his burial is not in question. It is the burial itself—the being buried—that counts politically in the play. The doing subsumes the being of the burial. Because there is already a burial in *The Three Burials*, the being as much as the doing is problematic for the film.

Pairing *The Three Burials* with *Antigone* allows me to understand something about political membership and democracy in relation to the quantity of burials. The separation between the Real, the Symbolic and the Imaginary is clearer in *Antigone* and only collapses when Creon decides to undo the symbolic boundaries between the divine and earthly by keeping Polyneices overground when he should be underground, and Antigone underground when she should be alive. The film, on the contrary, exposes their greater confusion, the territorial displacement of the ground, itself, as non-locatable. At the Imaginary level, Melquiades is finally buried in Jiménez. Symbolically, however, Jiménez is a part of Coahuila, México, where Perkins and Norton stop and which is unnamed in the movie. Furthermore, in Reality, the site of the scene is Shafter, Texas. Texas, nevertheless, was part of Mexican territory—the illegitimate Shafter of imperial occupation could very well be the legitimate Jiménez of pre-imperial geography to which

the film grants a virtual space in its complex Imaginary. Such geopolitical dislocation explains why the script of *Antigone*, although productive, is still limited in comparison to *The Three Burials* when it comes to understanding the condition of non-citizens who cannot be easily located in the *polis*. *The Three Burials* realizes what remains only suggested in *Antigone* yet not accomplished, the traversing the fantasy, the performing of the crossing.

Within its modern conditions, sovereignty's crisis of completion—or Creon's fall—requires the transformation of the police into that which it polices, the unauthorized immigrant in the film. It is not, for the political vindication of the disobedient subject to destroy the home of the sovereign, as in *Antigone*, to destroy the patriarchal self-enclosure of Thebes by turning Creon himself into a living death. It is as if home altogether needed to be turned into homelessness for inhuman conditions to change by means of this nomadic force of de-territorialization. In order to undo the damage of one border—the killing and unsuccessful attempt to disappear Melquiades from the earth by burying him in an undeclared gravesite—another border must be damaged. Perkins and Norton must cross into Mexico as Melquiades crossed into the US, as unauthorized immigrants. It is through the violent inhumanity of this crossing that Norton's humanity is not restored (as if already there) but reconstituted anew. This is of course not a happy ending. It is an acknowledgment that there is no negotiation, no reconciliation, there is only the inhabiting of the socially sanctioned *inhumanity* that renders the political transformation efficacious, for the Real to interrupt the Symbolic and re-create another Imaginary.

Mimicking the reading procedure I used in the previous chapter, I will first engage a long commentary on the film following its own narrative structure. I will then conclude by revisiting the riddle and offer a solution to the central enigma that motivates this chapter: why does the stranger need three burials?

9.2. The Three Burials of Melquiades Estrada

Guillermo Arriaga wrote *The Three Burials of Melquiades Estrada*, released in 2006 and directed by Tommy Lee Jones. The film had an uncanny resemblance to the story of the American teenager Esequiel Hernández Jr., who was killed on May 20, 1997 by the US Marines while he was herding goats. Like Esequiel, a US agent also killed Melquiades while he was herding goats in Jones' film. Unlike Esequiel, Melquiades was an unauthorized immigrant of Mexican origin.[87] In what follows I propose an interpretation of various scenes in the film.

9.2.1. Opening Scene

The film opens on a pan of what seems to be the US-Mexico border, the desert in which the two territories blend together with no clear demarcation of what belongs to whom. The border is arid, desolated, almost lifeless and ultimately unclear. There are no houses and the vegetation is scarce. Emptied of life, the aridity of the border defines a space filled with nothing. The vacuity of the border contrasts with the colorful subtitles

[87] If the killing of Melquiades resembles that of Esequiel, the promise of Perkins to bury Melquiades in Jiménez (México) resembles the promise of Ainse's family to bury his wife in the city of Jefferson in William Faulkner's *As I Lay Dying*. Other parallels could also be established with Alfred Hitchcock's *The Trouble with Harry*, were another stranger is buried and unburied several times in Vermont, not to mention the ones that I have already entertained with the classical tragedy of *Antigone*. *The Three Burials…* brings them all together in a western, with all of its structuring elements: the transformative journey, the isolation of the hero's embodiment of justice by taking it into his own hands, the fulfilled promise, etc.

announcing some of the real names behind the making of the film, the material labor in a hierarchical order of importance. At the meta-theatrical level, the conflict of the film starts there, in a dispute for the color.

This visual conflict prefigures, in fact, the real conflict of the film, which orbits around color on a racialized border. The conflict extends even to the film's production.[88] During editing, the producers asked Jones to change the colors of the subtitles—they were too bright, too vibrant. According to Jones, the producers didn't understand the necessity of the colorful subtitles in relation to Melquiades' Mexican background. This is, of course, the problem of the film itself. The Real, the inability to face the lived racialization of the border, erupts here, reflecting the impossibility of ever successfully framing this problem as a "problem." The racialized borderland becomes the site of conflict over the colors of the text, whether they are to come in white or in color. This is the tension that surrounds the whole film, which never gets resolved: is the story going to be told from the perspective of "white," or from the perspective of "color"? The color carries the *agon*, and the political tension refers as much to the film's content as to its aesthetic choices.

In the first scenes we see a vehicle advancing with two white men who look as if they belong to the Border Patrol. Though there are no lines or fences, their watchful presence makes the natural surrounds read clearly as a borderland. There is, of course, no border without a police agent seeking to secure it. The sexual and racial overdetermination of the policing role is unmistakable. The policing role is masculine and white and their action is marked by the use of lethal force. The two policing agents

[88] All the anecdotes and details that are not supported by the narrative film are taken from the commentaries of Tommy Lee Jones, Dwight Yoakam and January Jones that accompany the DVD version.

see a coyote eating in the distance. They don't know it yet, but the coyote's lunch is the dead body of Melquiades Estrada.

The coyote is a coded animal in this film. It is the name given to illegal smugglers who are in charge of moving unauthorized immigrants from one side of the border to the other. Coyotes make a profit, a living, from the regulation of the border. Such economic activity is illegal, but it is only profitable as such. The body to be crossed can only be commodified because the legal order makes the enterprise risky. Coyotes are, in that sense, distorted mirrors of the Border Patrol, which also profits from the militarization of the border. I should qualify this claim by means of a lycanthropic resemblance between the coyote and the wolf, the latter being the archetypical animal representative of sovereignty (Hobbes, 1998; Agamben, 1998, and Derrida, 2009). What I mean by distorted mirror is better understood if one sees the opposite of the wolf in the coyote, rather than in the sheep. It is with the coyote that the wolf competes for the sheep. It is true that there is neither wolf without sheep nor sheep without wolf, but such ontological inter-dependency of the animal world is never that self-enclosed. The coyote delimits a different relationship to the sheepfold, one that is equally invested in its consumption. The difference between the coyote and the wolf lies not in their different economic orientations towards the law, given that both of these creatures profit from the militarization of the border, but in their positions in relation to the law to extract profit from what the laws displace into its exteriority. As a representation of the sovereign, the wolf identifies with the law. The coyote, on the other hand, identifies with its exteriority. Neither of them wants the law that bars proper belonging, proper passage, to cease to exist. However, their predatory friendship, their mutual desire to turn the sheep into the

sheep by means of the law, is fraught from the very beginning. Different competitive logics inform their actions: the wolf represents, to some extent, the legalization of violence, the sublimation of crime into law by means of in-corporation, of taking the form, in Hobbes' case, of Leviathan. This explains why Michael Taussig claimed that Hobbes, by making violence into the sine qua non condition of the state of nature—man is a wolf to man—revealed the violent nature of the state. Violence and war are not solved but sublimated and increased with the invention of the state. Crime is not erased but retroactively cut off from the sphere through which it now circulates, and which abrogates the right to name crime, thus excluding itself from its field. The sovereign codifies the violence that it exercises into the distinction between the criminal and the sovereign, without ever breaking with their proximity. This is the reason why there is no crime in the state of nature. For violence to be crime there needs to be a supplement, and that is the role of the sovereign.

If one can speak of the wolf as the figure of legalized violence, one can also speak of the coyote as the figure that violates the very law it solicits. Such criminalization is not a mere transgression. The rupture aims not at breaking the law, but at its perverse restitution. In other words, if the wolf continues with the violence through legal means (if it represents legally codified violence), the coyote continues the law through non-legalized violent means. The coyote is not a revolutionary agent; the coyote seeks neither to institute another law nor to destroy the legal order altogether. On the contrary, the coyote is as invested as the sovereign in the current law, in the structure of the law that invents the sheep, the disposable subject. It places itself, however, in its reproduction, on the other side of its profit and, in that sense, it is in perpetual struggle with the wolf. The

film opens with the killing of the coyote, in animal form, by the wolf, in human form. Both animal-human assemblages will stage a second encounter later in the film, but the conditions of their journey will be different. In this first scene, at least, the camera moves from Mexico to the US and the coyote loses the fight against the wolf.

The animal coyote literalizes what the human coyote symbolically does: the coyote feeds himself with the flesh of the unauthorized immigrant, a risky enterprise for which he pays with his own life. It is through the shooting of the coyote that the (un)official authorities recover Melquiades' corpse. The policing agents anticipate, with their words, the de-humanization of Melquiades. After killing the coyote they immediately say, "that is a dead son of a bitch"—words that the viewer can easily imagine repeated for other human victims of the militarized borderland. As happens with Polyneices, chewed by dogs and birds, the contaminating power of Melquiades' corpse starts here. The coyote already carries the signifying chain beyond the field of the human, in ways that are uncontrollable for the nomenclature of the border police. The coyote eats the flesh of the unauthorized immigrant in order to be destroyed by it. The immigrant represents both, life and death for the coyote, but proper signifiers cannot easily contain the meaning of Melquiades' body.

Indigestion happens in the following scene, where the veteran cowboy Pete Perkins (played by Tommy Lee Jones) vomits at the sight of the decomposed corpse of his friend, partially eaten by the coyote and now lying in the morgue of the city after seven days of decomposing. Such gesture reveals both the intimate but also the symbolic link between Melquiades and Pete Perkins. Theirs is a sort of extimate (Lacan's term) bond. As much as Melquiades has been improperly evacuated from the body politic,

reduced to disposable flesh, Pete Perkins improperly expulses his meal after the ghastly return of his friend in the form of a body too-much-to-digest. It is through the agency of Perkins that Melquiades is partially turned into Melquiades Estrada, that his existence is recovered from the non-existence into which the sovereign continues to place—or better, to displace—him.

As Perkins reveals to the sheriff, Melquiades does not fulfill the racist stereotype with which the sovereign seeks to disavow his existence. He was neither involved in drugs nor engaged in human trafficking. Because of Perkins' intervention, the police cannot follow the common racist signification through which it tries constantly to dismiss these cases as unworthy of investigation, appealing to the racist narrative that turns the immigrant into the criminal and the criminal into the disposable. Had Melquiades fulfilled the stereotype, the sovereign fantasy of criminalizing the "other," there would have been no movie. The redeeming narrative of immigrant politics already reveals its racist limitations. Melquiades was a "good," not a "bad" immigrant. He was the hard-working cowboy, not the drug-dealer. He was escaping hardship, not looking for criminal profit. He was a harmless giver, not an aggressive taker. Arriaga challenges one stereotype to land in another one, moving from the Mexican criminal engaged in illegal activities to the good-hearted exemplary worker. The meaningfulness of Melquiades is dictated by both the impossibility of closing off the signifying chain as a result of the mismatch between his life and the stereotype he is called to represent, but also the possibility of relocating Melquiades in the other stereotype, the one that profits from the immigrant as the city's limitless source for the revaluation of values. Racism still informs its own anti-racist transcript—the "coloring" of the film shows its own boundaries.

From forced anonymity, reducing Melquiades to anonymous criminality in the eyes of the sheriff, Perkins finally gives him a name. It is Perkins who first pronounces Melquiades' name. The sheriff wanted to deal—in the form of not dealing—with the criminal immigrant, but he is constantly forced to deal with Melquiades, with the connotative body, with predicated life. It is after his name is pronounced that the sheriff looks for a mask to cover his face and avoid the fetid smell from his already decomposed corpse. The smell of Melquiades is nauseating, physically unbearable for the policing agent. In order to protect himself, the sheriff looks for a mask, an improvised gesture that was not originally written into the script but which reveals an important dimension of its symbolic order. As we saw in previous chapters, the legal status of *persona*, which Melquiades lacks as a consequence of his unauthorized crossing, is etymologically related to the ancient mask worn in the Greek theater. The marked presence of Melquiades' naked body prompts the need for the sheriff to wear a mask and "protect" himself from the odor. The "mask," the sheriff searches for, works as an immunitarian device (Esposito, 2012). Melquiades' refusal to disappear, to be underground, makes visible the otherwise artificial mask the police wear. The spontaneous gesture of the sheriff, his unscripted reaching for the mask reveals a deeper representational anxiety in his position. The stable position, the fully human, cannot withstand the raw flesh, stripped from legal personhood and deprived of its mask, its *persona* where humanity is supposed to be found. In other words, Melquiades' body motivates the fetishistic gesture of citizenship—the gesture that mimics and reestablishes the boundary between the vulnerability of human nakedness and the presumed security of legal personhood, of the

mask. In the face of the Real, of the corpse, the law recurs to the fantasy, to the mask by which to hide the inescapable rawness of the flesh—the Symbolic signifier.

9.2.2. The First Burial

The section of the film corresponding to the first burial opens with the diminished, yet iconic scene of the "American dream.' The heterosexual white monogamous couple, Border patrol agent Mike Norton (played by Barry Pepper) and his wife Lou Ann (played by January Jones), is looking for a house to buy in Texas. Behind them, in a blue t-shirt, the commissioner of the Department of Public Safety for the State of Texas (played by the real commissioner, _____) supervises them. In front of them another white man plays the seller. The law is behind them, to protect them. Capital is in front of them, to satisfy their needs. They walk in a linear manner, supported by their two architectural points, the state and the market, in order to move across the line of progress. The message outside the office summarizes this otherwise significantly deflated American dream: "liberty means freedom from high interest rates." The white heterosexual couple is in the process of becoming a property-holding couple. They are about to own a home, settle down and fulfill the motto of the real estate company by living "on top of the line." We learn that Norton is a member of the Border Patrol. He comes from Cincinnati and has also crossed an internal border, one that he was authorized to cross, appointed to police the US-Mexican border in the state of Texas.

Melquiades, already dead, appears to us in a flashback—a scene that takes place at Tommy Lee Jones' real ranch in Texas, recalling the Real that supports this Symbolic dream. We see him as Perkins remembers him: mounting his horse, travelling from

Coahuila, looking for work in Texas. The arrival of Melquiades produces anxiety among Perkins' acquaintances, all of whom become immediately silent at his presence. Silence marks Melquiades' otherness. He is a foreigner, a stranger, and an unintelligible alterity with whom speech is not possible, because his language is unintelligible. Only Perkins speaks to him and he does it in the form of an interrogation in the foreign language. Melquiades was born again that day, as the symbolically damaged, yet marginally included migrant whose very existence now depends on Perkins' memory. Perkins is the only one who refuses to leave Melquiades in the anonymity of sovereign forgetfulness through active disappearance. Perkins is the only one seeking to rescue Melquiades from the dustbin of history in order to honor the meaningfulness of his life.

The flashback that marks Melquiades' newly acquired life is cut through by the flashback that marks Melquiades' death. This second flashback corresponds to the memory of agent Norton, who we see carrying the body of Melquiades into an improvised hole, which is supposed to serve as his first burial site and the signature of his disappearance—the violence of the sovereign. The juxtaposition of both flashbacks completes the tragic composure of the image. We see Melquiades' new beginnings with Perkins, interrupted at the end by Norton's intervention. Perkins and Norton are connected through Melquiades' linear *bios*. They represent two parallel orientations towards the foreigner: xenophobia in Norton's case and xenophilia in Perkins'. Melquiades represents, for both of them, something that they cannot let go, some perturbed attachment to foreignness haunting them. Norton does not care about this foreigner; he wants to disappear him. Perkins cares too much for Melquiades, literally making him constantly appear.

Only in this flashback does the real actor playing Melquiades, Julio Cedillo, actually embody the character. For all the other appearances of Melquiades we see only a latex-version of Julio as corpse, who passes as Melquiades in this process of thing-ification. After the first burial, the material texture of Melquiades' corporality changes. Latex replaces human flesh and, in the words of Tommy Lee Jones, "did not weigh as much and did not look as dead."

The first improper burial of Melquiades marks one of his deaths. His unauthorized crossing marked another. Such is the death that results from killing the juridical-political persona. Melquiades had a status in México, even if it was a deeply marginalized one. In the US he was granted another—the status of non-status, of non-being, of social death. Melquiades does not exist in the records of his arrival city. He is undocumented. He cannot have a social security number, a driver's license or have his name written in any official paper that documents his existence in the city. For the field of documentation Melquiades is dead, non-existent. When Norton kills Melquiades, Melquiades loses his second life. The improperly performed first burial of Melquiades by Norton represents his third death, the complete erasure of the last remnants of his existence that makes him loose not only his life but also his death.[89] To kill his body and deny its presence is to further kill the last form of existence available to an individual after both his juridical-political and biological persona are also murdered. This is the existence that survives in the memory of others, for which the need for a body gives material support for their mourning, constituting an essential bond for the community.

[89] "The 'missing,'" as Ariel Dorfman claims in *Widows* (2002: 5), "are deprived of more than their homes, their livelihoods, their children. They are also deprived of their graves. It's as if they had never existed."

The sheriff brings to Perkins what was left of Melquiades, his possessions. Melquiades' family, unlike that of Norton's, is broken, split as a result of the crossing. The father has been separated and had just died on the other side of the border. Perkins makes the explicit request to the law, his unconditional demand, "When you get through [referring to the autopsy], I want you to give Melquiades to me." The formulation of one's desire, in Lacanian style, faces the legal interdiction. Perkins wants a corpse, a half-eaten seven-days rotten corpse. His desire is unintelligible for the law. Perkins becomes the custodian of Melquiades' memory, of the life that survives in his imagination, as the narrative trace of his family, his three children: Elizabeth (14 years old), Yesenia (12 years old) and the little Aaron, and his wife Evelia Camargo, which he now needs to materialize. Perkins' link to Melquiades is as unintelligible for the law as it is Melquiades' own flesh.

The scene changes and we are back with Norton and the further figuration of the "American Dream.' Norton goes to work while Lou Ann stays home. Gender roles reflect the sexual division of labor in this conservative figuration of the dream. He calls her "baby," a patriarchal term that infantilizes her, that reproduces control in the always-unstable balance of forces inside the domestic space. There is another voice present in the room, another voice that somehow carries the unspoken messages between Norton and Lou Ann, the voice spoken in the soap opera of the TV. It is an Imaginary voice—a voice that fills the void of silence and which ultimately articulates a meta-theatrical gesture as spectators are duplicated in the screen. The TV acts as a third impossible escape. If the private sphere of the *oikos*, as Hannah Arendt argued, offered some kind of protection from public exposure—a protection that rested in an underexplored political arrangement

of gender—Lou Ann does not seek in the household protection from the public. She looks for that protection in the screen, in the TV that is inside the household yet transports her into an imaginary outside. The inside of the TV, however, is even more intimate for Lou Ann than the household itself, in this materialization of extimacy. The show is not just a distraction for her; it is the melodramatic translation of her own drama with agent Norton. The public sphere no longer exists for Lou Ann. The "dream," in all its precariousness, continues to fade. The TV rearticulates the fading of such a "dream" in ways that are more manageable for Lou Ann than her own life—just as it is more manageable for the audience to confront the inequality of global membership through Jones' film. What supplements the material failure of the capitalist "dream" is the fetish of the image. Capital profits from the filling of one void with another. She wants to go shopping at the Mall in Odessa, "we" want to watch the film as spectators.

The inertia of the household parallels the events in the next scene at the morgue. The forensic doctor gives his report to the sheriff with the scientific language that neutralizes the power of the corpse. The scientific language is objective and sanitized, as if recalling events that are not human deeds but empirical facts. What kind of rifle? How did the bullet enter the body? From what distance was the body shot? Melquiades' dead body is inscribed in a particular form of knowledge that turns him into evidence. We learn that Melquiades has been dead for seven days, that his resurrection from the ground took place on the seventh day. With a theologically invested date, the human law collapses a second time. We find out that morgue's refrigerator is broken and Melquiades' corpse cannot be kept for a full autopsy. The broken machine of the state, of the symbolic order, cannot properly treat the corpse of the Real migrant. The doctor

suggests expedient burial. Indeed, Melquiades' corpse unleashes powers that are too difficult to control for the police, as Polyneices' did too. His presence, the presence of the dead unjustly violated migrant is a body-too-much for the sovereign to contemplate and manage. The sheriff orders his immediate burial, his fast disappearance from the human gaze. To carry this disappearance out, he even lies to the forensic doctor, who inquires about his family and wants to notify them before the burial as it is established by law. The sovereign denies those rights to Melquiades' family, even to Perkins, who acts here as such, as his sole human connection. Sheriff Belmont knows that Melquiades has a family and that Perkins wants to perform the burial. As in *Antigone's* tragedy, there is an interdiction of mourning for the "other." Unlike in *Antigone's* tragedy such interdiction operates not through non-burial but through burial itself.

The mechanisms of policing power have gone a step further. If right and violence could be *prima facie* separated and opened for dispute in *Antigone*, the gap is closed off in *The Three Burials.* If Antigone was still able to articulate a different right—the right of burial to what could only be named as violence—the exposure of the corpse as a public spectacle for the recreation of sovereignty, such terms are confused in the case of Melquiades. The violence is coextensive with the granted right. The sovereign does bury Melquiades, but such public burial is an even stronger injury than its violent exposure. The second burial eliminates his existence. Melquiades Estrada becomes, in the gravesite, Melquiades Mexico, as it is written over the white cross that marks his burial site as a site of perpetual injury. Melquiades goes to the underground for a second time, in the presence of his murderer, Norton, who attends the burial in the absence of his family and friend, especially Perkins, whose mourning is interdicted from the public.

There is a crucial link between the natural death of Melquiades, which takes place after the symbolic death has been inflicted, and the kind of death that is inflicted through this form of burial. Melquiades, like Polyneices and Antigone, inhabits not the space between two deaths—real and symbolic—of which psychoanalysis speaks, but the space between three deaths—real, symbolic and imaginary—or which politics speaks. The status quo kills in Melquiades the symbolic (the city grants no documentation, thus, no proper existence to him), the real (his body is fatally injured by the bullet) and the imaginary (the memory of his existence is completely erased). The physical termination of Melquiades' life follows the prior killing of his juridical-political persona, which concludes in the ontological erasure of his existence through the burial not of the existing Melquiades Estrada but of the non-existent Melquiades Mexico.

In the next scene we encounter the objectification of women. Agent Norton spends his time looking at pornographic magazines. Women are sexual objects for the masculine gaze. The pornographic magazine acts like the mirror screen of Norton's real view of women, much like the TV translated Lou Ann's real desires for an hypostatized past. Rather than taking the magazine as Norton's own escapism from the faded "dream" of the household, with all its sexual frustration, the magazine reveals Norton's real desires—the masturbatory monologue of his fantasy and the reification of women as exclusive objects for sexual consumption. The satisfaction of his most mundane desires is interrupted by its sole substitute, the only one that can provide an equivalent or probably even more powerful discharge of his libido: the infliction of a symbolic death in others. Norton receives a call from his station—the call of the symbolic order by which he can sublimate such wasted sexuality in productive policing. Fifteen migrants were seen

crossing the border near “La Brecha” (the Gap) in “Loma Negra” (Black Hill). The gap retains its Spanish name, intruding into English temporarily in order to name the transgression: the “minor language”inor language’ (as Gilles Deleuze argues) contaminates the “major language”ajor language’ with its irreducible presence in the form of an irreducible gap, through which they are trying to cross. Norton arrives at the site and starts the persecution of some migrants who are trying to escape. Running after them, he enacts the verbal hailing of the subject, the Althusserian interpellation, and he pronounces the imperative in the language of the other: “Alto!’ The willingness of Norton to address immigrants in their language reveals the policing ultimate fantasy, that the political disagreement can somehow be linguistically neutralized in this way. In his *Disagreement* Jacques Rancière argues that this is not a deliberative problem, as if requiring linguistic clarification of the terms for its proper solution. The political problem consists in that, at the same time, the people and the police mean both the same thing and not the same thing by using the same word. Language, nevertheless, is not the space of the police and the linguistic interpellation immediately turns into violence as the police reach a climatic experience. This is best illustrated when Norton punches an immigrant woman in the face while he commands, “stay down bitch.” The agent's porno-factured desire is finally realized in its completion, in his discharge of sexual violence. What’s more, this violence is not even socially interdicted, as his pornographic magazines were. The sexual violation is positively endorsed, sanctioned and solicited by the law. Norton, however, has gone too far, and his superior, chief agent Gómez, teaches him a lesson in immigration policy.

This lesson reveals the real and subordinated role of the state to capital under neoliberal conditions of production. Three migrants were able to escape and, as if revealing the real function of the policing action, chief agent Gómez acknowledges the need for such deficit in the policing role: "somebody has to pick the strawberries." The police cannot close off the gap because they are equally subordinated to capital; they merely regulate the flow, the width of the gap. Migrant labor is needed, but it is needed *as* migrant labor, that is, unrecognized, unpaid, constantly surrounded by sovereign violence and public exclusion, increasingly exposed to danger, marginalized. Cheap labor demands not a full-closure of the border, but extreme violence to make it cheap with some deficit to let it pass. The police protect not the border but the pace of its transgression; the police protect capital.

As I have mentioned before, unauthorized immigrants cannot represent themselves but must be constantly represented by others. Tommy Lee Jones could not have legally hired unauthorized immigrants to play themselves, just as female characters could not play themselves in theatrical productions of *Antigone* in Greek antiquity. Julio Cedillo, a legally recognized actor, plays Melquiades, an unauthorized immigrant. Julio Cedillo spent one month learning how to ride horses and speak with the proper accent. But Melquiades is not the only immigrant played by another. Jones gives his own daughter, Victoria Jones, the role of an unauthorized immigrant, playing one of the fifteen immigrants caught while trying to cross the border. The meta-theatrical confusion of these positions are inter-textually relevant for the purposes of the parallel I am crafting between *Antigone* and *The Three Burials.* Jones, the Father and director of the film, cares too dearly for the unauthorized immigrant, going so far as to transform his own daughter

in the film. Stressing it, here we find the otherwise missing subtext of incest that structures the tragedy of this film. As in *Antigone*, these subtexts are articulated through imaginary displacements. The substitute for the sexually interdicted incestuous relationship is represented in homosexual necrophilia, as Jones functions as both the director that turns his daughter into an immigrant and the actor whose love for immigrant is non-normative. The forbidden desire is expressed through an improper love for the corpse. What matters to me are not Jones' real desires, but the symbolic economy through which desire gets signified in the film, because of the different social and meta-theatrical positions that are cinematically articulated in the medium. Interpretation emerges out of the connections that the viewer can establish through the slippage between these different positions, rather than through an interrogation of Jones' psyche.

Equally important, at a meta-theatrical level, is for Jones to have used his own barn and cattle as the markers of symbolic labor in the film. Melquiades, the invented character, works in the real barn of Jones, which figures allegorically as the site that employs unauthorized immigrants. Such juxtaposition is fortunate. After all, Jones does indirectly profit from unauthorized immigrants. He profits from the imaginary recreation of real unauthorized immigrants without which the movie could not have been possible. In fact, such an indirection reproduces the precise structure of cultural unintelligibility that renders them over-exploitable. The film illustrates how unauthorized immigrants cannot even control their symbolic economy via the images associated with them, which they can neither legally author, nor enact, but which are exploited and transformed into objects of visual consumption via a commercially profitable film of the global circuitry of cinema. The film participates in the very structure that it seeks to contest.

In the next sequence of the film Perkins finally finds out what happened to Melquiades. One of his friends tells him, referring to Melquiades as "a good Mexican," incapable of disguising his own. Unlike Perkins, Melquiades can only exist if accompanied by additional predicates that somehow suture his ontological inadmissibility. Melquiades needs additional adjectives, he can either be "a good Mexican' or "a bad Mexican,' or something else but not Melquiades alone. What Melquiades cannot be deprived of is this supplement that always constructs his subjectivity as incomplete, as lacking, as not fully there, as faulty. Perkins has locked himself in Melquiades' house for two days, immobile. The extreme circumscription of Perkins to the household of the "other" contrasts with the excessive nomadism of Melquiades, who keeps crossing borders: between countries, between life and death, between languages. The story, in other ways, is also about Perkins and his inability to bury Melquiades—to finally find a space that successfully contains his body, whose signifying economy is too difficult to contain, who resists both geopolitical and semantic confinement. Melquiades' assassination is reconstructed through its traces, the evidence of two bullet shells found at the site where Melquiades' goats went loose. As in the real case of Esequiel Hernández Jr., killed by the US Marines on May 20, 1997, such traces are insufficient to name what happened. The Real escapes the Symbolic, as it always does.

In the next scene Jones introduces Rachel, a crucial character in the film. Rachel is the waitress at the café. Rachel is not yet Rachel at this stage of the film. Instead, she is only introduced to us as "dirty bitch" by the sheriff, who grabs her ass when she leans to serve him coffee under the vigilant gaze of her husband, Bob, who watches from the

kitchen. She tries to stop him by making the patriarchal gaze explicit: “Bob is watching us.” Bob stays inside the kitchen, never leaving it throughout the film. Unlike Bob, Rachel goes outside the circumscribed space of the kitchen—a place where there is no interaction, only material labor in its unceasing form. It is as if this restaurant were a gender-inverted microcosm of the *oikos-polis* division. It is Bob who remains inside, sexually impotent. It is Rachel who moves outside, sexually liberated and promiscuous. She is married to Bob but sleeps with Sheriff Belmont and Perkins, though none own her sex completely. The movie thus articulates another old trope of tragedy, the masculine fantasy of female sexuality as publicly uncontrollable. In fact, most ancient tragedies depict female “madness”adness’ as a result of some kind of paternal failure to contain women in the household. Clytemnestra is the iconic case here. In the absence of Agamemnon, king of the Argives and the *kuryos* or masculine ruler of the household, her desire becomes unruly. Jones’ film participates in the same misogynist narrative. Bob is an impotent ruler, a *kuryos* that awakens not fear but pity. By the end of the film we see that such pity is an even more powerful weapon in the hands of the Father to control female mobility. It is the pitiful and impotent husband (Bob) who gets to keep his wife. The impotent figure of the Name of the Father also gets doubled in Sheriff Belmont. Both of their impotencies are marked by Rachel’s ironical laugh, whose desire is precisely associated with this laugh, with this final humiliation of the Father.

At this stage of the film the three most important women of the movie have already appeared, all of them improperly named. The immigrant woman who was caught crossing the border was called “bitch,” the working-class woman with the unruly desire in the restaurant was called “dirty bitch” and the wife about to free herself from her own

confinement was called "baby." The first two women have already crossed borders—the border that separates the kitchen (figured as the *oikos*) from the serving section (figured as the *polis* where social interaction with non-family members take place) in the case of Rachel, the border that separates Mexico from the US in the case of the unauthorized immigrants. Lou Ann, by contrast, has not yet crossed the border. According to the grammar of the film, Lou Ann is still in an infant state, so to speak—a "baby" looking for a mentor. The inter-textual conversation with Greek tragedy is further stressed in this scene. Lou Ann goes to the agora, to the marketplace (the modern restaurant in this capitalist landscape of modernity) to educate her desire. Lou Ann is looking for a mentor, looking for Rachel. She wants her own training on the voracity of desire at the restaurant, and she looks for Rachel carefully, as if already making notes of yet unstated lessons.[90] All the sexual partners of Rachel are, for one time, reunited in the same space. Bob watches from the kitchen as Sheriff Belmont meets Perkins, who is bringing the new evidence to encourage an official investigation into the assassination of Melquiades. Once again, Sheriff Belmont refuses to continue with the investigation. Despite the evidence brought to him, the law demonstrates its impotence to enact justice.

Back in the apartment of the Nortons, Lou Ann is cooking zucchini and broccoli, concerned for her physical appearance. Agent Norton watches TV in the living room, while he cuts his nails. Lou Ann watches TV in the kitchen, while she cuts the vegetables. They are both in front of screens, like us, the spectators, watching others

[90] Another inter-textual reference of noticeable importance, given Lacan's own link to Kant's morality with the Marquis de Sade's fantasy in his own conceptualization of Antigone as characteristic of the ethics of desire, is the representative function this restaurant serves. The restaurant is but a version of Marquis de Sade's *La philosophie dans le boudoir* (Philosophy in the Bedroom), were the younger Eugénie (Lou Ann in the film), looks for the older and more experienced Madame de Saint-Age (Rachel in the film) for a two-day course on being a libertine.

watching others. Norton is disappointed to find there is no meat for dinner to satisfy his voracious appetite. Finding out the reason, he rapes her in the kitchen, so as to "convince" her that she is still desirable. Lou Ann is no longer "baby" but "my red-hot mamma" in this scene of sexual violence. She does not want to have sex with him and explicitly says no, but Norton continues until he is satisfied. She waits for Norton to be done as she looks for the soap opera on TV, where her real interest lies. What she finds, however, is yet another couple in crisis. As she is raped, Lou Ann listens to the character of the show say to her lover, "What happened? We used to be so happy! Don't you remember when we were living in River Valley?" The lover replies, "We were happy then." The TV enunciates what Lou Ann cannot verbally articulate. The couple was happy in Cincinnati. Happiness belongs to the past. As much as the couple in the TV yearns for that faded dream that emerged in River Valley, the couple in the kitchen yearns for that faded dream that died in Texas. The couple lacks words because the screen has already appropriated the space of meaning, because it already translates, arresting their meaning-power from them. Cincinnati is now unreachable, it no longer performs the retroactive function it was supposed to perform—the retroactive presupposition of something that was probably never there in the first place, the TV-scripted dream of white heterosexual monogamy in its progressive journey towards success. The raping concludes with a horrific patriarchal signature. Norton spanks Lou Ann, in approval of her subservient performance for not fighting back. The sexual violation is supposed to compensate her for the fault of wifehood in this perverse patriarchal economy that wanted meat to chew on.

In the next scene we finally see the main two female characters talking to each other for the first time at the restaurant. Lou Ann is becoming a regular customer and they do not say much to each other. Lou Ann only says to Rachel that she "does not have a lot to do right now," that her life is filled with boredom. Lou Ann has the leisure that Rachel lacks, the leisure that places them in two different social classes. Class, already thematically articulated in the contrast of the old woman serving the young one, is then explicitly discussed in the parallel couple from the opposite gender, in the flashback of a conversation that took place between Melquiades and Perkins. After a long day of work, Melquiades complains to Perkins about the owner of the Ranch, a "niño de papi" (daddy's boy) who is "not a real cowboy." At the meta-theatrical level, the owner of the ranch is actually Tommy Lee Jones, who is playing a cowboy in the film but is not a real cowboy. In the interplay between its textuality and its meta-theatricality, the film continues to reveal truths. Perkins, as if symbolically injured through the meta-theatrical claim addressed to Jones, tries to neutralize the political articulation of class struggle by means of the patriarchal supplement. This is, as in the Haemon v. Creon scene of *Antigone*, the moment in which Haemon articulates good reasons to have his father and ruler of Thebes dismiss them by re-claiming his paternal tutelage. Perkins does the same. As a paternal figure for Melquiades that is getting too close to the political speech of revolt, Perkins neutralizes his terms by displacing them. His strategy, although similar to that of Creon with regards to the paternal affect, differs to the extent that it is not sexual frustration but sexual stimulation that guarantees the successful displacement. Perkins wants to take Melquiades to Midland on Saturday to find prostitutes. Melquiades expresses his concerns for the *migra* (border police), the risks involved in this sexual

adventure, but Perkins dismisses them by re-signifying them as a fault of masculinity. Much like Creon, who tests Haemon's masculinity when he realizes that his affects are for his disobedient bride and not for his sovereign father, Perkins tests Melquiades' masculinity too. Unlike Creon, Perkins succeeds in forcing Melquiades to accept at the risk of appearing as "no real cowboy." Ironically, Melquiades' concerns with *la migra* are very real—the woman he meets is none other than agent Norton's wife, Lou Ann.

Impotence gets transferred to the next scene, as if there were a third voice, a *voice-off* that runs through the characters, indistinctively connecting them through the errancy of language. It is not the unauthorized immigrant who is impotent but the law itself. Not the politically produced bare life but the sovereign inventing it. Sheriff Belmont is unable to accomplish the sexual act with Rachel, the waitress, who consoles him with a maternal gesture that further infantilizes this pathetic representation of the law. She laughs and places her hand over his shoulder, enjoying her mastery. This gesture constitutes the kernel of Rachel's *jouissance*. If her desire, always unfulfilled, always deferred, is supported by the exchangeability of her partners, the symbolic metonymy of the signifier by which she looks for different partners, her *jouissance* has to do with the satisfaction that she finds in frustrating such completion. Rachel is a figure of the drive. Her satisfaction is inseparable from this non-satisfaction of her desire, by substituting this satisfaction with the maternal shaming of the Father, of which she is the sole spectator. The impotence of the law to protect the border is transferred to the sexual impotence of Sheriff Belmont to satisfy the act. He is, like the confined Bob in the kitchen, impotent. And Rachel, enjoying herself hubristically, does not fail to make the parallel between

them. The law becomes impotent when it takes itself as its object of vigilance. The law has itself as its target.

Sheriff Belmont knows that the one responsible for Melquiades' murder is a member of the Border Patrol. The law finally knows that the criminal it seeks is nothing but a product of its own creation, its proper legal order. The solution is entrusted to the nation-state that knows, in this scene, that it is called to solve what in fact sustains its sovereignty. This event constitutes the most sincere parody of the law in the film, not because it shows the law in the shape of an impotent man who wants to be seen as extremely powerful, but because it reveals the comic structure of the law in the impotent vacuity of its circuit. Sheriff Belmont represents the postmodern Father, oppressive not in the uncontrollable outburst of his aggression but in the ridiculous and pitiful impotence of his force. The impotence of the law is triple. The law is impotent to stop immigrants from entering the territory. It is also impotent to stop authorities from abusing their power. Finally, it is impotent to stop Perkins from undertaking his own investigation. It is as if the power of the law rested in such impotence, in its inability to even be actualized or, to always actualize itself in the monologue of its impotence. It is as if, paradoxically, impunity was but the signature of the law.

Sheriff Belmont's impotence contrasts with the precocity of Norton, who, back in the field, looks for an unseen spot where he can masturbate while he looks at his pornographic magazine. Surveillance is doubled in this scene. He performs the policing function embodying the vigilant gaze but he, himself, is the subject of another gaze. Norton is subjected to a moral gaze, a disembodied gaze that haunts him all the way to the border—guilt. The pornographic picture with which Norton finally decides to

masturbate is entitled, “Hot Shot,” which further strengthens the already saturated juxtaposition of sexual violence against women and the policing of immigrants. The magazine plays with the phallus, with the signifier as a loaded weapon. The title of the page is not just a constative, sexually objectifying the woman that appears in the picture as a “hot shot,” but a performative one too, a sexual incitement for the viewer to act. As he masturbates, Norton hears a distant shot that freezes him. He has not yet been able to put his pants back when he starts running after his gun, in order to shoot back. He becomes the addressee of the “hot shot” while he visually enacts the “hot shot,” a textual slippage that proves fatal. The text erupts into reality and transforms Norton’s life. Norton gets his rifle and loads his gun. And with the same sexual precocity with which he engages in sexual violence, he shoots Melquiades dead. Norton kills him before he realizes that he was not the target of Melquiades’ shot after all—Melquiades was aiming at a coyote, lurking in the desert, menacing his goats. *Antigone’s* mystery about the authorial agent of the first burial is solved in Jones’ film. Norton performs the first burial, which aims at the opposite function to the one it serves in the classical tragedy. The burial is a cover-up not just of the body but also of the deed. The first burial responds not to an attempt to humanize Melquiades but to further de-humanize him, to erase his existence and his memory, to inflict not a second but a third death.

9.2.3. The Second Burial

Melquiades’ second burial corresponds to the official burial by the authorities, one by which the policing injury continues, this time in public. The police officer that buries Melquiades using a crane does not know Melquiades’ last name. There are only

two other attendants of the burial, the unpunished perpetrator, agent Norton, and another officer. No family or friends are there to mourn for Melquiades, as Antigone laments the absence of loved ones at hers. Melquiades' name is written on a white cross with which to mark his gravesite. The last name provided to Melquiades is Mexico. Melquiades is to stand for the whole nation, because locality is unspecified or, more exactly, irrelevant within this strategy of othering. The racist transcript turns the whole space beyond the border into an undifferentiated mass.

This second burial is probably the most important one in the film for understanding the neo-colonial forms of violence within immigration policy. It no longer functions, as in *Antigone*, as the decisive scene of restitution. The burial does not mark Creon's learning, his anti-hubristic correction of his own fault after Tiresias' prophecy. Rather, Melquiades' second burial is the sublimation of the first injury into a publicly staged state crime. For the purposes of my parallel, Thebes, the ancient tyrannical state, shows to be more ethical than the US, the modern democratic one. In Thebes, Polyneices is finally properly buried by the state. In the US, Melquiades can only be improperly buried by the state. Unlike the first burial, which refers to an existential killing beyond civic forms of recognition, the second burial refers to an existential killing through those very forms of recognition. Melquiades is non-existent for the law; he is "undocumented," appearing in no document. The state's burial documents not Melquiades' existence but his non-existence, as if signing the injury to perpetuate it in death.

The scene that marks the third death of Melquiades contrasts heavily with the scene that marks a new beginning for Lou Ann, who attends her first formal lecture with Rachel at the restaurant. The subject of this lecture is how to let go—how to release her

desire from the boundaries of the law, how to get out from confined spaces. She still speaks of Cincinnati, of how beautiful it is in the spring, of how many malls it has. Cincinnati looks like a distant capitalist dream-world of inexhaustible consumption, the fantasy into which she can project all of her desires at the expense of their completion and current frustration. She was popular in Cincinnati and so was Norton. Cincinnati is everything that is no longer there. It becomes clear to Lou Ann that they are aging. But age has a different materialization in the case of Rachel, who has an equally disappointing husband. This is the reason why Rachel's reaction is so appropriate, pedagogically speaking. Rachel treats her distantly, with great irony for her naiveté, as if trying to call out her bluff. Rachel says, "It must seem really different," as she takes a deep drag on her cigarette. Lou Ann's gaze is directed at the cigarette, the burning phallic substitute, and the smoke. Rachel is a playful Marxist, performing her own manifesto, enacting her own ideologically liberating "all that is solid melts into the air." Cincinnati is the fetish by which Lou Ann avoids confronting the reality of her own subjugation. And Rachel's invitation is for her to smoke it.

The sexual initiation of Lou Ann, her coming into a new life of desire, contrasts with the sinking of agent Norton into a morbid space, his psychic collapse after realizing he's a murderer. Lou Ann's sexual awakening is prior to Melquiades' murder, yet both scenes constitute equivalent events of subjective reconstitution. Lou Ann becomes a new person, as does Norton. Lou Ann knows that her marriage is dead, that Cincinnati exists no more. Norton knows that he killed an innocent man, that he is now a murderer. He acted in haste. Unlike Lou Ann's, who is sexually unsatisfied, Norton's sexual deficiency is of a different order, precocity rather than impotence, which is the signature of sheriff

Belmont as the other figure of the law. The law arrives either too late or too soon, but it never arrives on time. Sheriff Belmont represents the former, Norton the latter. He gets married too young. He buys the wrong house, because he does it too soon. He does not wait for his orders and beats immigrants. He rapes his wife. He kills the immigrant that represents no threat to him. He acts always too fast. The goats that surround the scene further stress the innocence of Melquiades. The wolf-lamb metaphor of power here codes the border patrol and the unauthorized immigrant. He is a voracious wolf, one that satisfies his appetites too fast, putting his own life at stake.

In one of the film's most comic moments of creative editing, Sheriff Belmont answers the stupid question Norton poses to Melquiades after shooting him in the chest, "Are you ok?" "No!" the sheriff answers in the next scene. The film plays with the referential equivocality of the law that performs its own monologue. The editing succeeds in showing that Melquiades is not the sole addressee of Norton's question, which also reaches out to Sheriff Belmont. What this suggests is that Norton has not only injured Melquiades but also the law, making Belmont's reply not inconsequential. The injury consists in making the violence that the law is supposed to exteriorize—to shield from its frontiers, to symbolically neutralize from its own economy—into the very operative nature of the law. It is this structural commitment of the law to the very violence it unsuccessfully seeks to displace that enhances the gap between justice and the law. Justice and law are not only irreducible but also completely strange to each other.

Sheriff Belmont represents the law and Perkins represents justice. When justice seeks restitution in the law it always faces the law's impotence. The impotence of the law has nothing to do with some kind of epistemological deficiency. The sheriff already

knows that Norton killed Melquiades. He has the evidence. All the law can do is to continue with the injury, to reduplicate the violence. The sheriff refers to Perkins as "bitch" and to Melquiades as "fucker." Finally, Belmont, whose motto continues to be "too late," communicates too late to Perkins that Melquiades has already been buried. The sheriff tries to justify his negligence appealing to the racist supplement. He was not legally obliged to communicate with Perkins because Melquiades has no juridical-political personhood, because he is a "wetback" (Belmont's pejorative words to refer to Melquiades) and because Perkins is not a member of Melquiades' family, not under the heteronormative conception of kinship that informs the law's conception of family. This is an idea of family that renders the friendly love between Melquiades and Perkins illegible in the state of Texas.

The problem of property, of what is proper for the law, is thematized in the next scene. This is the scene in which Melquiades gives his horse to Perkins, articulating an alternative political economy. Rather than the capitalist subordination of the object to the subject, by means of the figure of individual property, Melquiades articulates a relationship that does not resolve use-value into exchange-value. This is an anti-capitalist economy that engages the object differently. "A veces uno cree que las cosas son de uno, pero son de otro" (sometimes one thinks that things are one's own, but they belong to someone else), Melquiades says in Spanish. The logic of the law is the logic of the proper. The law can only respond to that which falls within the territory of the proper, that which refers to property. The logic of friendship, in its full political sense of creating a community through a gift (Derrida, 2005 and Esposito, 2010), distinguishes politics as following the logic of improperty.

The homo-erotic tension of the Perkins-Melquiades couple contrasts heavily with the lack of passion between Norton and Lou Ann, when we see her consoling him, presumably when he goes out of the house, tormented by his own guilt. This is a difficult scene to interpret, given the narrative playfulness with temporal displacement. One might think that Lou Ann is trying to reestablish an emotional link with Norton, as Norton becomes increasingly identified with the subject of pity. Compassion is only possible under these conditions, conditions of vulnerability, impossible under conditions of sovereign capaciousness. If, however, we take into account Lou Ann's pedagogical training on her jouissance, this might be the moment in which she, like Rachel before her, starts to enjoy her consolation of the pathetic Father as a sign of mastery. The meaning of this scene is all the more difficult to establish given the scene that follows it. Back in the restaurant we see Rachel's last pedagogical lesson. She asks Bob, loud enough for Lou Ann to hear the answer, "for how long have we been together?" Bob is unable to answer, but the question is not really addressed to Bob, even though Bob's inability to answer is crucial. Rachel's question demands Bob's failure to produce the proper answer, but she knows of such failure in advance. Bob is an accumulation of faults: impotence, oblivion, etc. Bob is, nonetheless, reliable on such grounds. This is precisely what Perkins will later fail to understand. Bob no longer represents a challenge for Rachel. Bob is, however, the miniaturization of the paternal that sustains, in its unperturbed fidelity to such a position, the desire of Rachel, the metonymy of the signifier. It is Bob who, in his singularity and uniqueness, organizes the exchangeability and replaceability of all the other men in Rachel's life, much like Polyneices does for Antigone according to Lacan. But the symbolic economy that Bob represents is not n+1, as if Bob's exception lied in

some positive quality. On the contrary, it is n-1—it rests in Bob's complete lack of attributes. This explains why Rachel loves Bob. Bob is the radical embodiment of her desire as the sublimated humiliation of man's impotence. Lou Ann sees not only how to not look for the n+1 in Norton but also how to enjoy the n-1 in him, so as to release the chain of desire [n…]. The scene is temporally placed, or displaced, between the pre-murder scene of sexual awakening with the cigarette at the café, and the post-murder scene of Norton's consolation. It could signify hesitancy on the part of Lou Ann to follow the line of desire Rachel offers her, or some hesitancy not to follow it and relapse, again, into the unsatisfactory fantasy of Cincinnati. It is an undecidable scene.

The ambivalent meaning of this scene does not get resolved in the one that follows—it only increases. We see Melquiades and Perkins going for "las muchachas" (the girls), as Perkins calls them. Melquiades is still worried for "*la migra*," and, as we know by now, *la migra* is indeed too close to him, intimate or rather extimate. His fears are, however, temporarily displaced when he sees, through the side mirror of the car, the fancy modern televisions displayed in the shop window. The screen, like in Lou Ann and Norton's cases, also captivates Melquiades' gaze. The film calls attention to our own positionality in the film, as spectators, also captivated by the screen, probably enjoying the real drama the film symbolizes as mere entertainment. Melquiades feels compelled to exit the car and approach the screen, as if hypnotized by it. He is the body-too much that, for the first time, confronts the screen, a screen that is also a screen-too-much, a screen as a commodity to buy, replicating the film's own commodity status.

Perkins' joking personification of *la migra* finally brings Melquiades back to reality. Perkins asks for Melquiades' papers with a menacing voice and Melquiades' face

turns white, at the laugh of the other spectators who profit from the cruel joke. Rachel and Lou Ann are *las muchachas*. This is the first time that we actually hear their actual names in the film. Not only are Rachel's and Lou Ann's real names finally pronounced in the film, this is the scene in which their sexual desires are finally satisfied. Melquiades recognizes the waitress from the restaurant and Perkins lets him know that Lou Ann is married too, when he expresses his reservations about sleeping with married women. He is scared, unable to open the door, unable to take the initiative.

The room-scene between Melquiades and Lou Ann is structurally opposite to the one between Lou Ann and Norton. The topography of Lou Ann and Norton's desire is defined by the split between the real rape in the kitchen and the emotional frustration symbolized in the screen, in the soap opera that gives some narrative to her unspeakable feelings. In the case of Lou Ann and Melquiades, the situation is the opposite: on the one hand, the screen is reduced to porn, to the visual figuration of sexual satisfaction as commodity fetishism, and the soap opera leaves the screen to be enacted in the room, which turns into music, dancing, etc. More importantly, it is Lou Ann who takes charge here, it is she who takes the initiative, enunciates the commands and controls the flow of the scene.

As happened before, the sexual awakening of Melquiades contrasts dramatically with the next scene, where we see Perkins mourning his friend and pouring libations (*à la* Antigone) over the injurious burial site. This is, so to speak, Perkins' first burial, closer to the first burial that, according to Honig, Ismene performs for Polyneices in secrecy. Nobody else but Perkins attends this burial. It performs no public function, it does not even satisfy Perkins. The emotional devastation of Perkins, frustrated with the injustice of

the law, is only matched by the emotional devastation of Norton, who we see coughing and crying in the next scene, after Lou Ann leaves him in the car when he refuses to accompany her into the mall. Norton's anxiety is at its extreme and the smoke that Lou Ann now enjoys, as the melting of what is solid, cannot easily enter his lungs. There is too much guilt inside Norton, who knows himself a murderer, who gets flashbacks of Melquiades' blood on his hands. Smoke cannot calm Norton's anxiety, it is into smoke that his dreamed life is turning, the smoke that he can no longer breathe. Seen from our privileged point of view the whole situation is deeply ironical. Norton has an unknown reason—he does not know that he just killed the man with whom his wife was cheating on him. Within his patriarchal economy, such motive would have probably erased his guilt. Norton's killing of Melquiades, the transgressor of political and sexual boundaries, the one who crosses Norton's polis and household, deeply isolates him. The depressive emotional breakdown of Norton in a completely isolated mall parking lot in Odessa dramatizes the guilt of the law.

Law and its transgression—which the law itself invites—are further strengthened in their aesthetic opposition to the scene that follows. We are no longer in a parking lot, but in an isolated yard of gas compressors further stressing on the subject of air, the forgetting of air (Irigaray, 1999). There are two couples singing inside Perkins' truck, substituting Norton's silence and isolation in the previous. The restitution of the law—Norton's going to the mall with his wife—results in death. The transgression of the law—the forbidden sexual acts of both couples (Melquiades and Lou Ann, Perkins and Rachel), results in life. Norton's face is full of despair, while the couples' faces in the truck are full of joy. Norton's case is one of life-denial, of sexual frustration in the breakdown of

the heterosexual monogamous couple; the other case is one of life-affirmation, of sexual satisfaction in the re-building of new couples in heterosexual promiscuity. Yet, they are connected. The displacement of life into the outside of the law renders the law deadly.

The next scene dissipates any doubts about the guilt of the law. The two Father figures in the order of the police, border patrol Gómez and Sheriff Belmont, discuss the killing of "the Mexican," as Melquiades' name becomes constantly unpronounceable by the law. The life of Norton is more valuable, for the law, than the death of Melquiades, "the Mexican" in this patriarchal dialogue. Rachel listens to their conversation and reports it to Perkins who makes one last final attempt to breach the gap between law and justice. He wants Norton to be accountable for the crime he committed but once again he faces, for the third and last time, the impotence of the law and its violent outburst in the face of such impotence. Not only is the sheriff not willing to arrest Norton, he is willing to arrest Perkins if he continues with the investigation, foreclosing Perkins' last chances of achieving some sort of justice through legal means. The law cannot fulfill the demands of justice. It can, however, violate justice as being precisely that which prohibits justice taking place. Perkins knows that Norton will not be held accountable for the murder of Melquiades—that his memory will be forever violated unless he acts outside the law. He knows, too, that his actions can only take the form of violence.

Perkins goes to Norton's home and waits, until it gets dark, to break in. Claiming to be a member of the border patrol, he burrows the violence of the law and turns it against itself. Norton is "arrested,' hand-cuffed with his own policing devices. Perkins reveals to Lou Ann that Norton killed Melquiades, anticipating a different motive of which Norton is not yet aware, nor ever will be. Tying Lou Ann to a chair to keep her

from calling the police, he turns on the TV. What Lou Ann sees on the TV is the symbolic translation of what is taking place in her house. There is a flood in Cincinnati, the dream is sinking and there is no n-1 that can rescue her as Rachel did. Her n-1 is not the impotent Bob, but the precocious Norton who just eliminated the first [n] before the chain of [n…] even started and, more importantly, without even knowing it.

The transgressive gesture corresponding to Antigone's burial of Polyneices in this film is not performed through burial but through exhumation. Perkins takes Norton to the gravesite of Melquiades to force Norton to dig him up. The border patrol agent pukes immediately after he opens the coffin, rebuked by the decomposition of the corpse. The body is too heavy and falls over Norton, who screams franticly at the horror of finding himself symbolically "fucked" by Melquiades. Even Perkins cannot contain the laugh, one that betrays the memory of his friend, but reveals his own *jouissance* after watching, so to speak, the law at the sexual mercy of the one it tried to violate. This parody of the law is both grotesque and comic; it discharges some anxiety for the viewer and for the violence now inflicted upon Norton. Melquiades is finally taken back to his house and placed on his bed. Perkins forces Norton to drink from Melquiades' cup and to wear his clothes. The *jouissance* of this act of justice consists in turning the law into that into which the law had turned Melquiades. They are going to cross the border illegally—not the South-North border, but the North-South one. Norton and Perkins are about to *become* Melquiades in taking the opposite route. As Sophocles' *Oedipus at Colonus* predates *Antigone*, the film shows us first the journey and then gives us the retroactive reason for such a journey. It starts in one polis to end in the crossing towards another. There is a mismatch between the chronology of its composition and the chronology of the

story, as there is a temporal confusion in the juxtaposition of the images, much as how Antigone promised to Polyneices that she would bury him in *Oedipus at Colonus*, a burial that she has already performed years earlier in the play of her own name. In the *The Three Burials*, the promise of burial antecedes the journey but it is only revealed to us afterwards. This split is the film's fidelity to the tragic genre with regards to its temporal form, confusing past, present and future and delivering their organization to political re-articulation. The knowledge that motivates the act, that is assumed to be its originary source, is only retroactively posited as such, given that the tragic hero gains knowledge after having already committed the act. There would be no heroism in tragedy without the hero's taking responsibility for the reorganization of the time that has gone out-of-joint, for making the two temporalities match their otherwise unclear sequence.

The film gives us the promise of Perkins to Melquiades: the ethical and political promise of burial that explains Perkins' acts. Melquiades does not want to be buried in the US, but in his hometown of Jiménez. He even draws a map for Perkins to fulfill his promise. Perkins needs to cross the border, going south from Ojinaga and then east until he gets to Coahuila. From Coahuila he must go to El Tostón, and then 20 kilometers from El Tostón he will find Melquiades' ranch in Jiménez. He takes Norton with him who, like Oedipus, gets marked by his feet. Perkins deprives Norton of his boots, making sure he cannot escape his fate. With Melquiades' corpse, supplies for the journey, three horses and one donkey, the crossing of the border begins.

9.2.4. The Journey

The police are at Melquiades' house. They found Norton's wife tied to the chair around 9:00am and the sheriff keeps repeating the same words, "he is crazy." "He" refers to Perkins, who left Norton's uniform at Melquiades' place to let them know he took Norton with him. The human hunt starts. In the middle of the film the visual of the border returns, the arid space in-between two blending topographies.

We are, once again, at the site of the border under the prospects of a shooting by the law, and the opening scene gets duplicated. This time it is Sheriff Belmont who has the chance to shoot Perkins but cannot do it, partly because Perkins is not truly a "coyote" in human form. It is, indeed, impossible for the law to kill justice, which is what Perkins embodies. As much as justice has nothing to do with the law, the law needs justice as the supportive fantasy of its own abyssal structure (Derrida, 2002a). As the Sheriff lies down, unable to shoot, he immediately gets a call from the waitress that offers him a new sexual encounter. As in Norton's case, the violence of the law and its sexual fold are inseparable. Comparing the two of them, they are in a sort of chiasmic relationship. Norton moves from frustrated sex to misrecognized shooting. Sheriff Belmont moves from frustrated shooting to unsuccessful sex, as his car gets stuck in the road, falling into the crack in the road, the grounds' gap—the ontological abyss of the land he just confronted in action. He settles the appointment with the waitress but is unable to fulfill it. He has Perkins in his sights but is unable to shoot. Finally, he is able to question the abstraction of legal enforcement in the boldest way: "what am I doing here?" What the law cannot know is precisely why it is there—why it's at the border, this place that the law outlines but from which it is, inevitably, excluded. Sheriff Belmont has

nothing to do at the border. The problem at hand is a problem for justice, a problem whose madness signifies its belonging to a register that is unintelligible for the law, a register for which the distinctions made by the law, legal/illegal, documented/undocumented, are equivocal and prone to slippage. Here, the law encounters its inadmissible residue, what both exceeds the law and continues to haunt it: justice.

The road is a difficult one and there is a cost to the crossing. Emphasized by a steep cliff, the border's symbolic transgression becomes all the more clear. Crossing means risking a fall into the abyss, leaving one's own self behind in order to confront one's lack of grounds, the void of the cliff. To cross means, figuratively, to fall—to fall onto the other side of the law, into the abyss of symbolic meaninglessness. The cost of the crossing, for Perkins and Norton, is one of the horses—the one that carries the supplies, the one meant to help ease the crossing. The documented/undocumented binary cannot be easily transgressed. The horse falls because it follows the donkey, the animal of parody in this rich economy of human/animal symbolic assemblages. The film performs its own parody, not of Hegel's, but of those interpretations that read teleology into Hegel's dialectics. Humanism culminates not with the Spirit on horseback, but with the falling of Spirit through the cliff after having received the kick of the donkey, the specter of dead generations that contaminates the spirit of living ones. This horse needs to die—the horse that represents security, that somehow grants the illusion of safety to this border crossing. Crossing with no proper documents means risking one's life; it means not having at one disposal the supplies to sustain it. Perkins and Norton are not crossing their border but Melquiades', that of the "undocumented," the one in precarious conditions,

under surveillance and material precarity. From this point of view, loss and precarity always accompany the crossing.

The falling of the horse—once justice completely evacuates the space of the law, into which it cannot ever be integrated—is repeated in the falling of the law, when the Ford gets stuck in the road's chasm. As much as the law cannot include justice, it cannot do without it; this is the last time we see Sheriff Belmont on duty. In the absence of Perkins, of justice's embodiment, the sheriff has absolutely nothing else to do, no role to play in this drama. Indeed, the only thing we know about the sheriff's continued story, after we see his impotence for the last time, is that he decided to go to Disneyland. The sheriff goes to the proper place of ideological fetishism, which constitutes the house of the law and sovereignty, subordinated to capital as the hierarchical structure of the Greek *polis* is subordinated to the pre-political displacement of the *oikos* as the space that guarantees the satisfaction of needs in the patriarchal organization of space. To put it differently, this is the place where the law finds itself most at home. There are no nauseating corpses in Disneyworld. Disneyworld is the place where the Real, that rotten corpse that cannot be incorporated into the symbolic order, is explicitly emptied.

From the sheriff's evacuation, the movie returns to the too-Real corpse that is still decomposing, nauseating in its over-presence. Melquiades, the "undocumented," is the body that is always either "not enough" to be counted among proper bodies, or "too much" for its economic integration. Having suffered a symbolic death, Melquiades cannot be counted. Having suffered a natural death that does not terminate his life—that locates him not between two deaths, as in Lacan's interpretation of Antigone, but between three deaths—Melquiades' necro-presence cannot be ignored. Melquiades is

either not visible enough or too visible. His form of being is always outside of balance, perturbing the equilibrium of the senses according to the norm—a lack or a surplus, depending on the circumstances. Perkins forces Norton to sleep at the side of Melquiades. In fact, Perkins seems not to be disturbed at all with this body-too-much. Like Antigone, whose desire is now associated with the underworld, Perkins' desire is completely attached to Melquiades' corpse, to its nether matter. Like Antigone, Perkins is willing to sacrifice his own life in order to protect something that he considers more meaningful than life—justice for Melquiades, the fulfillment of his promise, the performance of the proper burial. Perkins cares for a corpse, a nauseating corpse that is being eaten by ants in the scene. In order to protect the integrity of the corpse, to avoid the ants from chewing on it, as dogs and birds were chewing on Polyneices, Perkins even turns the face of Melquiades on fire.

Justice cannot undo the prejudice, the mark of the law. Melquiades is still a corpse—turned into a living death by the law, much like Creon puts Antigone and Polyneices in the same suspended space of ontological uncertainty between life and death. Antigone is an unseen speaking death, while Polyneices is a visible yet bodily death, able to effectuate change as a result of his lifeless presence. Antigone's desire to lay down with her brother in the underworld, with all its erotic connotations, is performed by Perkins, who lies down with Melquiades in the desert. Norton reacts viscerally when he sees Perkins caring for the rotting corpse of his friend. The smell of the burning lifeless flesh is too strong for him to bear. But there is something else, something more incomprehensible and, let's say, ethically nauseating for Norton. The law sees the performance of the impossible. The law turns the immigrant into a spectacle of horror for

citizens to behold, as when Creon decides that dogs and birds will chew Polyneices' body. The law expects fear and nausea. The law might even expect the subversive act as the corporal restoration of Polyneices, the covering up of the corpse from exposure and visibility. What the law can only understand as madness (and Antigone's madness too) is that justice desires not to restore this body to its properly pre-corpse status, but that it desires the corpse itself, stripped of symbolic attributes, reduced to raw flesh. Justice no longer fights with the law over the metonymy of signifiers, it embraces what it remains after all symbolic violation has been inflicted and the only thing left from the vacuity of the names is the rotten flesh, not as bare life, but as the status that exists when all other status has been stripped from the body.

Jones' film introduces two meaningful innovations in the script of the living dead. First, rather than covering up the corpse and protecting its integrity, justice operates by uncovering the corpse and even inflicting further damage on it (setting its face on fire) in order to protect it. Second, lying with the corpse is no longer temporally deferred to the future, as the act's anticipated futurity, but co-extensive with the act. The ethical act becomes an almost erotic caring for the corpse, better expressed in a future scene when Perkins actually tries to comb Melquiades' hair, seeking to restore its beauty not by reversing the process of decomposition but by breaking with the framework of beauty itself so as to find beauty *in* decomposition, the political sign of the grotesque. We see this extended onto a meta-theatrical level when Jones jokes in the commentary about asking his wife for some of her own hair. He claimed to have asked his wife, Dawn Maria Laurel-Jones (born in San Antonio, Texas of Hispanic descent), for some of her hair to burn as Melquiades' hair. He did it so as to, in his words, "get the proper sound of a dead

Mexican immigrant hair burning." She refused. Who knows what was more unacceptable to her—the racist ways in which Jones referred to Mexican immigrants, or the probably more disturbing sexual desire of Jones that such enunciation silently articulated. Either way, the meta-theatrical character of the joke elicits the sexual juxtaposition, it allows one to argue that if Jones were able to see Dawn Maria Laurel-Jones' hair in Melquiades', maybe Perkins could have also seen Dawn Maria Laurel-Jones' beauty in Melquiades' corpse.

This claim requires some additional clarification. It is the work of the law to turn the living Melquiades Estrada into the dead Melquiades México. Such is the signature of its violence. One possible strategy the law employs for such purposes is that of changing the content of the law, supplementing it somehow. This is the liberal strategy of acculturation and inclusiveness, which tries very hard to substitute the Kafkaesque insect that results from such metamorphosis with a more acceptable animal, frequently changing one stereotype and prejudice, that of the criminal-immigrant, with another, that of the model-immigrant. As I mentioned before, the symbolic construction of Melquiades in *The Three Burials* is not at all exclusive to that logic. The aim of such strategy is not to change the form but the content of political symbolization. In other words, immigrants are still depicted as "others," as "them." The othering, however, no longer operates through xenophobia but through xenophilia. Perkins and Antigone's actions describe a different strategy to that of liberal inclusivism. It consists in not-changing the content in order to change the form. The immigrant might be saturated with prejudices and stereotypes, circulated again and again by the law. Yet, they are indifferent to the metonymy of meaning—so indifferent that they end up embracing its most devastating

form, the form that excludes meaning altogether and becomes rotten flesh. This is still a *philia*, but a *philia* that no longer secures the locus of the foreign. It is somehow too much to digest, and ends up locating them, as happens with Antigone and also with Perkins, in the place of the legally-dead ones. Such a gesture, nevertheless, reverses the valence of the spectacle. One sees neither the excessive violence of the law that one must fear at the risk of suffering it oneself, nor its humanitarian neutralization, which tries to give the violence a neutralizing color. What one sees is the undoing of such violence by its transgressive embodiment of the place that the law defines, the place of inhumanity but from the abject side. One sees no longer the scene of the spectacular but the scene of the specular.

What follows this scene is Perkins and Norton's encounter with the seer, the prophet of the tragedy—a blind old man of the border. Our contemporary Tiresias lives on an impoverished ranch in Texas, very close to the US-Mexico border, close enough to listen only to Spanish music, distant enough to not have already learned the foreign language (the real place is actually located within Marfa and Cresidio County). The old man loves the sound of Spanish. He claims that he does not understand what it says, but the sentence betrays another meaning. He might not understand its semantic content, but he seems to understand its phonetic one. The asymmetrical forms of belonging are articulated in the sound of his music, tragedy *à la Nietzsche*, where the conflict is not universally neutralized through epistemological rationality (semantic understanding) but celebrated and encouraged through melody.

The old man smells the toxicity of the body, but Perkins does not reveal to him Melquiades' identity. He asks, however, for salt, for anything that might help him protect

the corpse, to keep it alive *as* a corpse. The old man offers anti-freeze and they fill Melquiades' corpse with it. It's perhaps the most proper material to use, for several reasons. Taken from its habitual context, anti-freeze reveals a more politically charged subtext. Normally it is used to keep a machine working, particularly under difficult environmental circumstances in which the machine is otherwise expected to freeze, to stop working. In other words, something that is actually dead labor, the machine, is artificially animated through the anti-freeze, which delays its ending point. Melquiades' condition, although different to that of a machine, resembles this situation given that he has been transformed into dead labor too, unpaid and unrecognized. Not as the labor that gets transferred, alienated, into an external object, but which suffers its own inertia in its subjective positionality, in the destitution of its condition through the international division of labor and the militarization of the border. This process, which Lukács analyzed as *reification*, then, renders that object, the machine end-result, as more valuable or more fully alive than the workers who produced it in the first place. The death of Melquiades takes place not with the end product (the capitalist structure that organizes capital-labor relations in such way that this inversion is enforced at the end) but with the lived process. He works because he is symbolically dead—because his symbolic death, his lack of papers, his unauthorized presence in the city, renders him cheap and disposable. The sovereign institution that guarantees such conditions of disposability is named, in the US, as ICE (Immigration and Customs Enforcement). As much as the alienating end product of capitalist *reification* is temporally extended in the everyday life disposability of cheap labor in the form of "unauthorized immigrants," the policing end-product of the imperative hailing, "freeze!" is sort of a temporally extended literalization

of the ICE institution. What the prophet offers Perkins, then, is an anti-freeze, an antidote against the policing imperative by which Melquiades' machine-like functions are endlessly reproduced.

The old man welcomes them both into his house and they pray and eat together. This ancestral figure acts like a hyper-paternal token that restores the troubled relationship between Perkins and Norton, who hold hands for the first time. The seer sees what the law cannot see, and his blindness, as in classical tragedy, denotes a stronger range of vision. The old man sees that Perkins is a good man, good enough to transgress the law. Physical or empirical blindness seems to be a condition for friendship. Otherwise, the body-too-much of Melquiades could get in the way. The old man understands that Perkins' violence is not the violence of the law but the violence of justice, the violence that cannot but enter into conflict with the law.[91]

The ethical demand of the old man represents another paradoxical moment of the film. He asks Perkins to kill him. He knows that two equally horrible deaths await him: starvation or suicide, and Perkins, a Billy Budd figure of goodness, might be the only one able to do the impossible, to mix violence with justice and offer him a way out. He looks for compassion. Perkins, the exemplar figure of justice, has already translated friendship into a diligent care for death. Another friendship has been restored in this border and the old man's request resembles that of Melquiades,' to provide a diligent care for death. Caring for death, in this case, means killing. Perkins' refusal resembles Antigone's political shift, from universality to singularity. Antigone's first law claimed that the gods of the underworlds demanded burial rites for all. Creon's distinctions of friend vs. enemy were no longer operative in the underworld for her. She, however, changed the content of

[91] This is precisely what Hannah Arendt reads in Herman Melville's *Billy Budd.*

the law and invoked one that, unlike the first one, referred not to mortal universality, but to the singularity of her brother. Though she did it for Polyneices she would not have done it for a husband (she could marry another one) or for a child (she could produce another one). Husbands and children are replaceable in Antigone's new economy of human relations. Polyneices is irreplaceable, singular in its irreplaceability. The old man faces Perkins with the universalization of his ethical commitment, not to make significant distinctions in this caring for death, even if both acts, caring for a corpse and killing a man, are by no means commensurable. Like Antigone, Perkins particularizes his ethical commitment. He does it for Melquiades but not for the old man. This is also the moment in which, probably for the first time, Norton understands that Perkins is not just crazy, as he repeated again and again when Perkins was filling Melquiades with anti-freeze. As happened with Creon, Norton sees the ethical value of Perkins' acts through the revelation of the prophet. Not so much because Perkins finally decides not to kill him, but because such decision troubles Perkins, more clearly expressed in the ridiculous excuse that he invokes in order not to do it. In other words, Perkins did consider the possibility of killing him. The consequence of that act is that Norton tries to deliberate. He starts to argue with Perkins, claiming that he is innocent, that he was shooting in self-defense, convinced that he can talk his way out.

Norton finally takes advantage of an opportunity to escape his destiny when another horse falls, this time, over Perkins. Importantly, Perkins decides not to kill him when he has both motive (his escape) and opportunity. Perkins was probably moved not by the content of Norton's arguments but by what that content implied in relation to Norton's ethical status. Norton's feet, like those of Oedipus, are then affected. A snake

bites his left foot. The corporal collapse of Norton follows his moral collapse. Norton has already seen the ethical value of Perkins' act through the interaction with the seer, yet he remains unable to face it. The snake's poison, then is actually its antidote. Norton's last resource—after being morally reduced to nothingness, to complete bad faith, to complete self-denial, claiming that he shot Melquiades in self-defense when knowing otherwise—is to shut down even his motor activities.

In the next scene we see another ethical act. The border patrol search party arrives at the home of the blind old man from the ranch, looking for Perkins and Norton, and the old man protects the secrecy of their crossing. He then rejects the help the Border Patrol offers him. Perkins and Norton are just men, for the sharpest vision of the blind seer. To them he gives and from them he demands. The Border Patrol is neither just nor unjust, *per se*; it is the force of law as the sublimation of violence. To them he neither gives information, nor demands favors.

Back to Norton's frustrated flight from his captor we see an exemplar scene of Hegelian dialectic. At the crossroads (as happened to Oedipus), future Melquiades-like migrants find Norton's unconscious bitten body, as if only at the crossroads could these scenes of recognition mixed with misrecognition take place. He is no longer the sovereign agent in police uniform, but an unauthorized immigrant, forced to cross the border illegally under the yoke of Perkins. As the coyote says, he looks too "jodido" (screwed) to be a "gringo." He looks more like the unauthorized immigrant he chases. The coyote decides to help Perkins cross the border illegally. The "help" costs Perkins another horse. It is expensive to receive some help in the desert and the crossing has a cost. The cost increases because in this alternative economy of human trafficking,

Melquiades' value is actually fully acknowledged as equal. Perkins cannot but agree, probably disgusted by seeing in this illegal economy a confirmation of his just quest for equality, for the equal recognition of Melquiades improperly materialized in the transaction that guarantees action. The real site of the crossing is Lajitas de Lengua in Rio Grande, and the mountains one sees at the other side are, in fact, Mexican mountains. However, the crossing is not actually performed. The crossing is the result of juxtaposing two shots, one in which they are seen as entering the river (about to cross it), and another one in which they are seen as getting out of it (having already crossed it), but the horses actually turn in the middle of the river and they never leave the US.

Norton's crossing coincides with Lou Ann's decision to finally leave him. Norton leaves the *polis* and Lou Ann leaves the *oikos*. Rachel watches as Lou Ann boards a bus that says, "All Aboard America!", with no clearly defined destination, finally crossing the border of the household. Norton, on his side, arrives at the house of a healer, Mariana, who turns out to be the previously unnamed unauthorized immigrant who he captured and injured both physically and verbally at the beginning of the film. Norton's physical life is in the hands of the woman whose political life he killed as an agent of the border patrol. On the level of the Real, the imagined Mexico of this scene is actually the real town of Redford. The features of the healer's house match the stereotyped vision of deprivation, pre-modernity and poverty as the characteristic features of Mexico as it is seen dominantly in the US.

Such conditions are better expressed in the "Cantina Liebre" (Hare Cantina), symbolizing speed. The cantina is the inverted mirror image of the old man's ranch. He was listening to Spanish. At the cantina, a little girl plays Chopin on an old piano. The

border that separates the North from the South is undone through music, which, as Nietzsche claimed, is a force of indistinction, a Dionysian principle of formlessness, yet it is not. Here, the separation further reinstates the border, fixating it in the stereotype the film itself reproduces. The isolation of the old man and his age contrasts heavily with the collectivity of the cantina-life and its youth. A helicopter and modern cars are our last views of US material life. Corn and cheap labor are our first views of Mexican life. The two settings in fact belong to the US, yet rational individualism and technological development are to be symbolically assigned to the North while collective life and raw materials are to be assigned to the South. The North is masculine (the old man); the South is feminine (the young healer). The North needs labor; the South has it in excess. The old man listens to a baseball game; the people at the Cantina watch a science fiction movie about trying to reach another planet. In this representation European music (a nostalgic solo-piano) belongs to the North as the South yearns it. The popular "corridos" (ballads in a collective ensemble) belongs to the South as the North yearns it too. Jones' film relapses into the most conventional colonial representation of Center-Periphery relations at the border, and delivers the colonial arrangement to aesthetic order. This is probably the film's greatest ideological gift. Not even in the symbolic, and precisely because of its explicit figuration of the US-Mexico crossing in those terms, do we ever leave the US, do we ever leave the imaginary the film seeks so much to contest unsuccessfully.

It is from the Cantina that Perkins finally calls Rachel, half drunk. He needed to cross the border, to fall into the abyss, to finally confront his real desire: he wants to marry her. Rachel is right, he does not understand. Bob is n-1 for Rachel. Bob belongs to the status of singularity that Perkins accorded Melquiades. In Rachel's economy, on the

contrary, Perkins is replaceable. He belongs to the metonymic chain of signifiers with which she can fill the satisfaction by constantly delaying it. Indeed, she loves Bob. She immediately hangs up the phone and this is the last scene for Rachel. Both lovers are equally lost for Rachel, one dreaming with a non-existent US in Disney, the other one dreaming with a non-existent Mexico in Redford.

Sexual frustration with Rachel, Perkins' realization of belonging to the replaceable form of [n…] rather than to the superlative form (n+1 or n-1) of singular irreplaceability, prompts his desire for Melquiades, for his own reciprocal n+1/n-1 codification of desire. This is the moment he uncovers Melquiades' face and tries to restore his beauty, combing his hair. Perkins' care turns Melquiades' corpse into a beautiful death. This lacanian beautiful death, this attempt at beautifying the corpse, is our last view of Melquiades' face. Unlike its classical correlative, in which the beauty of the hero is restored in its memorialization so as to cover its physical decomposition, the film tries to perform such restoration within the decomposed body itself.

But if this scene exemplifies one moment of *Antigone's* tragedy, that of Antigone's intimacy with Polyneices' corpse, the next one exemplifies the second most important moment, the conflict between Antigone and Creon. Norton finally wakes up, successfully healed by Mariana's herbs. He is no longer in the US but in the Municipio Los Lobos (the wolves), Chihuahua, at the symbolic level, as they never left Texas in Real life. After saving him, at the request of Perkins, Mariana settles the counts. She takes hot coffee, pours it over Norton's still open wound and breaks his nose with the empty cup. Verbal and physical injuries match each other, but an abyss separates their symbolic distance. Norton murdered her dreams of having a different life in the US. On

the contrary, she saved his life in her own house. He owes her his life; she owes him her suffering. Mariana, however, no longer faces an agent in uniform, but a physically diminished Norton who crossed a border without authorization. Norton no longer reacts with violence. On the contrary, he joins the gathering and helps them with the corn. There is no linguistic exchange between Norton and Mariana. Language has been the vehicle of violence between them. They now communicate through a subtle smile, as Mariana shows Norton how to strip the leaves off the corn. This smile does not reflect a happy reconciliation between them, but a transitory moment in the multiple and future scenes of conflict, co-constitutive of their relationship, suspended as a result of their transitory shared precariousness. Norton is no longer the police agent that chases her—in Rancière's vocabulary, the embodiment of the force that makes her into the part that has no part. Norton is someone whose life she saved, who has a debt to pay. There is a new economy, a re-counting of gifts, gifts of life and gifts of death, which are shifting the balance of power in her favor.

It is time for Perkins and Norton to retake their journey and leave Los Lobos (the wolves). Norton has to ride on the same donkey with Melquiades' corpse, now extremely decomposed. Yet, he no longer voices any complaints. Perkins decides to give him back his boots, to lessen the torture. They finally reach another group of Mexicans who are watching the same TV soap opera that Lou Ann used to watch in the house. The Mexicans welcome them and give them coffee, meat and liquor. The asymmetry of hospitality is undeniable. Immigrants from the south are welcomed with violence, persecution, state-terror, killing and improper burial on the militarized border. Immigrants from the north are received with free access to health services, labor training

and food. Derrida's coining of the term *hostipitality* disambiguates its paradoxical cohabitation by making hospitality into a sign of Mexico and hostility that of the US. One border is romanticized at the expense of the other.

Once again, the soap opera symbolizes what is taking place in this distribution. The female character of the show states, "it is always the same, it is always the same." This Benjaminian formulation of empty time, of ever-present sameness, emotionally hits Norton who, for the first time, understands what he lost. This is the first time that something from Norton's household returns to haunt him—this is Norton's old self, the capacious agent of sovereignty who acted always too fast, who raped his wife when she was watching the soap opera that enunciated the drama of their fading dream, "always the same." This is the Norton that can no longer recognize his prior self. Geopolitically displaced, having changed the conditions of vision, Norton is finally able to see the screen that was, during all this time, playing in his house. Seeing it means confronting the reality or unreality of his relationship with Lou Ann, the corpse-like dream of Cincinnati, the fictitiousness of their own, "there will always be a River Valley for us."

They are getting closer to Jiménez, now only 20 kilometers away in El Tostón. Unlike the immigrants they just left, everyone at El Tostón speaks English, yet they cannot help Perkins. Slowly learning the truth from the locals, Perkins comes to realize that Jiménez does not exist. Melquiades' family does not exist. They are all Melquiades' fabrications. Perkins is fulfilling a promise whose conditions of verification are not external to the act of promising itself, are not to be decided on the basis of conflicting factual evidence. The woman in Melquiades' picture is not Evelia but Rosa, and the children are not their sons but hers with another man. Rosa is a married woman, the wife

of Javier Martínez and she has never seen Melquiades in her life. She, however, pities Perkins and gives him one more chance to find out the truth—an interview with Don Casimiro who, in her words, knows everyone in the town. Casimiro, however, is also unable to help Perkins; Jiménez only exists in Melquiades' dreams. Everything was a lie yet Perkins continues to look for the promised site. On a meta-theatrical level, however, Melquiades is right. They cannot find Jiménez if they keep searching for it in Presidio county, Texas. As much as the US is a dream for Melquiades, the land of opportunities and not the land of his death and reiteratively damaging burial, México is also an imaginary. He imagined Jiménez as a ranch between two mountains with a stream of clear clean fresh war, a "heart-breaking beautiful place" in his own words. He described his dream to Perkins; now it is up to Perkins to honor that dream. Perkins now faces the challenge of sustaining the reality of Melquiades' imaginary, that is to say, the integrity of his character and the validity of their always-compromised friendship. He can only do so by restoring Jiménez to its proper place, by actualizing the dream. He now knows that Melquiades could not trust him entirely, that in order to craft a relationship with him, Melquiades needed to also play a role, to romanticize his native origins. Perkins, as an embodiment of justice, honors the lie because the lie carries a greater truth, that there was, between them, something more important than the factual accuracy of this description. That their terms are constatives confused with performatives. In other words, he has to traverse the fantasy, not to get rid of Jiménez, accepting that his friend lied to him, but producing Jiménez, retroactively creating the conditions that satisfy Melquiades' desire and Perkins promise of burial, as granting dignity to their story.

Perkins and Norton finally arrive at Jiménez, even though Jiménez does not pre-exist their arrival. The site is the by-product of the journey. It is the first collective product of this new couple, not the resolution of their antinomy but the productive consequence of their fractious and contentious relationship. They arrive at some abandoned ruins, which they name Jiménez, producing Jiménez as a result. After Perkins claims to have found it, Norton finally agrees. We understand that Norton's mission is not, as we might have considered all along, to bury Melquiades, but to certify the site. Norton retains something of the law within him, throughout the crossing. He must verify, that is, legalize Perkins' promise, and act as the official recognizing authority. Perkins promised to bury Melquiades in Jiménez, but the promise is unfulfilled if the law does not acknowledge that this place is, indeed, the proper site of burial for Melquiades. The impossibility of this movie lies in the unavoidable deficit of such action. Norton cannot be silent. Nothingness is not an option. As in the either/or of the law, Norton has to either validate or invalidate Perkins' claim. If he validates the claim, he reconstitutes himself as the perversion of the law because he already knows that Jiménez does not exist, because for the law factual evidence is everything. As in the perverted desire of Rachel, who enjoys herself as the sole spectator of paternal impotence, Perkins offers Norton the alternative to reconstitute himself as this perverted figure of the Father. No longer the precocious father who violates immigrants and women, but the one who pities his subjects, who does not have the strength to expose the vacuity of the promise, its profound emptiness, the unreality of Jiménez. If he does not validate the claim, Norton remains himself, against the odds of the journey, stripped of his legal status by the violence of justice, by Perkins. Norton's endorsement of Perkins manifests his compassion for his captor. The power that

Perkins offers Norton, as the authorial site of the law in its re-constituted form, is too seductive for Norton not to accept it. Norton agrees to play the symbolic role again, as the source of compassion as the reconstituted form of the law in this distorted economy of power.

For the first time, as a result, Norton and Perkins work together. They now have a project in common—they must re-build Jiménez. They try to restore the house, even improvising a roof. The household, the *oikos*, already lost for Norton, is materially re-produced for Melquiades. They clean the inside, invent a door and even add stones to protect it. They finally even name it for others to come, planting a sign that says Jiménez, Coahuila. The promise does not pre-exist its fulfillment. Jiménez, Melquiades' dream, is made real by their working together to fulfill it.

The meta-theatrical complexity of this location reveals something crucial for this alternative history of immigrant politics. The real location of the imagined Jiménez is actually 1-2 miles from Shafter, Texas, which was a mining town built precisely to house immigrant labor, to provide housing for miners. What is more, if we look at the underlying layers of history, the site of the film might actually have been Jiménez, Coahuila. The reclamation of this territory by the US does not eliminate its potential reclamation by others, Mexicans in particular, of another history that runs underground. This was Mexican territory before the imperial war— a war itself motivated by the effort to perpetuate slavery. Because it reveals the violent injustice of colonial occupation committed against Mexico, the imagined Jiménez might be more real than the real Shafter, Texas, whose own unreality is called into question. Figuratively, the impossibility of this place, where the law and justice temporarily coincide and, for the

first time, work together, coincides with the de-colonial subtext of its meta-theatrical slippage, in which Texas (Shafter) coincides with Mexico (Jiménez, Coahuila).

9.2.5. The Third Burial

The earth is too arid and Perkins and Norton lack the proper tools to bury Melquiades. Norton uses his own hands, as Antigone did, deprived of the proper tools. His hands bleed as he performs the last burial, the successful one. It is only after Norton has buried Melquiades that Perkins is able to forgive him. He takes Norton into a tree, puts Melquiades' photo in front of him and orders him to ask Melquiades for forgiveness. Forgiveness, as Derrida (2001) argued, has the structure of an ethical impossibility. Only the unforgivable can be forgiven, which is one of the reasons that the law cannot forgive, that legalized forgiveness is, on the contrary, a perpetuation of the injury. Norton asks for forgiveness. He claims that he did not want this to happen, that it was a mistake. He claims, in synthesis, what he has claimed since the very beginning of the journey. But the claim has changed because its conditions of enunciation have changed, not only in geo-political terms, moving from Texas to Jiménez, but in other ways too. Answering for Melquiades, Perkins forgives him. In this forgiveness the previous valence of forces between law and justice are rearranged. Perkins is the material translation of that forgiveness, and justice restores its proper place not by means of Perkins' forgiveness of the law, but through this gift that resigns violence.

Norton finally falls sleep, having emptied his guilt in the previous cry for forgiveness. The next day is a day of new beginnings—of Norton's rebirth. Perkins sets him free and gives him his horse, which was Melquiades' own gift to Perkins. The gift

sanctions the definitive asymmetry of power between these two forces, yet another different force continues to subordinate Norton. This is a moral rather than physical force. Norton ends up caring for Perkins, seduced into the economy of ethics, enunciated by Luc Besson, his only creative input, which appears as the final lines of the film, when Norton asks Perkins, "are you going to be all right?" The law cares for justice, as justice fades away. The law keeps the horse; justice leaves on a donkey, mocking the law one more time. As an animal of parody, the donkey underscores the fact that the law must return home riding Melquiades' horse—a Trojan horse, perhaps, now that the law has been turned and twisted in the space of an *a*-legality, where Melquiades was put and which others continue to inhabit.

9.3. Why Did Melquiades Need Three Burials?

It is time to return to the original question of this chapter—the structural enigma that translates *Antigone's* tragedy into melodramatic western of *The Three Burials*: why did Melquiades need three burials? Why did Polyneices need three burials? Three, a metaphysical number, is here a sign of excess. One burial should be enough. Three signals something about the body that refuses to be underground, reemerging again and again—the Real that keeps disturbing the Symbolic. And yet, why should bodies only be buried once? It is presumably because bodies only die once. But what happens when the body dies three times? Such is the case for Melquiades, Polyneices, unauthorized immigrants and stateless people more broadly. The current criminalization of the immigrant, the militarization of the borderland and the necropolitical policing of the city, kills them three times. The movie offers three burials for three deaths, three burials that

are equally unsuccessful in solving the political economy of this asymmetrical distribution of membership in which some need three burials to finally rest.

Hegel found in the burial the ultimate site separating the frontier between nature and culture, between the end-point of human life and the cyclical endlessness of the animal one. Death, which marks the finitude of the human, is transformed into a subjective act in burial, invested with meaning, inscribed in a cultural framework. Polyneices, the brother, is recovered from his return to nature, to the irrationality of the natural process in its cyclical repetition, by means of a ritualized act entrusted to his sister, Antigone. Such an act guards the border between human and animal, culture and nature. It is through the ritual of the burial that death is also produced as the natural fact grounding the ritual. It is through the burial itself that the dichotomy between a natural death and a culturally invested act of burial is reproduced and further codified as family business: "The duty of the member of a Family is on that account to add this aspect, in order that the individual's ultimate being, too, shall not belong solely to Nature and remain something irrational, but shall be something *done*, and the right of consciousness be asserted in it" (his emphasis, Hegel, 452 [270]).

The burial separates something that happens naturally, a world from which agency is emptied (the non-human domain of nature), from the world that repositions human's agency as the master of its architectural center. What is at stake in burial, then, is death—the (in)ability to distinguish human finitude if abandoned to natural processes of decomposition without some cultural mark. Non-burial undoes the border that obliges humanity to confront its own productive power, the melting solidity of its own fictions. Non-burial has two equally frightening consequences for this model of mastery. First, by

undoing the border "we" become the very nature "we" claim to dominate, the cyclical time that passes and from which agency is evacuated. The second, that such realm appears no longer as what it is, but as what it has done, as socially and politically constructed. Rather than reducing humans to the nature from which they try to distance themselves, it reduces nature to one of human fictions, into the fiction that supports humanity's own exclusive membership to its ontological difference.

Hegel relapses into essentialism when he solicits the supplement of gendered blood-relationships, entrusted to transform and secure what the undone burial reveals as a fiction: "the abstract natural process by adding to it the movement of consciousness, interrupting the work of Nature and rescuing the blood-relation from destruction; or better, because destruction is necessary, the passage of blood-relation into mere being, it takes on itself the act of destruction" (452 [271]). What the unattended death threatens, for Hegel, is not death itself—the governing architecture of the scheme—but the equilibrium of the sexes—the cultural frame that makes death intelligible as a natural phenomenon by sublimating it into a performative act that confers meaning upon it. Burial requires the supplement of gender, the gendered sublimation of sexual difference that finds in the brother-sister relationship the new anchor of ethical immediacy in its natural equilibrium. The deconstruction of nature-culture is displaced, safeguarded in the naturalization of sexual difference. The positing of natural death as prior, as the ontological ground of the burial, which is in its turn re-signified as its cultural wrapping, requires Hegel's dialectics to relocate essence in the naturalized supplement of gendered blood relationships.

These relationships, however, are less fixed and ultimately irreducible to the Hegelian system. The produced sexual difference articulates two different forms of membership whose places are not easily divided topographically, as if one belonged to the *oikos* while the other to the *polis*. Rather, the sexual differences gloss two different articulations of the *oikos*-*polis* assemblage—a masculine one (indebted to Creon) that seeks to naturalize the boundary, and a feminine one (indebted to Antigone and Ismene) seeking to de-naturalize it. "The Family keeps away from the dead this dishonouring of him by unconscious appetites and abstract entities, and puts its own action in their place, and weds the blood-relation to the bosom of the earth, to the elemental imperishable individuality. The family then makes it a member of a community which prevails over and holds under control the forces of particular material elements and the lower forms of life" (452 [271]). To the burial that marks death as such, demarcating individuality, Hegel entrusts the borderland that, in its turn, defined two different forms of membership, based on a sexual division that was not questioned.

The potential naturalization of this division constitutes the basis of Irigaray's anti-Hegelian interpretation of Antigone as the symbolic articulation of a different form of membership, the cosmological order of sexuate difference that uses blood as a graph to contest the patriarchal privilege. Burial produces death as the locus of nature, as that which needs to be controlled and written over as a cultural text. A stone must keep the body underground for the body not to come back. Language betrays the meaning it solicits to confer. The dishonoring presupposes the ethical emptying of nature from meaning, the field of unconscious appetites and abstract entities that culture still needs to somehow signify as nature.

Hegel grants burial rites a decisive ethical stance in the *Phenomenology*—one that, within the limitations of his dialectics, he then proceeds to domesticate through the supplement of gender. Before he keeps the sister within the household as the protector of the family and sets the brother into the public as the producer of the *polis*, the co-implication of death and burial becomes a deconstructive moment of the dialectic. Antigone, of course, upsets Hegel's dialectic logic in various ways. As Patricia Mills (1996) has shown: i) she remains in the *oikos* by engaging in a linguistic contestation that articulates public values or, rather, that exposes the domestic domain as inevitably bound to political arrangements that are pre-politically displaced; ii) she neither shows guilt for her acts—unlike Creon, who repents by the end—upsetting the equal ethical standard attributed by Hegel to both, nor does she act unconsciously, as Hegel claims when he says "She does not attain *consciousness* of it" (457 [274])—on the contrary, she knows perfectly well what she is doing and she owns her act in full consciousness of its consequences; iii) finally, she refuses the gendered fixation of women to the *oikos* by making them tokens of citizenship, essential for the reproduction of the system from which they are forever excluded, making them pass within the patriarchal economy from the natal family as sisters (in charge of caring for the sublimation of death) to the conjugal family as wives (in charge of caring for the reproduction of life). Antigone's suicide is, in all of its limitations, a refusal to participate in this patriarchal economy of exchange, a fixation of her desire that brings the Symbolic order into crisis. She does not die under the terms dictated by Creon; her death is another counter-cultural occasion for political dispute.

Where does the tragic rest? In the paradoxical equivocality of political frames that can never be ultimately fixed, but which are always open to contestation. Antigone brings justice into crisis by revealing another form of injustice—the one depriving her of action and speech. She articulates the terms of her exclusion through other terms that address her equal belonging to the community of speaking and acting beings from which she is excluded. Creon understands what is at stake, the symbolic order from which she is excluded for being a women and which has already proven its failures to contain her. It is the symbolic order altogether that is at stake. The sexual division of labor upon which the culture/nature divide seeks a new ground, displacing the artificial constructions of death as natural and burial as its cultural wrapping, becomes an object of litigation.

Antigone's actions produce a de-framing from which the symbolic order cannot recover. Antigone, who invokes the gap between divine and human law as devoid of substance, as the embodiment of *anti-generation*, refuses the foreclosure of the symbolic order through her hyperbolic attachment to the sole ethical position left to her, that of sisterhood. The social order wants to subordinate her status to the reproduction of the *gone*, of the race of the *polis*, but she refuses to do so. *Genos* returns to haunt the *polis* and Antigone divorces herself from it by her perverted attachment to it, excessive to the point of de-stabilizing the naturalized economy. She wants to undo the incest that haunts her family and the interpretative enclosure of her desire by articulating her desire with the equivocal referent, her brother (who might be her father). Bringing the family to an end, knowing she was always delivered to death, she frees a different space for Ismene who goes on living. What her death-drive characterizes, as the Real, is precisely the ruptural

aspect of her action in its ability to subsume the frame, the symbolic prohibition, in its excess.

She no longer does this by rendering the family absent, but by stressing the terms of their singularity in ways that are no longer civically bounded. Quoting Herodotus' story brings to the attention of the *polis* the previous injury suffered by Polyneices. The family frame is de-territorialized through the set of equivalences established with the Persian story, with which she builds another signifying chain. Antigone no longer fills the family with the unconscious immediacy of Nature, *à la* Hegel, but with culture and (geo)political supplement of foreign storytelling. Antigone invests the brother-sister relationship of natural immediacy with the non-immediacy of geo-politics, gaining an even greater sense of consciousness than Creon's. Persia erupts into Thebes. This is the blind spot of the system, whose cognitive terms are shifted. She moves from family to politics and then from family to geo-politics, constantly struggling against her being delivered back into the incest taboo, into the self-enclosed drama of *gone* into which necropolitics resolves the tension between biopolitics and sovereignty through immunitas. Her death-drive turns into natality, her refusals become the occasion for a different semantic articulation, as the agent that shows the limitations of the frame and opens up a different frame for her sister.

If *The Three Burials* is a commentary on *Antigone*, what kind of commentary is this? The film substitutes the brother-sister family enclosure with the proper geo-political drama of membership, honoring Antigone's deed in the classical tragedy through the friendship forged by strangers belonging to different cities. Doing so, *The Three Burials* remains faithful to Antigone's efforts to have a political rather than an ethical reception.

The politics of the film are also responsive to the geo-political injury that Antigone's speech acts want to redress. Such is the production of the border through the violation of the other, of the previously expulsed subject that, then, denotes the artificiality of the frontier. The film is equally responsive to the errancy of her desire, troubling the coding of culture/nature by refusing to domesticate such desire in marriage.

Melquiades occupies a similar position to that of Polyneices in the globalized distribution of membership through the nation-state formation under neoliberal conditions of capital accumulation. Melquiades is the undocumented immigrant without which the citizen would lose the grounds of its consistency. The documented subject needs the undocumented subject. For one field of the subject to be signified as "documented," another field of subject-positions most be produced as "undocumented," Such need is as much political as it is economic. At the political level, the "undocumented" offers the "documented" the limits of intelligibility without which it would lose its property-holding rights, the reification of the document as invested with the mystical powers to confer such political recognition. At the economic level, it enables the over-exploitation of her/his labor. Democracy continues to depend on the rest—those others who are excluded from its domain of signification, from the field of the document, yet without which the regime could no longer survive.

It is this economy that the refusal of Melquiades' body to disappear upsets. The body keeps returning and perturbing the symbolic order, nauseating the law that can no longer place it underground, given that there is no ground for Melquiades—his place is, in fact, the no-place of "undocumentation," the void of the Real. The law cannot cover up the body, put it to rest, make it disappear. The body-too-much of Melquiades is

unrepresentable in the symbolic order yet not entirely excluded from it. The symbolic order cannot accord Melquiades a proper name; all burials are signs of some deficit. Yet, Melquiades cannot be completely evacuated, he keeps returning and each return is more threatening than the previous one. Each return of the Real accumulates more destabilizing power against the symbolic order.

It is to the representation, to the level of the Imaginary, that Jones entrusts the new function of control. This is more clearly expressed in his romanticized depiction of a devastated Mexico. Jones' film is not about the Real, but about the parody of the Symbolic that the Imaginary solicits to suture its fictions when facing the challenges posed by the eruption of the Real. As the second moment in the Hegelian dialectic of the Spirit, it is the antithesis that produces the synthesis to posit the thesis as its origin. In the Lacanian dialectic it is the imaginary that produces the symbolic so as not to confront the real, the void, and the groundlessness of the subject that it produces through power relations. The honesty of the film lies in preserving the last burial as a fantasy, as an imaginary act that, like all others, one can only regard with disappointment.

Jones inverts the temporality of burial in *Antigone* in order to problematize the dichotomies attributed to Hegel (family/state, nature/culture, divine law/human law, etc.). In *Antigone*, it is the first burial that is imagined as it is reported. What becomes troubling in *Antigone*, as Honig (2011) has shown, is the possibility that Ismene performed the first burial, revealing the sororal relationship of political conspiracy that inaugurates a completely different signifying chain. This is especially true given the fact that the sister-sister relationship had absolutely no place in the Hegelian dialectic. Jones relocates the imaginary burial at the end, as the closure, as the traversing of Antigone's desire for geo-

political complexity. The imagined burial requires a multiplicity of crossings. In Norton, the law becomes the other of the law—the unauthorized crosser that he kills: the undocumented. This is Jones' directorial fantasy too, his own desire to become Melquiades in the form of Perkins, to be Melquiades' sister, to perform the rites for him and redeem the *polis*. This is, too, a fantasy of representative completion.

To further explain this I want to recover Žižek's insight that the triadic relationship is always more complicated than it seems—that there is always a real-Symbolic, a real-Imaginary and a real-Real. The real-Symbolic refers to the first death, the symbolic death that denotes the unrepresentability of Melquiades as well as the unrepresentability of Antigone. When Julio Cedillo performs Melquiades a documented actor plays an undocumented one. A man performs Antigone in the ancient festival of Dionysus. The frame already articulates and stabilizes the structural terms that it seeks to problematize. Melquiades is, indeed, undocumented. He cannot be within the terms of intelligibility structured by the document; he is excluded from the very beginning of the film. The vacuity of the real already informs and structures the symbolic. Neither undocumented immigrants nor women can play themselves. The first burial, the Real burial, is unsatisfactory because burial no longer marks the stability of the nature/culture divide with which it is entrusted. Melquiades is further erased by the very means of this burial. This is what Arendt referred to as, in the political chronology of total domination, the third death—the death of one's uniqueness, of the remaining meaningful existence that survives both natural and social death.

The second burial of Melquiades represents a greater deficit for the symbolic order. The family is not informed, nor is Melquiades actually buried. What the law buries

instead is a substitutive fiction of its own creation, Melquiades Mexico, a non-existent absence in the symbolic economy of the law. What the law seeks to cover-up here, instrumentalizing Melquiades, are the constitutive terms of the first murder it already owns—the murder of the juridical-political persona, of the imperial occupation of the foreign territory. Melquiades' last name thus becomes Mexico. This burial corresponds to what Arendt named as the first of three deaths—the death of the juridical-political persona in man, Melquiades' non-belonging to the symbolic order, which substitutes his last name (the Name-of-the-Father). Such burial not only erases it but also overwrites it—overwriting it with the location that it wants to bury, the other side of its territorial sovereignty. The political dimension of this burial is crucial, against any ontological relapse into a pre-political sexual differentiation. What enables all the other deaths to happen is this primordial political death. Politics is there from the very beginning. Conflict never leaves the frame—a conflict over who belongs and who does not, over incommensurable counts between beings and forms of Being.

The third and last burial refers to what Hannah Arendt called the second death, the one that refers to the moral persona, to the ethical act that, in the film, is successfully performed by both Perkins and Norton at the end. Such a success depends on the geo-political transformation of Norton and Perkins in the materialization of Melquiades' dream. Not only is Jiménez produced as a result, the political status of both Perkins and Norton has to change for the burial to be successful. The political requirement of that change troubles the success of the burial. To put it in other words, if this burial is successful it is because the mark of its success, as an ethical act, is its failure, as a political act. What Jones succeeds in doing, with this last burial, is showing that there can

be no moral resolution to this problem, that the solution can only be political. In order to understand the failure of the last burial I will make use of another Lacanian concept, that of the symptom. For the purposes of this reading I invoke Žižek's conceptualization of symptoms as:

> Meaningless traces, their meaning is not discovered, excavated from the hidden depth of the past, but constructed retroactively—the analysis produces the truth; that is, the signifying frame which gives the symptoms their symbolic place and meaning. As soon as we enter the symbolic order, the past is always present in the form of historical tradition and the meaning of these traces is not given; it changes continually with the transformations of the signifier's network. Every historical rupture every advent of a new master-signifier, changes retroactively the meaning of all tradition, restructures the narration of the past, makes it readable in another, new way (1989, p. 58).

Žižek's "retroactive rewriting of history" through the trace of the symptom comes handy for a de-colonial reinterpretation of *Antigone*, as I try to do with this juxtaposition of the play with the film.

In J. B. Baillie's translation of the *Phenomenology* there is an interesting interjection of Hegel's *Philosophy of History*, during the discussion of *Antigone* in the system of *sittlichkeit*. The translator calls attention to Hegel's rewriting of history as transitioning geo-politically from the East to the West, from Egypt's inability to solve the riddle of the Sphinx to Oedipus' satisfactory solution in Sophocles' classical text, which poses man as a question and thus founds the Western episteme for "the humanities." This retroactive rewriting of history is counter-acted by the historical evidence at our disposal,

one that in political ways never ceases re-writing the origin. Phiroze (2011) then speaks of a political process of Hellenizing Egypt, and Bernal (2006) of a Black Athena. Silences populate the invention of the East-West divide that Antigone's second speech symptomizes. As Antigone invokes, such is the law that belongs to a Persian woman. Antigone's quoting of the Persian story in the passage that even Goethe found so troubling, so out-of-joint, explains the limitations of the frame but also points towards its political rupture.

The three burials of Melquiades are not aggregative, as if one were to resolve what was somehow left unresolved in each previous one, as they are not in *Antigone*. They are all insufficient. There is a fault in all of them, a certain fatality that makes *The Three Burials* a tragic rather than a comic film, despite its powerful mockery of the law. The first burial relates to the existential aspect of the migrant. It is done in secrecy, in order to render invisible the violent conditions that render his singularity and uniqueness unintelligible for the *polis*. The second burial is anti-political. The political burial is substituted with the policing injury, referring to the substitution of Estrada with Mexico as naming the subject that is not a subject, that is de-subjectivized and engraved with the cross that perpetuates the colonial injury. This second burial repeats Melquiades' juridical-political murder, denying kinship through the misnaming and turning the other side of the border into an undifferentiated space, made to signify the burial site for non-existence. The last burial represents the moral act of justice, the actual materialization of Melquiades' much-dreamed Jiménez, without political transformation.

The ultimate success of the last burial rests in the honest depiction of its sub-textual imagery. In its Imaginary-form, what Perkins desires is not truly Melquiades but

Melquiades' death, his corpse-like transfiguration. Perkins, in that sense, epitomizes the "American Dream" in this dreamy-version of immigrant-politics: to have the labor without the worker, that is, the job done with its living source. Melquiades is thus crossed-back and "properly" buried in a non-existent place, Jiménez in Redford. This is not a potentially de-colonial alternative, a rewriting of history from the perspective of Antigone's Persian invocation. This is the final relapse of imperialism from political confrontation to moral consolation, a moral consolation that not only does not challenge it but actually upholds the political constructions of the "other" as "the other" and reproduces the material conditions of possibility for these deaths to become normalized.

If the stranger needs three burials it is because (s)he suffers three deaths. The first one is a political death, and it establishes the conditions of possibility for the other two deaths to take place. The first one refers to the murder of the political-juridical persona that sanctions her/him into social death. The second death refers to the physical death, as it has already been facilitated by social conditions exposing such lives to greater state-sanctioned violence. The third death refers to the existential death that kills what survives both the social and the natural death in the memory of the community, which refuses to participate in the injury by remembering the individual. Polyneices receives the first death when his brother ostracizes him, making his return to Thebes equivalent to his death. His second death takes place through fratricide, and his third death through the interdiction of burial. Melquiades' first death is demarcated by the unauthorized crossing. Agent Norton inflicts the second death on Melquiades when he kills him with impunity. The burial of Melquiades Mexico in place of Melquiades Estrada inflicts the third death, where the sate murders his memory, the meaningfulness of his existence.

Both narratives of burial differ significantly in their commentary on political justice. In *Antigone* the narrative moves from private burial in secrecy (performed by Ismene probably with the complicity of the guards) to private burial in public (performed by Antigone in defiance) to public burial in public, which properly honors the memory of Polyneices. In *The Three Burials*, the narrative moves from private burial in secrecy (performed by Norton to hide the crime), to public burial in public, which constitutes a greater injury to the stranger, to private burial in secrecy (performed by Norton and Perkins when they have already crossed the border). Thus, the juxtaposition of *Antigone* and *The Three Burials of Melquiades Estrada* reveals a significant shift in the exercise of power that explains the temptation of such an Imaginary solution. If non-burial marks the violence of the law in *Antigone*—the interdiction of mourning—it is burial itself that marks the violence of the law in *The Three Burials of Melquiades Estrada*. This new regime of power collapses recognition with destitution—it is through the very same terms of recognition that the violation of the other now operates, a probably more insidious and difficult to contest type of violence for which burying the body is not enough. The public burial performed in public no longer constitutes a scene of restitution but an even greater violation of the other's humanity. If such burial, in *Antigone*, was able to achieve some level of justice, it no longer grants any justice in *The Three Burials*. The law has probably never been so violent, nor has it been so impotent, so much that it now solicits our pity and compassion.

CONCLUSION

ANOTHER SCRIPT FOR ISMENE

1. Hospitality and Beyond

The three Theban plays promote hospitality as the proper civic attitude to have with a stranger for the sake of the city. On the one hand, the cities that are hospitable to the stranger: Athens (Theseus welcomes Oedipus and Antigone) and Corinth (the city offers an adoptive family to Oedipus), are the ones who succeed. The opposite, on the other hand, follows for Thebes, which expulsed Oedipus, Polyneices, Antigone and Ismene, collapsing as a result of the improper treatment of those it had itself turned into strangers. Additionally, the success of Athens and Corinth was deeply intertwined with their particular gestures of hospitality. Polybus, ruler of Corinth and adoptive father of Oedipus, flourishes with the arrival of the stranger from Thebes, and becomes sick after his adoptive son's departure. Theseus wins the war against Thebes in the unmarked site of Oedipus' death at Colonus. The fate of Thebes is equally inextricable from its particular gestures against hostility. Eteocles produces his murderer, Polyneices, as happened with Laius, who produced Oedipus as the carrier of his dreadful fate. Creon's mistreatment of the exiled body transforms his house into a cemetery.

It is also the case that when hospitality is rejected in favor of hostility—as happened with Oedipus' rejection of Corinth's second gift, to make him their ruler after Polybus' death, or Polyneices' animosity to his sister's words when trying to dissuade him from going to war against Eteocles—the potentiality of a second life for the characters in question is turned into their second death. But hospitality cannot be entirely

divorced from hostility, as Derrida (2000) knew when he coined the term, *hostipitality*. It is in the hospitable encounter between strangers, despite the constant and mutually understood risk of hostility (the Theban and the Corinthian shepherd; Antigone and foreigners at Colonus), that actions can result in transformative political effects. On the contrary, when hospitality is immediately sacrificed to hostility, death and violence await the city (the case of Eteocles and Polyneices; Creon and Oedipus).[92]

The alternative agency of strangers allows for a re-conceptualization of democracy's relationship to political membership. This is what I read in the script of *Antigone*; it is also the resonance I see with contemporary counter-politics staged by non-citizens today. There is a difference between the state of the world they contested agonistically and the state of the world their agonistic contestation brings to life. This second world should not be understood as free of power or conflict, as if their alternative agency were able to somehow constitute a pristine space of reconciliation able to subordinate current conflicts to their future resolution. This world is precisely the world of the conflict that it inaugurates. Hence, both worlds collide in the political act by which strangers re-signify their conditions of dispossession, the intensive instant in which they re-invent the state of being "stranger" as an alternative locus of speech and action. Though this reinvention does not, however, result in immediate inclusion, it does expose the limits of inclusion, the incommensurability between two counts of the community.

If strangers were fated to repeat this script forever, it would be because another norm would have neutralized their transformative energies. In other words, to read the script of *Antigone* as instantiating some kind of political transformation means also

[92] On the question of hospitality see Derrida (2000, pp. 75-150), Benhabib (2006, pp. 1-16) and Honig (2006, pp. 110-11).

learning how to let it go.[93] As Fradinger (2010b) has suggested, *Antigone's* 2,500 years of contaminating the western imaginary might very well be the result of not having received a proper burial. Stressing it, *Antigone* would be, as the unburied corpse of an ancient tradition, a sort of literary equivalent to the Marxist (2004) reflection on the materiality of history, for which "the tradition of dead generations weighs like a nightmare on the minds of the living." As in Gambaro's (1990) version of the play, Antigone should be furious for having to constantly repeat her sacrifice, as if unable to bring about the different world her political performance struggled for, as if continuing to signify the specter (*Gespensten*) that haunts the spirit (*Geist*).

Fradinger (2010b, p. 20) concludes her titanic prologue to Södrbäck's volume by tracing Antigone's prolific nomadism during the second half of the twentieth century, claiming that she, as many others, feels "unsettled at our apparent need to awaken her again and again," trying to "imagine a world in which Antigone can cease being undead: A world where she can either rest in peace—or live." To follow such an imaginary, however, means interrogating what we are left with in the end, in order to write a different script for the play's surviving character, Ismene. Political theory should resist the tendency to anticipate such a world in the prescriptive imposition of the normative aspirations that frequently govern its assumptions, one by which the contingency of the struggle is, once again, neutralized in the predicting mind of the philosopher who writes a

[93] In response to the pressing question posed by Fanny Söderbäck (2010, p. 4), about the possibility that the eternal return of Antigone might be a sign that we lack new imaginaries, making of "the very repetition of her story [an] indication of the static nature of political affairs," Holland's (2010) essay, which criticizes different appropriations of Antigone by Jean Bethke Elshtain, Mary Dietz and Linda Zerilli in the edited volume by Söderbäck, emphasizes the historical differences between contemporary feminist political thought and the kind of politics signified by the ancient heroine, so as not to idealize the past that such feminist tradition otherwise sets out to contest. Any contemporary appropriation, enlisting Antigone as a voice for a new subject-position and a different struggle for political membership, like the one I have attempted here, should be aware of those differences.

script that can in fact only be written by social struggles. Political theory can, however, describe the conditions of possibility for such a script to be written—written in both future negations and already enacted contestations by which these different forms of exclusion are made visible. Having this tension in mind, this refusal to evacuate politics in a power-free space, I define not a new script, but the conditions for Ismene's comedy to come.

2. The Conditions for a New Script

Antigone sides with those whose conditions of livability are significantly marginalized as a result of suffering the juridico-political murder of their *persona*, and defies the organizational principles governing the distribution of their existence in such way. It would be, however, deeply misleading to interpret this condition as an attribute of weakness, as when she and her sister are inscribed in the model of the "weapons of the weak" (Kirkpatrick 2011).[94] In fact, what the textual economy of the tragedy potentially shows us is a complete inversion of the conventional attribution and distribution of strength and weakness in the two main characters of the play.

Creon, the lawmaker who occupies the privileged sovereign position, is precisely the one whose laws are constantly ignored. The guards in charge of policing the body of Polyneices were complicit and plotted against him. As a result the first burial was committed in secret. They were able to confound the authorial site of the transgression successfully, when they reported the news, granting enough for Antigone to complete the second burial. Later on, in one of the most comic passages of the tragedy when Creon was complaining about the unbearable lamentation of Antigone, he commanded the

[94] For a critique of Kirkpatrick's text see Honig (2013, pp. 268-269).

guards to: “Take her away, quickly!” (A, 970 [880]). Not only did they disobey him, they even gave her enough time to perform her “infamous” dirge. Not even after her speech did the guards follow Creon, who was forced to reiterate: “Take her away. You’re wasting time–you’ll pay for it too” (A, 1020 [930]).[95] The guards were not the only ones disobeying Creon. Ismene and Antigone fought against him from the very beginning of the play, Haemon tried to kill him, and even Creon himself disobeyed his own edicts continuously, changing the punishment for Antigone and involving himself in its execution, a clear sign of impotence from the part of the sovereign.

They mock him again and again. Haemon turned the argument about gender, with which Creon tried to secure and stabilize the civic attachments of his son away from the dangerous influence of the stranger he was in love with, against his own father (A, 830 [740]). Antigone appropriated for herself the prerogative that Creon seemed to attribute only to his son (Honig 2009, p. 17); and Ismene performed a dialogue with her sister in which Creon, completely lost, could see only madness. Even the guards made fun of him. The sentry, after delivering to Creon the risky news that Polyneices had been buried, replied: “Please, may I say a word or two, or just turn and go?” to which Creon refuses, although he was unable to make the sentry stop speaking (A, 355-375 [310]).

As if this were not enough, besides disobeying and mocking Creon they also lectured him. Ismene asked him defiantly: “What? You’d kill your own son’s bride?” (A, 640 [560]). Antigone was even more challenging “And if my present actions strike you as

[95] Judith Butler (2000, p. 28) emphasizes another instance of the sovereign’s fallibility. Creon just published the edict for the whole city, Polynices must not be buried nor mourned, but when Antigone reports it to Ismene: “What, haven’t your heard? Don’t you see?” (A, 10 [10]), she is unaware of the edict: “Not I [Ismene], I haven’t heard a word” (A, 10-15 [10]). Ismene’s ignorance of the law exposes both: Creon’s dependency on subordinates for the transmission (publication) of the law, and the fallibility of the edict to arrive at those towards it was addressed.

foolish, let's just say I've been accused of folly by a fool" (A, 520 [460-70]). Haemon claimed: "What threat? Combating your empty, mindless judgments with a word?" (A, 845 [750]) and Tiresias replied angrily: "There. Reflect on that, tell me I've been bribed" (A, 1195 [1070-80]). The strongest reprimand came from the Chorus, which demanded: "No more prayers now. For mortal men there is no escape from the doom" (A, 1455 [1330]). Even the lowly sentry lectured him: "Oh It's terrible when the one who does the judging judges things all wrong" (A, 365 [320]).

Lectured, mocked and disobeyed by all, Creon was powerless to protect the city and forced to do what he strongly spoke against: to bury the body of Polyneices and recognize the divine justice of Antigone's acts. He was unable to punish Antigone and Ismene according to his edict; he was incapable of protecting his son and wife, both of whom committed suicide as a consequence of his actions. By the end of the play Creon could not even take his own life, finding himself in the very same position he tried unsuccessfully to disavow: that of the living dead. Indeed, the sovereign was, as Antigone claimed, a fool, the joke of a tyrant, a farce.

Antigone, on the contrary, appears as a very strong character—so powerful that liberal theories wanting to restore the ethical balance find themselves having to fight for Creon's side so as to reintroduce tragic ambivalence into the play. She convinced Ismene, who ends up claiming authorship for the burial of her brother, and forced Creon to bury Polyneices at the end. She buried him too and claimed authorship in public. She transformed her sister into a political agent, making claims from the illegitimate site of the uncounted and contesting the pre-political naturalization of her sex as making her unworthy of great political acts. She transformed Haemon, as well, who opposed the

arbitrariness of his father after she had already defied him. She also transformed the city's demos, de-territorializing their attachments and affects and making them receptive to her public performance. They called her deed glorious, according to Haemon—the deed of the one the sovereign called enemy, traitor, mad and criminal. She saved her sister in front of the sovereign, performed speeches despite the efforts of Creon to silence her and changed the political grammar of the law and its conditions of accountability. Defeating patriarchal tyranny and animating the people's will, inventing a new field for speech and action to be enacted by the improper subject against the sovereign's policing of the borderlands, and creating an alternative model of politics, first through the sororal speech-action she performed with Ismene, and second in the complicit, although silent, collective action she engaged in with the guards—Antigone was hardly a weak character.

Seen through the lens of the stranger, Antigone invites us to revise our received attributions of strength and weakness, active domination and passive insubordination. With this alternative reading we are no longer confronting an irresistible sovereign, endowed with an unsurpassable strength. The "weak" are no longer opposed to the "strong," nor to the imaginary that represents them as already defined by this model of subordination. A different future is more likely to take place if, as my reading of *Antigone* suggests, strength is redistributed and Antigone's capabilities to inaugurate a new world with others are adequately assessed. These are attributes conceived by several political theorists to be the exclusive prerogative of citizens as the iconic subjects of the political in democratic societies. Yet, as I have shown in this dissertation, they are also the attributes of non-citizens with even larger democratic implications.

3. The New Script for Ismene

What kind of future can we imagine after the public apparition of the stranger has contested the governing terms of her/his depoliticization? One that rests on the hidden transcript between the two insurgent agents: Antigone and Ismene. It is the latter, not the former, who is in charge of re-inventing the world again. Ismene is the remaining character, oriented not towards death (the mark of Antigone) but towards life, even if she also speaks from the uncounted site of symbolic death, deprived as she is of public voice for being a woman.[96] Ismene makes two appearances in the play. At the beginning when she refuses Antigone's attempt to convince her of joining in the defiant act of burying their brother, and by the middle of the play when she tries to join her sister in a shared responsibility for the forbidden deed. Ismene maintained in her first secret meeting with Antigone: "remember we are women, we're not born to contend with men. Then too, we're underlings, ruled by much stronger hands, so we must submit in this, and things still worse" (A, 75 [60]). By her second meeting, now in public standing accused of joining Antigone, Ismene claimed: "I did it yes –if only she consents– I share the guilt, the consequences too" (A, 600 [530]). Unwilling to remain silent in the end, it is my argument that Ismene's yet-to-come speech would promise an even more robust political implication. Once the Theban walls were destroyed with the poetic hammer of Antigone's sonorous voice there was no way her ungovernable speech could be confined again by the nomenclature of the sovereign, settling the grounds for writing a different script to the one of tragic sacrifice for her sister.

Antigone and Ismene shared with Polyneices and Oedipus their strangeness, but their stories and performances of foreignness differed considerably. Oedipus resolved his

[96] Recall Antigone's words "You chose to live I chose to die" (A, 625 [550]).

strangeness by becoming a sovereign who tortured the slave who first gave him his new life. Polyneices raised an army to kill his brother and defeat his natal city. Both narratives represent reincarnations of the sovereign's death-right, which created them in the first place. They were the nemeses transformed in mimesis. On the contrary, Antigone and Ismene engaged in speech and action in concert. Antigone invoked love (A, 110 [520]), trying to dissuade her brother from going to war in Colonus (OC, 1605-30 [1410-40]) and to interrupt the recreation of the sovereign upon the violated body of her ostracized brother, transformed by the sovereign's edict into a ghastly spectacle of fear-infusion and death-extension. This is also true of Ismene. She tried to protect the life of Antigone by performing the first burial in invisibility (if we follow the compelling evidence offered by Honig 2013) and then tried to join her in the public deed she did not perform, heretofore proposing action in concert.

Antigone's death is inextricably linked to Ismene's life. Theirs is a shared political ontology of sororal action from the point of view of solidarity among strangers who know how to listen and learn how to fight against the conditions marginalizing them. Ismene, however, has become the invisible character across the three Theban Plays, having been profoundly silenced in their many interpretations. Antigone, on the contrary, has been heavily and constantly appropriated for political purposes. It is ironically Ismene, the last survivor after the fall of the sovereign, who lacks a significant political role in the afterlife of the story. And it is towards such absence that I project not an aesthetic consolation but another political possibility. The political alternative that I have in mind does not subordinate the political confrontation in the constant need to defeat

systems of domination, which re-centers them as a result, but pluralizes the confrontation in the imagination of a different and more politically dynamic reality.

The three Theban Plays historically made up a now irrecoverable tetralogy. What I would like to suggest is that we can perhaps use this loss, this textual absence, as an opportunity to project an alternative script for Ismene by means of our political imagination—to think of Antigone's tragedy as an unfinished play, waiting for its next staged agon (not its happy resolution) in Ismene's comedy. *Antigone* would be for Ismene what *Oedipus at Colonus* was for Antigone—a transitional play in which Ismene acquires the political skills that her sister gained because of her foreignness. What Ismene learns in *Antigone* is how to turn a dispossessed condition into an empowering one, how to transform her ontological ambiguity into a site of affirmative locution for political confrontation.

What is the future we are left with by the end of *Antigone*, the one creating the conditions of action and subjectification for the yet-to-be written script of Ismene? It is one in which there is no patriarchal substitute left to occupy the policing-site of sovereignty, neither in the family of Oedipus nor in that of Creon. But more crucially, it is one in which the people of Thebes have shown their willingness to re-locate their solidarity from the ruler of their nation to the illegitimate stranger, to the defiant act of an anomalous woman from the east, who they considered glorious—inventing a de-territorial demos.[97]

[97] According to Haemon, in his speech with Creon: "But it's for me to catch the murmurs in the dark, the way the city mourns for this young girl. 'No woman', they say, 'ever deserved death less, and such brutal death for such a glorious action. She, with her own dear brother lying in his blood–she couldn't beat to leave him dead, unburied, food for the wild dogs or wheeling vultures. Death? She deserves a glowing crown of gold!' So they say, and the rumor spreads in secret, darkly…" (A, 775-780 [690]).

Given these conditions, we can imagine a script in which Ismene and the people act in concert, taking up their shared, politically produced ambiguity, against the normative framework demarcated by the sovereign police. After all, as contemporary theoretical accounts of the "people" have made clear, the "people" are precisely those who have no part among the parts officially counted in the community (Rancière 1999). The "people" are supplementary, they signify the impossible match between two counts, the count of existing beings and the count of officially recognized existing beings in the city. Can they act in concert with drives not associated with the nation-state but more agonistically de-territorial ones? Can we imagine a script in which the leitmotif of its conflict is no longer determined by the effort to defeat a territorialized policing patriarchy, but opened to animate an alternative mode of politics which is not predicated upon solid stable identities and nationalized democracies, but upon contingent and unpredictable forms of speech and action with de-territorialized fluid subjectivities? The conditions for Ismene's alternative speech act are more egalitarian, fluid and not anchored in a foundational sovereignty. Who will write such a script for the coming community: Ismene and the people, the stranger and the de-territorialized demos? What kind of new world is going to be born out of their yet-to-come conflictive, agonistic and concerted actions?

4. The Alternative Signifying Chain

In this dissertation I have read the figure of the stranger into the tragedy of *Antigone*. My aim was to show the undecidable trajectories constituting her ambivalent figure, which are produced simultaneously in both the figure of the sovereign and in that

of the stranger: by the sovereign, in his effort to externalize his violence and normalize the civic interiority in order to neutralize the otherness and radical alterity inhabiting it by separating "us" from "them;" and alternatively, by the stranger, who re-claims strangeness as an empowering name for political subjectivity. The stranger's reclamation of strangeness is one by which the illegitimate subject, and her/his unrecognized logos, make themselves audible and visible in the public space, disrupting it and de-stabilizing the norms and organizational/territorial boundaries of the space of appearances by which they are always excluded.

Emphasizing the latter rather than the former, Antigone's claim to be a stranger, her de-subjectification—the contingent/political re-invention of her "I am" —performed at least three counter-policing functions *for* the stranger:

i) She made visible the policing field and re-politicized its indistinctive and pretended de-politicized nomenclature by showing the contingency lying at its foundation;

ii) She established the conditions for a yet-to-come political possibility beyond the given order of the community in its organized dichotomous partition ("us" and "them"), one in which the ambiguous carrier of the threat, the criminal/rebel/traitor/terrorist/enemy needed not be the object of phobia, objectification, and alienation but of potentially conflictive and fragile solidarity;

iii) She contested the fixity of belonging in the no-longer clear separation between inside and outside, confusing the topological order between death and life through the inhabitance of the in-between, through the

> opening of a gap were fixation was interrupted and the opportunity for inventing other political subjectivities emerged.

It is this de-territorializing, life-affirming type of counter-politics that her agonistic interruption animated though her death drive, her resolute commitment to care for the dead. Her counter-political action was one in which strikes, demonstrations and protests are no longer sources of death-right for the policing order to normalize, but performative expressions of life from the site of the stranger's unrecognizability, potentially iterated by the de-territorialized demos acting in concert with the stranger and keeping alive the irreducible conflict with the *status quo*. Antigone invents a space for her action and speech to be seen and heard, iterating the very same norm by which she was excluded—her symbolically produced strangeness—with disruptive effects to the order producing her as the "other," as belonging exclusively to the disavowed exteriority of the "them." As a politically complex subject in whom different forms of subjectification overlapped, co-constitutive of each other, supporting and interrupting their logics, the messages of her risky act were multiple.

She made clear to the city that it is better to treat the stranger with hospitality rather than with hostility, even for the sake of the city. She demonstrated that the stranger as well as the citizen could be reinvented as empowered agents capable of transforming the world. Finally, she established the grounds for imagining an alternative future of de-territorialized democracy, one in which political membership would not be bound to territorial sovereignty but to reciprocal extraterritorialities animated by the concerted agonistic action between strangers who engage in conflict with the status quo and its governing exclusions.

5. Listen to the *Metic!*

It is both politically and literarily possible to reinvent *Antigone* for strangers in the twenty-first century. Such reinvention holds for the many who are symbolically produced as not-legally locatable, those who re-signify their ambivalent status between life and death as an alternative socio-political location of speech and action in equality with "others" and in active conflict with the order that renders them as such. By using the script of *Antigone*, strangers and their allies profit from its literary status, enlarging the scope of their audience in at least two ways: i) attributing resonance to the theme of the stranger by the cultural position historically allocated to the tragedy, and ii) opening a space of potential political coalition by making lawlessness politically translatable through Antigone's character, which de-colonial, feminist and other movements have also mobilized in counter-hegemonic ways. It is time to listen to the *metic*. It is time to hear Antigone's claim, "I am a stranger," and to address its challenge to the asymmetrical distribution of political membership in the One World we inhabit today. In doing so, we will be able to finally write a different script for Ismene, the one who remains.

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