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Exceptional tunings: controlling urban events

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Exceptional Tunings: Controlling Urban Events

ANDREA PAVONI

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ABSTRACT

This thesis is about space, law and control: how their relationship unfolds in the contemporary city, and how normative orderings emerge out of the urban mess, with particular attention to how this occurs in the extraordinary spatio-temporal context of mega events. The work is premised on the elaboration of an original spatial ontology through the notions of life, materiality and event, which culminates with the introduction of the notion of atmosphere and rhythm, and their folding into the concept of urban tuning. This understanding allows for re-thinking the spatiality and materiality of the urban from a non-dichotomous, immanent perspective, thus providing a novel way to investigate the spatiolegal configurations and the form they assume in the present-day city. Consequently, the thesis explores the exceptional relation between law, space and justice in modern and 'post-modern' times, by looking at contemporary forms of control and their on-going reformulation of urban space according to the twin requirements of consumption and immunity. Through this approach, I wish to push forward the urban and legal geographical debate, exploring the evolution of the spatiolegal into new, potentially oppressing logics of control, as well as delineating a radically material, ethico-politically worthwhile and strategically adequate concept of justice. Since I conceive urban mega events as paradigmatic contexts to investigate urban processes, I employ the 2010 World Cup in South Africa as the empirical testing ground for my conceptualisations.

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and a special mention to: **danilo** (for the presence) **ubu** (for the impeccable and meticulous work) **la cherie** (for the patience)

It was always the same places in the streets, in the houses or in the parks that set off my spells. Each time I entered these spaces, the same swoon and the same vertigo overtook me. Veritable invisible snares placed here and there in town, not any different from the things that surrounded them—with ferocity they lay in wait for me to fall prey to the special atmosphere they exuded. Were I to take a step, a single step, and enter such a 'cursed space,' the spell became inevitable. The spells belonged to me and to the places where they occurred in the same measure. It's true that some of these places contained a 'personal' malevolence, but all the others were found in a trance themselves much before my coming ... The doctor had prescribed quinine: another cause for amazement. I found it impossible to understand how the sick spaces, themselves, could have been cured with the quinine that I took.

Max Blecher

Non si teme il proprio tempo, è un problema di spazio

CSI

Introduction

City is contradictions, and seeking to overcome them is bad utopia: the city cannot be their peace¹

1.

As neoliberalism surfaces as the ‘new planetary vulgate’, world cities become the core of a market-driven process of state withdrawal from public services and social protection, with the resulting void filled by market forces and the symmetrical rise of state’s influence through restrictive social control measures, ad-hoc legislation and intrusive surveillance technologies, complemented by the boom of private-security.² The ‘entrepreneurial city’ goes global: the urban space undergoes dramatic reformulations according to the needs of business and financial sectors, consumption and tourism, and the everyday life is shaped by the rhythm of privatisation, commercialisation, ‘beautification’, securitisation.³ The city is increasingly fragmented into spaces of ‘controlled consumption’, where novel technological and legal security devices are tailored to the requirements of the consumer society, prioritising the need for every socio-economical transaction to be safe, predictable, efficient and cost-effective, and thus shaping the everyday life accordingly.⁴

¹Massimo Cacciari, *La Città* (Pazzini, 2009) p. 42 (my translation).

²Pierre Bourdieu and Loic Wacquant ‘New Liberal Speak: Notes on the New Planetary Vulgate’ *Radical Philosophy*, 2001, 2-5;

³T. Hall and Ph. Hubbard: *The Entrepreneurial City. Geographies of politics, Regime and Representation* (Wiley, 1996); David Harvey, ‘From Managerialism to Entrepreneurialism: The Transformation in Urban Governance in Late Capitalism’ *Geografiska Annaler. Series B, Human Geography* 71(1) 1989; after a phase of so-called urban de-industrialisation, in which capital flew out of the city to colonise the countryside, the last quarter of 20th century has seen a re-colonisation of the post-industrial city by capital, a process now occurring globally and at a relentless pace [see for instance Smith, Neil. *The New Urban Frontier: Gentrification and the Revanchist City* London [Routledge, 1996]. David Harvey has stressed that this process of capitalist urbanisation was structural to capitalism itself, that is, a necessity for the capital in order to absorb ‘the surplus product that capitalists are perpetually producing in their search for surplus value’ [David Harvey, ‘The Right to the City’ *New Left Review* 53, 2008, pp. 23–40]. It goes without saying that this process occurs always in extremely peculiar and context-specific ways, and this warns against any simplistic ‘globalising’ reading. See for instance the insightful contribution of Befu on this regard: H. Befu, “Globalization theory from the bottom up: Japan’s contribution”, in *Japanese Studies* 23(1) 2003, 3–22

⁴See Michalis Lianos, ‘Social Control after Foucault’ *Surveillance & Society* 1(3) 2003: 412-430; Clifford D. Shearing & P.C. Stenning, ‘From the Panopticon to Disneyworld: The development of discipline’, in A.N. Doob

As public spaces increasingly assume the aesthetic, socio-cultural and legal shape of shopping malls (the so-called 'mall-isation' of public space), private spaces like the shopping malls themselves increasingly carry out the functions once performed by marketplaces or city squares: 'mass private spaces' in which private ownership is coupled by public significance and functions, private and public security overlap, and surveillance and exclusion are tightly enforced.⁵ Complementing these processes is the 'neo-medievalism' of gated communities, in a dramatic symmetry to the imposed seclusion of sprawling slums and 'hyper-ghettos'.⁶ Unavoidably, the emergent aesthetics of consumption and security produces exclusionary effects on the so-called 'flawed consumers', those incapable to enter the cycle of consumption since lacking the resources and/or unwilling to do it: 'unfit' to be included in the society, they are situated "below, and thus outside, the class order", as the definition of *underclass* aptly, if discriminatorily, conveys.⁷

Of course, these changes are much more irregular and tentative than this brief overview conveys. Yet, their relevance in re-shaping the urban is out of question: they trigger deep ontological transformations which profoundly affect our being-in-the-world or more precisely, in the increasingly urbanised world in which we live, our being-in-the-city.

2.

The theoretical challenge to address these traumatic modifications has been especially taken up from the 70s onwards by a series of thinkers (e.g. Henri Lefebvre, David Harvey, Manuel Castells, Edward Soja, Richard Sennett, Peter Marcuse, Mike Davis etc.) whose critical perspective to the study of the urban, in radical discontinuity with the mainstream approach (e.g. Chicago Schools etc.), would frame and deeply influence urban theory in the following decades. Particularly inspired by the thought of Marx, and situated in a counter-position with respect to the *Enlightenment Project*, so-called *critical urban theory* assumes the investigation of the urban and its processes as absolutely central to gain insights into the

and E.L. Greenspan (eds) *Perspectives in Criminal Law: Essays in Honour of John Ll. J. Edwards* (Canada Law, 1984);

⁵ See Allison Wakefield, *Selling Security: The Private Policing of Public Space* (Willan Publishing, 2003); K. Gray and S.F. Gray. 'Civil rights, civil wrongs and quasi-public space', *European Human Rights Law Review* 1, 1999; Kempa, M; P. Stenning, and J. Wood. 'Policing Communal Spaces: A reconfiguration of the Mass Private Property Hypothesis', *British Journal of Criminology* 44 (4) 2004;

⁶ See for instance Nezar Alsayyad and Ananya Roy 'Medieval Modernity: On Citizenship and Urbanism in a Global Era' *Space and Polity*, 10 (1) 2006, 1-20; Davis, Mike *Planet of Slums* (Verso, 2006); on the notion of 'hyper-ghetto', see Loic Wacquant, 'Ghettos and Anti-Ghettos: An Anatomy of the New Urban Poverty.' *Thesis Eleven* 94, 2008, 1-7.

⁷ Zygmunt Bauman, *Work, Consumerism and the New Poor* (Open University Press, 2005)

logics, apparatuses, spaces and temporalities of neoliberal capitalism, and thus to detect its contradictions, unfold its hidden structures of power, ideology and exploitation, and eventually open the possibility for constructing a more just, equal and sustainable urbanism.⁸ It is not possible to offer an even brief account of the various relevant contributions emerged from this ambient. Likewise, an attempt to pinpoint their flaws would unavoidably result in brutal generalisations and simplifications. Yet, since the latter is what introductions are about, I argue that what many of these works appear to suffer the most is a certain imbalance, that is, a tendency to overemphasise economic and financial processes over other dimensions of city-life, as well as an excessive reliance on a rather deterministic structural-functionalism, often with the consequence of atrophying the possibility for social agency in the city, insofar as confining it only to direct, reactive, romantic or spontaneous oppositions to the logics of the capital. What seems to lack particularly, although with relevant exceptions, is a radical attention to *everyday life*, not simply understood as an oppositional and reactive dimension to the oppressive structures of capitalism, but rather as productive in its own terms, and thus inexplicable *only* through those lenses.⁹ Using terms I am to qualify more precisely in the first chapter, Martina Low rightly observes that many works within this field, notwithstanding their efforts to propose a recursive understanding of structure and space as mutually co-constituting, in the end provide an unbalanced picture according to which (capitalist) structures *produce* urban space whilst social agents can only at best *re-produce* it.¹⁰ In fact what seems to be shared across these works, notwithstanding their differences, is a common tendency to take for granted a series of problematic dichotomies (e.g. abstract/concrete, structure/space, global/local, power/resistance etc.). Corollary then is the propensity to confine instances of alternative and emancipatory political action into the supposed ‘concreteness’ of embedded, localised and face-to-face ‘direct action’, somewhat understood as more

⁸Neil Brenner offered a very useful overview of ‘critical urban theory’ in a recent article [‘What Is Critical Urban Theory?’ *City* 13 (2–3) 2009, 198–207]. As he summarises, critical urban theorists mostly share the following keystones of critical theory as epistemological foundation of their field of studies: the need for theorisation of urban processes under capitalism; the awareness of the historical contingency, as embedded in power relations, of every knowledge on urban question; the rejection of instrumentalist, technocratic and market-driven forms of urban analysis; the quest for “alternative, radically emancipatory forms of urbanism that are latent, yet systemically suppressed, within contemporary cities” (p. 204)

⁹Goonewardena stresses that significant in this sense is the relatively little attention that these authors give to such thinkers as Walter Benjamin, George Simmel, Guy Debord or even to key parts of Henry Lefebvre’s oeuvre (subordinating his works on ‘everyday life’ to the ‘politico-economical’ ones) see ‘Marxism and Everyday Life: On Henri Lefebvre, Guy Debord and Some Others’ in *Space, Difference, Everyday Life: Reading Henri Lefebvre*, eds. Kanishka Goonewardena et al (Routledge, 2006) pp. 117-133.

¹⁰Martina Löw, ‘The Constitution of Space: The Structuration of Spaces Through the Simultaneity of Effects and Perception’, in: *European Journal of Social Theory* 1 (11) 2008 – Although Low notes that this limit can be already located in the work of Lefebvre, it appears more evidently in the conceptualisations of some of his followers, most notably Harvey and Soja.

'authentic' and genuine *vis-à-vis* cold, reifying and oppressive capitalistic abstractions. More pessimistically, this sometimes leads to apocalyptic narratives of 'loss of control' in the increasingly globalised and de-localised world of flows. More optimistically, to the exaltation (within and beyond the so-called 'cultural turn' – see below) of temporary, actual or imaginary counter-spaces where to unleash the liberating and chaotic potential of urban life against the forces of domination.¹¹ More problematically, to the yearning for a different (or 'differential') urban space where the contradictions of the contemporary metropolis would be dialectically overcome, a post-conflictual utopia of peaceful and creatively-disordered deliberation where more authentic forms of human agency would be restored: a mythical space indeed, still relying on the never-abandoned and ideologically-troubling nostalgia for the ideal form of the Greek *polis*.¹² As I will emphasise in the following pages, both such an anachronistic nostalgia as well as the romantic and ultimately fetishising emphasis on the 'concrete' (as local, immediate, direct etc.) *versus* the 'abstract' are dangerously close to – and thus unwittingly prone to co-optation by – conservative politics, that on the priority of authenticity, roots and soils have always been grounded.¹³ Moreover, the promise to dialectically overcome the antagonism and contradictoriness of the urban in the end positions these works, rather uncomfortably, within the path of the 'pacifying' ethos of the very Enlightenment Project that it was believed they fought against. To be sure, these are admittedly ungenerous, although to some extent unavoidable, generalisations. I do not intend to overlook the significance as well as the singularity of many of these important contributions to urban theory. However, my aim here is to emphasise some of the problematic tendencies they share, tendencies that have been arguably prominent in conducting the field to what already twenty years ago Nigel Thrift defined an 'urban impasse'.¹⁴

¹¹For instance, the 'spatial tactics' of Certeau's urban dweller, whose transversal re-appropriation of the city constantly re-imagines and transgresses its rigid and panoptical logics; the liberating potential of disorder, as for instance in Sennett's famous book, or the strategic constitution of Temporary Autonomous Zones proposed by Hakim Bey. Certainly interesting, these works are ultimately unable to escape the tendency to romanticise the urban and its emancipatory potentials, and thus offer models of political action which does not seem to provide a truly ontological challenge to the given order. See Michel de Certeau, *The Practice of Everyday Life* (University of California Press, 1984); Richard Sennett, *The Uses of Disorder: Personal Identity & City Life* (W.W. Norton, 1992); Hakim Bey, *T. A. Z. The Temporary Autonomous Zone, Ontological Anarchy, Poetic Terrorism* (Autonomedia, 1985/1991)

¹²On the notion of 'differential space' see Henri Lefebvre, *The Production of Space* (Wiley-Blackwell, 1991). For a punctual critique of this concept and generally these 'nostalgic' tendencies, see Marcus Doel. *Poststructuralist Geographies: The Diabolical Art of Spatial Science* (Rowman & Littlefield, 1999)

¹³See for instance Slavoj Žižek, *The Ticklish Subject: the Absent Centre of Political Ontology* (Verso, 2000) pp. 258-67; Philippopoulos-Mihalopoulos, Andreas. 'Law's Spatial Turn: Geography, Justice and a Certain Fear of Space.' *Law, Culture and the Humanities* 7 (2) 2011, p. 6;

¹⁴The observation was famously moved by Nigel Thrift, 'An Urban Impasse?' in *Theory, Culture & Society* 10, 1993, 229-238.

As critical urban theory appeared to be in need of novel ways to approach the urban and its on-going changes, the so-called 'cultural turn' seemed to indicate the direction to follow. Animated by a post-modern ethos of hermeneutics, interpretation and deconstruction, this multi-faceted perspective played a significant role in shaking urban theory from its self-assured comfort, prompting a more accurate attention for "the significant banality of everyday life in the city" and its flowing and unpredictable character, as well as destabilising the rigidity of supra-structures in the face of the moving and flowing complexity of the world.¹⁵ These hermeneutical *dérives* of interpretation offered insightful ways to re-thinking and re-imagining the urban. Yet, the 'cultural turn' was not immune from shortcomings. Too often, its emphasis on the role of 'discourses', 'representations' and 'narratives' was still thought within a dualist approach. Whilst the order of the priority between structures and everyday life, discourses and buildings, strategies and tactics etc. appeared to be reworked – such dichotomies were still left unchallenged. Frequently, 'flowsy-flowsy' narratives of transversality, transgression and creative chaos surrendered to the temptation to aestheticise the urban, as well as to the highly-problematic ethico-political corollary of celebrating unpredictability and disorder as emancipatory *per se*.¹⁶ The 'cultural turn', in the end, seemed to be able to produce a merely epistemological and 'textual turn', falling short of addressing ontologically the urban question.¹⁷

If Marxist structures (especially in their more 'orthodox' acceptance) appeared to be too rigid to grasp the turbulent, common and conflictual materiality of the urban, postmodern hermeneutics proved to be far too loose. In fact, and notwithstanding their notable differences and often mutual antipathies, both attitudes in the end implicitly converge in assuming the city as 'a bounded unity and a stable object' of research, an ontological unity that is, either over-determined and dislocated by the capital or de-constructed and re-imagined by its inhabitants and their practices.¹⁸ A common assumption encapsulated in what Weizman defines as a conception of "space as simultaneously too soft and too hard", too hard since built realities are understood as "solid, fixed and unchangeable", too soft

¹⁵Ash Amin and Nigel Thrift. *Cities: Reimagining the Urban* (Wiley, 2002) p. 9; On the urban 'cultural turn' see for instance Michael Dear, *The Postmodern Urban Condition* (Blackwell, 2000); Watson, Sophie and Gibson, Kathie, eds. *Postmodern Cities and Spaces* (Basil Blackwell, 1995); Edward W Soja, , *Postmodern Geographies: the Reassertion of Space in Social Theory* (Verso, 1989)

¹⁶Amin and Thrift, *Cities*, op. cit. p. 150; Ash Amin 'Rethinking the urban social', *City* 11 (1) 2007, 100-114: p. 83; Understood in this sense, the trenchant definition by Storper of the urban cultural turn as a *mirage* – that is "something which is chimerical, fascinating, often beautiful, and possibly quite pertinent or useful, but which nonetheless leads us astray" – appears as quite pertinent. See Michael Storper, 'The Poverty of Radical Theory Today: From the False Promises of Marxism to the Mirage of the Cultural Turn.' *International Journal of Urban and Regional Research* 25 (1) 2001, 155–179: p. 155.

¹⁷See for instance the special issue of *Urban Studies* 36 (1) January 1999.

¹⁸Ignacio Fariás and Thomas Bender, *Urban Assemblages: How Actor-Network Theory Changes Urban Studies* (Routledge, 2009) p. 12

since assuming “the possibility of agency [as only] existing in the mere literal subversion of the existing”, i.e. in interpretative ‘re-imagining’.¹⁹ No surprise then if the initial reaction to the perceived impalpability the cultural turn’s interpretative ‘bulimia’ would be the symmetrical call for a ‘return to the concrete’, i.e. a ‘re-materialisation’ of the urban.²⁰ Again, it is not difficult to see the problematic character of this position, insofar as proposing yet another re-prioritisation internal to the very same dichotomies (material/immaterial, abstract/concrete, flows/solidity) whose ideological presupposition still leaves unchallenged.

What should be challenged instead, I argue, is not the strategic insufficiency of immaterial representations and interpretations, but rather their very assumption as immaterial vis-à-vis a supposedly concrete and material reality out-there – in other words, the ‘fixation with the binary’ that in different forms still plagues urban studies.²¹ The way out of the impasse does not lie in any reactionary ‘re-materialisation’, but rather in letting emerge the always-already material character of the tangible/intangible, human/nonhuman, representational/non-representational bodies whose moving associations constitute the urban.²² A *folding*, that is, aimed to “uncovering the material geographies of urban provision, and the intricate ways in which nature and culture fold into each other”.²³

3.

This is the thick breeding ground of inspirations and disappointments out of which the present research emerges. The firm conviction that guides me is that there is no possibility to produce an all-encompassing structure able to account for urban space once and for all: *even the most striated city secretes smooth spaces*.²⁴ On the other hand, resorting to the hermeneutical infinity of the postmodern flux of endless interpretations is of no use. Finally, it is not by reacting with horror to postmodern relativism by taking refuge on some supposedly ‘more authentic’ concreteness that a way out is to be found.

¹⁹Eyal Weizman, ‘Political Plastic (Interview)’, in *Collapse Vol. VI: Geo/Philosophy* (Urbanomics, 2010) p. 276.

²⁰As stated by Loretta Lees, ‘Rematerializing geography: The ‘new’ urban geography’ *Progress in Human Geography* 26, 2002: 101-112

²¹E. Pieterse, ‘Building with Ruins and Dreams: Exploratory thoughts on realising integrated urban development through crises’, *Urban Studies* 43(2) 2006, 285-304: p. 300

²²See Alan Latham and Derek P. McCormack. ‘Moving cities: rethinking the materialities of urban geographies.’ *Progress in Human Geography* 28 (6) 2004, 701 -724;

²³Amin, ‘Rethinking the urban social’, op. cit. p. 108;

²⁴Gilles Deleuze, and Félix Guattari. *A Thousand Plateaus Capitalism and Schizophrenia* [from now on: ATP] (Continuum, 2008) p. 551 (modified translation)

I understand the urban as an ontology of moving bodies, human and nonhuman, tangible and intangible: a word uttered on the phone, a code of law, a way of walking, an airstrike, a religious dogma, a book, a season, an idea of nation, an impetus of fear, the appearance of police forces on the street, the chant of hooligans coming from blocks away, graffiti on the wall, CCTVs hovering above, the popular feeling about CCTV, the expectation of a riot, of a job promotion, of an assault... The urban as a *multiplicity*, an immanent being-together of *bodies*, a materiality of objects, people, ideas, sounds, noises, expectations, affects: a dynamic and turbulent spatiality unaccountable either through the determinism of structures or the anarchism of flows.²⁵ I assume the social field as a vibrating agglomeration of agencies in which movements intersect, singularities stratify and then collapse, formations emerge unstably and then calcify more or less stably: a conflictual matrix of heterogeneous assemblages of bodies, multiple scales and juxtaposed spatio-temporalities.

Yet, this is not another postmodern celebration of disorder, uncontrollable flows and chaos. The 'shape' of the urban is neither over-determined by (supra)structures nor denied by incontrollable flows, but rather emerges immanently out of the common *spacing* of being-together, in all its turbulent, unpredictable, conflictual and nonetheless *ordered* character. If I agree with saying that in the city "no singular logic or unity may be assumed", this should not lead to a "simple displacement of the local by the global, of place by space, of history by simultaneity and flow, of small by big scale", but rather to "a subtle folding together" of such oppositions.²⁶ There is no separation between physical and ideological spaces, abstract structures and concrete everyday life, flows and 'solid rocks', discourses and buildings.²⁷ There is instead the way in which these elements 'get' and 'hold' together, the way in which different scales overlap and clash within the urban, simultaneously contributing to its solidification as well as opening the potential for its alteration. No opposition, that is, yet multiple concatenations and frictions. Order and disorder coexist and overlap in the urban space, and thus the challenge is to find a way to account consistently for how the urban is *tuned* – i.e. how normative orderings emerge immanently in the city – without resorting to conceptual binary-traps, cumbersome dichotomies or dialectical promises.

²⁵As I will have the chance to explain further later on, my use of the term 'body' is consistent with the Spinozist definition provided by Gilles Deleuze: "a body can be anything: it can be an animal, a body of sounds, a mind or idea; it can be a linguistic corpus, a social body, a collectivity" Gilles Deleuze. *Spinoza, Practical Philosophy* (City Lights Books, 1988) p. 127

²⁶Amin and Thrift, *Cities* op. cit. p. 150; Amin, 'Rethinking the urban social', op. cit. p. 103

²⁷This is the problem of David Harvey when he criticises "the reduction of everything to fluxes and flows, and the consequent emphasis upon the transitoriness of all forms and position", to which he opposes the need to look at 'permanences', i.e. all the "things, institutions, discourses" etc. which surround us, i.e. "the 'solid rock' of historical-geographical materialism" [David Harvey, *Justice, Nature & the Geography of Difference* (Blackwell, 1996) p. 7-8; As Doel rightly stresses, here Harvey is still assuming a supposed separation between 'flows' and 'solid rocks', leaving absolutely unchallenged the ontological separation which instead the materialism I am following seeks to debunk [Doel, *Poststructural Geographies*, op. cit. p. 17].

Accordingly, we need a special kind of constructivism, one which is simultaneously more 'abstract' than naive empiricism and more 'concrete' than social constructivism, 'between' or rather 'beyond' the sterile opposition between subjectivism and objectivism, as well as resolutely 'post-human'.²⁸ This entails looking at the way urban bodies enter in relation by producing socio-material assemblages whose solidity is never pre-given, but rather always potentially dislocated and exceeded by multiple possibilities – e.g. the potential for a new encounter, an aggression, a phone-call, a deluge and other more or less expected events which, even when not unfolding into *actual* occurrences, nonetheless constantly *haunt* and destabilise urban life. This approach, in other words, wishes to avoid any pacified and pacifying description, instead focusing on the encounters and clashes between bodies in the city; the combinations and frictions between the different, 'abstract and concrete' scales, processes and practices which insist in urban contingencies; the intensity that each situation harbours, the consequent potential for events to surface and the preventive practices aimed at its neutralisations. It is exactly in the relations, tunings, frictions, conflicts, excesses and events in which the getting-together of the 'bodies' constituting the city unfolds, I believe, that lie at the same time the privileged context of urban research, the battle-ground of biopolitical logics of control and the ethico-political potential for justice.²⁹

Moving from this suggestion, in the next part of this introduction I draw a brief cartography of the present thesis. The purpose is both to provide the reader with a compass to orientate through the chapters, as well as with the possibility to retrace the impulses, inspirations and doubts which have influenced the building-process of the thesis itself.

4.

An overarching question originally prompted this thesis: once we get rid of deterministic structuralism and yet resist the temptation to being swept into the interpretative vortex of the cultural turn, then **how do we account for the fact that the urban 'hold together' nonetheless, how is it *tuned*, and how are we to address its immanent ordering(s)?**

Answering to this question brought me a long way from the disciplinary confinement of urban 'studies' and 'urban geography'. Paramount, I believed, was to firstly subject the notions of space, matter and life to a critical rethinking. This, it goes without saying, required a trans-disciplinary ambition. These are surely promising times for doing so: the

²⁸See John Law, *After method. Mess in Social Science Research* (Routledge, 2004) p. 20

²⁹The concept of battleground is a reference to the work of Federico Rahola. The notion of 'mess' is a reference to that of John Law (see the precedent note)

mounting influence played across different fields by the philosophy of Deleuze, Merleau-Ponty, Serres, Sloterdijk, Latour and so on; the correlated geographical (re)discovery of the thought of Spinoza, Tarde, Heidegger, Whitehead, James, etc.; the recent turmoil provoked in philosophical circles by the ‘speculative turn’. The impulses of these (and other) inspiring tendencies keep generating a creative atmosphere conducive to novel, alternative and radical ways of thinking. Within this ambient, a markedly ontological shift deeply modifies the way of thinking and living the urban. Hitherto revered oppositions – such as those between individual and society, human and nonhuman, global and local, abstraction and concreteness – are radically overcome, as the attention turns to the affective, eventful, relational, material, excessive and overflowing geographies producing the urban. A significant and still tentative direction of thought, that is, whose potentialities require new concepts, theories, approaches and terminologies to be fully unfolded and used.³⁰ As Latham and McCormack observe, there is a

pressing need to increase the sophistication of the conceptual and empirical tools employed to think through the materiality of the urban ... to engage with the incorporeality of the material [providing] a way to holding on the expressive excessiveness of the urban³¹

This is the **first** objective of my thesis, i.e. critically reworking the concepts of space, materiality and life so as to develop conceptual tools to be used to think, observe and engage with the urban and its immanent orderings. As suggested above, this attempt was inspired by the need to go beyond transcendent and dichotomous perspectives, and thus to have done with their nihilistic presuppositions. It is on the (theological, philosophical, political) flirting with the concept of *negativity*, the related assumption of a *separation* between Being and non-Being (i.e. nothingness), and the corollary reliance on the notion of *operation* as a way to articulate such a separation into a given configuration, that I locate the paradigm of the instrumental will to *know* and *control* that traverses Western thought. With this observation, I do not wish to flatten historical differences and material contingencies into an all-encompassing and supposedly ‘original’ principle, one which moreover I would pretend to be able to uncover through nothing but another hubristic performance of that precise ‘will to know’. It is instead an attempt to indicate more precisely the philosophical attitude that guides this research, as well as to provide a point of reference through which appreciating its effort. In fact, this perspective proves instantly useful to qualify the key preoccupation which orients the first chapter: overcoming the rigid dualism of structuralism and the inconsistency of postmodernism, as it is seemingly done

³⁰Of course, I am far from being alone in this direction. Several authors are producing extremely interesting ways to deal with the urban by employing the conceptual intensity provided by novel philosophical directions. Many of them are touched upon along the thesis.

³¹Latham and McCormack, *Moving Cities*, op. cit., p. 718-9

through the emerging directions of ‘relational’, ‘affective’ and ‘materialist’ geographies, must be a carefully calibrated enterprise, if we are to avoid falling in yet another *cul-de-sac*. Although, as explained above, I have been certainly motivated in pursuing these ‘post-structural’ directions, at the same time I experienced a certain discomfort. The general atmosphere of enthusiasm, optimism and affirmation which pervades the uncritical acceptance of such concepts as network, relation, affectivity, movement, dislocation, multitude, unpredictability – simply put, did not convince me. This was something I began to elaborate especially through my parallel reading of the works of Gilles Deleuze and Giorgio Agamben beneath whose several differences, I believe, lies a similar ethico-political attitude, almost a ‘mood’, which is rather inconsistent with the reckless elaboration of certain ‘Deleuzians’, and whose creative potential I find as much at odds with the almost *de riguer* criticism to which the Italian philosopher is routinely subjected in contemporary debates. Very important in this sense was my still partial encounter with the in-the-making philosophy loosely gathered under the umbrella-definition of the ‘speculative turn’. In these at times brilliant and thought-provoking, as well as at other times simplistic and arrogant works, I found an exasperation with contemporary philosophy that chimed with mine. This did not necessarily lead me to endorsing these theories, or to fully engaging with them, since their multifaceted, still partial and scattered directions would have deserved a specific endeavour which is beyond the purpose of this thesis. Instead, I took inspiration from their fundamental claim, namely the possibility to somewhat overcome the human-world correlation so as to open up thought to the cosmic contingency of a world not-for-us. It is the powerful conceptual intensity provided by this *cosmic* dimension (cosmic since absolutely post-human and impersonal and beyond ‘worldly’ preoccupations), that gave me the inspiration to theorise the above-mentioned exasperation into a strategic approach.

Accordingly, I began to realise that significant problems emerge in the relational closures which theories such as Latour’s actor-network (ANT) appear to predicate, as there are in the uncritical praise of movement and dislocation of some post-structural positions. Are not these approaches risking reproducing both the totalising closures and the accelerated de-localisations which characterise the ‘world’ of contemporary neoliberal capitalism and its biopolitical logic of control? I certainly needed to develop a clearer understanding of the latter, and yet I already sensed the need to rework some of these perspectives, not simply dismissing, but critically challenging them. Born within this theoretical mood, the first chapter is an attempt to build an original ontology able to account for the relational character of being-together as well as for the material excess that always overcomes the reduction of a situation to its relations. To do so, I elaborate on the Deleuzoguattarian concepts of *virtual*, *machine* and *event*, so as to delineate what I term a ‘demonic vitalism’,

through which I seek to overcome the impasses of nihilism without falling into the contradictions of so-called 'naive vitalism'. Accordingly, I propose to understand space as populated/constituted by human and nonhuman, tangible and intangible bodies which are simultaneously singular and in-relation, always taken into concatenations and yet never exhausted by them: each body, and thus every situation is absolutely contingent, and as such always carrying an eventful potential that grants a capacity to swerve from being reduced the actuality of social, physical, biological, psychological relations.

Having defined my theoretical framework, I return to the question of the urban and its ordering, so as to define more precisely my conceptual tool-box. Two are the concepts I indicate in this context: *atmosphere* and *rhythm*, and consequently their affective and dromological folding into 'atmo-rhythmical' *tunings*. These tunings, I contend, must be understood as the immanent, emergent wavelengths in which the multi-scalar getting-together of the urban bodies is 'ordered'. Through this concept I strive "to be close to the phenomenality of practices, without relapsing into a romanticism of the everyday, and of action for itself".³² It is in other words a simultaneously phenomenological and ecological understanding, dependent on a notion of materiality that debunks any presupposed separation between abstract and concrete dimensions. I stress that I am not using these concepts as mere aesthetic devices. These tunings, through their immanent emergence, conflictual interplay and crackling frictions, are an absolutely *strategic* tool to explore the urban in its antagonist and eventful materiality. In fact, I suggest, it is exactly on the creation, shaping and contestation of these tunings that urban politics resides.³³

If at this point I have been provided with a way to look at the urban in creative and potentially productive ways, I sensed that the question of ordering needed to be addressed more directly. What is the concept of urban tuning, I asked myself, if not a way to grasp the immanent materiality of the normativity of the city? Although eschewing the reductionist temptation to posit it as an all-explaining trope, I contend that the 'spatiolegal' is the *fil rouge* connecting both the normative emergence of urban tunings, as well as the attempts to 'direct', 'steer' and 're-tune' them which characterise the logics, techniques and practices of contemporary neo-liberal capitalism, declined in the biopolitical modes of the post-disciplinary 'societies of control'. To unpack this suggestion, I needed to elaborate an understanding of normativity consistent with the theoretical lens so far constructed. **How to account in fully material terms for the interrelation between law, space and justice?** The

³²(*ibid.* p. 4)

³³Evidence of this is the relevance notions of atmosphere and rhythm are increasingly playing, more or less explicitly, in such fields as architecture, marketing, design, urban planning, art, politics, security and so on. See ch. 3

second chapter addresses this question, pursuing the thesis' **second** overarching objective, that is: providing an ontological conceptualisation of the triptych of law, space and justice, whereby setting the scene for the exploration of the urban control that will follow. In this sense, the second chapter builds a bridge between the spatial ontology of urban ordering developed in the first, and the discussion of the biopolitical forms of contemporary 'control' which I pursue in the third. It does so through three main steps. First, by employing and reworking the well-known concept of 'state of exception', I personally elaborate on the relation between law and space, indicating with the notion of *spatiolegal architecture of modernity* the exceptional configuration in which it has been articulated in modern times. Second, I discuss some compelling critical approaches by which this configuration has been addressed and challenged, especially focusing on 'relational' and 'deconstructive' perspectives. Although stressing their several merits, I detect two main limits in these perspectives, which brutally simplifying can be indicated as, respectively: on the side of 'relational' approaches, the inability to fully address the eventful dimension of the 'spatiolegal', which leads to a generally unsatisfying engagement with the 'juridico-ethico-political' question of justice; on the side of deconstruction (especially looking here at the contribution of Derrida), the inability to address in radically material terms the 'cosmic', non-juridifiable contingency of justice. Consequently, I observe, if on the one hand they prove effective in debunking and indeed deconstructing the spatiolegal architecture of modernity, these approaches appear unequipped to deal with the traumatic 'evolution' this configuration undergoes in contemporary times. Third, I conclude by proposing a fully material and demonically vitalist understanding of the spatiolegal (and thus of the relation between law, space and justice) in concatenated and excessive, relational and eventful sense. Through the concepts of space, materiality and life, I begin to sketch the contours of an affirmative biopolitics in which law is rescued from its 'exceptional' and 'operational', immunitary and appropriating mechanism, and oriented towards the dimension of justice, understood in radically excessive, eventful and material terms. In fact, complementing what I observed above, I believe that it is on the attempt to neutralise the eventful potential from the urban, and thus of the potential for justice to emerge, that the game of contemporary biopolitics is being fought.

Eugene Thacker notes that "any theory of biopolitics will also have to interrogate the morphologies of the concept of 'life' just as much as the mutations in power".³⁴ Novel understandings of the spatiality and materiality of life always trigger novel models of control. Every affirmative biopolitics is threatened by its dark side. Therefore: **what occurs**

³⁴Eugene Thacker, 'Nekros; or, the Poetics of Biopolitics', in *Incognitum Hactenus* 3 (no year) available at <http://incognitumhactenus.com/nekros-or-the-poetics-of-biopolitics/>

when it is the immanent normativity of life, the immanent tunings of urban life, to become the direct target of strategies of biopolitical control? Whilst reflecting on this, I came across a short piece by Karl Palmas, where at some point he demands: “are today's specialists on Deleuze and Tarde the social engineers of our time?”³⁵ In this question resonates the Situationist concept of ‘recuperation’, usually employed to indicate the co-optation (i.e. ‘recuperation’) and thus ‘neutralisation’ of radical artistic practices by Capitalism.³⁶ I realised that the above question needed to be complemented by the following: **what is the blind connection between contemporary forms of radical thought and contemporary forms of biopolitical control?** I decided to address the first of these two questions directly in this chapter, pursuing the **third** objective of the thesis, that is, accounting for the configuration in which the spatiolegal is re-shaped in contemporary times. I approach only partially the second question at this stage, since I fully address it in the final chapter and in the conclusion. The third chapter draws heavily on Gilles Deleuze notion of *control* in order to define the way in which the *spatiolegal architecture of modernity*, tied to sovereign and ‘dualist’ mechanism of exception, evolves – or more precisely, ‘folds’ – into what I term the *spatiolegal architecture of control*, i.e. the juridico-economical configuration (the real abstraction) that characterises neo-capitalist societies of late (or post) modernity (i.e. the so-called ‘societies of control’ and, more precisely, the contemporary ‘metropolis’). This signals the immanent, unauthorised and impersonal emergence of a configuration of bio-power, ontologically producing a world of systemic closure traversed by a cybernetic ethos of procedures, regulations and feed-back processes. Rather than an apocalyptic description of our doomed condition, however, this is a more pragmatic attempt to make sense of converging tendencies in the field of marketing, security and law, by looking at the configuration they take into the contemporary metropolis. To delineate this framework I join the ontology developed in the first chapter with the spatiolegal framework proposed in the second. This allows me to emphasise the way in which both ‘spectacular’ and ‘managerial’ sides of power appear to merge into processes of ‘modulation’ of urban tunings, in which commercial and securitarian logics are no longer distinguishable, consistently with what Thrift, after Sterling, terms the *security-entertainment complex*.³⁷ Eventually I introduce the notion of *brandscaping*, as a way to account more precisely for the way these converging processes unfold into the common objective of producing commodified experiences of safety and safe experiences of

³⁵Karl Palmas, ‘The Defence Minister’s new Philosophy’, in *Eurozine*, 12 February 2012, available at <http://www.eurozine.com/articles/2010-02-12-palmas-en.html>

³⁶Robert Chasse, Bruce Elwell, Jonathon Horelick, Tony Verlaan. ‘Faces of Recuperation’. *Situationist International* 1, 1969

³⁷Nigel Thrift, ‘LifeworldInc—and What to Do About It’ *Environment and Planning D: Society and Space* 29 (1) 2011, 5-26: p. 7

consumption in the city. In other words, simultaneously secured and enticing spaces stabilised by legal injunctions, pacified from conflict and antagonism, and defused from eventfulness so as to be safe, consumable and capitalisable. Originating from the realm of experience economy, the notion of brandscaping, I observe, allows for providing the concept of control with a more markedly spatial and affective nuance, and thus a sharper focus on its simultaneously phenomenological and ecological character. Moreover, it offers a useful methodological tool to explore urban control with reference to more direct and explicit attempts at ‘retuning’ the urban within specific spatio-temporal contexts.

The last consideration leads to the fourth chapter, where I set to explore the city of Johannesburg, in South Africa, in the context of the 2010 FIFA Football World Cup. There is a consideration guiding this chapter: i.e. that **‘mega events’** (such as the World Cup or the Olympics) **are not exceptions, but rather explicitations of emergent configurations of control in the city.** They are thus relevant both as an object of study in themselves, as well as, perhaps more significantly, as a methodological tool to explore the urban more in general. The **fourth** objective of thesis then is to explore the immanent ordering of Johannesburg (i.e. the immanent normative tuning of the assemblage of bodies, spaces and laws which populate the city), and then to account for the ‘World Cup brandscaping’, understood as a city-wide attempt to re-tune the city by reformulating its concatenations of bodies, practices and spaces. Special attention is given to the way the space of the city is reshaped into a network of interconnect geographies of care and control, security and entertainment, consumption and immunity. Of course, this case study can only partially illuminate the complex reflections which precede it. Yet, as a significant instance of urban ‘retuning’, that is, of brandscaping in-the-making, it provides a compelling context to ground and expand the conceptualisations developed in the first three chapters into the contingent normativity of urban space. Moreover, the chapter shows the relevance of the conceptual tools developed vis-à-vis the investigation of the materiality of the urban and its tunings, as well as the paradigmatic significance that the mega event plays in this regards. Finally, it also proposes a way to understand, use and perform ethnography as a unique tool for the researcher to ‘attune’ to the tuning of a city, and thus particularly apt to explore the contingent unfolding of urban phenomena.

In the fifth chapter I seek to draw together and somewhat project forwards the vectors so far extended. If the third chapter concludes with a rather threatening picture of a suffocating and event-defusing brandscaping, here I perform a recalibration by seeking to provide a partial answer to the overarching question posed by Sinnerbrink: **how to construct “a political philosophy and practice adequate to the deterritorialising dynamic**

of global capitalism”)?³⁸ The **fifth** objective of this thesis, therefore, is that of indicating a ‘counter-strategy’ aimed at reaching simultaneously the maximum degree of abstraction and concreteness, in this way offering a way to plug into and exploit the frictions and cracks in the apparent smoothness of control, to make ‘inoperose’ its exceptional operation, and thus open up the urban to its eventful potential, possibly conducive to the generation of alternative and potentially ‘just’ spatiolegalities. This strategy, I stress, is tied to an understanding of ethico-political action deprived of its operational hubris: inoperose acting, that is. To define the latter I sketch the contours of an ethico-political interventionism through a conceptual analogy, the image of the surfer, an abstraction *through* which I seek to achieve a consistent degree of strategic ‘concreteness’, whilst simultaneously preventing its recuperation within the deterritorialised ethos of control. Through another abstraction, the concept of *whiteout*, I thus propose to apply such model to the law/justice ‘relation’, thus seeking to overcome the seemingly inescapable alternative between a ‘justice within law’ and a ‘justice without law’. This allows me to gesture to an ethico-political strategy which tries to *stay* at the radical interspersion of law and justice, in their immanent and excessive spatiality, without moving beyond the terrain of the spatiolegal, but rather *forcing* law to transform *sur place*. The de-activation of its spatiolegal mechanism of exception, I contend, holds the potential for reorienting law towards a non-immunitary and inoperose *use*, opening its inescapable situatedness to the event of its taking place, i.e. its cosmic justice.

§

What is an assemblage [agencement]? It is a multiplicity which is made up of heterogeneous terms and which establishes liaisons, relations between them, across ages, sexes and reigns – different natures ... contagions, epidemics, the wind³⁹

A PhD thesis is an assemblage of different bodies, spaces and times. It emerges out of their conflictual encounter, between the contingency of its generation and the formal scaffolding to which it is expected to comply. Of course, a thesis is supposed to show internal coherence, clear-cut structure and ‘original contribution to the advancement of knowledge’. Yet, *this* thesis is deeply suspicious with the ethos of ‘result’, ‘coherence’ and ‘excellence’ which underlines these requirements. Of course, a thesis is necessarily all these things. Yet,

³⁸R. Sinnerbrink, ‘Nomadology or Ideology? Žižek’s Critique of Deleuze’. *Parrhesia* 1, 2006, 62-87: p. 85

³⁹Gilles Deleuze, and Claire Parnet. *Dialogues* (Columbia University Press, 1977) p. 69

it cannot be reduced to them. As the contemporary academic climate shows, if this occurs then research is de-potentiated from its intensive potential, made innocuous, and thus vulnerable to being co-opted.

Deleuze famously observed that two are the ways to read a book: one, by treating it as a “box with something inside”, to be interpreted and analysed by looking at what does it signify; another, instead, “relates the book directly to what’s Outside”, as “one flow among others ... into relations of current, countercurrent, and eddy with other flows ... flows of shit, sperm, words, action, eroticism, money, politics, and so on”. The question this second way of reading prompts is an eminently strategic one: “does it work, and how does it work? How does it work for you?”⁴⁰

For all its immunitary attempts to enclose itself into a self-contained box, a PhD thesis is as much a flow among other flows. Prompted by and seeking to answer specific strategic questions, it emerges from and contributes to produce problematic fields. Yet, it is not meant to overcome them by providing all encompassing solutions. Instead, it must create tools to traverse them each time, producing novel connections, creating new intensities, opening alternative lines of flight.

Accordingly, this thesis is conceived as an ensemble of mutually cross-referencing sections, multiple strata in non-linear relations, a rhizomatic interplay between various tools (i.e. different theories, disciplines, concepts, authors, examples etc.). At times their combination can generate confusion in the reader, a sense of theoretical overcrowding as well as uneasiness for some seemingly problematic juxtapositions. Some concept, author and argument may appear more times along the thesis, whilst other may be only briefly touched upon, thus seeming underdeveloped or decontextualised. Certainly, this is to some extent unavoidable given the number of tools the thesis wishes to employ, and the limited space in which they can be exposed. Yet, there are precise methodological justifications for this.

As Bryant observes following Lévi-Strauss’ notion of *bricoleur*, what counts is not the internal and organic coherence between the heterogeneous tools employed, but rather “whether the product formed from these parts manages to attain some degree of consistency in the formation of a new object.”⁴¹ More precisely, the aim of this thesis is not that of sublimating relevant differences into an all-encompassing and homogenous trajectory, but rather that of providing space for different ideas, positions and disciplines to encounter, so as to produce frictions and generate the sufficient intensity for the creation of new conceptual assemblages. Therefore, more relevance is given to the conceptual intensity

⁴⁰Gilles Deleuze, ‘Letter to a Harsh Critic,’ *Negotiations, 1972-1990* (Columbia Univ. Press, 1995) pp. 8-9.

⁴¹Levi Bryant, *The Democracy of Objects* (Open Humanities Press, 2011) p. 28

that the concatenations of these tools can generate, than to the possible destabilisation to the coherence of the thesis' structure that their 'misplacement' or supposed 'shallowness' could provoke. Simply put, not all the tools require the same degree of sharpness. Some are required to appear only in a singular combination, others are to be repeatedly and yet differently handled, deterritorialised and reterritorialised along the thesis trajectory, in this way gaining more complexity, theoretical depth and strategic edge. As it will be evident to the reader, such rhizomatic combinations and recombinations are certainly not meant to deny structure and order, but rather to produce a productive oscillation in the thesis, whereby keeping its structure open to its outside. Although this oscillation always runs the risk of dissolving the thesis into mere inconsistency, at the same time it is necessary, I believe, to keep it alive, open and flexible enough to produce something novel.

Therefore, the thesis is conceived as a rhizomatic space in a 'spiralling' movement, oscillating between its inside and its outside, often returning back to its steps, addressing different concepts more than once, only to propel itself forwards yet again, adding at each step more theoretical sedimentation and stability, as well as generating each time new holes in its structure, new lines of flight escaping its closure. The footnotes, to which I recourse extensively, play a key part in this strategy, simultaneously respecting the consistency and readability of the thesis, and yet at the same time boring holes through its texture through which gesturing to other potential directions. Lars Lerup proposed an architectural practice which strives to avoid the urge to produce a given, self-sufficient and finished work. He termed it 'building the unfinished', refraining from result-oriented ethos, yet without abdicating the task of building something: inoperose architecture, that is, making buildings able to 'make space' for the irruption of the potentialities, conflictuality and excesses of being-together, rather than preventively closing them off.⁴² This thesis wishes to do something similar, not simplistically and cowardly averting the task of achieving *a* result, yet pursuing its trajectory freed from the anxiety of *the* result.⁴³

⁴²Lars Lerup, *Building the Unfinished: Architecture and Human Action* (SAGE Publications, 1977)

⁴³After all, a thesis is nothing but a commentary on an implicit text, as in the famous book of Nicola Gomez Davila. This thesis wishes to be such a commentary, in the sense indicated by Masciandaro, that is, "not without, but freeing itself from results, from anxious care about what does not belong to us. Accomplishing nothing, commentary becomes *capable* of everything" Nicola Masciandaro, 'Becoming Spice: *Commentary* as Geophilosophy', *Collapse VI: Geo/Philosophy* (Urbanomics, 2010) p. 52

Chapter 1

Space Matter Tuning

This chapter elaborates the spatial ontology that sets the ground for the rest of the thesis. Three are the main tasks. First: defining space as ontological, immanent and conflictual getting-together of human and non-human, tangible and intangible bodies. Second: accounting for the singular 'double-structure' of such bodies and for the materiality they share. Third, addressing the emergence of ordering in the urban, that is, how rhythms and atmospheres immanently *tune* the urban being-together.

Two are the considerations orienting this tripartite task. First, as already anticipated, the need to fully overcome the 'fixation with the binary' which has characterised spatial thinking until recent times. That between deterministic structures and postmodern flows is a fake alternative that must be challenged, complexified and ultimately folded onto a different perspective. Second, the suggestion that the newly emerging directions constituted by 'relational', 'affective' and 'materialist' geographies, which I mostly endorse, must be critically challenged and carefully calibrated if we are to release their potentialities without falling into uncomfortable positions. The chapter is organised in three parts and an explicative *intermezzo*.

In the first part I reflect on the spatial promises of the so-called 'relational turn' in rescuing philosophy from the impasse of abstract and dichotomous thinking. I do so by sketching the unorthodox sociology of Gabriel Tarde and tracing its indirect influence into the 'sociology of association' of Bruno Latour's actor-network theory (ANT), as well as touching some of Heidegger's spatial intuition through their explicitation in Peter Sloterdijk's *Theory of Spheres*. The main problem with 'networks' and 'spheres', I contend, is their inability to satisfyingly account for the notion of event, i.e. the ontological excess without which their ontologies generate a totalising and suffocating spatiality in which the potential for ethico-political action is drastically defused.⁴⁴ The consequence is a troubling vulnerability to contemporary forms of biopolitics, or indeed a tendency to relapse into conservative thought. The paradigmatic form of this problematic outcome, I argue, is to be traced back to

⁴⁴See Bruno Latour, 'Spheres and Networks. Two Ways to Reinterpret Globalization' in *Harvard Design Magazine* 30, 2009: 138-144

the concept of negativity. In the intermezzo that follows I thus begin to sketch what I mean by that, addressing the notions of negation, separation and operation.

How to avoid the perils of negativity without falling into the affirmative strictures of a freezing relationalism? To begin answering this question, in the second part I elaborate the concept of materiality through a brief confrontation with Graham Harman that allows me to indicate my position more precisely. I then move to the thought of Gilles Deleuze and especially his (and Guattari's) concepts of *virtual*, *machine* and *event*, which I use as tools to delineate what I term 'demonic vitalism', thus proposing an understanding of space as a material multiplicity constituted by the getting-together bodies, which are simultaneously singular *and* in-relation, always taken into concatenations and yet never 'exhausted' by them.

The apparent mess in which the getting-together of bodies manifests itself always retains an "immanent capacity for order to occur".⁴⁵ This is the question that the last part of the chapter addresses. Two are the conceptual tools I introduce for this purpose: the notions of atmosphere and rhythm, whereby I wish to address the affective and dromological wavelengths through which the multiplicity of urban space is immanently *tuned*.

⁴⁵"immanent capacity for order to occur ... when the players fall in step with a certain logic". Palmås, 'The defence minister', op. cit.

Isolation Relation Event

*To exist is to differ*⁴⁶

1.

To begin with, this approach must be distinguished from both contractualist (or individualistic) and organicistic (or holistic) models of society, equally unable to account consistently for the ontological spatiality of being-together. Contractualist and neo-contractualist understandings simply de-spatialise social relations, depicting an ideal co-existence of rational individuals engaging in enlightened deliberation in order to harmonise and thus safeguard their particular interests. To put it simply, these models, so dear to Habermas, Rawls and their followers, are “spatially and materially blind”, and their prioritisation of rational communication leaves the ‘mysterious pre-rational solidarities’ constituting any ‘community’ unaccounted for.⁴⁷ On the other hand, organicist models conceive society as an autonomous organism which encompasses its ‘members’, a sort of ‘mono-spherical container’ (ontologically) separated from the individuals, whose smooth subsumption within its organic body would be guaranteed by institutional apparatuses. Most exemplificative is Emile Durkheim’s conception of a transcendent and all-encompassing society, in which individuals are subsumed by means of sharing ‘social facts’, that is, collective representations external to individuals, pre-existing – and thus unexplained – conditions for human agency.⁴⁸

It is against and beyond both perspectives that the work of Gabriel Tarde is situated. Tarde is a long-forgotten, recently rediscovered (mostly thanks to the work of Gilles Deleuze and, more explicitly, Bruno Latour) and at the moment quite popular figure of late-19th century French thought. Contemporary and great opposer of Durkheim, he vehemently refused the latter’s approach: according to him there are no ‘transcendent’ social facts, collectively

⁴⁶Gabriel Tarde, *Monadology and Sociology* (re.press, 2012) p. 40

⁴⁷Andrea Brighenti, ‘The Publicness of Public Space: On the Public Domain’. *Quaderni del Dipartimento di Sociologia e Ricerca Sociale* 49 (Università di Trento, 2010) p. 19; Peter Sloterdijk, ‘Foreword to the Theory of Spheres,’ in Melik Ohanian and Jean-Christophe Royoux (ed) *Cosmograms* (Lukas and Sternberg, 2005) p. 243

⁴⁸More precisely, *social facts* conform to certain *social types* and persist over time – social types are somewhat transcendental, superseding and binding society together [Christian Borch, ‘Foam architecture: managing co-isolated associations’, *Economy and Society* 37(4) 2008: 548–71 – p. 552]. This generality in Durkheim comes to found the resemblance between different societies around the world and the coherence within a specific society through time. Although, as Toews notes, Durkheim does not attribute to social types an absolute fixity, as implied by some of his critics, “he nevertheless does explicitly attribute to them a *relative* solidity” David Toews ‘The New Tarde: Sociology After the End of the Social’ *Theory, Culture & Society* October 20, 2003, 81-98: p. 90

shared among human beings as result of the existence of a 'society' which supersedes them.⁴⁹ There is no society, but rather *sociality*, an immanent and contingent process of emergence of social formations as heterogeneous agglomerations of human and nonhuman elements, affects, ideas, opinions, traditions, assumptions, things.⁵⁰ Against the presupposition of a uniform, coherent and homogenous society, Tarde asserts that "facts (including social facts) are contingent compositions emerging out of a complex of difference and repetition".⁵¹ Against the presupposition of a self-contained, self-identical individual, 'difference' is radically assumed as the original condition of existence, with identity being only a modality of difference, thus wholly inadequate as explanatory principle.⁵² Employing Leibniz's famous term, Tarde suggests that 'monads', rather than individuals, are the minimal component of society: monads are not given 'subjects', but rather agencies, that is, notions and prejudices, perceptions and expressions, knowledge and desires. Latour summarises it precisely:

In the same way as Tarde refuses to take society as a higher, more complex, order than the individual monad, he refuses to take the individual human agent as the real stuff out of which society is made: a brain, a mind, a soul, a body is itself composed of myriad's of 'little persons', or agencies, each of them endowed with faith and desire, and actively promoting one's total version of the world⁵³

This neither means to accept a chaotic picture of society, nor to deny the crystallisation of the social around stable distributions of ideas, feelings, opinions, practices: i.e. the emergence of orderings. However, differently from Leibniz's monadology, where a transcendent God guarantees the harmony, Tarde's neo-monadology conceives orderings as emerging out of the "immanent and constitutive action of every monad".⁵⁴ Controversially (as we are to see below), and clearly influenced by late-19th century studies on hypnotism, Tarde gave the notions of imitation and repetition a crucial role in accounting for the way order emerges in society and ideas ('inventions') are spread: "any specific innovation – for example the pronunciation of a word or behavioural patterns for standing in line – may radiate and create resonances by being repeated by many humans or other species, over

⁴⁹"instead of saying, like Durkheim, that we 'should treat social facts as a thing', Tarde says that 'all things are society', and any phenomenon is a social fact", Bruno Latour, 'Gabriel Tarde and the End of the Social', in Patrick Joyce (edited by) *The Social in Question. New Bearings in History and the Social Sciences* (Routledge, London, 2002) p. 122

⁵⁰As Accarino puts it, 'What matters in Tarde is the notion of sociality, rather than society, because the latter is to the former what the organisation of vitality, or the molecular constitution, is to the elasticity of ether' (my translation) in Bruno Accarino 'Peter Sloterdijk Filosofo dell'Estasi', introduction to Italian translation of Peter Sloterdijk, *Sfere I, Bolle* (Meltemi, 2009) p. 19

⁵¹Toews, 'The new Tarde', op. cit. p. 93

⁵²Gabriel Tarde, *The Laws of Imitation* (H. Holt and Company, 1903) p. 71-2: "Heterogeneity, not homogeneity, is at the heart of things ... Things are not born alike, they become alike"

⁵³Latour, 'Gabriel Tarde', op. cit. p. 121

⁵⁴Maurizio Lazzarato, *La Politica dell'Evento* (Rubbettino, 2004) p. 23

and over again”.⁵⁵ What surfaces is a ‘socio-biological’ model: likewise multi-cellular organisms, sociality is constituted by the imitative repetition and propagation of singular acts, or events, producing agglomerations which are always potentially variable (they can always be revolted regardless of their degree of solidity), to some extent unpredictable (we are never able to perfectly forecast if a single act, or idea, will spread enough to form a crystallisation), performative (dependent on repetition, movement, action), contingent (immanent to a spatio-temporal situation, to certain human and nonhuman agglomerations), and can undergo processes of standardisation through routinisation and even, more fixating, hierarchisation and reification into rules.⁵⁶

2.

Behaviour can no longer be localized in individuals conceived as preformed homunculi; but has to be treated epigenetically as a function of complex material systems which cut across individual (assemblages) and which transverse phyletic lineages and organismic boundaries (rhizomes). This requires the adumbration of a distributed notion of agency⁵⁷

A continuous and unavoidable co-interaction characterises sociality: by means of refusing notions of collective consciousness and pre-existent social laws, this micro-sociology offers a glimpse within the impersonal spatiality we are looking for.⁵⁸ A problem however surfaces as result of centring the functioning of social interaction on the notions suggestion and imitation, as Tarde does. Namely, the implicit assumption of social beings as absolutely passive: *automatons*, that is, ‘acted upon’ by repetitive processes of imitation, somnambulism, contagion.⁵⁹ This automatised model encounters serious difficulties when

⁵⁵Christopher Kullenberg and Karl Palmås, ‘Contagionology’, *Eurozine*, 2009, available at: <http://www.eurozine.com/articles/2009-03-09-kullenberg-en.html>; see also Christian Borch, ‘Urban Imitations: Tarde’s Sociology Revisited’, *Theory, Culture & Society* 22(3) 2005: 81–100

⁵⁶Remarkable is the prescience of this model. Take Tarde’s one-century old and yet extremely up-to-date (especially to the current social-networked society) description of the ‘perfect and absolute’ form of sociality, as “such an intense concentration of urban life that as soon as a good idea arose in one mind it would be instantaneously transmitted to all minds throughout the city” [*The Laws of Imitation*, op. cit. p. 70]

⁵⁷Keith Ansell Pearson. *Germinal Life: The Difference and Repetition of Deleuze* (Routledge, 1999) p. 171

⁵⁸To qualify, Tarde’s ‘microsociology’ assumes the individual as a macro extension of micro-processes. It is thus different from Ervin Goffman’s ‘microsociology’, which instead looks at inter-subjective relations between already-formed individuals, assuming a dichotomy between ‘represented’ and ‘inner’ self, and defusing society’s conflict into a fluid and smooth interaction order. See Borch ‘Urban Imitations’ op. cit., and John Law, *After Method* (Routledge, 2004) p. 56

⁵⁹When assessing the use of these notions, we should also take into account the role played on Tarde’s work by the contemporary surfacing in Europe of the turbulent, fascinating and frightening phenomenon of *urban crowds*, in a context in which rapid urbanisation was being matched by ever-increasing political demands. See for instance Christian Borch, *The Politics of Crowds* (Cambridge University Press, 2012); Andrea Mubi Brighenti,

having to account for the emergence of the new. As Brighenti argues, this threatens it to fall back on the perspective it was seeking to eschew, i.e. individualism: “the corollary of the idea of automatic obedience is the idea of an individual origin of the repeated elements ... What is repeated through imitation, for Tarde, has an origin somewhere, and such origin is deemed to be individual and private”.⁶⁰ Elias Canetti for instance would propose a different and more complex understanding, according to which social agency is neither located in some individual or indeed ‘micro-individual’ actor nor in transcendent containers, but rather at the level of the social formation itself: an immanently distributed agency. Accordingly a crowd, for instance, “as soon as it exists at all ... *wants* to consist of more people: the urge to grow is [its] first and supreme attribute”.⁶¹ Tarde instead, seemingly unable to leave behind the heritage of positivist criminology and the influence of 19th-century hypnotist psychology, ultimately risks to relapse back on what Bonta and Protevi term ‘implicit methodological individualism’: notwithstanding the individual has been ‘fragmented’ in multiple ‘little persons’, what is postulated is a sort of ‘neuro-horizontal’ model of a “‘society of minds’ composed of a population of ‘autonomous agents’”, whereby the axiom of ‘individual origin’ is ultimately left unchallenged, merely shifted to a smaller dimension.⁶² The de-spatialising understanding that such a ‘mentalist’ interpretation assumes somewhat mirrors contemporary cyber-theories of ‘networked society’, which either praising or regretting the supposed ‘elimination’ of space brought about by ITs, remain in fact blind *vis-à-vis* the ontological spatiality of the social. At times, this problem surfaces also in the recent (direct or indirect) strands of Tarde’s revival, often complemented by the reliance on a model of ‘psychological automatism’ that seems to re-propose the ‘bodily closures’ typical of individualistic models.⁶³

In fact, there is a debate over who is responsible (either Tarde or his followers) for relapsing back onto such a pseudo-individualism. Moreover, as Blackman observes, the ‘spatial blindness’ of some of these ‘mentalist’ interpretations systematically overlook the ontological quality that notions such as ‘imitation’ and ‘suggestion’ assume in his thought.⁶⁴

‘Tarde, Canetti, and Deleuze on crowds and packs’, *Journal of Classical Sociology* 10 (4) 2010; and ‘On Territorology’ *Theory, Culture & Society* 27 (1) 2010: p. 53.

⁶⁰Andrea Mubi Brighenti, ‘Tarde, Canetti, and Deleuze’ op. cit. p. 301

⁶¹A veritable ‘will of the crowd’. Elias Canetti *Crowds and Power* (Farrar, Straus and Giroux, 1984) p. 16 (my emphasis)

⁶²Mark Bonta and John Protevi. *Deleuze and Geophilosophy: A Guide and Glossary* (Edinburgh University Press, 2004) p. 6

⁶³That is, in the sense of merely shifting the paradigm of the ‘individual’ from the transcendental rational self to the phenomenological automatism of the pre-conscious neuro-hormonal body. For a critique of this tendency in contemporary literature see Lisa Blackman. ‘Reinventing psychological matters: the importance of the suggestive realm of Tarde’s ontology.’ *Economy and Society* 36 (4) 2007: p. 585

⁶⁴See Lisa Blackman. ‘Affect, Relationality and the ‘Problem of Personality’’. *Theory, Culture & Society* 25 (1) 2008: pp. 46-7

According to Thrift, “for Tarde space is key” and arguably, as Borch emphasises, Tarde’s analysis shows a sophisticated understanding of space that prefigures its use for compelling investigations on the materiality of the urban.⁶⁵

In any case, the purpose here is not that of embarking on an in-depth exploration of Tarde’s thought but rather, whilst keeping these considerations into account, that of tracing his re-surfacing in one of the most interesting contemporary attempts to make sense of the social: Latour’s actor-network theory (ANT). The latter, I contend, appears to share with Tarde a similar difficulty *vis-à-vis* providing a fully satisfying account for the question of the emergence of the new, i.e. the *eventfulness* of the social.

3.

*the event is not what occurs, is within what occurs*⁶⁶

According to Bruno Latour – who invested him as ‘forefather of actor-network theory’⁶⁷ – ANT follows indirectly the footsteps of Tarde in seeking to account “for how society is held together, instead of using society to explain something else”, that is, without resorting to transcendental supra-structures or hidden social forces which would determine social action, as well as without relying on a subjective and anthropocentric understanding of individual.⁶⁸ Stuck on a world of only-human actors, sociology has been myopic as regards the number of participants in the associations forming the social. Instead, especially in the case of critical sociology, Latour’s favourite target, it has resorted to all sorts of hidden structures of power and exploitation as social explanations – structures which would guide the action of social members without them being aware, and that the social scientist would nevertheless be able to uncover by following the right method.⁶⁹ The resulting vision is that of a society made up of isolated subjects acting in a vacuum, a Newtonian world organised around friction-less social laws (we are soon to see the crucial influence this assumption has played on legal thought). ANT’s way out from this impasse is a ‘flat ontology’, based on a

⁶⁵I will come back to these insights when introducing the notion of rhythm, Borch ‘Urban Imitations’ *op. cit.*; Nigel Thrift. *Non-representational Theory: Space, Politics, Affect* (Routledge, 2007) p. 230

⁶⁶Gilles Deleuze, *The Logic of Sense* (Continuum, 2004) p. 134

⁶⁷Latour, ‘Gabriel Tarde’, *op. cit.* I must qualify that ANT is a variegated perspective that cannot be simply reduced to the thought of Bruno Latour. Yet, the latter surely provides an extremely relevant point of reference to explore its main characteristics.

⁶⁸Bruno Latour, *Reassembling the Social: An Introduction to Actor-Network-Theory* (OUP, 2005) p. 13 – Indirectly, since Latour has explained that his encounter with Tarde’s work came after his conceptualisation of ANT.

⁶⁹*Ibid.* p. 250

symmetry between human and non-human entities. ANT does not provide objects with agency, as it is often misunderstood. Instead, it denies agency as much to humans as to non-humans, rather looking at the associations they form, and the way agency emerges as 'distributed' across these networks: accordingly, individuals are "relata ... [which] have no independent existence outside of the relation".⁷⁰

However, ANT tends to provide a somewhat 'anaemic' language and, by leaning towards a post-phenomenological attention to networks and multi-scalar prolongations, seems to overlook the spatial consistency of the here-and-now, what Latham and McCormack refer to as the 'this-ness' of space, i.e. that which "exceeds the language of networks, connections and lines ... something tangible about collective events that is both intensive and extensive at the same time".⁷¹ For this reason Brighenti proposes to complement ANT's "ecological sensibility to the prolongation of the here-and-now" into concatenations of ontologically heterogeneous elements, with a "phenomenological sensibility to the here-and-now" – an 'ecological phenomenology', that is.⁷² This is a useful suggestion, especially in methodological sense, yet one that still leaves untouched the key question haunting ANT: namely, how does 'real' change occur, how do events happen? Whilst the networked ontology proposed by Latour is undeniably useful when describing "the steely accumulation" of social associations – i.e. the way social components 'get together' crystallising in assemblages – it appears rather inadequate to fully account for the 'lightening strikes' of change.⁷³ According to Nigel Thrift, ANT assumes an "attenuated notion of the event", that is, as the merely immediate and concrete moment of performance, thus leaving unaccounted for the overflowing potential that every event carries within, the *eventfulness* of its taking place.⁷⁴ In Deleuze's words, "the event is not what occurs (occurrence), is *within* what occurs".⁷⁵ Lacking such an 'excessive' understanding, ANT appears unable "to conceive of difference as such", i.e. to think the very *taking place* of difference, an ultimately 'calamitous' inability, as Doel observes, since it

⁷⁰Marie-Eve Morin, 'Cohabiting in the globalised world: Peter Sloterdijk's global foams and Bruno Latour's cosmopolitics.' *Environment and Planning D: Society and Space* 27 (1) 2009: p. 61

⁷¹A. Latham and D.P. McCormack 'Globalizations big and small: notes on urban studies, Actor Network Theory, and geographical scale', in Farias and Bender, *Urban Assemblages*, op. cit. p. 67; Let me qualify that if it is correct to observe a certain deficit of phenomenological sensibility in some ANT accounts, to assume it as spatially blind, insofar as overlooking 'local relations' by reducing everything to flows and fluxes, as for instance Jones maintains, is wrong [Martin Jones, 'Phase Space: geography, relational thinking, and beyond', *Progress in Human Geography* 33, 2009: 487-506].

⁷²See Andrea Brighenti, *Visibility in Social Theory and Social Research* (Palgrave, 2010) p. 37, 70 and the whole 2nd Chapter

⁷³Thrift *Non-Representational Theory*, op. cit. 110

⁷⁴ibid

⁷⁵Gilles Deleuze, *The Logic of Sense* op. cit. p. 134 – Later in this chapter I will deal more in-depth with the notion of 'event'

leaves this model exposed to being ingested within the post-political play of 'equal differences' that Capitalism is about (more on this below).⁷⁶

Let us pause for a moment. Above I noted that classical dualist approaches (subject/object, individual/society) are unable to grasp the immanent complexity of spatiality. Well aware of this, Latour has conceived a flat ontology able to avoid falling into the axiom of (whatever micro) 'individual origin' of the new, at the same time denying any status to a transcendent notion of 'society'. In order to overcome the 'false' alternative of dualism, ANT's 'sociology of associations' has prioritised *relation* as the elementary social fact.⁷⁷ Although theoretically necessary, the 'relational turn' performed by ANT thus appears insufficient. As I am to explain further through this thesis, I believe the source of such an impasse should be located in the prioritisation of the 'relation' as the elementary ontological element. This, in a nutshell, is the critique moved by some contemporary strands of philosophy which, while taking inspiration from ANT's radical overcoming of the human/nonhuman divide, nonetheless contest its *relational reductionism*, what from now on I will refer to as 'relationalism'. As Bryant observes, if the social is reduced to the 'relational', with no excess 'held in reserve', are not we left with a "frozen universe without any change"?⁷⁸ Moreover, by reducing an entity to its relation with other entities, would we still be able to actually speak about an 'entity' (i.e. a 'being', 'body', 'object') as such?⁷⁹ Note that this is no sophistic nit-picking. Latour's approach moves radically against the 'project of Enlightenment' of social sciences, whose *will to know* the society by reducing it to hidden laws – to be uncovered and explained through the right methodology – would be central to the evolution of a set of economical, political, securitarian, legal *savoirs* which fed biopolitical models of 'population management' from the 19th century onwards.⁸⁰ If these are the stakes of Latour's critique, then it is absolutely crucial to ask whether his 'merely relational' picture of society runs the risk of offering a further rationale to (rather than debunking) such a *will to know*, simply prompting a methodological re-calibration of its strategies and practices towards more adequate ways to monitor, trace and control (or indeed, ontologically produce) the relations that constitute the social. Later on I will support this statement by exploring the contemporary evolution of techniques and technologies of surveillance and data-mining in the increasingly undistinguishable field of economics and

⁷⁶Doel, *Poststructuralist Geographies*, op. cit. pp. 46-7

⁷⁷For the connection between this point and Tarde's theory, see A. Barry, and N. Thrift 'Gabriel Tarde: Imitation, Invention and Economy' *Economy and Society* 36(4) 2007, 509-525: p. 54.

⁷⁸Levi Bryant, *The Democracy of Objects* (Open Humanities Press, 2011) p. 271

⁷⁹Graham Harman suggests that such a purely relational understanding equates to 'exhausting' an object "in its presence for another, with no intrinsic reality held cryptically in reserve", *The Quadruple Object* (National Book Network, 2011) p. 12

⁸⁰See Michel Foucault, *The History of Sexuality Vol. 1: The Will to Knowledge* (Penguin, 1998)

security. Although lacking at this stage the instruments to corroborate this observation, its ethico-political significance can be stated already: the problem of any approach grounded on the systematic reduction of beings to their relations (relationalism), is that of defusing the social from the eventful – and thus, I will contend, 'emancipatory' – potential that it harbours.

Let me qualify that although I endorse the critique moved by Harman to ANT, I do not agree with his *pars construens*, as I am to show soon.⁸¹ Although with absolutely different outcomes, this chapter is nonetheless inspired by his suggestion that “space is not just the site of relation, but rather of relation and non-relation”.⁸² This raises different questions: how are we to overcome the freezing effects of relationalism without falling back into (more or less implicit) individualisms? How could we conceive the spatiality of being-together beyond 'isolation', at the same time preserving an excess of potentiality irreducible to the 'relation' itself? Answering to these questions requires dealing more explicitly with an ontological notion of spatiality. Heidegger's spatial intuitions and their explicitation, developed by Sloterdijk, are very useful in this sense.

4.

*our body is not primarily in space, it is of it*⁸³

Notwithstanding he is mainly known as a temporal thinker, with Martin Heidegger the notion of space, or rather, 'spatiality', takes a fundamentally ontological relevance. Prior to show the way in which such a notion converges and indeed pushes forwards the spatial narration I am building, a brief contextualisation is required. The reader will excuse the theoretical density of the next paragraphs: it is bound to rarefy as long as its 'spatial' consequences will become apparent.

Notorious for any critical geographer is René Descartes' reduction of space to a mere extension, separated from – and internalised by – thought. By severing *res cogitans* and *res extensa*, Descartes frames the thinking subject as a 'spectral hunter' performing incursions in space only then to return, as an autonomous subject, into the a-spatial ivory tower of his mind.⁸⁴ *Cogito ergo sum*: this is the formula for a 'digestive philosophy' swallowing up space

⁸¹More complex is my relation with Levi Bryant, with together with Harman and others represent the so-called Object-Oriented Ontology [see *infra* note 177]

⁸²Harman, *The Quadruple Object*, op. cit. p. 100 – I use this sentence for the intensive inspiration it provides, regardless of the context in which Harman is using it, as well as its understanding of space

⁸³Maurice Merleau-Ponty, *Phenomenology of Perception: An Introduction* (Routledge, 1995) p. 131

⁸⁴Sloterdijk, *Bolle*, op. cit. p. 328

and reducing it to mind's own substance: *cogitatum*.⁸⁵ Notwithstanding his fundamental, say 'revolutionary' differences with Descartes, Immanuel Kant similarly 'minimises' space, no longer as an inert extension, but internalising it as an absolute, *a priori* background, the 'condition of possibility' for knowledge itself, ultimately a *tabula rasa* lacking any depth and infinitely malleable by the subject and its representations.⁸⁶

Phenomenology emerges out of dissatisfaction for the spatial blindness of these understandings. By turning the attention to the 'concrete' experience of the subject's involvement in space and among things, it seeks to bring the cogito down to earth, to throw it into the contingency of lived experience. Edmund Husserl develops a quasi-performative understanding of space as a life-world emerging out of subject's pre-theoretical interaction with the world. Likewise, the early Maurice Merleau-Ponty's notion of pre-reflexive, incarnate consciousness expresses the subject's pre-representational experience of *Erlebnisse*, i.e. everyday life.⁸⁷ Phenomenology's main limit— indeed paralleling the limit of many spatio-legal approaches we will deal with in the next chapter — is arguably its reduction of space to an epistemological question (the manifestation of phenomena to the subject), which however leaves unquestioned the subject/object separation and thus the ontological unity of the subject itself. By simply shifting from a-spatial, transcendental consciousness to the spatially-embedded, everyday experience, Husserl still maintains a *factual* understanding of contingency: the subject has been 'brought back onto space', but is still kept ontologically separated from it.⁸⁸

To go beyond the impasse of Husserl's 'factuality', Heidegger creates the notion of *facticity*, a veritable turning point for Western thinking towards a proper spatial ontology. Facticity means that there is no transcendental being isolated from space: every being is always-already a being-in-the-world. The original condition of being is not a Cartesian contemplation of the world from the tower of mind, it is rather a dislocating being-thrown onto the world, a being-there (*Da-sein*). However, differently from earlier phenomenology,

⁸⁵Jean Paul Sartre defined Descartes' a *digestive philosophy*, according to which "the spidery mind trapped things in its web, covered them with a white spit and slowly swallowed them, reducing them to its own substance" in 'Intentionality: a Fundamental Idea of Husserl's Phenomenology,' translated by Joseph Fell in *The Journal of the British Society for Phenomenology* 1, 1970: pp. 4-5

⁸⁶ See the next chapter for a discussion on the legal significance of such a 'flattening' of space into a *tabula rasa*.

⁸⁷For an insightful account of the relation between Merleau-Ponty and Husserl see for instance James Schmidt, *Maurice Merleau-Ponty: Between Phenomenology and Structuralism* (Palgrave Macmillan, 1985)

⁸⁸Gilles Deleuze, *Foucault* (Continuum, 2006) [Italian Edition, Cronopio, 2009] p. 145 – In the next chapter I will draw a parallel with the way socio-legal approaches similarly 'embed' law into space whilst keeping the law/space separation unchallenged.

for Heidegger this does “not mean simply being contingently in a certain way and a certain situation”.⁸⁹ In Merleau-Ponty’s words, “our body is not primarily in space, it is of it”:⁹⁰

Da-sein “is-in” the world in the quite specific sense of being-together-with the world or taking care of it ... the spatiality of Da-sein is therefore existential presence, not mere ‘insiderness’ ... space cannot be an absolute, fixed structure that is the same for everyone—like for example Descartes’ *res extensa* or Kant’s a priori space. Rather, space is best understood as spatiality (Räumlichkeit).⁹¹

The quality of Da-sein is that of blurring any distinction “between life and its actual situation, Being and its ways of Being”, subject and object, thus folding (and yet not necessarily ‘dissolving’) essence into (co)existence.⁹² Hence the late Merleau-Ponty’s precise observation: “[Husserl] has persuaded us that we are flux of individual *Erlebnisse*, whereas we are a field of Being”, always pre-personally ‘co-immersed’ in an ontological spatiality.⁹³ Isolation is the mere illusion most notably shared by the liberal legal subject, to be able to ponder in a vacuum, that is, to transcend space – a transcendence with respect to which, however, we are radically powerless, since always being-situated, unable to gain distance from the contingent spatiality which we are.

As the attentive reader has surely noted, the Heideggerian move, for all the differences, shares a fundamental aspect with Latour’s one: a strong relationalism which seems to ‘entrap’, almost to dissolve beings in the relationality of the being-in-the-world. I hold that this is only partially true. Prior to dwell on this point, however, I introduce another German philosopher who fully unfolds the implicit spatial relationality of Heidegger’s thought.

5.

*to inhabit always means to build spheres*⁹⁴

As Da-sein, the human being goes “out of himself, out of the merely factual and biological character of its condition”.⁹⁵ Da-sein is thus an ‘*e-motion*’: “being in the world ... is a

⁸⁹Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Stanford Univ. Press, 1998) p. 150

⁹⁰Maurice Merleau-Ponty, *Phenomenology of Perception*, op. cit. p. 131

⁹¹Igor Stramignoni, *Francesco’s devilish Venus: notations on the matter of legal space. California Western law review* 41, 2004, 147-240: pp. 190, 189

⁹²Agamben, *Homo Sacer*, op. cit. p. 167 – for every being, “its ‘guises’ (Weisen) are not simulacra that it could, as a free subject, assume or not assume. From the beginning, they belong to its existence” Giorgio Agamben, *Potentialities: collected essays in philosophy* (Stanford University Press, 1999) p. 200

⁹³Maurice Merleau-Ponty, *The Visible and the Invisible: Followed by Working Notes* (Northwestern University Press, 1968) p. 240 – quoted in Schmidt, *Maurice Merleau-Ponty*, op. cit. 56. Merleau-Ponty famously employed the notion of *Flesh* to refer to such a *common*, ontological ‘*in-between*’ prior to any subject/object separation

⁹⁴Sloterdijk, *Bolle*, op. cit. p. 82 (my translation)

precious formula for saying that the fact of being in a movement of extraversion towards things always precedes our reflection”.⁹⁶ This being-outside-oneself (*ek-stasis*) as an original dislocation, or dispersion [*ursprungliche streuung*], is the ontological condition of being and the key of its constitutive *räumlichkeit*.⁹⁷ Surely an ontology of space – contra his appreciations as mere temporal thinker – Heidegger’s is also, quintessentially an ontology of movement: spacing.⁹⁸

In his recent *magnum opus*, Peter Sloterdijk seeks to make explicit such ‘spacing’ by posing a seemingly trivial question: where is actually the Da-sein when it is thrown into the world? Sloterdijk’s answer evocatively makes explicit the materiality of Da-sein’s ek-static movement through a terminological invention: the Da-sein is in a sphere, or rather, its being-in-the-world is better understood as being-in-a-sphere, since space-creating beings is what we are. Being-in-a-sphere is to be understood as a sort of diving in a “medial mode of being [that] implies that the surrounding medium loses its object status”.⁹⁹ According to Sloterdijk, during the evolution of his thought Heidegger gradually “misunderstood the act of diving as resolution to take over the fate of being”, thus abandoning the promising analysis of the ‘where’ of existence, to embark instead the investigation of the ‘who’, with well-known infamous consequences.¹⁰⁰ Sloterdijk wants to obviate for this deviation by developing further these spatial intuitions. Since we are always out-of-joint, always going-outside-oneself as well as always inside-a-situation, the very condition of being is that of ‘inhabiting the dislocation’. Yet, and this is the crucial question of Sloterdijk’s project: how do we inhabit this dislocation, how do we inhabit the outside?¹⁰¹ I do not think, as Latour rather too abruptly states, that the significance of Sloterdijk’s project lies in spatialising an otherwise a-spatial Da-sein.¹⁰² Heidegger was not blind to space as it is sometimes suggested, and Sloterdijk in this regards simply provides an interesting spatial vocabulary useful to unfold these implicit premises. In fact, the relevance of his *spherology* rather rests on having made explicit the fact that being-in-the-world, as inhabiting-the-world, always

⁹⁵Marco Berardi, *Essere e oblio dell'essere nei Beitrage zur Philosophie di Martin Heidegger* PhD Thesis, 2010: p. 81 (my translation)

⁹⁶Peter Sloterdijk, *Foreword*, op. cit. p. 231 – “*facticity* designates the ‘character of Being’ (*Seinscharakter*) and the ‘e-motion’ (*Bewegtheit*) proper to life” Agamben, *Potentialities*, op. cit. p. 190

⁹⁷This ‘experience of life in its facticity’, as Agamben notes, sanctions the irreducibility of Da-sein’s spatiality to its temporality [ibid. p. 189]

⁹⁸Sloterdijk [*Bolle*, op. cit. p. 325] stresses that Heidegger’s ‘analytic of time’ is linked to an analytic of space and both are founded on an analytic of movement.

⁹⁹René ten Bos, ‘Towards an amphibious anthropology: water and Peter Sloterdijk.’ *Environment and Planning D: Society and Space* 27 (1) 2009: p. 77-78

¹⁰⁰Sloterdijk P, *Weltfremdheit* (Suhrkamp, 1994) p.73 quoted in Ten Bos, ‘Towards an amphibious anthropology’, op. cit. p. 78; also Sloterdijk, *Bolle*, op. cit. p. 330

¹⁰¹Accarino, ‘Peter Sloterdijk Filosofo dell’Estasi’, op. cit. p. 25

¹⁰²For instance in Bruno Latour, ‘Spheres and Networks’, op. cit.

entails a *praxis of world-making*: “to inhabit always means to build spheres” and this occurs in the always co-constitutive ‘coming together’ of humans and non-humans.¹⁰³

Sloterdijk employs the metaphor of foam so as to convey the peculiar quality of being-together in the contradictory dynamic engendered by the tension between the necessity to “produce and occupy a – to take – place”, and the impossibility for two bodies to occupy the same place.¹⁰⁴ Bodies are always in *ek-static* movement, co-producing a space, i.e. spacing through their involvement with other (human and non-human) bodies. A bus, an assembly, a residential building, a city: foam is a way to account for a sociality beyond the atomism of contractualist models and the homogeneity of holistic ones: not a contract, but rather a contraction, concatenations of heterogeneous elements ‘held together’ immanently, by the sum of their singular, mutual tensions. Like Buckminster Fuller’s tensegrity structures, ‘foam sociality’ is only accountable for through immanent, co-constitutive imbrications of material-semiotic relations.¹⁰⁵

By merging Heidegger’s spatial intuition with Tarde’s multi-cellular sociality Sloterdijk produces a spatial ontology which comes very close to Latour’s project, providing with an extremely useful methodological approach to study urban agglomerations, as I will demonstrate later on. Moreover, by accounting for the oscillation between the movement of being-together and the necessity of co-existence and thus co-immunity, Sloterdijk makes explicit the implicit spatiality of Latour’s somewhat ‘anemic’ networks.¹⁰⁶ However, for all its relevance, it is impossible not to note how Sloterdijk’s foams, just like Latour’s networks, seem to produce a relationalism in which space is postulated as ‘co-produced in-between’, and thus a radical notion of event – as the excess that overflows both the ‘phenomenological here-and-now’ as well as its ‘ecological prolongations’ – is nowhere to be found. As Morin notes, Sloterdijk’s ‘foaming’ is grounded on the assumption that “there is only one terrestrial globe and that this globe is finite”: therefore the crucial question is ‘how to synchronise’.¹⁰⁷ As I am discussing more in depth later in this and in the third

¹⁰³Sloterdijk, *Bolle*, op. cit. p. 82 (my translation) – in the third chapter I will expand on this notion of praxis by criticising Sloterdijk’s ‘ethics of techné’

¹⁰⁴See Andreas Philippopoulos-Mihalopoulos, ‘Law’s Spatial Turn’, op. cit. p. 199

¹⁰⁵Accarino ‘Peter Sloterdijk Filosofo dell’Estasi’, op. cit. p. 49; tensegrity structures (tension integrity structures) are buildings without bearing walls, made stable by ‘traction tensions between the internal frameworks’ – See also Michel Serres, *The Natural Contract* (the University of Michigan Press, 1990)

¹⁰⁶However Latour has observed that: “I have to agree with Peter [Sloterdijk] that what is usually called networks is an “anemic” conjunction of two intersecting lines that are even less plausible than the vast global space of no space that it pretends to replace. Fortunately my own notion of network, or rather of actor-network, has borrowed more from Leibniz and Diderot than from the Internet, and in a way, one could say that Peter’s spheres and my networks are two ways of describing monads: Once God is taken out of Leibniz’s monads, there are not many other ways for them but to become, on the one hand, spheres and, on the other, networks.” Bruno Latour, ‘Spheres and Networks’, op. cit. p. 139

¹⁰⁷Morin, ‘Cohabiting in the globalised world’, op. cit. p. 69

chapter, such rather pacific and indeed conservative injunction prefigures a claustrophobic relationalism bound “to stiffening and ultimately block[ing] any understanding of the world as an opening or as the circulation of sense”.¹⁰⁸ Both sides of the Western individual-society dualism are grounded on a fundamentally defensive, immunitary urge to protect against the risk of chaos – from the ‘crude chaotic aggregate’ which troubled Kant, to the ‘brutish’ state of nature which obsessed Hobbes. What the ‘relational turn’ risks then, whilst pretending to get rid of such an immunitary obsession by displacing the dichotomous separation on which it is grounded, is to merely translate that immunitary paradigm from the ‘subject-object’ distinction to the subject-object (or indeed object-object) relation, ultimately erecting yet another immunitary defence against any dangerous, isolating ‘abstraction’.¹⁰⁹

§

I believe the deadlock into which relationalism appears to end up, and that will become more and more clear as this thesis proceeds, should be addressed by asking two specific questions: what does relationalism (in its different forms) seek to immunise against? Is this attempt successful? The short answer is: *relationalism emerges as an ultimately unsuccessful attempt to eliminate the notion of ‘negativity’ in order to build an ‘affirmative’ ontology.* To start unpacking this sentence, in the next *intermezzo* I briefly introduce the question of negativity, mainly by referring to the ontological ‘separation’ it implies. Obviously, here I can only provide a simplified account of such a paramount philosophical issue. What I am more concerned with, however, is first to offer a preliminary clarification of the ontological and ethical questions here at stake. Second, to begin providing more accurately the rationale behind the approach I am developing.

¹⁰⁸ *ibid.*

¹⁰⁹ It is in this sense that I interpret Harman’s observation about the risk of relationalism to reinsert “an opposition in which the autonomous is always the merely ideal and the real is always the relational” in *Prince of Networks: Bruno Latour and Metaphysics* (re.press, 2009) p. 142 – On the key notion of *immunity* I will come back in the next two chapters.

Nothingness Separation Operation

What shows itself on the threshold between Being and non-Being, between sensible and intelligible, between word and thing, is not the colourless abyss of the Nothing but the luminous spiral of the possible.¹¹⁰

Parmenides' philosophy is an earthquake, a fault line splitting Western thought into two paths bound to remain separated for millennia. This is what result from his notion of Being as one, simple, immutable and eternal. Emanuele Severino, who dedicated his work to explore the consequences of this ancient fracture, observes that Parmenides' Being is 'nullifying', insofar as *de facto* postulating a separation between Being and what Being is not: non-Being, no-thing, *nothingness*. In other words, by freezing Being into an absolute oneness, Parmenides presupposes, implicitly and unwittingly, the unspeakable evidence of nothingness. Arguably, this is the foundational act of nihilism, i.e. the belief that what things come from- and go towards- is no-thing. It follows, Severino suggests, that Parmenides' separation 'consigns' beings to nothingness, that is, to a movement of be-coming *ex* and *ad nihilo*.¹¹¹ We can put it another way: a 'nihilistic becoming' (the *coming of beings* from and towards nothingness) is posited as separated from a one, eternal and thus isolated Being. The legacy of such a separation on the philosophy to come is uncontestable.¹¹²

In this thesis I will often come back to this point, which I see as the paradigmatic explicitation of what Foucault has defined as the instrumental *will to know* and *control* which traverses Western thought, and that is made most forcefully explicit in contemporary biopolitics. Prior to continue, I must qualify that my approach does not wish to flatten radical historical differences into all-encompassing explanations. In the sense recently proposed by Agamben, I do not understand the 'paradigm' as a hypothesis through which explaining "modernity by tracing it back to something like a cause or historical origin", or as a 'signifier' whereby joining heterogeneous phenomena into a smooth syncretism. Instead, I

¹¹⁰Giorgio Agamben, 'Bartleby o della contingenza,' in Gilles Deleuze and G Agamben, *Bartleby, la formula della creazione* (Quodlibet, 1993) p. 250

¹¹¹For an extensive analysis on this point see Emanuele Severino, *Essenza del nichilismo* (Paideia, 1972)

¹¹²Severino notes that when Plato reformulates this fracture by substituting the notion of 'non-Being' with that of 'other-than-Being', he nonetheless posits the relation of beings to Being as 'successive' and 'accidental' to the original fact of the 'isolation' of Being, that is, the distinction and thus separation between Being and nothing [See Emanuele Severino, *Il Destino della Tecnica* (Rizzoli, 2009) pp. 197-209]. Deleuze moves similar critique to Spinoza, for whom the modes (beings) depend on the God-Substance (Being), whilst the contrary is not the case. Since eternal, the God-substance is ultimately posited as independent (and thus separated) from its modes, insofar as it will survive the disappearance of the world, i.e. the becoming no-thing of beings. Gilles Deleuze, *Difference and Repetition* (Continuum, 2004) pp. 35-6

assume it as a “singular case that is isolated from its context only insofar as, by exhibiting its own singularity, it makes intelligible a new ensemble whose homogeneity it itself constitutes”.¹¹³ A specific example, that is, which by means of being exposed, ‘gives life to a new problematic context’, and therefore enters in *analogical* (and thus non dichotomous, i.e. beyond the general/particular dichotomy) relation with other examples, not by flattening their differences but rather expressing the shared problematic fields out of which they strategically emerge.¹¹⁴ This is how I understand the Parmenidean separation, that is, as the production of a problematic field in which ‘operation’ is assumed as the necessary mode of action in order to articulate the separation, by managing (as well as achieving immunity from) the dangers of the nihilistic outside which had thus been postulated.

In fact, what the separation of Being from Becoming (i.e. the becoming of beings) implicitly entails is the ‘isolation’ and thus *disposability* of becoming itself, i.e. the disposability of beings. It is, in other words, the presupposition of their becoming amenable to – i.e. an instrument of – manipulation: here we find *in nuce* the instrumental paradigm of *techné*.¹¹⁵ We could even argue that the history of Western (political, theological, philosophical) thought can be framed as emerging out of this problematic field, that is, as an *attempt to bridge and articulate such a separation into an operation*, i.e. to build apparatuses whose operations would be able to manipulate, control and determine the becoming of beings according to projects.¹¹⁶ A specifically *immunitary* urge traverses this attempt: that is, an effort to immunise (the individual, the community, the society, God etc.) from the unpredictability and chaos of nihilistic becoming. As a preliminary definition then, let us assume the operational paradigm of *techné* as the will to control and manipulate beings, presupposed on the preliminary ‘separation’ and thus isolation of beings themselves, so as

¹¹³Giorgio Agamben. *The Signature of All Things: On Method* (Zone Books, 2009) pp. 23, 18

¹¹⁴Alberto Toscano, in a critique to Agamben, observes that a genealogical work should be about ‘discontinuities’ rather than ‘continuity and concealment’. I think instead that any genealogical effort should be simply concerned with unfolding the problematic fields out of which the phenomena under investigation emerge. This, importantly, not in the ‘revelatory’ sense of aiming to uncover ‘hidden rules’ beneath them, but rather in the pragmatic sense of accounting for the strategic rationale they seek to address. If this entails to unfold continuities between apparent discontinuities, or *vice versa*, it cannot be known, let alone presupposed, in advance. In fact, it is an effort that “makes the inquirer’s present intelligible as much as the past of his or her object” [Agamben, *The Signature* op. cit. p. 24]. See Alberto Toscano ‘Divine Management: Critical Remarks on Giorgio Agamben’s *The Kingdom and the Glory*’. *Angelaki: Journal of Theoretical Humanities* 16 (3) 2011: 125–136; in the conclusion I will provide a further qualification of my usage of this concept of paradigm across the thesis.

¹¹⁵*Techné* (τέχνη) is a Greek term referring to art as manufacturing, in the sense of being able to produce, to operate. Its meaning both refers to a *making* as well as to a *knowing*, i.e. a *know-how*. I use it in this double sense, to refer to the more general techno-political will to *know*, *produce* and *control* which characterises Western thought. My use of the notion, therefore, is indebted to the critique to which the term has been subjected in the last century, most notably from Heidegger onwards.

¹¹⁶In fact, as I explain in the next chapter, it is exactly by referring to this problematic field that the strategic configuration of the law/space relation in modern times can be understood.

to make them available for manipulation: a separation between Being and Becoming in which what is enshrined is ‘the will that the becoming of beings would occur according to a project’.¹¹⁷ This is the hypothesis then: I contend that a philosophical position grounded on the ‘separation’, i.e. the presupposition of negativity, is bound to fall within the paradigm of operation, i.e. the logic of techné.¹¹⁸

We could further observe how it is from this very presupposition of nothingness that the reduction of (human) being into *praxis*, that is, an ‘operator’, is prefigured. Sloterdijk locates the archetype of such reductionism in the book of Genesis, where ‘man’ is shown as created by God from clay, i.e. by means of performing the most ancient technical operation: pottery.¹¹⁹ Accordingly, Western thinking has understood beings as what are separated from, and ‘given shape’, i.e. created by, God, History, Nature, Fate. Since beings are defined as what come from, and go towards ‘nothing’, their very ‘(be)coming into existence’ is always presented as depending on a creation *ex nihilo*, a production, an operation: a *praxis*.¹²⁰ In other words, it is the presupposition of an ‘original nothingness’ which appears to ground the faith in the self-production of man through an ‘art’, i.e. a techné.¹²¹ Sloterdijk makes explicit this point in his sweeping polemical account of the tendency in philosophy, sociology, psychology, anthropology, to describe human beings as ‘creatures of lack’, *homines pauper*, constitutively and ontologically poor, and thus condemned to ‘fill’ such a negativity by *producing* a ‘culture’, and thus involving themselves into result-oriented ‘projects’.¹²² Even Heidegger’s notion of ‘thrownness’ (*geworfenheit*), he argues, is ultimately haunted by an implicit negativity: ‘thrown’ into the abyss of contingency, the Da-sein appears to be structured as an ontological poverty or, as Latour ironically puts it, an original

¹¹⁷See Emanuele Severino, *Destino Della Necessità* (Adelphi Edizioni, 1980)

¹¹⁸Significantly, such a consequentiality is also etymologically grounded: *separare* is a composition of *se* (from the Latin *sine*, i.e. without) and *parare* (i.e. to put together, same root as *operare*, that is, *to operate*). The co-implication between the notions of negation, separation and operation evidently emerges.

¹¹⁹*Adamah*, is the Biblical Hebrew word for ground, earth [in Sloterdijk, *Bolle*, op. cit. p. 85]

¹²⁰There is in Greek thought a clear distinction between the notion of *poiesis* (i.e. production, creation) and *praxis* (i.e. action). The former, Zartaloudis observes, “has nothing to do with a practical calling or a voluntary process [but rather with] the essential character of a status in presence”. Following Agamben, he adds that “The Romans understood *poiesis*, instead, as a mode of *agere*, that is ‘an acting that puts-to-work, an *operari*’”. In this interpretation, *poiesis* has progressively become indistinguishable with *praxis*, that is with a conception of action directly related to its actual effect, and “whose truth is appreciated with respect to the will that is expressed in it”. As a consequence, the ‘poietic potentiality of *praxis*’ is erased, as the latter is tied to a ‘result’, reduced to mere ‘act and actuality’, and thus becomes indistinguishable with, a synonymous of, techné [Thanos Zartaloudis, ‘On Justice.’ *Law and Critique* 22 (2) 2011, 135–153: p. 147] – the internal quotes is from Giorgio Agamben, *The Man Without Content* (Stanford Univ. Press, 1999) p. 69. In the last chapter I will elaborate on a notion of ‘inoperose acting’ whereby action is disconnected from techné and thus restored to its ‘common use’

¹²¹Severino, *Destino della Tecnica*, op. cit. p. 134 ‘the *humanitas* of the human being is in this sense his being ‘shaped’ through an ‘art’, that is, a ‘technique’ able to produce a form’ (my translation)

¹²²Peter Sloterdijk, *Tome 3, Ecumes, Sphérologie plurielle* (Hachette Littératures, 2006) pp. 619-30

‘nakedness’.¹²³ There is an etymological *fil rouge* that connects the terms *iactus* (thrown), *sub-iectus* (subject, literally ‘thrown below’) and *pro-iectus* (project, literally ‘thrown forwards’). It is from a presupposed separation that the human being is immediately defined as the ‘one who projects’, that is, the one who operationally (technically) manipulates (insofar as *separated* from) beings in order to produce actual results.¹²⁴ Accordingly, human freedom is understood as the freedom to ‘give a positive sense to Nothingness’.¹²⁵ A self-evident corollary thus complements the above-stated hypothesis: any philosophical enterprise that wishes to be radically ‘emancipatory’ cannot avoid dealing with, and challenging, this paradigm.

Sloterdijk suggests to reformulate the existential condition of ‘being-thrown’ into a ‘being-transported’ (*etre-porté*), according to which living beings are not (economically, psychologically, ontologically) poor, but rather originally ‘rich’, that is, beings of the ‘too much’, always-already ‘transported’, i.e. ‘taken’ into concatenations.¹²⁶ Likewise, Latour’s positive and affirmative ontology sets up to substitute existential notions of ‘original lack’ with the richness of a networked ontology. According to Benjamin Noys however, such approach, in its attempt to exclude (i.e. immunise from) ‘negativity’ in the name of a positive, vitalistic, affirmative ontology, is bound to produce a totalising, stiffening and thus ultimately co-optable model. Co-optable because, as it is explored in depth in the following chapters, the totalising closure of relational ontologies ultimately mirrors the totalising

¹²³“Dasein is thrown into the world but is so naked that it doesn’t stand much chance of survival”, Latour, ‘Spheres and Networks’, op. cit. p. 140; Likewise, Deleuze moves to Heidegger the critique of not having managed to fully overcome the separation, and thus the postulation of nothingness, *Difference and Repetition*, op. cit. p. 37

¹²⁴Deleuze’s philosophy, that I am to dive into very soon, is arguably the most important efforts in contemporary thought against the ontological presupposition of negativity. A compelling instance is his famous distinction between ‘desire’ and ‘pleasure’. Deleuze contrasts subjectivist, personal as well as projectual understandings of desire as tied to a lack to be filled through a projectual operation aimed at articulating the separation by reproducing a unity. Criticising the Lacanian approach, he proposes an understanding of desire which is emancipated from a reactive relation to *lack* – as in the classical psychoanalytical view – and is rather understood as dynamic, generative, *pure process* constituting the multiplicity of space: “Desire includes not lack; it is also not a natural given. Desire is wholly a part of a functioning heterogeneous assemblage” [Gilles Deleuze, *Desire and Pleasure*, in: *Two Regimes of Madness*, ed. by David Lapoujade (Semiotext(e) 2006) p. 130]; on the contrary, ‘pleasure’ is an interruption of the flow of desire, a re-framing of desire within a specific definition, *capturing* and *taming* the turbulent opening(s) of desire, the turbulence of space: ‘it is objected that by releasing desire from lack and law, the only thing we have left to refer to is a state of nature, a desire which would be natural and spontaneous reality. We say quite the opposite: desire only exists when assembled or machined.’ [Gilles Deleuze and Claire Parnet, *Dialogues* (Columbia University Press, 1987) pp. 96, 70, 103]. I am to introduce the concept of machine later on in this chapter.

¹²⁵Esposito for instance mentions the thinking of Günther Anders, according to whom ‘exactly because he does not have a world, the man can be open to *the* world – is free to produce it according to his preferences’. In other words, it is this ‘original lack’ to ground the human (and indeed divine) possibility to ‘shape the world at its own image’ [Roberto Esposito, *Immunitas: Protezione e Negazione della Vita* (Einaudi, 2002) pp. 109-110 (my translation)]

¹²⁶Sloterdijk, *Ecumes*, op. cit. pp. 673-4

closure of contemporary neo-capitalist ‘societies of control’, and is thus exposed to their logic of manipulation. In Noys’ words,

Latour would create his own fantasmatic totalisation of the world ... despite Latour’s claim to remove an abstract capitalism and replace it with a world of *rich concrete actualities*, his evacuation of negativity reproduces the vision of an entirely seamless capitalism that he claims to contest.¹²⁷

I fully endorse Noys’ critique. Yet, I contest his diagnosis. According to him, negativity is not to be ‘evacuated’, but rather fully ‘traversed’ and ‘dealt with’. Conversely, at the core of the troubles produced by these ‘relational’ approaches I do not see the willingness to eliminate negativity, but rather the very failure of doing so or, more precisely, the failure to eliminate its unconfessed presupposition. I thus preliminary argue that the relational approaches of ANT and Spherology are ultimately unsuccessful attempts to ‘evacuate’ negativity insofar as, by performing a shift from the notion of separation to that of relation, they ultimately leave the former unchallenged. To put it in words which are to become clearer soon: seeking to *immunise* their ontologies of relation against the negativity of separation (and thus the ‘nihilistic becoming’ this entails), these approaches ultimately end up reaffirming it: the linear, dichotomous logic of separation is not overcome, but more strongly and subterraneously reiterated by the ‘flattening’ of its two ‘poles’ into an immanent and impenetrable circularity. This is what I suggest: the inability to properly challenge the notion of separation exposes them to an uncritical and troubling compliance with the paradigm of operation.¹²⁸ It follows, as I will show, that the supposedly emancipatory ethico-political stances proposed within these ‘relational’ ontologies are, at best, extremely vulnerable to the legal, securitarian and economical operations of contemporary biopolitics; at worst, fully complicit, albeit unwittingly, with them. Only a thinking that would go radically beyond any separation (either articulated dualistically or dissolved into seamless immanence) can avoid the reduction of space to an ultimately calculable, measurable and probabilisable form, and

¹²⁷ Benjamin Noys, *The Persistence of the Negative* (Edinburgh University Press, 2012) p. 88 (my emphasis) – Noys contends that Latour, through his confusing notion of plasma, re-introduces negativity only to confining it ‘in a safe and ideological space’, thus leaving it ‘unquestioned and unintegrated’ (p. 92) [on the notion of plasma see *infra* note 177]; there are other authors, most notably Deleuze and Guattari, to fall under the blows of Noys’ critical mallet. I will address values and limits of his critiques at various points along this thesis.

¹²⁸ As Severino observed, simple ‘anti-transcendentalism and anti-ontologism are just immature phases of the constitution of an era of technique as rigorous and coherent expression of nihilism’ [Severino, *Destino Della Necessità*, op. cit. p. 61 (my translation)]; let me qualify that, as it will become apparent along the thesis, I move a similar critique, although declined in different forms, to various approaches such as naive vitalism, deconstruction, relationalism and so on. I do not want to suggest that all these rather different perspectives are to be flattened. Yet, as result of the common, post-structural atmosphere out of which they surface, they have certain affinities and most importantly, I suggest, a common incapacity to provide a consistent way to overcome this impasse. Of course, this occurs in extremely different ways, with extremely different degrees of sophistication, and with extremely valuable exceptions.

thus susceptible to be ontologically shaped by the abstract form and the actual (sociological, neurological, psychological, cybernetic etc.) operations of contemporary biopolitical control.

In a nutshell, here is what is at stake with spatial thinking: the possibility to develop a non-operative, 'inoperative' ontology able to eschew the ever-rising manipulation of techné. An ontology, that is, neither grounded on an immunitary separation with respect to an outside, nor stuck within a seamless and uneventful relationalism. This is what I begin to delineate in the next section.

Materiality Life Event

*Even a single note can swing*¹²⁹

1.

Above, I observed that the notion of being-in-the-world presupposes a 'relation' as ontological foundation. With the concept of *Da-sein* the subject/object distinction is dissolved into the original, situational relationality of the being-there: accordingly, beings are understood as 'bundles' of situated relations, pure *relata*. On the other hand an implicit nihilism emerges from this 'thrownness'. How to escape this double deadlock? Heidegger's late thought provides us with a potential line of flight.

Especially in the *Beitrage zur Philosophie*, whose spatial relevance has already been emphasised,¹³⁰ Heidegger progresses from establishing the notion of the thrownness of *Da-sein*, as he did in his early works, to actually investigating the 'modality' of that original being-thrown, i.e. its 'event'.¹³¹ In fact, the hyphenation plays a key role in the term *Da-Sein*: it points to the fact that *Da-sein* cannot be reduced to a given state of affairs – a merely relational being-there – but is rather to be understood as the ontological 'event' of being-the-*Da*, *being-the-there*, that is, an occurring event, a singular taking-place: "Da-sein is never objectively present in space, not even initially", it rather *takes place*.¹³² Accordingly, each being is the centre of a radical oscillation 'between' Being and *Da-sein*.¹³³ Being is a becoming-*Da-sein*, neither static nor dynamic, neither isolated nor relational but paradoxically beyond these dichotomies: a 'swerving taking place', an eventful event.¹³⁴ This

¹²⁹Count Basie, jazz pianist

¹³⁰Stuart Elden, 'Contributions to Geography? The Spaces of Heidegger's Beiträge.' *Environment and Planning D: Society and Space* 23 (6) 2005: 811 – 827

¹³¹Berardi, *Essere e Oblivio dell'Essere*, op. cit. p. 15

¹³²Stramignoni, *Francesco's Devilish Venus*, op. cit. p. 202. See also for instance Elden, 'Contributions to Geography?' op. cit. p. 814 – As Heidegger put it, 'Dasein is its opening' [Martin, Heidegger *Being and Time* (Perennial/Modern Thought, 2008) par. 28]

¹³³Provided, of course, that we neither understand it as a static position 'between' two separated poles (Being and *Da-sein*) nor as a coincidence, but rather as a 'fold': there is no separation between Being and *Da-sein*, they are rather folded together in an inextinguishable tension: "this difference is not 'between' in the ordinary sense of the word. It is the Fold, *Zwiefalt*." [Deleuze, *Difference*, op. cit. p. 78] - However, according to Severino, this is not enough: by presupposing, in his early thought, the distinction between Being and beings, the ontological and ontical dimension, the late Heidegger's thought is nothing but a doomed attempt to move away from 'will to control and dispose of' what, however, had already been made available (i.e. put at man's disposal) exactly by that presupposed separation. Severino, *Destino Della Necessità*, op. cit. p. 42

¹³⁴Berardi stresses the relevance of the notion of event in the late Heidegger, by noting that the caption of the *Beitrage Zur Philosophie*, that is, *Vom Ereignis*, usually translated as 'on the Event', should be instead translated

swerving poses the bases for a radical non-Euclidean and eventful spatiality: the spatiality of being-together is characterised by the continuous occurrence of being-the-there, the taking place of beings. What emerges is not a merely relational being-together, and certainly not a community of isolated individuals. Instead, a space which is populated-constituted by entities, beings, which are singular and in-relation, that is, taken into concatenations as well as always simultaneously (at least potentially) ‘swerving’ from, and thus never exhausted by, the concatenations themselves.

This complex and seemingly paradoxical spatiality should be understood not only against Kantian and Cartesian ‘spaces’, but also against notions of space as produced by intersubjective interaction (Goffman), phenomenological performativity (Butler), socio-economical processes (Harvey): that is, against any of these variously sophisticated approaches, all directly or indirectly implying the measurability and calculability of space.¹³⁵ In the same sense, this spatiality pushes beyond Latour’s network and Sloterdijk’s foaming, since the swerving actualisation of beings appears to be never exhausted, i.e. ‘completed’ by their relations.¹³⁶ Doel’s above-mentioned critique of ANT’s inability to think difference as such, that is, to account for the *taking place* of difference, assumes here its full cogency. The becoming-Da-sein is not a linear, processual passage from a possibility to a reality – one in which the possible would be fully realised (and thus extinguished) into the reality of relations. It is rather a ‘swerving’, or a ‘swinging’ [*kehrig*] event or, more precisely, an ‘event-ing’ which cannot be exhausted by the relationality of being-in-the-world, since always immanently beyond the merely ‘actual’ relations, although never ‘ontologically’ separated from them.¹³⁷

as ‘from the Event’, so that to emphasise the Event as the key locus of thought itself [*Essere e Oblio dell’Essere*, op. cit. p. 6]

¹³⁵Incidentally, the same can be said as regards a postmodern understanding of space as a chaos of deterritorialised flows – an ultimately probabilisable unpredictability. See Quentin Meillassoux [*After finitude an essay on the necessity of contingency* (London: Continuum, 2009)], for an acute demonstration of this point. It follows that I find problematic Bissel’s definition of the non-representational approach to space as “a probabilistic, not a determinist geography” [David Bissel, ‘Placing Affective Relations: Uncertain Geographies of Pain’, in Anderson, B. & Harrison P (ed) *Taking-Place: Non-Representational Theories and Geography* (Ashgate, 2010) p. 82].

¹³⁶Also Harman, although from a different perspective (radically denying the validity of Deleuze’s concept of virtual) and with rather different conclusions, controversially contends that in Heidegger there is always a ‘movement of being’ which lies ‘deeper’, an ontological dispersion which the relationality of Da-sein cannot exhaust it in any way [*Prince of Networks*, op. cit. pp. 141-2].

¹³⁷What is relevant here is not whether Heidegger’s late thought is ultimately able to overcome relationalism, to which we should probably reply negatively. What counts instead, is whether the inspiration he provides can be used constructively: ‘how does it work for you’? This is the question to which these theoretical tool-boxes are to be subjected [see Introduction]

2.

*thinking conceptually is no less material than building bricks*¹³⁸

It is in this direction that, with more or less convincing results, contemporary philosophy is turning its attention to, as testified by the popularity gained by so-called ‘speculative realism’ (SR). Perhaps its most representative text is Quentin Meillassoux’s *After Finitude*. In this admittedly incomplete work, the Kantian revolution – namely, the overcoming of the Cartesian dichotomy between the thinking subject (*res cogitans*) and extended object (*res extensa*), and thus the shift from the notion of *substance* to that of cor-relation as the central category of thought – is posited as the key moment of modern Western philosophy: “by ‘correlation’ we mean the idea according to which we only have access to the correlation between thinking and being, and never to either term considered apart from the other”.¹³⁹ What SR aims to do, to put it simply, is to ‘break open’ the human-world correlation, so as to account for the ontological nature of beings independently from the latter. To propel this intention is a key ethico-political potential, i.e. the possibility – through a radical reorientation towards a world assumed as utterly independent from human existence, cognition, imagination: a ‘world not for us’ – to perform a radical decentring of the anthropological premises still haunting contemporary philosophical thought. This core question is being tackled in very different and differently satisfying manner by different thinkers within this movement, and the exploration of these ramifications is certainly beyond the scope of this thesis. Yet, the conceptual intensity the question provides has certainly proved stimulating in orienting my attempt to unfold a non-relational and eventful potential for ethico-political action to be exposed through an adequate understanding of justice. In this section I focus on a particularly controversial branch of SR, namely ‘Object-Oriented Ontology’ (OOO).

Regardless of its limits, which I am to underline soon, by briefly dealing with this perspective and especially with one of its major proponents (Graham Harman), I will be able to qualify and calibrate the trajectory I am pursuing more accurately. In fact, OOO, and Harman in particular, somewhat mirror the trajectory of the thesis so far, insofar as similarly accepting the key insight coming from ANT, whilst at the same time striving to avoid falling into its problematic ‘relationalism’. The prioritisation of the human-world correlation, the argument goes, has led to systematically overlooking the independent status of other entities, de facto reducing the world to a world *for us*, i.e. at our disposal. Therefore, following ANT’s crucial

¹³⁸Latham and McCormack. ‘Moving cities’ op. cit. p. 709

¹³⁹Meillassoux, *After Finitude*, op. cit. p. 5-6

de-prioritisation of the human-world correlation in favour of other non-human relations, OOO pushes this perspective further by seeking to account for beings (or, as they refer to them, 'objects') regardless of 'our access to them', denying *contra* ANT that relations can fully define and exhaust them.¹⁴⁰ The question of whether OOO's somewhat simplistic dismissal of correlation ultimately entraps its thinkers into a tangle of problematic contradictions is not crucial here.¹⁴¹ What I find more interesting is the 'orientation' it pursues.¹⁴² Particularly significant is the argument that relations do not exhaust the entities. As above observed, if beings are fully defined by their relations (if an object is 'nothing other than its relations'), what is implied is the possibility, by tracing these relations, to ultimately being able to define, produce and manipulate any entity. Arguably the very logic of *techné*, its fundamental 'abstraction' (see below), appears to be premised on such a reductionist relationalism. Conversely, if beings are never fully accessible and accountable through their relations – i.e. if each being singularly embodies a radical excess – then there would be no *savoir* or *techné* able to fully access, predict and control them. This is what Harman contends: "an object might be measured or registered by its relations, but can never be fully defined by them".¹⁴³ The ethico-political consequences of this reasoning are vast. Yet, is Harman proposal satisfying?

3.

*poetic words do not originally belong to men nor are they created by them*¹⁴⁴

Both Harman and Latour assume that every human and non-human, tangible and intangible being is equally material, in the sense that 'everything exist differently, but everything

¹⁴⁰See for instance Bryant, *Democracy*, op. cit. p. 26

¹⁴¹For the moment I tend to lean towards this interpretation. I must qualify that within OOO are different thinkers such as Levi Bryant, Timothy Morton, Ian Bogost etc. and it would be highly ungenerous to conflate all of them together. In this thesis I mainly focus on Harman since his position is *strategically* useful to qualify the trajectory I am pursuing. As I explain below [*infra note 177*], I am rather more sympathetic with Bryant's approach, although I do not fully endorse it.

¹⁴²I must qualify I am rather sceptic with the answers provided by OOO. However, I am stimulated by the questions they propose. Andrea Brighenti ["Le voci del diritto. Elias Canetti", in Giuseppe Campesi, Ivan Pupolizio and Nicola Riva (eds) *Diritto e Teoria Sociale* (Carocci, 2009) p. 301] observes that the act of positing the fundamental philosophical question (i.e. *ti esti*, 'what it is') avoiding both modern certitude and postmodern renunciation, is significant in itself. What matters are not only the answers provided, but most importantly the very *attitude* which the question produces in those who are willing to really formulate it, and thus to follow its consequences. The attitude of OOO, i.e. the *orientation* it provokes: this is what is of interest to me.

¹⁴³Harman, *Prince of Networks*, op. cit. p. 143.

¹⁴⁴Giorgio Agamben, *Language and Death: The Place of Negativity* (University of Minnesota Press, 2006) p. 78 (Agamben is indirectly quoting Plato)

equally exist'. In Deleuze's terms, "a body can be anything: it can be an animal, a body of sounds, a mind or idea; it can be a linguistic corpus, a social body, a collectivity."¹⁴⁵ When we assume that the beings (or bodies, objects) constituting reality are equally 'material', we should pursue this affirmation in its deeply ontological sense, beyond any trivial dichotomy between word and world, text and context, thought and matter, representation and reality, abstraction and concreteness. From classical materialism to postmodernism, the difference between a given, concrete, hard 'matter-stuff' and an immaterial, abstract, textual flow of representations and narrative have been mostly left unchallenged.¹⁴⁶ Both the hard-core materialist who pragmatically suggests to look at the 'concrete' reality so as to uncovering its laws through the appropriate scientific method, as well as the sceptical post-modernist who frowns upon this suggestion by affirming the infinite hermeneutical dissemination of interpretations which such an enterprise would produce, secretly agree in opposing the concrete materiality of the 'hard stuff' out there to the immaterial abstraction of thinking and the impalpability of interpretations. Their disagreement is epistemological rather than ontological. Instead, the 'orientation' towards objects of OOO is an attempt, in the vein of the Latourian enterprise, to produce a proper ontological move, 'flattening' the material/immaterial division into a horizontal ontology. Yet, how to perform this move whilst avoiding a reductionist relationalism? By briefly looking at Harman's ultimately failed attempt it is possible to emphasise the risks of his enterprise, thus clarifying how the present thesis seeks to avoid them.

To put it simply: Harman contends that an object is at the same time real and sensual, autonomous and relational.¹⁴⁷ Through a thought-experiment, he seeks to explain what such a non-relational autonomy means. Let us take three entities: a 'private' and intangible human product, such as an object of my imagination only known to me – Harman imagines a 'monster X', (MX); a 'public' human product, such as a well-known philosophical movement (e.g. the SR movement); a human-independent object, such as his cats. Harman states: "if I fall tonight into a dreamless sleep, the monster will cease to exist. Monster X is entirely dependent on my thinking of it. The same is by no means true of the cats".¹⁴⁸ The cats have both a real (non-relational) and sensuous (relational) existence, whilst the MX has not, existing only insofar as in-relation with my mind.¹⁴⁹ Different is the case of SR: though being a human-produced object, it can become a '*real* object independent of its creators

¹⁴⁵ Gilles Deleuze, *Spinoza: Practical Philosophy* (City Lights Books, 1988) p. 127

¹⁴⁶ See for instance Bruno Latour, 'Can We Get Our Materialism Back, Please?' *Isis* 98 (1) 2007: 138-142.

¹⁴⁷ Harman, *Quadruple*, op. cit.

¹⁴⁸ Harman, *Prince of Networks*, p. 190

¹⁴⁹ Cats have both a real and a sensuous existence as objects with respect to his mind, differently from the monster, they "will remain autonomous forces unleashed in my apartment despite my lack of awareness of their activities" (ibid.)

and consumers', i.e. autonomous. The discriminant is the following: "real objects exist 'whether we like it or not', but intentional [i.e. sensual] objects can be vaporized by a simple act of shifting our mind elsewhere."¹⁵⁰ An important, if quite untenable presupposition is implied: the possibility of a purely individual and private origin of thoughts, as well as of the capacity, for the thinking subject, to wilfully possess, control and 'vaporise' them (as it happen for the MX). In other words, a 'proprietary assumption' guides this reasoning: the lack of 'possession' and control over an object (e.g. SR) appears to sanction its status as autonomous, non-relational, and thus fully 'real'.

In fact, it only takes a shift of scale to make this equation explode. If MX is 'dependent' on its correlation with me who 'thinks' it, is not at the same time SR dependent on the correlation with, say, mankind? According to the reasoning above, my death would make MX vaporise just as human extinction would make SR disappear.¹⁵¹ Therefore, notwithstanding the differences in longevity, number and variety of bodies which they can affect, MX and SR must be understood as ontologically equal, equally material. If we really are to embrace a radical understanding of materiality, we need to avoid re-introducing subterranean dichotomisations. This is the case since Harman postulates not simply the fact that a 'being must be free of all relations', but the possibility of this being *actually* so. Let me explain. As I elaborate below, what I contend is that bodies have an independency from all relations in the sense of a non-relational, 'virtual impotentiality' that sanctions both their 'persevering' in what they are, as well as their being ultimately irreducible to the relations in which they unavoidably enter. According to Harman instead, this non-relational condition must be 'fully actual'. Describing this purely non-relational status as "a state of perfect sleep, in which an entity would be real without entering further relations at all", he thus relates such a 'dormant object' to a drop of water, which in the depth of the ocean is "perfectly real without ever being discovered, caressed or capitalised."¹⁵² Evidently, this position is only tenable, ironically, from the very anthropocentric perspective Harman sought to displace: the dormancy of a drop of water here is postulated *qua* human-independent, yet it remains a mystery how a drop of water can 'actually exist' without ever being 'discovered or caressed' by other drops of water, for instance. Likewise, how could a cat survive without its relation to, at the very least, the air it breaths, the soil on which it stands? *Virtually* non-relational, bodies are always *actually* involved in relations. To contend otherwise would be to suggest that both the cat and the drop of water are like those

¹⁵⁰Ibid. p. 195

¹⁵¹Unless we assume that our representations, our thought, is always absolutely 'ours', that is, possessed and dictatorially controlled by us – something quite untenable from philosophical, psychological, neurological and even anecdotal perspectives.

¹⁵²Ibid. p. 123

individuals of liberal tradition, understood as actually abstracted from space into the realm of rational deliberation: liberal individuals and Harman's objects will end up being equally *vacuums*. Moving from an attempt to de-prioritise the 'correlation to humans', we are ultimately served with a perspective that seemingly prioritises the 'independence from humans'.¹⁵³ In other words, it appears that in his anxiety to preserve the concreteness, that is, the 'autonomous reality' of the object against its dissolution into relations, Harman infers an untenable analogy between 'actuality' and 'reality', and ultimately abstracts objects from their spatiality. This 'actual' non-relational dormancy (a stance that from now on I will refer to as *actualism*) is as preposterous as the positing of a "methodical abstraction from every situation" that characterises classical liberal theory.¹⁵⁴ Against the contradictory outcome into which Harman falls, the material ontology I propose entails the acceptance of the materiality of every being, both humanly-produced and human-independent: between MX, SR and cats, or whatever human-independent object, there is no ontological difference: they are all material, all dependent on (very different) sets of (either human or nonhuman, tangible or intangible) relations for their existence, though never fully definable and exhausted by them. Even more radically, this entails to accept that not only rocks or cats, but even our more private thoughts are never fully 'ours', i.e. never fully *for us*. What I suggest is that, in my opinion, the key questions at stake with the attempt to challenge the human-world correlation are: first, that of dismantling the proprietary and immunitary logic of possession that underlines it; second, that of opening it up to the cosmic contingency of its 'event'.¹⁵⁵

Instead, in his immunological attempt to guarantee the self-sufficiency and concreteness of objects, Harman's actualism projects a frozen ontology made of only-actual beings which is as unable to account for change as with Latour relationalism is.¹⁵⁶ Even more problematically with respect to the latter, the implicit 'isolation' into which Harman seems to confine objects is bound to re-introduce nihilism within his ontology, and a consequent vulnerability to the logic of techné. In fact, the uneventful 'closure' that this ontology of 'being without event' produces, is troublingly fitting with a conservative political stance that encourages acceptance of the *status quo*, and appears to be merely content with carving

¹⁵³We could equally reverse the deduction and note that humans are still given special capacity to produce immaterial entities over which they have absolute control, as long as they are kept 'private'

¹⁵⁴Tiqqun. *Introduction to Civil War* (Semiotex(e) MIT Press, 2010) p. 25

¹⁵⁵I account for the second question very soon, whilst I will deal more precisely with the first through the notion of 'use' in chapter 5

¹⁵⁶Bryant observes that Harman's anxiety to preserve the *actual* concreteness of objects ultimately entraps him into an *impasse*, i.e. the inability to explain change unless assuming it as coming *ex nihilo* [*Democracy*, op. cit. p. 122].

out for itself the ‘administrative’ task of finding the best way to organise it.¹⁵⁷ As Berry observes, this is “not so much philosophy as *philosophy*, where rather than *understanding* the world, there is an attempt to *describe* it, and a worrying tendency towards the administration of things through a cataloguing operation.”¹⁵⁸

How to simultaneously exceed both the perils of relationalism and actualism? I believe Deleuze’s concept of the virtual is invaluable in order to fully pursue the seemingly paradoxical task of thinking simultaneously beyond relation as well as separation, towards the conception of a *non-relational* side of beings, which is not actual, and yet fully material, i.e. concrete and real.¹⁵⁹

4.

*a life is never fully actualised, but endures a real virtuality, as a real multiplicity...*¹⁶⁰

Through the notion of ‘virtual’ we are able to ride the line of flight opened by Heidegger’s swerving all the way onto Deleuze’s concept of event. I am not necessarily suggesting that between the two authors there is more in common than the French philosopher would like to admit. My aim is not that of producing posthumous philosophical friendships. Instead, I wish to join their insights as ‘tools’ of a productive assemblage whereby to delineate the spatial ontology I have in mind.

The virtual could be (partially) defined as the field of the possible ways-of-being of a given ‘body’. In this sense, we could say that the virtual is a multiplicity expressing the potential modes of *a* being, “the structure of a space of possibilities ... the space of all the possible

¹⁵⁷Some uncomfortably conservative political positions at times emerging from the political stance of Latour, Harman and Sloterdijk finds here an ontological basis. Alexander Galloway relates Harman’s seemingly conservative acceptance of the status quo to his prioritisation of the suspicious political dimension of ‘liberation’ over the more radical dimension of justice [“A response to Graham Harman’s ‘Marginalia on Radical Thinking’” *An Und Fur Sich Blog*, 3 June 2012, available at <http://itself.wordpress.com/2012/06/03/a-response-to-graham-harmans-marginalia-on-radical-thinking/>]. The relevance of this observation (and thus the limits of Harman’s thought in this regards) will become even more evident when I will relate the ethico/political question of the event to that of justice, on the following chapters.

¹⁵⁸David Berry, ‘The Uses of Object-Oriented Ontology’, *Stunlaw Blog*, 25 May 2012, available at [http://stunlaw.blogspot.it/2012/05/uses-of-object-oriented-ontology.html?m=1; simply put, the problem of OOO is that of attempting to overcome the human-world correlation in merely phenomenological terms, thereby overlooking the crucial question of the event and the cosmic opening it entails, without which another ontological closure seems bound to be produced \[infra note 947\]](http://stunlaw.blogspot.it/2012/05/uses-of-object-oriented-ontology.html?m=1; simply put, the problem of OOO is that of attempting to overcome the human-world correlation in merely phenomenological terms, thereby overlooking the crucial question of the event and the cosmic opening it entails, without which another ontological closure seems bound to be produced [infra note 947])

¹⁵⁹Of course, provided we avoid the misunderstandings (for instance evident in Harman’s and Latour’s brisk dismissal) to which it is often subjected.

¹⁶⁰Deleuze, *Difference*, op. cit. p. 165

states that a given system can have".¹⁶¹ It is important to understand the concept of multiplicity in a non-trivial sense. Deleuze, through the philosophy of Bergson and the mathematics of Riemann, distinguishes between discrete and continuous multiplicities: whilst the former can be counted, since numerical and quantitative, the latter are non-numerical, qualitative, continuous and heterogeneous.¹⁶² When discussing the 'virtual multiplicity' then, we are not referring to a numerical multiplicity, according to which the virtual would simply indicate a set of already-given, countable possible states always-already possessed within an actual body. This misunderstanding, which freezes space into a real in which there would be only actual relations, results from a typical confusion between the concept of 'virtual' and that of 'possible', a major mistake indeed, since it is exactly to challenge the classical dichotomous opposition between 'possible' and 'real' that the concept of virtual was created. Differently from the possible, which is by definition not real, the virtual is real, although non-actual. It is real since it has real effects on the actual. In this sense it is *material*: though being non-actual, it continuously 'haunts the actual'.¹⁶³ This does not mean that actual and virtual are separated, or that a pacific symmetry can be postulated among them: they affect each other, in a radical, swerving asymmetry, between the real potentialities of the virtual and their relational actualisation. Actual and virtual are to be understood as 'the two sides of the Real', only formally but not ontologically distinct: neither a dualism, nor a univocity, but rather a *double structure*. Through this concept we are able to revoke the Parmenidean separation, without simply falling into one side of the split, i.e. either a hyperactive ontology of becoming or a static 'order of being':

Being is univocal.....A single voice raises the clamour of being ... There are not two 'paths', as Parmenides' poem suggests, but a single 'voice' of Being which include all its modes¹⁶⁴

There is a need for a qualification here. The reader could legitimately ask whether this quote is not implying a separation, that between a 'univocal', virtual Being, and the actual, relational 'modes' in which it unfolds. If we are to understand actual and virtual as two separated 'realms', then the consequences are two equally untenable solutions: a frozen actuality without virtuality (as either in the relationalism of ANT or in the actual dormancy of Harman), or an ascetic, immaterial escape into a pure (virtual) chaos in which no actuality takes hold.¹⁶⁵ The latter, according to a recent trend of critique, would be exactly the

¹⁶¹Manuel DeLanda, 'Space: Extensive and Intensive, Actual and Virtual' in Ian Buchanan and Gregg Lambert (eds) *Deleuze and Space* (Edinburgh University Press, 2005) pp. 83-4

¹⁶²See Gilles Deleuze, *Bergsonism* (MIT Press, 1991) pp. 38-42; an understanding from which the Deleuzoguattarian dyad of 'smooth' and 'striated' space derives.

¹⁶³Gordon, quoted in Thrift 2007, op. cit. p. 110

¹⁶⁴Deleuze, *Difference*, op. cit. p. 35

¹⁶⁵Nunes, 'Politics in the Middle', op. cit. p. 118.

deadlock that Deleuze's *philosophy of the virtual* would lead to. Most notably, Alain Badiou has argued that Deleuze assumes the virtual as an all-encompassing and undifferentiated 'bare substratum' out of which actual entities would emanate – a sort of Plotinian God.¹⁶⁶ If this is the case, actual beings would be no more than 'sterile abstractions from a deeper movement of flux or becoming', lacking a proper ontological status.¹⁶⁷ Accordingly, this would imply a philosophy whose "main task facing any such creature is to loosen and then dissolve ['material' and 'situational'] limitations in order to become a more adequate or immaterial vehicle for that virtual creating which alone individuates it."¹⁶⁸ This is, the critique goes, an eminently a-political stance which advocates an ascetic retreat into "a quasi-mystical contemplation of the boundless power of creation, of which actuality is only a limitation", and that would crucially move away from the crucial 'situatedness of political action'.¹⁶⁹ The key problem with such a-spatial and immaterial philosophy (literally leading, as Hallward puts it, 'out of this world') would be that of ultimately consigning entities to the manipulation of biopolitical techniques and technologies of control. Consequently, Žižek can follow Badiou by accusing Deleuze and Guattari of being the unwitting prophets of neo-capitalism.¹⁷⁰

We will have to wait the third chapter to explain more precisely the sense of the last two sentences, and the fifth chapter to fully clarify how my position seeks to avoid this outcome. Yet, although the ethico-political significance of this gesture will become fully apparent later on, it is important from now to rescue the notion of the virtual from potential misunderstandings, especially from the major one of confusing it with an 'undifferentiated

¹⁶⁶ Alain Badiou, *Deleuze: The Clamour of Being* (University Of Minnesota Press, 1999)

¹⁶⁷ Harman, *Quadruple*, op. cit. p. 57. Harman misunderstands the virtual as a 'shapeless whatever' out of which entities would emanate. He polemically observes that assuming such a separated and over-determining entity would equate to denying the very existence of objects as such (*Prince of Networks*, p. 101, 129, 160). Incidentally, Harman moves to Deleuze's *virtual* the same critique he rightly moves to Latour's notion of *plasma*. Latour dedicates very few and confused pages of his oeuvre to explain concept. Plasma, to him, is "that which is not yet formatted, not yet measured, not yet socialized, not yet engaged in metrological chains and not yet covered, surveyed, mobilized or subjectified. How big is it? Take a map of London and imagine that the social world visited so far occupies no more room than the subway. The plasma would be the rest of London" [Latour, *Reassembling the Social*: op. cit. p. 244]. See also *Paris Ville Invisible* (Institut Synthélabo, 1998) [pp. 3, 63, 103], in which Latour employs the term 'virtual' to refer to plasma, although in a rather cursory and superficial manner, and without quoting Deleuze. Indeed, the scant space and little theoretical engagement devoted by Latour to this concept testify for his own lack of conviction about it. How is this undifferentiated 'ocean of uncertainties' to account for the emergence of relations? Most importantly, is it not the very presupposition of such undifferentiated and homogenous 'outside' to ground the logic which propels the paradigm of operation? The last question will find a precise answer in the next chapter. Here, it can simply be observed how the mere fact that Harman subjects as different concepts as Deleuze's 'virtual' and Latour's 'plasma' to essentially the same critique, is sufficient to dismiss the latter as simplistic at best or biased at worst.

¹⁶⁸ Peter Hallward, *Out of This World: Deleuze and the Philosophy of Creation* (Verso, 2006) p. 2

¹⁶⁹ Rodrigo Nunes, 'Politics in the Middle: For a Political Interpretation of the Dualisms in Deleuze and Guattari', *Deleuze Studies* 4, 2010: p. 108

¹⁷⁰ See Slavoj Žižek, *Organs Without Bodies: Deleuze and Consequences* (Routledge, 2004)

substratum’ – a sort of ‘bare origin’ of all entities. The presupposition/production of bare substratum (bare life) is, as I show in the next chapter, what grounds the exceptional logic of law's spatial appropriation. Hence the need to qualify promptly the incompatibility of the notion of virtual with such a characterisation – into which, instead, Latour’s ambiguous concept of plasma appears to fall.¹⁷¹ Two quotes are helpful for this purpose:

The univocity of Being does not mean that there is one and the same Being; on the contrary, beings are multiple and different ... the univocity of Being signifies that Being is Voice that it is said¹⁷²

the essential in univocity is not that Being is said in a single and same sense, but that it is said, in a single and same sense, of all its individuating differences or intrinsic modalities. Being is the same for all these modalities, but these modalities are not the same. It is ‘equal’ for all, but they themselves are not equal. It is said of all in a single sense, but they themselves do not have the same sense¹⁷³

How can we unfold this notion of a ‘being’ shared by all entities without crystallising it into a plasmatic substratum out of which those entities would emanate (and that consequently would deny any ontological status to the entities themselves)? First, I need to explain how such a ‘Being’ could be defined as an inorganic ‘life’ in which and through which beings endure, a life which is not an all-encompassing whole, but rather a non-relational (im)potentiality ‘structural’ to every being. Second, I have to account for the ontological singularity of these simultaneously relational and non-relational beings.

5.

*demonic is in every being, the possibility not to be*¹⁷⁴

The first step requires to understand the notion of virtual as a potentiality emancipated from the insipid status of a *possibility*, and at the same time not confounded with mere actuality. I believe an aid in this sense can come from a reflection which traverses all of Agamben’s work, and that stems from his analysis of the famous Aristotelian distinction between *dynamis* (potentiality) and *energeia* (act), whereby the Philosopher sought to contest the thesis according to which potentiality only exists in the act, i.e., when actualised.¹⁷⁵ Instead,

¹⁷¹Supra note 167; let me qualify that I do not wish to defend any ‘Deleuzian orthodoxy’ (a formula which, incidentally, is nothing but an oxymoron). More precisely and possibly interestingly, I need to guarantee the theoretical sharpness of this conceptual tool in order to use it strategically in the rest of the thesis, and thus I have to clear the field from blatant misunderstandings.

¹⁷²Deleuze, *Logic of Sense*, op. cit. p. 179

¹⁷³Deleuze, *Difference*, op. cit. p. 50

¹⁷⁴Giorgio Agamben, *La Comunità che Viene* (Bollati Boringhieri, 2001) p. 32

¹⁷⁵A thesis which would imply the non-existence of potentialities as such: “For if potentiality were always only the potential to do or to be something, we would never experience it as such; it would exist only in the

Aristotle contends that a potentiality exists, i.e. it is real, independently of its actualisation. In this sense, potentiality is essentially defined as the possibility of non-exercising the potentiality itself, just like the piano player has the potential of playing the piano insofar as he is able not-to play the piano. Potentiality is the *form* of a non-actualised presence, a (virtual) *impotentiality*. The radicalism of this theory should not be underestimated: to understand potentiality as a precise quality, already-determined by the act, is to reduce it to something amenable to control by the will (as in Harman's above example), an instrument for a projectual operation, or indeed a form to be shaped through discipline. In other words, what this notion de-activates is the proprietary mechanism of the I-subject, grounded as it is on the *possession* and *control* of one's will and faculties. This proprietary mechanism, on which as we are to see the legal subjection rests, is made 'inoperose' by this notion of impotentiality, that sanctions the existence of a potentiality *non-exhausted* by its actualisation:

Contrary to the traditional idea of potentiality that is annulled in actuality, here we are confronted with a potentiality that conserves itself and saves itself in actuality. Here potentiality, so to speak, survives actuality and, in this way, *gives itself to itself*¹⁷⁶

In the terms employed so far, impotentiality appears exactly as what, in every being, is the potentiality not to be reduced to relations, to *swerve* away from any operation. According to Bryant, each object has 'demonic' or 'volcanic' powers, in excess to any relation or local manifestation.¹⁷⁷ To him, this means that objects have "the capacity to *operate*, even though they weren't *operating*. They [retain] the *power* of life, just not the local manifestation of

actuality in which it is realised, as the Megarians maintained" Giorgio Agamben, "Bartleby o della contingenza," in Gilles Deleuze and Giorgio Agamben, *Bartleby, la Formula della Creazione* (Quodlibet, 1993) p. 250 – (my translation)

¹⁷⁶Giorgio Agamben, *La Potenza del Pensiero: Saggi e Conferenze* (Neri Pozza, 2012) p. 294

¹⁷⁷Levi Bryant, the other major promoter of OOO, integrates Harman's theory with the notion of virtual, assuming that "all entities are absolutely concrete, but have virtual and actual dimensions" (*Democracy of Objects*, op. cit. p. 122). As it will become apparent in a while, my position is rather sympathetic with Bryant's. I disagree however with his critique to Deleuze for, as Nunes puts it, "eliminating individuation and individuality in favour of a boundless creating power" [Nunes, 'Politics in the Middle', op. cit. p. 120] – although Nunes is here referring to Hallward's critique of Deleuze, his remark perfectly applies to Bryant's position as well. Deleuze's reference to the virtual as pre-individual is assumed as compromising any possibility to assume individual objects as self-sufficient. It implies, Bryant observes, that the "individual would be an effect of the virtual, not primary being itself" [*Democracy*, p. 96]. I think Bryant is wrongly conflating the notion of individual and that of body here. Whilst the notion of individual, which is the core of Deleuze's critique to individualism in general, is surely posited by the French as derivative, this is not the case with that of body whose singular essence, I believe, he preserves, differently from Spinoza [*supra note* 122]. To clarify, it is helpful to quote Anton Schutz. Although the latter is referring to the thought of Duns Scotto, his point applies relevantly to the this discussion: "Individuals are not forms; it is incorrect to imagine them as formed or consolidated singular essences; if individuals doubtlessly shelter singular essences, if the singular essence of 'Elena' is only found on the individual Elena, to limit individuation to the individual is, for Duns, a metaphysical blunder, an illegitimate inference from the notion of numerical oneness. The individual holds no exclusive rights" [Anton Schutz, 'A Quandary Concerning Immanence' *Law and Critique* 22 (2) 2011, 189–203: pp. 195-6]; Individuals are not consolidated essences. Yet, this does not mean to infer that singular essences do not exist.

life".¹⁷⁸ Accordingly, the 'demonic' powers of objects are understood as 'capacities to' which an object possesses, an understanding which, I believe, still maintains the relation of possession in place, and thus does not fully challenge the paradigm of operation. More promising to think the non-relational side of the virtual seems to me Agamben's notion of impotentiality, which gestures towards a concept of 'inoperose' and non-proprietary potentiality, which as such cannot be *possessed* and *operated* but only, and necessarily commonly, used.¹⁷⁹ Differently from Bryant, whose use of the adjective appears as merely aesthetic, in Agamben the term 'demonic' seems to assume a more strategic and non-rhetorical meaning: 'demonic' is 'in every being, the possibility not to be ... the impotentiality'. On the other hand, the notion of 'evil' refers to one's 'fearful retreat from it [from the demonic] in order to exercise – founding ourselves in this retreat – some power to be'.¹⁸⁰ Differently from a naïve and in this sense 'evil vitalism' unable to escape the proprietary paradigm of operation, I thus propose to endorse a *demonic vitalism* which would allow for thinking the virtual not as a mere capacity to, but rather as the eventful impotency through which we live a life in 'incessant excess to its own forms and actualisations'.¹⁸¹ Agamben has beautifully expressed this quality of Deleuze's vitalism, as the simultaneous overturning of transcendence without falling into the suffocating immanence of relationalism, in his analysis of his very last text, *Immanence: a Life...* Deeply convinced of the 'strategic relevance' of the title's unusual punctuation, Agamben suggests that the *colon* means "neither a simple identity nor a simple logical connection" between the notion of 'immanence' and that of 'a life', but rather

introduces an agencement of a special kind, something like an absolute agencement that also includes 'nonrelation' or the relation derived from nonrelation ... In this sense, the colon represents the dislocation of immanence in itself, the opening to an alterity that nevertheless remains absolutely immanent

Moreover, he adds that the ellipsis which follows the term 'life'

maintain the term "life" in relation to its pure determinability and, while carrying it into this virtual field, exclude the possibility that the indefinite article "a" (i.e., *one*) might (as in Neoplatonism) transcend the Being that follows it.¹⁸²

¹⁷⁸ Levi Bryant, 'Meecees in Space!', *Larval Subjects Blog*, 9 December 2010, available at <http://larvalsubjects.wordpress.com/2010/12/09/meecees-in-space/> (my emphasis)

¹⁷⁹ For an explication of the notion of *use* I am employing, see chapter 5.

¹⁸⁰ Agamben, *La Comunità*, op. cit. p. 32;

¹⁸¹ Agamben, *La Potenza*, op. cit. p. 295

¹⁸² Agamben, 'L'Immanenza Assoluta', in *La Potenza*, op. cit. p. 389; The ellipsis dots in relation with the words 'a life' refer instead to the 'indefinite' quality of life as immanent and impersonal, in the sense which Deleuze himself explains: "The indefinite as such does not mark an empirical indetermination, but a determination of immanence or a transcendental determinability. The indefinite article cannot be the indetermination of the person without being the determination of the singular" [quoted in *ibid.*]. *Agencement* is a key term in Deleuze's ontology, usually translated as 'assemblage' or 'concatenation', translations which unfortunately lose the dynamic character of the French term.

This 'inorganic life' is what allows any human and nonhuman being to 'persevere' in itself (in the sense of a Spinozian *conatus*, i.e. the immanent desire to persevere in one's being) by *swerving* simultaneously from a suffocating closure from relations (the cage of hyper-individualism) as well as from a hyper-active dissolution into fully actual relations (the cage of relationalism), radically exceeding and thus debunking the dualism between an undifferentiated and homogeneous 'bare life' and an already-determined 'individual life'.¹⁸³ *Each body is a demonic double*. Hence, following Spinoza and Nietzsche, the truly ethico-political question becomes that of a body's 'inclination': either a movement of composition, as an opening into the spatiality of common relations; or a movement of closure, as a reactionary denial of co-spatiality in the form of the immunitary self-closure of the 'actual individual'. These are not 'given' states, but rather the two indefinite tendencies between which each body is polarised.¹⁸⁴ *Actually* reaching one of these tendencies, as Meillassoux observes, would simply lead to as many forms of death: on the one hand, a 'monadological death', i.e. an absolute closure from space and its relation, just like the cat deprived of air, the SR deprived of its thinkers. On the other hand: a death "by dissipation and progressive disappearance ... an *infinite madness* ... [becoming] a pure point of passage, a pure centre of communication of all things with all things".¹⁸⁵ Death as the end of all relations (the dormant object), death as dissolution into all relations (the Latourian object): a body, as Deleuze would never tire to say, is always in the middle, not as 'in-between', but rather as a fold exceeding these never completely-inhabitable (since never fully separated) dimensions.¹⁸⁶ To understand objects, or bodies, in this way is to understand them as double-structures, and thus never fully graspable, reducible, manipulatable, always situated within a relational here-and-know, and yet never actually resolved, i.e. stuck into that. Demonic vitalism avoids the chaotic condition of being 'constantly enrolled into activity' that characterises naïve vitalism, and rather affirms the ontological (reserve of) impotentiality that each being harbours. What keeps a body 'alive' is this 'inoperose potency to swerve': not a 'capacity to do', therefore, but more importantly a 'capacity to undo': an 'inoperose potentiality' that, as we are to see, by 'making inoperose' the operational mechanism of appropriation, unleashes the excessive eventfulness of the materiality of being-together, opening up each situation to

¹⁸³See ch. 3, *Prologue*, par. 2

¹⁸⁴As Nunes puts it [*Politics in the Middle*, op. cit. p. 112]: every entity is a monad, in "a polarised directionality between two indefinite extremes"

¹⁸⁵Quentin Meillassoux, 'Subtraction and Contraction: Deleuze, Immanence and Matter and Memory', in *Collapse, vol. III : Unknown Deleuze* (Urbanomic, 2007) p. 107

¹⁸⁶In his words: "as if the object had one of its parts on the virtual and would be *immersed* in it as in an objective dimension" [Deleuze, *Difference*, op. cit. p. 270].

the contingency where 'life' is put-at-stake, and thus where the battleground of contemporary biopolitics lies.¹⁸⁷

6.

*a representation is not true, rather, it is, it has being*¹⁸⁸

Through the concept of double-structure we are able to hold together a notion of virtual as an impotentiality, a sort of 'inopereuse', quiet power, as well as the actual relationality in which always unfolds. Let us be clear: I am not implying that materiality is 'only' relational. Materiality is actual and virtual, relational and non-relational, paradoxically material and immaterial, as Anderson and Wiley suggest: "The qualities that we consider to be immaterial are internal to matter but, importantly, do not coincide with the essential properties of a thing 'in itself' or the properties of a thing 'in relation'".¹⁸⁹ An excess, that is, which overcomes every relation, and that the virtual allows for thinking as radically material, never transcendentally 'beyond', or 'outside', but rather as the swerving and eventual *taking place* of any entity, the unavoidable fact that each being 'must be in some place and occupy a space', its geo-sophical 'rootedness'.¹⁹⁰

Beyond freezing relationalism, actualist isolations or transcendent abstractions, we are thus facing a truly radical materialism based on the simple formula that *everything does matter*. This is certainly consistent with the call of 'new' materialist philosophies to re-evaluate the importance of a materiality which is independent from, *i.e.* not for, us: every entity equally 'matters' (although in unavoidably different ways). Not in the sense of everything being neutral. Quite the contrary. There is no 'innocence' in matter, as there is no *actual* isolation

¹⁸⁷See Gaetano Rametta, 'BIOPOLITICA E COSCIENZA. Riflessioni intorno all'ultimo Deleuze', in *Filosofia politica*, n. 1 (2006) pp. 29-42: pp. 9-10. Thrift [*Non-Representational Theory*, op. cit. p. 10] laments that in Deleuze's ontology there is an excessive emphasis on the bliss of action, as if "bodies are bodies-in-action, able to exhibit a kind of continuous intentionality, able to be constantly enrolled into activity". This understanding, he notes, fails to account for the fact that "the unchosen and the unforeseen exceeds the ability of the body to contain and absorb ... There is a sense of being unworthy of events ... and this is not an abnormal condition, it is a part of being as flesh." Contrary to that, I think this is exactly where Deleuze's approach leads to, that is, towards a dimension of 'acting' radically excessive to the operational paradigm, *i.e.* to what, through Agamben, I indicate as 'inopereuse potentiality'. A good part of the fifth chapter is dedicated to unfold this concept.

¹⁸⁸Doel, *Poststructural Geographies*, op. cit. p. 5;

¹⁸⁹Ben Anderson and J. Wylie, 'On Geography and Materiality' *Environment and Planning A* 41(2) 2009, 318-335: p. 331; as they add, "in each case there is an excess that is of matter whatever the state or element matter is enacted in. Openness to the new, of different types, is the product of the autonomous relation from which the immaterial and material fold with one another" (p. 330)

¹⁹⁰Plato, quoted in Masciandaro, 'Becoming Spice', op. cit. p. 34. In the words of Deleuze and Guattari: "thinking is neither a line drawn between subject and object nor a revolving of one around the other. Rather, thinking takes place in the relationship of territory and earth" Gilles Deleuze, and Félix Guattari *What Is Philosophy?* (Verso, 1994) p. 85

of beings. This is the second meaning of the formula: every entity *matters* in the sense of ‘mattering’, by entering in relations with other bodies, affecting and being affected, never fully neutral from the power relations in which unavoidably gets entangled. Equally, intangible bodies such representations, images, ideas, are not to be assessed vis-à-vis their reference to a system of truth, but rather according to the material processes they trigger, the ontological concatenations they produce, as well as the eventful, swerving potential they harbour: “the capacity of an idea to put a mass in movement, to modify the balance of a field of power or to induce this or that behaviour is not dependent on its truth-value”.¹⁹¹ Since everything *does* matter, every thing *takes place*, and this taking place is material, ontologically productive, and as such susceptible of being explored:

everything takes-part and in taking-part, takes-place: everything happens, everything acts. Everything, including images, words and texts ... and so even representation become presentations; as things and events, they enact worlds ... in their taking-place they have an expressive power as active interventions in the co-fabrication of worlds¹⁹²

It is by assuming this always-excessive, eventful taking place of matter, that we can overcome the totalising rigidity of networks without falling onto unformatted ‘plasma’, or indeed a chaotic nihilism. A final step is left, however, to clarify more precisely how such an ‘excess’ on which every being’s (im)potentiality to swerve lies, rather than being ‘another kind’ of relation, is the non-relational ‘event’ of the relation itself. It is exactly by turning to the notion of event that we are able to account for that.

7.

*only the event can know what a body can do*¹⁹³

In his very first essay, the young Jean-Paul Sartre waged an attack to the notion of I-subject. The emersion of the ‘Ego’, he noted, is constituted by a ‘reflexive’ act of consciousness which thus establishes the status of the I-subject as the centre of will. Yet, this consciousness, prior to turn onto itself, i.e. to become ‘reflexive’ (i.e. self-consciousness), is ‘irreflexive’. This is the literally unthinkable, ‘irreflexive ground’ of any reflection, and as such is impersonal and non-subjective. Sartre calls it *transcendental field*, what does not belong to

¹⁹¹Regis Debray, *Critique of Political Reason* (New Left Books, 1983) pp. 116–17. As Bonta and Protevi put it, ‘the meaning of a sign is a measure of the probability of triggering a particular material process’ (*Geophilosophy*, op. cit. p. 5); see also Hanjo Berressem “‘Is it Possible Not to Love Žižek?’ on Slavoj Žižek’s Missed Encounter with Deleuze”, *Electronic Book Review*, 2005, available at <http://www.uni-koeln.de/phil-fak/englisch/abteilungen/berressem/zizek/zizek.html>

¹⁹²Anderson & Harrison. *Taking-Place*, op. cit. p. 14

¹⁹³Keith Woodward, ‘Events, Spontaneity and Abrupt Conditions’, in Anderson, B. & P. Harrison (eds) *Taking-Place: Non-Representational Theories and Geography* (Ashgate, 2010) p. 331

any subject, since ‘purified of the I’, or the latter’s immanent ‘condition of possibility’, the ‘event’ of its surfacing: not a shapeless whole, but what in any body is the “first condition and an absolute source of existence”.¹⁹⁴ Ronchi suggests to understand the transcendental field as a paradoxical non-relational relation or, more precisely, as what actually grounds any (cor)relation (being-world, subject-object, object-object): ‘the constituted is the correlation I-world, the subject-object nexus. The constituent is the *event* of that correlation, which has no other place than in the correlation, yet cannot be said as correlation’.¹⁹⁵ If any entity can only exist by entering into relations (since there cannot be entities standing in the void), the transcendental field would be exactly the impersonal ‘potential’ to enter in relations as well as simultaneously to swerve from being reduced to them. To indicate the way concatenations emerge immanently in the social field, Deleuze and Guattari create the concept of *machine*: in the ontological, vibrating and conflictual co-immersion of being-together, machines are ‘immanent ordering logics’. Let us imagine various voices singing randomly, which suddenly *become* tuned on a certain, common wavelength: we could say that this tune at the same time constitutes, and is constituted, by the voices themselves. A *machine* is an “impulse without determined goals” which ‘selects’, ‘invents’, i.e. *machines* the voices, holding them together whilst keeping them heterogeneous.¹⁹⁶ Take the famous riddle of the silence – ‘if you mention me, I am gone’ –, where what is implied is a constitutive, unspeakable absence as the groundless ground of any expression, and translate it to an affirmative notion of Being as Voice, where negation is substituted by *machination*: ‘if you mention me, I am machined’.¹⁹⁷ Being and Becoming, one and all, univocity and

¹⁹⁴“This absolute consciousness, when it is purified of the I, no longer has anything of the subject. It is no longer a collection of representations. It is quite simply a first condition and an absolute source of existence” Jean-Paul Sartre, *The Transcendence of the Ego: An Existentialist Theory of Consciousness* (Noonday Press, 1957) p. 106

¹⁹⁵Rocco Ronchi, Introduzione a Jean Paul Sartre, *La trascendenza dell’ego: una descrizione fenomenologica* (Marinotti, 2011) pp. 17, 11

¹⁹⁶Amin and Thrift, *Cities*, op. cit. p. 106 – accordingly, agency is not located in subjects, nor is merely the result of the aggregation of individual action: emergence must be addressed “both above and below the level of the subject” Bonta and Protevi, *Geo-Philosophy*, op. cit. p. 35; incidentally, Badiou describes Deleuze’s notion of event in similar way: “The event is what composes a life somewhat as a musical composition is organised by its theme.” Alain Badiou, ‘The Event in Deleuze’, *Parrhesia*, Winter 2007, available at <http://www.lacan.com/baddel.htm> -

¹⁹⁷This is what Deleuze achieves by assuming Being as an incorporeal absolute: incorporeal here does mean that it is only through its machination in *agencement* that its materiality unfolds: “We must therefore maintain that *sense is a doubling up*, and that *the neutrality of sense is inseparable from its status as a double*. The fact is that the doubling up does not at all signify an evanescent and disembodied resemblance, an image without flesh—like a smile without a cat. It is rather defined by the production of surfaces, their multiplication and consolidation” [*Logic of Sense*, op. cit. p. 125]. On an insightful reflection of Deleuze’s notion of being as an impersonal ‘voice’, a ‘power to speak’, see Mogens Laerke, ‘The Voice and the Name: Spinoza in the Badiouian Critique of Deleuze’, *Pli* 8, 1999

pluralism, virtual and actual: these terms can never exist 'in separation', and are only given in a tension which cannot be dissolved into one of the two terms.¹⁹⁸

This is what Deleuze's notion of event expresses: at the same time the actualisation of matter into a given state of affairs, as well as the very eventfulness, its *swerving taking place*, which always prevents a body from merely coinciding tautologically with its actual relations: "the event is not what occurs (occurrence), is within what occurs".¹⁹⁹ This is not only to say that every relation, every concatenation is prone to dislocation, in a continuous movement of deterritorialisation and reterritorialisation. More precisely, it means that in every occurrence, every taking-part, every entering in relation, there is an 'event', i.e. the *taking place* of these relations. What does it mean? In a famous passage, Deleuze sought to explain this point by differentiating between the viewpoint of a soldier within the battle, and the enigmatic 'viewpoint of the event':

the battle hovers over its own field, being neutral in relation to all its temporal actualizations, neutral and impassive in relation to the victor and the vanquished, the coward and the brave ... Never present but always yet to come and already passed ... "Where" is the battle? This is why the soldier flees when he flees and surges when he surges, determined to consider each temporal actualisation from the height of the

¹⁹⁸To describe this paradoxical 'folding' Deleuze and Guattari create the concept of 'plane of immanence', i.e. a self-differentiating 'surface' where events *take place*, materially, and are joined in the machinic concatenations of concepts. The plane of immanence is a 'machinic' elaboration of the notion of Sartre's notion of transcendental field. It should be understood as the 'limit' of thought, or more precisely, as what allows for, without determining, the very act of thinking. It is the 'image of thought', i.e. "the image of thought gives itself of what it means to thing, to make use of thought, to find one's bearing in thought" [Deleuze and Guattari, *What is Philosophy*, op. cit. p. 37]. It could be defined as "the differential field of potential transformations of material systems" [Bonta and Protevi, op. cit. p. 29] as well as "the event horizon of infinite disjointure" [Doel, *Poststructural Geographies*, op. cit. p.163]. It is to be emphasised that whereas the plane is 'pre-philosophical', non-representational, pre-logical, it is nonetheless ontological: "a sieve stretched over the chaos", paradoxically relational and beyond relation, ontologically coexistent with its actualisations, without ever being exhausted by them. When defining it in this way, Deleuze and Guattari imply an understanding of chaos as "characterised less by the absence of determinations than by the infinite speed with which they take shape and vanish ... chaos is not an inert or stationary state, nor it is a chance mixture" [Deleuze and Guattari, *What is Philosophy*, op. cit. p. 42]. In other words, an understanding of chaos rather different from the nihilistic, homogenous and external chaos which instead, as we saw above, is the presupposition of the paradigm of techné [insofar as ultimately probabilisable, *supra note* 135]. This is the core of Severino's intuition: the Western 'will to power' and 'control' is not simply interpretable as a will to control the nihilistic becoming. More precisely, more deeply, it rests on the very willingness, or actually 'faith', that such a nihilistic becoming, chaos and nothingness would exist as 'separated': this is what ultimately justifies the 'will to control' itself [see Severino, *Destino della Necessità*, op. cit.]. In fact, Deleuze and Guattari challenge such separation through the notion of 'chaosmos' (chaos+cosmos). In his book on Nietzsche Deleuze already stressed this point when observing that "chaos and cycle, becoming and eternal return have often been brought together, but *as if they were opposites*. Thus, for Plato, becoming is itself an unlimited becoming, a becoming insane, a becoming hubric and guilty which, in order to be made circular needs the act of a demiurge who forcibly bends it, who imposes the model of the idea on it. This is how becoming or chaos are transferred to the side of an obscure mechanical causality and the cycle is referred to a kind of finality which is imposed from the outside." [*Nietzsche and Philosophy* (Columbia University Press, 2006) p. 28 (my emphasis)]. I will come back to this on the next chapter.

¹⁹⁹Gilles Deleuze, *The Logic of Sense* op. cit. p. 134

eternal truth of the event which incarnates itself in it and, alas, incarnates itself in his own flesh.²⁰⁰

Woodward perfectly summarises the sense of this seemingly esoteric passage:

the view from the event is the aggregate view, the wordly perspective, of divergent perspectives ... a manifold of changing perspectives, forces and relata. The event is not simply non-representational, it is non-*presentational*.²⁰¹

That is, the 'viewpoint' of the event, and thus what grounds its excess, should not be merely confounded with what escapes the representational cognition of a subject. It is not simply what is actually there, 'present' to the soldier, yet unperceived by him, since only affecting him pre-consciously, pre-subjectively and non-representationally.²⁰² Contrary to these ultimately phenomenological simplifications, what the event's viewpoint concerns is not even 'presented', since it is a virtual multiplicity, that is, it "concerns an emerging situation's 'making-available' a multiplicity of viewpoints (potentially) to the bodies (humans, bits of matter, animality, languages and so on) that compose it".²⁰³ This is the deep sense of Spinoza's maxim: "we do not know what a body can do". Not simply an epistemological and 'correlational' limit (i.e. our incapacity to know), but an ontological statement (i.e. independently from *us*, a body is never exhausted by its relations): we do not know what a body can do because "only the event can know what a body can do".²⁰⁴ Hence the non-relational status of the event: its virtual viewpoint without representation or presentation is exactly the unthinkable point of view of a world indifferent to us, that is, a world *not for us*: 'consciousness without witness, spectacle without audience'.²⁰⁵ This is what is permitted by a radical understanding of materiality as an eventful taking place, in the sense of being always open to a post-human, impersonal and thus 'cosmic' contingency: neither in the temporal sense of an ancestral world before us (or indeed future world after us), nor in the spatial sense of something occurring billions of kilometres away from us, but rather in the 'geo-sophical' sense of a world not-for-us, utterly indifferent to our inescapable involvement with it, to which we are nonetheless open *here-and-now*.²⁰⁶ In every body, and thus in every

²⁰⁰"... Still, the soldier needs a long struggle in order to arrive at this *beyond* of courage and cowardice, to this pure grasping of the event by means of a 'volitional intuition', that is, by means of the will that the event creates in him. This intuition is distinct from all the empirical intuitions which still correspond to types of actualisations", *ibid.* pp. 100-1

²⁰¹Woodward, 'Events, Spontaneity and Abrupt Conditions', *op. cit.* p. 331

²⁰²Clearly we should strive to avoid any "any dogmatic confusion of the event with the essence, but also any empiricist confusion of the event with the accident" Deleuze, *The Logic of Sense* *op. cit.* p. 54

²⁰³Woodward, 'Events, Spontaneity and Abrupt Conditions', *op. cit.* p. 331

²⁰⁴*Ibid.*

²⁰⁵Ronchi, *op. cit.* p. 21

²⁰⁶For the notion of 'cosmic contingency' I am inspired by the thought of Negarestani. As he explains, "The idea of ecological emancipation must be divorced from the simultaneously vitalistic and necrocratic relationship between the Earth and the Sun. It must instead be coupled with cosmic contingency as the principle of all ecologies. Only an ecology permeated with radical contingencies of the cosmic abyss can reinvent the Earth in

situation, lies the potential ('reserve of potentiality', 'demonic' power, impotentiality...) opened by contingent eventfulness, what provides every one with a inoperose potency to swerve, granting one's ultimate irreducibility to the actuality of social, physical, biological, psychological relations.

From this seemingly 'abstract' observation a profoundly empirical philosophy emerges. How to account for this excessive materiality, how to follow the machinic concatenations in which the social is striated, without at the same time reducing space 'just' to relations? Deleuze has a paradoxical formula for answering this question: *transcendental empiricism*. Through this model, he is able to cut through transcendental subjectivism and objective empiricism, ontologies of presence and flat ontologies of relations.²⁰⁷ In fact, 'transcendental' here is employed in reference to a field of enquiry which is 'beyond' the human, the personal, the subject/object distinction, but also, as we saw, beyond 'mere' relations. The 'ethico-methodological' proposition here is the injunction to be 'faithful to the event', i.e. to be faithful to a world not for us, a world never fully reducible to the relations we trace.²⁰⁸ This injunction should not be understood in spontaneistic, simplistic or ascetic terms. We are not heading 'out of this world' as Hallward and others rather simplistically propose.²⁰⁹ Quite the contrary: we are heading towards an absolutely 'situated' practice, in the geo-sophical sense just unfolded (that is, being simultaneously *here-and-now* in a world not-for-us). A 'practice' which, in the precise words of Nunes, "is premised on *experimenting* with the virtualities 'of this actual' and never (*pace* Hallward) on an *experience* of the virtual".²¹⁰

The density of the last section will be unpacked through the thesis. In the fourth chapter, I will draw some methodological suggestions. Coherently with the spiralling structure of this thesis, in the fifth I will come back to this radically impersonal, post-human and cosmic

the direction of the great outdoors." [Reza Negarestani, 'Solar Inferno and the Earthbound Abyss', in Pamela Rosenkranz, *Our Sun* 2010: p. 4]; It would be extremely interesting to follow Negarestani's philosophy and its very unorthodox (and thus fully consistent) use of Deleuze (veritable performance in his own concept of *Hidden Writing* [see, Reza Negarestani, *Cyclonopedia: Complicity with Anonymous Materials* (Re.press, 2008) p. 62]. Yet, I do not have space for that in this thesis. Instead, I focus on this cosmic inspiration, especially in the last chapter and the conclusion, as a way to push the thesis in the directions of other potential outdoors; On the notion of 'ancestrality', see Meillassoux, *After finitude*, op. cit.

²⁰⁷Deleuze develops this concept through Spinoza and his notion of 'third kind of knowledge', which is neither sensorial/empirical nor rational/intellectual but, as Brighenti puts it, an "'intuitive' science of singular essences (modes of existence, degrees of potency or intensities)", in Brighenti, *Visibility*, op. cit. p. 37

²⁰⁸"the transcendent is not the transcendental ... the transcendental field [is] defined as a pure plane of immanence, because it eludes all transcendence of the subject and of the object" Deleuze, Gilles. *Pure Immanence: Essays on a Life* (Zone Books, 2005) p. 26. I stress that the Plane of Immanence should not be simply understood as a relation. It is simultaneously the machinic relationality which grounds the being-together, and the 'non-relational' event of this relation.

²⁰⁹See Hallward, op. cit.

²¹⁰Nunes, op. cit. p. 121

notion of event in an almost specular manner, this time however to reflect more in depth on the ethico-political significance of such geo-sophical position by linking it to the notion of justice. In the in next, final part of this chapter instead, I propose a way to convey this theoretical approach onto the urban space.

Atmosphere Rhythm Tuning

1.

*only empiricism knows how to transcend the experiential dimension of the visible without falling into Ideas, and how to track down, invoke and perhaps produce a phantom at the limit of a lengthened or unfolded experience*²¹¹

We have now the equipment to provide the understanding of the urban anticipated in the introduction with theoretical substance, addressing it as a spatiality populated, and indeed constituted, by *differentiating, persevering* and *swerving* bodies, simultaneously singular and in-relation, bodies that can “be measured or registered by [their] relations, but can never be fully defined by them”.²¹² A spatiality which is never fully totalisable into a frozen actuality: not a closed One-All, but rather an open whole, always carrying a ‘more’, an eventful excess.²¹³ Whilst immanent orderings deny the relativism of a postmodern chaos, this ‘more’ is what revokes, ontologically, the presumption of measurability. The city is a surface where events *take place*, materially, and are joined in machinic concatenations, a “state of thriving differences which do not submit to any categorisation, identification or totalisation”, an agonistic field of ‘free play’ in which ideal distance or peaceful dialectics are mere chimera.²¹⁴ *Pace* Hobbes, conflict is not the denial, but rather the very fibre of society, the ontological condition of being-together. In the spatial matrix of this ‘molecular civil war’ the various (human/nonhuman, tangible/intangible) bodies, space-times and scales exist and insist, constantly encountering and clashing, producing frictions, variations of intensity, eventful potentialities.²¹⁵ Yet, this is no chaos. The urban multiplicities appear to be constantly *tuned* into orderings immanently emerging ‘between’, or more precisely excessive to the smooth space of flows and the striated space of structures.²¹⁶ No dialectical model can account for the complex interspersions and frictions between the ‘phenomenological concreteness’ of the here-and-now and its ‘abstractions’ and ecological

²¹¹Deleuze, Gilles. *The Logic of Sense* op. cit. p. 20

²¹²Harman, *Prince of Networks*, op. cit. p. 141-2)

²¹³“neither givable and closed (as it is in Spinoza) nor nongivable and meaningless (as it is in Kant) ... the open whole is not a set, a collection of sets, or a totality ... it is becoming” [Alexandre Lefebvre, *the Image of Law* (Stanford University, 2008) p. 247]

²¹⁴Brighenti, ‘Tarde, Canetti, and Deleuze’, op. cit. p. 303

²¹⁵As Negri observes, “a molecular civil war is defined by overlapping networks that conflict, in one common space, along a multiplicity of modulating fronts” Antonio (Toni) Negri, *Reflections on Empire* (Polity, 2008) p.56

²¹⁶The notions of ‘smooth’ and ‘striated’ space is introduced by Deleuze and Guattari in *ATP*, op. cit. pp. 523-52, as an elaboration of the concepts of discrete and continuous multiplicities described above [ivi, par. 4] – I will come back to this dyad in the next chapter.

prolongations, as well as for the apparatuses and dispositifs which constantly seek to ‘pacify’ these orderings by depriving them from their eventfulness – more or less intentional attempts always haunted by an ever-present, abstract-and-concrete surplus. How to account then for the immanent ‘tuning’ of the city, its ‘mechanism of immanence’?²¹⁷ What is needed is, first, a ‘more abstract’ naive empiricism, oriented towards “the necessary [non-phenomenological] excess of experience: that which overfills any sense of immediacy”.²¹⁸ Second, a ‘more concrete’ social constructivism, stuffed with a post-human and machinic concept of materiality. An eminently ‘empirical’ and strategic approach, that is, whereby investigating the affective and dromological dimension of being-together, looking at contingent concatenations, affective fields and overlapping movements generated by urban bodies, as well as taking into account the intensive and post-human excess always overflowing their taking place.²¹⁹

It is in order to pursue this aim that I introduce two conceptual tools, atmosphere and rhythm, as a way to provide this urban approach with more theoretical depth, terminological precision and methodological sharpness. Subsequently, I join them into the notion of (atmo-rhythmical) *tuning*, a non-dichotomous tool which I propose to use in order to explore strategically the urban space by being faithful to its resonant eventfulness, that is, to its simultaneously relational and excessive ontology.

2.

*the unhistorical is like an atmosphere within which alone life can germinate and with the destruction of which it must vanish*²²⁰

Propelled by the recent ‘affective turn’ in geography and urban studies (in particular the work of more and less visionary German scholars such as Schmitz, Bohme, Sloterdijk etc.), the notion of atmosphere has recently gained increasing popularity in the fields of

²¹⁷As Manuel DeLanda [‘Space: Extensive and Intensive’, op. cit. p. 88] suggests, to simply go against ‘transcendent’ models of thought by postulating supposedly emancipatory immanent ones is not enough, if one does not account for the ‘mechanism of immanence’, i.e. for the “immanent capacity for order to occur ... when the players fall in step with a certain logic” [Palmas, ‘The defence minister’ op. cit.]

²¹⁸Derek McCormack, “Geography and Abstraction: Towards an Affirmative Critique.” *Progress in Human Geography* 36 (6) 2012: p. 721

²¹⁹“We might call them the ‘dromological’ (composition of relative speeds and slownesses) and the ‘affective’ (capacities of affecting and being affected)”, Brighenti, ‘Tarde, Canetti, and Deleuze’, op. cit. p. 304

²²⁰In Deleuze and Guattari. *ATP*, op. cit. p. 326; “Geography wrests history from the cult of necessity in order to stress the irreducibility of contingency. It wrests it from the cult of origins in order to affirm the power of a ‘milieu’ (what philosophy finds in the Greeks, said Nietzsche, is not an origin but a milieu, an ambiance, an ambient atmosphere; the philosopher ceases to be a comet)”, Deleuze and Guattari, *What is Philosophy*, op. cit. p. 96

architecture, marketing, design, urban planning, politics etc. In my opinion it is an extremely promising way to radically approach space – provided, that is, that simplistic interpretations and reactionary applications are eschewed. This is not simple, since the concept’s literal impalpability tends to generate various, confusing and often contrasting understandings. According to a list of possible definitions drawn at a recent symposium on the subject, atmosphere is usually referred as ‘sharing’, ‘combination’, ‘in-between’, ‘feeling’, ‘spatial experience’, ‘enigma’.²²¹

Gernot Bohme suggests that an atmosphere is not a subjective feeling nor an objective effect but something in-between, a “quasi-objective feeling ... the common reality of the perceiver and the perceived”.²²² To Martina Löw, spatial formations, “not visible per se – one sees the social goods and their situating but not the space as a whole – are nevertheless materially perceivable ... Spaces develop their own potentiality which can influence feelings. This potentiality of spaces I call ‘atmosphere’”.²²³ According to others, atmospheres are a way to refer to a ‘potency of space’ separated from individuals and affecting them pre-consciously, that is, in that half-second delay between the effect and our conscious registering, in the sense that, in Brennan’s words, “the ‘atmosphere’ or the environment literally gets into the individual”.²²⁴ These are relevant understandings, however betraying a tendency to reduce atmospheres to ‘external effects’ affecting individuals: either in the ideological interpretation of atmosphere as a sort of ‘veil’ concealing power relations, or in more sophisticated phenomenological approaches, it seems, the individual-space separation (either in subjective or pre-subjective sense) remains unquestioned.²²⁵ Sloterdijk, as noted above, eschews such problematic ‘externality’. Yet, his interpretation reduces the notion of atmosphere to a space ‘in-between’, thus presupposing a totalising relationalism which seems to leave the eventful potentiality of atmospheres unaccounted for.²²⁶ More promising in this sense is Bissel’s description of the subtly tense atmosphere of UK trains, always overflowed and ‘haunted’ by a “distributed space of expectancy existing as a diffuse field of potential”, which is real and material, not actual yet always on the verge of being

²²¹ Available at <http://www.ambiances.net/files/Newsletters/lettern1ambiancesnetwork.pdf>

²²² Gernot Bohme, ‘Atmosphere’. in *Essays zur ein neuen Ästhetik* (Suhrkamp Verlag, 1995) pp. 16, 34

²²³ Ibid: p. 43

²²⁴ Teresa Brennan, *The Transmission of Affect* (Cornell University Press, 2004) p. 1

²²⁵ Martina Löw, ‘The Constitution of Space. The Structuration of Spaces through the Simultaneity of Effect and Perception’ in *European Journal of Social Theory* 11(1) 2008, 25-49: p. 43: “Atmospheres are accordingly the external effect of social goods and human beings realized perceptually in their spatial ordering”; Goonewardena for instance understands the *urban sensorium*, a concept close to that of atmosphere, as an aesthetic veil covering the reality of power relations [Kanishka Goonewardena, ‘The Urban Sensorium: Space, Ideology and the Aestheticization of Politics’, *Antipode* 37 (1) 2005, 46-71]

²²⁶ In Thrift’s words, Sloterdijk’s understanding seems to imply that “the in-between of shared situations, and an accompanying art of orientation and tuning, is what there is and all there is”, Nigel Thrift, ‘I JUST DON’T KNOW WHAT GOT INTO ME: WHERE IS THE SUBJECT?’ *Subjectivity* 22, 2008, 82–8: p. 85

actualised.²²⁷ There is literally *more* in atmospheres than simple ‘embodiment’, ‘performance’, in-betweeness. In Philippopoulos-Mihalopoulos’ words, an atmosphere “can never be seen as a synthetic totality because of its excess.”²²⁸ Such ‘more’ cannot be simply addressed by taking into account the pre-conscious, non-representational, “lived immediacy of actual experience, before any reflection of it”, as Thrift’s ‘quasi-phenomenological’ approach proposes.²²⁹ An atmosphere necessarily “exceeds lived or conceived space-time”.²³⁰

Why is this point so relevant? As Martin explains, the “excess necessitates an appreciation of how objects and spaces have the wherewithal to escape their ‘contextual containment’”.²³¹ In this precise sense, I maintain that addressing the excessive and overflowing character of atmospheres is directly related to the strategic task of developing an ethico-political approach which challenges their reduction to simply an instrument for control and manipulation. In fact, in chapter 3 we are to see more in depth how the unwillingness to radically address such atmospheric excess threatens to unwittingly turn Sloterdijk’s spherology into a conservative recipe for biopolitical control. Atmospheres are not to be understood as co-tractions, as Sloterdijk does, but rather as an *abs-co-tractions*, an ugly term nonetheless able to simultaneously convey their relational and eventual, abstract *and* concrete character.²³² Although atmospheres emerge from a “coming together of people, buildings, technologies and various forms of non-human life in particular geographical

²²⁷McCormack, ‘Engineering Affective Atmospheres’, op. cit. p. 423 - “a distributed field of affectivity, which, although barely and remotely sensed, can precipitate through the appearance of various materials, texts, and images” (p. 427); Bissell observes how in these environments the virtual field of expectancy – that the event itself, such as a mobile phone call, has the potential to actualise again at any time – might hold the body in a restless suspense”, see David Bissell, ‘Passenger mobilities: affective atmospheres and the sociality of public transport.’ *Environment and Planning D: Society and Space* 28 (2) 2010: 270-289: pp. 282-3

²²⁸According to Philippopoulos-Mihalopoulos, Sloterdijk assumes “the undoubtedly true fact that atmospheres are engulfing and producing of their own inescapable immanence. But in so doing, he leaves out the excess of the totality” ‘The Normativity of Animal Atmosphere’, in Y. Otomo and E. Mussawir (eds) *Law and the Question of the Animal* (Routledge, 2012) p. 155

²²⁹Thrift, *Non-Representational Theory*, op. cit. p. 6.

²³⁰Anderson adds, an atmosphere “creates a space of intensity that overflows a represented world organized into subjects and objects or subjects and other subjects, exceeds lived or conceived space-time”, Ben Anderson, ‘Affective Atmospheres’, *Emotion, Space and Society* 2, 2009, 77–81: p. 79

²³¹ Craig Martin, ‘Fog-bound: Aerial Space and the Elemental Entanglements of Body-with-world.’ *Environment and Planning D: Society and Space* 29 (3) 2011, 454-468: p. 462 the internal quote is from Brian Massumi.

²³²‘Abs’, since the term abs-traction means pulling away. ‘Abs’ is then the vibrating, moving, unavoidable dislocation which always problematises any concatenation, any relation. For such aggregation, such conglomeration of relationality the ‘co’ stands, stressing the always unavoidably co-constituted quality of spatiality. ‘Traction’ underlines the fact that the social, even when we get rid of cumbersome supra-structure or untenable contractualist abstraction, is ‘held-together’ nonetheless. Moreover, the term allows to grasp the simultaneously abstract and concrete character of atmospheres, a point I will expand in the third chapter.

settings”,²³³ they are to some extent “autonomous from the bodies that they emerge from, enable and perish with”, always resisting from a reduction to a ‘totality’ *for us*.²³⁴

In the following pages we are to observe how such an ‘autonomy’ should be also intended in the sense of a self-generating legality (auto-nomos) which “demands a position within (only from within can one experience an atmosphere) yet riding a *line of flight* that exceeds this and pushes the creative limits of immanence always further”.²³⁵ Such autonomy is well captured in Deleuze’s notion of affects as a becoming which overwhelms and overcomes those who undergo them.²³⁶ In Philippopoulos-Mihalopoulos’ words:

Although firmly rooted in the *here* of the body, the affect portends to its virtual becoming, in its excess. This excess, collectively yet autonomously, is the atmosphere.²³⁷

Atmospheres can be said to be kept ‘alive’ by the excessive eventfulness they harbour, the swerving potential of their contingent *taking place* that keeps them open and generative of lines of flight, and at the same time threatens their disaggregation. Accordingly, atmospheres overflow the bodies, rearranging their molecular status into machinic assemblages which can be disorienting, oppressive, empowering, carrying away: this is the *machinism* of atmospheres, where their political value lies. The cultivation of these lines of flight and thus of their eventful potential, I will suggest, yields an ‘atmospheric ethics’ that contrasts the instrumental reduction of atmospheres to mere objects of common engineering practices. This not to deny the relevance this (unavoidable) praxis play in allowing for (as well as constituting our) being-together, but more importantly to emphasise the risk for such reductionism to overlooking the problematic role these practices can play in the pacification of being-together via the defusion of its eventfulness, as it is often the case in the atmospheric manipulations generated through techniques and technologies of law, marketing, design, planning, architecture and so on.²³⁸

Thrift once noted that cities are not just the sum of their various networks: there is a sort of materiality, a non-physical tangibility, simply conveyed (although certainly not ‘explained’) by the empirical fact that ‘you know you are in particular cities rather than in others’.²³⁹ If this seems a simplistic statement, I believe it has a much deeper meaning that the one Thrift

²³³D. Conradson and A. Latham, ‘The affective possibilities of London: Antipodean transnationals and the overseas experience’ *Mobilities* 2(2) 2007, 231-254: p. 238

²³⁴Anderson, ‘Affective Atmospheres’, op. cit. p. 80

²³⁵Philippopoulos-Mihalopoulos, ‘The Normativity of Animal Atmosphere’ op. cit. p. 155

²³⁶Deleuze and Guattari, *ATP*, op. cit. p. 256

²³⁷Philippopoulos-Mihalopoulos, ‘Atmospheres of Law’, op. cit. p. 8 – whether in Spinozist terms the ‘affection’ is the comingling of bodies resulting in their reciprocal co-affecting, the ‘affect’ is the virtual potentiality which allow for, yet unavoidably escapes and exceeds, these concatenations.

²³⁸I will explore extensively this point in the third chapter, where I will also investigate how such tendency appears to emerge in Sloterdijk’s ‘atmospheric ethics’ [see ch. 3, *Brandscaping*, par. 2]

²³⁹Ignacio Farias, ‘Interview with Nigel Thrift’, in Farias and Bender, *Urban Assemblages*, op. cit. p. 109

himself perhaps intends. To immerse oneself in the atmosphere of New York, Istanbul or Amsterdam is to transpire a materiality which paradoxically transcends networks whilst being immanent to them: the virtual multiplicity of a city, its eventual viewpoint, its material taking place. Latham and McCormack exactly refer to this sort ‘tangible quality’, “both intensive and extensive at the same time”, as an atmosphere.²⁴⁰ Not only phenomenological, this is simultaneously an ecological materiality, of which “objects, spaces, actors, subjects, events and practices not present in the here-and-now of the locale can be important and even crucial components”.²⁴¹

Let me qualify: I am not implying that we do not sense or, worst, that we are determined by atmospheres. The task, as McCormack suggest, is that of seeking to envisage “the affectivity of atmosphere ... in ways that engage a range of more-than-human processes and relations while also remaining attentive to how these processes and relations are potentially sensed in moving bodies”.²⁴² First then, bodies are not determined by atmospheres, although they are always part of them, unthinkable outside of them. Second, this is not to imply that bodies simply dissolve into them. Although unable to exist in vacuums, i.e. outside of the spatiality of atmospheres, each body preserves its *singular*, non-relational and swerving potential. Third, of course bodies ‘feel’ atmospheres. In fact, we can say that our ‘sensing’ of atmospheres is neither inexistent nor autonomous, neither determined (objective) nor subjective: my ‘sensing’ of an atmosphere is unavoidably part of this very atmosphere, constituted and constituting it.²⁴³ Likewise, culture, class, gender and other social ‘frameworks’ do not simply ‘pre-structure’ the perception of space and atmosphere – as Low seems to suggest –, they are rather components of the atmosphere itself.

Neither deterministic nor totalising closures, it is important to finally qualify that atmospheres are not immobile either. Nor are they univocal in cities (as the comment on Thrift above seemed to suggest). They are instead multiple, moving and clashing. Differently from the self-enclosing tendency of structures, atmospheres are machinic, open to,

²⁴⁰There is “something tangible about collective [urban] events that is “both intensive and extensive at the same time. We might call this tangible quality an atmosphere”; Latham and McCormack, ‘Globalizations big and small’, op. cit. p. 67

²⁴¹“Each locale is porous because it prolongs towards an elsewhere which, although not present in the here-and-now of the locale, becomes part of a single plenum ... Objects, spaces, actors, subjects, events and practices not present in the here-and-now of the locale can be important and even crucial components of the plenum” Brighenti, ‘Publicness’, op. cit. pp. 8-9

²⁴²McCormack, ‘Engineering Affective Atmospheres’, op. cit. p. 414; As he puts it, atmospheres are thus understood as interspersions of “affect (as a pre-personal field of intensity) feeling (as that intensity registered in a sensing body) and emotion (as that felt intensity expressed in a socio-culturally recognizable form)” [p. 426]

²⁴³In fact, we could even argue that it is the very emergent configuration which the atmosphere is, to ‘sense’, as in Merleau-Ponty’s description of “the sensible in the two-fold sense of what one senses and what senses”, Merleau-Ponty, *The Visible*, op. cit. p.194;

communicating and most importantly conflicting with other atmospheres.²⁴⁴ Conflict is both within and between atmospheres. Indeed, we could even argue that the orderings of a city emerge out of the rhythmical syncopation of these intra- and inter-atmospheric encounters and frictions, that is, out the excessive atmospherics of the poli-atmospheric materiality of the urban. To grasp more precisely this dynamism, to the concept of rhythm we need to turn.

3.

*Breath, you invisible poem! Pure
Exchange unceasing between the great
Ether and our existence. Counterweight
In which I rhythmically occur*²⁴⁵

There is rhythm *in* atmospheres. In McCormack's terms, atmospheres are "space[s] of affective materiality actualized through the ongoing movement of bodies".²⁴⁶ There is rhythm *between* atmospheres too. Rhythmic is the way atmospheres circulate, clash and overlap in urban space. Complementing their affective quality, the concept of rhythm provides them with a further dynamic as well as temporal nuance. Similarly to them however, in order to be applied effectively to the investigation of urban space, the material, conflictual and eventful character of rhythm must be fully unfolded. To do so, first of all rhythms must be understood as a way to overcome the unproductive dichotomy of difference and repetition which alimts the oppositional configurations into which the urban is often frozen. In other words, the opposition between the encroachment of everyday life through capitalistic and disciplinary routines, and the differential exuberance supposedly lying beneath these oppressive iterations. Another variation of the dichotomous fixations (e.g. movement vs. staticity, order vs. disorder etc.) plaguing urban theory, that is. A way out from this impasse is to think repetition beyond merely oppressive and/or stiffening terms. Even in significant accounts, repetition is usually assumed only as a question of institutionalisation and routinisation, to indicate the way structures are embedded into material practices (Giddens) or habitus crystallises (Bourdieu). Within these terms also the concept of rhythm tends to be referred to negatively, as an immunitary "protection from practices which are unpredictable, other, different – in other words,

²⁴⁴As Raunig stresses - "the primary characteristic of the machine is the flowing of its components ... [differently from structure] which tends towards closure ... the machine ... opens up to other machines and, together with them, moves machinic assemblages ", Gerald Raunig, *A Thousand Machines: a Concise Philosophy of the Machine as Social Movement* (Semiotext(e) 2010) pp. 31-3

²⁴⁵Rainer Maria Rilke, *Sonnets to Orpheus* (University of California Press, 1967) p. 58

²⁴⁶McCormack, 'Engineering Affective Atmospheres', op. cit. p. 426

protection from arhythmical practices”, where ‘emancipatory potential’ supposedly lies.²⁴⁷ Yet, this is not all. There is more to repetition than mere repetitiveness. There is more to rhythm than immunity.

Already in Tarde we observed a model of sociality able to hold together imitative repetition and differential invention, thus stressing the creative potential which repetition harbours. As Derrida has emphasised, the ‘performative embodiment’ of a norm (e.g. Bourdieu’s notion of habitus as ‘incorporation’ of the norm) cannot be taken as merely repetitiveness, since it is always a contingent event which every time *takes place*, and as such inserts a break within the supposedly smooth process of rule-internalisation.²⁴⁸ There is eventfulness in repetition. This is what Deleuze stresses. Repetition is never mere ‘repetition of the same’, but rather of the ‘singular’: an always-swerving, change-triggering and space-producing taking-place within the spatiality of the now-here and its overflowing no-where. The repetition, that is, is an ‘ontological exception’ to the dichotomy of particular and general, and as such it cannot be thought in separation from, but rather as always integrated with difference, in rhythmical co-constitution: a difference-producing (differential), eventful repetition.²⁴⁹ Repetitions are always contingent and it is from their differential taking place that the rhythmic syncopation that shapes the everyday life of the city emerges.²⁵⁰ This is not to say that repetition necessarily generates rhythms, but rather that rhythms should be understood in the co-essentiality of repetition and difference.²⁵¹

Elaborating on Bachelard, Lefebvre’s rhythmanalysis has probably been the most famous attempt to deal systematically with urban rhythms, i.e. the ‘music of the city’, what provides tempo to its spatial overlappings:

every rhythm implies the relation of time with a space, a localised time, or if one wishes, a temporalised place. Rhythm is always linked to such and such a place, to its place, whether it be the heart, the fluttering of the eyelids, the movement of a street,

²⁴⁷S. Stavrides, *Towards the City of Thresholds* (Professionaldreamers, 2010) p. 31

²⁴⁸On this point see for instance Judith Butler, *Excitable Speech: A Politics of the Performative* (Routledge, 1997) pp. 100-8

²⁴⁹*Difference and Repetition*, op. cit. pp. 1-28; an ontological exception which is sought to be ‘mediated’ and ‘tamed’ into economic-legal ‘states of exceptions’, which deny the differential character of repetition in order to make it suitable for exchange, subjection, capitalisation. See next chapter.

²⁵⁰As Lefebvre and Régulier put it, “Repetition is a prerequisite for any rhythm, but not all repetitions engender a rhythm ... The existence of rhythms is contingent on the regular recurrence of pauses, silences, blanks, repetitions, and intervals ... repetitions, ruptures, and surprises ... In other words, rhythm is the reproduction of a process in its multiplicity and plurality. The same is not repeated mechanically but is instead subordinated to alterity, not to say alternation – that is, to difference.” Henri Lefebvre and C. Regulier, ‘The rhythmanalytical project’, *Rethinking Marxism* 11 (1) 1999, 5-13: p. 9-10.

²⁵¹Without however assuming a coincidence between the two terms: “it is the difference that is rhythmic, not the repetition, which nevertheless produces it”, Deleuze and Guattari, *ATP*, op. cit. p. 346

or the tempo of a waltz. This does not prevent it from being a time, that is an aspect of a moment and a becoming²⁵²

As often occurs with Lefebvre, however, radical and innovative directions remain entangled within a dialectical framework which ultimately defuses their potential. Thus, in his investigation of the way the everyday rhythms of the city are embedded within the logics of capitalist mode of production, the oppressive 'abstract space' and 'linear time' of the capital are discussed in opposition to a 'differential space' in which strictures and contradictions will be overcome, a dialectical sublimation whose problematic attempt to supersede (rather than face) conflict has been already criticised.²⁵³ A residue of humanism complements this understanding, i.e. the craving for 'more humane' rhythms to be opposed to the inhuman velocities of the capital. Whilst Lefebvre rightly stresses the relevance of the concept of rhythm as a way to recalibrate the problematic abandonment of 'the living body' by Western philosophy, this attempt is resolutely centred on the human body, and on the related immunitary concern with restoring its unity and integrity "as the proper yardstick of a reappropriated social space".²⁵⁴ In this way, rhythmanalysis risks to develop into either a romantic exaltation of disorder vis-à-vis the 'oppressive routine' of the city, movement versus stability, the slower and humane rhythms of the 'local' (e.g. 'slow food') versus the schizophrenic post-industrial speed of the capital, and so on.²⁵⁵ Yet, if aptly recalibrated towards a post-human, excessive, eventful and radically material understanding, the Lefebvrian analysis can be rescued from these limitations, so as to unleash its 'schizoanalytic potential'.²⁵⁶

²⁵²Henry Lefebvre, *Writings on Cities*, ed. and trans. by E. Kofman and E. Lebas (Blackwell, 1996) p. 32; see also Amin and Thrift's definition of 'urban everydayness' as "a kind of virtual commonality, one in which terms like 'far', 'deep' and 'distant' are replaced by rhythms which fold time and space in all kind of untoward localisations and intricate mixtures" [*Cities*, op. cit. p. 4]; Of course there are other interesting and diverse approaches to the notion of rhythms, that I do not have space to deal with in this context. See for instance Gaston Bachelard, *The Dialectic of Duration* (Clinamen, 2000); Ed Soja, *Thirdspace* (Blackwell, 1996); Nigel Thrift and Jon May (eds) *TimeSpace: Geographies of Temporality* (Routledge, 2001); B. Adam, *Timewatch: The Social Analysis of Time* (Polity Press, 1995)

²⁵³According to Lefebvre, the production of abstract space by capitalism occurs through a process of fragmentation, homogenisation and hierarchisation of space: spaces are separated (in functional terms) standardised and, finally, hierarchised, so as to make them exploitable [see Lefebvre, *The Production of Space*, op. cit. pp. 229-92]. Tied to abstract space is the production of a 'linear and quantified social rhythm', as time "like space [...] divides itself onto lots and parcels", thus becoming, again, exchangeable and exploitable [Lefebvre, *Rhythmanalysis*, op. cit. p. 74].

²⁵⁴Doel, *Poststructural Geographies*, op. cit. p. 14-5; To Lefebvre the notion of rhythm is a response to his critique of Western philosophy for having "abandoned the living body as the store of non-formal knowledge (non-savoir) which constitutes a source of potential knowledge (connaissance)" [Henri Lefebvre, *Writings on Cities* op. cit. p. 230]

²⁵⁵This is also the case for instance of the somewhat apocalyptic stance of Virilio's *dromology*, as Chris Butler stresses in his compelling paper on rhythm. It is not entirely clear, however, whether Butler manages to avoid the Lefebvrian yearning for a post-conflictual, differential space. Chris Butler 'Slicing through Space': Mobility, Rhythm and the Abstraction of Modernist Transport Planning,' *Griffith Law Review* 17 (2) 2008, 470-88: p. 484.

²⁵⁶Doel, *Poststructural Geographies*, op. cit. p. 15;

Firstly, as Borch suggests in his proposition to integrate Tarde's approach with Lefebvre's rhythmanalysis, while performing the latter we should resist the temptation to focus only on processes of stabilisation and adaptation, and also address the contingency of the rhythmic processes, the interruptions, variations and destabilisations which constantly punctuate their apparently smooth unfolding.²⁵⁷ Second, if again Borch stresses the significance played by Lefebvre's focus on the relation between rhythms and materiality in the city (in this way offering a way, he adds, to complement the Tardean model), such suggestion should be as much complemented with a more radical, machinic and post-human understanding of materiality. Not only fleshy, concrete, human and stabilising: rhythms are also abstract, post-human, excessive and tumultuous. Accordingly, they are not only the "coordinates through which inhabitants and visitors frame and order the urban experience".²⁵⁸ More precisely, they are machinic emergences of patterns out of urban space, "ecologies of coexistence of heterogeneous elements", in the mutual folding and unfolding between spaces, events and bodies.²⁵⁹

Through an explicit atmospheric language, Deleuze and Guattari define the notion of *ambiance* (i.e. atmosphere) or *milieu* as a vibratory "block of space-time constituted by the periodic repetition of components", and rhythm as what coordinates these "heterogeneous space-times".²⁶⁰ Following this inspiration then, the 'folding' and 'unfolding' of overlapping and vibratory urban atmospheres can be understood as immanently and rhythmically *tuned* into given 'frequencies' in the city. Yet, this is still not enough. Coordination is only one of the modes of rhythm. This is not only to say that every rhythmical stabilisation is constantly bound to dislocation. More precisely, it is to say that rhythms have an excessive quality which prevents them from being reduced to the mere repetitiveness of institutionalisation via normative structures, as well as to simple instances of synchronisation. There is always a conflictual materiality in the rhythmic process that "cannot be reduced to a quiet interaction order" à la Goffman.²⁶¹ Rhythm is conflict. Rhythm emerges out of conflict. It is not the way through which overcoming conflict and abstractions into some post-conflictual utopia, but rather the 'abstract-and-concrete' way through which conflict is experienced, traversed and lived: a "line of flight through the chaos".²⁶² Most significantly, rhythms sanction the

²⁵⁷Borch, 'Urban Imitations', op. cit. pp. 93-4

²⁵⁸Amin and Thrift, *Cities*, op. cit. p. 17

²⁵⁹Brighenti *Visibility*, op. cit. p. 81; see also Derek McCormack, 'A paper with an interest in rhythm', *Geoforum* 33, 2002: p. 476

²⁶⁰Deleuze and Guattari, *ATP*, p. 345

²⁶¹Borch, 'Urban Imitation', op. cit. p. 93

²⁶²John D. Dewsbury and Nigel Thrift, 'Genesis Eternal': After Paul Klee', in Ian Buchanan and Gregg Lambert (eds) *Deleuze and Space* (University of Toronto Press, 2005) p. 105; here Dewsbury and Thrift are referring to Deleuze and Guattari's observation: "rhythm is the milieu's answer to chaos. what chaos and rhythm have in

emergence of resonant syncopations between the excessive inter-atmospheric and intra-atmospheric frictions of the urban (i.e. the seismic frictions between the different scales that overlap intersect its surface, between the bodies that populate it, between the abstractions that insist on and produce its spatiality), that is, the potential surfacing of novel urban 'tunings'. In Deleuze's words, the rhythm is "a vital power that exceeds every domain and traverses them all".²⁶³ A paradoxical refrain of urban excesses, that simultaneously joins and splays them out towards novel configurations.

§

The urban is tuned as result of the affective materiality of atmospheres and the dromological punctuation of intra- and inter-atmospheric rhythms. Looking at urban space through this prism allows to focus on the affective and dromological getting-together of urban bodies in simultaneously actual and virtual terms, observing the atmo-rhythmical *tunings* emerging in the smooth and striated surface of the city, as orderings that neither determine nor pre-structure, and yet *guide* and *orient* the urban, never fully representable, and yet felt, as in the vaporous being-in-an-atmosphere or being-in-the-rhythm: a radically impersonal being-tuned.

There is obviously a stabilising force in these 'atmo-rhythmical tunings'. They are the way cities immanently hold-together. At the same time, there are constant frictions and dislocations within and between the apparent peacefulness of urban atmospheres, and intensive potential is constantly produced by the apparently 'repetitive' unfolding of urban rhythms. Indeed, it could be argued that frictions and excesses are what the urban is about, eventful atmospherics of conflict more or less stably tuned into poli-atmospheric rhythms, as well as more or less effectively dislocated by novel atmo-rhythmical irruptions.

Rescuing it for a moment from its usual romantic aestheticisation, and taken in radically material terms, the traditional notion of 'urban enchantment' could be thus said to refer to nothing but the intensive frictions produced at the encounter between the different bodies, scales, processes and practices which insist and overflow the here-and-nows of the city. In other words, to the very materiality of the excessive eventfulness of the urban, what keeps it simultaneously together and alive, against the double menace of a totalising closure and a

common is the in-between – between two milieus, rhythm-chaos or chaosmos" [ATP, op. cit. p. 345]; On the notion of chaos, see supra note 198

²⁶³ Gilles Deleuze, *Francis Bacon: The Logic of Sensation* (University of Minnesota Press, 2005) p. 42

disintegrating dissolution.²⁶⁴ Urban tunings, in this sense, are the excess “that holds bodies together ... what emerges when bodies are held together”.²⁶⁵ As just suggested, in these excessive frictions, and more precisely in the intensive generation of resonant atmo-rhythms they trigger, lies the potential for transforming the urban, for the good as well as for the bad. Accordingly, the notion of *urban disenchantment*, beyond its often nostalgic use, should be meant to refer precisely to the neutralisation of the eventfulness from the city, the ‘smoothing out’ of its atmospherics of conflicts into a pacifying, totalised and predictable tune. Discernible thus appears the strategic value of this conceptualisation. Could not we argue that it is exactly on the creation and contestation of these ‘tunings’ that ethico-political action is grounded?

Among the most sensible to such a radically ‘materialist’ understanding of urban politics have been the Situationists, true ‘expert in atmosphere’ (as well as rhythms), as Wigley puts it, and fully aware of its value as ‘basis for political action’.²⁶⁶ As hinted in the introduction, this and other equally radical inspirations have been too often defused into the romantic aesthetics of ‘re-imagining’ practices and oppositional ‘tactics’ or, even worst, in the spontaneistic ethos of ‘going with the flow’. In fact, is not ‘going with the flow’ the ultimate expression of the reduction of bodies to sort of ‘automatons’, moulded and determined by urban tunings just as the leaves by the wind are? Accordingly, could we not argue that by theorising the dissolution of the subject into rhythmical and atmospheric relations, post-structural theorists are proposing highly problematic political stances which would arguably make us all more and more vulnerable to non-subjective, purely relational, affective and ‘attuning’ form of control?²⁶⁷

This question, which I will elaborate in different ways in the next chapters, encapsulates the sense of the exploration of the materialities of being-together that has been carried out so far, as an effort to develop a spatial and material ontology able to account for the relational

²⁶⁴I am inspired by the material understanding of urban enchantment proposed by Franco Farinelli, *Geografia: un'introduzione ai modelli del mondo* (Einaudi, 2003) pp. 149-51

²⁶⁵I am paraphrasing Philippopoulos-Mihalopoulos here: “*atmosphere is the excess of affect that holds bodies together ... what emerges when bodies are held together*”; Andreas Philippopoulos-Mihalopoulos, ‘Atmosphere’, *The Funambulist Blog*, 1 July 2012, available at <http://thefunambulist.net/2012/07/01/guest-writers-essays-29-the-funambulist-atmosphere-by-andreas-philippopoulos-mihalopoulos/>

²⁶⁶“Situationists are expert in atmosphere, developing the ‘science’ of psychogeography to delineate its contour. The documentation of their drunken meanders soon evolved into calculated interventions in the urban fabric and full-scale street protest that became an integral part of 1968 battles. Atmosphere becomes the basis of political action”. Mark Wigley, *Constant's New Babylon: the hyper-architecture of desire* (O10 Publishers, 1998) p. 13

²⁶⁷As a preliminary qualification against this suggestion, above I stressed that the notions of atmosphere and rhythms do not imply the dissolution of bodies into their tunings. Every urban tuning *takes place*, and is thus always open to the eventful contingency of such taking place, where lies the potential for each body ‘to subtract and swerve with respect to the hold of biopolitical powers’ and their modulation of urban flows Rametta, ‘BIOPOLITICA E COSCIENZA’ op. cit. p. 10 (my translation)

character of space without succumbing to a preventive (i.e. anti-evental) relationalism, whose problematic connivance with biopolitics I am to investigate soon. Accordingly, through this approach I wish to offer a useful tool to investigate the way in which biopolitical apparatuses seek to manipulate, control and capitalise on the spatiality of being-together (as I explore in the third chapter), to address the materiality of a truly radical urban politics (as I elaborate in the fifth chapter), as well as to offer a methodological instrument for the researcher to empirically attuning to the city and exploring its tuning (as I show in the fourth chapter). The next chapter sets the stage for these converging endeavours, by reflecting genealogically and theoretically on the relation between law, space and justice, through the ontological lenses just constructed.

Chapter 2

Law Space Justice

*My task is changed: not to uphold the law, or another law, but to maintain the skin that keeps law in place*²⁶⁸

How to think the material interrelation between law, space and justice? This question, encompassing the whole thesis, orients this chapter around two main purposes. First, the chapter builds a bridge between the spatial ontology of urban ordering (developed in the former) and the discussion of the forms it takes in contemporary times (produced in the following), by providing the thesis with a significant *spatiolegal* lens. Second, it sets the stage for the overarching objective I will pursue in the rest of the thesis, namely an ontological conceptualisation of the triptych of law, space and justice, through a radically material understanding of law and an elaboration of the notion of justice as its eventful excess. The chapter is structured into three parts.

In the first part I trace the evolution of the ‘spatiolegal architecture’ of modernity through a personal re-elaboration of the notion of ‘state of exception’. I also provide a critical look at some sociological and legal-geographical perspectives, as well as at some of the most recent insights coming from so-called ‘critical legal geographers’. Following what I observed in the first chapter, I sense that these compelling perspectives tend to overlook the excessive and eventful quality of space: in spatiolegal terms, this equates to an unsatisfying engagement with the ‘juridico-ethico-political’ question of justice. In the second part I move to one of the most compelling attempts in this direction, Jacques Derrida’s ground-breaking essay *Force de Loi*. Rather than devoting myself to a dissection of Derrida’s thought, I seek to detect some fault lines within his strategy of legal deconstruction. In brief, I suggest that this strategy falls short from providing a radically material account of the excessive dimension of justice. Consequently, it leaves the backdoor open for the problematic re-insertion of nihilism (and thus of the paradigm of operation which on nihilism thrives). In the third part, employing the Deleuzoguattarian dyad of *logic* and *nomic*, as well as Philippopoulos-Mihalopoulos’ concept of *lawscape*, I propose an alternative way to think the materiality of

²⁶⁸China Mieville, *The City & The City* (Del Rey, 2009) p. 373

the spatiolegal in both its *concatenated* and *dislocated* dimension. Applying what I argued in the last chapter as regards the notion of event to the 'juridico-ethico-political' dimension, I thus stress the need to develop a properly material and 'cosmic' conception of justice, and to conceptualise the law/justice 'relation' in ways which are alternative to transcendental, dialectic, socio-empirical and even networked models. This allows me to begin sketching the contours of an affirmative biopolitics in which law is rescued from its negative-only acceptation. I conclude by observing, however, that the latter enterprise must be carefully calibrated if we are to develop a strategically valuable approach to the spatiolegal capable of avoiding falling back into co-optable ethico-political stances

Space of Exception

1.

*multiple is the polis, irreducible to one*²⁶⁹

What is the 'space' of modernity? Unavoidable simplifications lurk behind this question, and yet we need to go through them in order to begin this exploration. Let us however keep in mind the heuristic presupposes on which it stands. Carlo Galli observes that the conceptualisation of pre-modern (Western) space emanates from the rift between 'Greeks' and 'Barbarians', West and East, Europe and the rest. 'Pre-modern space' is conceptualised as already imbued with intrinsic qualities, inherently diverse, not simply chaotic but rather having its 'own' complexity, a space whose 'differences are qualitative, prior to be physically drawn', and 'whose logic and whose boundaries precede the work and the will of man'.²⁷⁰ For instance, the political space of the *polis* is 'intrinsically and naturally provided with a sense which reverberates on politics', a multiplicity always-already traversed by the *necessary* conflict of its contradictory tendencies (oikos/polis, aristocracy/democracy etc.).²⁷¹ More generally, the earth is assumed as a space to be explored, annexed and feared, a space to be 'occupied without being counted', not a space to be represented but rather to be 'explored by legwork'.²⁷² Prior to modern geography, the drawing of maps is based on the account of explorers' journeys, filled with elements (rocks, fountains, trees) whose presence on the map depends on their contingent relevance vis-à-vis the explorer's path.²⁷³ For classical age and throughout all middle ages, the idea of a space with intrinsic qualities and differences is perfectly conciliated with that of a superior harmony organising them, consistent with Plato's "idea of a complex, organic and objective order of being".²⁷⁴ In his 'immunological' genealogy of 'common spaces', Sloterdijk defines the classical belief on the onto-theological unity of the cosmos as the postulation of a 'metaphysical globe', which

²⁶⁹ Massimo Cacciari, *L'Arcipelago* (Adelphi, 1997) p. 37

²⁷⁰ Carlo Galli, *Spazi politici. L'età moderna e l'età globale* (Il Mulino, 2001) p. 19, 21 (my translation). As Galli observes, this conception of space as 'full, objective, organic, complex, hierarchical and qualitative' should be taken, at least 'politically', as more representative of Greek thought than, for instance, the Atomists' understanding of an empty and neutral space.

²⁷¹ *ibid.* (p. 21). Obviously, there are significant differences between the Greek and the Roman conceptions of space, and I will briefly touch on some of them when discussing the space of the city. Yet, I agree with Galli on the fact that even in the Roman Empire there is never the level of 'spatial indifference' which will come to characterise the space of modernity. Only in modern times the implicit spatial abstractions of Rome will be fully, ontologically unfolded [see ch. 3, *Brandscaping*, par. 1]

²⁷² I am paraphrasing Deleuze and Guattari's definition of smooth space, in *ATP*, op. cit. p. 34

²⁷³ Certeau, *The Practice of Everyday Life*, op. cit. p. 121

²⁷⁴ Galli, *Spazi Politici*, op. cit. p. 25

insulates human beings within an ideally ordered and harmonious Whole, and thus immunises them from the perils of the Outside – of a ‘nihilistic becoming’, that is, superficially denied by the order of being, and yet always-already present as its (concealed) presupposition.²⁷⁵

Modernity emerges from the structural collapse of the cosmological globe, as result of the ‘explosion’ of a spatial contingency which can longer be fitted within its ordered wholeness. Luther, Copernicus, Columbus... An earthquake of enormous proportion shaking the religious, cosmological and geographical foundations of this cosmos. The ‘project of modernity’ consequently appears as the attempt to find refuge from the radical dislocation which ensues.²⁷⁶ It is, in other words, the reaction to this potential collapse and, more precisely, the explicitation of the fact that a common immunity under a unitary cosmos is not simply an evidence to be assumed, but rather a *project* to be actively and ‘technically’ pursued.²⁷⁷ Whereas before modernity the map is the construction of a copy of the world, subsequently it is the world to be shaped according to the map: as Heidegger reminds, modernity is the faith in the capacity to reduce the world to image, the faith in *representation*: a cartographic revolution.²⁷⁸ Accordingly, now there will be politics, economy and law to *determine* a space which is no longer to be ‘occupied without being counted’, but rather to be ‘counted in order to be occupied’, a space to be re-presented.²⁷⁹

Here it is not relevant to locate historically and chronologically this evolution, that in any case should not to be assumed in simplistically linear terms. What I am more concerned with are its spatiolegal consequences, namely the role played by the ‘abstracting’ logic of representation as a mechanism for articulating the (presupposed) separation between law and space in the form of a correlation, what I term the *spatiolegal state of exception*.

2.

Law could be seen as the crystallisation of the infinite quest to put order on space. The history of legal thought is that of a relentless attempt to immunise law from space in order to control it, categorise it, partition it. An attempt grounded on a fundamental and never

²⁷⁵Peter Sloterdijk, *Sphären II: Globen, Makrospharologie* (Suhrkamp, 1999); see above: ch. 1, *Nothingness Separation Operation*

²⁷⁶It goes without saying that this is an eminently ‘Western’ story.

²⁷⁷In this sense, the globalisation with which arguably modernity begins could be seen as an explicitation of the cosmological and cosmopolitan premises of Greek thought. We are to come back on Sloterdijk’s notion of explicitation in the next chapter.

²⁷⁸Farinelli, *Geografia*, op. cit. pp. 15, 68

²⁷⁹Deleuze and Guattari, *ATP*, op. cit. p. 399

fully abandoned presupposition: i.e. the *separation* between law and space. Whereas this presupposition is evident in classic ‘Natural Law’ conceptions, once these naively transcendent models will be overcome the separation won’t be abandoned, but rather reworked: from a taken-for-granted dichotomy into a precise articulation. It is in Kant that such articulation takes its most radically self-enclosed form. The separation seems to dissolve: “judgment in general is the ability to think the particular as contained under the universal”, i.e. law’s intervention on the world is articulated through a logical *operation*, the subsumption of the particular into the universal.²⁸⁰ Correlation, as we saw, is “the idea according to which we only have access to the correlation between thinking and being, and never to either term considered apart from the other”.²⁸¹ Kant applies this logic to law, by internalising “the relationship between objects and representations *within* representation itself”, and thus dismissing any ‘legal externalism’.²⁸² Accordingly, “cases do not stand externally or indifferently before a judge but appear as cases (*legal* cases, cases at law) only insofar as they have always already been subsumed by the law”.²⁸³ Complementing this smooth gesture of subsumption is its automatic self-denial: law elevates itself onto an objective, positive, *pure* status, simultaneously depurating its operations from the conflictuality in which they occur, and instead appearing as self-evident, de-politicised, “rational, benign and necessary”.²⁸⁴

However, the contingency of space lies beneath this image of purity. In fact, is not space the very “condition of legal judgement and the limits of its reason”, or perhaps more precisely, the condition of (im)possibility of any legal apparatus?²⁸⁵ When Benjamin notes “the curious and at first discouraging experience of the ultimate undecidability of all legal problems”, or when Derrida observes that “each case is other, each decision is different and requires absolute interpretation, which no existing, coded rule can or ought to guarantee completely” – are they not indirectly referring to the impossibility for law to ever tame the

²⁸⁰ Immanuel Kant, *Critique of Judgment* (Hackett Publishing, 1987) p. 18 [179]

²⁸¹ Meillassoux, *After Finitude*: op. cit. pp. 5-6

²⁸² Lefebvre, *The Image of Law*, op. cit. p. 7

²⁸³ *ibid.*

²⁸⁴ Nicholas Blomley, *Law, Space and the Geographies of Power* (Guilford Press, 1994) p. 9; On law’s self-purifying gesture see Philippopoulos-Mihalopoulos’ ‘Law’s Spatial Turn’, op. cit.; As Delaney stresses, the law faces the task of “develop[ing] procedures of interpretation that will constraint the judge. In a phrase, the problem is how to depoliticise the practice of judging ... [which, however] is inherently political” [David Delaney, *Race, Place, and the Law, 1836–1948* (University of Texas Press, 1998) p. 18-9]; Likewise in Douzinas et al.’s [*Politics, Postmodernity*, op. cit. p. 25] words, “Jurisprudence’s task is to impose upon law the law of purity and of order, of clear boundaries and well policed checkpoints”. On the constitutive quality of law’s denial of its own violence see Robert M. Cover, ‘Violence and the Word’, *Yale Law Journal* 95, 1986

²⁸⁵ Costas Douzinas, Peter Goodrich, and Yifat Hachamovitch, *Politics, Postmodernity and Critical Legal Studies: The Legality of the Contingent* (Routledge, 1994) p. 1

excessiveness of spatiality?²⁸⁶ Any attempt to do so entails an uncertain leap. A performative break is implicit in every judicial interpretation. There is always an *exception* implanted at the core of every spatiolegal configuration.²⁸⁷ How is law to deal with its own inescapable exceptionality?

3.

As the popular proverb goes: *exception probat regulam in casibus non exceptis* – i.e. ‘the exception proves that the rule works in non-exceptional cases’, or: ‘the exception proves the rule’. Behind self-evident proverbs often deeper meanings lie. Whereas Sherlock Holmes’s rationalism bluntly dismissed it (“the exception disproves the rule”),²⁸⁸ Benjamin, Schmitt and Agamben have been willing to take its consequences to the extreme. Here is Schmitt: “the rule as such lives off the exception alone”²⁸⁹ and, in slightly reworked version, Agamben: “[the exception is] the very condition of possibility of juridical rule”.²⁹⁰ What this amount to is unmasking law’s direct application to the world as a *fictio juris*:

every general rule demands a regular, everyday frame of life to which it can be factually applied and which is submitted to its regulations ... a *homogeneous medium*. There exists no norm applicable to chaos.²⁹¹

Law’s application is always premised on an ‘*a priori* mechanism’, a topological machine whereby the “the space in which the juridico-political order can operate” is created and defined.²⁹² Any spatiolegal intervention depends on a prior and violent “foundational ontological gesture” whereby the *where* through which the spatiolegal is to be articulated in the form of a cartographic representation is constituted: a state, or a space of exception.²⁹³ There is no rule – both in the sense of rule and ruling – without a space of exception, as the

²⁸⁶Walter Benjamin, ‘Critique of Violence’, in *Selected Writings. Vol 1, 1923-1926* (HUP, 1999) p. 247; Jacques Derrida, “Force of Law: The ‘Mystical Foundation of Authority,’” *Cardozo Law Review* 11, 1990: p. 961

²⁸⁷“just as between the language and world, so between the norm and its application there is no internal nexus that allows one to be derived immediately from the other”, Giorgio Agamben, *State of Exception* (University Of Chicago Press, 2005) pp. 39-40, 53

²⁸⁸Arthur Conan Doyle, *The Sign of Four* (Penguin Classics, 2001) p. 17

²⁸⁹Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty* (University of Chicago Press, 2006) p. 1

²⁹⁰Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Stanford University Press, 1998) p. 17

²⁹¹Schmitt, *Political Theology*, op. cit. p 13 (my emphasis)

²⁹²Agamben, *Homo Sacer*, op. cit. p 19; I understand the state of exception as the original paradigm of law, rather than a temporary ‘state of emergency’, whose logic is in any case tied to and justified by its affiliation to the mechanism of exception itself.

²⁹³Claudio Minca, ‘Giorgio Agamben and the new biopolitical nomos’, *Geografiska Annaler: Series B, Human Geography* 88 (4) 2006: 387-403, p. 389. Minca also emphasises “the fatal compromise between a cartographic geometrical theory of space and the parallel emphasis on individual rights that formed the ideological basis of the nascent state” (p. 393)

etymology suggests. The term ‘exception’ literally means to *take in* the outside (from *ex*, outside, and *capere*, to take). In fact, the mechanism of exception is the dispositive allowing to ‘take in’ the chaotic, ever-escaping outside (life, world, space...) and domesticate it, that is, to simultaneously *including* space by *excluding* its conflictual, eventful and contingent materiality.²⁹⁴

Let us take this reasoning to its logical consequences: a state of exception always *presupposes* an undifferentiated outside. This is what lies beneath the Kantian presupposition that ‘cases’ are always-already subsumed by the law rather than standing externally to it: an external and undifferentiated chaos (an ‘*absolutely disaggregated something else*’), out of the encounter with which legal cases would be constituted.²⁹⁵ Žižek has suggested that Kant has been “the first to detect [the] crack in the ontological edifice of reality”, the horrifying possibility that the “empirical nature (contrary to transcendental ‘nature as a whole’) may not be unified, coherent, and systematic but a ‘crude chaotic aggregate’”.²⁹⁶ As it is known, it is in order to solve this potential contradiction that Kant would resort, in the *Third Critique*, to the teleological conception of an *a priori* finality which guarantees the ontological coherence of reality and its superior purpose.²⁹⁷ A not so dissimilar problem was faced by the Christian theologians when, in order to allow for the concept of ‘free will’ to flourish over the cage of an ineluctable Fate, they had to conceive God as necessarily withdrawn from the world: the co-substantiality of God with the world would have otherwise denied any possibility for human free will, since everything would have occurred according to God’s will. Thus, faced with the possibility of the heresy of a God ‘separated’ from the world (and thus of a world ultimately *independent* from God), they resorted to the superior finalism of the ‘divine providence’.²⁹⁸ In this sense, and overturning Žižek’s interpretation, could we not argue that the evidence of an undifferentiated, ‘chaotic

²⁹⁴Incidentally it could be argued that this is the way every ambit of modern thought works, from physics to linguistic, that is, by producing a representation of the world to be treated as the world itself. See Agamben, *Homo Sacer*, op. cit. p. 18

²⁹⁵Kant posits an in-itself which is an “*absolutely disaggregated something else* seated at the limits of reasons capacity to objectivity the world”, in Woodward, ‘Events, Spontaneity and Abrupt Conditions’, op. cit. p. 324

²⁹⁶Lefebvre, *the Image of Law*, op. cit. p. 29; Žižek, *The Ticklish Subject*, op. cit. p. 42

²⁹⁷In Žižek’s terms, Kant would reduce the ‘ontological crack’ to an epistemological insufficiency – the inability for the intellect to empirically grasp the coherence and unity of the world –, which he would however project into (and thus immunise through) the superior finality of the human being *qua* transcendental subject (ibid.)

²⁹⁸See Giorgio Agamben, *Il Regno e la Gloria: per una Genealogia Teologica dell'Economia e del Governo* (Bollati Boringhieri, 2009) p. 102. According to the Gnostic heresy in fact, there exists a remote God separated from and absolutely indifferent to the material world created by the Demiurge. The world, so to speak, is *not for God*, an evident blasphemy for the Christian conception. The notion of a law oriented to a world *not for law* – that I begin to develop here and fully unfold in the fifth chapter – retains such a blasphemous character vis-à-vis the legal realm. However, as I will explain, assuming the world as radically *not for law* does not equate to assume a separation between law and the world, but rather to sanction the radical non-juridifiable status of a world in which, however, law is unavoidably bound to remain [see ch. 5].

aggregate', rather than being the blind-spot that threatens the Kantian enterprise, is its ultimately-denied presupposition? If this is the case, Kant's 'providential' immunisation from the possibility of a 'chaotic outside' would hide the fact that it is on this very presupposition (i.e. on such *negative ground*) that the subsumptive mechanism of exception of the transcendental judgement rests. In the same vein, could we not contend that the unspeakable possibility of a chaotic world ontologically separated from God is not the theological blind-spot of Christianity, but rather the actual presupposition legitimising the whole 'economy of salvation' (the 'divine techné') on which it rests?²⁹⁹ Seeking to provide a definitive answer to these questions, if ever possible, would certainly lead this thesis astray. Yet it is important to remain within the problematic field they open. Complementing the above-quote by Schmitt then: not only 'there exist no norm applicable to chaos', in fact, *every norm implicitly presupposes the evidence (and thus the disposability) of an external, undifferentiated and homogenous chaos.*

The insufficiency of the simple critique of legal abstraction *per se* – according to which legal abstractions produce an impalpable grid of legal categories and boundaries (public and private, state and individual, individual and individual) which deny the contingency of socio-spatial relations – begins to appear. What should be primarily taken into account is the "originary spatialisation that governs and makes possible every localisation and every territorialisation".³⁰⁰ The projection of any politico-legal 'geometry' firstly requires the *erasure* of complexity out of space, that is, the flattening of space into an undifferentiated, homogenous and empty surface or (which is exactly the same) an '*absolutely disaggregated*' homogeneous chaos.³⁰¹ A 'spatial erasure', that is a blank surface or *tabula rasa*, is the basic requirement of every representation, legal representations included.³⁰² We could locate this mechanism in various instances: the colonisers flattening the aboriginal space into a *terra nullius* in order to be able to project over the blank surface their grid of property rights;³⁰³ Thomas Hobbes equally flattening the pre-social human co-existence into an

²⁹⁹This analogy, to which we are to come back below, should not appear as a forced one: after all, it is exactly with Kant that the theological finality is finally internalised into a 'human teleology', that is, an ultimate ends whose origin are in the human being *qua* transcendental subject. See Gilles Deleuze, *La Filosofia Critica di Kant* (Cronopio, 2009) pp. 113-122

³⁰⁰Agamben *Homo Sacer*, *op. cit.* 111

³⁰¹Galli (*op. cit.*)

³⁰²See Farinelli, *Geografia*, *op. cit.* pp. 3-5 – Stramignoni sums it up perfectly: "the constitution of modern legal space could only take place upon a prior discovery of some other space – namely, natural or physical space – and then the abandonment of that space into the background as absolute, universal space ... the insistent separation of natural or physical space did allow early modernity to visualize what, from now on, should count as pure legal space (the space of legal rules, sanctions, people and institutions)—while at the same time appearing to eliminate "impure" or "factual" natural space from its multiple, ever more probing, ever more abstract gaze" (*Francesco's Devilish Venus*, *op. cit.* p. 225)

³⁰³See for instance Sarah Whatmore, 'De/Re Territorialising Possession: the Shifting Spaces of Property Rights', in Holder, Jane, and Carolyn Harrison. *Law and Geography* (Oxford University Press, 2003)

undifferentiated *state of nature*, thus presupposing a chaotic *and* homogenous spatiality on which he was then able to project his statist geometry. Against holistic attempts to overcome society's mutual exclusion by postulating a more original 'communion', we should keep in mind that every separation is grounded on the presupposition or, more precisely, the ontological production (see below) of an undifferentiated (either pessimistically chaotic, optimistically common or abstractly absolute) spatiality, i.e. a preliminary erasure which denies space as a differential and heterogeneous (rather than undifferentiated and homogenous) material complexity of bodies 'independent' from us.³⁰⁴ Let me thus reassert: the simple presupposition of a supposedly undifferentiated, uncontrollable chaos outside the law, far from being a radical destabilisation of the legal enterprise, is its *ontological presupposition*. What naive legal critiques miss, then, is exactly the *double move* grounding what I term the 'spatiolegal architecture of modernity', i.e. the flattening of space *and* the geometrical projection of legal categories over it – i.e. the production of a space of exception. The originary gesture is that of positing a 'wedge' (Geertz) between Nomos and Physis, law and space. This is the ontological split to be problematised.

4.

Notwithstanding the latter is not a provocative conclusion, it is often left unaccounted for in current spatiolegal debates, with the consequence of overlooking the preliminary *erasure* on which every legal state of exception is premised.³⁰⁵ This is an important mistake, since it leads to (rightly) criticising the alleged *abstraction* (i.e. de-spatialisation) performed by the formal, legal text, by (wrongly) counterpoising it the supposedly concrete, real, spatial context, in this way neglecting the latter's as much 'artificial' character (and, conversely, the former's as much 'real' consistency). A good deal of responsibility for this outcome should be ascribed to the encounter between sociology and law.

Transversal to the dissatisfaction with the out-wordly understandings of law as divine, natural and absolute, social sciences gradually infiltrated the legal project in order to deperate it, we could say, from any yearning for a ('divine', 'natural', transcendental') *beyond*. Any superior finalism was to be brought 'down to earth', available to the work of

³⁰⁴That is, bodies that are independent from our relation to them and yet are not ontologically separated from us. Instead, as Esposito observes, a 'juridically regulated society is unified by the principle of "common separation": what is common is the mutual right to self-exclusion', *Immunitas*, op. cit. p. 30 (my translation)

³⁰⁵Of course, I must qualify that the evolution of legal thinking, especially in its critical forms, is a contested and vast subject which surely cannot be dealt with in this research, let alone this chapter. Instead, I will seek to trace some of its tendencies, especially with respect to the spatiolegal question, so as to frame them within the spatial ontology developed above.

socio-empirical techné.³⁰⁶ In fact, the socio-empirical approach conflates ‘higher principles’ (being it god, morality, truth or justice) within law: justice ceases to orient law beyond itself, and rather ends up corresponding, in a circular argument, to the very deployment of the right method, that is, of the correct legal procedure, to the point of becoming redundant.³⁰⁷ As Constable observes, both positivist and sociolegal approaches converge “in affirming that the connection between law and morality [as well as *justice*] is an empirically contingent matter of social factors”.³⁰⁸ This implies a genuine “faith that sociological enquiry or empirical knowledge of institutions and practices of society can improve law and that law can improve society”.³⁰⁹ Accordingly, “socially descriptive accounts of legal systems”, whether supported by the appropriate methodology, are assumed to be able to unearth the role and functioning of this ‘exclusively social’ law as an “instrument or strategy within a field of social power”.³¹⁰ The blindness of natural law for the contingency of means is replaced with a symmetrical indifference to the absoluteness of ends.³¹¹

Yet, this move away from higher principles is only apparent. In the last chapter I followed Latour in criticising the sociological presupposition of the ‘social’ as a ‘stable and absolute third term’, an all-encompassing and homogenous quality shared among social actors and framed according to laws guiding their action. This presupposition, in fact, re-enacts the *double move* just described: the ontological flattening of society onto a homogenous body (the ‘social’ as the new centre of correlation), and the subsequent drawing of sociological categories over it, thus providing law as well as many other disciplines with powerful explanatory social lenses to supposedly uncover the ‘hidden laws’ of the social.³¹² Of course, with the advent of post-colonialism, feminism, post-race, post-structuralism and other critical movements, the sociological faith in the empirical observation and the neutrality of the social scientist has been radically shaken. Yet, critical sociology did not necessarily overcome the founding paradox of sociology itself: applied to law, it provided invaluable

³⁰⁶If for Kant “a Society [is] the only milieu in which the last end can be historically realized”, social sciences would be the only techné through which this is to be obtained; see Gilles Deleuze. *Kant’s Critical Philosophy: The Doctrine of the Faculties* (University of Minnesota Press, 1985) p. 144

³⁰⁷“concerned with the processes and procedures through which choices are made, leading to a focus on deliberation and public reasoning ... The just has been separated from the good and limited to fair procedure” Heather Campbell, ‘Just Planning,’ *Journal of Planning Education and Research* 26 (1) 2006, 92-106: p. 97.

³⁰⁸Marianne Constable, *Just Silences: The Limits and Possibilities of Modern Law* (Princeton University Press, 2007) p. 29

³⁰⁹*Ibid*, p. 10

³¹⁰*Ibid*, p. 39

³¹¹Zartaloudis, ‘On Justice’, *op. cit.* p. 143: “Positive law, Benjamin notes, is blind to the absoluteness of ends while natural law is blind to the contingency of means”

³¹²Latour, *Reassembling the Social*, *op. cit.* p. 36.

tools to contest and debunk the latter's ideological character, yet often ending up being entangled within its own contradictions.³¹³

Admittedly, in the last two paragraphs I embarked on a rather selective and to some extent ungenerous generalisation of an extremely complex and multifaceted evolution. Many are the relevant exceptions in this narration. However, what I intended was a heuristic overview with the purpose of emphasising how the various movements reformulating legal thinking against the classical perspective of a transcendental, formal law, seem to share the same (negative) starting point, i.e. an ontological separation – and the corollary 'operational' willingness to *link* and *bridge* it – which is differently declined in the supposed gap between an abstract law and a contingent reality, a formal law and a law-in-action, a formal and a material constitution, validity and efficacy, text and context, law and space, and so on. In Zartaloudis' terms, these are instances of a shift from a 'vertical' to a 'horizontal' transcendentalism which, rather than challenging the logic of exception, in the end reproduces its functioning.³¹⁴ Again, overlooked is the fact that the concrete and empirical space to which many sociological and critical thinkers propose to turn the attention to, is as much abstract (and material) as the geometrical grid that legal categories project over it. The inability to acknowledge that a 'double move' – erasure and partitioning – is at the origin of law's dealing with contingency, means that these necessary critiques would mainly remain confined *within* the very opposition – i.e. law and space (or law and world, law and life...) – on which the whole spatiolegal architecture of modernity is centred, and which they were supposed to debunk in the first place. It follows that the dichotomy of abstract/concrete is still taken for granted, and the materiality of the spatiolegal still left unaccounted for.

³¹³See e.g. Douzinas et al.'s, *Politics, Postmodernity*, op. cit. p. 21; As we are to see in chapter 5, notable example is the attempt to oppose law's abstraction with a 'socio-spatially' embedded notion of social justice, an ultimately unsatisfying attempt to emancipate justice from the perils of the 'social'.

³¹⁴Zartaloudis includes in the definition of 'horizontal transcendentalism' "the subject-object dialectic, the social-contract between the sovereign and the constituted subject, the ego-cogito of Descartes, the free-subjected subject of the Enlightenment, Freud's *Totem and Taboo*, the hermeneutic circle of language-meaning, the linguistic circle between *langue* and *parole*, the modern liberal-civil religion, *the humanism* of human rights, *the experience* of socio-legal empiricism and so forth)" – Thanos Zartaloudis 'Without Negative Origins and Absolute Ends: A Jurisprudence of the Singular.' *Law and Critique* 13, 2002, 197-230: p. 199

5.

*Law is a force, like gravity, through which our worlds exercise an influence upon one another, a force that affects the course of these worlds through normative space*³¹⁵

I believe that the same *aporia* founding the sociological approach to law is also to be found in the *impasse* into which ‘legal geography’ has come to find itself by taking for granted a reductive understanding of space (what Pottage terms a ‘weak specification of contingency’) and thus missing the very potentiality a proper spatial perspective would entail.³¹⁶ Legal geography is a loose, trans-disciplinary project propelled by the ‘spatial turn’ in social sciences and most importantly by the contribution of ‘neo-Marxist’ geographers and urban scholars such as David Harvey, Ed Soja, Peter Marcuse and others who, mainly inspired by the ground-breaking work of Henri Lefebvre, oriented geographical research towards the need to ‘embed’ notions of law and justice onto space, an attempt which would differently unfold through such notions as *just city*, *environmental justice*, *territorial justice*, *right to the city* and, lately, *spatial justice*.³¹⁷ As just observed, feminist and post-colonial geography also played a key role in attracting law towards space, especially problematising key spatiolegal biases – private/public, ethnocentrism and so on – and developing important approaches often able to move beyond the limits of (post)Marxism.³¹⁸

With the usual tardiness came the law.³¹⁹ However, as Delaney recently noted, legal geography often remained within an *impasse*, precisely because of its inability to overcome the conceptual dualisms between law and space, as it appears both in the ‘spatial fetishism of the early ‘regionalist’ school’ and in the ‘unbalanced instrumentalism’ of ideological

³¹⁵Cover, ‘Violence and the Word’, op. cit. pp. 9-10 – Delaney criticises this definition for being ‘metaphorical’. Instead in my opinion, and regardless of Cover’s intentions, here the point is to radically reformulate the *use* of this sentence, by taking it not as a metaphor, but rather as a powerful statement of law’s materiality. See David Delaney, *The Spatial, the Legal and the Pragmatics of World-Making: Nomospheric Investigations* (Routledge Chapman & Hall, 2010) p. 32

³¹⁶Alain Pottage, ‘Power as an art of contingency: Luhmann, Deleuze, Foucault.’ *Economy and Society* 27 (1) 1998: p. 12

³¹⁷See the beginning of chapter five for a brief critique of some of these approaches, especially as regards the notion of spatial justice.

³¹⁸See for instance the crucial work of Elizabeth Grosz, Doreen Massey, Rosy Braidotti, Gillian Rose, Valentine Gill and many others.

³¹⁹Most notably through such influential works as Nicholas Blomley, *Law, Space and the Geographies of Power*, op. cit.; David Delaney, *Race, Place, and the Law, 1836–1948* (University of Texas Press, 1998); Davina Cooper, *Governing Out of Order: Space, Law and the Politics of Belonging* (Rivers Oram, 1998); as well as two influential readers: Blomley, Delaney and Ford (eds) *The Legal Geographies Reader* (Blackwell, 2001); and Holder, J and Harrison, C (eds) *Law and Geography* (Oxford University Press, 2003)

critiques.³²⁰ Andreas Philippopoulos-Mihalopoulos has recently indicated three main ways in which law's spatial turn has been (and is being) misunderstood and thus defused from its radical potential. These are: the reduction of legal space to the concept of jurisdiction, that is, to a legal re-presentation, an approach which thus misses *spatiality* altogether; the idealisation of space as a fluid, dynamic process, which implies "a certain critical concept of the law as particular and embodied" that overlooks the conflictual, violent and dislocating character of space, instead reducing it to a pacific and malleable instrument to be used as a 'panacea for social injustice', and that ends up instead being further colonised by law itself;³²¹ the side-stepping of space understood as just one among other dimensions to be added to the social, an approach which misses altogether the relevance of the 'spatial turn' in shaking the foundation of the (legal) project of modernity.³²² Yet, thinking about law *and* space is not a peaceful and fluid side-project for the legal enterprise – it actually entails disturbing the very assumptions of law, bringing to the front its materiality, 'questioning its ethics' and thus gesturing towards its justice.³²³ This materiality cannot be reduced to the production of inter-subjective performativity, since it ontologically *precedes* subject/object distinction. It cannot be approached through a simple critique of the 'immateriality' of legal representations in the name of "an illusory desire for the 'concrete'".³²⁴ It is not a question of 're-materialising' law, or 'embedding' it onto space. Yet, it is exactly in these terms that legal geographers initially approached the question, that is, seeking refuge from the radical contingency of space either in de-spatialising representations or in the comfort of empirical, concrete, processual, pacific, performed and embedded con-texts: *Ils n'ont jamais été spatiales*. As a result, the tendency has been that of oscillating between an 'abstract' or 'vertical' state of exception (according to which space is 'denied' through representation) and a 'concrete' or 'horizontal' state of exception (according to which space is 'frozen'

³²⁰David Delaney, *Nomospheric Investigations*, op. cit. p. 13; Chris Butler. 'Critical legal studies and the politics of space', *Social and Legal Studies*, 18(3) 2009, 313-332: p. 315

³²¹*Law's Spatial Turn*, op. cit. p. 190-1. An impasse which mirrors the way certain 'everyday urbanism' opposes the oppressive Capitalist State with the *panacea* of disordered, unpredictable, creative everyday space, or the even more dangerous (since uncritical) projection of the ideal of Greek *polis*.

³²²See Philippopoulos-Mihalopoulos [*Law's Spatial Turn*, op. cit.] for references to the works supposedly falling on each 'category'

³²³*Ibid*, p. 195

³²⁴In Cunningham's words, "an illusory desire for the 'concrete', as a purely 'moral' category divided from questions of political accountability or enforceability", in "Spacing abstraction: capitalism, law and the metropolis", [David Cunningham, 'Spacing Abstraction: Capitalism, Law and the Metropolis', *Griffith Law Review* 17 (2) 2008, 454-485: p. 466]. Such a simple critique of legal abstraction in the name of a more 'real' and 'concrete' dimension (local, tangible, face-to-face etc.) is another form taken by the dialectical attempt to overcome contradictions into a pacific and differential space *à la* Lefebvre. According to Philippopoulos-Mihalopoulos such "fetishization of legal materiality" is extremely vulnerable to being "co-opted by conservative political and social thinking (just like other 'grand' ideas, such as sustainability, globalization, identity and so on) ... thereby converting it [the space of law] from a radical tool to a hegemonic presence" (*Law's Spatial Turn*, op. cit. p. 6). I will come back to this point extensively in the next chapter.

through sociological structures and empirical method, and thus still 'excepted' from its complexity), that is, from one side to the other of the spatiolegal architecture of modernity, in the inability or unwillingness to actually address its ontological presuppositions.

It is to overcome this impasse that an innovative tendency recently emerged, loosely gathered under the label of *Critical Legal Geography* (CLG) and attempting to think law and space more radically, in their mutual co-constitution. Nicholas Blomley proposes the notion of *splice* to indicate crystallisations of spatiolegal dialectics, which tend to appear as hegemonic 'order of things' and thus non-negotiable. *Splices* are on-going, continuously reformulated: *splicing(s)* whose role in making the world for us is crucial.³²⁵ Likewise, Chris Butler follows Lefebvre's triadic conceptualisation of space (*conceived, practiced, lived*) – avoiding its crudely structuralist interpretation – in order to understand the simultaneous role of zoning law as "both a codification of dominant representations of space, and a technical mechanism for reproducing that dominance, by inscribing them in physical uses of land".³²⁶ Initially elaborating from Lefebvre, David Delaney has produced perhaps the most compelling attempt, re-asserting the need to overcome the 'unhelpful dichotomy' of law/space towards an understanding able to account for law's materiality in both tangible and intangible terms.³²⁷ As he qualifies, the purpose of critical legal geography is not to re-materialise law but rather to acknowledge its always-already materiality, at the same time avoiding to reduce law/space's "irreducible interpenetration" into a sort of 'identity'.³²⁸ He thus proposes the notion of *nomosphere* to refer to the way spatiolegalities are constantly produced out of performative interaction. The nomosphere is:

the cultural-material environs that are constituted by the reciprocal materialization of 'the legal', and the legal signification of the 'socio-spatial', and the practical, performative engagement through which such constitutive moments happen and unfold ... we ... are never outside of the nomosphere, never free of its effects; never

³²⁵Nicholas Blomley, "'From 'What?' to 'So what'", op. cit. p. 30-1. Valverde and Moore note that spatial differentiation allows contradictory modes of governance to coexist peacefully [see Dawn Moore and Mariana Valverde. "Party Girls and Predators: A Chronotope of Female Risk." *Tessera* 29 (0) 2000]

³²⁶Butler, *Critical Legal Studies*, op. cit. p. 325

³²⁷That is, the most compelling among those that ultimately fail to fully address the radical dimension introduced by space and matter in legal thought. Extremely relevant in this direction is Philippopoulos-Mihalopoulos' notion of *lawscape*, that I introduce later in this chapter.

³²⁸In this way Delaney seems to remedy for the more confusing way in which he approached the same concept in an earlier article [David Delaney, 'Beyond the World: Law as a Thing of this World,' in Holder and Harrison (eds) *Law and Geography* (Oxford University Press, 2002) p. 80], as well as for the assumption of an 'identity' between law and space which emerged in the earlier reader he co-edited [Blomley et al., *The Legal Geographies Reader*, op. cit. p. xvi]. In fact, affirming that between law and space there is no gap should not lead to affirm their identity. It is extremely important for the present perspective to stress that overcoming the law/space separation must not lead to affirming the law/space coincidence but rather, in Philippopoulos-Mihalopoulos' terms, their simultaneous *continuum* and *difference* [Philippopoulos-Mihalopoulos 'In the lawscape', in Andreas Philippopoulos-Mihalopoulos (ed) *Law and the City* (Routledge-Cavendish, 2007) p. 9]. This aspect is further addressed below.

not pragmatically engaging nomospheric traces. But, again, we are not merely *in* it. Indeed ... our very being-in-the-world, is a fundamental dynamic component of it³²⁹

The notion of *nomosphere* covers a wider spectrum than the merely legal, encompassing rules of custom, politeness, family, religion and so forth.³³⁰ In this sense law is seen as a condensation of our being-together in the form of the emergence of spatiolegal crystallisations sanctioning the becoming-illegal of certain events. Telling instance, Delaney notes, is the notion of ‘hostile environment’, in which the materiality of the nomosphere as well as its on-going juridification is explicit, in the way a behaviour – such as intrusively ‘patting’ an employee or uttering abusive comments – is re-defined from simply being ‘impolite’ or ‘annoying’ to be illegal, thus defined as an act producing an ‘hostile environment’, i.e. having the requisite degree of ‘pervasiveness’ to be experienced as oppressive by the victim.³³¹ This goes to show how signs, gestures and other elements play a material and atmospheric effect (affect) both in generating immanent and material normativities, as well as in recalibrating the scope of legal action: in this case – significantly resonating with the discussion that is to follow – law can be said to assume an atmospheric orientation, that is, it becomes able to detect, assess and punish environmental perturbations.³³²

Although it is an important contribution to the spatiolegal debate, such conception however falls short from addressing the evental dimension I discussed in the first chapter. Let me qualify. The concept of nomosphere aims to show how “nomospheric processes are generative of a sense of place” through their inter-penetrating space-producing performativities, emphasising “the situated character of social life” and, against tendency to give the law an ‘other-worldly inflection’, reasserting its reliance on a resolutely ‘sociologically and phenomenologically’ inflected spatiality.³³³ Yet, I contend that what appears to be missing here is exactly the non-transcendent ‘other-worldliness’ of the spatiolegal, the eventful excess that prevents it from being reduced to merely sociological, phenomenological and, more generally, relational definitions. In other words, what remains

³²⁹Delaney, *The Spatial, the Legal and the Pragmatics of World-Making*, op. cit. p. 25.

³³⁰ibid. p. 27

³³¹In the United States’ *Code of Federal Regulations* [Title 29, vol. 4, chapter XIV] ‘hostile work environment’ is defined as an “intimidating, hostile or offensive working environment”, that is an uncomfortable or oppressive atmosphere that “unreasonably interfer[es] with an individual’s job performance”.

³³²Delaney observes how this example shows that juridification should not be obsessively labelled as a negative, oppressive process, but could actually entail a greater protection for the powerless. Incidentally, although he rightly stresses more than once that materiality must be understood beyond dichotomisation, at times he is unhelpfully imprecise in his use of the term: “alleging or denying the existence of a ‘hostile environment’, failure to ‘find’ one because of an insufficient degree of ‘pervasiveness’, all implicate contending nomospheric imaginaries, performances, and, perhaps, materialisations” [Delaney, *The Spatial, the Legal and the Pragmatics of World-Making*, op. cit. p. 29]. Why, after reminding us that imaginaries are material, now materialisations are confined to the ‘perhaps’ status?

³³³ ibid. pp. 25, 32

unaccounted for is the very event of justice. Without this emphasis, the nomosphere seems to be bound to remain 'too wordly', too actual, producing a sort of hyper-positivistic and ultimately suffocating understanding of the spatiolegal as an 'immanent horizon of actuality' that leaves no room for the generation of alternative normativities.³³⁴ Notwithstanding law is made more flexible, material and atmospheric (encompassing such dimensions as the 'extra-legal and sub-legal', human and nonhuman, imaginary and physical, experiential and spatial), it is still understood instrumentally as a tool to pursue an ever-more encompassing juridification of the world, penetrating and preventively neutralising the eventfulness of being-together, rather than (in the terms I will employ later on) as a tool to *make space* for the emergence of such excessive potential.³³⁵ Delaney observes that juridification should not be stigmatised as necessarily negative. I agree. Yet I believe the question is not that of either praising or demonising 'juridification', but more importantly that of envisaging a sort of 'inoperose juridification', that is, the potentiality for a non-judicial use of law – a concept I develop in the final chapter. In this sense, the 'use' of law Delaney proposes appears to be still thought within a purely operational and exceptional paradigm. Accordingly, the world remains a world *for law*, always ultimately juridifiable, whatever its complexity.

Similar problem seems to encounter Sloterdijk's concept of *nomotop*, i.e. the normative architecture of co-existence or the 'moral ether' holding together society as a system of immanent tensions in permanent 'action' upon bodies.³³⁶ If Delaney's *nomosphere* encompasses a broader dimension than that of mere legality, including the wider sphere of rules, norms, customs etc., Sloterdijk's *nomotop* connects law even more radically with human and nonhuman materialities, as well as to a more markedly ontological, rather than merely phenomenological, dimension, stressing its being always-already imbricated in the spatiality of co-belonging in the form of an 'atmospheric tension' which exercises a

³³⁴I am paraphrasing Zartaloudis, "Without Negative Origins", op. cit. p. 201. It is in this sense that we can interpret Cunningham's suggestion that the only viable critique of the juridico-economical abstraction should lead to produce an alternative notion of abstraction, rather than simply oppose the concept of 'abstraction' per se (more on this below) [David Cunningham, 'The Concept of Metropolis: Philosophy and Urban Form,' *Radical Philosophy*, 133 (2005) 13–25, and 'Spacing Abstraction', op. cit.]. Above, I mentioned Hallward's critique of Deleuze's philosophy for leading us 'out of this world' (see ch. 1, *Materiality life event*, par. 4). Conversely, Noys notes that the French philosopher's affirmative ontology ends up being 'too wordly', since "too dependent on existing lines of flight, and on compromising with existent forms of capitalist creativity" [*The Persistence of the Negative*, op. cit. p. 76, no. 51]. The notion of event I have in mind, and that I develop in the spatiolegal context in the form of an eventful justice, will be able to overcome both critiques: a justice that is necessarily of this world, and whose 'other-worldly-ness' lies in its impersonal and post-human quality, the fact of being absolutely (ab-solutus, non-relational) not for us. (See ch. 5)

³³⁵Such troubling legislations as that concerning anti-social behaviour (ASB) are telling examples (see next chapter). Delaney qualifies that "nomicity is much broader in that its elements may be sub-legal or extra-legal, informal and lacking the common indicia of at least positivistic conceptions of the legal". Delaney, *The Spatial, the Legal and the Pragmatics of World-Making*, op. cit. p. 27

³³⁶Sloterdijk, *Ecumes*, op. cit. p. 420

permanent attraction on a collective.³³⁷ As for his more general conceptualisation however, in this ‘spatiolegal’ application of spherology the significant attention to the rhizomatic dynamism of the co-constituted normative ‘foaming’ of being-together is not accompanied by an engagement with its eventful dimension, i.e. justice. Both for *nomosphere* and *nomotop*, “the in-between of shared situations ... is what there is and all there is”.³³⁸ Moreover, in both models surface a tendency, as Philippopoulos-Mihalopoulos stresses, to “compartmentalis[e] the nonhuman in relation to a spatially determined human community”, so that “the human remains a central figure of perception, performance or action”.³³⁹

These approaches are valuable attempts to think the spatiolegal in ways that eschew the problematic quest for ‘bridging the gap’ or ‘drawing a link’ between law and space (and thus the implicit assumption of law/space dichotomy), which instead characterises many works in this area. This welcome and necessary move is not sufficient however, if we are to avoid falling into the operational paradigm of separation yet again. To qualify: whilst they brilliantly debunk, deconstruct and unmask the aporias of the *legal* side of law (law as *logos*) by showing its always-already spatial character, these ‘nomospheric investigations’ are yet to deal with the non-juridifiable, impersonal and post-human event of the spatiolegal: in a word, with law’s justice.

§

Again, we encounter the impasse of relationalism, namely the tendency, once the dichotomical categories of modernity have been debunked, to produce a frozen picture of the world which offers little hope for creation and resistance. Producing a sophisticated account of the affective, nonhuman and immanent materiality of the spatiolegal, yet failing to account for its excessive dimension, risks opening to an instrumental understanding of law: as a result, these supposedly emancipatory theories appear to set the scene for the emergence of a ‘new’ spatiolegal architecture of exception whose main purpose (expressed through the various juridical, economic, securitarian apparatuses), is exactly that of defusing the eventfulness from space. An obvious question follows: how to prevent contemporary spatiolegal speculations from reproducing an updated and post-structural form of legal hyper-positivism, i.e. an all-encompassing nomosphere, whose ontological closure only

³³⁷ According to this understanding, Sloterdijk conceives culture as multiple tensions of ‘co-tractions’ which ‘hold together’ the members of a collectivity tying them to immanent rules [ibid. pp. 434-443]

³³⁸ Thrift, I JUST DON’T KNOW WHAT GOT INTO ME, op. cit. p. 85

³³⁹ Philippopoulos-Mihalopoulos, ‘Atmospheres of Law’, op. cit. p. 3

demands the necessary recalibration of sociolegal instruments (through neurological, cybernetic and other savours) to ensure a total juridification of the world? How to keep law 'open in possibility', thus necessarily increasing its flexibility and spatial 'awareness', yet at the same time avoiding to provide it with ever-more sophisticate instruments to become all-ingesting? In other words, how to orient law towards the contingent fact of its taking place in a world *not for law*?

An answer, I suggest, is to be searched within what is missing in the above-analysed approaches, namely a satisfying engagement with the question of justice. Justice, I contend, is the excessive eventfulness of the spatiolegal, and it is through justice that we can avoid producing another ultimately co-optable spatiolegal ontology. Two are the objectives we thus face: first, providing a radical understanding of the spatiolegal as concatenated *and* dislocated, and fully emancipated from "the centrality of a human, anthropocentric and anthropomorphic subject" which the above models still seem to betray;³⁴⁰ second, providing a material understanding of justice as not only 'excessive to law' (that is, not simply as a still juridifiable excess), but rather as law's 'non-jurifiable event'. Two objectives which almost tautologically overlap, as a tripartite configuration seems to surface, according to which the interrelation between law and space, as ontologically inseparable and yet non-coincident dimensions, must be thought in connection with the idea of justice, i.e. the event of any spatiolegal concatenation, the always-present line of flight which provides the potential for piercing through the nomospheric closures.

This rather condensed sentence must be unpacked. Whilst the second task will occupy the fifth chapter, I begin to elaborate the former in the present one. Prior to do that, however, I turn the attention to what I deem as one of the most interesting attempts to think justice as a radically excessive event: Derrida's *La Force de Loi*. Pinpointing the merits and the limits of this attempt, and more generally of the strategy of deconstruction applied to the spatiolegal, I will be able to calibrate the direction I am to follow in the rest of the thesis.

³⁴⁰ Ibid.

Folding Exception

1.

How to offer an even brief and simplistic account of the millenary philosophical, theological and political meditation on the idea of justice? The classical 'image of law', using Deleuze's term, was that of power subordinated and delegated to the higher Good and its co-substantial notion of *dike*.³⁴¹ Justice, in this sense, is what denies law's supposed self-sufficiency, forcing it to thrust itself beyond the narrow confines of its legalistic comfort-zone, towards a higher principle to which it has to tend and depend, and with respect to which humankind's hypothetical conformity would render law itself pointless. Within this context justice is not a peaceful goal to be smoothly achieved, but rather an 'ontologically intractable' dimension, 'a-logical' insofar as constantly contradicting law itself, indefinitely breaking the 'harmonic rhythm of the logos, its all-encompassing and governing hubris'.³⁴² There is an ontological conflict at the root of the law/justice interrelation, a conflict that is at the same time a paradoxical necessity. In other words, although law, 'as calculation and harmonising knowledge incessantly seeks to avoid, remove and overcome the paradox', it ontologically *needs dike*, since justice is what allows the law to 'move' and to strive 'beyond' itself, to prevent its own collapsing into the closure of a total(itarian) juridification.³⁴³ On the one hand, this is what the 'nomos' (i.e. law) of the polis ultimately gestures towards, i.e. the subjection of space to its rational and ordering *logos*: a spatiolegal tautology. Yet the polis is quintessentially 'democratic' and as such constantly swerves from any totalitarian attempt at suffocating it. An 'atmosphere of democracy' traverses it, the breeding ground of justice, an inclination towards 'freedom' which has the Janus-face of a *pharmakon*, i.e. simultaneously a cure *and* a poison: as Cacciari reminds, it is at the same an 'indispensable remedy against the tyrannical hubris, and yet it unavoidably produces the anarchical hubris, the *terrible separation* between Nomos and Dike'.³⁴⁴

The necessity to keep alive the conflictual excess of the city appears to be gradually forgotten with the advent of modernity. As a consequence, rather than as a dislocating force, justice is increasingly assumed as a pacifying and sedating tool to 'bridge the gap' and

³⁴¹Gilles Deleuze, *Masochism. Coldness and Cruelty* (Zone Books, 1991) p. 82. For the sake of our discussion it is not relevant to explore the important question of the relation between the notions of Good and Justice in Plato, which arguably tend to converge towards the end of his work (e.g. the *Republic* and the *Parmenides*) without however conflating into each other.

³⁴²See Cacciari, Massimo. *L'Arcipelago*, op. cit. p. 49

³⁴³Ibid. pp. 42-52

³⁴⁴Cacciari, *L'Arcipelago*, op. cit. p. 25 (my translation and emphasis)

neutralise conflict. Initially, this entails assuming a metaphysical, immaterial notion of justice as coming from above (e.g. from Nature, God, Reason, Universal Rights and so on). Subsequently, the ultimate inconsistency of this impalpable justice (always mismatching the factual spatiality of beings), opens the path towards its positivist dissolution into law itself. According to a schema we already observed, either projected into some ethereal transcendence or flattened into a legal immanence, the law/justice separation remains unchallenged.³⁴⁵ Take for instance the locus in which this logic can be observed at its purest, i.e. Kant's elaboration of a law simultaneously emancipated from transcendent principles and empirical conditions, a law that is "the representation of a pure form, and is independent of content or object, spheres of activity or circumstances", i.e. a pure 'form of law', where the reference to higher principles has fully folded onto a circular self-reference.³⁴⁶ According to Deleuze this law,

defined by its pure form, without substance or object or any determination whatsoever, is such that no one knows nor can know what it is. It operates without making itself known. It defines a realm of transgression where one is already guilty.³⁴⁷

A law, in other words, which preliminary defines the *where* of its application, a priori reducing the world to a *world for law*.³⁴⁸ This is, as already seen, the paradox of a law which pretends to judge over a world which is always-already abstracted into a space of exception. In Agamben's terms, a law that is 'applied through its disapplication'.³⁴⁹ Justice, I contend, is the line of flight away from this paradoxical closure, provided it is thought beyond such nihilistic separation, in the sense of what Zartaloudis indicates as a 'non-judicial justice' or, as I propose below, a 'cosmic' justice.³⁵⁰ This means to understand it as both immanent and excessive to the spatiolegal concatenations, *inseparable* from (they unavoidably belong to the same world) and yet *non-coincident* with law itself, since utterly *not for law* (non-

³⁴⁵Incidentally, as Agamben has observed, the whole 'economy of salvation' (i.e. *oikonomia*) of Christianity is based on a similar logic of separation-and-articulation: "transcendence and immanence ... must be incessantly distinguished for the providential action to as much incessantly rejoin them, so Kingdom and Government constitutes a double machine, locus of interrupted separation and articulation" [Giorgio Agamben, *The Kingdom and the Glory: for a Theological Genealogy of Economy and Government* (Stanford University Press, 2011) p. 99]. The notion of 'divine providence' is in this case the *operator* of the articulation between the 'will of God' split from the free will of creatures. I will come back on this similitude in the next chapter.

³⁴⁶Deleuze, *Masochism. Coldness and Cruelty*, op. cit. p. 83

³⁴⁷ibid. pp. 82-3; The question of the always-already implanted notion of guilt within the human subject is explored in its biopolitical details in the next chapter.

³⁴⁸Zartaloudis puts it very well: "The blindness of the closure of the legal system towards the world or existence is matched by the blindness of an anarchic foundation of juridical (as well as philosophical) sense-making or 'justice'" ['On Justice', op. cit. p. 141]

³⁴⁹See Agamben, *State of Exception*, op. cit. pp. 32-41; That is, a law whose application is premised on the denial of its ontological spatiality or, in other words, a law that in order to be applied must necessarily deny its self-description of innocence, purity and neutrality, and thus 'get dirty' into the violent operations of its economical and securitarian apparatuses – see the next chapter on this point.

³⁵⁰Zartaloudis, 'On Justice', op. cit. [see ch. 5, par. 8]

juridifiable). Evidently, the main limit that the approaches described in the end of the first part of this chapter betray, I argue, is that of missing this dimension, and thus ultimately falling short from challenging the closure of total juridification. How to think an excessive, eventual notion of justice, without however falling back into the nihilistic articulation of yet another separation? Could we rework the Greek schema, by conceiving a justice which would play the role of a self-subversive force inside the law, constantly dislocating it and thus preventing its self-referential closure? This is the path undergone by Derrida and his powerful critique to the sovereign transcendence of law (i.e. the spatiolegal state of exception). Besides its merit, the relevance of this contribution also rests in the (more or less admitted) inspiration it has provided for a whole strand of critical legal thought. In an unavoidably brief and condensed way, the next section focus on Derrida's famous article *La Force de Loi*, where he sought to develop a notion of justice as a 'sabotaging' force which constantly deconstructs law's violent foundation and its pretence to coincide with and tame its 'outside'.³⁵¹

2.

*this is the very definition of ghostliness, as that which inhabits the clouded border between materiality and immateriality, reality and illusion, presence and absence*³⁵²

In his work, Derrida attacks the Western 'ontology of presence' by removing its metaphysical 'grounds', infinitely differing and deferring its dichotomical structures into a paradoxically 'groundless foundation', so that the classical categories of ontology are radically dislocated, inescapably *haunted* by a 'ghost of undecidability'. To understand how Derrida's 'hauntology' applies to law, it is useful to start from language, the breeding ground of deconstruction.

In a recently republished essay, Umberto Eco divides Western attempt to achieve a 'general representation of knowledge and/or the world' into two main models.³⁵³ On the one hand,

³⁵¹ibid. – Although I will deal more directly with the question of justice in the final chapter, there are two main reasons to deal with Derrida's text at this stage. First, by dealing with justice and deconstruction, I am able to hint at the potential promiscuity between the strategy of deconstruction and the logics of biopolitical control, thus setting the stage for the next chapter where the latter is treated extensively. Second, the analysis offers a complement to the critique of relationalism just exposed, by exploring the limits of a tendency which prioritises the 'excessive' character of the spatiolegal to the detriment of its concatenated materiality.

³⁵²Mohaghegh, Jason B., and Seema Golestaneh. "Haunted Sound: Nothingness, Movement, and the Minimalist Imagination." *Environment and Planning D: Society and Space* 29 (3) 2011, 485-498: p. 493

³⁵³Eco, Umberto. *Dall'Albero al Labirinto. Studi Storici sul Segno e l'Interpretazione* (Bompiani, 2007) p. 13

the *dictionary*: i.e. a static system, faithful to the Platonic presupposition of a given, stable and thus fully knowable Order of Being, reflecting the confidence *vis-à-vis* the possibility of drawing precise point-to-point correspondences between the text and the world. On the other hand, the *encyclopaedia*: i.e. a dynamic model, emerging in response to the surfacing awareness of the always incomplete, evolving and 'open' character of knowledge, and thus aware of the need for a system of knowledge to be sufficiently 'flexible', so as to be able to *take in* new discoveries as well as to always contingently provide with the contextualised and finalised information required.³⁵⁴ To the 'arborescent' staticity of the dictionary the encyclopaedia opposes a continuous, boundless and rhizomatic movement of hypertextual navigation, a flow which is not blocked by pre-given text-world correspondences, but rather kept in motion by flexible *rules of reasonability* which regulate the 'passage' between notions. A concern for procedures of movement, connection and circulation replaces the striving for analytical definitions of stability.³⁵⁵

Keeping in mind the heuristic value of this otherwise simplistic distinction, let us frame deconstruction in its light. In fact, deconstruction is in the first place a strategy to debunk the 'linguistic state of exception', that is, the dictionarial presupposition of an unproblematic correspondence between signifier and signified, on which the structural stability of language supposedly rests.³⁵⁶ By emphasising its lack of foundations (or the foundation being exactly 'a constitutive lack'), deconstruction problematises this correspondence, unfolding the always undecidable and thus overflowing and excessive character of the sign. Derrida's famous concept of *differànce* encapsulates this indefinite spatio-temporal dislocation (differing and deferring) of the signifier-signified correspondence, and thus the constitutive *impossibility* to ever tame and remove its necessary excess, its never exhausted ontological 'trace'.³⁵⁷ Consequently signification, i.e. the exceptional operation of language, is bound to be endlessly displaced. In this way, Agamben observes, Derrida is able to "call into question the primacy of presence and signification for the philosophical tradition" – yet, the Italian philosopher adds, does he "truly call into question signification in general"?³⁵⁸ According to Agamben, the answer is negative: deconstruction sanctions the constant displacement of

³⁵⁴Ibid, p. 44

³⁵⁵Ibid, p. 519 – On the difference between *arborescent* and *rhizomatic* systems of thought, see Deleuze and Guattari, *ATP*, op. cit. 'Introduction'

³⁵⁶Agamben refers to language's sovereign "attempt to make sense coincide with denotation, to stabilize a zone of indistinction between the two in which language can maintain itself in relation to its denotata by abandoning them and withdrawing from them into a pure langue (the linguistic "state of exception")", *Homo Sacer*, op. cit. p. 22

³⁵⁷On the crucial notion of 'trace' in Derrida see for instance Jacques Derrida, *Of Grammatology* (Johns Hopkins University Press, 1976)

³⁵⁸Giorgio Agamben, *The Time That Remains: A Commentary on the Letter to the Romans* (Stanford University Press, 2005) p. 103

signification by the irreducible excess of the sign and yet, whereas language is unable to find 'rest' in stable correspondences, its exceptional operation 'keeps on running', although into an infinitely disseminated motion.³⁵⁹ As a result, the paradigm of operation is ultimately left unchallenged. To further elaborate this observation let us see how Derrida translates this strategy to the legal field by seeking to answer the following question: "does deconstruction insure, permit, authorise the possibility of justice?"³⁶⁰

3.

First of all, the 'juridico-ethico-political' sense of justice which Derrida seeks to unfold must be framed within his conception of ethics. This is centred on the ontological (or rather, hauntological) condition of *undecidability*, before which we are paradoxically called to take the ethical responsibility to *decide*. In fact, a 'true' and 'just' decision can only unfold from a radical undecidability: "a decision that didn't go through the ordeal of the undecidable would not be a free decision, it would only be the programmable application or unfolding of a calculable process. It might be legal; it would not be just".³⁶¹ This is a never-ending, ever-haunting ordeal: "the undecidable remains caught, lodged, at least as a ghost – but an essential ghost – in every decision, in every event of decision".³⁶² Law, Derrida explains, is always inhabited by the 'ghost of undecidability' (*la hantise de l'indécidable*), which 'exceeds and contradicts' law, sanctioning the instability and restlessness of every legal decision.³⁶³ Justice appears as an impossibility, and yet also as the very condition of possibility of law, its transcendental principle. In other words, the impossibility inserted at the core of law by its indeterminacy is also the condition of possibility for justice to emerge in the form of a necessarily un-predictable event: justice's possibility lies in "the paradoxical necessity of performing an act [of judgement] which is actually impossible".³⁶⁴ Justice agitates the stativity of law's state of exception, forces it to *move*, producing 'a certain movement within law, a movement which may be ruptured in a new manner'.³⁶⁵ Against its sociological reduction to a merely 'empirically contingent matter of social factors', in Derrida resonates the ancient meaning of *dike*, justice as the arrow to which law must tend and depend:

³⁵⁹ *ibid.*

³⁶⁰ Derrida, 'Force of Law', *op. cit.* p. 921

³⁶¹ *ibid.* p. 963

³⁶² *ibid.* pp. 963-5

³⁶³ *ibid.* pp. 962-3

³⁶⁴ Petra Gehring, Force and the mystical foundation of Law: How Jacques Derrida addresses legal discourse, *German Law Journal* 6, 2005, 151-169: p. 163

³⁶⁵ *ibid.* p. 158 – "it may be the very thing that keeps us moving" Derrida, 'Force of Law', *op. cit.* p. 967

because of this overflowing of the performative ... always excessive ... justice ... has no horizon of expectation (regulative or messianic) ... remains, is yet, to come, à venir ... the very dimension of events irreducibly to come³⁶⁶

Rather than being a regulative idea(l) postulating a horizon as “the opening and the limit that defines an infinite progress or a period of waiting”, justice demands urgency, it ‘does not wait’, it must be done: “the instant of decision is a madness ... [it must] defy dialectics ... [a] decision of urgency and precipitation, acting in the night of non-knowledge and non-rule”.³⁶⁷ Derrida assumes the ‘place’ of decision as an abyssal (*abgrund*) ‘groundless foundation’, a non-linguistic and non-representational event occurring in the solipsistic solitude of a ‘pre-ontological void’.³⁶⁸ In this night a ‘lightless star’ shines, the transcendental *to-come* of justice paradoxically ‘guiding’ the law towards the impossible possibility of its event.

Yet, how to avoid two as much doomed alternatives, i.e. the never-ending deferral of decision (seemingly implied by the very impossibility of the decision itself), or the reactive (and reactionary) self-justificatory decisionism? Aware of this risk, Derrida stresses that deconstruction is not “a quasi-nihilistic abdication before the ethico-politico-juridical question of justice”.³⁶⁹ Justice is indeed to be reached *through* and *beyond* law: “law is not justice. Law is the element of calculation ... but justice is incalculable ... justice is an experience of the impossible”;³⁷⁰ yet every decision must “be both regulated and without regulation”, that is, the “incalculable justice requires us to calculate”, from our paradoxical position *within* the “unstable distinction between justice and *droit*, between justice (infinite, incalculable, rebellious to rule and foreign to symmetry, heterogeneous and heterotopic) and the exercise of justice as law”, as calculation.³⁷¹ Is this extremely insightful reflection ultimately able to debunk the paradigm of operation? Is it able to satisfyingly account for the materiality of law? I believe we should ultimately answer negatively to both questions. By addressing the second, an answer to the first will simultaneously emerge. Let me explain.

The attempt to reach a ‘justice without law’, prefiguring a ‘pre-ontological’ void as the ‘where’ from which the ethical event (of justice/responsibility) would emerge, confines the latter within a solipsistic and ultimately a-spatial vacuum, producing a fracture in the immanence of the spatiolegal which amounts to re-inserting a negativity at the very core of ontology and ethics: in this sense, as Agamben contends, “‘groundless’ simply means ‘on

³⁶⁶ *ibid.* p. 969

³⁶⁷ *ibid.* p. 963

³⁶⁸ See Isaac Ruedin, ‘Bodies of Responsibility: Merleau-Ponty and Derrida.’ *Philosophy Today* 46 (3) 2002: p. 243

³⁶⁹ Derrida, ‘Force of Law’, *op. cit.* p. 953

³⁷⁰ *ibid.* p. 947

³⁷¹ *ibid.* pp. 959, 961

negative ground”³⁷². Noys criticises Derrida for ultimately failing to ‘accept’ and ‘traverse’ this ‘spectral negativity’, and instead withdrawing from it, seeking to fill it with a quasi-mystical, ‘transcendent superessentiality’: “deconstruction fills out spectrality as such, as a reified ‘positive’ and irreducible moment that comes from on high”³⁷³. In this interpretation, in the manner of a Kant facing the unspeakable possibility of nature as a ‘crude chaotic aggregate’, Derrida would ultimately escape the unbearable negativity to which he has opened ‘thought’ into a teleological refuge.³⁷⁴ I would argue instead that Derrida’s ultimate failure stems from his inability to fully remove negativity from the epicentre of metaphysics in the first place: in Zartaloudis’ words, his problem is that he “may have not gone far enough”³⁷⁵. The problem is not the renunciation ‘to deal with’ negativity. It is its very presupposition. Accordingly, could not we retrace in this attempt ‘to fill out spectrality’ a resurfacing of the paradigmatic urge to immunise from a pre-supposed nothingness? Obviously, Derrida is careful to avoid ‘responding’ to negativity by resorting to the calculating logic of *techné*. Yet, his rather mysterious, quasi-fideistic solution can only partially eschew, and is ultimately unable to challenge the latter’s paradigm. Consequently this justice, though posited as extra-legal, appears to be still thought within the legal system and its systemic closure of the world, that is, within the legal state of exception. Although infinitely dislocating the latter, justice seems unable to ultimately block the operational repetition of its enclosing and juridifying ontological gesture. Accordingly, justice remains confined within a *world for law*, and the ‘non-relation’ between law and a world *not for law* ‘remains blind’.³⁷⁶

4.

According to Timothy Campbell, by assuming the ‘state of exception’ as the originary politico-legal relation, Agamben is then unable to satisfyingly account for the radical difference introduced by the advent of contemporary biopolitics.³⁷⁷ On the same vein,

³⁷² Agamben, *Language and Death*, op. cit. p. xiii

³⁷³ Noys, *The Persistence of the Negative*, op. cit. p. 45

³⁷⁴ See supra note 296

³⁷⁵ Zartaloudis ‘Without Negative Origins’, op. cit. p. 200 (n. 4)

³⁷⁶ I am paraphrasing Zartaloudis’ sentence: “the relation between law and the world remains blind”. As he importantly adds, “justice as the law’s self-subversive formula for transcendence is a formula for juridical transcendence, not more and not less.” Zartaloudis ‘On Justice’, op. cit. p. 140

³⁷⁷ Esposito thus observes, in an indirect critique to Agamben, that the relation between biopolitics and life cannot be unpacked by looking at a ‘sovereign power which includes life by excluding it’: it is rather to be done by looking at the role that the paradigm of immunisation plays by substituting, or at least interspersing with

Kalhed Furani observes that a blind-spot haunts Agamben's framework: his notion of state of exception overlooks the threshold between the state of exception, and the 'becoming of the state of exception', that is, the fact that the "state of exception can signal something more than a stasis. It can also signal a *techne*."³⁷⁸ Whatever their accuracy with respect to their target (which I dispute), these observations are useful in order to qualify the problem of deconstruction when applied to the spatiolegal: namely, notwithstanding its effectivity in debunking law's 'static' state of exception, deconstruction appears as unequipped to deal with its evolution into a *dynamic* state of exception. To repeat: deconstruction conjures a powerful critique to the former, liquefying the stability of its point-to-point correspondences into a continuous dislocation. It inserts at the core of the legal system an undecidability, i.e. the impossibility for the 'operation' of law to ever 'bridge' the law/space separation, to ever tame space. By removing its grounds as well as the 'outside' against which it is supposed to erect its geometry, deconstruction debunks the transcendent structures of the spatiolegal state of exception, which now faces the ontological impossibility of its own operations. Yet, the powerful critique that 'legal deconstruction' moves to the spatiolegal architecture of modernity appears ultimately unable to dismantle its core logic (i.e. the paradigm of operation).

As Ghering has observed, differently from language, contemporary legal discourse is not so naïve to assume law as a system of truth. It is instead well aware of law's paradoxes and 'schizophrenia':

to the extent that legal discourse sees itself as a normative discourse (in contrast to metaphysics) and is capable of reflecting accordingly, it is *aware* of its own inconsistencies (as well as of its violent character) ... Deconstruction was made for truth discourses, not for the ... jaded normativity of legal affairs³⁷⁹

the former (*Immunitas*, op. cit. p. 165). I completely agree on the relevance of the paradigm of immunisation, although I believe it is already present in Agamben's conceptualisation of the state of exception.

³⁷⁸See Khaled Furani, 'Interventions States of Exception, Ethics and New Beginnings in Middle East Politics', *International Journal of Postcolonial Studies* 0 (0) 2013). Furani here is proposing to overcome the limits of thinking the state of exception within the boundaries of its statist and legal apparatus, so as to understanding it as an ethico-political ethos beyond the relation between life and law. In a sense he is doing something similar to what Sloterdijk envisages with his 'ethics of techné' [see next chapter, *Brandscaping*, par. 2]. I believe the point instead is to force this relation (and the separation plus operation on which it rests) so as to make it collapse and thus open it up to what could be termed a non-immunitary, 'real state of exception' – one in which, as Agamben observes, law and life, which "were distinguished and kept united by the [sovereign] relation [...]abolish each other and enter into a new dimension". [Agamben, *Homo Sacer*, op. cit. p. 55]. A 'dimension', to be clear, which is not beyond but always here-and-now, and every time requires to be contingently actualised. Whilst I explain this point in the final chapter, in this section I am concerned with the risks that lie behind the assumption of the mechanism of exception as static, which lead to overlooking its 'becoming dynamic', i.e. its rather non-emancipatory folding into techné.

³⁷⁹Gehring, 'Force', op. cit. p. 168 (my emphasis) "When Jacques Derrida addresses legal discourse, one thing above all becomes apparent: that as a subject the law impinges upon the limits of deconstruction. There is no new legal philosophy to be expected with *Force de loi*. Deconstruction was made for truth discourses, not for

Even more explicitly, it could be argued that deconstruction itself, by emphasising the undecidability at the core of the static state of exception, plays a key role in propelling the surfacing of such 'legal awareness'. Likewise an endlessly signifying language which, before the evidence of the utter undecidability of its signification, finds its justification exactly in the now 'emptied' operation of signification itself, so the spatiolegal state of exception, given the impossibility of its operations (and thus the inconsistency of their by now dissolved 'purposes'), assumes the operations themselves as its own self-fulfilling and self-justifying purpose. Facing the immanent closure triggered by deconstruction (i.e. the awareness of the lack of a transcendent 'outside', and thus of the ontological impossibility of any attempt to tame it), the spatiolegal state of exception

*assum[es] both this impossibility and these techniques ... [as] the final possibility of an exhausted system, which folds back onto itself in order, in a mechanical fashion, to collapse in on itself. The Outside becomes the Inside, and the Inside now has no limits.*³⁸⁰

Derrida was well aware of the risks of this closure, and his notion of justice *à venir* is exactly an attempt to avoid it in the direction of a transcendental excess. Yet, this paradoxical, mysterious, irrational and mad justice appears as too impalpable, immaterial and 'empty' to really problematise the operational paradigm of exception. Thus, although Derrida stresses that this justice is not 'messianic', what seems to be ultimately produced is a sort of 'petrified messianism', i.e. a law nullified from its content and as such kept alive only in its operations.³⁸¹ Although dislocated and indefinitely disseminated by deconstruction, law continues to operate its enclosing gesture, its exceptional mechanism remaining "intact while we await the grand and shattering arrival of the event 'to come'".³⁸² Criticising Derrida for placing the ethical decision within a non-linguistic, non-representational and pre-ontological void, Ruedin observes that since

language is not a second order system of representation, but rather an originating mode of living the world, the linguistic gesture and the private act of responsibility (*pace* Derrida) are no longer incompatible; in fact, they occupy the same ontological space³⁸³

Likewise, law and justice occupy the same ontological space, and there is no possibility to 'shatter' the spatiolegal situation in which we are through a solipsistic 'leap of faith'

the in a quite different way organized discourse of law, the – as one may say – jaded normativity of legal affairs" (p. 169)

³⁸⁰Tiqqun, *Introduction to Civil War*, op. cit. pp. 116, 117

³⁸¹Agamben, *La potenza del pensiero*, op. cit. p.271

³⁸²Noys, *The Persistence of the Negative*, op. cit. p. 45

³⁸³Ruedin, 'Bodies of Responsibility', op. cit. p. 249.

occurring in a pre-ontological vacuum.³⁸⁴ Instead, the inability of deconstruction to ultimately problematise the law/space separation appears to engender an as much problematic law/justice separation, obliquely re-proposing the basis structure of Western tradition, i.e. the pseudo-dialectic of law and justice.³⁸⁵ I contend that to postulate the chaotic dislocation of law via the anarchic and subversive notion of justice is not a sufficient strategy to overcome the 'great impasse' of separation.³⁸⁶ The positing of justice as 'chaos within the law' remains entrapped within the operational closure of a world *for law*, i.e. an undifferentiated chaos ready to be incorporated by law as a 'weak' and 'juridified contingency'.³⁸⁷ As Severino observes, the 'will to control' must eliminate the transcendent immutable 'idols' in order to be able to fully control the chaotic becoming which those idols deny. The latter are, so to speak, essentially anti-nomical: they ultimately prevent the spatiolegal state of exception from fully unfolding.³⁸⁸ This is what deconstruction ultimately misses: the fact that the state of exception always-already 'contains the seeds of its own deconstruction'.³⁸⁹

As we are to see in the next chapter, what thus emerges is a new configuration, a *dynamic* spatiolegal state of exception, no longer concerned with colonising, striating and crystallising space anymore. Once emancipated from any of these statically 'territorial'

³⁸⁴Melissa Wright has written a compelling paper on Mexican women's struggle in Ciudad Juarez against the vicious violence, often surrounded by a cloud of impunity, to which they are subjected ['Justice and the Geographies of Moral Protest: Reflections from Mexico.' *Environment and Planning D: Society and Space* 27 (2) 2009, 216-233]. In the interplay between the women's incalculable demand for justice (the impossible justice of having back their killed daughters) and their calculated, that is, specific requests to the government, she emphasises the significance played by the empathy linking their campaign to the greater public: an "emotional connection ... crucial for assuring that the paradox of justice, as explained by Derrida, be associated with political possibility, instead of with political impossibility" (p. 219). This material affectivity, sanctioning once more the fact that law and justice are in the 'same ontological space' is exactly what is "missing from Derrida's contemplation of the paradox within the calculation of politics on behalf of an incalculable justice" (ibid.)

³⁸⁵Thanos Zartaloudis, *Giorgio Agamben: Power, Law and the Uses of Criticism: Power, Law and the Uses of Criticism* (Routledge, 2010) p. 280

³⁸⁶I am referring to Benjamin's observation about the "great impasse of knowledge extending between the concepts of law and justice", in Eric Jacobson, *Metaphysics of the Profane: The Political Theology of Walter Benjamin and Gershom Scholem* (Columbia University Press, 2003) p. 167

³⁸⁷In this sense what occurs is the internalisation, yet by no means problematisation, of such a 'chaotic aggregate' *within* the very logic of the state of exception. Again Zartaloudis helpfully sums up the point: "Conventionally the law is responsive to chaos but only so through its own understanding of chaos as a juridified contingency (and a naive deconstruction of its paradoxical formation and reformation is usually a mere reconstruction of its juridical foundations)" ['On Justice', op. cit. p. 142]. In this way chaos is posited as an undifferentiated plasmatic aggregate, presupposition for being exceptionally internalised. See supra note 198.

³⁸⁸*Legge e Caso* (Adelphi, 1979) p. 22 (my translation); *Contra* Campbell, I thus contend that the presupposition of such a nihilistic becoming appears as the *fil rouge* between the sovereign state of exception (which posits and simultaneously denies it) its critique (which posits it in order to deconstruct the former) and the 'dynamic' state of exception become techné (which posits it without denying it but rather directly accepting and coping with it)

³⁸⁹Laurent de Sutter, *Deleuze e la pratica dello diritto* (Ombre Corte, 2011) p. 56 (my translation)

operations, as well as from any ‘transcendent idol’, what remains is only the self-referential concern with ‘correct procedures of movement between connection and correlation’, ‘rules of passage’ rather than ‘true’ correspondences between the text and the world: the state of exception becomes literally ‘encyclopaedic’, no longer static or dichotomical but moving rhizomatically at warp speed in a smooth and boundless globe.³⁹⁰ The above mentioned paradox of a law which pretends to judge over a world, whilst such a ‘world’ is only a projection of law’s state of exception, is thus transferred to the paradox of an impossible justice which ultimate becomes “an aestheticized disinterested formula ‘without engagement’ ... a sterile law in itself”.³⁹¹ As a consequence, the eternally waited-for justice ultimately collapses into law, that is, blurs into due procedures, efficient know-how, problem-solving routines, social control technologies, bureaucratic apparatuses, securitarian control and all other technical and technological operations, dissolving into social policy, grounded “in social knowledge, in cost-benefit analyses of facts and values, and in socially constructed (and constructing) procedural systems and institution of principles, rules and norms”.³⁹² The dichotomies which, as we saw above, remained unchallenged within the sociolegal approach (e.g. law-as-text and law-in-action, or, transcendence and immanence, general and particular, will and accident, law and its application, law and space, law and justice) are now overcome, only to blur in a functional correlation. In words I am to qualify further in a few pages, it could be said that law’s vibrating dislocation is no longer abstracted into an a-spatial frame of reference (i.e., an *abstract state of exception*) nor sought to be contextualised and frozen through socio-empirical means (i.e. a *concrete state of exception*): the dislocated, ‘pragmatic and impersonal’ mechanism of exception ‘keeps on running’, absolutely deterritorialised and dislocated, since it is this very movement and its constant lubrication to become law’s self-referential purpose.³⁹³ What is produced is a sort of ‘immobile movement’, akin to the frozen dynamic of a *jet d’eau*, whose smooth circularity constantly defuses the potentiality for the emergence of events, since it is exactly this *eventuality* (the contingent opening of a non-juridifiable world that justice prefigures) that the centripetal movement of the legal operation neutralises: swept into this idle

³⁹⁰Deleuze and Guattari contend that “within the legal model, one is constantly reterritorialising around a point of view, on a domain, according to a set of constant relations; but with an ambulant model, the process of deterritorialization constitutes and extends the territory itself” (*ATP*, op. cit. p. 411). Yet, it is with the ‘ambulant’ side of law which today we need to confront.

³⁹¹Zartaloudis, ‘On Justice’, op. cit. p. 142

³⁹²Constable, *Just Silences*, op. cit. p. 40

³⁹³In order to appreciate the difference between a sociological model still anchored on what I term a ‘static’ *concrete state of exception*, and the biopolitical model of control, enacted by a dynamic state of exception, it is necessary to introduce Deleuze notion of control. This is done in the next chapter.

movement, justice is unable to “breaking open the circle”,³⁹⁴ can only observe it from outside, can only offer its endorsement, ultimately becoming a sort of “critical apology”, a justification for the legal system itself: “justice is identified with the administration of justice”.³⁹⁵ In other words: *justice is reduced to mere techné*.

§

Deconstruction always arrives late, always preceded by the self-deconstruction of the spatiolegal system itself. By failing to provide this ghostly justice with the ontological materiality it deserves, and ultimately presupposing a negativity at the core of ontology, justice risks being ultimately consigned to the machinations of contemporary biopolitics (see next chapter).³⁹⁶ Justice is not an impossible *à venir*, but rather an excessive potentiality which *is* here-and-now, an absolutely material and cosmic event. This is what “put[ing] the material into the Derridean ghost of the undecidable” should mean: to simultaneously assert the inescapability of every situation, as well as the cosmic contingency to which, through which, every situation is opened to the non-juridifiable potential of a post-human, impersonal, and yet absolutely material and present justice.³⁹⁷ The fifth chapter is dedicated to this endeavour. In the next section instead, I explore some (direct and indirect) approaches to the spatiolegal that are more consistent with the understanding of materiality developed in the last chapter to the spatiolegal.

³⁹⁴“it is only by breaking open the circle ... that the dimension of sense appears for itself” Deleuze, *Logic of Sense*, op. cit. p. 23; *enkiklos*, the root of the term encyclopaedia, is the Greek word for circle

³⁹⁵Douzinas et al.’s (*Politics, Postmodernity*, op. cit. p. 18). A perhaps simplistic and yet helpful example is offered by the (in)famous *Health and Safety Regulations*. Apparently, they are meant to address the pragmatic necessity to guarantee the health and safety of the population. Yet, a deeper gaze is sufficient to understand that this apparatus is eminently self-referential: regardless to the actual health and safety risks of a given situation, what matters (i.e. the logic behind the legislation) is the ‘correct application’ of the procedures. In fact, assuring the health and safety means to apply health and safety procedures, no more no less, even if in a particular situation the health and safety of the bodies involved could be prevented or put in danger by the very compliance with these procedures. In other words, a perfectly circular immunitary paradigm is at work, according to which these regulations are not actually aimed at the health and safety of anyone, but rather at immunising anyone from the risk of being ‘held responsible’ for not having complied with them. They constitute a de-responsibilising and event-defusing device, that is, a circular and self-fulfilling movement of legal self-immunisation into which justice cannot enter.

³⁹⁶This will be problematic especially in those applications of the strategy of deconstruction to the legal field, that lack the complexity and sophistication of Derrida’s. In fact, this critical endeavour succeeds in forcing to re-think the role of law (e.g. vis-à-vis gender, race, colonialism etc.) yet failing to provide strategic counter-points (besides the already-criticised, simplistic calls for a ‘turn to the concrete’ against the legal ideology) and instead surrendering to a relativistic ‘obsession with indeterminacy and indecision’, which is arguably the quicksand in which for instance the movement of Critical Legal Studies ultimately ended [Zartaloudis, ‘On Justice’, op. cit. p. 139].

³⁹⁷The quote is from Philippopoulos-Mihalopoulos, “‘...The Sound of a Breaking String’ - Critical Environmental Law and Ontological Vulnerability”, *Journal of Human Rights and the Environment* 2 (1) 2011, 5-22: p. 14;

Legal Matter

1.

Let us remind the formula stated above, *everything does matter*: legal representations and things, texts and contexts, fences and CCTVs, the seats in a tribunal hall and the legal notion of dignity. Law is always concatenated in atmo-rhythmical tunings, not simply as a set of rules we rationally and pragmatically decide to follow, but also as an affective *force* materially felt on bodies, both abstract *and* concrete, an *abs-co-traction*. It cannot be accounted for by uncovering ‘hidden’ power relations buried in the recesses of the ‘social’, since it emerges out of its immanent spatiality. Likewise, ‘power structures’ cannot be used as an all-encompassing *explanans*, since they are only one among the elements machined in these tunings. Nor law can be understood only in the terms of a ‘social pressure’, as the classic sociological approach would pretend, since it is more precisely a material and affective force, moving and ordering people, producing connections, often independently from, and in any case irreducible to its supposed ‘truth-value’.³⁹⁸ In the city law acts as “the regulator of spaces between places, connecting and severing urban beings, urban objects, urban desires and fears, amongst themselves and with whatever is imagined to be outside the urban.”³⁹⁹ This understanding opens an avenue of promising investigations on urban normativity. Let us take the tensegrity of the urban space of London, where the incoming darkness of the night merges with the appearance of a black, hooded boy, connected with the affective pressure of Anti-Social Behaviour legislation: a normative tuning has emerged. Or, imagine the post-human normativities produced by foxes in the city nightlife, generating a climate of fearful attentiveness in other small animals, and exploiting the connection with the waste legislation, as well as the normative routines, which inform the practice of leaving bags of rubbish outside the door, on the street. The presence of law in these atmo-rhythmical tunings is not only to be thought in the form of legislations such as the atmospheric ASB law, but also in the various operational proxies in which it blurs, like CCTVs

³⁹⁸See ch. 1, *Materiality life event*, par. 6; both positivist and socio-legal models, most famously Hart’s with his notion of ‘social pressure’ as grounding compliance to norm, reduce law to the only frame of reference of social power and/or mutual communication and conformity to pre-agreed rules by subjects – thereby missing the role played by its immanent and material normativity in ‘tuning’ the social [see H. L. A. Hart, *The Concept of Law* (Oxford University Press, 1997) p. 84]. This is what on the last chapter I lamented as the main problem of the sociological approaches which postulate ‘hidden’ supra-structures (in this case, power relations) supposedly guiding social action, regardless of the contingent ways in which the materiality of being-together is tuned. The fact that these non-spatial models often appear as answer to the alleged a-spatiality of formalist models is quite ironical.

³⁹⁹Philippopoulos-Mihalopoulos, ‘In the lawscape’, op. cit. p. 9

or wall signs or police operations, for instance.⁴⁰⁰ Accordingly, the urban appears as a post-human “tensegrity of expectations stabilised by injunctions and menaces”, a ‘holding together’ in common vibration resulting from the ‘normative stress’ of rules, to whose materiality beings tend to become gradually numb, as expectations are integrated into routines and normative tensions stabilised into *normal* conditions.⁴⁰¹ Yet, law is not only about numbing effervescence and stabilising tensions. There is a normativity which is more complex than such a negative acceptation suggest, one which has not to do with immunity and stabilisation, but rather with vulnerability and dislocation. Above I observed that the legal state of exception emerges as an immunitary paradigm aimed at bridging a presupposed (and denied) separation. According to this conception, since the ‘human condition’ is constitutively one of disorder, disequilibrium and poverty (i.e. an originary lack), the ‘latent attitude of human life’ is that of ‘compensation’, re-equilibration, re-ordering (i.e. of filling the lack through operations). The emergence of the legal apparatus is explained accordingly: ‘to be human means to be entrapped by norms’, that is, to systematically repress the chaotic being-together into the ‘functional separation’ of normative, co-immunitary systems.⁴⁰² If life, as Esposito observes, is what ‘by definition tends to escape its own place’, then ‘from this turbulence the law must immunise life: from its irresistible tendency to overcome itself ... law must sacrifice the intensity of life for the necessity of its conservation’.⁴⁰³ This is the negative and immunitary understanding of law which the state of exception expresses, and classical critiques of violence as well as deconstruction fight against. In this section I look at a more complex way to think the law, beyond its negative-only acceptation. This means to assume the spatiolegal as characterised by both territorialising and deterritorialising tendencies, however without ascribing the former to a ‘rational law’ and the latter to an ‘intractable space’: instead, they are to be understood as the two inseparable faces of the law/space relation, i.e. the double structure of the spatiolegal, in its simultaneously concatenated and dislocated materiality.

2.

⁴⁰⁰Of course Latour’s claim comes to mind, that is, to study law through “the stamps, elastic bands, paperclips and other office paraphernalia which are the indispensable tools of cases” Bruno Latour, *The Making of the Law: an Ethnography of the Conseil d’Etat* (Polity, 2009) p. 72

⁴⁰¹Sloterdijk, *Ecumes*, op. cit. p. 421-3: a ‘symbolic vibration which we could compare to the endogenous and stabilised bodily temperature of a warm-blooded living being’ (my translation)

⁴⁰²Esposito, *Immunitas*, op. cit. p. 112-3, quoting Plessner

⁴⁰³ibid. pp. 37, 35 (my translation)

Law, Deleuze and Guattari stress, is first of all the law of the State, of logos and striation. Law of the logos is violence and order at the same time, *despot* and *legislator*.⁴⁰⁴ Law's state of exception is grounded on this violent installation, i.e. the 'flattening' of the ontological multiplicity of space and the projection of an ordered politico-legal geometry. This, however, is only a part of the story. An 'other' law is to be taken into account. This is what Deleuze and Guattari term the law of the nomos. Although 'nomos' is the Greek word designating the law itself, what they wish to turn the attention to is the more original and *nomadic* etymology of the term, which indicates a meaning in direct 'opposition to the law of the polis', i.e. a 'scattering' rather than a partitioning, 'distribution' rather than allocation: in fact, a "special kind of distribution, one without division into shares, in a space without borders or enclosure".⁴⁰⁵ The nomadic law of smoothness is always 'exceptional' vis-à-vis the logic law of striation, that is, exceptional vis-à-vis the latter's state of exception, and thus vis-à-vis law's attempt to transcend itself – just as the smooth space is always exceptional, i.e. irreducible, to any striation, never fully colonisable. This is not to say that two laws are in place. Smooth space and striated space "exist only in mixture"; likewise, *nomadic* and *logic* law cannot exist independently from each other: no smooth without emersion of striation, no strata without secretion of smoothness, but rather degrees of smoothness and striation: these are the two 'characters' of the spatiolegal, its logic and nomic qualities, only formally but not ontologically distinguishable.⁴⁰⁶

Let me qualify: the nomic is not the violence of law. As Benjamin famously stressed, violence is inscribed in law since its very inception: the ontological gesture of law, its flattening and partitioning of space, is constitutively violent.⁴⁰⁷ There is as explained a structural relation within law, between its violent installation and the purified ordering it produces, between the two poles of violence and order: a structural couple held together by the *logic* of exception. Yet, the nomic is foreign to this coupling. When discussing the State as the quintessential representation of the logos, Deleuze and Guattari define the nomic in terms of a radical exteriority to the state apparatus (a 'war machine' opposed to the 'state'), as the constitutive blind spot (the 'obscure nomos') of the state's structural correlation between

⁴⁰⁴The fact that there is a constitutive violence which founds and conserves the very juridical system law has been famously discussed by Benjamin, Schmitt, Derrida, Agamben and many others. Deleuze and Guattari employ the figures of *despot* and *legislator* to point to this paradoxical duality of the law of *logos*, see *ATP*, op. cit. p. 388. For unknown reasons, in the English version of *Mille Plateaux* the French term *despote* is translated as 'king', rather than 'despot'.

⁴⁰⁵*ibid.* p. 420, and p. 621, no.51; see also Philippopoulos-Mihalopoulos, "...The Sound of a Breaking String" op. cit. p. 13

⁴⁰⁶Deleuze and Guattari *ATP*, op. cit. p. 524 – From now on I use the term 'nomic' in order to distinguish it from the classical use of *nomos* as law

⁴⁰⁷See Benjamin, 'Critique of Violence', op. cit.

the two poles of the despotic and the legislating.⁴⁰⁸ In other words, the nomadic law is what dislocates the two Janus-faces of the law of the logos: the ‘structural relation’ between the two poles of the logic (i.e. the state of exception) should not be confused with its ‘dynamic tension’ with the nomic. In fact, the nomic is what always put the structural relation out-of-joint, constantly de-territorialising the legal territorialisations produced by the state of exception: “there is a great danger of indentifying the structural relation between the two poles of political sovereignty, and the dynamic interrelation of these two poles, with the power [puissance] of war”.⁴⁰⁹ The spatiolegal emerges out of “coexistence and competition, in [the] perpetual field of interaction” of nomic and logic, smooth and striated: the nomic and the logic are inseparable and yet non-coincident, the two irreducible sides of the spatiolegal.⁴¹⁰

Although the nomic of law is always irreducible to its logic structuration, at the same time it is necessary for law to ‘move’, and thus to ‘swerve’ so as to prevent law from ‘coinciding’ with space – i.e. from becoming a totalitarian tautology. This prefigures a restlessly moving spatiolegal materiality, never coincident with the comfortable regularity of the Kantian subsumption from particular to universal, nor with a merely fluid and processual understanding of legal spatiality, never peacefully dialectical, but rather a syncopated, complex rhythm of territorialisation and de-territorialisation.⁴¹¹ What has been defined as law’s state of exception – either as a transcendental abstraction, or empirically grounded through sociological approaches to law, or more ‘critically’ translated onto ‘hidden’ structures of power relations – should be thus seen as a constant attempt of the law of the logos to naturalise, domesticate and tame its own ‘opaque core’, this non-representational force always-already distributing bodies onto space, exceeding and dislocating the logos itself, since *a-logical*. There is a constitutive impossibility for the law of logos, for both its ‘abstract’ and ‘concrete’ states of exception, to ever conquer, domesticate, tame and expel its nomic normativity, thereby fulfilling its ‘all-ingesting’ dream⁴¹² – and the reason should begin to surface: any attempt to ‘tame’ such a nomic spatiality presupposes a separation between the logic and the nomic, which is what I am denying.

Philippopoulos-Mihalopoulos proposes to explore the inseparable and non-coincident form of the spatiolegal by translating it into the interrelation between the law and the city, through the notion of *lawscape*, namely “the ever-receding horizon of prior invitation by the

⁴⁰⁸ Deleuze and Guattari, *ATP*, op. cit. pp. 387-468

⁴⁰⁹ Ibid. p. 391

⁴¹⁰ Ibid. p. 398

⁴¹¹ See on this Andrea Brighenti, ‘On Territory as Relationship and Law as Territory,’ *Canadian Journal of Law and Society* 21 (2) 2006: pp. 65–86; and also: ‘On Territorology’, op. cit.

⁴¹² Andreas Philippopoulos-Mihalopoulos, ‘Spatial Justice: Law and the Geography of Withdrawal.’ *International Journal of Law in Context* 6 (3) 2010, 201-216

one (the law/the city) to be conditioned by the other (the city/the law)."⁴¹³ This concept is congenial to my attempt to think the spatiolegal in itself, i.e. without presupposing one of the two terms (law/space) as already given, whilst simultaneously avoiding to suggest their identity: lawscape is an ontological continuum simultaneously traversed and agitated by a difference which prevents its collapsing into a mere tautology.⁴¹⁴ Moreover, it also allows for thinking the logic/nomic dyad not only as a one-way relation between an ordering and a disordering force, but as a recursive process, and with an explicitly urban dimension. Accordingly, between the law and the city there is a turbulent relation of reciprocal invisibilisation, each side 'needing' the other to project its own 'dream', and simultaneously to prevent this dream from being *actually* fulfilled: the law seeks to invisibilise the city since it fears its demonic (nomic) spatiality, and yet necessarily "'relies' on the city, 'acknowledges' its continuum, constructs a rigidity between them that resists the surrounding liquidity";⁴¹⁵ on the other hand, the city seeks to invisibilise law by projecting its deterritorialised space of joyful and pacific disorder.⁴¹⁶ The two extremes to which each of the side of the lawscape tends to are never pre-given, as well as never reachable 'self-perpetuating myths', constitutively utopian, that is, *without place*: a "holy city of justice perpetually floating in a post-conflict space", and "a law without a city [i.e.] a law without materiality, an abstract, universal, immutable law that trammels the globe".⁴¹⁷ The vanishing point in which these two utopian tendencies mutually fold, I contend in the next chapter, is the 'abstract form' that the spatiolegal takes in contemporary neo-liberal societies, what I define as the *spatiolegal architecture of control*.

3.

Therefore, first, since law can never be out of space, it is ontologically *powerless* vis-à-vis transcending its 'situation': whatever its attempts, law would never be able to 'step back' so as to gain the clear distance which would allow for its unilateral action, since this would

⁴¹³Philippopoulos-Mihalopoulos 'In the lawscape', op. cit. p. 10

⁴¹⁴i.e. the "palpitating boundary between continuum (and the subsequent fear of tautology) and difference" ibid. p. 8

⁴¹⁵Philippopoulos-Mihalopoulos, 'Fear in the Lawscape', in J. Priban (ed) *Liquid Society and Its Law* (Ashgate, 2007) p. 87

⁴¹⁶Simultaneously, both "law's obsession with naming, categorising, organising and 'tidying up' is revealed in the city's working order (semblance or reality, depending on the city) both socially and spatially [and] the city's multipolarity and social differentiation (again, to a city-dependent degree) helps visualise the 'material' side of the law, namely its relation to violence in the sense of its force of perception/application, its attempt to control power struggles, and of course its role in the process of capital production and consumption", Philippopoulos-Mihalopoulos, 'In the Lawscape', op. cit. p. 8

⁴¹⁷Philippopoulos-Mihalopoulos, 'Atmospheres of Law', op. cit. p. 2

mean stepping back from itself.⁴¹⁸ Second, law is never 'alone' but always part of a spatiolegal assemblage of human and nonhuman bodies, and thus is to "be observed in the framework of an immediate continuity of heterogeneous elements, not all of which reducible to a rational-normative scheme, acting in the social field".⁴¹⁹ Third, the spatiolegal is always concatenated *and* dislocated. The materiality of spatiolegal concatenations is not frozen into mere actuality: law is always-already material both in the actual situation *and* in the 'virtual field of expectancy' in which it wafts as a virtual (although always on the brink of being actualised) materiality. There is always a virtual multiplicity haunting the 'actual' manifestation of law itself into given things, signs, norms, performances, thus overflowing the inter-penetration of bodies, their mere being embedded, embodied, performed or networked into a nomotopic or nomospheric spatiality. Finally, by thinking the spatiolegal not only as a structural relation between the two poles of the logos (violence and order), but also as a dynamic relation between a logic ordering and a nomic dislocation, this conception allows to overcome the one-sided, negative-only understandings of law, in the direction of an affirmative and vital normativity.

To correlate more in depth this conceptualisation of spatiolegal materiality with the ontological understanding of life proposed in the last chapter, it is particularly useful to briefly intersect the work of Roberto Esposito, who has elaborated a compelling way to integrate a positive understanding of the spatiolegal within a Deleuze-inspired vitalism, in the direction of an affirmative biopolitics where the emphasis lies in the immanent normativity of life.

In order to provide an alternative to a merely negative understanding of the legal mechanism, Esposito neither seeks to unfold a dimension opposed to and thus separated from the law (e.g. space, life), nor resort to transcendental principles supposedly dislocating or sabotaging it. Instead, he focuses on the "generalised diffused normativity that characterises life, what Spinoza has called 'rules for living'".⁴²⁰ Elaborating from Canguilhem's conception of 'normality', he defines a 'positive' and 'affirmative'

⁴¹⁸As Moore puts it, "law attempts to take a "step back" so as to address its own grounds. However, in so doing, law merely displaces its grounds, leaving the final "step back" always another step away" [Nathan Moore, 'Nova Law: William S. Burroughs and the Logic of Control', *Law and Literature* 19 (3) 2007, 435-470: p. 459]. This is not only to say that law is unable to domesticate its own violence, but more precisely that law is constitutively unable to escape its own *spatiality*, its own being always-already part of machinic *concatenations*. In this sense the notion of 'powerlessness' is a reference to Heidegger's notion of Dasein's powerlessness to transcend beings: "The powerlessness is metaphysical, i.e., to be understood as essential; it cannot be removed by reference to the conquest of nature, to technology, which rages about in the "world" today like an unshackled beast", Heidegger, *Metaphysical foundations of Logic*, quoted in Giorgio Agamben. *Potentialities: collected essays in philosophy* (Stanford University Press, 1999) p. 200.

⁴¹⁹Brighenti, 'Did we really get rid of Commands?', op. cit. p. 62, 50

⁴²⁰Philippopoulos-Mihalopoulos, 'Atmospheres of Law', op. cit. p. 2

understanding of norm, which is not derived from the exclusionary and static presupposition of a given 'normal state' (of exception) with respect to which variations would be defined (and sanctioned) as deviations. Norm is not something external (and transcendently imposed by law) to living beings, i.e. a systematic abstraction from life. It is instead 'biological' and 'biopolitical', that is, 'intrinsic and immanent' to the living, always-already belonging to the materiality of life: a norm-of-life: 'differently from law, this norm is not situated at the border of *separation*, but rather at the point of *tangency* between life and the living', in the 'middle' where life germinates.⁴²¹ If Benjamin once observed that behind law's self-presentation as transcendent there is no other than immanence, Esposito provides such legal immanence with a fully positive and vitalist dimension which resonates with the materialist perspective that has been so far provided.

Accordingly, the generative and differential repetition of the norm-of-life is opposed to the 'false' and exceptional repetition of the juridical norm: whilst the latter is based on the reduction of each singularity to a particular which is recognisable into a generality, the norm-of-life is a living normativity emerging out of contingent and singular encounters. Opposed to the immunitary paradigm of 'conservation', what counts for this norm-of-life is the capacity to integrate rather than deny variations. Not a matter of producing 'ontological interruptions' to the flow of life through mad decisions, but rather a capacity to adapt to this becoming by entering into ever-new relations. Following Deleuze, Esposito observes that the risk for life is not dislocation, disorder and chaos, but rather the atrophying of one's capacity for integration, transformation and adaptation. What should concern us then is not the weakening of life's immunitary capacity for conservation, but rather the surfacing of an 'excess of conservation', i.e. the rigidification that life undergoes by becoming increasingly 'incapable to face new risks', to produce new problems. Consequently, the ethico-political task to 'preserve' life is not a negative matter of building spatiolegal apparatuses of compensation, immunity and re-equilibrium but rather, in the Nietzschean sense, it means preserving the vital power to produce new norms, keeping life open in possibility: to exist is to endure in atmo-rhythmical *agencement*, to be able to *adapt, cope with* and engage in different relations, to live in variation.⁴²²

⁴²¹Esposito, *Immunitas*, op. cit. p. 171 (my translation and emphasis)

⁴²²*Ibid.* pp. 134-173 (my translation); Here the key inspiration is Deleuze, who contends that to think is to produce new compositions or 'problematic fields' in response to an encounter (event). Producing problems is in this sense the actualisations of the potentialities that are constantly emerging out of the contingent engagement with the materialities of living. The creation of concepts is to be understood as emerging out of, and in response to, such problematic fields [see Deleuze, *Difference and Repetition*, op. cit.]. Esposito adapts this principle of problem-generation to his conception of the immanent normativity of life as tied to the production of new questions, new problems, new needs, new norms. 'Illness', therefore, is what Deleuze terms 'fatigue', that is a sort of satiety with respect to the capacity to produce problems: fatigue is what occurs

From a similar Deleuzian perspective, yet also deeply influenced by Latour's work, Laurent de Sutter somewhat echoes these observations when proposing to 'get rid of legal theory' and developing a purely immanent 'practice of right', i.e. an 'art of creating new relations', producing assemblages in extensive and corrective forms and thus 'providing juridical operations with a becoming', a practice of association and chance which only knows concrete singularities and it is indifferent to law, politics and economics.⁴²³ Sutter's approach is purely effectual and radically relational: "there is no ontology in [law's] declarations of imputation. There is no content. There is only the effect of words that allow things and people to stick together".⁴²⁴ In the style of Deleuze's famous injunction 'to have done with judgement', in Sutter resonates an iconoclastic optimism: "law does not adapt itself to social change; law *is* the language of social change ... is revolution – everyday revolution ... the lawyers should never trust what *is*. Instead, they should trust what *becomes*".⁴²⁵ Accordingly, jurisprudence is indifferent to justice and laws, it only 'gives account to life, jurisprudence is life'.⁴²⁶ Deleuze's call for a 'right to problems' and a 'right to metamorphosis' thus becomes the cornerstone around which a 'practice of right' should be organised.⁴²⁷

With Sutter and Esposito we face two different and equally compelling ways to overcome the presupposition of law as a merely negative, immunitary and oppressive apparatus: "laws and institutions are positive tools; rather than being limiting or organizing, they spread like rhizomes".⁴²⁸ Yet, is the nomic dislocation provided by these differently-elaborated immanent normativities an excess able to ultimately problematise the operation of exception? Is the latter only a cumbersome apparatus that denies variation and prevents the production of new relations into a static rigidity? Or instead, does not the post-sovereign folding of the state of exception of contemporary neo-liberal societies prefigure a flexible, dynamic and immanent configuration whose peculiarity exactly rests in the capacity to adapting, coping with and adhering to the pulsating spatiality of life without pretending

when failing to generate more needs, failing to generate more norms, more forms of life [Deleuze, *ibid.* pp. 77-80]. If politico-legal apparatuses systematically neutralise and defuse the potentials of problems and the intensity of events into the immunitary consensus for a common *doxa*, leaving societies into what Deleuze calls the 'puerile' subjection to the search for solutions to already-presupposed 'problems', it is a *right to problems* that he (as well as Esposito) endorses, i.e. a right to participate in and manage the creation and production of problems.

⁴²³Sutter, *Deleuze*, op. cit. pp. 76, 85, 83 (my translation)

⁴²⁴Laurent de Sutter 'How to Get Rid of Legal Theory. Epistemology and Ontology', in Z.Bankowski (ed) *Proceedings of the XXI° IVR World Congress, Lund, 2003'* (Franz Steiner Verlag, 2005) p. 42

⁴²⁵*ibid.* p. 47

⁴²⁶Sutter, *Deleuze*, op. cit. p. 101 (my translation)

⁴²⁷Deleuze, *Foucault*. op. cit. p. 87 [see *supra* note 422]

⁴²⁸Constantin V. Boundas, 'Review of Laurent de Sutter', *Deleuze. La pratique du droit*, in *Symposium* 15 (1) 2011

to re-collocate it into a given order? As Noys demands, “why proclaim the need for a right to difference, variation, and metamorphosis, if capitalism will supply them in far more radical, a-subjective, and inhuman forms than any mutated subject?”⁴²⁹ Above, I criticised deconstruction for its insufficiency vis-à-vis the spatiolegal state of exception. Yet, does not Sutter’s call to ‘get rid of law’ – thereby optimistically and uncritically endorsing the tumultuous and rhizomatic production of relation and association of an immanent practice of right – risk to equally mirror the becoming dynamic of the state of exception, becoming indistinguishable to its uneventful liquid and accelerated circulation? Are variation, movement and metamorphosis emancipatory *per se*?⁴³⁰

§

Sutter observes that legal critique in its different forms always subordinates law to something beyond: the Kantian critique to a higher Judgement; the deconstructive critique to a transcendental Justice; the ‘denouncing critique’ of the ideology to some deeper truth.⁴³¹ In this way, it always occurs within the pseudo-dialectic of law and justice traversing Western thought. Focusing on the materiality of law and justice is a way to overcome this impasse. In this chapter I began to gesture in this direction, towards an understanding of the spatiolegal as simultaneously concatenated and dislocated, as well as exceeded by its eventual taking place.

Prior to continue, a qualification is necessary. When assuming the nomic as what utterly dislocates the law as well as simultaneously keeps it ‘alive’, in ‘movement’, I hasten to stress that I do not intend to conflate it with the notion of justice. Were this the case, that would amount to simply ‘materialise’ Derrida’s ghost without, however, fully challenging its core flaw, namely the fact of postulating a subverting dislocation *inside law*, that is, an excess *de facto* produced by law itself through its differing and deferring operation. An ultimately juridifiable justice, that is. A corollary trouble with conflating the nomic with justice, moreover, is to assume such nomic dislocation as emancipatory and ‘just’ *per se*. This is, as will be discussed at length, a dangerous ethico-political strategy: “never believe that a smooth space will suffice to save us”.⁴³²

⁴²⁹Noys, *The Persistence of the Negative*, op. cit. p. 71

⁴³⁰I will come back to these questions in the next chapter.

⁴³¹Sutter, *Deleuze*, op. cit. p. 47

⁴³²Deleuze and Guattari, *ATP*, op. cit. p. 551

Therefore, to qualify: the spatiolegal materiality is neither only a structural relation between the two poles of the logos, nor only a dynamic relation between a logic ordering and a nomic dislocation. It is also an event. Every spatiolegal concatenation, in its deterritorialisation and reterritorialisation, *takes place*. This taking place is simultaneously what sanctions the inescapable as well as dislocated belonging of law to a situation (the impossibility to transcend space), as well as the non-relational, ‘evental viewpoint’ insisting in every situation, that opens the spatiolegal to the cosmic contingency of a world *not for law* – what above, following Woodward, I termed the impersonal ‘making-available’ of the material potentialities which every situation harbours, its radical irreducibility to the spatiolegal closure.⁴³³ Every immersion in the spatiolegal is simultaneously within and ‘beyond’ its relational actualisation, not simply in the sense of dislocating such relations, but rather insofar as opening them to the non-relational event of their occurrence. This is what networks, nomospheres and nomotops are arguably unable to convey. This is also what naïve vitalism seems to overlook, thus risking to becoming vulnerable to contemporary forms of biopolitical control whose functioning logic, as I hinted, does not entail blocking the variation and metamorphosis of life, but rather neutralising its eventful potential into a smooth variation within an uneventful horizon.

The ‘problem’ of relationalism (namely, an unsatisfying account of the notions of event and thus justice) complements that of deconstruction (namely, an unsatisfyingly immaterial notion of justice and an inability to fully overcome the paradigm of exception), indicating the direction which I intend to follow. A notion of justice, that is, that neither coincides with the *logic* nor the *nomic* of the spatiolegal, but is rather ‘between’ the two or, more precisely, their eventful excess, perforating their texture by folding them back to their geo-legal rootedness. Not a force subverting or sabotaging law. Not law’s paradox or impossibility. Not an indefinite *à venir*. Justice is not the nomic of law. Justice is the cosmic of law. It is in this sense that justice should be understood as what allows law to be *used*, that is, what allows its intensive ethico-political potential to emerge, by opening every legal situation to the geo-philosophical potential of a world not-for-law (i.e. non-juridifiable) which is nonetheless here-and-now.

This is the concept I seek to delineate in the final chapter as well as in the conclusion. Prior to do that, however, it is still necessary to account for what I term the spatiolegal architecture of control, both in its theoretical foundations, as well as in the legal, securitarian and economical operations through which it shapes the space accordingly. This is the *dynamic* ‘state of exception in which we live’ (Benjamin), that is, the abstract form

⁴³³See ch. 1, *Materiality, Relation, Event*, par. 7

that the spatiolegal takes in contemporary times, in the sense of the politico-legal deterritorialisation of neo-liberal capitalism, declined in the biopolitical modes of the post-disciplinary logic of 'control', i.e. an immanent, impersonal, unauthorised (i.e. without author) and self-regulating configuration of power that adheres to (and preventively neutralises) the machinic, post-human and vibrating movement of 'life'.

Chapter 3

Law Life Control

In its virtual truth, law has already disappeared from the Earth. What remains of 'law' is a dissolving complex of relics from political sociality, nostalgic media-driven theatre, and pre-automatised commodification protocols⁴³⁴

Prologue

1.

According to the Holy Scriptures 'glory' is the attribute of God, who as such attracts the incessant glorification of his creatures. Yet, what if God is not the *cause* but rather the *effect*, that is, not simply glorified but ontologically *produced* by glorification itself? In political theory, a well-known formula expresses this theorem: the King is the King as long as the people believe him so. A void lies at the core of divine, monarchic and legal sovereignty. This is the 'secret' that public ceremonies and all the other spectacular instances of 'public display of power' are meant to conceal: public recognition, acclamation and glorification are not the consequence of sovereign glory, but rather what constitutes it. Who could be more appropriate than Hegel to capture the dialectical nuance of this circularity? The master is the master insofar as the slave recognises him *qua* master. Recognition is the operation whereby the slave literally constitutes the master. At the same time, recognition is the operation which defines the slave, who is a slave insofar as he recognises the master. The operation of recognition is the vanishing point of the master/slave dichotomy, the circularity in which they fold.

⁴³⁴Nick Land, 'After the Law,' in *Fanged Noumena: Collected Writings 1987-2007*, eds. Robin Mackay and Ray Brassier (Urbanomic/Sequence, 2011) pp. 259-60

The definition of human beings as ‘operators’, that is, those who produce and whose ‘doing’ is *praxis* – i.e. the ‘manifestation of a will which produces a concrete effect’ through a precise art (*techné*) – has been shown as depending on the preliminary postulation of nothingness: the theologico-politico-legal paradigm of *techné* always emerges *ex nihilo*.⁴³⁵ It now appears that in its profound sense this ontological operation is a sovereign-producing *techné*, that is, the constant filling of the void at the core of sovereignty (God, King, Law...), and thus the productive concealing of the latter’s unspeakable impotence. Within the perspective of nihilism, what the humans produce is nothing other than their own subjection to a sovereign power. More precisely, they (as political and legal subjects and/or creatures of God) ontologically coincide with this operation: “the creature is essentially the glorification of glory”.⁴³⁶

Therefore, although at first it appears that the possibility for a sovereign to hold its power rests on a capacity to deny and conceal this ‘secret’, i.e. to ‘administer the mystery’ in the sense of articulating the presupposed gap between the king and its people; more profoundly, it is the paradigm of operation (i.e. the reduction of being to *praxis*) to ground the sovereign state of exception. For this reason, whereas the apparent unmasking of the ‘secret’ propels the crisis of sovereignty, this by no means constitutes the collapse of its mechanism, but rather its reformulation, no longer as concealment from, but rather as direct management of, life: biopolitics.

2.

Bio-politics, the management of life. It is on this notion that the spatiolegal evolution explored in the second chapter converges with the material vitalism unfolded in the first. Framed in biopolitical terms, the spatiolegal ‘exceptional’ double-move appears as the *erasure* and *partitioning* of life, i.e. the insertion of a fracture between a (pre-supposed as) homogenous, flat, ‘bare life’, and a ‘qualified’ life, to be then differently dressed with various categories (e.g. the individual, subject of right, member of a society).⁴³⁷ Besides the

⁴³⁵ Agamben observes that although the Greek notion of *poiesis* is different from that of *praxis*, if it is assumed as a production *ex nihilo*, it is *de facto* put back within the realm of nihilism. See Agamben, *The Man Without Content*. op. cit. ch. 8; see also *supra* note 120

⁴³⁶ “...: they ontologically produce God” Agamben, *Il Regno e La Gloria*, op. cit. pp. 221, 236 (my translation) – see also Severino, *Il Destino della Tecnica*, op. cit. p. 134

⁴³⁷ Agamben has famously contended that this separation – between a life ‘worth living’ and a ‘bare life’ which can be ‘killed without being sacrificed’ – is at the core of the modern notion of human rights, and thus what sanctions their incapacity to offer adequate protection to their ‘subjects’. See Agamben *Homo Sacer*, op. cit. p. 128

countless interpretation to which it has been subjected, I believe what is particularly significant with the notion of bare life is the biopolitical or indeed *bio-nomical* separation it expresses, namely the necessity for law to deny (that is, to immunise from) the *singularity* of beings, by plunging them into a homogeneous and bare substratum where it is able to operate on them: as observed above, law cannot act on space without *a priori* projecting the where in which it is to be applied.⁴³⁸ On this split between, so to speak, life and the living, reverberates the basic scission of Western metaphysics (soul/body). A bionomical *caesura* that posits human beings as self-owning subjects, endowing them with (moral) conscience and free will to perform their own actions, and yet ties them to the burden of a bare life they need to ‘manage’. In this way it is introduced the ethico-moral-political question of the soul’s ‘management’ of the body, i.e. the necessity for the subject to govern and conduct its *own* body (i.e. bare life) towards a higher, divine or profane good.⁴³⁹ This is an ethics whose ontological core is the ‘ought’, not the ‘being’, one according to which humans are assessed regarding the operations they perform and the result they achieve.⁴⁴⁰ What is significant, as already hinted, is that such ‘reduction of being into praxis’ has the ethico-political consequence of implanting a constitutive ‘guilt’ within every being: is not, in fact, the task of governing and managing oneself according to divine or profane (legal) virtue a constitutively unfinished one, i.e. a constant approximation to principles which, by definition, cannot ever be matched? Does not this configure an existence of an infinite duty, and thus infinite debt, thus forcing humans (and nonhumans alike), in Zartaloudis words, “to bear the burden of law’s own groundlessness, of law’s ‘own’ guilt”?⁴⁴¹

⁴³⁸That is, law has “no power over the living beyond what the law supposes as their bare life”; Zartaloudis interprets this point in temporal terms: “Mythical violence is, in this sense, chronogenetic in that it presupposes its capacity (its trigger) to judge and to take life as lying in the very legally supposed, but timeless, bare life of those of whose life it takes. The law cancels the time in which it acts to presuppose bare life in order to ensure the timelessness with which it is taken and abandoned ...”, ‘On Justice’, op. cit. p. 145

⁴³⁹i.e. the internalisation of the Master/Slave dialectic within every being.

⁴⁴⁰Agamben has recently explored this point focusing on the Scholastic doctrine of virtue, according to which to be good (Christianly so) does not concern *being* in a certain way, but rather *acting*, that is, *operating* the potentialities which God has provided us, so as to fully actualise the divine providence. Through the definite setting aside of Aristotle’s notion of impotentiality (see ch. 1) within this school the Aristotelic prioritisation of the *act* over the *potentia* (according to which a ‘good virtue’ was defined as that which orients the potentiality towards its perfection, i.e. its full actualisation) reached its climax – Giorgio Agamben. *Opus Dei: An Archaeology of Duty* (Stanford University Press, 2013) pp. 65-87

⁴⁴¹Consequently, “what is to be assaulted is not law as an idea ‘in general’ but the juridical paradigm of law’s relation to violence as the performing art of determining guilt and taking life through a supposedly paramount, higher, ever deferred order of Last judgment”, Zartaloudis, ‘On Justice’, op. cit. p. 144; on this concept see Giorgio Agamben, *Quel che resta di Auschwitz: l’Archivio e il Testimone* (Bollati Boringhieri, 1998) pp. 120-1; and, ‘K.’, in Justin Clemens, Nicholas Heron, and Alex Murray (eds) *The Work of Giorgio Agamben: Law, Literature, Life* (Edinburgh UP, 2008) 13-27]. Of course, the point of reference here is Nietzsche who, in the *Genealogy of Morals*, famously performed a violent critique to the ‘original guilt’ (or, speaking theologically, ‘sin’) implanted by religion, and the correlated existence ‘in debt’ it implies. Recently, this concept has been interestingly dealt with by different authors. See for instance, Maurizio Lazzarato, *The Making of Indebted*

If such a bionomical split is the exceptional dispositif for ‘making governable’ beings, the crisis of sovereignty can be read as the crisis of this mechanism of capture. The folding of the state of exception that follows could be then reframed as a shift in the configuration of power, from the *presupposed* capture of beings within the spectacular transcendence of the sovereign glory, to the *actual* capture of beings through the immanent techniques and technologies of bio-power. In Foucault’s effective formula, “what generalizes the power to punish, then, is not the universal consciousness of the law in each juridical subject; it is the regular extension, the infinitely minute web of panoptic technique”.⁴⁴²

3.

In the thought of Michel Foucault we find one of the most radical attempts to account for the reconfiguration of systems of power as result of the crisis of sovereignty. His well-known theory of the emergence of disciplinary societies investigates a logic of government which no longer seeks to capture its own subjects within the glory of public spectacles, and rather shifts the attention from the soul to the body of the individual, a body to be disciplined through an ‘infinitely minute web of panoptic technique’. The shift from *ancient regimes* to disciplinary societies is famously framed through Bentham’s notorious architectural project, the Panopticon. Thinking through the latter Foucault is able to define the immanent logic of what he famously terms the ‘disciplinary society’, i.e. *panopticism*, namely “the pure function of imposing a particular taste or conduct on a multiplicity of particular individuals, provided that the multiplicity is small in number and the space limited and confined”.⁴⁴³ The concept is not to be understood in a metaphorical, but rather *analogical* sense: instead of merely being a ‘signifier’ employed to refer to heterogeneous phenomena, the panopticon is paradigmatic insofar as it is a singular case that, by means of being isolated from its context, exposes a certain functioning, i.e. the ‘canon’ it shares with the other phenomena to which it is paradigmatically related.⁴⁴⁴ The panopticon, a singular case, expresses the *panopticism*, i.e. ‘the diagram of a mechanism referred to its ideal form’. This is what Foucault implies, referring to panopticism as simultaneously a formal diagram as well as a

Man, An Essay on the Neoliberal Condition (Semiotext(e) 2012); and David Graeber, *Debt: The First 5,000 Years* (Melville House, 2012)

⁴⁴² Michel Foucault, *Discipline & Punish: The Birth of the Prison* (Vintage, 1995) p. 224;

⁴⁴³ Deleuze, *Foucault*, op. cit. pp. 60-1; Foucault stresses that panopticism is to be understood as “detached from any specific use” Foucault, *Discipline and Punish*, op. cit. p. 208. Foucauldian power, unlike Marxist one, is not possessed but only exercised, since it is “conceived not as a property, but as a strategy” (ibid, p. 26). Thus panopticon accounts for the unstable relations generated by power: it is “the diagram of a mechanism of power reduced to its ideal form” (ibid, p. 205)

⁴⁴⁴ Agamben. *The Signature*, op. cit. p. 18. I will come back on Agamben’s notion of paradigm in the conclusion.

precise, historically-situated political technology developed in 18th century not only in prisons, but also in schools, factories and in the society in general.

However, with the surfacing of a “generalised crisis in relation to all the environments of enclosure”, from the family to the school to the state, a further modification in power configuration occurs, along the path leading from the ancient regime to contemporary societies.⁴⁴⁵ A different logic of management begins to surface, whose function is that of addressing a novel problem: i.e. the need “of administering and controlling life in a particular multiplicity, provided the multiplicity is large (a population) and the space is spread out or open”.⁴⁴⁶ The name of this diagram is *governmentality*. It does not simply require authoritarian rule, since it is a power strategy more directly adapted to the context of liberal democracies, responding to the need to manage a ‘free’ and moving population, so as to mould it into a docile and productive force. It thus requires a deep knowledge of the population itself. Whilst in former times people were conceived as a uniform mass to be subdued, exploited and occasionally aroused through public displays of power, they now become a population to be analysed in details through systematic observation and data-collection.⁴⁴⁷ Co-constitutive to this evolution is the surfacing of a new series of savoirs, i.e. social sciences, that provide an image of society as a homogeneous body, whose patterns of behaviour are to be discerned by collecting and correlating data (hence the rising of disciplines such as demography, statistics, etc). Governmentality sanctions the beginning of the shift from transcendent models of governance based on a dichotomical, top-down subjection, to immanent ones, aimed to the self-regulation of the whole, i.e.

to establish an equilibrium, maintain an average, establish a sort of homeostasis, and compensate for variations within this general population and its aleatory field ... Unlike discipline, which is addressed to bodies, the new nondisciplinary powers applied not to man-as-body but to the living man, to man-as-living-being; ultimately, if you like, to man-as-species⁴⁴⁸

What begins to surface is a concern with the *factual* existence of beings, as the materiality of being-together is no longer abstracted into stable categories but dealt with directly, in the open. This means that the chaotic disorder of the social is no longer spectacularly denied, nor simply confined into enclosures, but rather fully accepted and directly targeted

⁴⁴⁵ Gilles Deleuze, 'Postscript on the Societies of Control' *October* 59 (1992) 3-7: pp. 3-4

⁴⁴⁶ Deleuze, *Foucault*, op. cit. pp. 60-1.

⁴⁴⁷ See Michel Foucault, 'The Birth of Biopolitics', in: *Michel Foucault, Ethics: Subjectivity and Truth*, ed. by Paul Rabinow (The New Press, 1997) pp. 73-79. See also Foucault, *The History of Sexuality* op. cit.

⁴⁴⁸ "...In a word, *security mechanisms* have to be installed around the random element inherent in a population of living beings so as to optimize a state of life "Michel Foucault, "Society must be defended": *Lectures at the Collège de France, 1975-76* (Penguin Books, 2003) p. 242

as such: if “discipline wants to produce order, security wants to regulate disorder”.⁴⁴⁹ Incidentally, beneath this ‘acceptance’ lies the convenient (preliminary) framing of this disorder as homogenous and undifferentiated, and as such susceptible to be managed.

§

Moving from these considerations, this chapter sets out to account for the surfacing of what I term the ‘spatiolegal architecture of control’, which sanctions the folding of the sovereign state of exception into the immanent and fully bio-political configuration it takes in the neo-capitalist societies of late (or post) modernity.⁴⁵⁰ When doing so, I stress it is important to account simultaneously for the continuity which this ‘unauthorised’ emergence maintains with the former model, as well as with the radical discontinuity it inserts.⁴⁵¹ At the same time, this architecture (i.e. *arch-techné*) must be addressed in both its abstraction (and thus the way it reformulates the bionomical exception above-mentioned), as well as in the concrete materialities it produces. These levels, as I will qualify, cannot be kept separated. This endeavour joins the ontology presented in the first chapter and the spatiolegal framework sketched in the second, especially in what will be shown as being their ideal and indeed actual point of convergence, i.e. the urban. It is there, both as a reformulation of the ‘image of the city’, as well as through its concatenated tunings, that the spatiolegal architecture of control can be investigated most directly, and that also lies, I contend, the potential for resisting, reworking, dismantling it. By focusing on the urban materiality and its

⁴⁴⁹Giorgio Agamben. 'On Security and Terror'. *Frankfurter Allgemeine Zeitung*. September 20, 2001; Foucault stresses that the “interplay of freedom and security” is the very roots of liberal societies: “Freedom is something which is constantly produced. Liberalism is not acceptance of freedom; it proposes to manufacture it constantly, to arouse it and produce it, with, of course, the system of constraints and the problems of cost raised by this production” [Foucault. *The birth of biopolitics*, op. cit. p. 65]. Biopolitics emerges with liberal governments, in which control will be no longer based on disciplinary containment – although certain settings will retain such characteristics – but rather on apparatuses of security, which are founded on *regulation*, rather than simple prohibition and prescription [See Foucault, *Security, territory, population: Lectures at the Collège de France, 1977-1978* (Palgrave Macmillan, 2009) pp. 46-7]. The corollary, as we are to see, is that liberalism is *necessarily* characterized by ubiquitous data-gathering practices, i.e. extensive surveillance, in all its different declensions, aimed at guaranteeing the security of freedom, or freedom *in* security.

⁴⁵⁰The reason for using the term ‘architecture’ is twofold. First, its etymology can be employed to refer to the fundamental compromise of the paradigm of operation (the logic of *techné*). Spatiolegal architecture can be thus reformulated as ‘spatiolegal *arch-techné*’, i.e. the quintessential (*arch*) expression of the logic of *techné* in the spatiolegal dimension. Second, the concept of architecture conveys simultaneously the contingent spatiality of its ‘products’, as well as the theoretical and projectual scaffolding which oversees them. It is thus a useful definition to convey the simultaneously material and yet abstracting mechanism whereby space is configured in politico-legal sense.

⁴⁵¹In the sense of Stramignoni: “unauthorized for being both largely at odds with the established authority—*sine auctoritate*—and not closely linked to any specific agent—*sine auctore*” [‘Francesco’s Devilish Venus’, op. cit. p. 218].

tuning, moreover, it is possible to observe how the spectacular and the managerial side of power converge in configurations in which marketing and security logics are no longer distinguishable: atmo-rhythms of consumption and immunity in which contemporary urban life is increasingly shaped. Let me stress that the 'dynamic' state of exception of law cannot be separated from the neo-capitalist apparatus. The juridical and the economic overlap in the spatiolegal architecture of control, both in the abstract urban form it implies as well as in the concrete materialities it gives shape to.

I am aware of the ambitious challenge that this chapter takes up, and that its attempt to hold together the dimensions of capital, law and security risks slipping into excessive simplifications. This accusation would be most likely to stem from those who work confined within each one of these fields. Yet, what I deem important is that this effort would be able to provide an adequate account of the materiality of urban control, and this cannot occur without a properly trans-disciplinary ambition. In this sense, I do not intend to perform a simplification, but rather an explicitation of the abstract and concrete spatialities in which these dimensions appear to converge. I take up this challenge through three main concepts, dividing the chapter into as many parts: life, spectacle and brandscaping.

For the first two I take inspiration from Foucault's theorisations of biopolitics and seek to develop them towards some the potential avenues he was unable or unwilling to fully pursue. First, the question of the 'bio' of biopolitics. In Thacker's useful reflection,

Contemporary theories of biopolitics often emphasize medicine and public health, political economy and governmentality, or the philosophical and rhetorical dimensions. But if biopolitics is, in Foucault's terms, that point at which "power takes hold of life," the moment in which "biological existence was reflected in political existence," then it follows that any theory of biopolitics will also have to interrogate the morphologies of the concept of "life" just as much as the mutations in power⁴⁵²

What is biopolitics with respect to the demonically vitalist ontology I proposed in the first chapter? The notion of *control*, as developed by Deleuze, will offer a way to push biopolitics beyond Foucault and to make it consistent with the bio-power of contemporary 'control societies'.

⁴⁵²Eugene Thacker, 'Nekros; or, the Poetics of Biopolitics', in *Incognitum Hactenus*, vo. 3, available at <http://incognitumhactenus.com/nekros-or-the-poetics-of-biopolitics/>; the internal quote is from Foucault, *History of Sexuality*, op. cit. p. 142.] Therefore it is the ontology of being-together, rather than either law, capital or security, to provide the context for describing the emersion of a new configuration of power in which these three dimensions converge. As Lazzarato observes, "the passage from disciplinary societies to the societies of control cannot be understood by starting out from the trans-formations of capitalism. We must begin instead from the power of the multiplicity", Maurizio Lazzarato, 'The Concepts of Life and the Living in the Societies of Control', in Martin Fuglsang (ed) *Deleuze and the Social* (Edinburgh University Press, 2006) p. 172

Second, the question of the fate undergone by the spectacular and glorious aura of sovereignty in post-sovereign societies of control. Foucault too hastily dismisses the spectacle by confining it to the pre-disciplinary era of the *ancient regime*. Similarly, I detect a tendency in many characterisations of neo-capitalist societies, to describe novel configurations of (bio)power in purely immanent and non-representational terms. Yet, I believe it is simplistic to assume a shift from spectacle to biopower, representation to 'production', 'glory' to management. More precisely, the two poles of sovereignty can be said to fold onto each other into an abstract-and-concrete spatiolegal architecture whose *bipolar* character does not disappear, but rather takes a new shape, which is what we need to address. The sovereign glory (with the 'universal consciousness of law' and the infinitely guilty sense of duty it entails) is not simply *substituted* by immanent forms of governance, as if it were a simple veil which has now been removed for good. It instead takes a different form, which I believe is worth exploring, even more importantly if we are to gesture towards alternative models of biopolitics. To explain this point, I will 'weaponise' Marx's notion of 'real abstraction', in order to address the concretely abstract quality of the spatiolegal architecture of control.⁴⁵³

Third, I introduce the concept of *brandscaping*, as an attempt to apply the concept of spatiolegal architecture of control (or more simply, as I will often refer to it: control)⁴⁵⁴ in more explicitly material terms to the urban and its tuning. Although in certain context they are used as exchangeable terms, brandscaping is meant to provide control with a more explicitly spatial as well as phenomenological dimension, what often lacks from certain account of 'control society' depicting control as a configuration that simply dissolves the thickness of space into deterritorialised flows.⁴⁵⁵ Brandscaping is a way to investigate how control rhizomatically ramifies in such a spatial thickness, both as a certain 'form of urban experience' as well as in its concrete realisation into urban assemblages of consumption and immunity. At a more pragmatic level, if control, as we are to see, can be assumed as an impersonal and unauthorised emergence of an immanent configuration of power, brandscaping is a tool flexible enough to allow for exploring its unfolding through more explicit and context-specific attempts to 'steer' and 'retune' the urban by generating commodified experiences of safety and safe experiences of consumption in the city, in the sense suggested by Ball and Wood, according to whom "brandscaping can be viewed as a

⁴⁵³'Weaponise', that is, and perhaps perverting it, as a 'tool' to build my argument and not as an artefact to be contemplated in the museum of Marxist Orthodoxy.

⁴⁵⁴The notion of 'spatiolegal architecture of control', I believe, integrates Deleuze's concept of control by providing it with a proper 'spatiolegal' dimension and allowing to frame it within the evolution of the state of exception described in the second chapter. Therefore, unless contextualised otherwise, my use of the term 'control' is to be assumed as abbreviation for 'spatiolegal architecture of control'.

⁴⁵⁵This is the case for instance of Maurizio Lazzarato's otherwise compelling work.

more or less successful institutional attempt to inscribe spaces and their inhabitants in their own terms".⁴⁵⁶ This implies, finally, that brandscaping can be also employed as a very useful methodological tool to explore urban control empirically, as I demonstrate in the fourth chapter.

⁴⁵⁶Kristie Ball and David M. Wood, 'Brandscapes of Control', paper presented at The 3rd Surveillance & Society Conference, Sheffield, April 2008

Bio and Control

1.

*We need to witness our own limits transgressed, and some life pasturing freely where we never wonder*⁴⁵⁷

In his short and hugely influential *Postscript on the Societies of Control*, Deleuze hints to the evolution of a further diagram integrating as well as moving beyond the model of governmentality. Deleuze's main frustration with the Foucauldian approach, often concealed beneath friendly admiration, concerned his prioritisation of systems of power, and the consequent understanding of the social as constituted by them. For Deleuze systems of power do not constitute, but rather emerge out of the social and its concatenations of bodies, which they then seek to capture and striate, "crush or plug".⁴⁵⁸ There is a 'primacy' of life, for Deleuze, over systems of power.⁴⁵⁹ Deleuze's whole project, in a nutshell, is enshrined in Thoreau's beautiful injunction: "we need to witness our own limits transgressed, and some life pasturing freely where we never wonder".⁴⁶⁰ That is, in Esposito's term, the attempt to unfold an impersonal life in a 'zone not yet occupied by diagrams of power'.⁴⁶¹ Yet, were this to imply a quest for some sort of power-free, innocent and neutral (i.e. bare) life, then its ethico-political consequences would be seriously problematic. As already observed, the notion of an uncontaminated and undifferentiated *bare life*, 'far from being a subtraction from bio-power, is the latter's product and structural effect', *de facto* 'generated' out of the bionomical *caesura* of exception just discussed.⁴⁶² Any enterprise aimed at reaching an uncontaminated life 'beyond diagrams', therefore, would risk to paradoxically confirm and reproduce, rather than challenge, the bionomical split itself. I believe, however, that the Deleuzian injunction can be understood differently.

⁴⁵⁷Thoreau, H. D. *The Variorum Walden* (Twayne Publishers, 1962) p. 255

⁴⁵⁸"it is rather the systems of power which, at the same time, find themselves produced by these assemblages, and crush or plug them", Gilles Deleuze 'Desire and Pleasure', 1997 [translation of "Désir et Plaisir", in *Magazine Littéraire* 325, 1994, 59-65] available at <http://www.artdes.monash.edu.au/globe/delfou.html#1>

⁴⁵⁹Deleuze in the same text articulates it as a "primacy of desire over power" (ibid)

⁴⁶⁰This point is beautifully articulated by Branka Arsic, 'Thinking Leaving', in Ian Buchanan and Gregg Lambert. *Deleuze and Space* (University of Toronto Press, 2005)

⁴⁶¹Esposito, *Terza Persona*, op. cit. p. 171 (my translation)

⁴⁶²See Rametta, *BIOPOLITICA E COSCIENZA*, op. cit (my translation). There is no 'bare life' targeted by biopolitical control. First of all, 'bare life' is *produced* by the latter. I therefore find problematic Thrift's definition of 'bare life' as the 'half-second delay' between an event and our consciousness of it. See Thrift, N. "Intensities of feeling: towards a spatial politics of affect", *Geografiska Annaler* 86 (1) 2004

Above, I tried to distinguish my position from naïve vitalism and its understanding of life as an “inherently positive, primal propulsive force that opposes domination and control”.⁴⁶³ Instead, the demonic vitalism I proposed dismisses any separation between an undifferentiated ‘bare life’ and an already-determined ‘individual life’, and rather emphasises the ‘point of *tangency* between life and the living’, that is, the ‘impersonal yet singular [inorganic] life’ which is enshrined within each body.⁴⁶⁴ In this sense, the ‘zone not yet occupied by diagrams of power’ should not be understood as some sort of plasmatic origin to be reached through an ascetic purification from power relations. It should be instead understood as the (inoperose) potentiality, that every being harbours, to swerve from the grasp of systems of power themselves, and thus from being ‘reduced’ and ‘exhausted’ into the relationality of ‘organisms’, ‘subjects’, ‘personae’, ‘organisations’: “if everything is alive, it is not because everything is organic or organised but, on the contrary, because the organism is a diversion of life”.⁴⁶⁵ This ‘zone’, in this sense, should be understood as the cosmic ‘viewpoint of the event’ to which I hinted above.⁴⁶⁶ This does not signal the possibility to actually achieve a mode of life free from power, as the life beyond politics that Marx envisages in his Manifesto. Instead, it is the claim that in every action, every ‘entering into relation’, is an impotentiality, an ‘inoperosity internal to the operation itself’ where lies the potential for developing an ethico-political model alternative to the exceptional paradigm of operation.⁴⁶⁷ If systems of power ‘crush and plug’ life, then the question is not that of ‘liberating’ some sort of neutral life in a world beyond power relations, but rather that of ‘deactivating’ and ‘unplugging’ these systems, and thus reorienting their residual power to build alternative configurations.⁴⁶⁸ This is the task that the final chapter takes up.

At this moment, I employ this still incomplete reflection to indicate the biopolitical novelty that control expresses. I am certainly sympathetic with a positive understanding of life as variation, movement and metamorphosis. Yet, to uncritically derive over-enthusiastic ethico-

⁴⁶³Hall, Birchall & Woodbridge, ‘POSTSCRIPT’, in *Culture Machine*, 11 (2010) p. 42; an understanding whose contradictions we are to further dwell in soon.

⁴⁶⁴The first quote is from Esposito, *Immunitas*, op. cit. p. 171; the second from Gilles Deleuze, *Pure Immanence: Essays on A Life* (Zone, 2001) p. 28; let me qualify one more time that I am not necessarily implying a full correspondence between such demonic vitalism and Deleuze’s. Again, as he taught me, I understand his theory as a tool-box, and as such I employ it to build my argument. Of course, this should not lead to blatant contradictions. Yet, it should neither imply a strenuous attempt at maintaining a theoretical fidelity.

⁴⁶⁵Deleuze and Guattari, *ATP*, op. cit. p. 550;

⁴⁶⁶The notion of whiteout, that I employ in the fifth chapter, can be exactly understood as the always contingent and situated opening of such a ‘zone’.

⁴⁶⁷Agamben, *Regno e Gloria*, op. cit. pp. 268-76. What Sloterdijk terms the ‘impossibility, inserted in the middle of life, to have a project’ *Ecumes*, op. cit. p. 646 (my translation)

⁴⁶⁸On the notion of ‘unplugging’ structures of exclusion and reorienting their residual power see also Weizman, ‘Political Plastic’ op. cit.

political models from such premises is, I believe, highly problematic. Any 'affirmative biopolitics' must necessarily take into account that every reformulation of the question of life generates new problematic fields out of which novel re-configurations of power emerge accordingly. As we are to see more in depth in last part of this chapter, novel understandings and explicitations of the spatiality and materiality of life are always paralleled by novel models of control. Foucault's notion of governmental biopolitics, as just discussed, emerges as a response to the problematic milieu produced by a novel understanding of the population as a multiplicity which could not "be broken down" and should instead "be treated as a single living being (hence, biopolitics)".⁴⁶⁹ Likewise, the notion of control, I argue, signals a further qualitative shift, whose post-human, atmo-rhythmical and 'planetary' dimension governmentality is not able to fully address.

As I am to show, control has not to do with producing a separation between a 'bare life' and an 'individual life', but rather introduces a different abstraction, i.e. the 'flattening' of life into a seamless relationalism. Not a 'homogeneous medium' on which drawing a spatiolegal partitioning. Not even (or, not only) a multiplicity to be managed. More precisely, control directly assumes the task of ontologically producing the reality of its abstraction, via the attempt to defuse in every being the inoperose capacity to swerve: not the 'management' of life, that is, but the neutralisation of its demonic potential: *praeventio*. It is in this dimension, at the threshold of the (de)activation of techné, where the eventful potential of (urban) life lies, that the question of the 'bio' of biopolitical control is to be explored.

2.

*In its extreme form, the capitalist religion realizes the pure form of separation, to the point that there is nothing left to separate*⁴⁷⁰

William Burroughs defined control as the repressing power of language, and more precisely of the 'word', understood as a virus which systematically "*prevents expansion of consciousness*" by "*controlling thought feeling and apparent sensory impressions of the human host*".⁴⁷¹ To Burroughs the word 'entraps' thought within the 'dimensions' of

⁴⁶⁹As Brighenti observes, governmentality implies that "for the purposes of governing, the population is configured as such a multiplicity: it cannot be broken down and must be treated as a single living being (hence, biopolitics)". Brighenti, *On Territorology*, op. cit. p. 10.

⁴⁷⁰Giorgio Agamben, *Profanations* (Zone Books, 2007) p. 81

⁴⁷¹(My emphasis). The full quote: "I feel that the change the mutation in consciousness will occur spontaneously once certain pressures now in operation are removed. I feel that the principal instrument of monopoly and control that prevents expansion of consciousness is the word lines controlling thought feeling and apparent sensory impressions of the human host.". William S. Burroughs Interview, 1961, conducted by

language (designation, manifestation and signification), in this way preventing the expression of sense, i.e. the *event* of sense, from occurring.⁴⁷² Deleuze takes inspiration from the American writer, developing his understanding of control as viral and parasitic, not 'frontal', transcendental or "located 'outside' of that for which it would 'legislate' (as an absent centre)", but always 'internal' and immanent to it, as a "field of forces which pretend to control and dominate the world without collocating it within an immutable order".⁴⁷³ Control does not deal with 'individuals' or 'subjects' and their position with respect to a mass, but with "dividuals, and masses, samples, data, markets".⁴⁷⁴ Neither the exercise of power over a body, nor social subjection or individuation: control refers to an immanent and emergent configuration of power 'acting' on the "pre-individual, pre-verbal, pre-social dimension", i.e. the "machinic components rather than the human component", constantly rearranging and *enslaving* them into legal, securitarian and economical assemblages.⁴⁷⁵ Evidently, this is not a configuration that seeks to block, but encourages circulation, metamorphosis, translatability, movement and variation. The problem to which it responds

is no longer that of fixing and demarcating the territory, but of allowing circulations to take place, of controlling them, shifting the good and the bad, ensuring that things are always in movement, constantly moving around, continually going from one point to another, but in such a way that the inherent dangers of this circulation are cancelled out⁴⁷⁶

Keeping the movement alive, and yet in a paradoxically frozen form, an 'immobile movement', since depurated of its 'inherent dangers', i.e. the events.⁴⁷⁷ Movement and prevention, these are its twin strategies, keeping the social field into a flow without becoming, through the systematic neutralisation of any eventful excess from the relationality of space.

Gregory Corso and Allen Ginsberg, Originally appeared in *Journal For the Protection of All People*. available at <http://realitystudio.org/interviews/1961-interview-with-william-s-burroughs-by-gregory-corso-and-allen-ginsberg/>

⁴⁷² see Nathan Moore, "Nova Law: William S. Burroughs and the Logic of Control." *Law and Literature* 19 (3) 2007, 435-470.

⁴⁷³ *Ibid.* p. 460

⁴⁷⁴ Deleuze, 'Postscript', op. cit. pp. 5-6

⁴⁷⁵ Deleuze and Guattari, *ATP*, op. cit. p. 543, In Lazzarato's terms, "Machinic enslavement consists in mobilizing and modulating the pre-individual, pre-cognitive and pre-verbal components of subjectivity, causing affects, perceptions and sensations as yet unindividuated or unassigned to a subject, etc. to function like the cogs and components in a machine ... Machinic enslavement is therefore not the same thing as social subjection. If the latter appeals to the molar, individuated dimension of a subjectivity, the former activates its molecular, pre-individual, pre-verbal, pre-social dimension." In Maurizio Lazzarato 'The Machine', *eipcp.net*, 2006, available at <http://eipcp.net/transversal/1106/lazzarato/en>

⁴⁷⁶ Foucault, *Security, Territory, Population*, op. cit. p. 65.

⁴⁷⁷ Meillassoux puts it clearly: "for there to be becoming, something must happen", otherwise we would be "faced with an immobility made of movements", in 'Subtraction and Contraction, op. cit. p. 88

Thus, to qualify, with the notion of control a new diagram of power is introduced, beyond the problem of disciplining bodies in enclosures (*panopticism*), as well as complementing and to some extent pushing forwards the concern with the management of the life of a population (governmentality). Above I observed that Deleuze's philosophy implies an ethico-political praxis "premised on *experimenting* with the virtualities 'of this actual'", that is, seeking to unleash the contingent potentialities of a situation by freeing it from its reduction into an actual state of affairs.⁴⁷⁸ In this sense, control appears as precisely a counter-point to this stance, insofar as it does not simply imply the 'regulation' (the management of an actual multiplicity), but more precisely the 'modulation' of life in its inoperative, virtual potential.⁴⁷⁹ If on the one hand control refers to the management of flows, relations and circulations, most importantly it has to do with the preliminary or more precisely *preventive* defusion of the eventful potential of being-together. In Tiqqun's terms, what it

must circumscribe and put a stop does not exist at the level of the actual *but at the level of the possible*. The discretionary power here is called *prevention* ... the enemy ... is within. The enemy is the event⁴⁸⁰

Describing it vis-à-vis the field of language, from which it derives, Moore explains that control does not have to do with discipline and co-ordination, but is rather concerned

to access and regulate their [the propositions] virtual dimension: the breakage wrought by sense itself. In other words, control seeks to control the very creation of propositions, striking pre-emptively in the attempt to determine what it will be possible to think and say⁴⁸¹

Accordingly, control entails the modulation of the virtual in order to produce 'fully actual' relations, seeking to neutralise any actualisation, i.e. any *taking place*, from its excessive and eventful swerving.⁴⁸² What this amounts to is nothing other than the systematic reduction of beings to actual relations (relationalism). In fact, the diagram of control is not simply 'presupposed' but ontologically 'posited' in a given historical configuration, namely contemporary neo-capitalist society: control is both the abstraction which *presupposes* and *posits* the non-evental closure of relationalism, as well as the concrete form of its modulations, i.e. its tunings. This is its 'truly biopolitical' quality, in the sense of targeting the

⁴⁷⁸Nunes, 'Politics in the Middle', op. cit. p. 121. See ch. 1, *Materiality life event*, par. 7; in the fifth chapter I will complement this concept with the key notion of counter-effectuation.

⁴⁷⁹As Deleuze writes in his postscript: "Enclosures are *molds*, distinct castings, but controls are a *modulation*." Deleuze, 'Postscript', op. cit. p. 4

⁴⁸⁰Tiqqun, *Introduction to Civil War*, op. cit. p. 152-3; although Tiqqun (that employ to the notion of Empire, akin to that of control) use the notion of 'possible', a concept apparently antithetic to the virtual, the context of their phrasing seems to suggest that it is being used with a 'virtual' acceptance.

⁴⁸¹Moore, 'Nova Law', op cit. p. 441

⁴⁸²As Lazzarato has explained, control must be understood as a modulation of the virtual, or more precisely, of the 'actualisation' of virtual potentialities into actual relation, which it seeks to neutralise from its excessive swerving. This complex reflection will become clearer as the chapter progresses. See *Politica dell'Evento*, op. cit.

inoperose potency of life, debilitating and atrophying each body's capacity to swerve, and thus to resist, escape and disrupt a given state of affairs: an art of defusing contingency. Thus, whereas Deleuze, following Spinoza, maintains that what oppressive forces do is separating us from our power to act, the sense of control is more precisely captured by Agamben's observation that today's 'democratic powers' separate us from what we can 'not do', i.e. from our impotentiality.⁴⁸³

To be clear, this understanding does not imply the existence of any grey eminence or hidden groups of conspirators running the show. Control is an unauthorised and impersonal emergence of an immanent configuration of power that is tied to the historically-specific convergence of different theoretical, scientific, technological, socio-cultural evolutions. Every diagram, Deleuze observes, is both abstract (a 'pure function' or 'logic of ordering') as well as immanent to a series of given techniques, technologies and savoirs through which it gains ontological reality. This does not entail necessarily an historical contemporaneity. It is instead the *degree of consistency* that these different elements achieve with respect to a diagram of power to sanction its immanent surfacing. For instance, whereas prison were obviously in place well before the surfacing of the 'disciplinary society', it will be only within the latter that they would become a central technology, that is, that the panopticon would mutate into panopticism: "if the techniques – in the narrow sense of the word – are caught within the assemblage [*agencement*], this is because the assemblages [*agencements*] themselves, with their techniques, are selected by the diagrams".⁴⁸⁴ As Deleuze makes clear, "machines don't explain anything, you have to analyse the collective arrangements of which the machines are just one component."⁴⁸⁵ Through the immanent coming-together of different components, selected, invented and machined into the given diagram [or abstract machine] of a certain epoch, certain techniques or technologies become central, "cross[ing] the [socio]technical threshold".⁴⁸⁶ Therefore, there is no technological determinism, but rather the emergence of a machinic consistency between different components – of which actual technologies are only a part – in a given socio-historical context. Of course, the relevance of specific technological shifts cannot be denied either. For instance, Moore observes that control is

differentiated [from governmentality]... by distinctive technological apparatuses: control can only develop once an "electronic revolution" has occurred, enabling it to not only

⁴⁸³ Agamben, *Profanations* op. cit. p. 81

⁴⁸⁴ Deleuze, *Foucault*, op. cit. p. 34-5

⁴⁸⁵ Gilles Deleuze, 'Control and Becoming', Conversation with Toni Negri in *Futur Anterieur* 1, 1990, available at <http://www.generation-online.org/p/fpdeleuze3.htm>

⁴⁸⁶ *ibid*

pursue its aims more extensively and vigorously, but which also (and most importantly) transforms those aims through a logic developed in and through the technology itself⁴⁸⁷

More precisely, it could be suggested that cybernetics is both the technology *and* the actual logic of control: it makes explicit its principles (self-regulation, feedback and continuous movement), and “entails a transformation from static to dynamic, from linear to circular models,” that is a *folding* of the spatiolegal state of exception into an immanent and dynamic form, both presupposing and ontologically producing the totalising, relational ‘closure’ of the world permitting the iterative and self-referential manipulation that characterises the reality of control in contemporary society.⁴⁸⁸

To repeat: whilst the ‘static’ mechanism of exception is based on the bionomical extraction/abstraction of individuals from the spatiality of being-together, a different nuance is implied by the abstraction that the dynamic logic of control introduces: as anticipated above, no longer the static separation of a bare life from a life worth living, but rather the reduction of the whole life to a bare life, the whole space to a bare space. Separation sublimates into the flatness of a seamless and uneventful relationalism. Abstract flattening and concrete manipulation are not distinguishable: ‘bare life is free only insofar as it is manipulated, and it is manipulated only if it is let “naturally” be’.⁴⁸⁹ Here then appears the

⁴⁸⁷Moore, ‘Nova Law’, op. cit. p. 10; a more general and significant role is played by the trans-disciplinary surfacing of a ‘spatial awareness’ about the materiality of being-together. This is discussed in the *Brandscaping* section.

⁴⁸⁸Ana Teixeira Pinto, ‘The Whole Earth: In Conversation with Diedrich Diederichsen and Anselm Franke’, *E-Flux* 45, May 2013, available at <http://www.e-flux.com/journal/the-whole-earth-in-conversation-with-diedrich-diederichsen-and-anselm-franke/>. The word ‘cybernetics’ derives from the Greek *kybernetes*, i.e. steersman, which in Latin is translated as *gubernator*: the verb *to govern* initially developed from the field of navigation, and *cybernétique* in French means exactly “the art of governing”. As Guattari explained, ‘enslavement’ is used by him and Deleuze “in a sense akin to that used in cybernetics: in other words, remote control, feedback and opening up to new lines of possibles.” Quoted in Lazzarato ‘Machine’, op. cit.

⁴⁸⁹As evident in the capitalist obsession with the constant production of new fashions and life-styles as a way to constantly ‘dress’ bare life with ever-new styles, whose key property is that of being *interchangeable*, since grounded exactly on the presupposition of an undifferentiated bare life [See Tommaso Tuppini, ‘Ontologia della comunità. Nancy & Agamben. Parte seconda: Agamben’, *Giornale di filosofia.net*, January 2010: pp. 23-32 [available at <http://www.giornaledifilosofia.net/public/scheda.php?id=126>]. The convergence between the *abstraction* (i.e. the neutralisation of the inoperative ‘potency to swerve’ which lies at core of the double-structure of every body, i.e. at the indistinction of life and the living, and thus the *flattening* of the social into an uneventful relationalism) and the *concrete* unfolding into the affective tuning of the atmo-rhythmical being-together, is indirectly captured by Thacker who, through Aristotle, observes that “a body – be it plant, animal, or human – undergoes or is capable of undergoing any number of affections. Thus, affection (pathos) is itself the relation between Life and the living.” Affection appears as what must be simultaneously de-potentiated and tuned, otherwise the risk is that of becoming pathological, i.e. “threatening to the coherence of the body politic” [*Nekros*, op. cit]; Incidentally, in a text accompanying the exhibition *Making Things Public*, Latour plays with Lippmann’s notion of the *Phantom of the Public* and, criticising the all-encompassing, humanist, organicist and globalised understanding of ‘body politic’, frozen around overarching tropes of the ‘body’ and the ‘state’, proposes an impalpable, relational and circulating notion of politics which “will pass through you as a rather mysterious flow, just like a phantom ... It’s to the flow of words and images that we have to confide the task of imitating the ghostly but spirited figure of politics.” Beneath this interesting elaboration of the pathos of politics in antithesis to the cumbersome Leviathan of body politics lies the core problem of Latour’s project,

direct correspondence between the ‘liberated’ life of neo-liberal credo and its being always-already re-captured into the uneventful movement of control. As Deleuze observes, “the man of control is undulatory, in orbit, in a continuous network”, meant to negotiate its way through multiple lifestyle choice, whose empowering flexibility – the apparent liberation of the post-modern *flaneur* – hides the constant injunction to ‘keep on moving’, never sit back, always strive for something, consistent with the accelerationist (see below) ethos of neo-liberalism:

in the disciplinary societies one was always starting again (from school to the barracks, from the barracks to the factory), while in the societies of control one is never finished with anything.⁴⁹⁰

In ‘societies of control’ flexibility becomes ‘forced’, it turns into precariousness, in the constant exposition to values of meritocracy and competition, constant learning, fixed-term jobs, uncertainty and perpetual examination. A truly egalitarian perspective that is, since it *actually* realises the absolute ‘equality’ of life enshrined in the juridico-economical notion of *persona*: accordingly, every relation becomes an equally manipulatable resource to be consumed and capitalised.⁴⁹¹ *Everything is possible* is the slogan of this era, akin to both new age spiritualism and corporation marketing, a formula which underscores at once the liberating call of capitalism, the empowering undertone of human rights and the traumatising warnings of security.

§

Let us pause for a moment. Although Deleuze’s short text offers important and prescient insights the evolution of contemporary neo-capitalist societies, we should resist the temptation to apply it in a simplistic, unsophisticated and apocalyptic manner. Otherwise, the risk is that of providing an over-simplified, rigidifying, deterministic as well as over-paranoid account of contemporary society, moreover succumbing to a ‘revelatory’ hubris that would be simply another declension of the paradigmatic ‘will to know’ that propels

namely the failure to address a biopolitics which is exactly oriented at the modulation of such an affective, flowing and circulating materiality of life. See Bruno Latour, ‘From Realpolitik to Dingpolitik – An Introduction to Making Things Public’ In Bruno Latour & Peter Weibel *Making Things Public-Atmospheres of Democracy*, catalogue of the show at ZKM (MIT Press, 2005)

⁴⁹⁰“just as the corporation replaces the factory, ‘perpetual training’ tends to replace the ‘school’, and continuous control to replace the examination”. Deleuze, ‘Postscript’, op. cit. p. 5

⁴⁹¹Social networks are a perfect instance of this convergence between each act and its immediate subsumption as content for the network itself, as well as a (potential) target for the surveillance of both security and marketing institutions.

control itself. These are in brief the most significant critiques to which the so-called 'control society' thesis is usually subjected.⁴⁹² Although they are admittedly valuable in targeting some simplistic application of the Deleuzian notion of control, what these critiques normally miss is that such notion, whether taken in its properly radical interpretation, requires to overcoming the language of sovereignty, and thus cannot be framed within the coordinates of a repressive, intentional and centralised form of power.⁴⁹³ Otherwise, from the latter standpoint, the thesis of control would certainly appear as ridden with shortcomings.

First, it would assume a simplistically linear evolution (the shift from one model of sovereign power to another, and the taking-for-granted dichotomies this entails: discipline vs. control, factory vs. corporation etc.). Second, it would provide with a paranoid and conspiratorial reading of contemporary forms of power. Conspiratorial, since such concept of ubiquitous control would be assumed as necessarily related, directly or indirectly, to some entity orchestrating it: the language of sovereignty, as Goodrich reminds, "helps to maintain the mystery of an ineffable and ungraspable center of power".⁴⁹⁴ Paranoid, since this all-encompassing characterisation would appear as rather inadequate to take into account the failures and opacities that characterise the reality of power: the language of sovereignty assumes power as necessarily implying transparency, certainty and infallibility. Third, the thesis would betray a structuralist rigidity (since understood as implying a re-structuration of the sovereign power, rather than the removal of its substantial principle) as well as a techno-deterministic bias. Fourth, as already observed, it would depend on an economy of truth and revelation, in the sense of assuming a sort of "hidden logic, a structure of control underpinning diverse collective arrangements that *can* be 'exposed', a riddle that can be deciphered, a thread that can be traced, or a conspiracy that can be unmasked beneath totalising environments of control": if the basic mechanism of sovereignty is the 'secret', then the basic mechanism of the critique of sovereignty is the 'revelation'.⁴⁹⁵ Let me qualify then: the complexity of contemporary society warns against simplistic and linear accounts. Apocalyptic scenarios of oppressive and ubiquitous control appear to reside more on the minds of who describes them, than on the tentative, opaque and fragmented reality in

⁴⁹²See for instance Clare Birchall, Gary Hall and Peter Woodbridge, "Deleuze's Postscript on the Societies of Control", *Liquid Theory TV project* video 22:45, 28 Jan 2010, available at http://www.youtube.com/watch_popup?v=Glus7lm_ZK0

⁴⁹³This is, in Pottage's useful terms, "the defining component of sovereignty as a political code ... a claim to occupy a privileged position of observation and intervention". Pottage, 'Power as an Art of Contingency', op. cit. p. 13

⁴⁹⁴Peter Goodrich, 'The Theatre of Emblems: On the Optical Apparatus and the Investiture of Persons'. *Law, Culture and the Humanities* 8 (1) 2012, 47-67: p. 65

⁴⁹⁵David Bissell, Maria Hynes, and Scott Sharpe. 'Unveiling Seductions Beyond Societies of Control: Affect, Security, and Humour in Spaces of Aeromobility'. *Environment and Planning D: Society and Space* 30 (4) 2012, 694-710: p. 704

which they live. Indeed, as Birchall et al. suggest, these theories often seem to tell us more about “the will to power and knowledge of their authors”, than of the actual functioning of society.⁴⁹⁶ Yet, if many simplistic applications of the ‘control society thesis’ present such faults and thus justify the critiques, the latter tend to misfire if applied to the notion of control that Deleuze hints at, and that I am elaborating in these pages.⁴⁹⁷

Control, let us reassert it, has to do with a contingent emergence of an unauthorised and immanent configuration of impersonal power with no conspirators or all-encompassing intentionality behind. It is not an emanation from a *substantial* centre. It signals a simultaneously abstract and real, formal and historical shift, in Pottage’s terms, between “two attitudes to contingency, one which avoids or absorbs contingency (substance), and another which pre-supposes, and thrives on, contingency (emergence).”⁴⁹⁸ As I explain more in depth in the next section, there is no transparency, no infallibility, no secrecy, no structuralism, no determinism and no linear evolutionary logic in this concept. Failure, opacities, mistakes, uncertainty and unpredictability are fully assumed as self-justifying rationales. Instead of transcendent notions of repressions and subjection, ideology and domination, secret and revelation, control is grasped through such notions as coping, flexibility, adaptation, that do not refer to an imposed but an *emergent* configuration, not to ‘subjects’, ‘individuals’, ‘bodies’, but rather to machinic compositions, circumstances, relations, atmo-rhythms and events. It is most importantly in this sense that control moves further with respect to that of governmentality, that is unable to fully grasp the ‘socio-technical threshold’ whose crossing characterises the advent of control (not only *vis-à-vis* the ‘digital revolution’, but more generally the spatio-affective explicitation of the materiality of being-together that I explore below), and it is still too entangled with the notions of subject and human, state and population, to fully address its post-human, planetary and impersonal dimension, as well as ultimately unable to account for the that

⁴⁹⁶Birchall et. al., “Deleuze’s Postscript”, op. cit.

⁴⁹⁷Incidentally, a bad habit, shared by sympathetic and critical theorists alike, is that of extrapolating Deleuze’s 4-page postscript ‘postscript’ from the rest of his oeuvre, as if it could be analysed in isolation, that is, as if the implicit text, of which it is only a ‘postscript’, could be overlooked. Incidentally, a similar shortage has characterised most of the critiques which have been moved in the last decade to the various and variously paranoid applications of Foucault’s ‘disciplinary society’ theory to the contemporary ‘surveillance society’. Especially in the UK, unsurprisingly given the rise and rise of CCTV in this country, rather simplistic application of the Foucauldian thesis have multiplied, often overlooking (sometimes for lack of translation) Foucault’s own post-panoptical work on governmentality. In this way an extremely rigid image of the French thinker was either being promoted or criticised. See on this the insightful work of Martin Jay, *Downcast Eyes: The Denigration of Vision in Twentieth-century French Thought* (University of California Press, 1993); or the issue “Foucault and Panopticism Revised” of the *Surveillance and Society Studies Journal*, available at <http://www.surveillance-and-society.org/journalv1i3.htm>.

⁴⁹⁸Pottage, “Power as an Art of Contingency”, op. cit. p. 9

characterises the emergence of control.⁴⁹⁹ Moreover, whilst crucial in raising the question of the managerial dimension of power, governmentality somewhat overlooks the spectacular dimension (which Foucault relocates in the 'society of spectacle' of pre-disciplinary era), as well as the abstractions through which control thrives (see below).

However, to abandon the language of sovereignty does not mean to get rid of the concept of sovereignty as an obsolete veneer no longer of theoretical use. More significantly, it entails demanding: what form does the spectacular and glorious catafalque of sovereignty take, once it folds into the spatiolegal architecture of control? Answering to this question means to avoid assuming such configuration as the result of a simple shift from sovereignty to control, spectacle to biopower, representation to production, from 'the sovereign language of law to the biopolitical language of norm';⁵⁰⁰ but rather as the subtle folding together of the two terms into a circular, immanent configuration. Understanding control in both its spectacular and managerial character, I believe, allows to frame its functioning not in the sense of a hidden secret, but as an 'open secret', not an illusion to be unveiled or re-imagined, that is, but a reality to be engaged with and challenged in its full materiality.

⁴⁹⁹As Moore puts it, "The shift from governmentality to control involves the subsuming of the state within broader processes of 'globalization'" in 'Nova Law', op. cit. p. 448; On the late Foucault's (interrupted) gesturing towards a novel notion of life, see Agamben, *On Potentialities*, op. cit. p. 221;

⁵⁰⁰Esposito, *Immunitas*, op. cit. p. 65 (my translation)

Spectacle

1.

*the true problem, the core arcanum of politics is not sovereignty, but government, not God, but the angel, not the King, but the ministers, not the law, but the police – that is, the governmental machine which they produce and keep in movement*⁵⁰¹

Let us recall the above-quoted passage by Foucault: “what generalizes the power to punish ... is not the universal consciousness of the law in each juridical subject; it is the regular extension, the infinitely minute web of panoptic technique”.⁵⁰² Beneath the glorious abstraction of law lies the ‘apparatus of capture’ of legal operations: the ‘decisive act of power’, as Canetti put it, is ‘seizure’.⁵⁰³ The configuration of the spatiolegal state of exception rotates around two poles. On the one hand, there is law’s pretence ‘to possess the capacity to realise the harmony’ between law and justice, between violence and equality, between its always traumatic application to the world and its self-description as neutral, objective and necessary.⁵⁰⁴ A self-description, that is, which is a self-justification that must be publicly communicated in the form of a spectacular de-politicisation of every operation, so as to democratise and tame law’s own violent materiality. On the other hand, there is the ‘machinery of non-legal governance’, i.e. the bureaucratic, securitarian, economical ramifications into which law blurs and through which law ‘entangles’ its subjects beneath the façade of their acceptance as free-willed individuals.⁵⁰⁵ Kafka of course comes to mind: on one side, a law which only nominally functions as a transcendent power, immutable and inflexible, whose glorious aura keeps K. ‘entrapped’ in his doomed attempt to seek justice; on the other, the capillary bureaucratic, psychological, securitarian, panoptical operations which gradually and inescapably ‘capture’ him.⁵⁰⁶ In a similar fashion, the glorious spectacle of law threatens to divert the efforts of the legal thinker, either by proposing itself as a positive ideal to follow (i.e. fostering the belief in the intrinsic value of law itself as a solution or counter-balance for socio-economical contradictions, political violence etc.), or as a hypnotising illusion to be unmasked through the revelatory work of critique. The idealistic search for legal solutions ironically overlaps with the critical work of

⁵⁰¹ Agamben, *Regno e Gloria*, op. cit. p. 303

⁵⁰² Foucault. *Discipline & Punish*: op. cit. p. 224

⁵⁰³ Elias Canetti. *Massa e Potere* (Adelphi edizioni, 1994) p. 247. See also Brighenti, *Le Voci del Diritto*, op. cit.

⁵⁰⁴ This is the ‘real nature’ of law’s hubris, according to Cacciari [e.g. *Arcipelago*, op. cit. p. 51]

⁵⁰⁵ Goodrich 'The Theatre of Emblems', op. cit. p. 48

⁵⁰⁶ See Deleuze and Guattari, *Kafka*, op. cit.

legal deconstruction, both blinded by the glorious light of law, both losing sight of its 'real operations'.⁵⁰⁷ Should we thus ignore the spectacular façade of law and concentrate on the capillary apparatus of management into which it proliferates, i.e. its 'angels, ministers and police'? The answer is affirmative, and yet requires a qualification. To focus on the material concatenations in which law unfolds does not entail to simply ignore (or unmask, denounce, deconstruct) the abstraction of law as an illusionary veil behind which more concrete reality would supposedly reside. The legal abstraction cannot be dealt with from a merely epistemological point of view: it must be addressed directly in its ontological reality.

2.

*law weighs with all its might, even before its object is known, and without ever its object becoming exactly known*⁵⁰⁸

Kant offers perhaps the most effective configuration of law's apparatus of capture through the mechanism of legal subjection. As hinted above, in Kant the concept of guilt and the *sense of duty* it entails are emancipated from any reference to an external power (God, the natural law, etc.) and instead internalised into a purely abstract *form of law*, that is, the immanent and self-generated 'moral law inside me'. Accordingly, the sense of duty is self-referentially conceived as a 'necessity to act for the pure respect of the law'.⁵⁰⁹ *Respect (achtung)*, that is, is the operator of such subjection. It is conceived as a 'feeling' that 'the reason produces by itself' and that every subject experiences before the law. Simultaneously objective (an obligation) and subjective (an impulse which affects me), the *achtung* does not imply a mere obedience to a norm, but rather a respect and reverence to the law *qua* law: respect is the reflexive self-consciousness of knowing oneself as 'subject', and thus one's always-already being 'captured' within the bionomical apparatus of exception.⁵¹⁰ It is, in other words, the form of law *qua* subjection. Accordingly, one complies with the law not for the mere fact of being obliged (as well as threatened) by an external entity, but more precisely for the inner *sense of duty* which derives from one's self-

⁵⁰⁷"glory is nothing other than the splendour emanating from that void" Agamben, *Regno e Gloria*, op. cit. p. 233

⁵⁰⁸Deleuze, *Logic of Sense*, op. cit. p. 59

⁵⁰⁹Kant, quoted in Agamben, *Opus Dei*, op. cit. p. 130

⁵¹⁰The concept of 'respect' (*achtung*) is the 'dispositif making operative' this self-capture; it 'simply expresses the consciousness of the subordination of my will to the law', *ibid.* p. 131

recognition as being constituted as subject of law by the law itself.⁵¹¹ Agamben notes that according to this scheme the norm appears to be structurally constituted by the imperative form, i.e. the command: to materially ground the subjection to a norm is the simple fact that the norm is *commanded*, that is, that it *must* be complied with.⁵¹² To qualify: the sense of duty produced by the imperative materiality of the norm does not simply depend on the subjective, threats-and-opportunities evaluation of a subject vis-à-vis the consequences of complying or not complying with the law. Instead, it must be understood as a material and affective *seizing* which exceeds any characterisation of the norm according to normative, rational and cognitive schemes. An immanent understanding of the norm, that is, that expresses the material weight of law's spectacular image, its being always-already "rooted in the direct and immediate action and reaction of bodies, long before any normative abstract scheme".⁵¹³ Brighenti offers a compelling way to grasp this material and affective quality of law, its simultaneously normative and imperative functioning, by means of looking at the menace which any norm supposedly implies. This menace, he observes, does not consist

of a clear linkage between a specific behaviour of the menaced and a specific negative sanction ... [since] very often the negative sanction is widely indeterminate, and ... such *indeterminacy* actually serves the effectiveness of the menace. What really counts in menace, therefore, is not the specific link between behaviour and sanction, but primarily the redefinition of the situation of the menaced, what we might call the '*menace mood*'.⁵¹⁴

The menace mood is the materialised description of the Kantian *sense of duty*. Whilst in Kant this is posited as fundamentally 'subjective', internal, representational and self-reflexive, I propose to force this interpretation so as to unfold its affective and machinic character, that is, the 'non-contractual' and 'non-binary' materiality of the legal norm, a 'pure tension without subject, without object and without interpretant' that overflows the *logic* correspondence between action and sanction, and is *felt* on bodies with all its weighting force.⁵¹⁵ Such a material 'indeterminacy', I stress, should be understood as the 'ontological product' of the bionomical abstraction of law. In other words, this ontological noise (i.e. indeterminacy) is the *reality* of the abstract guilt (and thus, of the endless striving to 'repay' a debt that is constitutively infinite) that law implants in every being. The above-

⁵¹¹There is obviously a paradox, also evident in the unconvincing (and to some extent unconvinced) way in which Kant deals with the concept: respect in fact must be at the same time a objective (obligation) and subjective (impulse) that is, simultaneously something that we *must* do as well as that we *want* to do.

⁵¹² *ibid.* p. 133

⁵¹³Brighenti, Andrea. "Did We Really Get Rid of Commands? Thoughts on a Theme from Elias Canetti." *Law and Critique* 17 (1) 2006, 47-71: p. 49; in other words, by shifting to an immanent concept of normativity we are not necessarily served with emancipatory consequences.

⁵¹⁴*ibid.* p. 54 (n. 18) (my emphasis)

⁵¹⁵*ibid.* p. 61 - Deleuze, *Logic of Sense*, op. cit. p. 59

quoted statement of Deleuze can be thus re-read under a new light: “law ... defines [i.e. ontologically produces] a realm of transgression where one is already guilty”.⁵¹⁶ This is what is missed by the simple critique of legal abstraction *per se*: namely, the fact that the voiding of legal abstractions that the critique achieves via the removal of their reference to transcendent and sovereign scaffoldings, leaves untouched the ontological reality that such abstractions produce, as well as their immanent articulation into the contingent, historically-specific conditions and concatenations of a certain epoch.⁵¹⁷ They may have been ‘unmasked’, yet they do not disappear, remaining firmly “inscribed in [and contributing to carve] the rhythms and the articulations of the real”, as Boundas puts it.⁵¹⁸ Seeing through these lenses we are able to appreciate more clearly the modification that the spatiolegal undergoes in contemporary control societies.

With the surfacing of the latter, the contradictory gap between law’s necessity to spectacularly communicate itself as neutral and objective, and the reality of the apparatuses through which it applies to the world, is no longer presupposed as ‘contradictory’ (and thus denied) but rather assumed as the real content of law’s relation to the world, a gap which is to be operationally ‘coordinated and managed’.⁵¹⁹ Accordingly, there is no shift from the

⁵¹⁶Deleuze, *Cold and Cruel*, op. cit. p. 83;

⁵¹⁷See Cunningham, “Spacing Abstractions”, op. cit. p. 467

⁵¹⁸Boundas, ‘Review of Laurent de Sutter’, op. cit. Likewise, logic abstractions cannot be eliminated by turning the attention towards the immanent, nomic normativity of life, since they contribute in producing it, they are *real*, as the material relations they produce. Therefore, contradictory is the presupposition of the nomic as necessarily liberating, desirable and emancipatory with respect to its ‘logic’ oppression. As explained above, the spatiolegal should be understood as the interplay of mutual confirmation and/or mutual dislocation between nomic and logic – without assigning any moral, political or ethical priority to one of them. Challenging a spatiolegal configuration entails challenging simultaneously its logic and nomic materiality, i.e. its abstract and concrete character, in order to produce alternative, abstract and concrete normativities. I will expand on this understanding, for which I take inspiration from Cunningham [see ‘Spacing Abstractions’, op. cit. pp. 464-8; and ‘Metropolis’, op. cit. p. 23] in this and in the fifth chapter.

⁵¹⁹The mismatch between the two poles (the spectacular and the managerial) of control is overcome “in their mutual exposure and in the redrawing of their constant (if constantly suppressed or marginalised) co-ordination”, Schütz ‘Imperatives Without Imperator’ op. cit. p. 242. Cunningham observes that “Law ... is — as a specific form of abstraction — necessarily a form of misrecognition at some level, and as such practically functions quite differently from the ‘concretely abstract’ form of capital, viewed as an actually universal global form of social mediation today. And it presumably cannot do otherwise, cannot, to put it another way, bridge the gap, in its own capacity, between ‘the [abstract] “right” and the “duty” of its enforcement”, ‘Spacing Abstractions’, op. cit. p. 465. Likewise, Philippopoulos-Mihalopoulos maintains that the “lawscape is law and city brought together in a circular continuum, and kept separate in a distance of *différance* that feeds into the paradox”, ‘Fear in the Lawscape’, op. cit. p. 83. This circularity implies a *gap*, the void of the circle’s interior, which sanctions the unavoidable proliferation of blind spots that continuously frustrate law’s ‘panoptical’ attempt at producing a perfectly visible ‘city saturated with *control*’, Andreas Philippopoulos-Mihalopoulos, and Sharron FitzGerald. “From Space Immaterial - The Invisibility of the Lawscape.” *Griffith Law Review* 17, 2008: p. 442. Yet the post-sovereign configuration of control is not frustrated, but rather propelled by the acknowledgement of the inevitability of the continuous production of blind spots. In fact, control refers to a system in which the *gap* is no longer sought to be bridged, but is rather articulated. As Moore puts it, “this gap is the zone where law, in all of its technical and historical modes, unfolds ... it is not the case that this gap does not exist under regimes of sovereignty, but that there it exists only negatively, or even unconsciously”, with

‘spectacular’ to the ‘managerial’, but rather a folding of both poles into an impersonal and glorious techné. Yet, there is a further aspect. Above, I observed that the spatiolegal architecture of control sanctions the assumption of the chaotic, noisy and turbulent status of reality that the sovereign apparatus earlier denied. In the light of what has just been written, it can be argued that control does not simply imply the direct attempt at managing such a chaotic outside (an outside which, I observed above, can be understood as the very presupposition that grounds its operation) – it sanctions, more profoundly, the very assumption of the need to ontologically produce such a reality. In other words, control can be defined as the internalisation and constant re-production of the crisis of sovereignty onto the social, fully assuming the task of constantly reproducing the indeterminacy just-described, as the reality of the crisis on which it thrives – a constant reproduction which is “necessary in order to circumvent interpretation and deconstruction and to assert the imperative of ‘coping’ and attention”, adaptation, vigilance, flexibility, that characterise its smooth movement.⁵²⁰ Here lies the ontological shift sanctioned by the spatiolegal architecture of control: both the spectacular production of ‘crisis’ and the simultaneous deployment of the operations through which is to be managed.

Evidently, critique risks remaining entrapped within this circularity, hypnotised by the abstractions of law and caught within the glory of techné. A strategic shift is required, one that would allow to address the ontological reality produced by this spectacular abstraction, as well as the eminently anti-evental character of this configuration. For this purpose Marx’s notion of real abstraction is particularly helpful.

3.

what creates an inauthentic totality is, technically speaking, the split of the nexus of action and being⁵²¹

The notion of real abstraction challenges the simplistic assumption of abstraction as merely intellectualist and epistemological, “generic, humanist, or anthropological”, and rather orients towards an understanding of “abstraction not as a mere mask, fantasy, or diversion, but as a force operative in the world”.⁵²² Accordingly, real abstraction refers to an abstract

control what becomes “explicit is the gap between validity and efficacy, a gap that it is the function of the police to coordinate and manage” “Nova Law”, op. cit. p. 448

⁵²⁰ Anton Schütz, ‘Imperatives Without Imperator’. *Law and Critique* 20 (3) 2009, 233-243: p. 235;

⁵²¹ Schutz, ‘Imperatives’, op. cit. p. 238

⁵²² Alberto Toscano, ‘The Open Secret of Real Abstraction’ *Rethinking Marxism* 20 (2) 2008, 273–287: p. 274; as anticipated at the beginning of this chapter, I will not engage into an in-depth analysis of the concept and the role it played in the Marxist milieu. Instead, taking inspiration from some suggestive interpretations proposed

form, devoid of quality and determinations, and simultaneously to the concrete and historically-situated spatial relations it produces.⁵²³ It is in this sense then that the abstraction of control can be understood as not simply presupposing but ontologically positing the reality of relationalism, both in its immanent totality (as a closed horizon) and as a probabilisable chaos or, with a more common language, a permanent crisis inserted within what before was posed as the stable ordering principle of administration. There is no secret behind, the secret being a paradoxically open one, “not the content hidden by the form ... but, on the contrary, the ‘secret’ of this form itself”, its ‘reality’.⁵²⁴ Consequently, control should be addressed as regards the ‘abstract form’ of spatial relations it produces, as well as simultaneously *vis-à-vis* the specific socio-technical and historico-material configuration in which this ‘reduction’ is actually realised (most importantly the contemporary city, see below) and, finally, with respect to the capillary biopolitical modulation of these relations in conditions of uncertainty, through the various strategies, techniques, practices, technologies and expertise – converging on the twin requirements of consumption and immunity – that characterise it.

In fact, the abstraction of control gains full material reality only in the historically-situated ‘control societies’, since it reaches a certain degree of consistency by overcoming crucial ‘socio-technical thresholds’: most notably, the process of gradual *explicitation* of the materiality of being-together that has surfaced during the last century, as Sloterdijk has shown, and whose profound ontological consequences we are to explore in the next part of this chapter. Prior to do so, a brief example will be useful to preliminary underline some of the strategic consequences that the notion of real abstraction entails, both grounding the discussion so far performed as well as setting the scene for the one to come.

§

by Cunningham, Toscano and others, I will employ it directly as a tool to grasp the urban reality of legal abstractions.

⁵²³As Cunningham observes, real abstractions “would be neither simply onesided intellectual generalizations, nor methodologically necessary aspects of an epistemology of concretization, but those which, in ‘the specific set of circumstances’ of capitalist modernity, come to have an actual objective social existence, ‘a definite social form’, albeit one which ‘pivots’ around a ‘quasi-void’” in ‘Metropolis’, op. cit. p. 19. Toscano echoes this understanding, following Finelli by suggesting that the capital has an ontological reality or more precisely a ‘dual ontology’, since “it both affirms concrete reality as a “specific articulation of differences” ... and reveals the void at the heart of Capital, as it were, the fact that the Real of its abstraction ... is its absence of determinations, the fact that it has no historical or cultural content per se” in “The Open Secret...”, op. cit. p. 176

⁵²⁴S. Zizek, *The Sublime Object of Ideology* (Verso, 1989) p. 11

Goodrich notes that law produces legal subjects “within the spectral spaces of governance” by making “being appear, and the body become visible in the symbolic sense of taking place in the spectacle of the civic, as public or relational being”.⁵²⁵ Not a simple 'extraction', this implies the ontological production of “the spectacular space of the social” in which “persons [are] catapulted”.⁵²⁶ Taken in its material sense, Guy Debord’s notion of *Society of Spectacle* expresses nothing but this conception, that is, a society in which the mediation of the real abstraction of the juridico-economical persona gains full ontological reality.⁵²⁷ It follows that a critique of the abstraction of persona cannot be limited to epistemological, hermeneutic and interpretative attempts at deconstructing it. Instead, it requires an ontological engagement with the reality this abstraction produces, and consequently with the ‘machinery of administration’ (i.e. rituals, practises, techniques, technologies etc.) that keeps it in place.⁵²⁸ Beyond a negative-only acceptance, therefore, it is the positive quality of abstraction that is to be dealt with, “the theatrical installation of the person” out of which it emerges and that contributes to ontologically produce.⁵²⁹ Important strategic consequences follow. To challenge the spatiolegal abstractions of control from the supposedly ‘more concrete’ standpoint of reality is a contradictory enterprise. Understanding their positive, i.e. ontologically generative role allows to grasp the strategic value abstraction can play vis-à-vis the production of “'concrete' forms of spatial relationality generative of social meaning”.⁵³⁰ As Toscano observes, abstractions are thus assumed as “social facts and objects of practical struggle”.⁵³¹ Significant in this sense is the critique Goodrich moves to Esposito and his attempt to get rid of the mask (of the juridico-legal notion of persona) so as to exhume a sort of ‘sanctity of the impersonal’ lying beneath: “not so much impersonality that needs to be sought but rather and more aggressively it is

⁵²⁵Goodrich 'The Theatre of Emblems', op. cit. p. 59 - Similar point is made by Paci as regards capitalism: “'Capitalist' means man transformed into a mask, into the *persona* of capital”, in Paci, E.. *Il filosofo e la città*. Platone, Whitehead, Husserl, Marx, (il Saggiatore, 1979) pp. 160-1; quoted in Toscano, 'The Open Secret' op. cit. p. 274

⁵²⁶Goodrich 'The Theatre of Emblems', op. cit. p. 59

⁵²⁷That is, a ‘social relation among people, mediated by images’. Evidently, Debord refers to the persona of the capital, whose tie to the legal persona is indissoluble, see Guy Debord, *Society of the Spectacle* (Black & Red, 1983) par. 4. Incidentally, as already observed, Cunningham notes that law “as a specific form of abstraction — necessarily a form of misrecognition at some level, and as such practically functions quite differently from the ‘concretely abstract’ form of capital” [see *supra* note 519]; however, what I am trying to describe here with the notion of spatiolegal architecture of control is a real abstraction in which the juridical and the economical dimensions merge. As I explain below, the capitalistic abstraction of control cannot be detached from the legal scaffolding that sustains it, and that indeed provides it with ontological reality.

⁵²⁸Goodrich 'The Theatre of Emblems', op. cit. p. 66

⁵²⁹Ibid.

⁵³⁰Cunningham, ‘Spacing Abstractions’, op. cit. p. 465; I will come back extensively on this point in chapter 5.

⁵³¹Alberto Toscano, ‘Against Speculation, or, a Critique of the Critique of Critique: A Remark on Quentin Meillassoux’s After Finitude (After Colletti)’, in Levi R. Bryant, Nick Srnicek and Graham Harman (eds) *The Speculative Turn: Continental Materialism and Realism* (Re-press, 2011) p.91

the process of emblemization, the inhabitation of the roles, the apparatuses. Regimes and machines that institute and induct that deserve to be revolved".⁵³² If I understand it correctly, Goodrich is suggesting to deal with the reality that the juridico-economical abstraction of persona produces, and thus with the machinery and apparatuses which establish and keep it in place, rather than either remaining hypnotised by its glory or embarking on a quest for some more genuine, authentic or impersonal substratum supposedly lying beneath.

I will come back to this question later on. In the next section instead I explore more in depth the urban dimension of this 'inhabitation of roles', and thus the ontological materiality of the 'machinery of governance' which sustains it, by looking at the significant consequences that the above-mentioned 'spatial explicitation' implies in this sense. I thus introduce the notion of brandscaping, as a way to focus more in depth on the exceptional tunings in which the urban abstraction of control is *actualised* ecologically and phenomenologically onto the urban space.⁵³³

⁵³²"The emblematic refers to the manner of placing within the social, the theatrical installation of the person within the order of the visible, the realm of appearances." Goodrich 'The Theatre of Emblems', op. cit. p. 64-7; note that Goodrich aptly writes *revolved*, not eliminated. We are to appreciate further this nuance in the fifth chapter, where I delineate a strategy aimed at deactivating, not eliminating, the spatiolegal apparatuses.

⁵³³Cunningham: 'Metropolis', op. cit. p. 20

Brandscaping

1.

*The Europeans are becoming more similar to each other; they become more and more detached from the conditions under which races originate that are tied to some climate or class; they become increasingly independent of any determinate milieu ...an essentially supra-national and nomadic type of man*⁵³⁴

*Man is God. He is everywhere, he is anybody, he knows everything*⁵³⁵

According to Gabriel Tarde, the perfect and absolute' form of sociality would be "such an intense concentration of urban life that as soon as a good idea arose in one mind it would be instantaneously transmitted to all minds throughout the city".⁵³⁶ This more than one-century old image captures the archetypal anti-spatial dream of the city and its deterritorialising hubris, in its compromise with the cyber-ideal of perfect, immediate and unmediated communication, converging into the perfect *ou-topos*, i.e. an *angelopolis* "perpetually floating in a post-conflict space" of unimpeded circulation and multicultural co-existence, so placeless to render redundant any nostalgic musing on non-places: 'city is everywhere, ergo city is nowhere'.⁵³⁷ This 'homogeneous-totalitarian space, the *civitas maxima* of the Equals', is the (no)where in which the self-perpetuating myth of the city merges with the self-perpetuating myth of the law, finally pacifying the contradictory and conflictual tension at the core of the lawscape: no longer two arrows projected on opposite ends but, as observed above, a smooth embrace in which both ends meet, a universal (international) law, a universal (global) city.⁵³⁸

If it is the modern State that gives capitalism its models of realization, what is thus realized is an independent, worldwide axiomatic that is like a single City, megalopolis, or 'megamachine' of which the states are parts, or neighborhoods⁵³⁹

⁵³⁴Friedrich Nietzsche. *Beyond Good and Evil: Prelude to a Philosophy of the Future* (Vintage Books, 1989) p. 176

⁵³⁵This is taken from the delirious prophecy of a future internet-run world, by the Casaleggio Associati, the internet consultancy behind the success of the *Movimento Cinque Stelle* party at the last Italian political election. Available at <http://www.youtube.com/watch?v=xj8ZadKgdCO>

⁵³⁶Tarde, *Laws of Imitation*, op. cit. p. 70

⁵³⁷Cacciari, *Città*, op. cit. p. 50. *Angelopolis* is Cacciari's term, referring to the perfect, immediate and telepathic communication which angels are supposed to be provided with. The quote above is from Philippopoulos-Mihalopoulos, 'Atmospheres of Law', op. cit. p. 2

⁵³⁸Cacciari, *Achipelago*, op. cit. p. 123; see Philippopoulos-Mihalopoulos and Fitzgerald, 'From Space Immaterial', op. cit.; and Philippopoulos-Mihalopoulos, 'Landscape', op. cit.; see also ch. 2, *Legal Matter*, par. 3

⁵³⁹Deleuze and Guattari, *ATP*, op. cit. p. 480

Incidentally, the original locus of this ‘bad utopia’ is not the Greek *polis* but the Roman *civitas*. Differently from the ethnically-enclosed polis, the *civitas* emerges out of the ‘coming together of extremely different (ethnically, religiously etc.) people whose common accord is granted exclusively through law’.⁵⁴⁰ If the polis, as Plato and Aristotle told us, has the problem to ‘maintain its spatially-controllable character’, Rome is by definition the *civitas augescens* (city that grows), constitutively expanding, mobile, delirious, an infinite empire (*imperio sine fine*) open to ingesting more and more citizens and territories in its movement without end towards the spatiolegal Romanisation of the world. Rome, as Virgilio wrote, “must give laws to all the world”.⁵⁴¹

The constitutively urban form of the spatiolegal architecture of control finds here its archetypal presupposition, although only “a ‘necessary’ but not a ‘sufficient’ condition of later forms”, that would gain a full ontological reality only in the historical condition of post-modernity, overcoming a certain socio-technical (as well as philosophical, geographical, politico-legal) threshold: that is, after the emergence of the economic-industrial machine of the metropolis, and then through its own self-overcoming into a deterritorialised ‘megapolis’, emancipated from space and ideally connected to a smooth global space of networks and flows.⁵⁴² Metropolis is the abstract-and-concrete locus of the convergence between the economic and the juridical, law and the capital, the urban diagram of control, that is, in the form of the city of Equals, (equal individuals, equal spaces, equal rights, and as such interchangeable) which gives form to the paradigmatic placeless-ness of techné.⁵⁴³

Of course, this is not all, and indeed it can never become All. Understanding control as a real abstraction prevents us from drawing apocalyptic scenarios as well as yearning for post-apocalyptic nostalgias. Not only indicates that the deterritorialisations of the megapolis are always re-rooted by the inescapable fact of its taking place. It also means that the diagram of control always emerges from, as well as contributing to produce, the rhythms and the atmospheres of the urban, retuning this materiality into the immanent configurations through which its abstraction (e.g. the smooth space of flows and mobility, the frictionless circulation neutralised of events) “attains ‘real existence’ by virtue of the spatial production of its open and dispersed totality of specific material assemblages ...

⁵⁴⁰Cacciari, *Città*, op. cit. p. 9 (my translation)

⁵⁴¹Ibid. pp. 9-17 (my translation). The term ‘delirious’ derives from *de-lirare*, meaning going beyond the *lira*, i.e. the furrow or boundary of the city. Philippopoulos-Mihalopoulos and Fitzgerald observe that with Rome law and the city become tautological [From Space Immaterial’, op. cit. p. 443]. On this point, see also Lefebvre [*The Production of Space*, op. cit. pp. 229-92] who reminds that with Rome the basis of the modern, spatiolegal interspersed relation between economic and the juridical relation (purely abstract relation between personae) is presupposed.

⁵⁴²See Cunningham, ‘Spacing Abstractions’, pp. 455-6

⁵⁴³Just as the factory is arguably the diagram of ‘classical’ capitalism [see Alberto Toscano, ‘Factory, Territory, Metropolis, Empire’ *Angelaki* 9, 2004, 197-216].

which are in themselves highly differentiated, if always related to its general form".⁵⁴⁴ It is in these tunings and retunings, and in the attempt to exploit and neutralise their eventfulness, that the biopolitical game is played. Therefore, it is by looking at their increasing *explicitation* that the materiality of the exceptional tuning of control in both its phenomenological and ecological quality, as well as with respect to its converging (economical, securitarian and legal) operations, can be fully appreciated.

2.

*we are, we move and we thus live in the work of man!
We are grasped and controlled (maîtrisés) within the
proportions he has chosen. We cannot escape ... being
inside the work of man as fishes are in the sea, being
entirely immersed in it, living in it, and belonging to it*⁵⁴⁵

In his erudite genealogy of the 'spatial revolution' begun from the end of XIX^o century onwards, Sloterdijk explores the explicitation of the affective materiality of being-together in our society, i.e. of the common spaces on which life depends. What has become gradually explicit, he explains, is our essence as space-creating being, always 'inhabiting the outside' through a 'praxis of world-making', co-producing tangible and intangible 'interiors' whereby we guarantee our physical and affective immunity.⁵⁴⁶ Although this awareness does not only belong to our epoch, it is in the latter that it reaches a certain degree of consistency among various disciplines and practices, propelling the emergence of a properly 'spatial awareness':⁵⁴⁷ from the birth of chemical warfare in WWI to the ever-rising environmental concerns, from the evolution of interior design to the development of experience economy, to the increasing fascination with collective 'containers' such as shopping arcades (then malls) and stadia, to the success of installation art and the increasingly atmospheric logics of security.

As the abstract individual becomes aware of depending on the materiality of his own co-constituted spacing, the materiality of our being-together, hitherto intangible, implicit and invisible, turns into an evident, tangible and explicit *field of mission*, immunisation and projectuality, in which questions of control, entertainment, culture, market, aesthetics,

⁵⁴⁴Cunningham, *Metropolis*, op. cit. p. 21

⁵⁴⁵Quote by Paul Valéry's Socrates, wandering inside an ancient temple. In *Eupalinos Or the Architect* (OUP, 1944) p. 41

⁵⁴⁶'to inhabit always means to build spheres' Sloterdijk, *Bolle*, op. cit. p. 82 (my translation)

⁵⁴⁷In fact, the necessity to securing and maintaining an 'atmosphere of peace' played a significant role in Rome already, and 'atmospheric' practices were typical of Greek politics, as narrated by Sloterdijk ['Forewords to the Theory of Spheres', op. cit.].

sociality, politics, art and even death are played out.⁵⁴⁸ The deterritorialising hubris of the *homo democraticus* of Western modernity (what Nietzsche terms the “essentially supranational and nomadic type of man”) undergoes a re-calibration from a ‘vertical’ aspiration to a ‘horizontal’, technical project: the ontological question of inhabitation, i.e. everyone’s praxis of world-making, ‘becomes the place where the individuals follow their vocation to the accomplishment of pure immanence. The realisation of oneself is a disguised definition of the consumption of oneself.’⁵⁴⁹ The question of consumption, in its widest sense, increasingly merges with that of immunity. This new ‘spatial consciousness’ profoundly reworks the basic contradiction at the core of liberal societies, namely the simultaneous quest for autonomy *and* protection, the libertarian strive for the unconstrained realisation of one’s own interests, and the interconnected demand for the protection of these interests.⁵⁵⁰ In fact, a novel awareness for the co-constitutive spatiality of co-existence means a renewed attention to our ‘co-fragile’ condition, and thus the surfacing of a new immunitary ethos: in Sloterdijk’s efficacious image, the passage from a theological to an immunological paradigm.⁵⁵¹ Countless authors have described the surfacing of what Jensen terms the *Project Society*, in which the old logics of discipline and institution are supplanted by a new emphasis on projectuality and activities, and a therapeutic ethos of self-responsibility for one’s own security, safety and health, what Dean calls “new prudentialism”, that is, “the multiple ‘responsibilization’ of individuals, families, households, and communities for their own risks”.⁵⁵² As hinted above, Sloterdijk offers a radically materialistic account of this ‘post-modern condition’, avoiding the optimism of libertarian vitalism as well as any conservative techno-phobia, and rather emphasising the need to develop an ‘atmospheric ethics’ based on the common immunological attempt to synchronise our being-together according to an ecological and constructivist praxis of world-making. Awareness of co-immersion is awareness of co-fragility, hence the need to synchronise, to develop “a new ethics of techné” so as to envisage new ways to build the “global work of installation art” in which we live.⁵⁵³

Yet, this process of explicitation also provides knowledge and tools for increasingly monitoring, re-shaping and modulating the co-immersion for various, not necessarily desirable purposes. Neuro-cognitive studies on the non-conscious or pre-conscious way in

⁵⁴⁸Sloterdijk, *Ecumes*, op. cit. pp. 443-63

⁵⁴⁹Ibid, p. 498

⁵⁵⁰Cacciari, *Archipelago*, op. cit. p. 124

⁵⁵¹Sloterdijk, *Ecumes*, op. cit. p. 477

⁵⁵²Anders Fogh Jensen, *The Project Society* (Unipress, 2012); M. Dean, *Governmentality: Power and Rule in Modern Society* (Thousand Oaks, 1999) p. 162

⁵⁵³Sjoerd van Tuinen, “Air Conditioning Spaceship Earth: An Ethico-Aesthetic Paradigm”, in *Society and Space*, 27(1) 105-18 – p 17

which we are involved in the world propel increasingly sophisticated techniques to intervene on the ‘half-second delay’ preceding our becoming-conscious about something.⁵⁵⁴ “What was ephemeral, transient, unmappable, and invisible [becomes] permanent, mappable, and viewable”, and the ‘theatrical installation of the social’ thus becomes the field of advanced tactics, techniques and technologies of visibilisation, monitoring and modulation of the affective being-together.⁵⁵⁵ Almost seeking to actualise in socio-bio-political terms Paul Valery’s famous definition of architecture as *modulation through immersion*, socio-psychologist Saadi Lahlou proposes a theory of ‘world as installation’, to indicate how ‘culture creates local installation by combining’ contextual affordances, representations and institutional practices, ‘to nudge and scaffold human activity’ – and, consequently, how politics can be effectively reconfigured as a ‘nudging’ enterprise.⁵⁵⁶ The question then is: how does Sloterdijk’s project avoid becoming a conservative attempt at the manipulation of the spatiality of being-together?

The problem, as already explained, lies in the totalising closure that spherology seems to produce. In this context, the synchronising solutions Sloterdijk offers appear as difficult to distinguish from the cybernetic ethos of control, above-described exactly as a shift from an “exercise of power over society” to “an exercise of care and vigilance”, from a “sovereign who ‘decides about the state of exception’” to an impersonal paradigm, “whose role is no longer one of authorising or authoring imperatives, but of internally discovering and communicating information in view of ‘common survival’”.⁵⁵⁷

To be sure, Sloterdijk’s proposition is a valuable counterpoint to the all-too-easy fascination with deterritorialisation and flows.⁵⁵⁸ Moreover, it is also an insightful and helpful way to deal with the abstract and concrete installations of the social, resisting to the tendency to resort to paranoid approaches to techné. Finally, it is a healthy reminder of the

⁵⁵⁴Thrift, “Intensities of feeling”, op. cit.

⁵⁵⁵Lev Manovich, ‘The Practice of Everyday (Media) Life: From Mass Consumption to Mass Cultural Production?’ *Critical Inquiry* 35 (2) 2009, 319-331: p. 324. As Palmas puts it in Deleuzian terms, with reference to the digital age: “It is now possible to monitor and visualize the ... abstract machine in real time”, ‘The Defence Minister’, op. cit.

⁵⁵⁶Saadi Lahlou, “How to Control and Change Individual Behaviour: the world as installation”, Talk given at LSE, 26 October 2009, available at <http://www.youtube.com/watch?v=WdDmtpqt2hc>. Incidentally, the UK government is enthusiastically following this line of thinking, drawing main inspiration from the successful 2008 book *Nudge* by Richard Thaler and Cass Sunstein, and setting up its own ‘nudge unit’, a timely way to do ‘politics like science, effectively’ for some, a worrying confirmation of the ‘Nanny state’ trend, for others.

⁵⁵⁷Schutz, “‘Imperatives without Imperator’”, op. cit. p. 235

⁵⁵⁸Raschke, ‘Peter Sloterdijk’, op. cit. p.18 ; And thus also from the risk of ‘hyper-inclusion’ which they lead to. see Philippopoulos-Mihalopoulos and Fitzgerald, ‘From Space Immaterial’, op. cit. p. 447: “... one is faced with a situation where the human is not only not excluded, but also significantly *hyperincluded* in the abstract social spaces of capitalist modernity. This abstract spatial affect fixes the human agent’s social positioning by feeding her with an illusion of mobility”

inconsistency of merely oppositional and 'ideological' approaches to (juridical, economic etc.) abstractions, and especially of the temptation to find some more 'authentic' dimensions behind them, e.g. in the creative praxis of multitudes, the post-human relationalism of networks, the propulsive materialism of naive vitalism and so on. This resonates with Goodrich's suggestion:

Saying "let's exit," "new words must be devised," "time to escape" is simply, well, no avoiding it, escapist" ... As with any functioning machine, it is dubious to treat it as junk, better to take it apart, piece by piece, frame by frame to see what can be used, what jettisoned, how to improve on the show⁵⁵⁹

Nonetheless, I fail to see how his immunological paradigm would be able to 'improve the show' without being recaptured or, in Situationist parlance, *recuperated* into the modulation of control. Perhaps its prioritisation of praxis of synchronisation over the eventful frictions and excesses which constantly splay them out, is symptomatic of his underestimation of the significance that events play in the urban, and more precisely of the centrality their prevention assumes for the apparatus of control. In this sense, it could be argued that Sloterdijk overlooks a *second* aspect of the explicitation he describes. Not only an increasing awareness about the affective materiality of our inhabiting-the-world and thus of the possibility to manipulating, shaping and synchronising the spatiality of being for the purpose of living together. Also, the surfacing of an immanent configuration of power whose logic is eminently preventive. In other words, whilst Sloterdijk avoids the demonization *per se* of techné, thus criticising any prejudicial understanding of strategies and tactics of spatial manipulation, at the same time he seems to overlook that what is at stake with control is not simply manipulation but, first of all, the neutralisation of the urban from its excessive eventfulness. It is for this reason, I believe, that Sloterdijk's project in the end appears not to challenge, but rather to somewhat conform to the logic of control and its preventive (ante-evental) pacification of the urban from conflict, frictions and antagonism.

Let me qualify. I am not suggesting that Sloterdijk's spherology implies a rigid conceptualisation of the social. The German philosopher proposes an immanent and tensegritous notion of immunity which is not static, stable and pre-given (as the liberal 'individual sphere') but rather results from battles, interventions and on-going adaptations. His concept avoids the rigidity of liberal immunity, at the same time eschewing the accelerated vulnerability of naive vitalism and its deterritorialised complicity with control. Yet, there is an unresolved tension that traverses his work. As Borch emphasises, although Sloterdijk's theory preserves an emphatic 'vitalist impetus' which differentiates him from

⁵⁵⁹Goodrich 'The Theatre of Emblems', op. cit. p. 67

the systemic self-organisation of a Luhmann, a problematic oscillation remains between the celebration of (foam) vitalism and the need to synchronise and immunise.⁵⁶⁰ Is there not a risk of such a tension being internalised as just another variation of the liberal call to ‘strike a balance’ between vitalism and management, autonomy and protection, freedom and security? In this sense, is not the search for a ‘new ethics of techné’ bound to be ingested and modulated by the impersonal techné of control? Does not the quest for synchronisation risk being entrapped into the post-dogmatic dogma of *efficiency, usefulness, correct procedures*, defusing every situation from its eventual potentiality, accepting the space as it is, and thus reducing political action to the search for ways to cope with the conservative and claustrophobic task of living-together? Indeed, could we not argue, perhaps, that a ‘dangerous assumption’ underlines this quest for synchronisation, i.e. “that (geographical, architectural [as well as affective etc.]) matter is ultimately innocent”, and that can be thus used, manipulated and adapted to our being-together without taking into account the relations of power as well as the exceptional reality of the abstractions that are inscribed in it?⁵⁶¹

It is evident that the problem with synchronisation is not that of being somewhat oppressive *vis-à-vis* some sort of un-synchronisable vitalism or joyful disorder. It is more profoundly, the fact that such synchronisation is prefigured within the closed ontological horizon of control. It is for this reason that an alternative and properly emancipatory (for lack of a better term) ethico-political stance should not entail the celebration of vitalism as opposed to the need to synchronise. It is exactly that unresolved tension that must instead be debunked. What is needed, so to speak, is an ethico-political stance which is more abstract than any need to synchronise and more concrete than any naive exaltation of disorder *per se*. Concrete, that is, since certainly does not abdicate to the necessity to ‘look after our common spaces’. Abstract, that is, since it challenges directly the abstraction of control, and rather than resigning to find ways to live together *within* the reality of this state of exception, reorients the unavoidable task of cohabitation towards the excessive eventfulness of being-together. The task, that is, becomes that keeping open any situation to the absolute event of its taking place, i.e. to the immanent contingency of its cosmic justice. Another kind of abstraction, that is, that prefigures an every time contingent and absolutely strategic task: an ‘inoperose’ praxis of deactivation of the apparatus of exception,

⁵⁶⁰See Christian Borch, ‘Organizational Atmospheres’: Foam, Affect and Architecture’. *Organization: the Critical Journal of Organization, Theory and Society* 17 (2) 2010, 223-241: p. 230, and ‘Foam architecture’ op. cit. p. 565

⁵⁶¹This is question posed by *Collapse* in an interview with Eyal Weizman. I will address directly its context the last paragraph of the fifth chapter. [see Weizman, ‘Political Plastic’, op. cit. p. 283]

detecting urban frictions and exploiting their intensity to pierce the ontological closure of control by generating alternative ways of being-together.

Otherwise, we are served with a synchronised 'world of cohabitation' that remains in the end undistinguishable from the 'eco-socio-techno-cultural complex' of control, according to which the urban is shaped as the post-conflictual, uneventful locus of the 'retreat' of the political and thus the neutralisation of justice.⁵⁶² In the fifth chapter I will provide a deeper conceptualisation of the strategy envisage in the last paragraph. In the rest of this chapter instead I explore the urban unfolding of such a 'complex'.

3.

One could yield suspicion that history itself, as a technological process, obeys the rule: where there was once God's secret technology, there must now be public human techniques⁵⁶³

The urban form of the spatiolegal architecture of control is a resolutely preventative one, a smooth circulation of people and goods to be both lubricated *and* immunised, so that the 'inherent dangers of this circulation are cancelled out' (Foucault), and thus the twin requirements of security and freedom (of consumption) are permitted. In fact, security and (capitalist) market could be said to have been born together out of liberalism. Initially, their socio-technical overlapping could be observed especially in the locus of production and surveillance par excellence, the factory, yet very soon it spread beyond the disciplinary enclosures onto the open world of consumers. Andrejevic has made a compelling synopsis of the process which saw the industry pursuing a twofold symmetrical activity of surveillance and data-gathering for the sake of efficiency, to optimise both production and consumption phases.⁵⁶⁴ He shows how the history of marketing is the history of the developments of techniques to collect, gather and analyse data about potential consumers so as to narrow down wide patterns of (purchasing) behaviour from an indistinct mass to ever smaller groups. Initially absorbed into CRM practices, these premises soon spilled over policing institutions, willing to employ data-gathering practices in order to profile people and foresee criminal behaviour. With the gradual shift from the factory to the metropolis as the new diagrammatic locus of power, the technical, technological and strategic

⁵⁶² Lacoue-Labarthe and Nancy, quoted in Philip Armstrong, and *Reticulations: Jean-Luc Nancy and the Networks of the Political* (University of Minnesota Press, 2009) p. 54

⁵⁶³ Peter Sloterdijk, *Bubbles: Microspherology* (Semiotext(e) MIT Press, 2011) p. 39

⁵⁶⁴ Mark Andrejevic, *iSpy: Surveillance and Power in the Interactive Era* (University Press of Kansas, 2007) p. 56-81

convergence of security, surveillance and marketing is increasingly 'spatialised'.⁵⁶⁵ The growing awareness about the affective materiality of being-together thus becomes explicit in the production of spectacular urban installations, wherein different institutions, technologies and practices overlap, converging in the common objective of producing commodified experiences of safety and safe experiences of consumption in the city: in other words, simultaneously secured and enticing spaces, defused from their eventfulness and stabilised by legal injunctions so as to be safe, consumable and capitalisable. Thrift, after Sterling, has termed it the *security-entertainment complex*: i.e. "a complex made up of two particular linked assemblages which have gained increasing purchase by feeding off each other".⁵⁶⁶

Direct result of such 'spatio-affective' explicitation is the surfacing of *experience economy*, which signals the emergence of a marketing strategy concerned with organising and manipulating the contextual and contingent modality of *fruition* of a commodity, that is, the actual encounter between consumer and product and thus, more precisely, the relational spatiality of the experience of consumption itself.⁵⁶⁷ In this context appears the notion of *brandscape*, a concept as well as a strategy that 'spatialises' the *brand* into the urban landscape of everyday life. First introduced by anthropologist John Sherry, in marketing literature brandscape indicates the convergence of brand and space in branding strategies, i.e. the convergence between the promotion of a certain image (informed by a certain narrative, symbolic imaginary, atmosphere (young, cool, serious etc.) and so on) and a place-making activity.⁵⁶⁸ The branded landscape, brandscape, is the "social, economical and cultural landscape where brands are produced and consumed",⁵⁶⁹ both the projection of an

⁵⁶⁵Toscano, 'Factory, Territory...' op. cit.

⁵⁶⁶Thrift, Nigel. 'LifeworldInc—and What to Do About It'. *Environment and Planning D: Society and Space* 29 (1) 2011 5-26: p. 7. "the intelligence-gathering principles and outcomes of both the security and the entertainment industries have become remarkably similar in their aims, based on models that can track activity through a pervasive sphere of information which no longer cuts space up but suffuses it. Means of information targeting ..., whether by means of contextual targeting, demographic targeting or now behavioural targeting are used by both realms, and often draw on the same principles, research, and software. Not surprisingly, some of the firms doing the work are held in common" (p. 13)

⁵⁶⁷J. Pine and Gilmore, J. *The Experience Economy* (Harvard Business School Press, 1999). Bohme has given an 'atmospheric' take to this evolution by employing the notion of *staging value*, which refers to the way things are aestheticised and staged in order to produce a certain aura and atmosphere which, rather than being a redundant illusion, goes to satisfy a specific, aesthetic human need, whereby supplanting a merely utilitarian understanding of commodity. The significance of the *staging value* does not reside in its indirect utility with respect to a *use value*, it is rather immanent to the staging value itself: the staging value *is* the use value of things; see Gernot Böhme, "Contribution to the Critique of the Aesthetic Economy." *Thesis Eleven* 73 (1) 2003, 71 -82.

⁵⁶⁸The term was introduced by Sherry at the 1986 conference of the Association for Consumer Research, in Toronto, Canada, quoted in Anna Klingmann, *Brandscapes: Architecture in the Experience Economy* (MIT Press, 2007) p. 86

⁵⁶⁹Miriam Salzer-Mörling and Lars Strannegård, 'Ain't misbehavin' — consumption in a moralized brandscape.' *Marketing Theory* 7 (4) 2007, 407-425: p. 412

institutional discourse as well as “a material and symbolic environment that consumers build with marketplace products, images, and messages”.⁵⁷⁰ The brandscape is “not merely a landscape filled with logotypes and images, but rather a culture where consumption and commodities are given meaning ... a landscape where norms and values are produced and consumed ... a field of relationships where consumers’ experiences are ideologically infused”.⁵⁷¹ In the brandscape notions of performance, event, seduction and affectivity complement those of functionality and rationality in producing ‘atmospherically enriched experiences’ in which the figure of the producer and the consumer are no longer distinguishable.⁵⁷² If instances such as Disneyworld and Starbucks are by now textbook examples in marketing, today this practice widens beyond the private and the commercial sector, encompassing urban renewal projects, mega events and whole cities, as part of a “concerted attempt to re-engineer the *experience* of cities”⁵⁷³ by making them increasingly interactive, omnisensorial, adaptive and event-generating, i.e. “to create a new set of ‘experience’ commodities which are, in effect, the spaces themselves”.⁵⁷⁴

As marketing experts are interested in conveying atmospheres of enjoyment and predisposition to purchasing, security experts are interested in producing atmospheres of safety. Thus also for the latter, terms like ‘enjoyment’, ‘happiness’, ‘relax’ become explicit strategic objectives, to be pursued through the affective management of space. I should qualify that the evolution this process triggers in the realm security complements – and yet is not to be confused with – the well-known shift from the ‘transformative’ to the ‘managerial’ paradigm that has characterised more generally social control strategies in the last decades. To grasp this qualitative difference, a brief parenthesis will be helpful. In the introduction I noted that as result of the on-going re-planning of cities according to the needs of business and financial sectors, consumption and tourism, as well as thanks to technological innovation, security strategies are undergoing important modifications, being increasingly employed as a glue protecting and guaranteeing the safety, efficiency and convenience of every socio-economical transaction.⁵⁷⁵ Accordingly, and consistently with the discussion developed so far, the dogma of ‘correct procedures’ becomes the self-referential concern of a managerial, ‘post-moral’ ethos of social control, no longer

⁵⁷⁰ John F. Sherry, 'The Soul of the Company Store: Nike Town Chicago and the Emplaced Brandscape', in J.F. Sherry (ed) *ServiceScapes: The Concept of Place in Contemporary Markets* (NTC Business Books, 1998) p. 312

⁵⁷¹ Salzer-Morling and Strannegard, 'Ain't misbehavin', op. cit. p. 413

⁵⁷² Kingmann, *Brandscapes*, op. cit. p. 6

⁵⁷³ Amin and Thrift, *Cities*, op. cit. p.124

⁵⁷⁴ *ibid.* p.125 – spaces, or rather *brandscapes*, which are “not just attentive and responsive but formative”, that is, spaces which, constantly generating events, “can be constantly refreshed and so remain absorbing” Thrift, *Non-Representational Theory*, op. cit. p. 23

⁵⁷⁵ M. Feeley and Simon, J. 'The New Penology: Notes on the emerging strategy of corrections and its implications', *Criminology* 30 (4) 1992, 449-74.

concerned with *law-abiding* citizens but with *efficient* users.⁵⁷⁶ To make sense of this shift various, still-popular theories of context-based crime prevention have emerged – e.g. ‘situational crime prevention’ (Clarke) ‘defensible spaces’ (Newman), ‘broken windows’ (Wilson and Kelling), ‘environmental design’ (Jeffery), ‘deterrence by design’ (Clarke and Newman) –, sanctioning the passage, in the proverbial quest for ‘the root causes of crime’, from the moral status and socio-economical background of the potential offender, to the contingent calculus of risk and opportunities.⁵⁷⁷

⁵⁷⁶See for instance Lianos’ analysis of the way social control functions in ‘automated’ settings (as the underground’s automatic gates or the shops’ electronic tag), which bears significant insights on this ongoing shift [Michalis Lianos, ‘Social Control after Foucault’ *Surveillance & Society* 1(3) 2003, 412-430]; see also M. Lianos and M. Douglas ‘Dangerization and the end of deviance: the institutional environment’. *British Journal of Criminology* 40. Incidentally, Constable observes the surfacing of the notion of *user* in legal parlance, since providing a seemingly neutral figure, simultaneously avoiding the abstractness of policymakers’ notion of ‘rational actor’ and the ideologically-laden one of market’s ‘consumer’: in this way cost-benefit analysis and economic efficacy are combined, with the suggestion of an ‘active’ ‘confident’ and ‘empowered’ actor, whose choices however “are given by the technical structures designed by the programmer” [*Just Silences*, op. cit. p. 22]. The depoliticising nuance of this notion also appears, tragically, in Berlusconi’s lawyers’ desperate definitional attempt to present their client as an innocent ‘final user’ [*utilizzatore finale*] of the young women (i.e. prostitutes) frequenting daily his villa.

⁵⁷⁷In the field of criminology, Garland famously defined the ‘criminology of the self’, signalling the shift from a framework according to which crime was deemed an abnormal occurrence, related to individual’s ‘criminal disposition’ – with the offender treated as a subject to be reformed and rehabilitated –, to one which accepts crime as a ‘normal’ fact engrained into everyday life’s routines [David Garland, ‘The Limits of the Sovereign State: Strategies of Crime Control in Contemporary Society’, *British Journal of Criminology* 36(4) 1996, 445-71]. Thus, whether any challenge to the operational efficiency of the system is equally treated in exclusionary terms, it follows that everyone can be a ‘wrong-doer’ (i.e. a wrong ‘performer’) and thus a *potential* offender. This evolution propelled a gradual shift in the approach to crime away from rehabilitative and structuralist approaches, towards more predictive and probabilistic logics. Initially, these concerns led to the so-called situational approaches to crime prevention, most notably with the (in)famous *broken windows* doctrine, introduced in 1982 by Wilson and Kelling, famously tested by Mayor Giuliani in New York City, and then enthusiastically imported in Europe and beyond [J Q Wilson & G Kelling, ‘Broken windows: The police and neighbourhood safety’, *Atlantic Monthly* 127, 1982: 29-38]. This and the other influential theories mentioned above, notwithstanding their differences, revolve around the same shift from the concern with actual criminal violations, to the concern for all those conditions and behaviours deemed as ‘conducive’ to them, such as disorder, unusualness, non-conformity and so on: managing these contextual variables would accordingly equate to minimise the opportunities for crime. These approaches are often criticised as being actually ineffectual in tackling the causes of crime as well as because of their various exclusionary and discriminatory ‘side-effects’ [see for instance J. Young, ‘Crime and Social Exclusion’, in M. Maguire, Morgan, R, Reiner, R (ed) *The Oxford Handbook of Criminology* (Oxford University Press, 2002)]. Nonetheless, they are still very popular since fitting the contemporary criminogenic populism, which on such notions of *dirt*, *danger*, *contamination*, *virus* is centred. Indeed, Garland observes that the co-presence of apparently opposing narratives (the post-moral, context-based and pragmatic ‘broken-windows’ approach, and the moralistic populism of ‘zero-tolerance’ discourses and moral-panic oriented media which always accompany it) is ambivalent to the level of being hysterical (in the medical meaning of the term), although not entirely contradictory. If on the one hand the ‘downgrading’ of crime is seen as the consequence of a failure to control – together with an instrumental logic which seeks to maximise the cost-effectiveness of policing by also reducing the burden of control for the police into civil society –, zero-tolerance is a sort of hysterical denial of such evident impotence, an attempt to conceal this very failure behind a *facade* of *decisionismo* [‘The Limits of the Sovereign State’, op. cit.] Wacquant instead proposes to interpret it as a concerted attempt to expand the penal treatment of poverty, symptom of a slipping into a judiciary and *carceral* management of the poor [Wacquant, Loic, *Parola d’Ordine: Tolleranza Zero. La trasformazione dello stato penale nella società neoliberale* (Feltrinelli Editore, 2000) ch. 2,

However, the spatio-affective explicitation here exposed produces a further ‘criminological’ evolution. Differently from the just-mentioned approaches, still concerned with “repelling the bad guys, reducing opportunities, cracking criminal energy down” and so on, this novel ethos of social control is concerned with “the aesthetic, affective, positive features of urban space ...their atmospheres as well as items involved in shaping these atmospheres (such as dresses, lights, colours) are part of the (security-relevant) communication”.⁵⁷⁸ Entertainment and security become one and the same. Whether ‘Broken Windows’, ‘Deterrence by Design’ and similar theories understood the potential offender as a rational, decision-making subject or a disciplinable body, the new approach appears to be alimeted (either implicitly or explicitly) by different ontological assumptions, not only concerned with ‘subjects’ and ‘bodies’ but with atmospheres and rhythms.⁵⁷⁹ In other words, security is no longer a question of disciplinary or governmental subjection, but a matter of atmo-rhythmical tuning, i.e. a strategy aimed at “*generating engagement* through the manipulation of mood ... generating the same wavelength”.⁵⁸⁰ To be sure, this does not

par. V]. This is to say that such a decriminalisation – rather than being a sort of statement of failure contradicting zero-tolerance discourses – could be understood as a strategy consistent with a more or less conscious attempt at performing a more extensive control by circumventing legal restrictions, thereby aptly fitting the rationale of zero-tolerance policies. In this sense Herbert and Beckett emphasise what they term the tendency to ‘downgrading’ or ‘defining deviance down’ policies (the tendency to approach certain behaviour through administrative and civil, rather than criminal sanctions), whereby behaviours are only superficially decriminalised, whilst in reality they are more subtly and indirectly re-criminalised through the widening of the scope of police action. In fact, administrative sanctions such as ASBOs bypass constitutional checks, but at the same time lead to often quite repressive restrictions orders which, if breached, have serious penal consequences [Katherine Beckett and Steve Herbert. ‘Dealing with Disorder: Social Control in the Post-Industrial City.’ *Theoretical Criminology* 12 (8) 2008, 5-30]. Ultimately, as Lianos and Douglas [‘Dangerization’, op. cit.] highlight, the convergence between situational crime prevention and populist moralism is perfectly understandable by the fact that the notion of danger allows the State to solve the ‘conundrum of discrimination’: the notion of danger is a new category of social exclusion which supplants such categories as race, gender, socio-economical status etc. basically allowing to actually discriminating people whilst escaping accuses of discrimination. Accordingly, they define dangerisation as the tendency “to perceive and analyse the world through categories of menace” – which is self-constitutive insofar as it does not detect danger, but rather perceive discrepancies vis-à-vis *normalcy* as dangerous, with the production of more ‘order’ intertwined with the constant re-definition of elements as ‘disordered’ and thus dangerous [pp.267-268]. They are discriminated insofar as dangerous, i.e. they are reduced to a relation (the contextual production of danger) and assessed as such. It is interesting to note how all these different interpretations are traversed by the same attempt to make sense of the apparently contradictory relation between the spectacular and the managerial, i.e. the bipolar logic, of control.

⁵⁷⁸Christine Hentschel, *The Spatial Life of Security: Durban, South Africa*, Thesis (Ph.D) – School of Social Sciences and Philosophy (University of Leipzig, 2010) p. 143. Hentschel observes that “Crime prevention is not simply about *rational* choice (as many writers on situational crime prevention have claimed) but involves aspects of *affective* choice”. It could be argued however that it is the very notion of ‘choice’, whether rational or affective, to be put in question by the model of control. Hence the need to ground a viable ethico-political strategy, able to challenge this reality, through a re-thinking of the notion of action itself – what I seek to do with the notion of inoperose action in the final chapter.

⁵⁷⁹As Deleuze puts it, a shift in the target of control from ‘body to gas’, in Deleuze, ‘Postscript’, op. cit. p. 4

⁵⁸⁰Thrift, *Non-Representational*, op. cit. p. 245

mean the abandonment of representational strategies.⁵⁸¹ The spectacle does not disappear, it rather loses all its vestiges of transcendence: *acclamation becomes acclimatisation*:

... biopower means only that power adheres to life and life to power ... from the perspective of its classical form, power is changing radically before our eyes, from a solid to a gaseous, molecular state. To coin a formula: Biopower is the SUBLIMATION of power.⁵⁸²

For instance, in criminology this is evident in the reworking of the concept of fear, no longer understood in combination to harm, but rather as an affective harm per se, an atmospheric pollution to be targeted as such, independently of the actual danger: “not only are risks spatially, temporally, and socially de-bounded [as Beck’s original notion of de-bounded risk entailed], they are also de-bounded from quantitative, predictive actuarialism and invigorated with cultural constructions and speculative popular imaginations”.⁵⁸³ Nowhere this is more evident as in the instance of terrorism, where the pervasiveness of danger, and thus the presence of fear, becomes absolutely deterritorialised, that is, apparently emancipated from spatiotemporal needs and by consequence always potentially about to occur. Risk is understood as a virtual event, always real even when non-actual, an ever-present occurrence whose very potentiality has to be constantly defused and neutralised and yet, exactly for its absolutely unpredictable and ungrounded character, bound to be constantly re-produced. According to what has been written above, control becomes the spectacular production of noise, that is, the abstract presupposition and concrete production of the unpredictable *chaos* which justifies its deployment.⁵⁸⁴

Consistently with this narrative, law atmo-rhythmically sublimates in the spatiolegal architecture of control, blurring into both security and marketing strategies of acclimatisation and providing them with an immanent, stabilising scaffolding – for instance by channelling the tuning of entertainment into specific brands (e.g. through ‘ambush-marketing’ laws), or targeting behaviours, gestures and objects for their ‘poisoning’ effect vis-à-vis the atmosphere of a place. Eminently affective legal concepts thus surface, such as

⁵⁸¹Quite the contrary. As the common materiality of information and physical worlds becomes explicit, they gain a horizontal, material and technical nuance, entering in conjunction with physical and affective variables, in the increasingly pervasive immersion which these spaces produce, also thanks to new technologies such as geo-location software, smart phones and so on.

⁵⁸²Tiqun, *Introduction to Civil War*, op. cit. p. 128

⁵⁸³T. Clear and Cadora, E. 'Risk and community Practice' in K. Stenson & Sullivan R. R (eds) *Crime, Risk and Justice* (Willan Publishing, 2001); Boyle and Haggerty, *Spectacular Security*, op. cit. p. 261. See also Ulrich Beck, 'The Terrorist Threat: World Risk Society Revisited'. *Theory, Culture and Society* 19(4) 2002 39–55.

⁵⁸⁴As it is evident in the various references to the necessity to “think the unthinkable” in security strategy reports. In the words of a former security executive, “the once ridiculous ‘what-ifs’ now have to be taken seriously”, quoted in Boyle and Haggerty, 'Spectacular Security', op. cit. p. 261. See also Marieke de Goede, 'Beyond Risk: Premediation and the Post-9/11 Security Imagination', *Security Dialogue* 39(2–3) 2008, 155–176

the right to be free from fear.⁵⁸⁵ If the constant dissimulation of law into the operations of security and marketing prevents its weight from becoming oppressive, it nonetheless remains absolutely present, playing a key part (as social control rules, criminal and administrative sanctions, intellectual property protection and so on, and thus all the techniques, strategies and technologies connected) in the ontological production of the city and in its affective modulation.⁵⁸⁶ See for instance the already mentioned notions of ‘hostile environment’ or anti-social behaviour (ASB) – where anti-social is a “conduct which caused or was likely to cause harm, harassment, alarm or distress”⁵⁸⁷ and “which, without necessarily being a criminal offence, can by its cumulative effect generate a *climate* of tension and insecurity”.⁵⁸⁸ Also in this case then, it is the indeterminacy ontologically produced by the legal abstraction (of course, through its concatenation with media representations, cultural constructs, dangerous objects, security technologies etc.) that justifies its very deployment as device for the re-immunisation of space, by ‘depurating’ its atmosphere from the ‘polluting’ effects of ‘anti-social’ and ‘fear-producing’ behaviours.⁵⁸⁹ In this way, this ‘affective juridification’ produces potentially disrupting results on the very atmosphere of the city it apparently sets up to stabilise. For instance: on the one hand, the ethos of self-responsibilisation implies constant preparedness, that is, a pervasive need of ‘being responsible’ for one’s own immunisation, and thus to constantly rehearse one’s capacity to *perform* and provide for one’s own security: *do not become a crime victim*, as a common sign in the London underground effectively suggests. On the other hand, constant preparedness is necessarily connected with delegation.⁵⁹⁰ The witnessing of CCTVs, the affective right to be free from fear and distress, the increasingly omnipresent threat of

⁵⁸⁵Peter Ramsay, 'The Theory of Vulnerable Autonomy and the Legitimacy of the Civil Preventative Order'. *LSE Legal Studies Working Paper 1*, 2008.

⁵⁸⁶Relevant is Philippopoulos-Mihalopoulos’ observation that, “an atmosphere is the way varying degrees of normativity and space appear every time, thus managing to dissimulate the fact that space is fully given to law and law is fully given to spatiality. From this, it becomes obvious that an engineered atmosphere is not the exception but the rule. It is in the interest of the lawscape, however, to dissimulate such engineering, before the atmosphere becomes a prison.” ‘Atmospheres of Law’, op. cit. p. 8

⁵⁸⁷UK *Crime and Disorder Act 1998* s1(1)

⁵⁸⁸Commission of the European Communities, 'The prevention of crime in the European Union - Reflection on common guidelines and proposals for Community financial support' Brussels, 29.11.2000, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2000:0786:FIN:EN:PDF>; p. 6 (my emphasis)

⁵⁸⁹On similarly ‘atmospherical’ understanding of anti-social behaviour as ‘polluting’ see also ICHRP [(International Council on Human Rights Policy) ‘Modes and Patterns of Social Control: Implications for Human Rights Policy’ (2010) available at http://www.ichrp.org/files/reports/61/Social_Control_and_Human_Rights_ICHRP_Electronic_Final.pdf] and for a discussion on the consequence in terms of notions of citizenship and autonomy see Ramsay, 'Overcriminalization as Vulnerable Citizenship', *New Criminal Law Review* 13 (2) 2010, 262-285.

⁵⁹⁰Hay for instance stresses the way governments increasingly ‘outsource’ preparedness onto citizens, both stimulating awareness of risks as well as providing them with relative guidelines, James Hay, 'DESIGNING HOMES TO BE THE FIRST LINE OF DEFENSE', *Cultural Studies* 20 (4) 2006, 349-377. ‘Don’t become a crime victim’, as a poster in the London Underground aptly sums up, is a very different ‘responsibilisation’ than the one entailed by the injunction ‘not to become a crime offender’

litigation, the enclosing self-referentiality of health and safety regulations: texts, strategies and technologies overlaps in prompting constant de-responsibilisation, as well as the specular immunisation from the risk of being 'held responsible'. As a result, as we are to explore more empirically in the next chapter, the abs-co-traction of being-together loses 'tension', the potential for the surfacing of fear increases, and this prompts further interventions, in a self-alimenting circularity: atmospheric laws, not necessarily an entirely new evolution, tend to become in this context a self-fulfilling prophecy, producing more and more 'noise' that justifies their ever-increasing deployment for the preventive pacification of the urban.⁵⁹¹

4.

*The society that moulds all its surroundings has developed its special technology for shaping the concrete basis of this ensemble of tasks: its own territory. Urbanism is that taking possession of the natural and human environment by capitalism that, developing logically into absolute domination, now can and must remake the totality of space as its own setting*⁵⁹²

The last section, whose density was perhaps at times disorienting, had the purpose of providing an instant sketch of the machinic processes through which the urban is tuned, conveying the converging concatenations of increasingly gaseous strategies, in which techniques and technologies of security and marketing overlap, enacted and stabilised by legal atmo-rhythms, converging in producing spaces of immunised consumptions. Ball and Wood define *brandsapes of control* as

the apex of late capitalism, of hyper-consumption, personalisation, niche-marketing, lifestyle ... It is the seamless combination of surveillance, marketing, and socio-spatial construction, where the timespace of the subject becomes ineluctably aligned with the techno-social protocols, tools and ideology of particular institutions.⁵⁹³

Following this inspiration, I define *brandscaping* as a way to address the immanent material production of the 'installations' through which the urban is tuned.⁵⁹⁴ Modernity, as I

⁵⁹¹See for instance *Deneys Reitz v SA Commercial Catering and Allied Workers Union 1991*, when a workers' protest was forbidden on the ground that it was infringing the 'right to peace and quietness' of the residents, in Johan Van der Walt, 'Johannesburg: A Tale of Two Cases'. in Andreas Philippopoulos-Mihalopoulos (ed) *Law and the City* (Routledge, 2007)

⁵⁹²Debord, *The Society of Spectacle*, op. cit. gloss 169

⁵⁹³Ball and Wood 'Brandsapes of Control', op. cit. Using an half-convinced cynicism, Thrift refers to "a mixture of control through surveillance and distraction through entertainment", in 'Lifeworldinc', op. cit. p. 12

⁵⁹⁴I employ the verbal form to signal a difference with respect to the classical notion of brandscape, as well as to emphasise its moving, flexible and processual qualities.

reminded above quoting Heidegger, is the faith in the capacity to reduce the world to image, the faith in *re-presentation* or the abstraction of the world into a space of exception. Brandscaping signals the shift from the concern with mapping the world to a much more explicit attempt to produce the ‘inhabitable maps’ in which we live. From the myth of full legibility of the city (Plato) – updated in some paranoid reading of the ‘surveillance society’ – to the *coding* of the city, i.e. the ‘direct generation’ of immersive cartographies. The relationalism that grounds control implies the assumption that in society “no coherent, autonomous entity is acting ... it is the whole context that is acting; the individual is its context, no more, no less.”⁵⁹⁵ The consequence is not a context-based, but a context-generating strategy, not simply by seeking to manipulate a context (as in ‘broken windows’ theory for instance) but actually producing it, i.e. *worlding*.⁵⁹⁶

As already explained above, Deleuze refers to control as ‘modulation’ in order to emphasise that control does not imply the shaping of what is to be thought, but rather the modulation of what could be thought, in other words, with generating (and thus neutralising) the space of the thinkable, the *environment of thinking*. The notion of brandscaping is a way to translate this concept into the urban. It does not indicate an attempt to disciplining into acting in a certain way, but rather the modulation of the space of the experienceable, the ‘environment of experiencing’: i.e. the urban. This does not simply mean to arrange a space in a certain way. Brandscaping simultaneously refers to the abstract urban form of control in the sense of the ‘image of the city’ (i.e. a unitary idea of the way in which the city should be experienced, namely as an ‘all-encompassing and yet open’ experimental surface of movement, flows, excitement, awareness and constant exposition to prevented events); as well as to the actual operations into which this is enacted into urban assemblages of consumption and immunity.⁵⁹⁷ The diagrammatic world thus produced is one of experimenting and coping, in which the permanent states of exception (from the war on terror to the permanent economic crisis) overlap with “pervasive entertainment, both sharing the linked values of paranoiac vigilance ... and the correct identification of the potential of each moment”.⁵⁹⁸ Security itself, as Hentschel observes, becomes a ‘style’, to be performed continuously, to be ‘experienced’ and to be shown around as sign of

⁵⁹⁵Karl Palmas, ‘Defence Minister’s’, *op. cit.*

⁵⁹⁶As in Lazzarato’s observation that the corporation “produce a world ... its world, its objectivity, its reality, merges with the relationships enterprises, workers and consumers have with each other”, Maurizio Lazzarato, ‘From Capital Labour to Capital Life’, *Ephemera*, 4 (3) 2004, 187-208: p. 188.

⁵⁹⁷Here I am freely paraphrasing Deleuze’s notion of ‘image of thought’.

⁵⁹⁸Thrift, ‘Lifeworldinc’, *op. cit.* p. 12 – As Thrift again puts it, “the construction of the world as a surface in continuous motion, a world which depends on being able to construct a constant state of provisionality, a world always almost there, and thus always elastic in the way it leans into the moment, a world of infinite mobilisation” (p. 8)

distinction.⁵⁹⁹ In these compulsive, hyper-stimulating spaces, the complicity between the acceleration of naive vitalism and the deterritorialised constitution of a consumer subjectivity is explicit: *je bouge, donc je suis*.⁶⁰⁰

In this sense, brandscaping must be understood principally as simultaneously arousing *and* pacifying the ‘experience’ of being-in-the-city, through a frenetic production of spaces and happenings which strive to make ‘you feel vibrant, alive’, and which at the same time are constantly neutralised from their potentially disrupting eventfulness, so as not to compromise their commodifiable and consensual potential.⁶⁰¹ Philippopoulos-Mihalopoulos notes that the urban is traversed by a paradox, since “urban hyperesthesia goes hand in hand with a punctilious attempt at separating the senses” into ‘sanitised’ atmospheric insulations such as museums.⁶⁰² Even more relevant appears the actual convergence of these conflicting impulses into a *museification* of the city, that is, not only as a compartmentalisation between hyper-stimulation and sensorial deprivation, but rather as their convergence in the production of ‘hyper-experiences’ (see below) simultaneously neutralised from their eventfulness. This is what Agamben defines as the contemporary condition of ‘deprivation’ of experience that the modern urban dweller constantly faces, in the overwhelming and saturating exposition to events which do not become experience, which are never actually experienced.⁶⁰³

5.

*What happens between bodies during a demonstration is far more interesting than the demonstration itself.*⁶⁰⁴

Let us pause for a moment. It is legitimate at this point to ask whether in the last section I indeed succumbed to the “all too tempting gesture of revealing the relations of power at the heart of affective modulations”, offering a “paranoid reading of the systematic and instrumental ‘engineering’ and ‘manipulation’ of affect by the powerful” and reducing

⁵⁹⁹Hentschel, *The Spatial Life of Security*, op. cit.

⁶⁰⁰‘I move, therefore I am’, Sloterdijk, *Ecumes*, op. cit. pp. 730-742

⁶⁰¹The first quote is from David Foster Wallace, *A Supposedly Fun Thing I’ll Never Do Again: Essays and Arguments* (Abacus 1998) p. 264; see Sloterdijk, *Ecumes*, op. cit. p. 458-63;

⁶⁰²Philippopoulos-Mihalopoulos notes that “museums and art galleries are perhaps the most obvious example of such sensory deprivation”, in ‘Atmospheres of Law’, op. cit. p. 3

⁶⁰³Giorgio Agamben, *Infanzia e storia: distruzione dell’esperienza e origine della storia* (Einaudi, 2001) pp. 5-9; ‘Museification’ is a term coined by Agamben to refer to “an impossibility of using, of dwelling, of experiencing” *Profanations*, pp. 82-3

⁶⁰⁴Tiqun, *Introduction to Civil War*, p. 211 – as Marx observed as regards the Paris Commune, “the great social measure of the commune was its own working existence” (Karl Marx, *The Civil War in France*, available at <http://www.marxists.org/archive/marx/works/1871/civil-war-france/ch05.htm>)

“affect to a diagnosis of our times of late capitalism and the like, as exemplified in the affective modulations of the security society”.⁶⁰⁵ What is wrong with the latter stance should be evident. Simply put: the reduction of atmo-rhythmical affects to a merely manipulatable and engineerable instrument of the powerful is a position which is twice wrong, since firstly assuming a substantial rather than emergential understanding of power, still implicitly referred to one or more sovereigns able to wield it; and secondly, denying the excessiveness of affects, and thus the always uncertain and fallible character of any spatial ‘manipulation’. By focusing on some practices of micro-resistance such as humour and seduction, Bissel et al. show that affective atmospheres are always excessive, open and unpredictable, thus escaping the rigid depiction of those theories that assume them as always-already captured within the hidden logics of power.⁶⁰⁶ However, I do not think this argument runs counter the configuration of control so far described and which, to paraphrase Thrift, is “naturally experimental ... aspires to be all-encompassing but it must perforce retain an openendedness”.⁶⁰⁷ Let me qualify then: with the notion of brandscaping I aim to explore urban control by looking more explicitly at material and context-specific attempts to retune the city, through a direct convergence between institutions, practices and technologies of security and entertainment, enacted and stabilised by the legal scaffolding. However, in this way I am not inferring that brandscaping is to be understood as an oppressive model of atmo-rhythmical manipulation. The function that this configuration of power exposes is not that of the blanket-elimination of resistance and transgression, whose intensive potential, as I stress further below, it absolutely needs. In fact, opacities, failures and blind-spots are all constitutive part of the reality of control, which exactly by means of being flexible is able to internalise transgression and resistance. The function that brandscaping expresses is exactly one of preventive de-potentialisation of the intensity of urban life, exploiting its potential and simultaneously (and of course, always tentatively) defusing it from its conflictual and eventful charge: brandscaping “tolerates transgressions, provided they remain soft ... [keeping] the lowest possible minimum of intensity... to make sure that the confrontation *does not take place*”.⁶⁰⁸

⁶⁰⁵Bissel et al. ‘Unveiling Seductions’, op. cit. p. 706

⁶⁰⁶Ibid. p. 705 ; Bissel et al. focus on an airline company ‘safety demonstration’ and the way humour and seduction offer way to dislocate the preferred disciplining outcome. Whilst acknowledging that play, entertainment and lightness are certainly part of contemporary capitalist strategies, the authors are willing to resist “the fashion of ‘mass-diagnosing’ the enrolment of affect in the capitalist management of life”, and thus the denigration of these affects “as yet another sinister form of aeromobile governance”, and instead propose to understand “seduction as a form of play that operates at the surface, eschewing the temptation to discover latent content beneath the manifest ... emphasis[ing], rather, the unpredictability built into the logic of seduction by virtue of its superficiality” pp. 706, 707, 705

⁶⁰⁷Ibid p. 7

⁶⁰⁸Tiqqun, *Introduction to Civil War*, op. cit. p. 170

Nowhere is this evident as in the proliferation of multiple scale ‘urban events’ (from the inauguration of the new Apple shop to the festival of the local borough, to the outstanding relevance gained by international mega-events, as we are to see soon) which syncopate the rhythm of contemporary urban life. Increasingly, the city becomes an eventful space of deterritorialised happenings, instrumentally employed for political action (manifestations, marches, protests), commodified entertainment, urban planning (so-called event-led regeneration), image-restyling and so on, generally to render more ‘tangible’ and effective the urban being-together, ‘mobilising people, publics and crowds in order to transform them’.⁶⁰⁹ ‘Producing’ events means to enter into the always complex, tentative and ultimately risky task of employing the affective charge of being-together whilst defusing it from its unpredictable intensity.⁶¹⁰ As Boullier observes, the ‘resonant fusion’ of the crowd is simultaneously the dream and nightmare of event-organisers, who rely in this ‘fusional instant that *produces the event*’, but at the same time are aware of its ‘explosive mixture’.⁶¹¹ The intensity of life is, to paraphrase Anderson, “the limit to the effective functioning of power even when it is its object”, simultaneously the locus of the ‘acclimatising’ practices of marketing and security, as well as their constant dislocation.⁶¹² Incidentally, as I will expand in the next chapter, this also means that urban events, and especially mega events, play a significant methodological relevance for urban research, since they express and perform (and thus offer a compelling chance to investigate) the very essence of brandscaping as a strategy that, to employ Severino’s terms, ‘welcomes the event to put it on trial ... seeking to employ the event to enmesh the event itself’.⁶¹³ A logic which can be encapsulated within an oxymoronic formula: *the pre-emptive production of events*, or the production of always-already neutralised events.⁶¹⁴

Therefore, if we assume that brandscaping concerns the prevention of events from becoming too intense, then we may have an argument to counteract the otherwise insightful point made by Bissel et al. Could not we argue that their admittedly ‘capricious

⁶⁰⁹Dominique Boullier, *La Ville Événement. Foule et Public Urbains* (PUF, 2010) p. 93 (my translation)

⁶¹⁰As Borch has recently shown, since the emergence of urban crowds the atmospheric dimension of politics has been more explicitly dealt with as a question of manipulating the atmo-rhythmic being-together of such gatherings, and thus tuning their affective charge. In these contexts it was extremely important to be able to employ the affective charge of the crowd and yet, as Canetti has perhaps most effectively shown, this was always an extremely risky enterprise since the crowd (as every urban assemblage) is an always excessive and to some extent unpredictable configuration. See Borch, *The Politics of Crowd*, op. cit.

⁶¹¹Dominique Boullier. 'Méthodes de tri des foules et des publics dans le parchumain lors des événements/ Metodi di ordinamento delle folle e dei pubblici all'interno del parco umano in occasione degli eventi urbani', *Lo Squaderno* 19, 2011, 9-14: p. 13 (my translation)

⁶¹²Ben Anderson, 'Modulating the excess of affect: morale in a state of 'total war'', in M Gregg and G Seigworth (eds) *The Affect Theory Reader* (Duke University Press, 2010) 161-185: pp. 165–166.

⁶¹³Severino, *Legge e Caso*, op. cit. p. 42

⁶¹⁴“frenetic openness to whatever novelty come along”, Meillassoux ‘Subtraction and Contraction’, op. cit. p. 105

examples' of micro-resistance to control strategies occur exactly insofar as 'capricious', that is, low-intensity occurrences that fall short from threatening to disrupt the internal consistency of the brandscaping in which they occur?⁶¹⁵ This is not to say that humour and seduction, together with other instances of everyday resistance, are irrelevant. Everyday life is full of these moments of liberation, which are important in themselves, and unaccountable only by referring to some supra-structure into which they would be already subsumed. Freedom and resistance are not only to be understood as "heroic escape[s] from a totalising logic", decisive acts of revelation of hidden logics of oppression.⁶¹⁶ I certainly agree with Deleuze's more modest and strategically consistent observation that "our ability to resist control, or our submission to it, has to be assessed at the level of our every move".⁶¹⁷ Yet, it is also important to eschew the problematic romanticisation of these 'liberating moments', an attitude that too many accounts of everyday life and its 'revolutionary' potentials betray. My position is eminently strategic in this sense. I believe that key are not the moments themselves, but more precisely the level of intensity they are able to produce, their ability to "engender new space-times" and disrupt existent ones, by producing or exploiting the frictions between the different scales, apparatuses and materialities of the urban.⁶¹⁸ It is in these eventful frictions that the potential for generating enough intensity to produce disruptive events and urban reformulations lies.

§

How this is to be done? First of all, a question must be addressed, that is, the relation between contemporary radical, post-structural and materialist model of thought, and the reality of control. In fact, does not the rather unorthodox way in which Deleuze deals with control (often 'laterally', in variously different and unconventional formats) testify for his uneasiness with a notion which seems able to seriously compromise his whole project, the

⁶¹⁵They contend having chosen a "clearly capricious intervention in the affective environment of the aeromobile context to recall precisely this excess of affect with respect to its manipulations and captures", and hasten to add that they are not so naive to assume a *serious* resistance in these affectivities (humour, seduction), but rather to have chosen them as a way to show how the excessive character of atmospheres always prevents them from being fully manipulated. Bissel et al. 'Unveiling Seductions', op. cit. p. 706. Again, I must qualify how the concept of 'full manipulation' does not offer an adequate description of the tentative and adaptive logic of control.

⁶¹⁶Corollary is the 'heroic' notion of freedom they entail, seemingly depending on "our capacity to get to the truth of the matter through an exercise of analytical transparency" [ibid, quoting Massumi]

⁶¹⁷Deleuze, Gilles. *Negotiations: 1972-1990* (Columbia University Press, 1995) p. 176.

⁶¹⁸ibid

risk of his affirmative biopolitics being ingested by a parallel and tautological, negative biopower?⁶¹⁹

6.

... the enemy interprets space in a traditional, classical manner, and I do not want to obey this interpretation and fall into his traps. Not only do I not want to fall into his traps, I want to surprise him! I said to my troops, "Friends! This is not a matter of your choice! There is no other way of moving! If until now you were used to move along roads and sidewalks, forget it! From now on we all walk through walls!"⁶²⁰

In their video on Deleuze's postscript, Birchall et al. ask half-ironically whether the effort of scholars to interpret the web by revealing hidden logics of functioning could actually "result in an attempt to discipline the web in order to make it more like Deleuze's philosophy".⁶²¹ As social scientists risk becoming increasingly responsible of emergent model of material modulation, Palmas asks, "are today's specialists on Deleuze and Tarde the social engineers of our time?" The famous instance of Israeli Generals learning from post-structural theories to perform military operations in the West Bank is just the most striking example of many possible others.⁶²² Think for instance to the potential (ab)uses to which Lahlou's theory of 'world as installation' is open. How can Sloterdijk's 'ethics of techné', as I hinted above, avoid being recuperated within the exceptional techné of control? How is Esposito's call for

⁶¹⁹For instance in an interview with Toni Negri [Deleuze.'Control and Becoming'. op. cit.], in the final part of a talk [Gilles Deleuze, 'Que-est ce que l'acte de creation?/What is the Creative Act? (1987) ' Youtube video, 46:59, posted by 'tw19751' 13 November 2012 available at <http://www.youtube.com/watch?v=7DskjRer95s>], in the last pages of *A Thousand Plateaus* (although without using the term control but rather referring to the 'organisation of the Capital' no longer seeking to striate space but rather producing "a sort of smooth space in which the destiny of human beings is recast ... in which capital reaches its 'absolute' speed, based on machinic components rather than the human component of labour" [ATP, op. cit. p. 543] a passage which was very inspirational to Hardt and Negri's notion of *Empire*), in the preface of a book ['Optimisme, pessimisme et voyage: Lettre à Serge Daney', *Ciné journal 1981-1986, Cahiers du cinéma*, 1986, then reprinted as "Letter to Serge Daney: Optimism, Pessimism, and Travel", *Negotiations* op. cit.]. To be honest, it should also be noted, that the fragmented way of approaching this concept was also, unavoidably caused by Deleuze's objective difficulty to make sense of an evolution in techniques and technologies of government which he was experiencing in-the-making. For instance, see the the last, exciting pages of his book on Foucault, where Deleuze hints forcefully at a new 'configuration of forces' to come [*Foucault*, op. cit. p. 175] although stressing that we are living exactly the phase of transition towards this new, still undefined diagram of power [see infra note 1074]

⁶²⁰Aviv Kochavi, former commander of the Paratrooper Brigade, Israeli Army, in Eyal Weizman, 'Walking Through Walls', *eipcp.net*, January 2007

⁶²¹Birchall et. al., "Deleuze's Postscript", op. cit.

⁶²²To be sure, Weizman notes that the use of such theorists as Deleuze and Guattari, Lyotard, Baudrillard and so on by Israeli Generals was often more a way to gain advantage in the political battle *within* the army, rather than a way to build an actual strategy on the battlefield itself. Still, this instance relevantly testifies for the risks of misappropriation which these theoretical approaches run. In Weizman, *Political Plastic*, op. cit.

a legal system oriented towards an adherence to the ‘immanent impulse of life’, in which ‘the value of a norm would be related to its traducibility from a system to another’, that is, assessed according to vital capacities for translatability, integration and variation – to be differentiated from a ‘Situationist’ control which depends not on mechanisms of subjectification but rather on effective action, performance, and thus with *coping* with, integrating adapting and reacting to the moving materiality of spatiality, rather than merely attempting to block it?⁶²³ Is not Sutter’s ‘practice of right’, in its constant adaptation to the immanent variation of being-together, ultimately entrapped into a non-evental movement from which justice is unable to emerge, and thus ultimately vulnerable to co-optation by the apparatuses of control? Is not a living and *nomadic* jurisprudence, which Moore oppose to the striating self-referentiality of law, running the risk of replicating the ‘omnivorous immanentization’ of spatiolegal control whose normativity, dramatically widening law’s juridical scope and thus threatening to close off the potentiality for justice?⁶²⁴ Let us recall Noys’ question once again: “in the end, why proclaim the need for a right to difference, variation, and metamorphosis, if capitalism will supply them in far more radical, a-subjective, and inhuman forms than any mutated subject?”⁶²⁵

Perhaps these critiques are ungenerous. Differently to far more reckless ‘Deleuzians’ and the likes, these authors are certainly aware of these risks, as they express in their work. Yet often their ‘solutions’ appear, in my view, insufficient to avoid the danger of control’s co-optation. Take for instance Sutter’s exclamation that “what counts is not the form of law but the contingent form of the concatenation in which it is collocated”.⁶²⁶ Since law is ‘without content’, he adds, “there is nothing to know about law. There are only things to do”.⁶²⁷ I disagree. The emptiness of legal form does not mean that there is no content: it is the very reality of this abstract form to be its content. As the discussion developed in this chapter has sought to show, abstractions cannot be disposed of as such, since that amounts to overlooking the ontological reality they generate, the tunings they contribute to produce and carve, and that won’t melt into thin air by merely looking somewhere else. Simply pretending to having done with abstraction of control in the name of the creative praxis of multitudes, the post-human relationalism of networks, the vibrant materialism of naive vitalism, is thus a deeply problematic approach that runs the risk of de facto remaining stuck within – as well as reproducing (since refusing to challenge) – the ontological reality of

⁶²³“Control “is no longer structuralist, it is Situationist”, Schutz, ‘Imperatives’, op. cit. p. 234

⁶²⁴Tiqqun, *Introduction to Civil War*, op. cit. p. 132;

⁶²⁵Noys [*The Persistence of the Negative*, op. cit. p. 71] criticises Deleuze on this point, by referring to the latter’s claim that ‘The struggle for subjectivity presents itself, therefore, as *the right to difference, variation and metamorphosis*’, Deleuze, *Foucault*, op. cit. p. 106

⁶²⁶Sutter, *Deleuze*, op. cit. p. 37

⁶²⁷Desutter, ‘How to Get Rid of Legal Theory’, op. cit.

control itself. In this sense I can further contextualise the above-mentioned critique to Latour and his attempt to "remove an abstract capitalism and replace it with a world of *rich concrete actualities*".⁶²⁸ Simply put, by pretending to get rid of capitalist abstractions, Latour's model in the end reproduces their very reality, i.e. the reality of the "entirely seamless capitalism that he claims to contest".⁶²⁹ A similar problem emerges in certain instances of (naive) vitalism, for instance in the notorious concept of 'multitude' in Hardt and Negri and its problematic unfolding. As Toscano stresses following both Virno and Zizek:

A humanist or liberationist stance that would seek the warm life of praxis 'under' these cold forms would thereby miss out the specificity of contemporary, post-Fordist capitalism, which is precisely to be found in the abstract connections, or real abstractions, that make society cohere ... Against any turn to a vitalist materialism, or a primacy of praxis⁶³⁰

The risk moreover, as Baudrillard observes, is that of succumbing to a "compulsion towards liquidity, flow" which somewhat mirrors rather than actually challenge the novel biopolitical logic of control.⁶³¹ Benjamin Noys, following and criticising Land, has termed *accelerationism* this strategy to deal with (or indeed against) a system by radicalising and 'accelerating' its tendencies. Simply put, "if capitalism generates its own forces of dissolution then the necessity is to radicalise capitalism itself: the worse the better".⁶³² As already hinted, Badiou's critique to Deleuze, although moving from different presuppositions, ends in similar conclusions. Accordingly, Deleuze would propose a sort of ascetic vitalism, as implied

⁶²⁸See ch. 1, *Nothingness Separation Operation*

⁶²⁹Noys *The Persistence of the Negative*, op. cit. p. 85-7. Incidentally, when dealing with law Latour appears less willing to perform the iconoclastic attack he reserves to Capital. Pottage laments Latour's excessive indulgence with the 'lawyer's sense of law', which "gives too narrow a sense of the rhizomatic dispositifs in which legal forms or materiality are implicated. Instead of seeking to materialize or substantiate 'law' as a kind of universal category, why not mobilize materialities to develop alternative and more plausible ways of tracing out these implications?" [Alain Pottage, 'The Materiality of What?' *Journal of Law and Society* 39 (1) 2012, 167–183: p. 170].

⁶³⁰Toscano, 'The Open Secret', p. 283

⁶³¹"... and an accelerated situation of what is psychic, sexual, or pertaining to the body is the exact replica of the force which rules market value: capital must circulate; gravity and any fixed point must disappear" J. Baudrillard, 'Forget Foucault', in J. Baudrillard, *Forget Foucault & Forget Baudrillard: An Interview with Sylvère Lotringer* (Semiotext(e) 1987) p. 25

⁶³²*Ibid.* p. 5; Williams and Srnicek have recently proposed a different, positive notion of accelerationism, with respect to which Nick Land's 'accelerationism' (to which Noys refers to) is assumed as mere 'speed', i.e. neoliberal acceleration within an enclosed horizon. Resonating with Sloterdijk's attempt to emancipated techné from a one-sided demonization, they stress that "accelerationism is the basic belief that these capacities [i.e. our technological development] can and should be let loose by moving beyond the limitations imposed by capitalist society". Resonating with Cunningham's call for simultaneously abstract and concrete ways to challenged capital's abs-co-traction, they propose an "accelerationist politics at ease with a modernity of abstraction, complexity, globality, and technology", criticising the Left's obsession with a fetishised notion of "direct action ... content with establishing small and temporary spaces of non-capitalist social relations", since in this way what is avoided are "the real problems entailed in facing foes which are intrinsically non-local, abstract, and rooted deep in our everyday infrastructure." I will come back especially on the last point in the final chapter. Alex Williams and Nick Srnicek, "Accelerate. Manifesto for an Accelerationist Politics", *Speculative Heresy*, May 2013, 3&11.

in his profoundly a-political (and thus politically vulnerable) injunction to: “separate and dissolve oneself ... to be a creator, what Deleuze calls a ‘purified automaton’, a surface more and more porous to the impersonal modalisation of being”.⁶³³ A quest for reaching a purely virtual, plasmatic and *de facto* ‘bare’ dimension that has troubling political consequences.⁶³⁴ Moving from these presuppositions, Žizek argues that the shift from the ‘ascetism’ of Deleuze to the ‘activism’ of Deleuze and Guattari would thus imply an always-already doomed vitalism: a neo-romantic, nomadic and ‘accelerationist’ exaltation of becoming merely replicating, rather than contrasting, the hyper-active logic of control, dissolved in its ‘impersonal modalisation’, overwhelmed by its continuous non-evental movement, lacking any ‘lever of agential intervention’ from which to oppose an eventual resistance.⁶³⁵

I already noted the problematic presuppositions that orient the latter critiques.⁶³⁶ Yet, they certainly deserve attention. The ambiguous convergence between contemporary instances of ‘radical thought’ and the smooth and uneventful logic of control must be fully addressed if we are to develop a truly alternative and strategically viable approach. In this problematic not only is encapsulated most of the motivation of the present thesis, but also one of the most pressing ethico-political questions of contemporary thought: how to construct “a political philosophy and practice adequate to the deterritorialising dynamic of global capitalism”?⁶³⁷ Overcoming this impasse, I believe, requires neither a mystical nor an escapist stance, neither reckless accelerationism nor a synchronising ‘ethics of techné’, nor finally any nihilistic revolutionary hubris. This is the problematic field that the final chapter seeks to traverse.

§

Through Deleuze’s notion of control and Agamben’s reflections on glory I elaborated the notion of spatiolegal architecture of control, in which the spectacular and managerial intersperse into an unauthorised and immanently emerging configuration of power. In the attempt to look more closely at this concept and be able to apply it more consistently to the urban, I thus introduced the notion of brandscaping as a way, first, to address the material

⁶³³ Alain Badiou, ‘Of Life as a Name of Being, or, Deleuze’s Vitalist Ontology’, in *PLI, Warwick Journal of Philosophy*, 10, 2000: p. 196

⁶³⁴ “... All life is bare. All life is denudation, divestment, the dissolution of all organs and codes” (ibid.)

⁶³⁵ Žizek, *Organs without Bodies*, op. cit; Noys *The Persistence of the Negative*, op. cit. p. 65

⁶³⁶ Ch. 1, *Materiality life event*, par. 4

⁶³⁷ R. Sinnerbrink, ‘Nomadology or Ideology? Žižek’s Critique of Deleuze’. *Parrhesia* 1, 2006, 62-87: p. 85

consequences of the increasing atmo-rhythmical convergence of security and marketing, i.e. the spacing of the security-entertainment complex; second, to account for the folding of spectacle and biopower, materially understood as a simultaneous generation-and-manipulation of 'inhabitable maps' "based on exceptional topologies rather than sovereignty as such and founded in protocols of resonance";⁶³⁸ third, to provide the notion of control with a more explicitly material lens, as well as an attention for both its ecological and phenomenological unfolding; fourth, to offer a useful concept to explore the unfolding of control in more direct, explicit and context-specific instances; finally, and for all these reasons, to provide a methodological tool to explore control in the urban, as the next chapter shows through an empirical investigations of a urban mega event.

In this context, the normally fragmented and scattered reality of urban brandscaping reaches rare levels of intensity, expansion and syncretism of its multi-faceted operations to an urban-wide extent. It unfolds in what I term the 'mega event brandscaping', a urban-wide installation that exposes to a paradigmatic extent both the abstract form of the spatiolegal architecture of control and the reality of its atmo-rhythmical modulation. It follows that mega events cannot be simply reduced to a compelling object of study in themselves. More significantly, I contend, they are one of the privileged contexts for exploring urban control. For this reason, the next chapter takes us to Johannesburg, and to the 2010 FIFA Football World Cup.

⁶³⁸Thrift, 'Lifeworld Inc.', op. cit. p. 13. This in the sense Thrift intends when observing that "maps are not just the means of colonisation but the colonisation itself" (p. 9)

Chapter 4

Tuning the City

In this chapter I explore some of the theoretical issues defined so far by looking at the city of Johannesburg, South Africa, in the context of the 2010 FIFA Football World Cup. A key consideration orients the chapter and justifies its chosen subject: mega events (such as the World Cup or the Olympics) are not to be seen as exceptions, but rather *explicitations* of emergent configurations of control in the city. They are thus relevant both as an object of study in themselves, as well as a methodological tool to explore the urban more in general. This, provided they are approached through a radically material and 'situated' perspective that avoids 'explaining away' the event by referring to pre-given theoretical structures, and instead proposes to investigate the encounter between the mega event and the city in its contingent unfolding. Mega events do not occur on flat surfaces, but rather on urban spaces which are already normatively tuned in unique ways: they are always tentative processes of re-tuning. The chapter thus offers an opportunity both to test the spatial framework proposed in the first chapter – by applying the notion of urban tuning to the city of Johannesburg – and the spatiolegal framework developed in the following two chapters and culminated with the introduction of the notion of brandscaping. It is organised into four parts:

In the first I introduce the notion of mega event (ME), as a public ritual thrown onto the urban space and accelerated to a maximum of socio-cultural, economical, symbolical and political significance. I thus define the ME as an urban-wide 'air-conditioning' installation, exploring its abstract form and concrete spatialities, as well as emphasising the relevance it can play to study processes of urban brandscaping – providing an appropriate methodology is employed. This is the focus of the second part, where I deal with some pressing methodological questions such as: how to address empirically the urban ontology so far described? How to attune oneself to urban tunings? How to account for them without ending in the mere drifting *per se* of the *flâneur*? How to do justice to the antagonism of the city without defusing it into a pacifying account? In the third part I filter the ethnographic experience through my theoretical lenses in order to define the *Joburg Tune*, i.e. the

immanent getting together of bodies, spaces and laws that normatively tune one's being-in-Johannesburg. In the fourth part I finally investigate the 2010 FIFA World Cup, looking at its brandscaping of security, entertaining and law, as well as discussing how it encountered, interacted and clashed with the Joburg Tune.⁶³⁹

⁶³⁹Part of this chapter has been published as Andrea Pavoni, 'Tuning the City: Johannesburg and the 2010 World Cup', *Urbe Revista Brasileira de Gestão Urbana [Brazilian Journal of Urban Management]* 3 (2) 2011, 191-209

The Mega Event

*Capitalism ... 'concretely and deliberately' organises environments and events in order to deopotentiate life*⁶⁴⁰

1.

Mega-events are “international, large-scale ... collective events”, ‘discontinuous’ to the urban routine.⁶⁴¹ Paralleling their ever-rising relevance in contemporary world, the sociology of MEs has emerged as a gradually autonomous field of study whose roots are to be located in the well-established strand of anthropological analysis of public rituals.⁶⁴² Émile Durkheim famously described public rituals as symbolical processes through which the cohesion and continuity of society is reaffirmed and reinforced by producing a sense of collective identity and solidarity among the individuals.⁶⁴³ I already mentioned the main limit of this conception, namely the tendency to affirm as self-evident the ‘collective effervescence’ produced by the public ritual, however leaving unexplained the contingent ‘mechanism’ through which this effect is generated.⁶⁴⁴ Yet, its main insight remains relevant. Roche updates it to contemporary Olympics, which he sees as facilitating the adaptation of individuals to the turbulent processes of globalisation, capitalism and mediatisation characterising modernity. As he observes, “to understand mega-events better is to understand something more broadly about the nature and fate of human agency and social structure, and of continuity and change, in modernity”.⁶⁴⁵ I follow this inspiration, although with a rather more critical tone, by seeking to understand the ME as a peculiar explicitation of the commodification and immunisation of everyday life that characterise urban brandscaping.⁶⁴⁶ To do so, however, the analysis must be calibrated according to the materialist perspective I am developing.

⁶⁴⁰Giorgio Agamben, *Mezzi senza fine: note sulla politica* (Boringhieri, 1996) p. 64 (my translation)

⁶⁴¹M. Roche, *Mega-events & Modernity: Olympics and Expos in the Growth of Global Culture* (Routledge, 2000) p. 1

⁶⁴²For an introduction to the ‘sociology of mega events, see John Horne and Wolfram Manzenreiter (eds.) *Sports Mega-events: Social Scientific Analyses of a Global Phenomenon* (Blackwell, 2006)

⁶⁴³Emile Durkheim, *The Elementary Forms of Religious Life* (Oxford University Press, 2008)

⁶⁴⁴See Erika Fischer-Lichte, *Theatre, Sacrifice, Ritual: Exploring Forms of Political Theatre* (Routledge, 2005) p. 62

⁶⁴⁵Maurice Roche, *Mega-events & Modernity*, op. cit. p. 235

⁶⁴⁶For critical takes on MEs and commodification see for instance C. A Shaw, *Five Ring Circus: Myths and Realities of the Olympic Games* (New Society Publishers, 2008); Alan Tomlinson, 'The Disneyfication of the Olympics? Theme Parks, and Freak Shows of the Body', in J. Bale and M.K. Christensen (eds) *Post-Olympism?*

Admittedly, many interesting works analysing MEs *vis-à-vis* the ‘social cement’, enthusiasm, effervescence and cohesion they allegedly generate, share with their predecessor Durkheim the same problematic reliance on the all-explaining ‘container’ of the Society. Less attention has been given in this field to other contemporaries of Durkheim, such as the already-mentioned Gabriel Tarde or Arnold Van Gennep, whose (different) approaches do not take for granted the ‘effects’ of the public rituals, and rather seek to explore their actual, performative and pragmatic enactment.⁶⁴⁷ A certainly crucial role in orienting the study of public rituals towards these aspects was played by a novel interest with observing them away from the traditional and exotic settings of early anthropology, and rather within the context of the nascent urban society, and especially in relation with the fascinating and disturbing phenomenon of the ‘urban crowds’. Observed away from the tightly codified contexts of tradition, the ritual could more evidently appear as characterised by elements of uncertainty and uncontrollability – and thus by a complicate array of strategies put in place to control them. According to Esposito, the existence of every community depends on the common, pre-subjective *spacing* of being-together, a ‘shared’ ontological substance which keeps its member together and, at the same time, threatens to dissolve them into an undifferentiated common: accordingly, the existence of every community is based on an operation of self-immunisation.⁶⁴⁸ The public ritual is perfectly consistent with this contradictory necessity, between the need to stimulate the common, affective and material getting-together of bodies, as well as the deployment of spectacular and managerial practices aimed at immunising the collective from its own potential dangers – in other words, at defusing it from its eventfulness. Accordingly, and especially in their urban dimension, public rituals are understood as practices of acclimatisation, stimulating the affective atmo-rhythms of the urban and thus opening potential spaces of effervescence and turbulence, and at the same time seeking to ‘re-tune’ them towards an ordered, consensual and risk-minimising outcome.⁶⁴⁹ As Jansson’s sums up effectively, “the social power of public spectacles ... stems from their capacity to: create, reinforce and circulate a public sense of fatefulness; and, promote a (superficial) solution to the very same fateful

Questioning Sport in the Twenty-first Century (Berg, 2004) pp. 147- 63; R.K., Barney, S.R. Wenn and S.G. Martyn, *Selling the Five Rings: The International Olympic Committee and the Rise of Olympic Commercialism* (The University of Utah Press, 2002)

⁶⁴⁷Arnold Van Gennep famously explored the *rites de passage* – such as the coming of age, marriage, death and so forth – focusing on the performative and spatial dynamics whereby the changes of state of an individual and of a society are facilitated “without violent trauma for the society, or abrupt blocks in the individual and collective life”, *The Rites of Passage* (Routledge, 1960) ch.4

⁶⁴⁸Esposito, *Immunitas*, op. cit. p. 18. Thus the need to develop modes of being-together that do not rely on this immunitary paradigm; see also Jean-Luc Nancy, *The Inoperative Community* (University of Minnesota Press, 1991) and Roberto Esposito, *Categorie dell’Impolitico* (Il Mulino, 1999)

⁶⁴⁹See the already-quoted Borch, *The Politics of Crowd*, op. cit.

moment.”⁶⁵⁰ Therefore, I suggest that it is in the tentative, immanent and contingent relation of re-tuning between the ME and the urban that a perspective able to account for its material and affective unfolding should be grounded. Few however are the works in the field addressing this dimension.⁶⁵¹

Even insightful contributions such as those of Marivoet and Pramod for instance – who differently emphasise the role played by ever-controversial tendency to build grand works (most notably, stadia) in producing a ‘special atmosphere’ as well as crystallising the symbolical charge of the ME – appear to take these affirmations as self-evident.⁶⁵² More interesting for our concerns is the work of Vida Bajc who, focusing on George Bush’s 2005 presidential inauguration, explores the role of security practices in immunising the ritual from the uncertain liminality opened by its *taking place*: in this sense security, as she puts it, could be understood as a ‘meta-ritual’ constituted by a precise set of bureaucratic, securitarian and legal procedures aimed at assuring the practical, logistical as well as meaningful tuning of the ritual itself.⁶⁵³ Not only this entails policing the preferred, atmospheric narrative to be produced, but also instilling certain normativities as regards the ritual’s functioning which then spill over everyday life: the “bringing about of public security through a meta-ritual legitimates surveillance practices of the state security apparatus and normalizes the social order it creates”, generating a sort of pedagogy of security and thus a de-sensitisation to over-control.⁶⁵⁴ Applying this observation to the context of ‘big’ MEs, namely World Cup and Olympics, Boyle and Haggerty usefully emphasise the interplay

⁶⁵⁰A. Jansson, ‘Re-encoding the Spectacle: urban fatefulness and mediated stigmatisation in the ‘city of tomorrow’’. *Urban Studies* 42 (10) 2005, 1671-1691: p. 1672

⁶⁵¹A compelling instance is that of Anderson and Holden who, focusing on the temporal dimension of the mega event, emphasise for instance how its ‘advent’ – i.e. the moment in which the ‘bid’ is won by the host city/country and thus the ME is officialised – opens a “topologically complex space-time of the non-yet”, releasing uncertain potentialities and promising expectations which then require to be fine-tuned into the preferred narratives, procedures and sets of practices of the ‘ME-brandscaping’, Ben Anderson and A. Holden, ‘Affective Urbanism and the Event of Hope’. *Space and Culture*, 11(2) 2008, 142-159: p. 155

⁶⁵²See Marivoet’s description of the role of the Euro 2004 in re-branding the Portuguese society and fostering a ‘temporary production’ of social cohesion, focalised around the “building of great works as ‘witnesses’” to the modernisation of Portugal, Salomé Marivoet, UEFA Euro 2004 Portugal: The Social Construction of a Sports Mega-event and Spectacle’ in Horne and Manzenreiter (eds) *Sports Mega-events* op. cit. p. 130. Pramod notes the effect of Beijing Olympics’ in “uniting the social sections divided by the urban process”, consistent with the relentless process of urbanisation in China, as well as with the more general *modernising* narrative of the PRC, for which urban spectacles are crucial mediators between society and developmental policies. He particularly mentions the “‘building endeavour’ to create a special atmosphere during the Olympics”, C.R. Pramod, ‘The “Spectacle” of the Beijing Olympics and the Dynamics of State–Society Relationship in PRC’. *China Report* 44 (2) 2008 pp. 117, 119

⁶⁵³Vida Bajc ‘Surveillance in Public Rituals’ *American Behavioral Scientist* 50 (12) 2007

⁶⁵⁴*Ibid*: p. 1671. P. Boyle and K.D. Haggerty ‘Spectacular Security: Mega-Events and the Security Complex’ *International Political Sociology* 3, 2009, 257-274: p. 264. This process of routinisation and de-sensitisation has been also explored insightfully as regards more low-key rites de passage like airport security checks, see for instance Peter Adey, ‘Facing Airport Security: Affect, Biopolitics, and the Preemptive Securitisation of the Mobile Body’. *Environment and Planning D: Society and Space* 27 (2) 2009, 274-295.

between the operational “nuts and bolts” of security provision and the management of the representational elements of those efforts”, that is, the increasing convergence between the managerial and the spectacular in ME-related security strategies: a ‘spectacular security’ increasingly concerned with ‘communicating’ safety, even regardless of logical relation with actual dangers.⁶⁵⁵ We already explored how this tendency emerges within the so-called security-entertainment complex, in the form of an experience economy of security whereby the urban is ‘brandsaped’ into normative tunings in which consumption and immunity are no longer distinguishable. What is crucial is the extent that this process reaches in the context of MEs. Whereas brandsaping is a fragmented urban process, always reworked and displaced in its urban unfolding, during MEs (especially those which are really ‘mega’, i.e. Olympics and FIFA World Cup, absolutely unique as regards their enormous symbolical, political and economical significance, global visibility and so on) it gains an unmatched level of concentration, intensity and extension, with an explicit convergence between technical, tactical, semiotical operations of security and entertainment, whose intersecting logics complement and dissolve into each other as different instances and inclinations of the same event-neutralising effort: i.e. the operational production of a spectacular consensus, a city-wide brandsaping enacted and held-together through a dynamic and atmo-rhythmical spatiolegality of exception.

For these reasons thinking MEs through the affective materialism so far developed not only provides ME-studies with a much-demanded angle to explore the contradictory and contingent dimension into which they occur, but most importantly offers significant insights on the urban and its spatiolegal normativities more generally. To be sure, this requires eschewing the tendency to see MEs through a “set of preexisting social, cultural, economic, or political conditions too often ... explain[ing] away the eventfulness of events by referring them back to a set of conditions that structure and, ultimately, determine them”.⁶⁵⁶ Moreover, this does not mean to overlook questions such as income polarisation, urban propaganda, social exclusion, suffocating securitisation, resident displacement, widespread corruption, excessive expenditure and so on. Yet, we can neither narrow down our understanding of MEs to them. In other words, we should use them as part of the contingent assemblage of the ME, rather than as supra-structural shortcuts to simplistic and dichotomical oppositions (the ideological smokescreen of an Olympic narrative and the reality of exploitation, the spectacular securitisation triggered by World Cup and the everyday reality, the *show* and the *content*).⁶⁵⁷ What is not to be missed is the material

⁶⁵⁵Boyle and Haggerty, *Spectacular Security*, op. cit. p. 262.

⁶⁵⁶Anderson and Holden, ‘Affective Urbanism’, op. cit. p. 143.

⁶⁵⁷See for instance Shaw, *Five Ring Circus*, op. cit. and T. Alkemeyer and Richartz, A. ‘The Olympic Games: from ceremony to show’ *Olympika* 2 (1993) 79-89

eventfulness of the event, the potentialities unleashed by its *taking place*, and the ‘frictions’ between the different scales of its contingent unfolding, aspects that are too often smoothed out by top-down accounts. This is certainly not a call for a romantic endorsement of the ME as instance of social cohesion. Yet, it is a suggestion to study the mega event *vis-à-vis* both the lines of flight it opens by the very fact of taking place in the urban *and* the tentative, controversial and conflictual attempts that are put in place to manage and cope with this turbulence. Every mega event is a ‘controlled decontrolling’, an attempt to spectacularly manage into a ‘normalised’ exceptionality the contradictory task of simultaneously generating *and* regulating enthusiasm.⁶⁵⁸ It is in the frictions and intensities that this operation generates, I believe, that promising opportunities for ethnographic research emerge.

2.

Let me reassert: I am proposing to apply the framework so far developed in order to gain insights on MEs and, *through them*, on urban brandscaping. First, I understand MEs as the quintessential explicitation of the abstract and concrete urban form of control. This entails that in order to address them, we need to look at both the abstract form they presuppose and the concrete materialities into which they unfold. Second, understanding a ME as a grand-scale instance of urban-wide brandscaping means that its re-tuning cannot be analysed independently from the existing urban tuning in which it occurs. It is on the encounter and frictions between the tuning of the urban and its ME-led re-tuning that analyses of MEs should be oriented. Were we to assume the urban as a flat surface on which the brandscaping of the ME is applied (as in certain structuralist accounts) we would simply mirror the exceptional logics of the ME-brandscaping itself. This also means that any account of MEs must be radically situated and contextualised: again, abstractions must be always re-conducted to their real unfolding. The study of the ME must always focalise on the immanent ‘measure of its working existence’: both the phenomenological this-ness of

⁶⁵⁸See Anthony Iles, *Legislating for Enthusiasm from Fun Palace to Creative Prison* (Arcade, 2009), available at <http://www.arcade-project.com/sacrifice/Legislating%20for%20Enthusiasm.pdf>; Anderson and Holden [Affective Urbanism’, op. cit. p. 155] note that: “In this context, one of the tasks of the various institutional actors becomes *how best to govern expectation* and thus repair and maintain specific hopes”. On ‘controlled decontrolling, see Norbert Elias and Eric Dunning ‘Leisure in the Sparetime Spectrum’, in R. Albonic ad K. Pfister-Binz, *Sociology of Sport* (Birkhäuser, 1971) p. 31

its deployment *and* the ecological prolongations it produces.⁶⁵⁹ It follows that, third, we must take into account the potentialities which the ME unleashes, and thus the simultaneously abstract and concrete tunings towards which its *taking place* projects, at least potentially, the urban. Let us unpack these three points.

I contend that the ME must be formally understood as ‘without content’, an abstract form which can be defined in at least three important senses. First, in the sense of incorporating the concretely abstract ideal of *publicness* that public rituals convey, as simultaneously a transcending feeling of common belonging as well as the situated, actual resonance produced between bodies;⁶⁶⁰ second, as a form (as well as a ‘format’) of urban control, that is, a “form which unites a differential whole in which every particular ‘place’ is rendered ‘*equi-valent*’ in a universal circulation and exchange”;⁶⁶¹ and, finally, as making explicit the negative logic that grounds the double-move of the spatiolegal state of exception. Let me explain. Through its purely abstract form, the ME appears as one of the most efficient generators of capitalistic deterritorialisation: it is applicable to ever-different settings, able to perform an extremely efficient and accelerated deterritorialisation of the urban from its immanent tuning, and thus its consequent re-territorialisation into the global circulation of bodies, services and commodities of control’s ‘mega-machine’. The systematic spreading of MEs in so-called emerging economies, most notably in BRICS countries, further goes to show their role as ‘operators’ between the different scales of the urban, that is, what mediates (smoothing out the frictions) between the specific, local instances of ‘metropolis’ and its global, universally deterritorialised form.⁶⁶² Of course, the abstraction of the ME is always materially and historically situated into a specific tuning, the ‘where’ in which its deterritorialising hubris always gets ‘dirty’, diffracted and problematised. There is no smooth subsumption, but an always tentative and contextualised re-tuning. It is through this concept that we can make explicit the abstract form of the ME without explaining it away into self-sufficient supra-structures and rather exploring it through the ontological reality it produces, i.e. the material re-tuning it enacts. Brandscaping, understood as a “more or less successful institutional attempt to inscribe spaces and their inhabitants in

⁶⁵⁹I am paraphrasing Karl Marx: “The great social measure of the Commune was its own working existence. Its special measures could but betoken the tendency of a government of the people by the people”, in *Civil War in France* op. cit. p. 54

⁶⁶⁰In Situationist writing often appears the idea of festival tied to the concept of ‘urban revolution’, with the Paris Commune being its most important instance. Accordingly, the ‘festival’ is often understood as the actualisation of the city “as the measure and norm of human reality”. The spectacle, instead, is the capture of festival and its defusion. See Henri Lefebvre. *La proclamation de la Commune: 26 Mars 1871* (Gallimard, 1965).

⁶⁶¹Cunningham, ‘Metropolis’, op. cit. p. 20

⁶⁶²This is the very sense Cunningham indicates as regards the ‘form of exchangeability’, whose “capacity to ‘take on’ any ‘specific content’ itself confirms its status, conceptually, as a pure form that actually ‘governs social practice’”, in ‘Metropolis’, op. cit. p. 19

their own terms”,⁶⁶³ thus appears at its most evident in this context. Accordingly, MEs appear as not *exceptional* moments (of capitalistic exploitation, legal suspension, securitarian siege), as many inconsistent copy-and-paste applications of the ‘state of exception’ theory suggest, but rather *explicitations* of formal urban processes of control, whose ‘realisation’ is enacted in a smoother, quicker and more effective (yet by no means unproblematic) way with respect to ‘normal times’.

In the specific, the actual operations of the ME-brandscaping enacts: an extremely flexible, deterritorialised, dynamic and spatio-temporally contained, spatiolegal space of exception (explicit for instance in the event-specific *by-laws*, yet certainly not reduced to them); a quantitatively extended and qualitatively advanced deployment of security (especially allowed by the interplay between elevate amount of funding and the weakening of both legal as well as socio-cultural counter-weights to measures normally perceived as excessive and/or oppressive); an enormous level of investments which propels further privatisation and commodification of the urban space, highly concentrated both in given spatio-temporal zones (patrolled by legal, securitarian and physical boundaries, e.g. through ambush-marketing laws, precise zoning, tax-free areas, fencing and so on) as well as in the sense of being enacted by a very limited amount of institutions (the few sponsors, the public institutions and the ME’s governing body); an abstract form of ‘sociality’, made explicit in the just-mentioned sense of the resonant and carnivalistic effervescence of being-together which urban- and nation-wide celebrations always trigger, and which is crucial to foster the de-politicised consensus (also favoured by the fact of representing the supposedly a-political realm par excellence, i.e. sport) which MEs enjoy among various strata of the society, essential lubricant for easing its process of urban (re)tuning. This complex, abstract-and-concrete apparatus is a perfect instance of the preventive logic of control, understood as an attempt to immunise the urban from the turbulence of its own spatiality, allowing for movement and circulation whilst neutralising the potential for *events* to occur, ‘sacrificing the intensity of [urban] life to its conservation’.⁶⁶⁴ The ME-brandscaping aims to keep the urban flow alive, producing atmospheres of ‘pervasive entertainment’ and frenetic festival rhythms whose ‘effervescence’ must be constantly kept at ‘low intensity’, within the controlled materialities of its brandscaping: *the ‘mega’ event is meant to be the un-eventful event par excellence*, its frenetic production of novelty, attention, exaltation and electricity is to be constantly policed away, as we are to see soon, from any friction and thus ‘politico-ethical’ potential.

⁶⁶³Ball and Woods, *Brandscapes of Control*, op. cit.

⁶⁶⁴Esposito, *Immunitas*, op. cit. p. 32 (my translation)

Finally, it should be added that the form of the ME appears as an essentially nihilistic one: its existence (i.e. its justification) is always premised on a void, simultaneously posited and naturalised, with respect to which the ME itself emerges as a ‘ful-filling solution’. Compelling instance is Anderson and Holden’s analysing of the ‘hopefulness’ ME’s narratives produce, according to which a ‘present lack’ – e.g. the lack of global recognition (China), the image of a crime-ridden country (South Africa), or more simply the ‘need to regenerate’ a ‘degenerate’ neighbourhood (London) – is connected to a future ‘non-yet’ which the ME will supposedly create.⁶⁶⁵ Complementary to the during-the-event management which I investigate below, this ‘preliminary’ management of expectations has a key role as a pre-emptively immunising narrative.

Let us take the most recent example, the London 2012 Olympics. In this case, the discrepancy between the narration of the here-and-now of London East End – characterised by lack of housing, facilities and development – and the *vision* of development and regeneration promised by the narratives of the 2012 London ‘Regeneration’ Games, opened a *limbo* of expectations and thus pre-dispositions to be affected by potential hopes, and thus a greater probability for the narrative of the ME itself to be accepted.⁶⁶⁶ In fact, such ‘affective effervescence’ is what the brandscaping seeks to simultaneously keep open as well as ‘normalised’, protected and capitalisable. In a formula already stated, what is presupposed in advance is the very disposability of what, subsequently, it is intended to dispose of. For this reason among the most brilliant critiques of the 2012 Games have been those coming from artists whose work was not simply focused on socio-technical speculations on the potential negative effects of the Games (speculations which can always be countered by narratives of positive effects, i.e. legacy), but rather in contesting the preliminary ‘erasure’ which supported the whole narrative of the ‘regeneration games’. Just like their colonising ancestors, the LOCOG presupposed the evidence of a *terra nullius* in Hackney (a ‘wasteland’, a ‘void’, an ‘emptiness’, a ‘dead space’), on which to justify *a priori* its own version of regeneration.⁶⁶⁷ Instead of playing within this already-closed horizon (‘what is the best way to regenerate this wasteland’), and thus entering the debate as

⁶⁶⁵See Anderson and Holden, ‘Affective Urbanism’, op. cit.

⁶⁶⁶ibid. p. 150: “Hope for Blanchot, then, is a *type of relation* that emerges only from some form of dissolution, from loss, disappearance, or damage. And it is this that makes so suggestive the resonance with regeneration.” See also Raco and Tunney (my emphasis) “[Legacy Reports] not only paint a bleak picture of the area’s marginal and invisible spaces but also set out a *prophetic logic of ‘inevitability’* over the decline of existing manufacturers. This logic is then used to legitimate and justify their removal”, Mike Raco and Emma Tunney. ‘Visibilities and Invisibilities in Urban Development: Small Business Communities and the London Olympics 2012’. *Urban Studies* 47 (10) 2010, 2069–2091: p. 8; on “the disposition of hopefulness”, see also Ben Anderson, ‘Becoming and Being Hopeful: Towards a Theory of Affect’. *Environment and Planning D: Society and Space* 24 (5) 2006, 733-752: p. 746

⁶⁶⁷On the characterisation of the East End as ‘dead space’, see Raco and Tunney ‘Visibilities and Invisibilities’, op. cit. p. 2082

already-weakened actors, these critical artists exposed the already-existent tunings of the 'pre-Olympic' space, the spaces and bodies of the city that were irreducible to being appropriated within the exceptional Olympic machine. Their 'resistance' was not only reduced to (rightfully) questioning the actual, socio-legal-economical consequences of the ME but, by emphasising the frictions produced by the ME's re-tuning, gestured towards other forms of abstractions and normative tunings not always-already recuperated within the operational logic of techné. Hence the particular significance of their critiques, insofar as embodying a protest which, if on the one hand acts directly on the concrete space of the urban with artistic, ironical, demonstrative and sabotaging guerrilla-like initiatives of opposition to the ME-brandscaping, at the same time was directed towards its abstract form. In other words, this was not simply an attempt at re-imagining space, but rather an ontological challenge to the reality of the Olympian abstraction, piercing through its immanent closure by means of letting emerge the frictions that its smooth planning sought to defuse. It was the unquestioned consensus for its glorious techné (the self-fulfilling claim to have a solution in the form of a legacy, whereby urban space is *de facto* eliminated into a self-justificatory temporal horizon) that these initiatives indeed questioned, emphasising that beneath the a-political and technical debate on the *hows* there are ontological questions regarding the *whys* which must be posed. This is what is at stake in every urban 'battle': the 'right to create problems' by defining the questions at stake in urban space.⁶⁶⁸

This observation, whose consequences are to be fully unpacked in the final chapter, helps me qualifying that the understanding of ME I am proposing strives to eschew the temptation of apocalyptic, conspiratorial and revelatory approaches to which it is usually subjected in 'critical' *milieux*. The 'abstract structuring' of the ME does not exhaust in any way the 'productive possibilities' of the urban, since each urban-wide process of re-tuning always emerges from and occurs within the complex, turbulent and conflictual spatialities of the city, and thus "is unavoidably 'articulated with other, 'non-capitalist' social forms and relations; indeed it cannot reproduce itself without them".⁶⁶⁹ This means that, regardless of their level of 'exploitation', 'commodification' and 'securitisation', MEs also provide glimpses of forms of being-together "emerg[ing] in the space between invisible resistance and normative hegemony" – i.e. in the space in which the urban tuning and the ME-brandscaping encounter and clash –, that are alternative in both concrete and abstract

⁶⁶⁸For a review of some of these works, see Hilary Powell and Isaac Marrero-Guillamón. *The Art of Dissent: Adventures in London's Olympic State* (Marshgate Press, 2012). For a compelling account on the 'disempowering' functioning of the rhetoric of 'community engagement' vis-à-vis politics of sustainability see G. Baeten, 'The Tragedy of the Highway: Empowerment, Disempowerment and the Politics of Sustainability Discourses and Practices' *European Planning Studies* 8 (1) 2000, 69–86.

⁶⁶⁹Cunningham, 'Metropolis', op. cit. p. 22

sense, and not merely in opposition, to the securitised and capitalised brandscaping of the ME itself.⁶⁷⁰

The eventful potentialities of the urban do not surface, as either romantic or grand political positions suggest, only in spontaneous, unpredictable and/or politically explicit occurrences such as ‘retake the street’ parties, clandestine raves, mass demonstrations or indeed revolutions, but can also occur in the accurately pre-planned context of a ME. The urban always harbours unactualised potentialities. This is not easy romanticism or, as Harman polemically contends in another context, “a dodge that ... reduces what is currently actual to the transient costume of an emergent process across time, and makes the real work happen outside actuality itself”.⁶⁷¹ Quite the contrary, it is an eminently strategic position, which assumes the atmo-rhythmical tunings of the urban, their creation and contestation, as the locus of ethico-political actions. It is by acting upon these tunings and their potentials, on the frictions they produce with abstract forms of control, that lies the potential for producing “particular way[s] of occupying, taking up, space-time, or inventing new space-times”, for the good and for the bad.⁶⁷²

For all these reasons, let me stress again the need for situated analyses, able to grasp the specificity of the battleground into which different abs-co-tractions clash, and thus to account for the tunings which emerge out of this atmo-rhythmical conflict. The methodological consequences of this observation are to be dealt with soon. Before that, I need to briefly position my effort vis-à-vis the ever-expanding area of research which could be tentatively defined as ME-urbanism, and that explores MEs with specific reference to what they mean and do for the host city. I will not embark in a recollection of all the different works in the area. Instead, I’ll briefly refer to three limits that they often betray, and that the present case study seeks to address.

3.

Situated in a niche of quasi-activism, works on ME-urbanism are certainly relevant in documenting/denouncing ME-related abuses, yet often betray a certain under-theorisation, limited to taking certain ideological frameworks (e.g. the ‘entrepreneurial city’ etc.) for granted, and uncritically copy-pasting them into the context of mega events, often assumed

⁶⁷⁰Brighenti, *Publicness of Public Space* op. cit. p. 40

⁶⁷¹Harman here is criticising the notion of virtual. The reference is thus not completely out of context. Harman, *Prince of Networks*, op. cit. p. 129

⁶⁷²Deleuze, ‘Control and becoming’ op. cit. p. 176

as ‘Trojan horses’ fostering neoliberal politics of hyper-commercialisation and hyper-securitisation.⁶⁷³ Especially as regards the latter, there is an ever-increasing body of works that look at the security strategies, practices and technologies implemented in the context of MEs, and that are significant in challenging the often a-critical acceptance of over-securitisation that MEs trigger.⁶⁷⁴ Yet, even in this context the tendency is to present descriptive applications of existent theories of security and control by somehow taking for granted an over-simplistic correspondence between increase in security and decrease in freedom. This is a problem especially explicit in trans-national analysis where the tendency has usually been that of transferring patterns of ME-securitisation from one context to another, an even more problematic practice when this occurs along the ‘North-South’ axis.⁶⁷⁵ What is lost, among the amount of useful and insightful information provided, is a sense of the material unfolding of the ME itself, its contingent taking place. Few, moreover, are the works focusing on the convergence between legal, securitarian and economical strategies of urban control. Indeed, if this angle is rather uncommon in urban-studies, it seems almost inexistent in ‘ME-studies’.

A second aspect is the lack a “more detailed insight into the ways in which people experience and cope with the splintering urban spheres of security on an everyday level”.⁶⁷⁶ In other words, often missing is a more detailed and nuanced understanding of urban tunings and the way the ME interacts with, shapes and is shaped by them. Symptomatic is in this sense the scarcity of studies which deal with MEs securitisation (and more generally, with the ME-related implementation of the security-entertainment complex) *during* its

⁶⁷³e.g. Olds, K., ‘Urban mega-events, evictions and housing rights: the Canadian Case’, *Current Issues in Tourism* 1, 1998, 2-46; Harvey K. Newman, ‘Neighborhood Impacts of Atlanta’s Olympic Games’ *Community Development Journal* 34 (2) 1999, 151–159; G. Waitt, ‘Social impact of the Sydney Olympics’, *Annals of Tourism Research* 30 (1) 2003, 194-215; Anne-Marie Broudehoux, ‘Delirious Beijing’, in Mike Davis and Daniel Bertrand Monk (eds) *Evil paradises: Dreamworlds of neo-liberalism* (The New Press, 2007) 87-101; K.A. Owen, ‘The Sydney 2000 Olympics and urban entrepreneurialism: Local variations in urban governance’, *Australian Geographical Studies* 40 (3) 2002, 323-336

⁶⁷⁴See for instance Minas Samatas, ‘Security and Surveillance in the Athens 2004 Olympics: Some Lessons From a Troubled Story’, *International Criminal Justice Review* 17(3) 2007, 220–238; Volker Eijk, ‘Secure our profits! The FIFA™ in Germany 2006’, in Colin Bennett and Kevin Haggerty (eds.) *Security Games: Surveillance and Control at Mega-events* (Routledge, 2011); Anthony Richards, Pete Fussey and Andrew Silke (eds.) *Terrorism and the Olympics: Major Event Security and Lessons for the Future* (Routledge, 2011); Boyle and Haggerty, ‘Spectacular Security’, op. cit.; Michael Atkinson and Kevin Young, ‘Political Violence, Terrorism, and Security at the Olympic Games’, in K. Young, and K. Wamsley (eds.) *Global Olympics: Historical and Sociological Studies of the Modern Games* (Elsevier, 2005); Anke Hagemann, ‘From the Stadium to the Fan Zone: Host Cities in a State of Emergency’, *Soccer & Society*, 11 (6) 2010 723-736; R. Giulianotti and F.R. Klauser, ‘Security Governance and Sport Mega-Events: Toward an Interdisciplinary Research Agenda’, *Journal of Sport and Social Issues* 34 (1) 2009, 49-61; Francisco Klauser, ‘Spatial Articulations of Surveillance at the FIFA World Cup 2006’ in K. Franko Aas, Oppen Gundhus and H. MorkLomell (eds) *Technologies of (In)security: The Surveillance of Everyday Life* (Routledge, 2009) pp. 61–80; and many others.

⁶⁷⁵There are of course many relevant exceptions, as for instance the work of Boyle, Haggerty, Klauser etc.

⁶⁷⁶Francisco Klauser, ‘Splintering spheres of security: Peter Sloterdijk and the contemporary fortress city’, *Environment and Planning D: Society and Space*, 28 (2) 2010, 326-340: p. 338

spatio-temporal occurrence, besides analyses of pre-ME security strategies, planning and abuses (displacements, evictions etc.)⁶⁷⁷, or post-ME legacies of legal, social and technological over-securitisation.⁶⁷⁸ Although from a different perspective, it is worth mentioning works such as those of Porter et al., on the emotional impact of ME-related displacement, and Raco and Tunney on the process of invisibilisation that Olympic discourse entails: these are significant contributions insofar as showing a particular sensibility towards the frictional space in which the ME encounters with the city – a sensibility that I wish to carry within my approach.⁶⁷⁹

Third, simultaneously the consequence and the cause of the former limits, is the prioritisation of methodological approaches still relying on classical humanist sociological practice – as well as mainly concerned with the before-and-after phases of the ME – over less conventional post-humanist methodologies, also minimising the employment of ethnographic practice – whose role I deem crucial in addressing the event’s actual, contingent unfolding. There are very few ethnographic works addressing this dimension, e.g. the work of Frey and Macgillivray, Schreiber and Adang, Millward, focusing on the way events are enacted through promotional and securitarian means, how this impacts on fans perceptions and actions, and the way ‘security and entertainment’ institutions dealt with them.⁶⁸⁰ Taking inspiration from these works and aiming to widen their angle to the whole urban dimension, the following part of this chapter seeks to apply (and thus test) the framework so far developed to Johannesburg, investigating ethnographically the encounter and clash between the tune of the city and the retuning of the ME.

⁶⁷⁷See for instance Newton [The Reverse Side of the Medal: About the 2010 Fifa World Cup and the Beautification of the N2 in Cape Town, in *Urban Forum*, 20 (1) 2009, 93-108] as regards Cape Town; H.J. Lenskyj [*The Best Olympics Ever? Social Impacts of Sydney 2000* (SUNY, 2002)] on Sydney; Tuft [‘Building the “Competitive City”: Labour and Toronto’s Bid to Host the Olympic Games’, *Geoforum* 35, 2004, 47-58] on Toronto; Salomon J. Greene [‘Staged Cities: Mega-events, Slum Clearance, and Global Capital’. *Yale Human Rights & Development Law Journal*, 2003] on Seoul and Santo Domingo; etc.

⁶⁷⁸As I also explain below [*Method* par. 2 of this chapter], let me qualify that I do not intend to fetishise the one-month period of the actual deployment of the mega event by necessarily prioritising it over the year-long building up and legacies. Yet, apart from other considerations I touch upon in the next section, that it is rather under-researched phase of the ME is a fact.

⁶⁷⁹See L. Porter, M. Jaconelli, J. Cheyne, D. Eby and H. Wagenaar, ‘Planning displacement: the Real Legacy of Major Sporting Events’, *Planning Theory & Practice* 10 (2) (2009) 395–418; and Raco and Tunney, ‘Visibilities and Invisibilities’, op. cit.

⁶⁸⁰M. Frew and D. McGillivray, ‘Exploring Hyper-experiences: performing the Fan at Germany 2006’, *Journal of Sport & Tourism* 13 (3) 2008, 181-198; Martina Schreiber and Otto Adang, ‘The Poles are coming! Fan behaviour and police tactics around the World Cup match Germany vs. Poland (Dortmund, 14 June 2006)’, *Sport in Society* 13 (3) 2010, 470-488; P. Millward, ‘Glasgow Rangers Supporters in the City of Manchester: The degeneration of a ‘fan party’ into a ‘hooligan riot’, *International Review for the Sociology of Sport* 44(4) 2009, 381-398.

Method

1.

*Something else orders and locates, gathers and situates, binds and distinguishes, sets the pace and the rhythm, but that something no longer has the shape of a Society and must be followed, step by step, by other methods.*⁶⁸¹

My urban methodology, consistent with the reflections so far developed, avoids ontological distinctions (and the related prioritisations) between social representations and individual practices, narratives, affects, rationalities, regulations, human and non-human objects.⁶⁸² Accounting for the ‘tuning’ of the city means to observe the way in which all the bodies of the urban get together in the performative, ongoing, open-ended dimension of everyday city-life, constituting different and more or less unstable assemblages. This requires a constructivism which, as already mentioned, is simultaneously more ‘abstract’ than naive empiricism and more ‘concrete’ than social constructivism.⁶⁸³ In his insightful book on ‘post-methodology’, John Law convincingly challenges some methodological premises of social sciences from a radical actor-network perspective. Principally, he contests the taken-for-granted assumption of an independent, definite, singular, anterior (to the observer) and constant reality. Instead, he observes that realities are continuously produced by a set of assumptions, practices, arrangements, an assemblage which is necessarily ontologically incomplete, vague, indefinite, contingent: “if things seem solid, prior, independent, definite and single then perhaps this is because they are being enacted, and re-enacted, in practices. Practices that continue. And practices that are also multiple”.⁶⁸⁴ This does not lead to a post-modern abdication of research in the face of the absolute relativism of flows. Solidity, whilst not dependent on an anterior and external reality, is not an illusion of the observer, but rather is the result of the crystallisation of heterogeneous elements into given assemblages, that is, of a sedimentation produced by habits and routines which efface the co-constructed nature of assemblages, but for this very fact always contains lines of escape, points of rupture and reformulation.⁶⁸⁵

⁶⁸¹ Latour, *Paris Ville Invisible*, op. cit. p. 5

⁶⁸² As is the case for instance of Durkheim-inspired *social representations theory*

⁶⁸³ See John Law, *After method* (Routledge, 2004) p. 20

⁶⁸⁴ Ibid: p. 56

⁶⁸⁵ Ibid: pp. 32, 39

I am extremely sympathetic with Law's approach although, for the reason above exposed, I am sceptical with the ontological presupposition that animates it. His radical relationalism deprives external things of their own reality. Their 'solidity' is taken only as the result of a more or less stable crystallisation behind which, however, lies the nothingness of their purely 'relational substance' (i.e. an oxymoronic reality). As showed above, this is a problematic presupposition. The reduction of bodies to their relations exposes them to potential categorisation, appropriation, capitalisation... It prefigures the possibility to define, control and indeed 'produce' them through the modulation of relations – and as such it is ethically problematic. To be sure, Law vehemently opposes any of these outcomes, and his book is indeed a passionate attack to the 'will to know' that permeates social sciences, a desire which is systematically pit against a complexity of events exceeding our capacity to know them.⁶⁸⁶ Yet, this is not enough. The ontological role that relationalism plays *vis-à-vis* control should not be overlooked. Arguably it is on this basis that the unwitting complicity between post-structural academy and sophisticated forms of control rests, and it is especially on the methodological ground that it is to be challenged.⁶⁸⁷

This means that my endorsement of Law's approach as well as my use of some of his methodological suggestions is attuned by a different orientation, probably difficult to appreciate *vis-à-vis* the practical unfolding of the ethnographic fieldwork here presented, and yet significant with respect to the ethical attitude that alimnts it. Our incapacity to know reality, I contend, is not simply due to its plasmatic fluidity, but to the ultimate fact that whilst bodies are always involved in some sort of relation, they are never fully defined by them, and certainly not by our relation to them. The ethical attitude behind such endeavour, therefore, is not the iconoclastic optimism of 'relational' approaches, looking for solidities perennially hanging on the void which their fully relational structures implicitly presuppose, but instead a sort of 'methodological pessimism', fully aware of the

⁶⁸⁶ Ibid: p. 9

⁶⁸⁷ Palmas for instance has described the Sweden's new system of digital communication surveillance, whose automated, systemic and pattern-seeking mechanism of data-mining *abstractly* presupposes and (socio-technically) realises the dissolution of beings into relations, i.e. traffic flows or 'waves' of being-together to be monitored, modulated, fine-tuned. The justifications of the Swedish Defence Minister against the doubts of civil liberties advocates is illuminating: since impersonal and non-subjective, he observes, the system does not breach in any way the 'right of the person': the surveillance would "never target a specific actual person", it would only search for "traffic patterns" in "traffic flows", "regardless of who or what is communicating" [Palmas, 'The Defence Minister', op. cit.]; the American NSA digital surveillance system, exposed by a recent scandal, is being justified in the same way, on the account that what is gathered are not individual data but rather impersonal and aggregate 'meta-data'. Would US government venture in post-structuralist lingo, they could as well have said *dividuals*, to be algorithmically machined into security-relevant patterns. A radical, post-human relationalism is here employed to justify invasive practices of control. Evident is the ethico-political need to challenge such a reductionism and this cannot be pursued through a retreat in the abstraction of the 'individual' that, as this example shows, is always-already deconstructed by the system of control itself. See also the *Conclusion* of the present thesis, par. 4-6

impossibility to extrapolate the singularity of reality into whatever methodological template. Here pessimism is, as in Leopardi's famous definition, truly *cosmic*, in the sense of being radically open to one's situatedness in a world that is never reducible to our relations to it, absolutely not for us. Not a negative denial but rather the unavoidable acceptance of the materiality of our taking place. In the sense Masciandaro elaborates from Cioran:

The real significance of cosmic pessimism lies less in doctrine than in its conscious disowning of the comprehensiveness of knowledge in the name of an ineradicable gap between science and its event, between knowing and the capacity *to know* ... showing, outside the parameters of formal proof, the non-philosophizability of the universe⁶⁸⁸

Although I will develop the ethico-political nuance of this orientation in the next chapter, here I assume it as a call for a *method* which does not 'pursuit or follow after' something (*meta-hodos*), does not analyse the city as a closed system in which to apply the 'right technique' of knowing, but rather strives to 'make space' for the eventful contingency of the urban, i.e. what always escape its relational closure.

2.

*When we define the Commune ... we will not leave the other aspects of the events: we will forget neither its antecedent and circumstances, not the relations between people and groups and the ideas that took part in action, not finally the demand of analysis and historical accounts. But we intend to show how Paris experience its revolutionary passion*⁶⁸⁹

I believe ethnography is almost a necessity if we are to consistently explore the immersive and tuned materiality of the urban. Taking for granted the need to avoid the 'immortal' yearning of certain methodological presuppositions, such ethnography should avoid explaining away the field into supra-structures as well as losing touch with the phenomenological 'this-ness' of the urban, whilst at the same time eschewing any temptation towards the exaltation the field *per se*, i.e. its fetishisation (the holy grail of the here-and-now).⁶⁹⁰ Thus, an ethnography focused simultaneously on the different 'scales' of the urban, the excessive frictions that constantly problematise both structures and

⁶⁸⁸Nicola Masciandaro, 'Comments on Eugene Thacker's "Cosmic Pessimism"', *continent*. 2.2 2012, 76–81 – available at <http://www.continentcontinent.com/index.php/continent/article/view/96>

⁶⁸⁹Lefebvre, *La proclamation de la Commune* op. cit.

⁶⁹⁰In a recent talk Jack Katz has rightly criticised the tendency of social research in relying on abstract and absolute techniques and categories – methods, he notes ironically, which are fit for immortals, i.e. those who are not spatio-temporally situated. Unfortunately, his 'methods for mortals' are, it seems, only for a resolutely humanistic ethnography. 'Methods for Mortals: A Sociological Grounding for Sociological Methodology', presented at the *International Summer School in Urban Ethnography*, Trento, September 2013

relations.⁶⁹¹ What matters is not really *knowing* a substantial, abstract or relational reality, but rather letting the contradiction, frictions and eventfulness of such reality emerge.⁶⁹² Making space for the conflictual coming-together of urban bodies, for the frictions between the different tunings traversing the urban. As Doel emphatically suggests, this is “our duty as geographers ... simply to make space for the deforming force of alterity”.⁶⁹³

For me, this has meant immersing within the tuning of Johannesburg, through the web of overlapping official and unofficial advises, coming from the street and institutions, from every class, race and profession, from the policeman to the academics to the squatter, the ‘safety tips’, the foreign and national media, the special legislations, the geographical, architectural and infrastructural elements, the changes of light and density of human and non-human objects etc., all intersecting, contrasting and somewhat *held together* into the consistent normativity of a ‘tune’. The impossibility for the ethnographer to claim any neutrality was self-evident: this was no ethnography to be conducted from the ‘Cartesian window’ of Lefebvre, but rather an immersive stance, understanding myself as a body among other bodies, willing to intervene, touch, provoke and breach *à la* Garfinkel, experimenting with the potentialities of the urban rather than merely “glancing intently at” them from above.⁶⁹⁴ Yet, this was no “just glancing around” either.⁶⁹⁵ As any other inhabitant, my being-in-the-city neither consists in determined ‘reactions and adjustments’, nor in ‘intentional and teleological acts’, but rather in contingent responses to the spatiality of the city, to its tunings.⁶⁹⁶ Yet, researching the urban cannot be reduced to simple spontaneity and exaltation of immediacy. This would mean merely shifting from the untenable externality of the objective observer to the overwhelming proximity of the urban stroller.⁶⁹⁷ Immersed into, and exposed to the urban, I could not simply get carried away like a *flâneur*. Needed was another sort of passivity with respect to the latter, not understood in

⁶⁹¹I am inspired here by the compelling work of Anna Tsing, *Friction: an Ethnography of Global Connection* (Princeton University Press, 2004)

⁶⁹²A “practice of not simply analyzing relations, but also of engaging in experimentalist forms of *praxis* that actively seek to shift relations”, Rodrigo Nunes, ‘Politics in the Middle *op. cit.* p. 121

⁶⁹³Doel, *Poststructural Geographies*, *op. cit.*, p. 198

⁶⁹⁴Lefebvre [*Writings on Cities*, *op. cit.* p. 224] famously indicated the window as privileged spot from which to grasp the rhythms of the city. There is however a compelling degree of sophistication, if a bit of vagueness, in his methodological description: “There is a certain externality which allows the analytical intellect to function. Yet, to capture a rhythm one needs to have been *captured* by it. One has to *let go*, give and abandon oneself to its duration. Just as in music or when learning a language, one only really understands meanings and sequences by *producing* them. ... Therefore in order to *hold* this fleeting object, which is not exactly an *object*, one must be at the same time both inside and out.” (p. 219)

⁶⁹⁵Edward S Casey, *The World at a Glance* (Indiana University Press, 2007) p. 91

⁶⁹⁶See Alphonso Lingis, *The Imperative* (Indiana University Press, 1998) p. 4

⁶⁹⁷This is the risk of the otherwise compelling methods such as the ‘liquid’ or ‘drifting’ ethnography proposed by Jeff Ferrell. See for instance Jeff Ferrell and Robert Weide, ‘Spot Theory’, *Cit yJournal* 14 (1-2) 2010; and Jeff Ferrell, ‘Kill Method: A Provocation’, *Journal of Theoretical and Philosophical Criminology* 1 (1) 2009

opposition to 'activity', but rather in the sense of a 'passability', that is, making oneself traversable (passable) by the tuning of the city, developing a sort of "affectivity to a number of external fluxes".⁶⁹⁸ As Law puts it, the researcher must become a 'research tool', a 'radio receiver' constantly attuning to – and thus accounting for – the frequencies of the urban and the way s/he is tuned by them.⁶⁹⁹ Just like a surfer, the ethnographic researcher is willing to attune to the tune, to the waves of the city, but also aims to respond to and ride those waves, to stand on them skilfully and critically.⁷⁰⁰

In this way, perhaps, the excessive eventfulness of the urban can be addressed, that is, letting it emerge by methodologically attuning to it. Yet, how to express this attunement into an empirical account? How to write this 'chaotic experience' without at the same time 'pacifying' it, that is, depriving it from its frictions, conflictuality, eventfulness? Perhaps, it is useful to understand this process as the drawing of a sort of 'commentary' of the urban. A commentary to an implicit text, that is. In his geo-philosophical elaboration of the genre, Masciandaro explains that a true commentary never attempts to go beyond, behind or below the text in order to find hidden meanings. It rather "*stays within its text*".⁷⁰¹ This is what geo-philosophy means: neither to flee, nor to ascend, but rather to stay within the urban, to remain, since

staying with the earth is the means of not remaining stuck on it ... staying within the encounter of the crux and passing through its difficulty (*ex-per-ientia*, coming out of and going through) ... the geophilosopher is one who experiences rather than flees the earth, who passes through by remaining with it⁷⁰²

This affirmation of immanence as literally *in-manere* (to stay within, to remain) is the affirmation of a method that wishes to 'stay with the urban without 'getting stuck' on it, thus avoiding the result-obsessed tendency of academic methodology without falling into a mere wandering for its own sake, that is, beyond presumptuous and arbitrary attempts to structure the world, as well as naive and/or lazy renunciations to understand it: not getting carried away in some accelerationist hubris, but rather "to maintain oneself in the Outside, but to hold oneself close, thus to some degree closed, and thus to discipline into writing a chaotic experience."⁷⁰³ Stewart usefully terms this task an attempt to produce a "writing and theorising that tries to stick with something becoming atmospheric [...] approaching the

⁶⁹⁸Meillassoux, 'Subtraction and Contraction', op. cit. p. 101: "This is why becoming – and particularly active becoming – must be thought as essentially *passive*; must be thought, even, as an increase of the passivity of the living being, of its 'passability', a way for it to register an increased affectivity to a number of external fluxes"

⁶⁹⁹Law, *After Method*, op. cit. p. 117

⁷⁰⁰On the image of surfer as paradigm of the ethico-political stance I am proposing, see ch. 5, par. 5

⁷⁰¹ibid: p. 51

⁷⁰²ibid: p. 28

⁷⁰³Meillassoux, 'Subtraction and Contraction', op. cit. p. 107

thing that is happening by attuning to it".⁷⁰⁴ Making space for these tunings to emerge, therefore, means to constantly challenge one's own personal 'state of exception', i.e. one's own subject position, tentatively reasserting the eventual viewpoint of one's own situatedness: not as a subject in the city, but a body among other bodies. This is what a commentary applied to the urban should be, paraphrasing Masciandaro: a practice which "materializes the movement, the flow of the [urban] that makes it more than itself ... [thereby holding] open the event of the [urban]" without simply succumbing to a drifting *per se* or to Joycean soliloquy, but rather generating "more and more perceptual enclosures, spaces within which the unrepresentable is brought into presence".⁷⁰⁵

Hence the style of my commentary, at the same time accounting for my own singular experiencing of the city, as well as expressing its real abstract forms, a style that oscillates between the unavoidable singularity and partiality of its situatedness, and yet can also obtain an elevated degree of structuredness, as in the way it describes the 'Joburg tune', since the point is certainly not that of emancipating methodology from order, rigour and structures, but simply from their tendency to suffocate the eventful potential of the urban into neutralising accounts.⁷⁰⁶

3.

*knowing the city is dependent on attunement to a particular wavelength, a process involving the adoption of an attitude of lyrical expectancy and availability to experience*⁷⁰⁷

In the specific, as a means of recording and reflecting I employed memory, notebooks, pictures and videos. To complement these outputs, I carried out about 50 'vox pop' interviews with randomly selected people (from fans to security guards). With respect to in-depth interviews, this seemed the most appropriate technique, as Frew and McGillivray suggest, in order to capture the fleeting 'festival atmosphere' of the city and the way it overlaps with the practices and perceptions of security.⁷⁰⁸ Furthermore, I analysed various

⁷⁰⁴K. Stewart, 'Atmospheric Attunements', *Environment and Planning D: Society and Space* 29 (3) 2011, 445-453: pp. 444, 450

⁷⁰⁵Masciandaro, 'Becoming Spice', op. cit. p. 30; that is, a "procedure of encircling and enclosing it [the text] on all sides, like an unending erection of fortifications each inviting further and new forms of attack" [ibid: p. 48]. In the quoted passage I substituted the term 'text' with the word 'urban'

⁷⁰⁶"not without, but freeing itself from result, from anxious care about what does not belong to us" Masciandaro, 'Becoming Spice', op. cit. p. 52

⁷⁰⁷Sheringham, quoted in Thrift, *Non-Representational Theory*, op. cit. p. 145

⁷⁰⁸Frew and McGillivray, 'Exploring Hyper-experiences', op. cit. p. 188

documents (online and offline safety tips, fan guides, media reports, promotional, informative and legal material, etc.) – selected through a “convenience sampling approach”, i.e. according to their relevance to the research – forming the assemblage of official and unofficial, public and private texts through which the normative tuning of the city is produced.⁷⁰⁹ Special attention has been given to the immunising character of the latter, due to the crucial significance it assumes in the context of Johannesburg. My purpose was not simply to understand how people “think and experience” the city, but rather to explore “how meaning is produced and sustained in-the-moment”,⁷¹⁰ out of the getting-together of different bodies in atmo-rhythmical tunings, by means of attuning to “the latent potentiality in a situation”.⁷¹¹ For this reason, rather than subjecting those texts to exhaustive content analysis, I joined them in a ‘method assemblage’ constituted by the various research outputs – observations, notes, pictures, interpretations, documents, interviews – constantly re-shuffled in a feedback-loop between personal account, self-introspection and analytical interpretation.⁷¹²

Finally, a last remark. I am aware, how could not I be, of the different ways in which blacks and whites, Western tourists and African migrants, gated communities and township dwellers attune to and are tuned by the atmo-rhythms of the city. It would be extremely imprecise and naive to pretend to extrapolate my ethnography from the fact of me being a foreigner, in the country only for a limited amount of time, and lacking an in-depth knowledge of its intricate social and historical evolution. Any pretence of exhaustiveness, completeness or generalisation would be highly untenable. Yet, my situation also provided some advantages. Sloterdijk suggests that the condition of a foreign visitor of a city, characterised by increased vulnerability, heightened attentiveness and little entanglement with the urban routines, is a privileged position to experience its normative tension: the latter, if often imperceptible to the local, is materially felt by the foreigner.⁷¹³ In this sense the way in which I could experience my own immersion into a web of advises, tricks, suggestions and regulations, as well as fragmented imaginaries, concatenated into the tuning of Johannesburg, could be said to have some empirical value, at least.

⁷⁰⁹ Atkinson and Young, ‘Terror Games’, op. cit. p. 58

⁷¹⁰ Michelle Duffy, Gordon Waitt, Andrew Gorman-Murray and Chris Gibson, ‘Bodily rhythms: Corporeal capacities to engage with festival spaces’, *Emotion, Space and Society* 4 (1) 2011, 17-24: p. 19

⁷¹¹ Thrift, ‘Lifeworld Inc.’, op. cit. p. 19

⁷¹² ‘Method Assemblage’ is a term employed by Law, *After Method*, op. cit. p. 84

⁷¹³ Sloterdijk, *Ecumes*, op. cit. p. 420 (my translation) – of course this does not imply a privilege for the foreigner, but at least gives some credit to his/her point of view.

The Joburg Tune

China Miéville's novel *The City and the City* is set in two overlapping cities, Beszel and UIQoma. Although there are 'total' areas, belonging 'only' to Beszel or UIQoma, for the most part the cities are 'crosshatched', sharing the same overlapping buildings, streets, parks. Seeing the other city however, is illegal: the citizens have learned to unsee the other city's human and non-human bodies, and violations are promptly addressed by a policing entity called *Breach*. Visitors, as we may imagine, have a hard time. Visa procedures are long and tough, and include a mandatory training as well as an exam with theoretical and practical role-play parts to check the degree of one's attunement. This assures that visitors "would know, at least in outline, key signifiers of architecture, clothing, alphabet and manner, outlaw colours and gestures, obligatory details [...] distinguishing Beszel and UIQoma, and their citizens".⁷¹⁴ Although they would be unable, after such a short course, to "have metabolized the deep prediscursive instinct for our borders that Besz and UIQomans have, to have picked up the real rudiments of unseeing", they would be supposed to act as they had, expected to comply with the tuning of the city, and pretending not to see and experience, though unable to actually unsee and un-experience, the other, 'crosshatched' city.⁷¹⁵

1.

*Johannesburg loses its original contours, is reduced to an empty set, or, paradoxically, gains depth. By forcing the city to open up, this process of deframing and enframing has set different repertoires of spatial imaginations and practices into collision*⁷¹⁶

After the Apartheid, Johannesburg confronted a dramatic spatial crisis: with the dissolution of the former state (of exception), the multiple spatialities of the country, hitherto frozen by the Apartheid rule, literally exploded opening an unstable limbo of 'weakened immunity'.⁷¹⁷ The ensuing deterritorialisation of the urban was only partially, patchily reterritorialised by the tentative constitutional, securitarian and urban planning efforts that ensued. Whilst

⁷¹⁴Miéville, *The City & The City* op. cit. p. 76

⁷¹⁵Ibid: p. 93

⁷¹⁶Achille Mbembe, 'Aesthetics of Superfluity', *Public Culture* 16 (3) 2004, 373-405: pp. 399-400, 402: "The space inherited from the apartheid city is either drawn out and stretched, or the links of each part of the city with what used to be the whole are interrupted or saturated. ... The architecture of hysteria in contemporary South Africa is the result of a painful, shocking encounter with a radical alterity set loose by the collapse of the racial city".

⁷¹⁷See Achille Mbembe, *On the Postcolony* (University of California Press, 2001)

spectacularly re-established in the form of a monumental constitution, the legal sovereignty faced an unavoidable erosion of legitimacy and national cohesion, failing for a long time to crystallise into standardised patterns of application, and thus having each time to precariously and tentatively *take place* in the uncertain and contingent multiplicity of the city. In this destabilised post-apartheid space, increasingly fragmented and privatised through economical, legal and securitarian devices, unauthorised normativities began to emerge. Not a direct result of top-down interventions, these *exceptional tunings* are explicitation of the 'immanent ordering logic' of the city, post-sovereign configurations of an immanent and impersonal power "whose role is no longer one of authorising or authoring imperatives, but of internally discovering and communicating information in view of 'common survival'".⁷¹⁸

How to account for them? If in the introduction I referred to the necessity to overcome urban studies' 'fixation with the binary',⁷¹⁹ this is an even more pressing need when dealing with a city like Johannesburg, which by definition escapes stereotypical academic modes of thinking usually framed according to the Western image of the city. Let us for instance see how Michael Watts, criticising a piece by Nuttall and Mbembe, describes it:

a particular sort of hybrid of urban involution [...] weak citizenship, and limited governmentality [to] the extent to which a Foucauldian reading of Johannesburg – a rendering of the city and its subjects visible and regulated – is inadequate even within the circumference of Africa's most modern metropolis.⁷²⁰

What here is taken for granted is an equivalence between the notions of order and regulation and those of institutionalisation and formality, with the corollary of finding only disorder, precariousness and unpredictability where a strong institutional presence – in the form of law, policing, social state and so on – appears to be lacking.⁷²¹ Contrary to that, I stress that visibilities, regulations and orderings emerge out of the urban fabric as result of heterogeneous concatenations of different bodies organised in tunings in which the direct role, or even presence, of institutions is not to be taken for granted. In this sense, Matshikiza's claim, that "no one has really been able to wrestle Johannesburg into any kind of civilised order",⁷²² should be only accepted if we link the formula 'civilised order' to its

⁷¹⁸Schutz, 'Imperatives without Emperor', op. cit. p. 235

⁷¹⁹Pieterse, 'Building with Ruins and Dreams', op. cit. p. 300

⁷²⁰M. Watts, 'Baudelaire over Berea, Simmel over Sandton?' *Public Culture* 17 (1) 2005, 181-192: p. 190 – the contested piece is Sarah Nuttall and Achille Mbembe, 'Writing the World from an African Metropolis', *Public Culture* 16 (3) 2004 347-372

⁷²¹Hence the neat counter-critique of Nuttall and Mbembe ['A Blase Attitude: A Response to Michael Watts', *Public Culture* 17 (1) 2005, 193-202: pp. 195-196], according to whom Watts "takes the metropolitan form as something that can be organised in advance and whose complexities can be settled or decided by the application of more or less mechanical ideological beliefs onto a reality that is fundamentally elusive".

⁷²²John Matshikiza, *Instant City*, in Sarah Nuttall and Achille Mbembe (eds.) *Johannesburg: The Elusive Metropolis* (Duke University Press Books, 2008) p. 222

Western origin: that Johannesburg has never achieved – and probably never will – such an order is true: that, however, does not imply that Johannesburg is just a ‘disorderly city’.⁷²³ In the city order and disorder intersect in specific atmo-rhythms, which cannot be evaluated according to an urban evolutionary chart going from sheers chaos to ‘civilised’ order. When Alan Smart suggests that “we need to pay more attention to areas in which control seems to be conspicuously absent, where neglect is more apparent than surveillance”⁷²⁴, Watts adds “neglect, but also incapacity, incompetence, and inability”.⁷²⁵ This is not the point. Smart’s observation should be instead assumed as a call for developing “ways of seeing and engaging urban spaces that are characterized simultaneously by regularity and provisionality”, that is, way of attuning to and accounting for the immanent and unauthorised normativity of the city.⁷²⁶ Take for instance Simone’s analysis of Johannesburg inner city, where regularities appear to emerge out of multiple negotiations with the environment, from a capacity to interpret and improvise rather than a strict compliance to institutional rules. Surely open and flexible, these are orderings nonetheless, rhythmically organising the urban experience. Let us quote him fully:

it is important to emphasize that these flexible configurations are pursued not in some essential contrast to non-African urban priorities or values but as specific routes to a kind of stability and regularity that non-African cities have historically attempted to realize ... a conjunction of heterogeneous activities ... capable of generating social compositions across a range of singular capacities and needs (both enacted and virtual) and which attempts to derive maximal outcomes from a minimal set of elements.⁷²⁷

This approach is even more important whether we refer to issues of social control and security. In fact, in (usually paranoid) accounts of urban securitisation, the opposition between panoptical surveillance and institutional control and, on the other hand, ‘disordered and chaotic’ everyday life, is often taken for granted. The corollary is a narrative of over-securitisation according to which the increase of institutional control unavoidably leads to freedom-reduction, as if freedom would only reside in disorder, informality would necessarily lack of order, or indeed security and freedom would be mutually excluding. This narrative misses the fact that formal and informal practices intersect and re-configure the way the city is experienced in different, often unexpected ways. Security and liberty, freedom and self-regulation, order and disorder are in constant interplay, enacted and re-enacted in contingent assemblages that static dichotomies cannot account for. As

⁷²³Martin J. Murray, *Taming the disorderly city: the Spatial Landscape of Johannesburg after Apartheid* (Cornell University Press, 2008)

⁷²⁴Alan Smart, 'Unruly places: Urban governance and the persistence of illegality in Hong Kong's urban squatter areas', *American Anthropologist* 103, 2001, 30–44: p. 31

⁷²⁵Watts, 'Baudelaire over Berea', op. cit. p. 185

⁷²⁶AbdouMaliq Simone, 'People as Infrastructure: Intersecting Fragments in Johannesburg', *Public Culture*, 16 (3) 2004, 407-429: p. 408

⁷²⁷Ibid: pp. 410-411.

mentioned above, topical is the case of mega events, where the increase in social control and spatial securitisation tends to be always framed as unavoidably oppressive for the citizens. To be sure, this could often be the case. However, and especially *vis-à-vis* urban South, a blind transposition of worn-out equivalences – as the usual pre-supposition that any technological, legal and sociological ‘security legacies’ of a ME are necessarily negative – should be avoided. What if, for instance, ‘enduring legacies’ of ME-securitisation would not produce an oppressive rise of self-regulatory behaviour, but rather allow for its relaxation?

The challenge is to find a way to observe how these contradictory tendencies unfold immanently in the city. This is what I propose to do through the notion of urban tuning, that in the next section I use to explore the ‘immunological’ tuning emerged out of the ‘weakened immunity’ of Johannesburg.⁷²⁸

2.

*Back in my country everybody was telling me I was crazy to come here, I would have been killed*⁷²⁹

Going to Johannesburg is to become attuned to an atmosphere of alertness where one dwells already before touching the South African ground. Affective flows of panic and danger, media-ted and anecdotal reports of violence, statistical evidences: all these together forming an assemblage of crime-ridden South Africa which is not simply ‘representational’ or ‘meta-discursive’, but ‘carries an affective charge’: “not only an imagined space [but] also a space of affective materiality actualised through the ongoing movement of bodies”, producing a “distributed space of expectancy existing as a diffuse field of potential”.⁷³⁰ The country’s most notorious town already awaits its visitors as a ‘menacing monster’, its atmosphere of real even if non-actual danger constantly haunting one’s being-in-Joburg.⁷³¹ Like a visitor of *Beszél*, attuning to the syncopated rhythm of the city means to undergo a ‘training’, through the tide of overlapping narratives, practices, advices, official and unofficial ‘safety tips’, rules of seeing and unseeing...

⁷²⁸There could be many ways to address this question, which would certainly benefit from an in-depth analysis of the socio-economical and historical background out of which the spatialities of the modern day Joburg has emerged. This is not the place for such an analysis though.

⁷²⁹Visitor from Singapore interviewed by the researcher, 17 June 2010.

⁷³⁰McCormack 'Engineering Affective Atmospheres', op. cit. pp. 426, 423

⁷³¹As in Mpe’s novel, where well before arriving the protagonist, for the stories he heard, “already knew that Hillbrow [a notorious neighbourhood] was a menacing monster” Phaswane Mpe, *Welcome to Our Hillbrow* (University of KwaZulu-Natal Press, 2002) p. 3

A qualification is needed. Although these features (safety tips etc.) are common to many other countries, as a quick visit on official embassy websites around the world would show, their amount and the prominence they have in South Africa and most notably in Johannesburg is peculiar, as is the level of awareness by both citizens and visitors about them – virtually every visitor I talked to knew and to some extent complied with them. Therefore, their significant contribution to the tuning of the city is incontestable. Moreover, as my observation confirmed, remarkable is the correspondence between official and unofficial safety tips, and the word-of-mouth advises coming, often unprompted, from any social and racial background. What lacks, in other words, is the usual discrepancy between over-paranoid advises appearing on official sources and the counter-balancing reassurances coming from the street: in Joburg there is a quasi-literal correspondence between the two sets of advises, formal and informal, official and unofficial, oral and written, narratives and practices, the different levels overlapping and reinforcing each other by tuning the city onto a peculiar atmo-rhythm.

What I call the Joburg Tune (JT) is an atmo-rhythm of attention, interpretation, anxiety and syncopation, a wavelength shaping (though not determining) the way the city is experienced and lived. It is simultaneously affective and dromological, phenomenological and ecological: socio-cultural representations, density of people, historical memories, changes of light, buildings, fear, suspicion, walls, global flows, ways of saying and seeing, urban interventions, commodification, the way of feeling and walking the city... A coming-together of bodies, practices and affectivities that intersect, overlap and crystallise in constituting the JT, to which our being-in-the-city soon becomes attuned and unstably immunised. To be sure, the JT should not be understood as a meta-discursive frame filtering out subject's perception, or as a hidden logic the inhabitants unconsciously follow. It is instead an atmo-rhythm where sensing and sensed, conscious and unconscious blur. There is more than a Goffmanesque interaction-order at work here: neither only a set of rules we rationally decide to follow, nor simply subjects pragmatically choosing to inter-act in a certain way, but a pervasive 'menace mood' holding bodies in the tension of an effervescent state of alertness from which we cannot simply opt out.⁷³² Like a diver in the water, we have to inhabit by attuning to it, by responding, complying with or swerving from its impersonal imperatives of coping and attention, care and vigilance, showing confidence and being suspicious. The attentive reader could note that in the description that follows the pre-eminence given to the web of advices, tips etc. through which a visitor 'attunes' to the ordering of the city, apparently

⁷³²I agree with Mbembe and Nuttal ['Writing the World from an African Metropolis.', op. cit. p. 354] that the public space of Joburg should not be too stereotyped as an anxious space of fear – undeniably however it is often perceived and materially felt as such by its inhabitants.

sidelines the role of law in producing the tune. Yet, as just suggested, it is important not to reduce the analysis of law only to its texts and formal legal apparatuses, but rather to look at the way normativity emerges in less obvious ways. In the weakened immunity of Johannesburg, this ‘web of advices etc.’ appears as the very way in which the immunological ordering of the city *operationally* unfolds, the way in which bodies immanently attune to the city’s nomotopic tensions. In this sense, rather than side-lining the legal discourse, the Joburg Tune is an attempt to investigate it more deeply, in its material and affective sense. Notwithstanding the unavoidable differences in which this normative materiality is dealt with in the city, I propose to describe it through three overlapping ‘keys’, which I treat separately only for heuristic purposes.⁷³³

3.

i. *Develop an awareness of what people in the street around you are doing*⁷³⁴

Since from the start – “be particularly aware at airports and transport hubs: you’ll be most vulnerable when you first arrive”⁷³⁵ – a ‘constant state of preparedness’ is produced by the constellation of formal and informal advices, warnings, clues, tips.⁷³⁶ The advices to develop ‘an awareness of what people in the street around you are doing’ is complemented by the discouraging of the interaction with, and trust for, others: “be aware of your surrounding” pairs with “don’t let strangers get too close to you – especially people in groups”.⁷³⁷ Therefore: “don’t walk alone” and “beware of anyone asking you for help”.⁷³⁸ “It may sound harsh, but ignore anyone stopping you in the street and asking you to, say, sponsor them for a scholarship or other such good cause, and never give cash to anyone begging”.⁷³⁹

⁷³³ Although the tune must be understood as emerging out of a getting together of different bodies, perceptions, representations, affectivities, practices, technologies and so on, the ‘entry point’ has been the individual perception of fear/safety, which I explored both ethnographically and auto-ethnographically. I qualify that I employ individual perception as a way to investigate a phenomenon, and thus a tool for the exploration, rather than simply its end-point.

⁷³⁴ Barbara McCrea, Tony Pinchuck, Donald Reid and Greg Salter, *The Rough Guide to South Africa* (Rough Guides Ltd, 2002) p. 82

⁷³⁵ FSF (Football Supporters Federations) *Free Lions England Fans Guide to South Africa* (A19 Ltd., 2010) p.22

⁷³⁶ Simone, ‘People as Infrastructure’, op. cit. p. 424

⁷³⁷ Strategic Project Unit and 2010 Programme [eThekweni Municipality] *Durban Fan Guide 2010* (2010): p. 44 – Available at: <http://fifaworldcup.durban.gov.za/Documents/DurbanFanGuide2010.pdf>

⁷³⁸ COJ (City of Johannesburg) *Safety and Protection Information Guidelines* (2010)

⁷³⁹ FSF, *Free Lions England Fans Guide to South Africa* op. cit. p.23

Attuning to this menace mood means to be an attentive interpreter, scanning the space for menace and trickery.⁷⁴⁰ A position incidentally shared along socio-economical lines: the constant awareness of the visitors scanning the environment for trouble is somewhat mirrored by the African migrants' "need for maintaining hyperawareness of their surroundings [...] constantly on the lookout for police officers".⁷⁴¹ The key condition here is **alertness**. In post-9/11 if-you-see-you-report Western societies we have become accustomed to slightly dystopian depictions of a sociality characterised by what Lianos and Douglas termed dangerisation, i.e. the tendency "to perceive and analyse the world through categories of menace".⁷⁴² If in many metropolises of the North such atmosphere is often to be found only in the paranoid depictions of academics and activists, its density and pervasiveness in Johannesburg is incontestable, where it weights over bodies as a set of potential, always on the brink of being actualised dangers that carry "an affective charge, heightening their expectancy and mobilising affects of fear."⁷⁴³

ii. *You have to rhythmise yourself*

In the urban spatiality sensibilities and materialities overlap in a continual, resonating movement out of which a tune emerges and through which certain 'subjectivities' crystallise: how is one supposed to act, to be actor in the city? The key condition is **confidence**, as obsessively reminded by everyone and most eloquently stated to me by a policeman: 'never look disorientated, always look confident [...] you don't have to seem that you don't know where to go [...] you have to rhythmise yourself'.⁷⁴⁴ 'Try not to look like a tourist', as every guide suggests. The synoptical presentation of one-self as 'confident' overlaps with the panoptical scanning of the environment to decrypt potential menace: an attentive going with the flow in which can be recognised the properly post-modern way to live the city in the age of uncertainty.

⁷⁴⁰"Watch out for staged mishaps –like someone bumping into you or spilling a drink – this could be a ploy to divert your attention and steal your bag and passport", Department of Tourism [South Africa] *Visitor Guide 2010* (2010): p. 92

⁷⁴¹"Many foreign Africans cite the need for maintaining hyperawareness of their surroundings. They are constantly on the lookout for police officers, ... When interviewing migrants, one notices their constant wariness about whom they can safely talk to and in what contexts", Simone, 'People as Infrastructure', op. cit. p. 416

⁷⁴²Lianos and Douglas, *Dangerization*, op. cit. p. 267

⁷⁴³The quote is from Bissel who is discussing about the affectivity of alertness in UK train platforms: "Reports of such atrocious events as people being pushed onto railway tracks in response to confronting so-called 'antisocial behaviour' loom large in the public consciousness The circulation of such discourses therefore carries an affective charge, heightening their expectancy and mobilizing affects of fear.", 'Passenger mobilities', op. cit. p. 281; as regards the potential stereotypisation of Johannesburg as a city of fear, see *supra note 732*

⁷⁴⁴Policeman interviewed by the researcher, 14 June 2010.

iii. *Wherever you go, don't go to Bree*⁷⁴⁵

As in every other town, official and unofficial narratives produce an imagined geography that gains reality by producing concatenations with the physical one. Fear and safety play an important role in this process. Every city has its own notorious areas. Yet it is the pervasiveness of this mapping that characterises the peculiarity of Johannesburg. Not simply, of course, a matter of standard advises against going to the dangerous suburb or the deprived township. Here, the whole city becomes a map of 'potential curfews'. As one could expect, different people do different mappings, often dependent on their socio-economical, racial as well as experiential background. A street which is an utter danger for one, can become perfectly safe for another. Yet everybody experiences dangerous spaces whose categorisation as safe or unsafe can may shift depending from day and night, the density of people and so on. Nobody seems to ultimately contest the geography of danger of Johannesburg: the different mappings never remove, simply shift the spatial threshold between the safe and the unsafe in the city.

What is the rhythm that such mappings 'force' on the movement of bodies? The logic is: 'plan your route in advance'. No city for *flaneurs*. Walking in the city is supposed to be a highly structured, pre-arranged experience, a point-to-point endeavour to be performed quickly and self-confidently, zigzagging through no-go and better-not-to-go areas: pre-planning, no asking no phoning no map-checking: "Do not stop to ask for directions".⁷⁴⁶ In fact, as Vladislavic reminds in his intimate portrait of Johannesburg, "asking for direction, city people ... declare their vulnerability".⁷⁴⁷ Walking itself is deemed a sort of enterprise – "get advice from your hotel prior to *embarking* on foot" –, to be avoided if possible.⁷⁴⁸ Likewise public transport, particularly the notorious old Toyota 13-seater *taxies*, is usually advised against, especially at night. Moving in the city has a pre-planned, motorised and privatised rhythm centred on cars, whose movement is as much tuned to a state of alertness: drive smoothly through the city, "fasten your seatbelt, lock your door and only

⁷⁴⁵Young Afrikaner living in a gated community interviewed by the researcher, 12 June 2010 – Bree Street is one of the longest and busiest street in Johannesburg's CBD (City Business District)

⁷⁴⁶Therefore, "plan your route in advance... Do not stop to ask for directions or check your map on the street" [Gauteng Tourism Authority, *Visitor Guide*, available at <http://www.gauteng.net/guide/safety/>]; and do not "walk around talking on your phone in the street" [Department of Tourism, *Visitor Guide 2010*, op. cit. p. 92]

⁷⁴⁷Ivan Vladislavic, *Portrait with Keys: The City of Johannesburg Unlocked* (Norton & Co., 2009) p.11

⁷⁴⁸Department of Community Safety and Liaison [KwaZulu-Natal], *Traveller Tips*, 2010 (my emphasis); "Most social activity [...] tend to be done at malls around town, reached by car or taxi [...] most city centres – or Central Business Districts – are deserted after business hours, aren't really worth seeing, and can be dangerous", FSF, op. cit. p. 22

leave your window open about 5 cm [...] Be aware of you surrounding when you stop at a robot or stop street”.⁷⁴⁹ The key condition here is **pre-planning**: “everyone becomes a route planner in the dense traffic of crime and disorder”.⁷⁵⁰

4.

*Day after day I begin to understand the imposed rhythm of Joburg, its written and unwritten code mapping the city according to light and darkness, density and emptiness, speed and slowness, danger and safety.*⁷⁵¹

As in Caldeira’s Sao Paulo – where crime and violence are everyday dealt with through “narratives and practices [which] impose partitions, build up walls, delineate and enclose spaces, establish distances, segregate, differentiate, impose prohibitions, multiply rules of avoidance and exclusion, and restrict movement ... simplify and enclose the world”⁷⁵² –, the JT appears as the ordering of a ‘disorderly city’, generating, modulating, fixating atmospheric patterns which simultaneously lubricate and immunise the everyday life.

In the city’s post-Apartheid patchwork of malls and townships, gated communities and Business Districts, insufficient transport systems and huge highways, the JT surfaces as an affective mood sensible to changes of light, cop uniforms, the increasing or decreasing density of people... as well as a syncopated rhythm of point-to-point movement, speeds and slownesses, moving fast, minimising the stops, then to relax in atmospherically-sealed interiors, a rhythm of cars and malls and cautious, attentive walking. In this sense, a ‘double-rhythm’, as what Prior distinguishes in London between the ‘turbulent rhythm of the metropolis’ and the ‘quiet rhythm of civic humanism [...] and professional control’ of the National Gallery.⁷⁵³ The JT entails a modality of inhabiting-the-city by ‘generating redundancy’, extracting flows from the multiplicity of the city, dynamically shaping them into certain rhythmic and atmospheric patterns, tuning the urban experience into a shared frequency which works to eliminate the risk of chance: its “different timings and spacings *produc[e] the ordinary*”, differentiating it from – as well as constituting – the un-usual, the extra-ordinary, the dangerous: the routinised experience of being-in-the-city increasingly

⁷⁴⁹Department of Community Safety and Liaison [KwaZulu-Natal], *Traveller Tips* op. cit. – ‘Robot’ is South African slang for traffic-light.

⁷⁵⁰Hentschel, *Spatial life of Security*, op. cit. p. 181

⁷⁵¹Fieldwork note, 14-06-2010

⁷⁵²T. P. R. Caldeira, *City of walls: Crime, Segregation and Citizenship in São Paulo* (University of California Press, 2001) p. 20

⁷⁵³N. Prior, 'Speed, Rhythm and Time-Space: Museums and Cities', *Space and Culture* 14 (2) 2011, 197-213: p. 209

takes the form of a 'bubbled experience', screening from, as well as propelling the perception of danger.⁷⁵⁴ According to an already-observed mechanism, the reduction of noise is bound to its simultaneous re-production in the form of insecurity, fear and thus vulnerability. Reactive attempts to escape the unstable 'outside' into the insulated comforts of gated suburbs, shopping malls and other armoured bubbles, beneath the temporary relaxation and escape from its oppressing *mood* they seemingly offer, only reinforce the JT itself by confirming its 'double' rhythm.

From the 'immunological' perspective provided by Sloterdijk, the JT appears as perfectly consistent with the immanent, exceptional tunings in which the contemporary metropolis is ordered: in fact, in the post-holistic world "immunity and integrity are not to be gained from the submission to a larger whole, but must be achieved as the outcome of a personal effort of seclusion," that is, through an eminently individual way to immunisation tied to neo-liberal logics and grounded on the individual ability to develop the skills and obtain the tools of private defence.⁷⁵⁵ In this context flexibility becomes precariousness, as the neoliberal responsabilisation for security generates "self-perpetuating cycles of activity which makes 'security' less a stable condition of well-being and more a state of endless striving".⁷⁵⁶ Ever more evident this appears in the 'weakened immunity' of Johannesburg, traversed by private bubbles moving through an insecure public space whose enormous socio-economical disparities are mirrored by the unequal degree of immunity available, a different ability (and possibility) to surf the noisy urbanity of the city: if Apartheid as a juridico-political system had crumbled, an invisible Apartheid is still looming over the psychogeography of the city in the form of an exceptional tuning in which consumption and immunity strictly overlap.⁷⁵⁷ Walking in some areas of the notorious CBD (City Business District) means having to constantly negotiate between the contingency of here-and-now – with all its encounters, details and occurrences – and the ever-present potentiality of a violence which, when occurring, is often assumed as 'deserved'. Here lies the 'weight' of the JT: not simply the result of the anxiety it generates but more importantly of the layer of responsibility it secretes. Failing to attune, being out-of-sync, is perceived as an

⁷⁵⁴Amin and Thrift, *Reimagining Cities*, op. cit. p. 103; on the notion of 'generator of redundancy' see Sloterdijk, *Ecumes*, op. cit. p. 461; let us qualify that this *bubbling*, differently from a static logic of enclosures, has to do with movement: it is not a static but a dynamic *exceptional tuning* within the city, whereby bodies are *included*, i.e. concatenated in a certain way, and *excluded*, i.e. prevented from correlating otherwise.

⁷⁵⁵Klauser, 'Splintering spheres of security', op. cit. p. 12; as Hay comments as regards US, the State increasingly acts as a facilitator rather than primary administrator *vis-à-vis* local governance of security, a process enacted both by technological evolution – which allows individuals to enjoy tools of control until recently only available to professionals – as well as continuous training provided by government predicating to take responsibility in one's self-defence [Hay, 'DESIGNING HOMES', op. cit.]

⁷⁵⁶Ian Loader, 'Ice Cream and Incarceration On Appetites for Security and Punishment', *Punishment & Society* 11 (2) 2009, 241–257: p. 152;

⁷⁵⁷In fact, a good deal of public life takes place in the places of safe consumption *par excellence*: the malls.

unacceptable irresponsibility to the point of ‘deserving’ the crime. As the individual of neoliberal globalisation is supposed to be always motivated, learning, optimistic and responsible, with meritocracy surging as quintessential value, the individual of this state of crisis must always be on alert, concerned about his own immunity and under constant moral examination: ‘do not become a crime victim’.⁷⁵⁸

I should qualify that I do not wish to suggest an excessively totalising, deterministic or pacifying understanding of the JT. Certainly the JT provides a stabilising frequency around which the city organises itself, its syncopated rhythm continuously traverses, constituting – and being constituted by – the atmospheres of alertness and scanning, suspicion and mistrust overlapping in Johannesburg. Yet, at the same time it is constantly overflowed by the excessiveness of urban. The conflictuality of the city can only be traversed but never actually sedated by the tune, constantly punctuated and dislocated by frictions and always potentially open to contestation. In fact, transgressing the *tune* equates to performing a ‘breach’ (as in Mièville’s book) which often triggers a *response* from the city itself. The JT is an exceptional tuning insofar as it internalises frictions as a self-regulating system, as if ‘sensing’ the differences and discrepancies in the “environment that trigger self-organising processes”.⁷⁵⁹ From an impersonal and machinic perspective, its way to responding to transgressions can be understood as amounting to both actualising of dangers (anecdotal and statistical evidences of violence are everywhere) as well as preventing them from occurring through a sort of *caring response* whereby the out-of-sync individual is ‘re-immunised’ – a caring response, of course, which is again strongly influenced by class and racial belonging, thus reinforcing the invisible apartheid above referred to.⁷⁶⁰ In my surely privileged condition of European visitor, I experienced this caring response in the form of unprompted help by random passers-by, taxi drivers, volunteers, all willing to help me by informing, advising and even escorting me whether my actions appeared as out-of-tune, or my presence in a certain area was out-of-place, and thus potentially in danger. Interestingly, this modality of transgression had a neatly different meaning during apartheid, when, “because of the logic of segmentarity and overlapping divisions, *crossing* boundaries,

⁷⁵⁸A qualification is needed here: I am not suggesting that the neoliberal template can be seamlessly transferred from a country to another. Notwithstanding the tendency towards uniformation of legal, securitarian and economical spatialities which characterises the age of control, every context is specific and many are the frictions between the different scales of the urban. Moreover, frictions occur within the city itself, and rather than as a uniform organism the urban is unavoidably poly-centric. In the case of this complexity, the Joburg tune is unavoidably to some extent a process of ‘urban simplification’. Same can be said for the description I am producing here, whose ‘simplification’ has also the purpose of productively comparing it with the re-tuning of the World Cup.

⁷⁵⁹Bonta and Protevi, op. cit. p. 35

⁷⁶⁰I am here reworking the ubiquitous ‘24h armed response’ sign which hangs out of any gate in Joburg’s residential districts.

transgressing them, or eluding them became the main modality of action for blacks in the city".⁷⁶¹ If transgressing the spatiality of Apartheid was a common act of political resistance, transgressing the invisible Apartheid of the JT seems to be reduced to a private matter of irresponsibility.

In this context, rhetorical affirmation such as the following – "this event [the World Cup] provides us with a chance to reinforce the sense of nationhood. We will have an opportunity to mobilise our people to create a sense of belonging"⁷⁶² – should not be simply dismissed as smokescreen concealing a reality of capitalistic exploitation. If this cynicism has clearly more than a point, that is not all. Could we not read such a 'sense of belonging' as a willing attempt to challenge the private precariousness of insecurity instituted by the tune, towards a way of being together in which antagonism is not eschewed privately but dealt with commonly? Or instead is this just a call for a denial of the tune itself, a doomed attempt to conceal its oppressive and discriminating logic onto the narcosis of consensus? Certainly, in order to address this question it is necessary to understand how the WC-brandscaping encountered and clashed with the JT. It is by looking at this complex and contingent encounter that the next section progresses, firstly by introducing the general meaning of the 2010 World Cup vis-à-vis South Africa, and then seeking to define in what way the brandscaping enacted by the World Cup as a city-wide effort of atmo-rhythmical management intersected, impacted and coped with the immanent normativities of the city. How a certain atmosphere of safety and enthusiasm was sought to be implemented (through legal, promotional, technological and spatial means), and what did actually emerge from the specific assemblages of human, nonhuman and discursive bodies, in the performative and contagious contingency of the ME?

⁷⁶¹Mbembe, 'Aesthetics', op. cit. p. 398

⁷⁶²Gauteng MEC for Community Safety, Mr Firoz Cachalia addresses the *Gauteng Provincial Safety and Security Summit on 2010 World Cup*, available at <http://www.search.gov.za/info/previewDocument.jsp?dk=%2Fdata%2Fstatic%2Finfo%2Fspeeches%2F2008%2F08081112451003.htm%40Gov&q=%28+%28%28gauteng%29%3CIN%3ETitle%29+%29+%3CAND%3E%28+Category%3Cmatches%3Es+%29&t=F+Cachalia%3A+Gauteng+Provincial+Safety+and+Security+Summit+on+2010+World+Cup>

World Cup Brandscaping

*2010 has become the benchmark against which everything in South Africa is measured*⁷⁶³

*The chosen theatre of megalomania – the dictatorial – is no longer politics but entertainment*⁷⁶⁴

Well before touching the South African soil international media helped me visualise the potential nightmare I was heading for. Under the reassuring headline “Why Going to South Africa for the World Cup Terrifies Me”, Louise Taylor was briefly summarising that “Statistics, anecdotes and research suggest that touring the Rainbow nation as a fan next summer could be a dangerous option”.⁷⁶⁵ If security is an unavoidable issue in a country with worrying crime-rates and a deeply entrenched culture of violence produced by a turbulent past joined by huge levels of socio-economical disparities, war-zone-like description were perhaps a step too far. Few weeks before the event, the security-firm G4S decided to renounce to take part at the event. Its CEO, Nick Buckles, stated “we are not going to be involved because we don't think the security is going to be that good -- they are not that well organised yet”, adding that “for G4S, South Africa was the most dangerous country in the world to work in – ahead of Iraq and Afghanistan – with around two staff fatalities every month.”⁷⁶⁶ The Telegraph was pretty discouraging as well, with an article apocalyptically titled: “World Cup 2010: England fans 'virtually certain' to die in South Africa”.⁷⁶⁷ Another security firm, Baysecur, was adding to the global paranoia by suggesting that “the possibility for the players of moving outside of the hotel boundaries should be kept to a minimum. Otherwise there must be a full escort; armed security guards and bullet-proof vests for the players”.⁷⁶⁸ In fact, the same firm was also protagonist of the surreal marketing-campaign of bulletproof vests for

⁷⁶³The World Cup Organising Committee CEO Danny Jordaan, quoted in A. P. Czeglèdy, 'Urban dreams: the 2010 Football World Cup and expectations of benefit in Johannesburg', in O. Bass, U. Pillay and R. Tomlinson (eds.) *Development and dreams: the Urban Legacy of the 2010 Football World Cup* (HSRC Press, 2009) p. 233

⁷⁶⁴Rem Koolhaas, 'Junkspace', *October* 100, 2002, 175-190

⁷⁶⁵Louise Taylor, 'Why Going to South Africa for the World Cup Terrifies Me', *Guardian*, 7 July 2009, available at <http://www.guardian.co.uk/football/blog/2009/jul/07/louise-taylor-south-africa-2010-world-cup>

⁷⁶⁶'Security giant G4S says will avoid soccer World Cup', *Reuters*, 20 May 2009, available at <http://www.reuters.com/article/idUSLK4638820090520>; I would reply that GS4 should rather concentrate on how the social security of its own workers is jeopardised by the firm's violations. See for instance UNI Property Services and Alliance for Justice at Group 4 Securicor, 'Who Protects the Guards? The Facts Behind GS\$ in Southern Africa', May 2007, available at www.globalexchange.org/sites/default/files/WhoProtectstheGuards.pdf

⁷⁶⁷Sebastien Berger 'World Cup 2010: England fans 'virtually certain' to die in South Africa', *Telegraph*, 11 Sep 2009

⁷⁶⁸Harriet Alexander, 'South Africa unveils World Cup 2010 security measures', *Telegraph*, 01 Dec 2009, available at <http://www.telegraph.co.uk/sport/football/world-cup-2010/6700199/South-Africa-unveils-World-Cup-2010-security-measures.html>.

tourists.⁷⁶⁹ In the months preceding the event we were also bombarded with information about the huge effort of SA police in enrolling new personnel (during the World Cup the police officer-foreign tourists ratio would approximately be 1-to-10)⁷⁷⁰ and new equipment (“R665-million worth of new equipment. This includes six new helicopters, 10 mobile command vehicles, 100 high-performance vehicles, unmanned aerial vehicles, body armour and water cannons”, as well as a brand new CCTV system in Joburg),⁷⁷¹ for what was assuming the contours of a war-like build-up. Perhaps the apt preparation for what Altbeker cynically describes as ‘a country at war with itself’.⁷⁷²

“Without security guarantees there cannot be a successful Olympic Games, and without security guarantees the national image will be lost”.⁷⁷³ These words by the Chinese president HU Jintao testify for the unquestionable relevance played by security in today’s MEs. According to Atkinson and Young, it was most notably in the 2002 Salt Lake City Winter Olympics, the first post-9/11 one, that Olympic *humanism* was extensively joined by the need for a pervasive and reassuring showcasing of security: American new war-on-terror ideology was to be translated at the international level, as a global affirmation of the American (and generally Western) capacity to guarantee security in the face of the terror.⁷⁷⁴ According to a consistent, if reversed logic, the 2010 World Cup was immediately framed as the stage for South Africa to finally demonstrate to embody Western standards, most notably in the sense of being capable of providing security, not simply in the face of terror, but more precisely vis-à-vis its own devastating crime reputation. ME-securitisation usually appears as a question of immunisation vis-à-vis dangerous others, event-specific threats triggering event-specific responses (e.g. terrorism in London 2012, hooliganism in Germany ’06, political protest in Beijing ’08). Instead, in the case of South Africa the source of trouble is both an absolutely internal and ordinary issue: crime. More than spectacular anti-terrorism measures, implementing security at the 2010 World Cup first of all means dealing with an everyday problem in an extraordinary spatio-temporal context: securing the World Cup would be not simply a matter of possible disruptions to the event, but rather its main narrative. Much more than elsewhere, here the effort to assure and communicate security does neither sit uncomfortable with the ‘festive atmosphere’ of the event nor risks over-

⁷⁶⁹ ‘Bullet-proof vests for 2010?’ *sport24*, 21 October 2009, available at <http://www.sport24.co.za/Soccer/WorldCup/Bulletproof-vests-for-2010-20091021>

⁷⁷⁰ Themba Gadebe, ‘Strong police presence for 2010’, *SouthAfrica.Info*, 14 May 2007, available at <http://www.southafrica.info/2010/police-140507.htm>

⁷⁷¹ ‘South African police “raising their game”’, 24 February 2010, *SouthAfrica.Info*, available at <http://www.southafrica.info/2010/police-240210.htm>

⁷⁷² Antony Altbeker, *A Country at War with Itself: South Africa’s Crisis of Crime* (Jonathan Ball, 2007)

⁷⁷³ Chinese President Hu Jintao, quoted in Richards et al. *Terrorism and the Olympics*, op. cit. p. 103

⁷⁷⁴ Atkinson and Young, ‘Terror Games’, op. cit. p. 67

militarising it, but it is meant to be a constitutive part of the World Cup atmosphere: not a safe atmosphere, but an atmosphere of safety. Consistent with the logic of brandscaping explored above, in this context security explicitly becomes both what allows for an event to unfold *and* the event itself, a brandscape of control. The 'legacy of safety' in South Africa is not feared as a potentially Orwellian outcome as in other ME narratives, but generally auspicated as a chance to breach the everyday experience of violence in the city (i.e. to relax from the oppressive JT), as well as the crime-ridden international image of the country, towards a 'new-found sense of safety'.⁷⁷⁵

If a World Cup could fit this ambitious purpose is another matter. Whilst the radical potential of urban events lies in shaking existent tunings by potentially generating new cartographies that challenge the status quo, a socio-economically, politically and symbolical successful brandscaping requires the capacity to control the uncontrollable, i.e. to normalise the turbulence of the (mega) event, capturing the immanent *desires* it unleashes within a temporal continuity and spatial coherence which would allow for control, predictability and capitalisation. It is in the delicate balance between international visibility and internal matters, social and economical concerns, national and FIFA interests, that this atmospheric re-calibration occurs.

1.

As for the JT, I analyse the World Cup Brandscaping (WCB) through three main 'keys', heuristically divided in the exposition but actually overlapping in reality.⁷⁷⁶

⁷⁷⁵As Craig Urquhart put it, "perhaps crime-weary South Africans can look forward to a new-found sense of safety. It's one of the most important legacies the World Cup is likely to leave with us", 'Building a Safe South Africa', *SouthAfrica.Info*, 6 November 2008, available at <http://www.southafrica.info/2010/project2010column32.htm>; see the difference with what the Head of London 2012 security Tarique Ghaffur contends: "This is a celebration of what London is about and of the Olympics ... it's not about security or safety. Making the games as accessible as we can without security being obtrusive, is the trick we have to pull off" [cited in Culf, 'Capital will need 9,000 officers a day to police 2012 Olympics', *Guardian*, 17 March 2007]. As regards 'reassuring' uses of Orwellian mythologies: "Gerrie Gerneke, a director of licensing, prosecutions, municipal courts and special projects in the metro police department believes that the public should feel safer in the inner city, because 'Big Brother' is watching over them" in 'Big Brother Watches over Joburg', available at http://www.joburg.org.za/index2.php?option=com_content&task=emailform&id=2112&itemid=208. In fact, a Project Manager of the Jo'burg City Safety Programme (JCSP) confirmed me that the new state-of-the-art CCTV system implanted in Johannesburg for the World Cup could be seen, together with the renovation of transport system, as the most important technical legacy of the World Cup (Personal Communication)

⁷⁷⁶Whilst the first two concern two aspects of the policing strategies enacted during the event, the third is particularly significant to my perspective having to do more explicitly with the spatialisation of the ME onto the urban space: the *fan zoning* shows a novel and interesting dispositif of ME-brandscaping and offers useful

i. *Caring for you*

*In this time, we need good South Africans. Let them just for four weeks be good. Just for four weeks [...] Let us forget our own problems for a moment and make other people at home in our country.*⁷⁷⁷

If welcoming the visitors was intended as a patriotic mission for every South African, for the thousands World Cup volunteers was an official duty, corresponding to a clear ME-strategy to 'mobilise' people, generating public acceptance and a 'friendly' atmosphere.⁷⁷⁸ The various 'city ambassadors', 'information officers', 'goodwill tourist ambassadors', 'match-day marshals' and so on had the role "to give advice to spectators, point them in the right direction, hand out information pamphlets, such as 'Safety Tips to Prevent Crime' and generally to be a friendly welcoming presence on the streets of host cities and at airports and other points-of-arrival".⁷⁷⁹ Besides giving information, they complemented police's role in producing symbolical security by providing actual security – i.e. orienting people, sedating tensions etc.⁷⁸⁰ Briefly, their role was that of promptly re-tuning those who appeared 'out-of-sync' *vis-à-vis* the WCB. Besides observing many instances of this practice, I also experimented with it myself, purposively seeking *à la* Garfinkel to 'breach' the tune: whether I would be standing isolated from the crowd, perplexed, disorientated and unsure about where to go, it would be matter of minutes to be approached by a volunteer's kind 'you seem lost, where do you need to go?' When instead I would insist in seeking off-key activities such as walking out of Fan Parks alone at night, I would be either discouraged or even sometimes escorted to my destination. If these are of course normal, if slightly over-zealous practices of ME-volunteering, what was peculiar in Johannesburg, and significantly different from Cape Town for instance, was the eminently securitarian nuance they assumed, and thus their explicit role in reinforcing the immunising normativity of the JT.⁷⁸¹

insights on the process of urban brandscaping in general. For this reason, this aspect is explored at greater length.

⁷⁷⁷President Jacob Zuma, *Times Live*, 20 May 2010. The government spokesman Themba Maseko added: "All football fans have a responsibility to ensure a safe and secure World Cup tournament for everyone", in 'Government urges SA to behave during Cup', *IOLNews*, 9 June 2010, available at http://www.iol.co.za/index.php?set_id=1&click_id=13&art_id=nw20100609075959168C211965

⁷⁷⁸Hagemann, 'From the stadium to the fan zone', op. cit. p. 728

⁷⁷⁹Anthony Minnaar and Leandri Van Jaarsveld, 'International Event Security: the Case of the Security Plan for the Fifa Soccer World Cup, South Africa 2010', *Annual International Police Executive Symposium: Tourism, Strategic Locations & Major Events* 17, 2010, Valletta

⁷⁸⁰Shearing and Stenning, 'From the Panopticon to Disneyworld' op. cit.

⁷⁸¹According to volunteers in Johannesburg, their function was 'to provide a safe and secure experience to the fans' [volunteer interviewed by the researcher 15 June 2010]. In Cape Town (as well as in Durban), as a

On the one hand, volunteers did challenge the atmosphere of suspicion (i.e. ‘do not trust anyone’, ‘ignore anyone’), by showing a friendly and trustworthy readiness to help. On the other, however, by constantly stressing their ‘official’ trustworthiness, sanctioned by their uniform, *vis-à-vis* un-official people whose help they encouraged to mistrust, they were a constant reminder of their own exceptionality *vis-à-vis* ‘normal people’ – and thus, of the exceptionality of the World Cup atmosphere *vis-à-vis* the everyday alertness demanded by the city.⁷⁸² Likewise, whilst the volunteer’s *caring response* somewhat rarefied the atmospheric weight of the JT, decreasing the individual need to be responsible for one’s own security, on the other hand, by systematically re-synchronising bodies within the tune as well as through their constant reassertion of the necessity for everyone to comply with their advises to ‘avoid troubles’, they implicitly confirmed and indeed magnified the urban dangers looming outside of their protective caring. Therefore, besides “providing the human face for what otherwise might seem as overly policed city”,⁷⁸³ the volunteers ultimately reasserted its normative tuning, functioning as a visible, uniform-ed and institutionalised caring response of the city.⁷⁸⁴

ii. *Police visibility*

*The police system is not simply an unseen seeing eye; it also exercises an exemplary visibility through its own visibility [employing] uniforms to create and stabilise a certain definition of contextual situations*⁷⁸⁵

Johannesburg was indeed an over-policed city during the World Cup, with security personnel of every kind, local, metropolitan, national, custom police, private guards, the army. Yet, it would be too easy to draw a direct equivalence between an elevated police

volunteer told me: “our role? It is helping people, giving them information, guiding them out” [volunteer interviewed by the researcher 22 June 2010].

⁷⁸²In Cape Town, where their uniform was not sparkling yellow and immediately evident as in Johannesburg, I had an interesting exchange in this sense: “we are here to inform people because tourist are not ... they don’t know Cape Town, they don’t know where to go, so we try to help them, but we are also retreating from them” *what do you mean?* “yes, because we don’t have to look aggressive to them ... because when they see us, the tourist sometimes are scared, they think we want to ask them something, beg money ... we told the supervisors, it happens all the time, so now we sit here and wait for tourists to come, and we offer them information in a friendly and convenient way” [volunteer interviewed by the researcher 22 June 2010]. The paranoid gaze produced by the *tune* only relaxes when official clothes are in plain view.

⁷⁸³David Roberts, ‘Durban’s future? Rebranding through the production/policing of event-specific spaces at the 2010 World Cup’, *Sport in Society* 13 (10) 2010: p. 1493

⁷⁸⁴Although of course volunteers exhibited a different motivation to similar instances of Johannesburg’s caring response, as in the case of those Hentschel calls ‘instant mercenaries’, i.e. for instance the improvised parking guardians, ubiquitous in Joburg, who according to her exhibit a “money-driven commitments as crime fighters” (Hentschel, *Spatial Life*, op. cit. p. 199)

⁷⁸⁵Brighenti, *Visibility*, op. cit. p. 154

presence and an oppressive over-militarisation. To this rather automatic and abstracting reading I oppose a situated attention to the atmo-rhythms actually produced by the police, and their interplay with the JT.⁷⁸⁶ In fact, as far as my observation was concerned, rarely this over-policing appeared as threatening and oppressive. Quite the contrary: it was almost unanimously praised by both visitors as locals for its capacity to immunise public space, allowing for usually-avoided behaviours and producing spaces in which the urban 'brushing of shoulders' between strangers could occur. Although my sample of interviewees was far from being statistically exhaustive, it proved to be at least atmospherically indicative: even if unprompted, people would always express their immediate approval and indeed enthusiasm for the police presence, independently from their nationality, age, racial or class-background. From squatters in the deprived areas of Hillbrow and Joubert Park to inhabitants of the rich suburbs of Sandton and Rosebank, everybody was eager to emphasise how important was the quantity as well as the quality of policing. Normally criticised for being corrupt, incompetent and brutal, police was now praised for its newly focused and 'vigilant' attitude, not only for relieving people from their 'need to be alert' but also fostering an unusual hopefulness, in relation to the potential 'legacy' that the event could foster in terms of a renewed approach to policing the city.⁷⁸⁷ In fact, generally acknowledged was the police's 'soft approach', usually polite, non-threatening and laid-back, to the point of being criticised as 'too bland' by some Western observers.⁷⁸⁸

Of course, on the one hand this was rather fitting with the soft logic of the security-entertainment complex, according to which security becomes "increasingly implicit, soft, and embedded" with entertainment,⁷⁸⁹ an affective policing focused on "acting within a festive context" and thus both aimed to guarantee safety as well as avoiding any disruption to the 'World Cup atmosphere'.⁷⁹⁰ On the other hand, however, the self-fulfilling

⁷⁸⁶Not that this is only a 'Western' reading though. Also Horn and Breetzke for instance ask "to what extent can a heavy handed, almost militaristic, approach to safety and security spoil the fun of the tournament for football fanatics and team supporters?", C.A. Horn and G.D. Breetzke, 'Informing a crime strategy for the FIFA (2010) World Cup: a case study for the Loftus Versfeld stadium in the city of Tshwane', *Urban Forum* 20 (1) 2009, 19-32: p. 21

⁷⁸⁷To be sure, these were not only random impressions from the streets. For instance a manager working on the Jo'burg City Safety Programme (JCSP) I had the chance to interview emphasised the role World Cup played in compelling different police departments to act together and in coordination, thus stimulating also tactical, besides technical and technological improvement (interviewed by the researcher)

⁷⁸⁸See for instance David Crary, 'World Cup Security Raises Concerns', *Huffington Post*, 13 June 2010 – available at: http://www.huffingtonpost.com/2010/06/13/world-cup-security-raises_n_610593.html

⁷⁸⁹Hentschel, *Spatial Life*, op. cit. p. 143

⁷⁹⁰The quote is from Schreiber and Adang, 'The Poles are Coming', op. cit. p. 471, who refer to the low-key approach of Portuguese police during the UEFA Euro '04, as opposed to the aggressive and highly-criticised 'hooligan-oriented' approach of 2006 World Cup's German police. In South Africa the modest hooligan concern (due to the country's geographical position) together with the complementary role of volunteers was certainly conducive to a smoother policing.

presuppositions of 'revelatory' approaches should be eschewed. The encounter between the WCB and the JT should not be explained away into pre-given templates. Instead, policing strategies and the concatenations they generate are to be situated in the material contingency of their taking place, by observing and accounting for their encounter and friction with the tuning of the city, and thus for the resulting atmo-rhythm that emerges. In this sense it is undeniable that this affective policing functioned to ease the weight of the spatiolegal normativity of the urban, by providing people with a newly-found ability to go out of tune, allowing for crossing, if only temporarily, some invisible barriers and thus to challenge the sur-geography of the JT. Could this approach prove relevant in generating an enduring 'mood of safety' even after the event, i.e. a 'legacy' of safety? Arguably, it is dubious how extraordinary measures of security, besides guaranteeing a short-term safety, could actually turn this out into a legacy able to challenge, rather than instead reinforcing and further institutionalising, the Joburg Tune. Indeed, how to keep open the potential unleashed by the 'weakening' of the oppressive alertness of the tune? As the event-related over-policing disappears, also the event-related 'sense of safety' seems destined to wane, unless an effort to capitalise on both the short-term increase in urban safety and police reputation – which the strategic coupling of higher police visibility *and* 'softer' approach has produced – is pursued. Promisingly, this seemed to be the official intention, as stressed in a post-event report on the 'possible legacies' of the event, where the emphasis is on the need to "build on the good reputation that JMPD [Johannesburg Metropolitan Police Department] has achieved during the event with respect to public perceptions of Joburg as being a safe city. This requires that JMPD enhance visibility, especially in the Inner City and at night".⁷⁹¹ Only accurate and long-term post-WC researches could possibly provide an answer to the outcomes in this sense.

At the same time however, avoiding the bias of revelatory approaches must not lead us into naivety. Repeating the critique I moved above to Bissel et al., let us recall that contemporary forms of urban control are not characterised by simple 'manipulation', but have more precisely to do with the prevention of events from becoming 'too intense': that is, with an art of defusing contingency by keeping urban potential alive as long as it is below certain thresholds of intensity. This should warn against uncritical emphasis on the supposedly 'liberating potential' that the volunteers and police alike did play vis-à-vis the JT. I do not wish to cynically dismiss the latter, yet framing policing within the logic of brandscaping means especially to take into account the reaction and recalibration implemented in response to surges of intensity: in other words, the way in which the frictions and excesses produced by the WCB were sought to be managed. The idyllic picture of soft and

⁷⁹¹COJ (City of Johannesburg) *Delivering a promise, Creating a Legacy* (2010) p. 91

enthusiastically-praised policing is thus recalibrated, whether we observe police's swift reactions vis-à-vis the occurrences that threatened to 'poison' the atmosphere of consumption and immunity and thus to disrupt the smooth flowing and the coherence of the WCB. Most notably, those acts and initiatives that either challenged the de-politicised consensus for the event by inserting a political conflictuality within, or threatened the legal immunisation of economic privileges by breaching 'ambush-marketing' protections and the likes. The heavy-handed, *armed response* of police to the security-guards strikes, with documented use of teargas and rubber bullets, is a compelling case in point.⁷⁹² In this sense, such reactions should not be understood as 'exceptional' vis-à-vis the spatiolegality of the WCB, but rather as fully consistent with its 'excepting' event-defusing mechanism. Below, I will offer further examples to support this observation.

iii. *Fan zoning*

Unless they are in the stadium, no other event during the FIFA World Cup™ will allow South African to experience the authentic FIFA World Cup™ atmosphere other than the FIFA Fan Fests™⁷⁹³

Fan zoning refers to the direct, material projection of the WCB onto the city through an immersive spatiolegal cartography, in which the gate-keeping and flow-regulating presence of security and volunteering personnel was complemented by a disembedded network of micro-geographies (Venues, Team Hotels, Road Networks, Fan Parks etc.) officially defined as *Controlled Access Sites*.⁷⁹⁴ In this way, the WCB was given a physical, legal and atmospheric (the FIFA 'look and feel' of safety and entertainment) consistency, projecting onto the urban a truly 'inhabitable mapping'. Among those spaces, especially relevant have been the so-called Public Viewing Areas (PVAs).

Briefly, these are zones (usually squares or parks) provided with giant screens, where fans gather to watch the games during the event. Although watching the World Cup match of the national team in the city's main square is a tradition in many countries, this became a very popular happening during the Korea and Japan 2002 World Cup, with many spontaneous

⁷⁹²Security guards protested for low-wages as well as for job positions which, notwithstanding the pre-World Cup promises, were missing. See 'World Cup embraces triumph and disaster', *Mail and Guardian*, 19 June 2010, available at <http://www.mg.co.za/article/2010-06-19-world-cup-embraces-triumph-and-disaster>

⁷⁹³FIFA, *Fan Fest FAQs for the 2010 FIFA World Cup South Africa*, available at: <http://www.fifa.com/mm/document/tournament/fanfest/01/14/09/88/fifafanfest-faqs.pdf>

⁷⁹⁴*Controlled Access Sites* are Stadium, Official Events locations, media and accreditation centres, FIFA Fan Parks, official Hotels and "any other area designated or demarcated by the Municipality as a Controlled Access Site and shall include private property located therein" – see eThekweni Municipality. *2010 FIFA World Cup South Africa by-laws* (from 1.1.21.1 to 1.1.21.10)

PVEs (Public Viewing Events) with no FIFA involvement and no particular legal, security and copyright restriction. These events were very successful and convinced FIFA to officialise them from the Germany 2006 World Cup onwards. Since then, FIFA has the monopoly of PVAs during the event (officially named *Fan Fests*, *Fan Zones* or *Fan Parks*) and although unofficial PVAs can be organised, they nonetheless depend on FIFA granting the licence, and must comply with the same branding restrictions.⁷⁹⁵ Although entrance is free, Fan Fests are surrounded by high fences and patrolled by security personnel (both private and public) regulating the access at the gates through search and seizure procedures, not only for weapons and the likes, but also for food, drinks as well as any branded product not matching with the official sponsors. In fact, Fan Fests are strictly branded spaces where only official sponsors are accepted, with minor exceptions made for 'informal areas', i.e. zones dedicated to local food-seller, provided their products are not direct competitors of the official brands (which have their own food-and-merchandising stalls within the premises).⁷⁹⁶ Special by-laws (see below), allowing hitherto-forbidden behaviours (e.g. drinking alcohol in a public square) and forbidding hitherto-allowed ones (e.g. wearing a Pepsi t-shirt in a Coca-Cola-led event), further reinforce the normative re-tuning produced by the fan zoning.⁷⁹⁷

Hagemann contends that fan zones are part of the process of festivalisation of city politics according to global capitalism's standards: her "main thesis is that the stadium has become a spatial prototype for the temporary and long-term changes observable in urban spaces, projecting its functional, economic, social and regulatory conditions into public spaces."⁷⁹⁸ In fact fan fests, together with demarcated, more or less secured and branded 'Fan Walks', allow FIFA to translate the spatiality of the ME from the stadium directly into the urban space, channelling the flow of high numbers of ticketless fans into a tightly-controlled, securitised and branded geography.⁷⁹⁹ This responds simultaneously to the ME-related

⁷⁹⁵ Although non-commercial PVAs (where there is no direct/indirect entry fee) have their licence automatically granted, commercial PVAs require a formal FIFA approval, see FIFA, *World Cup South Africa™ Regulation for Public Viewing Exhibition*. A particularly byzantine provision stated in the "2010 Soccer World Cup Liquor Policy" obliged bars and pubs wanting to show the matches as well as sell alcohol to purchase a separate licence. For this reason many pubs and bars, either unwilling to pay or unable to get the licence in time, were not able to show the match, thus losing significant amounts of money.

⁷⁹⁶ Polemics were raised by the lack of services provided to informal traders within PVAs, such as for instance the total lack of illumination in Johannesburg's Mary Fitzgerald Square PVA.

⁷⁹⁷ Klauser, 'Spatial Articulations of Surveillance', op. cit. p. 70 – of course a whole other matter is the fact that of the 'permanent modifications' of space, related to key issues of regeneration, rising market-value and displacement. This crucial issue is not directly addressed in this work, since I am more interested in the temporary reformulations of space taking place during the event itself.

⁷⁹⁸ Hagemann, 'From the Stadium to the Fan Zone, op. cit. p. 725

⁷⁹⁹ Fan Walks or Fan Miles are branded, unfenced walks connecting the Fan Park to the Stadium. The notion of 'disembedded' and 'fortified' networks comes from Rodgers' description of Managua, see Dennis Rodgers, "'Disembedding" the City: Crime, Insecurity and Spatial Organization in Managua, Nicaragua', *Environment and Urbanization* 16 (2) 2004 113–124

needs of immunity and consumption: first, by minimising the risk of overcrowding around stadia, as well as the common problem of potentially troublesome fans roaming around the city,⁸⁰⁰ second, by addressing the main economical shortcoming of the ME, namely the need of channelling the consumption of visitors towards the official sponsors, and thus of guaranteeing to the sponsors themselves the ‘symbolical monopoly’ of the city-branding; third, by allowing for a more concentrated, intensive and controlled acclimatisation of urban space according to the tune of the ME. In fact, in the official documents the indistinction of security and entertainment, spectacle and biopower, is expressed in explicitly atmospheric vocabulary. For instance, in Johannesburg’s *Transport Operation Plan*, it is stated that “planning for a limited number of large exhibition sites would have the appeal of concentrating activities such as security, big screen transmissions and assist in promoting a *carnival atmosphere*”,⁸⁰¹ i.e. what FIFA terms an “authentic FIFA World Cup Atmosphere [with a distinctive] FIFA look and feel”.⁸⁰² The ME is defined as a ‘democratic spectacle’, and the fan fests as “communal gatherings [that] reinforce the game’s power to unite”,⁸⁰³ meant to be a “cultural melting pot”, providing a “safe, recognised and exciting environment for visitors who have limited comparable alternatives ... Hospitality, tolerance and mutual understanding must have absolute priority . . . what is more, in a friendly, peaceful environment even violent fans behave more peaceful, and join in the relaxed, cheerful atmosphere”.⁸⁰⁴ Security, branding and entertainment are encapsulated in the definition of these spaces as ‘safe, recognised and exciting’.

⁸⁰⁰The risk of overcrowding also oriented the 2006 *Safety at Sport and Recreational Events Bill*, drafted following the recommendation of the Ellis Park Disaster enquiry [Minnaar and Jaarsveld, ‘International event security’, op. cit. p. 24]. In the Johannesburg’s *Transport Operation Plan* (see note below) the Fan Fest are inserted as key gathering and focal points for crowd management. At the same time, they respond to the need of crime-prevention. As Burger observes, fan zones are provided “same level of security that applied to official venues”, Johan Burger, ‘A golden goal for South Africa – Security arrangements for the 2010 FIFA Soccer World Cup’, *SA crime quarterly* 19, 2007, 1-6: p. 4; in the context of Germany 2006, Police Director Juergen Mathies observed that “We must make the public viewing sites as safe as the stadiums”, quoted in ‘Major security effort around public viewing of World Cup’, 2 August 2005, *PakTribune*, available at <http://www.paktribune.com/news/print.php?id=114608>

⁸⁰¹COJ (City of Johannesburg) *Summary Submission. Host City Transport Operations Plan* (2008) p. 26 available at <http://www.docstoc.com/docs/90679805/WC2010-FIFA-Submission-Host-City-TOP---CoJ>

⁸⁰²FIFA Fan Fest FAQs and Official Info Pack; as the 2010 Director Operations for Cape Town Lesley de Reuck observed, fan fests are “a safe, convenient and convivial alternative to being at the stadium [where ticketless fans] get to experience the excitement and thrill of being caught up in the roar of the crowd”, quoted in Peter Pedroncelli, ‘The countdown to the World Cup has begun and an atmosphere of expectation is settling over Cape Town,’ 1 Jun 2010, *Goal*, available at <http://www.goal.com/en/news/1863/world-cup-2010/2010/06/01/1952230/world-cup-2010-cape-town-fifa-fan-festival-gears-up-for-carnival->

⁸⁰³‘People power reigns at Fan Fests’, 3 July 2010, available at <http://www.fifa.com/worldcup/news/newsid=1266969/>

⁸⁰⁴Organisation Committee of Germany ’06, quoted in Frew and McGilliray, ‘Exploring Hyper-experiences’ op. cit. p. 187

§

The WCB must be understood as emerging immanently from the overlapping of these three aspects (volunteers' *caring*, the police *visibility*, fan *zoning*), and more generally as an assemblage of bodies, (security personnel, volunteers, performers, athletes, fans, fences, CCTVs, slogans, signs, discourses, media), practices and affectivities. In its simultaneously panoptical and synoptical character, it corresponds fittingly to the description of brandscaping as a bipolar configuration (spectacular and managerial) modulating the (impersonal) 'experiencing' of being-in-the-city. That is, a system which does not deal with rational or emotive individual, but rather with the atmo-rhythmical wavelengths of urban co-existence, through the manipulation of affective *milieux* of intensities, without simply blocking the movement – as in the disciplinary enclosure of stadia – but rather keeping it alive whilst defused from its (whatever positive or negative) eventfulness, turning the potential *desire* unleashed by the advent into a controllable, consensual and capitalisable *pleasure* (i.e. de-politicised enjoyment).⁸⁰⁵ What I referred above as the 'dissolution of beings' into (affective) relations and flows – i.e. 'waves' of being-together to be monitored, modulated, fine-tuned – here unfolds explicitly in a security-entertainment apparatus that 'captures' bodies within the 'blinding glory' of the WC, not in ideological but rather in the ontological sense of reducing them (in fact, *seeking* to reduce them) into a 'glorifying praxis': as simultaneously producers *and* consumers of the World Cup spectacle. As Frew and McGilliray explain, "the sport fan becomes more central to the experiential representation of the spectacle, therein. In their desire to sustain spectacular and memorable events organisers are increasingly turning to the spectator to create event 'content'".⁸⁰⁶ Nowhere as in the fan zones this is more evident, as the atmospheric

⁸⁰⁵The distinction between desire and pleasure refers to Deleuze [see for instance 'Desire and Pleasure', op. cit.], according to whom 'desire' is a dynamic, generative and vital process, whilst 'pleasure' is an interruption of the flow of desire, a re-framing of desire within a specific definition, that captures and tames its turbulent opening(s) into a controllable and co-optable form. Incidentally, one could argue that fan parks, with their fences, are more consistent with the old disciplinary model of enclosures than with the logic of control. Yet this is not the case: they are porous and open, fitting more evidently with a logic aimed at managing flows rather than secluding 'individuals'. This does not mean that evident exclusionary practices are not present. In Durban, I assisted to three youths being prevented to enter inside the Fan Fests because, as a policeman explained, "they are street kids, they are dirty, they come here to steal, to make trouble" [interviewed by the researcher, 07 July 2010]. Incidentally, this confirmed what a 13-old boy in Durban told *Times* in the months preceding the World Cup: "They tell us we must go back where we came from. They say Durban is dirty because of us" [Sibongile Khumalo, "S. Africa rounds up poor, prostitutes ahead of World Cup", *AFP*, 18 May 2010].

⁸⁰⁶Frew and McGilliray, 'Exploring Hyper-experiences' op. cit. p. 182; As they explain, fan zoning is the "new apex in the development and management of mega events ... a strategically formalised and commercially planned spectacle where prescribed performative subjectivities can be assumed and enacted" (p. 186). On the

management unfolds through a systematic attempt to produce ‘celebration’, ‘enjoyment’, ‘party’, through rhythmical syncopation and atmospheric stimulation. A series of security-entertainment repetitions (from the searches at the gates to the waving of the flag) generating an atmo-rhythm which is multi-sensorially pervasive and involves individuals into a set of practices typical of the stadium and, to some extent, of staged spectacle.⁸⁰⁷ In fact, as the speaker at Cape Town Fan Fest summarised: ‘it doesn't matter the result, here it's all about celebration, it's all about fun, it's all about entertainment’.⁸⁰⁸ Entertainment, that is, carefully channelled within the flow of consumption, as in the overlapping between crowd incitement and marketing promotion that was explicit, for instance, in the speakers’ continuous prompting to shout the term ‘ayoba’: a term meaning ‘cool’, ‘great’ in South Africa slang, but at the same time the key word of the mobile company MTN’s World Cup marketing-campaign.

If law seems to disappear in this “mixture of control through surveillance and distraction through entertainment”, in reality it is merely dissimulated, instead playing the central role of enacting and sustaining the WCB by preventing the intensities it stimulates from becoming uncontrollable, and thus defusing the affective charge of being-together into an a-political, spectacular consensus.⁸⁰⁹

2.

Any hooligans or criminals who try their luck during the World Cup will also feel something – the red card of the law⁸¹⁰

The legal scaffolding of the WCB is centred on special, spatiotemporally-delimited FIFA *by-laws*, defined as

an addition to the Municipality's existing by-laws ... if any, and to the extent that conflicts may arise between the Municipality's existing by-laws relating to Advertising; Controlled Access Sites, Public Open Spaces and City Beautification; Public Roads and

overlapping between the figures of ‘consumer’ and ‘content-provider’ see above Andrejevic [*iSpy*, op. cit.], in ch. 3, *Brandscaping*, par. 3

⁸⁰⁷For instance, the repeated ‘initiations’ at the gates (corporeal and bag searches, seizures of any food, drink and unwanted brand etc.), followed by relaxation inside the fenced, securitised and CCTV-monitored areas, where other sets of choreographed repetitions (blowing the Vuvuzela, waving the flag, cheering when prompted by the speaker etc.) intersected with commercial transactions (food, drinks, gadgets etc.)

⁸⁰⁸Observed by the researcher in Cape Town Fan Fest, 27 July 2010

⁸⁰⁹The quote is from Thrift, ‘Lifeworld Inc.’, op. cit. p. 11

⁸¹⁰Deputy Justice Minister Andries Nel, in Irene Naidoo, ‘Special courts ready for World Cup’, *SouthAfrica.Info*, 27 May 2010, available at <http://www.southafrica.info/2010/wccourts-260510.htm>; about 56 World Cup Courts were set up in South Africa during the World Cup

Traffic Guidance and Street Trading, if any, and these By-laws, the provisions of these By-laws [the World Cup by laws] shall prevail⁸¹¹

FIFA by-laws deal with various issues (advertising, controlled access sites, beautification of public space, roads and traffic, street trading) so as to satisfy the main requirements of the climatic installation enacted by WCB, i.e. the securitisation, commercialisation and 'beautification' of public space. They allow for stabilising the WCB and its 'look and feel' by protecting it from tangible incursions (e.g. crime) and intangible, atmospheric poisoning to its value and reputation, preventing ambush marketing as well as any expression of 'racist, xenophobic cause, charity or ideological concerns', forbidding ugly scaffolding, unwanted sounds, 'protected' words, unpleasant smells, unofficial events and so on: the whole city is meant to be 'free and clear' from any disruption, airspace included.⁸¹² Carefully protected is also the mediatisation of the ME, also by limiting the possibility to provide real-time information about the event to those unauthorised to do so.⁸¹³ This capillary acclimatisation of the urban is also given financial protection, through the constitution of "tax bubbles" around stadia, fan parks and other controlled access sites, *de facto* "making any income earned off goods sold within them exempt from taxation".⁸¹⁴

⁸¹¹ 2010 FIFA WORLD CUP SOUTH AFRICA BY-LAWS 1.2.3

⁸¹² Moreover, at people's cost: those who expose signs, scaffolding or other elements which could undermine the 'beautification' of the public space must remove them "at their own cost" [*FIFA Host City Agreement*, 4.1]. Even the airspace, besides being secured from attacks and patrolled by army and drones, must be free from advertising [*FIFA Host City Agreement* 4.12.2 (v)]. According to the *FIFA Host City Agreement* [3.3(i)], FIFA can temporarily change stadium names, as it did, for instance by re-naming the historical Ellis Park into Coca-Cola Park. A capillary word-policing is also in place, with a series of 'protected words' which nobody can use without FIFA's authorization: for instance 2010 FIFA World Cup South Africa, World Cup 2010, RSA 2010, Football World Cup, FIFA World Cup South Africa 2010, SA 2010, ZA 2010, 2010 FIFA World Cup, 2010 FIFA World Cup South Africa, Africa 2010, Soccer World Cup, World Cup, South Africa World Cup, World Cup South Africa, Confederations Cup 2010, Twenty Ten, Win in Africa for Africa, Football for a better world, and any association of host cities with '2010' [*2010 FIFA WORLD CUP SOUTH AFRICA Rights Protection Programme*, available at http://www.fifa.com/mm/document/affederation/marketing/01/18/98/99/march2010rightsprotection_a5_20100308.pdf]. During the ME, no events are allowed: no other substantial cultural events other than those approved by FIFA shall be organised [*FIFA Host City Agreement*: 4.13.7 (iii)]

⁸¹³ For instance in Stadia among the prohibited items are "p) cameras (except for private use and then only with one set of replacement or rechargeable batteries) video cameras or other sound or video recording equipment; q) computers or other devices used for the purposes of transmitting or disseminating sound, pictures, descriptions or results of the events via the internet or other forms of media" [*FIFA Stadium Code of Conduct*, available at <http://www.fifa.com/worldcup/archive/southafrica2010/organisation/ticketing/stadiumcodeofconduct.html>]

⁸¹⁴ See <http://www.sa2010.gov.za/node/522> [also in *FIFA Host City Agreement*: 8.2]; "The Act creates a "tax-free bubble" around FIFA-designated sites so that profits on consumable and semi-durable goods sold within these areas will not be subject to income tax; neither will VAT be applied" [*Revenue Laws Amendment Act* (20 of 2006), available at <http://www.polity.org.za/article/revenue-laws-amendment-act-no-20-of-2006-2006-01-01>]. "The Host City hereby waives any and all claims of liability against the LOC, FIFA, any FIFA subsidiaries and their officers, directors, members, agents, representatives or employees, for any loss or damage to the city whether or not such loss or damage may have been caused by or resulted from the[ir] negligence" [*FIFA Host City Agreement*: 9.5 (i)]

The setting up of such an inhabitable space of exception (i.e. explicitation of the exception) within the city produces unavoidable exclusionary effects, weighting more explicitly on those lacking the resources to 'participate' in the WCB, and/or prevented from taking advantage of it. For instance, begging in public space and roads is explicitly forbidden,⁸¹⁵ and street trading is subjected to oppressive limitations. Atlanta, during the 1996 Olympics, was famously called a 'street bazaar', a nightmare for the event organisers as the 'uncontrolled' street trading seriously compromised the value of the Olympic brand, that is, the immunity of its brandscaping.⁸¹⁶ Since then the protection of sponsors' monopoly over consumption has been heightened to a remarkable extent, making it increasingly difficult for street traders to capitalise on the enormous flux of fans triggered by the event. Even more controversially in South Africa, where it is a widespread and well-established activity, street trading has been systematically excluded from actively taking part to the World Cup, through high costs for authorisations, strict controls, exclusionary zoning and draconian by-laws, chasing street traders away from the 'designated areas' and, when present, failing to provide them with promotional and logistical facilities to compete with the sponsors.⁸¹⁷

Not only special laws but also special 'World Cup Courts' have been established during the event. Paralleling the aforementioned support for the quantity and quality of policing during the World Cup, also this judicial accelerationism gained praises for constituting a potential antidote to the impunity vis-à-vis crime which allegedly characterises South Africa. Johan Berger, of the Pretoria-based Institute for Security Studies (ISS), notes that "there is no bigger deterrent [to crime] than a successful prosecutorial system", hoping that 'special courts' would stay after the World Cup.⁸¹⁸ Some were less enthusiast, observing that faster sentences are not necessarily fairer sentences, and rather increase the concerns about the lack of basic guarantees for the accused (sentences such a 5-year term for a stolen mobile

⁸¹⁵2010 FIFA WORLD CUP SOUTH AFRICA BY-LAWS: 4.2.13, 5.1.1.10

⁸¹⁶In Vassil Girginov and Jim Parry, *The Olympic Games Explained: A Student Guide to the Evolution of the Modern Olympic Games* (Routledge, 2004) p. 89

⁸¹⁷See 'No Bonanza for Cape Town Street Vendors', *Radio Netherlands Worldwide Africa*, 7 June 2010 <http://www.rnw.nl/africa/article/no-bonanza-cape-towns-street-vendors>; and Karabo Keepile, 'Cape traders to be moved ahead of World Cup', *Mail and Guardian*, 26 April 2010, available at <http://www.mg.co.za/article/2010-04-26-cape-traders-to-be-moved-ahead-of-world-cup>; The 2010 FIFA WORLD CUP SOUTH AFRICA BY-LAWS widens powers of search and seizure as regards street trading [7.5.1.1], to the point that *any place* (private property included) can be declared restricted to street trading during the Term [6.4.1]; in Durban for instance, several criticism was raised for the lack of services provided to the informal traders, as well as for the decision to move them away from the seafront's central *promenade*, i.e. from the more economically attractive spot. See Anelisa Kubheka, 'Fan park stall holders feel short-changed', *Daily News*, 17 June 2010;

⁸¹⁸Clare Byrne, 'Speedy justice in World Cup courts', *Mail and Guardian*, 16 June 2010, available at <http://www.mg.co.za/article/2010-06-16-speedy-justice-in-world-cup-courts>

phone seems to prove this point).⁸¹⁹ Others criticised the special courts for being simply a means for FIFA to have the national judicial apparatus working on its behalf.⁸²⁰

Very controversial in fact were the restrictions as regards advertising, not only for the broad and thus highly-discretionary definition of the latter – “visual representation [of different forms and element] ... or any combination of such elements with the *object of transferring information*”⁸²¹ – but also for the explicit urban-wide ambition (i.e. beyond the designated spaces of the ME) of the legislation, according to which nobody can “affix, place, arrange or create any Advertisement of whatever nature anywhere within a Public Open Space”.⁸²² Such a vague and discretionary style, through which law is sublimated into a vaporous, atmospherically-sealing device, also characterises other provisions which, besides their explicit public-order concerns, have an implicit role in acclimatising the space by protecting and de-politicising the WCB. For instance, the forbiddance to bring into the stadium “objects which could compromise public safety and/or harm the reputation of the Event as assessed at the sole discretion of the FIFA World Cup Authorities”;⁸²³ the restriction to “use abusive or otherwise objectionable language or behave in abusive, objectionable or disorderly manner”;⁸²⁴ the explicit forbiddance (in stadia as well as fan parks) to “engage in conduct which expresses racist, xenophobic cause, charity or ideological concern related materials, including but not limited to banners, signs, symbols and leaflets, objects or clothing, which could *impair the enjoyment* of the Event by other spectators, or detract from the sporting focus of the Event”.⁸²⁵ Local activists have observed the absurdity of such legal provisions, pre-emptively defusing any potential for the ME to act as a global platform for publicising political matters to global media and visitors.⁸²⁶ De Vos stresses their blatant

⁸¹⁹David Smith, ‘World Cup kicks violent South African crime into touch’, *Guardian*, 9 July 2010, available at <http://www.guardian.co.uk/football/2010/jul/09/world-cup-football-south-africa-crime-falls>

⁸²⁰In fact, the majority of the cases dealt with by the court have been those of ambush marketing, a violation controversially upgraded by FIFA from administrative to criminal one. See for instance Nkepile Mabuse, ‘FIFA criticized for over-protecting 2010 World Cup sponsors’, *CNN*, 29 April 2010, available at <http://edition.cnn.com/2010/SPORT/football/04/29/football.fifa.world.cup.africa/>; and also the characteristically piercing article by Marina Hyde on the topic, ‘World Cup 2010: Fans, robbers and a marketing stunt face justice, Fifa style’, *Guardian*, 20 June 2010, available at <http://www.guardian.co.uk/football/2010/jun/20/world-cup-2010-fans-marketing-justice-fifa>

⁸²¹2010 FIFA WORLD CUP SOUTH AFRICA BY-LAWS 1.1.3

⁸²²2010 FIFA WORLD CUP SOUTH AFRICA BY-LAWS 4.6.2

⁸²³FIFA Stadium Code of Conduct, 4.r

⁸²⁴2010 FIFA WORLD CUP SOUTH AFRICA BY-LAWS 3.5.5, 4.2.2

⁸²⁵FIFA Stadium Code of Conduct 4.e, 5.6.e [my emphasis]

⁸²⁶“Said Shamitha Naidoo, community chairwoman in Pinetown of the social movement Abahlali Base Mjondolo: ‘We need to show them (tourists) what’s happening. How will these poor people benefit from the World Cup?’” in Kamcilla Pillay, ‘Marchers protest against World Cup’, *Daily News*, June 17, 2010 Edition 1, available at <http://www.abahlali.org/node/7086>; Similar protest over the prevention to political communication was made by activists claiming “that that the tournament’s organizers have hindered HIV/AIDS awareness and prevention campaigns by blocking condom and safe-sex information distribution at official game venues ‘To date FIFA has not permitted any civil society organization to distribute HIV or health

unconstitutionality, since banning “both commercial advertising and any form of political expression in and around the stadiums as well as the fan parks – which are situated on public property”.⁸²⁷ Alice Thomson, of the Durban Social Forum was arrested for distributing anti-FIFA pamphlets at the Durban Fan Fest,⁸²⁸ and a similar fate was reserved, under my eyes, to activists leafleting for an evidently less controversial subject (an anti-xenophobic rally) according to a rather loose interpretation of the FIFA ‘Stadium Code of Conduct’.⁸²⁹ Evidently, these behaviours were not targeted for their ‘illegality’, but rather insofar as playing a disruptive, poisonous role vis-à-vis ‘festive atmosphere’ of the WCB.

It would be compelling to frame the spatiolegal installation of the World Cup vis-à-vis the way in which the relation between sport events and political protest is being rearticulated as part of the general surfacing of preventive brandscaping strategies in the security-entertainment field, that is, towards the systematic de-potentialisation of the political potential from sport events.⁸³⁰ The designation of specific areas for political protest (and, of course, for capillary monitoring and categorisation of protesters) in Beijing ’08 is only the more explicit instance. Although there is no space here to pursue this avenue, it is worth briefly mentioning how hooliganism is being treated at EU level, as a relevant example that mirrors in at least three aspects the spatiolegal apparatus of the ME: namely, its urban-wide scope (that is, beyond the event-venues); the vague, discretionary and atmospheric legal language; the event-defusing strategy. As Tsoukala observes, the EU approach to

related information and FIFA has not provided any written confirmation that condoms may be distributed at stadia and within the fan fest” in ‘FIFA under fire over safe-sex stance’, *Nbc News Blog* 9 June 2010, available at <http://worldblog.msnbc.msn.com/news/2010/06/09/4485323-fifa-under-fire-over-safe-sex-stance->

⁸²⁷“any person from distributing any pamphlets near or in stadiums or fan parks without the prior written approval of the Municipality. A person who nevertheless distributes any pamphlets could be convicted and fined up to R10 000 or six months imprisonment. This provision seems to impose quite a drastic limit on the freedom of expression of everyone in South Africa. It in effect bans both commercial advertising and any form of political expression in and around the stadiums as well as the fan parks”, Pierre de Vos, ‘On the Fifa World Cup by-laws’, *Constitutionally Speaking Blog*, 17 June 2010, available at <http://constitutionallyspeaking.co.za/on-the-fifa-world-cup-by-laws/>

⁸²⁸Kamcilla Pillay ‘Marchers protest against World Cup’, op. cit.

⁸²⁹*FIFA Stadium Code of Conduct*, art 4.e, 5.6.e – Accused of ambush marketing and incitement for promoting an anti-xenophobic rally, filmmaker Giuliano Martiniello, research student Samantha Spencer-Mura and director of Centre for Civil Society (CCS) Patrick Bond were detained at the Durban FIFA fan fest. Policemen told Patrick Bond, according to his reconstruction: ‘No distribution of pamphlets, especially which mention xenophobia.’ Bond continues: “The reason the pamphlet was banned was not just procedural – it was political. ‘You are reminding [people] of xenophobia. Even myself I had forgot about that thing, but now you write it down’”. In Patrick Bond, ‘Fifa Forbids Free Speech At World Cup Fan Fest’, *ZSpace*, 09 July 2010 available at <http://www.zcommunications.org/fifa-forbids-free-speech-at-world-cup-fan-fest-by-patrick-bond.html>

⁸³⁰Steve Greenfield and Guy Osborn [‘Enough Is Enough: Race, Cricket and Protest in the UK’. *Sociological Focus* 30 (4) 1997, 373–383: p. 381] discuss for instance the political significance of sport through an account of the anti-South Africa protests in Cricket matches during Apartheid, comparing it with the increasingly restricting legislation enacted by the *UK Criminal Justice Act*, a veritable counter-move to deurate sport from its political nuance, so as “the right of sport fans to demonstrate in ‘traditional’ ways have been grievously undermined”.

hooliganism has been oriented by a gradual extension of control beyond the enclosures of stadia, as well as by an increasingly wide and blurred definition of its target population, from 'known troublemakers' to all "potential troublemakers and people under the influence of alcohol or drugs", allowing for widening restrictions to fan-behaviour in general.⁸³¹ Interestingly, this evolution is characterised by a significant shift in the framing the issue, from the legal notion of 'offence' to the political one of 'conflict', defined as "any act that is contrary to the general public's perception of normality or which adversely affects their quality of life".⁸³² A very fitting example of the sublimation of the urban spatiale legal state of exception into a preventive and conflict-defusing air-conditioning installation: brandscaping.

§

In his nostalgic book *Sport, Space and the City*, John Bale narrates an involutory parable of football as a collective gathering, from a game being played in pitches with blurred edges and attendants surrounding the fields, without a neat distinction between players and spectators, to one played simultaneously in the detached mediation of televised games as well as in the segregating territorialisation of hyper-secured and commodified stadia. The will to control and capitalise on the separation between the game and the spectators, he observes, has gradually eroded the eventful potential that the taking place of 'football' as collective gathering possessed. In 1992, during the European Championship Final between Germany and Denmark (in Sweden), several Danish supporters gathered on a spontaneous PVA set up in Copenhagen.⁸³³ Excessive to the logic of consumption and immunity expressed by both stadia and television, this was according to Bale the paradigmatic

⁸³¹As Tsoukala notes "most importantly, in defining its target population, this policy went well beyond the "known troublemakers", which were the sole target of the Recommendation N° R(84)8, to cover "potential troublemakers and people under the influence of alcohol or drugs", Anastassia Tsoukala, 'Combating Football Crowd Disorder at the European Level: An Ongoing Institutionalisation of the Control of Deviance', *ESLJ* 7 (2) 2006: p. 8

⁸³²As emerges from the related document of the Council of Europe [Council of Europe (1985) *European Convention on Spectator Violence and Misbehaviour at Sports Events and in particular at Football Matches* CETS n° 120. art. 3]. Consistent to what we observed above as the shift in the aim of crime prevention towards, as Tsoukala puts it (ibid: pp. 29-30), an explicit attempt to "reduce or otherwise contribute to reducing crime and citizens' feelings of insecurity". In similar terms Osborn and Greenfield analyse the ticket-touting policy in UK, where the practice has been tied to its potential production of conflict and disorder, thus engendering its blanket application of the law beyond the activity of ticket-touting, to the point of forbidding any act of ticket re-selling, S. Greenfield, G. Osborn and S. Roberts, 'Contradictions Within the Criminalisation of Ticket Touting: What Should Be the Role of the Law?', *Web Journal of Current Legal Issues (JCLI)* 3, 2008

⁸³³The screen was set up in Fælled, a locus of "significance to Danes, being the 'home' of their footballing traditions", John Bale, 'Virtual Fandoms: Futurescapes of Football', in A. Brown (ed.) *Fanatics: Power, Identity and Fandom in Football* (Routledge, 1988) available at <http://www.efdeportes.com/efd10/jbale1.htm>

opening of a 'third space', "exemplify[ing] a tension between the apparently logical need for a predictable environment and the place-making potential of fandom".⁸³⁴

There is a soothing nostalgia in this account, which however should not lead to simplistic dichotomies. Processes of spatial commodification, securitisation and juridification are not to be read in opposition to some sort of more genuine and 'authentic', phenomenological and immediate urban space: the urban is always-already "saturated with mediations and prolongations".⁸³⁵ Thus, provided any Frankfurt School-like nostalgia is eschewed, Bale's account provides some interesting inspiration.

According to Brighenti, "the public appears when a certain urban site is turned into a venue of 'public address'".⁸³⁶ Accordingly 'publicness' is to be understood as alternative, although not merely in opposition, to the securitised and capitalised brandscaping of the ME, "emerg[ing] in the space between invisible resistance and normative hegemony", that is, in the space in which the urban tuning and the ME re-tuning encounter and clash.⁸³⁷ Publicness in this sense is always frictional, conflictual, kept alive by the eventfulness of its taking place. Beyond facile romanticism, the space referred by Bale can be certainly assumed as an instance of such an eruption of 'publicness', as the unleashing of the intensive potential of the football event away from its defusion into the logics of consumption and immunity. Beyond facile pessimism, it is evident that the evolution of spontaneous PVAs into today's fan fests is a parable consistent with what Baudrillard in typically apocalyptic fashion maintains: "spectators may cease to be spectators and slip into the role of victims or murderers ... sport may cease to be sport and be transformed into terrorism: that is why *the public must simply be eliminated*".⁸³⁸ ME-brandscaping can be

⁸³⁴"This was not domesticated television space ... Nor were there any obvious controls on the sale and consumption of alcohol. A vast crowd attending the game. It was mediated by television but the crowd could, for a night, celebrate in the open space ... thousands watching in open spaces without being able to influence the game, but standing in opposition to the panoptical confinement which the modern stadium enforces. ... In a way, this kind of situation satisfies the norms of achievement sport and also the desires of the fans. It is not quite placeless." (ibid.)

⁸³⁵Brighenti, *Publicness*, op. cit. p. 38

⁸³⁶ibid: p. 39: the notion of 'public address' is elaborated from Kurt Iveson, *Publics and the City* (Blackwell, 2007)

⁸³⁷Brighenti, *Publicness*, op. cit. p. 40

⁸³⁸Jean Baudrillard, *The transparency of evil: essays on extreme phenomena* (Verso, 2009) p. 79, quoted in Bale ['Virtual Fandoms', op. cit.] (my emphasis). See also Deleuze's sibylline 'Letter to Serge Daney' [op. cit. pp. 104-5], where he describes the television as what, through a socio-technical professionalization, generates "an immediate and sufficient perfection, immediately controllable and controlled": whilst cinema (through its different phases) was to be understood as an attempt to produce something out of images, that is, to craft images to be contemplated, in the case of television the purpose is no longer that of crafting images, but rather of modulating the gaze, that is, the very act of gazing through a continuous, "professional training of the eye".

seen as a strategy to deal directly with these ‘third spaces’, i.e. with frictional spaces, not by simply denying them into synoptical or panoptical confinements but rather directly adapting and coping with their ‘place-making potentials’, by seeking to re-capture and exploit them within the controllable and capitalisable passivity of a ‘trained fandom’.⁸³⁹

Accordingly, the WCB is more than the "culmination of a long process of segregation, standardisation and commercialisation of fandom".⁸⁴⁰ More precisely, it is the ‘concrete realisation’ of the empty form of the ME onto the urban space, as an immunising strategy aimed at stimulating, arousing and propelling the turbulence of urban being-together and at the same time working as a mechanism of coping with a city-wide enthusiasm by defusing it from any radical, dangerous or non commercially-exploitable outcomes,⁸⁴¹ channelling the affective ‘effervescence’ of the city within an atmospherically-enclosed, bubbled-up spatialisation, enforced by technologies (from fences to CCTVs), regulated and policed by private and public guards as well as volunteers, ‘protected’ by by-laws, as well as infused by a *de rigueur* rhetoric of multiculturalism. Karrholm proposes to understand the rhythmic logic of consumption in the city as a process of ‘isorhythmia’, whereby different flows and mobilities are not homogenised in a single order, but rather kept separated and yet tuned on a given wavelength, the rhythm of consumption.⁸⁴² The WCB functions in this way, superimposing a palimpsestic heterogeneity of different space-times tuned according to a common refrain, whereby the constant production of events is systematically re-calibrated within the heterogeneous rhythm of consumption and immunity.⁸⁴³ An event-defusing machine, that is, deterritorialising the urban from its materiality and reterritorialising into the global circulation of capital, explicit allegory of which is *Global Fan Fest* project: an addition to the South African fan fests which consisted in six contemporaneous ‘global’ fan fests set in Berlin, Mexico City, Paris, Rio de Janeiro, Rome and Sydney, a veritable

⁸³⁹In this way “creating the impression of practices of freedom” and enacting “ideal-type sport fan” subjectivities, avoiding unruly behaviour whilst allowing for “accepted transgressions”, since “by being ‘coached’ and ‘cared for’ [people] would be less likely to engage in deviant behaviour”, as well as in any political and potentially disrupting activity, Frew and McGilliray, ‘Exploring Hyper-experiences’ op. cit. p. 186, 191-192

⁸⁴⁰John Bale, *Sport, Space and the City* (The Blackburn Press, 2001)

⁸⁴¹Even in the sense of defusing the ‘agonistic’ conflictuality of the football matches themselves, not simply diluted into the Olympian ‘it-is-important-to-take-part’, but in the more market-friendly ‘it-is-important-to-have-fun’, as the fan park speakers relentlessly reminded.

⁸⁴²“reducing complexity not primarily by turning orders into a singular order (as in the modernistic tendency of spatial homogenisation) but by inscribing different orders in a system guided by a common denominator (the rhythms of consumption)”, Mattias Kärholm, ‘To the rhythm of shopping—on synchronisation in urban landscapes of consumption’, *Social & Cultural Geography*, 10 (4) 2009, 421-440: p. 435

⁸⁴³In this sense it is evident how the ‘threat’ (i.e. the reduction of complexity from public space, the defusion of the potential for events to occur) does not lie in synchronisation *per se* (linear time, repetition etc.) but rather in the capacity to gather different activities, events, transgressions that, if from a narrow perspective might seem to introduce complexity, from a wider urban-wide perspective appears to re-tune space according to an event-defusing, controllable and capitalisable logic (ibid.)

"superterrestrial topography" of ME-brandscaping.⁸⁴⁴ Whilst Blatter claims that "The FIFA Fan Fest will continue to be a fundamental part of future editions of the FIFA World Cup ... That decision was taken a long time ago, by the fans themselves",⁸⁴⁵ it is tempting to read this sentence in reverse, that is, as a gradual attempt to close the *unauthorised public space* that the 'fan themselves, long time ago' had opened within the spacing of the ME.

Conclusion

It is hard to deny that "FIFA's attempt to implement a security and surveillance assemblage is to be understood as a means to enhance profit".⁸⁴⁶ Moreover, I am perfectly aware of the notorious role played by mega-events in displacing people, cleaning up public spaces from 'undesirables', curbing local business by advantaging aggressive corporation branding, increasing and legalising hitherto illegal social control measures through special legislation, and generally smoothening the process of privatisation, commodification and securitisation of public space. Many witnesses, activists, papers and books have been doing an outstanding work in denouncing these issues, some of which I briefly touched upon, and they seem to leave little room for both 'alternative' and non-naive perspectives on the overwhelming role FIFA plays in bullying the host nations into *de facto* allowing for extraordinary and undemocratic measures to be put in place. I acknowledge these works and their worries. Yet, this is not all.

Notwithstanding the attempt to 'neutralise' of the eventful potential of the urban via the capillary production of an atmospheres of secured consumption where fandom can be 'freely' expressed according to pre-ordered modalities tied to commercial interests, the resonance produced by the spatio-temporal syncope of the ME can never be completely channelled into the modulation of brandscaping and its relentless attempt to *taming* and *theming* the city. The ('non-capitalist' and non-immunitary) potentialities of being-together are stimulated by the taking place of the ME and never truly re-captured by its brandscaping machine. Thus for instance, whether the routine of the JT arguably decreases 'the capacity of the body to experience more positive affects', then the disruption of such a routine

⁸⁴⁴See <http://www.fifa.com/worldcup/archive/southafrica2010/organisation/fanfest/index.html>; In order to describe the deterritorialised form of Capital Seabrook writes about a "superterrestrial topography of money", Jeremy Seabrook, *In the Cities of the South: Scenes from a Developing World* (Londeon 1996) p. 211

⁸⁴⁵FIFA President Joseph S. Blatter, in 'FIFA Fan Fest™ concept takes shape in the Host Cities', 31 January 2012, *Fifa.Com*, available at <http://www.fifa.com/worldcup/news/newsid=1576927/index.html>

⁸⁴⁶Volker Eick, 'Secure our profits!', op. cit. Eick sees MEs as a tool for the "introduction of market proxies into public space", in 'A neoliberal sports event? FIFA from the Estadio Nacional to the fan mile', *City* 14 (3) (2010) 278 – 29

promises to unleash it with uncontrollable results.⁸⁴⁷ We do not know what bodies can do. Fan parks reproduce the logic of enclosure of malls and gated communities, but at the same time they are much more open and less disciplined, offering an opportunity for the emergence of unusual urban assemblages. According to some the ‘place-making potential’ of fan parks, whether employed “as a network of critical intervention(s) within the urban fabric”, could be conducive to reinsert a dimension of publicness into an urban space weakened by low levels of security, mutual attachment and shared responsibility.⁸⁴⁸ Non-FIFA fan parks, for instance, offer opportunities to get-together in contexts where the discipline, control and branding of the security-entertainment ethos of FIFA fan parks function in a less ‘aggressive’ and much more fragmented way.⁸⁴⁹ Probably, the potential of

⁸⁴⁷Bissel, *Passenger Mobilities*, op. cit. p. 277: “the fatiguing effects of routine travel might deplete the capacity of the body to experience more positive affects”

⁸⁴⁸See C. Haferburg, T. Golka and M. Selter, ‘Public Viewing Areas: Urban Interventions in the Context of Mega-Events’, in U. Pillay, R. Tomlinson and O. Bass (eds.), *Development and Dreams: the urban legacy of the 2010 Football World Cup* (HSRC Press, 2009) p. 194

⁸⁴⁹With respect to the meticulous set up of the bio-spectacular brandscaping of FIFA fan parks (heavily fenced with big FIFA banners, with spiked tops to prevent physical trespassing and colourful logos preventing ‘visual’ trespassing; characterised by theme-park-like grand gates suggesting the entrance to a different level of atmospheric spatiality; with strict searching procedures and a constant, proactive attempt by performers to involve people into celebration and entertainment), the unofficial fan parks were a rather more ‘low key’ matter. The principal one in Johannesburg, in Mary Fitzgerald Square, had a metallic-wire fence and thus no visual protection from the outside. Control were very relaxed, often turning a blind eye to the odd bottle of water or sandwich sneaked through, as well as generally allowing the entrance to ‘vagrants’ and ‘street kids’, which were often stopped in FIFA fan parks [see *supra* note 805]. Inside the atmosphere is more akin to a place for people to enjoy the game and relax, without being ‘forced’ to ‘rhythmise’ themselves to the brandscaping as it occurs more invasively in the official fan parks, either by being prompted to buying of stuff or through the experiential involvement into the ‘celebratory and festive’ FIFA atmosphere. It is interesting in this sense to briefly mention some of the peculiarities of Johannesburg’s fan zoning with respect to Germany ’06. As Frew and McGillivray observe, in Germany fans were orderly channelled through the city by the fan zoning: “Watching fans assimilate the prominent Fan Park signage and move in line towards the Olympic Stadium metro-stop emphasised the rational, planned approach employed to direct incoming visitors to the officially-sanctioned public viewing spaces” [Frew and McGillivray, ‘Exploring Hyper-experiences’ op. cit. p. 190]. Completely different was the setting in Johannesburg, where huge highways and a notorious township (Alexandra) surrounded the main fan park (Innes Free Park). Reaching the place by walking meant to negotiate one’s way through traffic and pollution. At night, this was strongly advised against. Buses, taxis or private cars were used to reach the park instead. In the City Business District the central fan park was connected to the Ellis Park stadium by a ‘fan walk’ passing through notorious neighbourhoods such as Joubert Park and Hillbrow. Yet, also due to some communication problems, it never worked. Without the fences providing an added experiential value of safety, it did not offer enough affective ‘break’ from the ‘dangerous’ surrounding area. Consequently, the fans mainly avoided it. The officials did not bother to inform them too much either, perhaps sensing that the risk was too high. In Germany, Frew and McGillivray note, the main purpose was that of controlling, smoothing and sedating the potential for dangerous behaviour, according to the “continuing governmental concern with a hyper-masculine football culture and the deviant spectre of hooliganism”, and at the same time offering a platform for attracting ‘accepted’ agencies as preferred ‘fan behaviour’ (pp. 191-2). In Johannesburg this logic worked in reversed fashion. *Instead of seeking to protect the city from the fans by enclosing them in fan parks, the concern here was to protect the fans from what the ‘city’ could do to them.* We could thus appreciate better the difference in policing between a pro-active, invasive and panoptical stance (Germany) and a protective, sheltering and synoptical one (Johannesburg), not a matter of containing potentially troublesome flows of people, but of offering them a shelter, a bubble of safety to screen the fan from the inhospitable outside. Here lies the key ‘experiential value’ of security. Joburg’s fan parks were less

‘unofficial’ fan parks should be taken into account in future mega-event strategies and analyses, especially in the sense of deactivating the spatiolegal apparatus of exception of the ME in order to open it up to the potential of its contingent eventfulness – a concept I explore in the following chapter. Likewise, the multifaceted policing of the city allows many people for the first time to walk into zones they would normally never venture into (let alone by *walking*), thereby partially challenging the taken-for-granted psycho-geographical assumptions of the JT, and thus producing (temporary) publicness into usually-neglected areas. Could not the dimples in the smoothness of the JT generated by these occurrences be employed to propel strategies of public space reformulation?

Regardless of the different answers that one can provide, the point here is to avoid instrumental readings of ME-brandscaping as a pacific application of pre-given sets of narratives, strategies and practices into a passive and flat urban surface. Its outcome is always the turbulent and situated result of the encounter with the complexity of the urban, always bound to produce frictions and excesses, whose singularity requires situated analyses, radically material perspectives and consistent methodologies. In fact, could not the re-tuning emerging out of the encounter and clash between the JT and the WCB lead to unexpected reformulation of urban space, alternative to either the ‘official’ or the ‘critical’ vulgates?

hyper-experiences of enjoyment providing “micro-level resistance to the everyday banality of work” (Germany) and rather more mundane experiences of ‘liberation’ from the urban *alertness*, micro-level resistance to the everyday anxiety of the Joburg Tune: a joyful atmosphere of safety, that is, mirroring the role shopping malls play in South Africa as places in which, as Fred de Vries notes, “you can walk around without any worries [...] an antidote to Apartheid, a place where people blend and can forget about the past and current anxieties” [‘Megamalls, Generic City,’ in Sarah Nuttall and Achile Mbembe (eds.), *Johannesburg the Elusive Metropolis* (Wits University Press, 2008) p. 302]. In fact, similar atmo-rhythmical configurations to the ‘hyper-experiences’ of fandom described by Frew and McGilliray in Germany could be observed in the smaller fan parks set up in Johannesburg’s big shopping malls such as Rosebank, Melrose Arch, Montecasino. Arguably, shopping malls are sterile, securitised and disciplined spaces of consumption. Within these spaces, the fan parks did not functioned as bubbles of safety amidst a space of danger, but rather as bubbles of hyper-enjoyment within a commodified space of control. In other words, within what I above referred to as the ‘slowed-down’ rhythm of malls, the fan park produced a re-acceleration of the tempo directly conducive to a ‘carnival’ atmosphere, insofar as in direct opposition (i.e. alimented exactly for the fact of being opposed) to the disciplined environment in which it was taking place. Different authors have noted the role shopping malls play in context such as US or South Africa, where with the parallel privatisation of public space they are increasingly taking the role of “modern-day marketplace or city square” [Alison Wakefield, ‘The Public Surveillance Functions of Private Security’, *Surveillance & Society* 2(4) 2002: p. 533], that is, the place where people hang out, meet and spend their social life (see introduction). This also means that a ban from a shopping mall in certain contexts could play the same significance of being banned from a public square. Moreover, being privately owned, malls and other privatised formerly-public places are characterised by higher behavioural expectation (e.g. the forbiddance to drink) and far wider and discretionary powers of surveillance, control and exclusion [Kempa et al. ‘Policing Communal Spaces’, op. cit]. In this context PVAs opened spaces of ‘chaotic enjoyment’ ‘liberating’ from the discipline of the mall, breaking its strict rules (no-drinking, no-smoking, no-shouting etc.) and allowing people to ‘act unruly’, for instance drinking beer, smoking and blowing Vuvuzelas, in this way spatio-temporally reconfiguring the place. By functioning as a ‘bubble within the bubble’, the fan parks thus produced tunings much closer to the ones observed in Germany.

My tentative conclusion is that the clash between the JT and the WCB ultimately left the JT unchallenged. The strategical operations of *caring*, *policing* and *fan zoning* allowed certain agencies, otherwise 'restricted', to be expressed. The JT's mood of alertness, anxiety and distrust was been sought to be defused through spectacular narratives of multicultural joy [the Rainbow Nation], police high-visibility and great effort in 'welcoming' the visitors. This, however, rested on a hyper-immunological spatialisation consisting in the production of atmospherically-enclosed areas through physical, legal and techno-securitarian boundaries, which confirmed and indeed reinforced the slow-tempo of shopping malls onto a wider urban space: by producing, enclosing and patrolling an atmosphere of fun and safety, the WCB ended up reinforcing the syncopated rhythm of bubble-to-bubble movement ('ensure that you walk along the demarcated pedestrian routes') and fragmented atmospheres characterising the key tonalities of the Joburg Tune: *alertness* and *immunity*. Acting as a *pharmakon*, the WCB inoculated a 'low level of transgression' to the JT's atmo-rhythm of alertness, mistrust and exceptional mapping, yet without addressing the conflictual antagonism of the city, but rather spectacularly denying it in the de-potentiating strategy of consensus, as well as practically confining it, through securitarian, legal and commercial operations, outside the World Cup zoning and its smooth, secured and capitalised circulation. In this sense, the WCB *institutionalised* the JT, adapting to its pulsating immanence by recalibrating its frequency to the securitarian and commercial needs of the FIFA 'look and feel', through the *caring response* of volunteers, the *therapeutic* security of visible policing, and the physical, legal and branded boundaries of the *fan zoning*. In the end, it is difficult to offer an affirmative reply to Christopher McMichael's rhetorical question: "will turning our cities into heavily patrolled corporate theme parks make life safer and more secure [and generally, improved] for ordinary South Africans after the tourists and cameras have gone home?"⁸⁵⁰

⁸⁵⁰Christopher McMichael, 'Querying the benefits of 'corporate theme parks' to locals', *The Mercury*, June 10 2010 Edition 1, available at <http://www.abahlali.org/node/7046>

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*atmosphere is a field of virtual movement from which certain bodies, including wind, are always in the process of actualizing.*⁸⁵¹

It was the night of the elimination game between the last African team remaining in the competition, Ghana versus US. The atmosphere was electric. *Doctor Cape*, Cape Town's notorious Ocean wind, was blowing furiously. The giant screen in the fan park oscillated worryingly. Too much. The fan park was to be closed. People moved to the various pubs, restaurants and cafes in the central avenue, *Long Street*. Sheltered from the wind in fragmented micro-spaces of fandom, they watched the emphatic last-minute victory of Ghana. After the match, pan-African enthusiasm had no longer fences to be contained. The party that was to take place in the fan park now spilled over the street, a celebratory affectivity disruptive to both the traffic and the controlled and securitised flow of the event: no fences, no guards, no channelled consumption practices, no spectacular production of entertainment. Affects, bodies and wind conjured together in allowing the eventfulness of the ME to escape the brandscaping modulation, a friction too intense to be contained. You never know how objects can get together, what configuration they may take. The intensive charge of the moment resonated for hours in the city centre. This was celebration, and yet no peaceful one. The lack of security and panoptical control allowed for unleashing the urban conflict (in its material sense, beyond good and evil). There were shouts, dancing, hugging, and also some minor fight. The assemblage of bodies, affects and wind de-activated the operational mechanism of the ME, its immunitary, event-defusing brandscaping, and yet kept in place its eventful resonance, transforming the city-centre into an open air festival, for some time irreducible to the spectacle of the ME.

It is easy to romanticise this instance as a sort of more 'true' and 'authentic' dimension of being together. Instead, I propose to take it as a partial and uncertain instance of a temporary de-activation of the operational mechanism of the ME. Not a critical deconstruction, but a direct dismantling of the operation of brandscaping, that is, of its twin strategy of immunity and consumption, through an immanent, unauthorised, impersonal emergence of a configuration of bodies, affects, wind, in which different scales conjured. To assume it as an instance of emancipatory urban politics would be quite naïve, if not utterly ridiculous. Yet, beyond the easy fascination with notions such as the immediate and spontaneous liberation of urban potentialities, this example is helpful in offering some

⁸⁵¹McCormack, 'Engineering Affective Atmospheres', op. cit. pp. 417-8

inspiration, from the methodological issue of how to observe and account for these fleeting moments of friction, to the political question of how to 'use' the potentialities that these frictions produce, how to 'keep open' the space they generate, the lines of flight they potentially trigger. Precise strategic questions follow: how can the intensity of urban life be allowed to emerge, beyond the immediate spontaneism that the just-narrated example suggests? How to deactivate the immunising attempt to reduce it into predictable, controllable and capitalisable tunings, and yet avoiding the dangerous outcomes of 'liberationist' tendencies? How to dismantle the spatiolegal mechanism of exception, without pretending to eliminate it, and instead opening it to different uses? How to open the urban to the contingent potential of its cosmic justice?

Chapter 5

Cosmic Justice

*How it is possible to dismantle this infernal hegemony without eradicating it?*⁸⁵²

This chapter interrupts the flow that in the last two carried this thesis through the notions of control, brandscaping and mega event, and folds it back where the first two culminated: i.e. the concepts of event and justice. Consistent with the thesis' spiralling movement, here I go back to its principal vectors and seek to project them towards a common vanishing point: namely, the notion of cosmic justice, where the ethico-political lines of flight generated so far are meant to crystallise.

For this purpose, I delineate an approach which does not deny, conceal or pacify but rather endeavours to stay within and traverse the conflictual materiality of the urban. A resolute conviction alimnts this endeavour, namely, the necessity to challenge the exceptional tunings of control through a radically materialistic perspective, that is, by addressing the ontological reality of its abstraction – i.e. the uneventful relationalism in which the urban horizon is seemingly enclosed. As I already hinted during the thesis, doing so requires a simultaneously more abstract and more concrete strategy: more precisely, a strategy that exactly by means of being sufficiently abstract is able achieve an effective degree of 'concreteness'. Following Cunningham, the juridico-economical abstraction of the spatiolegal architecture of control cannot be simply opposed from a supposedly 'more concrete' standpoint, and is instead to be perforated through another kind of abstraction.⁸⁵³ In fact, an abstraction

does not entail a retreat into the transcendent passivity of the idea, but rather it accelerates the friction between the interior and exterior, as an agent of constant

⁸⁵² Negarestani, *Cyclonopedia*, op. cit. p. 19

⁸⁵³ Cunningham, 'The Concept of Metropolis' op. cit.

distress, at once empirically 'there' and 'inexistent', ever-nearing the world and yet ever tempted towards withdrawal⁸⁵⁴

This is what propels my attempt in this chapter, that is, envisaging an 'inoperose' ethico-political action that refuses to be grounded on the comfortable presupposition of a negativity out of which waging the attack to the ontological reality of control, and yet does not resign to the administrative task of simply finding better ways of being-together *within* the reality of this state of exception. Instead, it proposes to confront control on the dimension in which both its abstract form and the reality of its modulating operations unfold: the event. This entails a two-step strategy: first, the always contextualised 'making inoperose' of the spatiolegal apparatus of exception, so as to open the urban to the eventful contingency of its cosmic justice; second, the ethical injunction to *use* ('counter-effectuate') such potential for generating alternative and potentially *just* tunings. What this means is envisioning an alternative abstract form of being-together, one in which the inescapable necessity of cohabitation is reoriented away from the administrative duty of synchronisation or the micro-activism of temporary autonomous insulations, and directed towards the common task of keeping the urban *open* to the immanent contingency of its cosmic justice.

First, I provide a brief overview of some significant attempts to think the notion of justice in connection with space, mainly focusing on the concept of spatial justice. Individuating some fault lines within this milieu, as well as drawing a link to the reflections developed in the second chapter, I am able to provide a more accurate indication of the concept of justice I am envisaging. Second, I employ the notion of surfing to qualify what I mean by 'inoperose action' and what form of ethico-political interventionism such a stance entails. At the same time, I clarify my position *vis-à-vis* the danger of being internalised within the ethos of control, through a brief detour to ancient China. Third, I relate this interventionism to the spatiolegal reflections developed so far, suggesting a strategy that moves beyond the false alternative between a 'justice within law' and 'justice without law', and rather envisages the potential of a non-immunitary, 'inoperose' use of law, by means of disorienting law itself, deactivating its exceptional apparatus and thus forcing it to reorient towards the event of its impersonal, post-human and cosmic justice.

⁸⁵⁴ Mohaghegh and Golestaneh, 'Haunted Sound', op. cit. p. 494

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The declaration of the Rights of Man should be reformulated in topological terms to express the idea that all men are not only born free and equal but that they're condemned to look after the space in which they live⁸⁵⁵

Most of the early attempts to think justice in connection to space have been developed within the field of geography and urban studies, through concepts such as *just city*, *right to the city*, *territorial justice*, *spatial justice*. In this section I mainly focus on the latter, which I see as perhaps the most promising attempt to unfold the materiality of justice in the terms I have been discussing so far. Promises that, however, appear to have remained unfulfilled in most of the variations through which the concept has been conceptualised. Generally, this has meant falling short from fully unfolding its excessive and material character, in this way neutralising its radical potential and thus exposing it to both being instrumentally co-opted by conservative ideology as well as de-politicised into multicultural and 'distributive' rhetoric. This is not meant to be an exhaustive genealogical overview of the concept. Instead, I am concerned with detecting some of the problematic threads shared among different accounts (that also spill over another potentially relevant concept: i.e. the right to the city), so that to calibrate my trajectory accordingly.

David Harvey's spatial approach to justice has undoubtedly merits and deserves at least a mention, although as I already noted I find his conceptualisation of space rather problematic, insofar as positing a separation between tangible (physical) space and intangible space (supra-structures) – and subordinating the former to the latter –, which leads him to ultimately leaving unchallenged untenable dichotomies.⁸⁵⁶ Moreover, at odds with the conceptualisation I have developed so far is the eminently processual, social and human dimension in which Harvey appears to confine space.⁸⁵⁷ We need to look for other directions. In the end, as Philippopoulos-Mihalopoulos' puts it, Harvey's is not "a conceptualisation of spatial justice, but a spatial perspective on social justice".⁸⁵⁸

⁸⁵⁵Sloterdijk, 'Forewords', *op. cit.* p. 230; a similar point is in Deleuze and Guattari, *What is Philosophy?* *op. cit.* p. 107: "human rights say nothing about the immanent modes of existence of people provided with rights"

⁸⁵⁶This is evident for instance in his call for a '(re)turn to the concrete' with respect to the alleged 'immateriality' of the postmodern cultural turn, see David Harvey, *Social Justice and the City* (University of Georgia Press, 2009). Same problems appear to characterise his more engaged dealing with Lefebvre's notion of right to the city (see below).

⁸⁵⁷Philippopoulos-Mihalopoulos, 'Spatial Justice', *op. cit.* p. 3. See the introduction of Doel's book *Poststructural Geographies* [*op. cit.*] for a compelling critique of Harvey's understanding of space and materiality

⁸⁵⁸Philippopoulos-Mihalopoulos, *ibid.* p. 3

Henri Lefebvre, Harvey's main inspiration, offered a more sophisticated conceptualisation through what he famously defined as 'right to the city', a concept which I believe, if taken in its radical acceptation, indicates a direction consistent with what a radical notion of spatial justice promises to unfold.⁸⁵⁹ As Harvey puts it, the right to the city is the "right to change ourselves by changing the city".⁸⁶⁰ In Lefebvre's own words, "the *right to the oeuvre*, to participation and appropriation (clearly distinct from the right to property)", and thus to political and fully material involvement in the urban-making process.⁸⁶¹ This prefigures a radical re-conceptualisation in urban and material sense of the notion of human rights, a "potential ... displacement of formal notions of political citizenship by a broader concept of urban citizenship" akin to Sloterdijk's proposal to 'reformulate human right in topological terms', so as to be consistent with the fact that human beings "are not only born free and equal but that they're condemned to look after the space in which they live".⁸⁶² The mounting resonance of this concept in an increasingly urbanised world has been officialised by the drafting of a *World Charter on the Right to the City* in 2004, and is being testified by the significance it is playing as a strategic tool in various initiatives around the world.⁸⁶³ Its risk however is that of falling prey of the tendency which Lefebvre somewhat tends to succumb to: namely the temptation to dialectically overcome the contradictions of 'abstract space' and 'linear rhythm' into the post-conflictual 'promise of a sublime differential space'.⁸⁶⁴ Accordingly, the danger for the right to the city is that of being diluted into post-conflictual rhetorics of community and multiculturalism, or romanticised into merely direct and oppositional anti-capitalist stances. The politically-sedating flavour of these tendencies already encompasses and to my opinion fatally compromises, the related concept of 'just city' and its rather uncritical use of such notions as re-distribution, deliberation and participation.⁸⁶⁵ Whether deprived of its radical aspiration and depurated of its conflictual substance, the right to the city is equally threatened to being diluted into "weakly participatory forms of urban governance" and other similarly uneventful practices.⁸⁶⁶

⁸⁵⁹Henri Lefebvre, 'Right to the City', in Eleanore Kofman and Elizabeth Lebas (eds), *Writings on Cities* (Blackwell, 1996).

⁸⁶⁰Harvey, 'The Right to the City', op. cit.

⁸⁶¹Lefebvre, 'Right to the City', op. cit. p. 174 (my emphasis)

⁸⁶²Butler, 'Critical Legal Studies', op. cit. p. 326; Sloterdijk, 'Forewords', op. cit. p. 230;

⁸⁶³<http://www.globalgovernancewatch.org/resources/world-charter-on-the-right-to-the-city>; the most recent instance being the widespread protests in Turkey, during the 2013 Summer, triggered by a demonstration by 'right to the city' activists in Istanbul.

⁸⁶⁴Doel, *Poststructural Geographies*, op. cit. p. 14 [see *supra* note 253]

⁸⁶⁵E.g. Susan Fainstein, *The Just City* (Cornell University Press, 2011)

⁸⁶⁶As Brenner et al. observe "this potentially radical political slogan, much like that of 'social capital', is also being used ideologically by state institutions, which have co-opted it into a basis for legitimating existing, only weakly participatory forms of urban governance, or for exaggerating the systemic implications of newly introduced forms of citizen participation in municipal affairs" [Neil Brenner, Peter Marcuse, and Margit Mayer. *Cities for People, Not for Profit: Critical Urban Theory and the Right to the City* (Routledge, 2012) p. 6]. Purcell

In his recent book *Seeking Spatial Justice* Ed Soja maintains that the relevance of spatial justice particularly rests in allowing to eschewing the totalising universality of the concept of 'just city', as well as the lack of critical edge of notions such as 'distributive' justice.⁸⁶⁷ Notwithstanding the promises, however, his book is limited to a rather instrumental understanding of spatial justice, reduced to a strategic tool to test urban decisions, i.e. another way to insert the 'spatial' into the logic of social justice. To be sure, this is not necessarily a problem in itself. If however this is the case, how the concept of 'spatial justice' could embody a radical and innovative value, remains to be seen. Moreover, also Soja's conceptualisation appears unable to shrug off an eminently anthropocentric and 'social' understanding of justice.

Mustafa Dikeç has sought to provide a more sophisticated approach, understanding spatial justice neither as a mere instrument to act surgically in space by artificially isolating an area from the city, nor more generally as an inclusionary tool for allowing more participation within the given order, but rather, more radically, as a tool meant to *wrong* the given order itself.⁸⁶⁸ Dikeç develops a challenging exploration of urban politics employing a non-naïve and strategically promising understanding of space.⁸⁶⁹ However, I sense that his conceptualisation of justice is ultimately unable to fully eschew a certain 'spatial romanticism' and, in the end, appears to be still framed within, in Weizman terms, a 'too soft' understanding of space.⁸⁷⁰ This seems to emerge for instance when, following de Certeau, he maintains that whilst the 'given order' "excludes the possibility of two things being in the same location" (since confining 'everything at the right place'), the space of the *political* (and thus of spatial justice), with its unstable and non-univocal quality, is what allows for such a possibility to occur.⁸⁷¹ If this is the case, spatial justice risks being somewhat rarefied into an almost epistemological tool to 're-imagine' urban contradictions rather than facing the task of addressing its thick materiality. Dikeç is surely aware of this risk, and yet he seems to fall short from providing with a clear-cut and sufficiently radical

for instance observes that "the right to the city can be extended beyond the urban to be conceived of more generally as the right to inhabit – the right to participate centrally in the decisions that shape one's everyday life" – surely a precise and useful definition, yet one that again fails to provide the concept with a properly radical edge (in the material, post-human and excessive sense I am looking for) and thus to fully justify its political and strategic novelty [Mark Purcell, 'Citizenship and the Right to the Global City: Reimagining the Capitalist World Order', *International Journal of Urban and Regional Research* 27(3) 2003, 564–90: p. 583]; see also *infra* note 878

⁸⁶⁷Edward Soja, *Seeking Spatial Justice* (University Of Minnesota Press, 2010)

⁸⁶⁸See for instance M. Dikeç, 'Space, politics, and the political', in *Environment and Planning D: Society and Space* 23 (2) 2005, 171-188; and 'Space, politics and (in)justice', *Justice Spatiale/Spatial Justice*, no. 1, September 2009, available at <http://www.jssi.org/article/lespace-le-politique-et-linjustice/>

⁸⁶⁹See for instance his compelling investigation of French *banlieues*: Mustafa Dikeç, *Badlands of the Republic: Space, Politics and Urban Policy* (Wiley-Blackwell, 2007)

⁸⁷⁰Weizman 'Political Plastic' op. cit. p. 276 [see *Introduction*, par. 2]

⁸⁷¹Dikeç, 'Space, politics, and the political', op. cit. p. 182

tool in this sense. What he lacks, it could be argued, is the strategic sharpness that instead characterises Philippopoulos-Mihalopoulos' notion of spatial justice which, in a basically symmetrical definition, he defines as "the ultimate expression of the claim to one's unique spatial position which by necessity excludes all others: the fact that only one body can occupy a specific space at any specific moment is the phenomenological basis of spatial conflicts".⁸⁷² There is no escape from the materiality of the urban, no possibility to occupy the same place at the same time: inhabiting means displacement, inequality and conflict, and it is only by accepting, addressing and traversing such a dense complexity that justice is to be conceived. Finally, what generally strikes in Dikeç's as well as in the other approaches touched upon above is the very little engagement with the question law. Why does law play such a minor role in these accounts? Is not the legal, or indeed spatiolegal question a fundamental one when discussing about justice? I believe so.

The last paragraphs perform some unavoidable (and admittedly ungenerous) simplifications of works whose complexity cannot be summarised in few lines. Even more ungenerous perhaps, has been the decision (for reason of 'space') to overlook other potentially interesting contributions to the debate. Yet, I feel this was sufficient to achieve the purpose of this section, which was not meant to provide a complete synopsis of the concept of spatial justice but rather to set the stage for the discussion to follow, by delineating the problematic field in response to which the concept of spatial justice appears to emerge, and which this chapter aims to traverse. An indication of the direction to follow is provided by the limits that these different conceptualisations of spatial justice seem to share: in a sentence, a general unwillingness to fully pursue its radical promises.

It is not enough to define spatial justice as "a critique of systematic exclusion, domination and oppression".⁸⁷³ Spatial justice is neither an aspect nor a companion of social justice. It does not 'derive' from the latter, and is not the "ultimate goal of many planning policies", as Marcuse puts it – indeed, if there is something that the concept of justice should problematise is exactly the anxiety for 'the result' that characterises contemporary urban

⁸⁷²Philippopoulos-Mihalopoulos, 'Spatial Justice', op. cit. p. 2; to be read in parallel with Butler's observation about the right to the city as being "neither a natural nor a contractual right but ... grounded in the entitlement to physically occupy urban space." [*Critical Legal Studies*, op. cit. p. 325]. Incidentally, could not we move to Dikeç the same critique Zizek [*Ticklish Subject*, op. cit. pp. 171-245] moves to the former's main inspiration, i.e. Jacques Ranciere? Namely the fact that Dikeç's strategy appears to rely on, and to ultimately 'need' (i.e. presuppose) the reality of a monolithic Order, as a comfortable point of reference to build resistance against or, in his terms, to *wrong*. In this sense Dikeç would seem to assume the 'given order' in far too static terms. Is not the reality of a control a configuration of power whose main characteristic lies in exactly the fact of not presenting anything tangible to oppose?

⁸⁷³Dikeç, 'Space, politics and (in)justice', op. cit.

policies.⁸⁷⁴ It neither spatialises nor materialises justice, nor is a simple shorthand for “social justice in space”.⁸⁷⁵ Far more radically, spatial justice removes the ‘social’ from justice, by asserting justice’s always-already spatial and material character. This is the sense proposed by Philippopoulos-Mihalopoulos, whose conceptualisation overcomes such shortcomings by pointing towards a properly material and excessive understanding.⁸⁷⁶ Equally important is his emphasis on the necessity to address spatial justice through the question of law. This is, I believe, a crucial point. As I contend below, it is exactly through the contingent deactivation (making inoperative) of the spatiolegal mechanism of exception that the eventful potential for justice emerges.⁸⁷⁷

However, in the following pages I will move beyond this notion. I believe that the concept of spatial justice has been already subjected to enough elaborations and indeed neutralisations: it appears, in other words, already too compromised.⁸⁷⁸ Moreover, I feel that it is ultimately unable to convey the non-relational and eventful quality that I seek to elaborate, and that the notion of cosmic justice, I believe, is able to express.

⁸⁷⁴In his text on spatial justice Marcuse observes that “spatial justice is the ultimate goal of many planning policies”, Peter Marcuse, ‘Spatial Justice: Derivative but Causal of Social Injustice’. *justicespatiale | spatial justice*, 2010. Available at <http://books.openedition.org/pupo/420>; on the need to overcome the anxiety for result, at the same time without simplistically and dangerously pretending to have done with result, see *supra note 43*

⁸⁷⁵Philippopoulos-Mihalopoulos [‘Spatial Justice’, op. cit. p. 4] referring to G. H. Pirie, ‘On Spatial Justice’, *Environment and Planning A* 15, 1983, 465–73.

⁸⁷⁶See Philippopoulos-Mihalopoulos, ‘Spatial Justice’, op. cit.

⁸⁷⁷Fernandes in his interesting overview of the *right to the city* similarly emphasises the necessity to deal with the legal dimension of the concept [Edesio Fernandes, ‘Constructing the “Right to the City” in Brazil’, *Social & Legal Studies* 16(2) 2007, 210–19]. In fact, I believe that a properly radical approach to the notion of right to the city is extremely promising, understanding the concept as a tool to develop novel, simultaneously abstract and concrete ways of being-together. See in this sense Cunningham’s emphasis on the necessity to think the relation between “the ‘positive’ form of the right to the city, as a *global* reality [and] the form of the *law*” [‘Spacing Abstractions’ op. cit. p. 465]. This is the direction I am pursuing in this chapter through the notion of (cosmic) justice, since I believe that the eventful and excessive quality that the latter harbours has the potential to rescue concepts such as the right to the city itself from becoming just an instrument for claustrophobic politics of participation within ontologically-closed horizons. In this sense, as I hint below, this understanding of justice, and the ethico-political notion of interventionism it entails, could integrate and complement, rather than displacing the notion of right to the city itself, by providing it with a more radical, perforating and eventful *abstraction* to be strategically concretised [See also *supra note 867*].

⁸⁷⁸Indeed, also Philippopoulos-Mihalopoulos appears to be moving away from this concept for similar reasons.

2.

*The prefix geo does not signify a specialized branch of philosophy; it signals, rather, the topos, or the nowhere, of philosophical inquiry in place of a transcendental metaphysics that believes itself above being placeable, abstractly nowhere and universally everywhere.*⁸⁷⁹

In the second chapter, I observed that an insufficient understanding of the materiality of law is the symptom of the incapacity to properly deal with justice. Accordingly, I questioned the tendencies to subordinate law to some higher principle, sovereign, hidden or yet-to-come since, as Sutter rightly observes, this ultimately de-materialises justice, *de facto* positioning it out of this world.⁸⁸⁰ At the same time, I sought to differentiate my direction from some pragmatic, materialist and immanent models, and their suggestions to ‘get rid of’ the spectacular façade of law in order to ‘liberate’ the materialities of a purely pragmatic and immanent ‘practice of right’ supposedly lying beneath the cloak of spatiolegal abstractions. First, this risks confining ‘law’ into ‘abstract’, ‘oppositional’, ‘negative’ and ‘prescriptive’ domains, assuming it as a ‘simple abstraction’ separated from its outside (life, space, justice) and thus overlooking its ontological inscription into the atmospheres and rhythms of the real. Second, this also equates to overlooking “the generative role that abstraction plays in disclosing and giving consistency to different kinds of worlds”, more precisely the *positive* quality of abstractions (legal abstractions included) as “constitutive of new ‘concrete’ forms of spatial relationality generative of social meaning”, and thus the positive role they can play *vis-à-vis* opening the urban to the eventful potential of justice.⁸⁸¹ Barnett is right when observing that, when thinking about ethics, justice and responsibility, we need more than “just telling stories about spatially extensive networks of connection and entanglement”.⁸⁸² We should be suspicious about the ‘healing’ properties of relationalism, as well as wary of

⁸⁷⁹D. Chisholm, ‘Rhizome, Ecology, Geophilosophy (A Map to this Issue)’ *Rhizomes* 15 (4) 2007, available at <http://www.rhizomes.net/issue15/chisholm.html>.

⁸⁸⁰These positions ultimately share the assumption that ‘there is the need of a law because God, justice and truth are not of this world’ [Sutter, *Deleuze*, op. cit. p. 49 (my translation)].

⁸⁸¹McCormack, ‘Geography and Abstraction’, op. cit. p. 727; and Cunningham, ‘Spacing Abstractions’, op. cit. p. 465; Cunningham is here referring to Lefebvre’s notion of ‘abstract space’, yet I believe that legal abstractions as well have a potentiality in this sense. Whilst, as he notes following Miéville, “force and violence are *intrinsic* to the legal form as such” [p. 467], below I argue that the strategy of deactivation of the legal apparatus of exception gestures to the possibility to open law to other uses, not in the sense of overcoming notions of violence and power, but rather ‘reorienting’ their residual intensity towards the dimension of justice.

⁸⁸²In Clive Barnett, ‘Geography and ethics: Justice unbound’, *Progress in Human Geography* 35(2) 2011, 246–255: p. 252; Barnett gathers too many approaches under his critique, unavoidably producing untenable simplifications. Nonetheless, his observations are useful in providing a further qualification to the problems of relationalism. See also Barnett, ‘Geography and ethics: Placing life in the space of reasons’, *Progress in Human Geography* 36(3) 2012, 379–388

iconoclastic urges to ‘have done with law’. Differently from Sutter, I believe that here lies the sense of Deleuze’s famous injunction to ‘have done with judgement’: not a call to ‘have done with law’, but rather, a call to have done with the operational mechanism of exception which grounds law’s judgement.⁸⁸³ This is not, of course, an attempt to preserve the prestige and mystical aura of law. Paraphrasing Whyte, what this entails is thinking law beyond the false alternative between its glorification and its dismissal, “beyond the reactionary desire to re-instil law with a lost meaning, the nihilistic embrace of law’s emptiness, and the dialectic of constituent and constituted power”.⁸⁸⁴ Thinking the possibility of an ‘inoperative use’ of law, that is, through the deactivation of its immunitary mechanism of exception: *dismantling the second without eradicating the first*.

Surely, justice cannot come *only* through law. Yet, to Miéville’s observation – i.e. the ‘systematic amelioration of social and international problems cannot come through law’ – I add that justice cannot come without law either.⁸⁸⁵ I agree with Cunningham when stressing that

a politics adequate to the contemporary must always go beyond the terrain of the ‘legal’, but equally cannot afford to ‘eradicate’ it, for this would risk merely reinscribing rights, in an illusory desire for the ‘concrete’, as a purely ‘moral’ category divided from questions of political accountability or enforceability⁸⁸⁶

Justice, then, simultaneously “through and despite the law”.⁸⁸⁷ ‘Going beyond the terrain of the legal’ does not mean to abandon law, since law and justice occupy the same ontological space, a spatiality (spatiolegality) that cannot be shattered through ‘leaps of faith’ occurring in pre-ontological vacuums. As Philippopoulos-Mihalopoulos’ suggests, ‘the law is not just legalistic ... the law is both legalistic *and* just’.⁸⁸⁸ This, I believe, is what is enshrined in the sibylline sentence uttered by Deleuze and Guattari in their book on Kafka: “*The transcendence of the law was an abstract machine, but the law exists only in the immanence of the machinic assemblage of justice*”.⁸⁸⁹ Not a dismissal of law, but the affirmation of its inseparable as well as non-coincident relation with justice, what sanctions both the

⁸⁸³As Nunes [‘Politics in Middle’ op. cit.] aptly puts it, this should be read as a call to ‘have done with dualisms’; for a similar interpretation see Alexandre Lefebvre *The Image of Law*, op. cit.

⁸⁸⁴Jessica Whyte, “‘I Would Prefer Not To’”: Giorgio Agamben, Bartleby and the Potentiality of the Law’, *Law and Critique* 20 (3) 2009, 309–324: p. 320

⁸⁸⁵China Miéville, *Between Equal Rights: A Marxist Theory Of International Law* (BRILL, 2005) p. 318

⁸⁸⁶Cunningham, ‘Spacing Abstractions’, op. cit. p. 467

⁸⁸⁷Philippopoulos-mihalopoulos, ‘Spatial Justice’, op. cit. p. 9

⁸⁸⁸“The law is not just legalistic. This would have been too simple (to deal with, understand, counteract, oppose to, revolt against). *The law repeats itself interminably, every time producing an absolute difference inscribed in its self-referential immanence. Within the folds of its repetition, the law renders itself just, turns itself into justice, and crosses from one point of immanence to another.* The law is both legalistic *and* just”, Andreas Philippopoulos-Mihalopoulos, ‘Repetition: Deleuze and Kierkegaard on Law, Justice and Art’, *University of Westminster School of Law Legal Studies Research Paper Series*, 2010: p. 10

⁸⁸⁹Deleuze and Guattari, *Kafka*, op. cit. p. 51

inescapability of every situation as well as the eventful materiality of its haunting excess. This is what Derrida misses, by situating justice in a pre-ontological dimension, assuming it as an impossible possibility, reducing it to a ‘temporal’ instance *à venir*. Justice is not *à venir* but always-already here: simultaneously an “absolute horizon, independent from any observer”, and yet here-and-now, as a “*local absolute*, an absolute that is manifested locally”, and that is never reducible to a configuration *for us*, or to a world *yet-to-come* according to our desires.⁸⁹⁰

Therefore, once its exceptional operation (i.e. the reduction of the world to a *world for law*) is made inoperative then law can truly become a vehicle towards justice, since no longer artificially separated from it. “Justice without law is not the negation of the law, but the realization and fulfillment, the *pleroma*, of the law”, Agamben reminds.⁸⁹¹ Thus “what opens a gateway towards justice is not the elimination of law, but its deactivation and inoperosity – that is, another use of law”, in the sense of a non-immunitary and non-appropriating aperture of law to a world *not-for-law*, i.e. a non-juridifiable world where what is ‘absent’ is not law itself, but only its juridifying operation, whose deactivation discloses the geo-legal fact of law’s real contiguity with justice.⁸⁹²

How is this to be (un)done? Neither through all-encompassing principles nor vague yearnings for a world beyond: this “state of the world in which the world appears as a good that absolutely cannot be appropriated or made juridical”, is not another world but rather a potential that any situation *in this world* harbours.⁸⁹³ This implies engaging at every moment an ever-new struggle, not acting beyond, outside or without law, but rather *forcing* law to transform *sur place*, thus clearing the space for the possibility of the properly creative, unauthorised emergence of justice.⁸⁹⁴

What kind of ethico-political action such an understanding envisages, what kind of urban politics that entails? Indeed, what does ‘action’ mean in this sense, and how can we rescue it

⁸⁹⁰ Deleuze, and Guattari. *What Is Philosophy?* op. cit. p. 36; and Deleuze and Guattari, *ATP*, p. 422. In this sense justice is strategically tied to the intensive and eventful potential of the urban, as the constant line of flight away from its reduction to a mere state of affair (below).

⁸⁹¹ Agamben, *The Time That Remains*, op. cit. p. 107

⁸⁹² Agamben, *State of Exception*, op. cit. p. 64 (modified translation). See also Agamben’s reference to a ‘real state of exception’, as opposed to the separating ‘legal’ state of exception, according to which: “Law that becomes indistinguishable from life in a *real* state of exception is confronted by life that, in a symmetrical but *inverse* gesture, is entirely transformed into law. [...] Only at this point do the two terms distinguished and kept united by the [sovereign] relation [...] (bare life and the form of law) abolish each other and enter into a new dimension” [*Homo Sacer*, op. cit. p. 55]

⁸⁹³ Ibid – Agamben is indirectly quoting Benjamin

⁸⁹⁴ As it is explained at length in the following paragraphs, this does not entail uncovering a ‘purer’ dimension of law.

from the reduction into the compromised paradigm of operation? Prior to come back to the law/justice relation, it is with such 'inoperose' dimension of acting that we must confront.

3.

*What deed would man capable of if he had not first entered that vaporous region of the unhistorical?*⁸⁹⁵

The urban, so far described in its multi-scalar concatenations, conflictual turbulence and eventful potentialities, presents a level of complexity that advises against any more or less well-intended faith in unilateral solutions to its immanent problems, or post-political beliefs on the possibility of impartial actions oriented by pragmatic and non-ideological 'ideas that work', spaces that fix.⁸⁹⁶ What this entails is the necessity to assume one's inescapable placed-ness (the unavoidable fact of occupying one place, of *taking place*) as a body amongst other bodies. Yet, a being-placed that is irreducible (although not independent) from physical, representational or phenomenological 'states of affair', i.e. to an actual relationalism traceable via socio-legal-empirical means. A being-placed, that is, always potentially open to its non-relational eventfulness. This means accepting one's being simultaneously situated in the actual, phenomenological and 'concrete' contingency of the situation, and yet open to its ecological (or more precisely cosmological) prolongations and eventful excesses. Yes, we are always within a dense materiality in which every movement is fraught with consequences, to the point that we cannot even 'afford to choose to be either active or passive'.⁸⁹⁷ As the very dichotomy of action and inaction loses meaning, the question of whether this ultimately leads to an inescapable political impasse cannot be easily dismissed. Could not such a perspective be assumed as atrophying the possibility for ethico-political action, entangling agency within such a dense and complex web of indefinite consequences to the point of rendering it pointless? According to some, this "intensely demotivating" position is conducive to either passive renunciation or to resigning oneself to low-profile and innocuous tactics of small-scale transgressions that in the end do little for

⁸⁹⁵ F. Nietzsche. *Untimely Meditations*. (Cambridge University Press, 1997)

⁸⁹⁶ An attitude increasingly propelled by the Leftist call for a 'turn to the concrete', whose effect is to fetishise space into a static and embedded here-and-now that allows "whoever feels more at ease with it to manipulate its embeddedness, thereby converting it from a radical tool to a hegemonic presence" [Philippopoulos-Mihalopoulos, 'Law's Spatial Turn', op. cit. p. 194]

⁸⁹⁷ See the quote by Liu Bolin opening the next section.

problematizing the reality of control, and instead become “comforting substitutes for effective success”.⁸⁹⁸

This is not necessarily the case. The approach I develop here does not imply resignation or renunciation but rather a motivation to act within this world, the only world there is, by refusing any operational and nihilistic pretence of a nothingness which would ground the possibility for action, as well as without falling into the a-political passivity of inaction. This prefigures an *interventionism* based on a mode of acting ‘drained’ from the hubris of activism: *inoperose acting*.⁸⁹⁹ Zourabichvili once defined Deleuze’s ethico-political stance as ‘involuntarism’. I apply this definition to the position I am elaborating, provided that the term is understood in the sense of being incompatible with the ‘voluntarism’ of a subjective will.⁹⁰⁰ To define the act of thinking away from intentionality, subjectivity, voluntarism and thus a conception of thought as generated *ex nihilo* by a *cogito*, Deleuze and Guattari propose to understand it as an act of diving, or surfing. This is what intervention means: *inter-venire*, i.e. to come between, entering the flow of things, always beginning in the middle, coordinating ‘one’s body with other modi’, always “‘get[ting] into something’ instead of being the origin of an effort”.⁹⁰¹ Surfing, that is.

Of course, it is not *that* simple. There are legitimate critiques that cannot be shunned just by resorting to adventurous analogies. Moreover, how can surfing be a viable model for ethico-political action in the age of control? Does not the flexible capacity to ‘flow between things’ in today’s neo-capitalist times, turn into a precarious vulnerability to the flows themselves, stuck within a closed horizon at the mercy of the modulated waves of brandscaping and its pervasive “world of infinite mobilisation”?⁹⁰² We already encountered this critique. In Hallward's terms, a surfing politics would imply as its quintessential task the dissolution of

⁸⁹⁸Barnett ['Geography and ethics', op. cit. p. 252] contests that “it can be intensively *demotivating* to be constantly required to recognise and act upon the responsibilities that may follow from one’s more or less intentional entanglement in complex spatio-temporal patterns of production, consumption, communication, distribution, exchange and disposal”. The second quote is from Williams and Srnicek, ‘Accelerate’, op. cit.

⁸⁹⁹François Jullien, *A Treatise on Efficacy: Between Western and Chinese Thinking* (University of Hawai’i Press, 2004) p. 89

⁹⁰⁰As well as with the presupposition of nothingness as a ‘ground’ of projectual action this implies. Above I am paraphrasing Nunes [op. cit. p. 122] who refers to the beautiful text by François Zourabichvili: ‘Deleuze et le possible (de l’involuntarisme en politique)’, in Eric Alliez (ed) *Gilles Deleuze. Une vie Philosophique* (Institut Synthélabo, 1998)

⁹⁰¹Deleuze and Guattari, *What is Philosophy*, p. 71; Karl Palmas [‘Bodies without Bodhis’, in *Eurozine*, 13 November 2009, available at <http://www.eurozine.com/articles/2009-11-13-palmas-en.html>] fascinatingly reflects on Gilles Deleuze’s attraction for surf, as expressed by the French philosopher in a 1985 interviews: as opposed to ‘old sports’ in which “we are the source of the movement. Running, putting the shot, and so on: effort, resistance, with a starting point, a lever ... All the new sports – surfing, windsurfing, hang-gliding – take the form of entering into an existing wave. There's no longer an origin as starting point, but a sort of putting-into-orbit. The key thing is how to get taken up in the motion of a big wave, a column of rising air, to 'get into something' instead of being the origin of an effort.”

⁹⁰²Thrift, 'Lifeworld Inc'. op. cit. p. 8

“limitations in order to become a more adequate or immaterial vehicle” to the undifferentiated flow of the virtual.⁹⁰³ Vulnerable ascesis. In fact, once the stable immunitary cages of ‘individual’, ‘selfhood’, ‘persona’, ‘subject’ are overcome by means of diving, how to avoid dissolution into the atmo-rhythmical waves of control?⁹⁰⁴ Is not surfing the perfect explicitation of the reduction of every being into an ‘automaton’ prey of biopolitical apparatuses, a conceptual persona that expresses an ethos of Zen-like ‘letting go’ which perfectly fits the accelerated ideology of late capitalism? Yes, Žižek replies. This ethics is premised on the renunciation to “any attempts to retain control over what goes on, rejecting such efforts as expressions of the modern logic of domination” and instead prompts to “‘let oneself go’, drift along, while retaining an inner distance and indifference toward the mad dance of the accelerated process”.⁹⁰⁵ Therefore, this entails not challenging but rather accepting a given condition, and only secondarily trying to ‘surf it’ towards ‘libertarian ends’.⁹⁰⁶

So far I have only provided partial and mainly reactive responses to these legitimate doubts. It is now time to clarify more precisely how my proposal attempts to overcome them. I do so with a brief ‘Chinese’ detour. Taking inspiration from the main target of Žižek’s last quote – i.e. the Westernised appropriation of Eastern philosophy (from ‘pop-Buddhism to Taoism) –, and employing François Jullien’s compelling *Treatise on Efficacy*, in the next two sections I qualify how such inoperative ‘surfing ethics’, whilst avoiding the operational paradigm of action as well as the hubristic search for ‘revolutionary’ authenticity, at the same time does not simply unfold into innocuous micro-activism or problematically vulnerable stances at the mercy of control’s modulation.

4.

*I choose to merge with the environment. Instead of saying that I simply disappear into the background, it would be better to say that the environment has engulfed me and that I cannot afford to choose to be either active or passive.*⁹⁰⁷

⁹⁰³Peter Hallward, *Out of This World*, op. cit. p. 2

⁹⁰⁴Take for instance the apparently empowered position of the web-surfer, arguably even more vulnerable to the algorithmic modulation of control. As Deleuze himself noted in his postscript, “the man of control is undulatory, in orbit, in a continuous network. Everywhere *surfing* has already replaced the older *sports*”, Deleuze, ‘Postscript’, op. cit. p. 6

⁹⁰⁵After all is not surfing itself, Žižek ironically observes, the perfect image of the ‘postmodern superego’ of late capitalism? [S. Žižek, ‘Revenge of global finance’, *In These Times*, 21 May 2005, available at <http://inthesetimes.com/article/2122/>].

⁹⁰⁶Noys *Persistence*, op. cit. p. 7

⁹⁰⁷Liu Bolin, quoted in Silvia Mattei, ‘Camouflage revealed. Liu Bolin and the Art of Mimetic Performance’, in *Liu Bolin. Hiding in the City* (Exhibition Catalogue. Galerie Paris-Beijing, 2013)

In his *Treatise on Efficacy*, subtitled ‘between Western and Chinese thinking’, François Jullien embarks on a brief and engaging analysis of the Chinese concept of action by drawing on classical texts of Taoism. He presents the latter as an immanent and eminently strategic philosophy, utterly alternative to the operational, project-oriented paradigm of Western action. In one of the most famous instances of Western strategic thinking, Clausewitz laments the ultimate impossibility for a theory of warfare to bridge the gap with the actual practice of war. Unfortunately, he complains, a strategy must always enter (and thus be dislocated by) the ‘atmosphere in which the War moves’.⁹⁰⁸ What for Clausewitz is a major concern, is absolutely a non-problem for Chinese thinkers. Untouched by the projectual anxiety of the ‘plan’, Chinese strategy is totally immanent to the situation in which it occurs. Theory and practice become one. Accordingly, the atmosphere of the battle is not an atmospheric dislocating the ‘war-plan’. Instead, it is everything that war is about, i.e. a contingent configuration of forces carrying an inherent and ‘circumstantial’ potential, which is the duty of the strategist to act upon in-the-moment.⁹⁰⁹ There is neither determinism nor indeterminacy in this conception. Every situation is understood as an ‘objective configuration’ in which the *dao* – i.e. ‘the natural course of things’ – flows, guiding without determining, i.e. tuning the possibilities for action.⁹¹⁰ How these potentials unfold in the actual situation is the task of the good strategist to accurately evaluate, calibrating the action accordingly. Adequate preparation is needed, yet abstracting ‘projectuality’ is of no use. As Jullien qualifies, this is a ‘phenomenology of effectiveness’ whereby one does not abstract from a situation in order to decide upon it, but rather seeks to *dissolve* into the flow of things, ‘harmonising’ immanently with their becoming.⁹¹¹ What counts is being able to act at the “stage of pre-actualisation” where reality is more ‘malleable’ and ‘flexible’: i.e. acting ‘upstream’, that is, plugging into the unformatted, plasmatic dimension where the potential of a situation lies, and thus where vast transformations can be engendered with

⁹⁰⁸Jullien, *A Treatise on Efficacy*, op. cit. p.14; according to Clausewitz: “the four elements composing the atmosphere in which War moves, of DANGER, PHYSICAL EFFORT, UNCERTAINTY, and CHANCE” Carl von Clausewitz, *On War* (Wilder Publications, 2008) ch. 3; sometimes the term atmosphere is translated as ‘fog’.

⁹⁰⁹Jullien, *A Treatise on Efficacy*, op. cit. p. 22; “instead of setting up a goal for our actions, we could allow ourselves to be carried along with the propensity of things ... instead of imposing our plan upon the world, we could rely on the potential inherent in a situation” (p. 16). See also Jullien's interesting comment on the notion of atmosphere: “Cette notion d’atmosphère me semble donc répondre précisément à ce que j’essayais d’évoquer, elle me paraît assez insaisissable, puisque ambiant, é-manant, elle est évasive, évanescente, en tout cas elle n’est pas assignable”, in Bruno Latour and Pasquale Gagliardi (eds) *Les Atmosphères de la politique. Dialogue pour un monde commun* (Les Empêcheurs de penser en rond, 2006) available at http://www.cso.edu/upload/pdf_actualites/CR-latour-gagliardi.pdf

⁹¹⁰Daoism or Taoism is a philosophy based on a conception of reality as continuous flow of becoming. Dao, or Tao, means the *way*, i.e. the ‘spontaneous’ and ‘natural course of things’, the ‘flow of reality’ which is the duty of the ‘good man’ to let unfold.

⁹¹¹Jullien, *A Treatise on Efficacy*, op. cit. p. 51

minimal effort: *butterfly effect*. As Benasayag puts it, non-action within this perspective does not mean 'inaction' but rather indicates a way of 'non-acting in response to the accident, non-being in agitation, *non-reacting* by means of resisting the urge 'to exercise some power to be'.⁹¹² Action, yet 'freed' from activism and its prefigured objectives: the world as no longer an *object for us*, i.e. an 'object to be acted upon', but rather a reality in evolution to which we must *conform* through a process which is neither magical nor technical, neither goal-oriented nor chancy, and "instead of being willed ... stems from the conditions implied in a situation".⁹¹³

I must stress that probably Jullien is heuristically simplifying Taoism. As some has noted, he is also skipping the contemporary Chinese philosophical debate, thus offering a frozen and almost mythical image of 'Chinese alterity'.⁹¹⁴ This is not relevant for the present discussion however, since I am as much employing Jullien's text (Jullien's Taoism) heuristically as a tool to build my own argument. What is relevant, in fact, is the evident similarity between the model of 'action' he is sketching and the one I am proposing. Jullien describes 'acting' as merging with the immanence of a situation in order to unfold its potentialities by 'impinging upon them' as well as, as he puts it, literally "swerving from the aim of achieving" them; never 'saturating' an effect (i.e. the inherent potential of a situation) and rather 'letting it grow', liberating it from its 'goals' and its operational apparatus, since "intending an effect kills it, dries it up, exhausts it".⁹¹⁵ This seems very consistent with the 'surfing interventionism' I began to sketch above. Yet, at least two crucial differences should be emphasised.

First, Jullien understands the potential of a situation as a 'fund of potentiality', "the undifferentiated basis of all things – which is also the basis of all their virtualities".⁹¹⁶ Beings are denied consistency within this perspective, posited as 'sterile' entities emanating from a deeper flux of becoming. Actuality appears as just a limitation that must be overcome so as to dematerialise oneself into such undifferentiated substratum.⁹¹⁷ Second, the event disappears within this perspective, 'dissolved' into 'silent transformations', sublimated into the flow of things.⁹¹⁸ This processual philosophy of becoming understands reality as a

⁹¹²Miguel Benasayag, *Contro il niente: ABC dell'impegno* (Feltrinelli, 2005) p. 15 (my translation); as Jullien puts it, "nonaction is action upstream" [*A Treatise on Efficacy*, op. cit. p. 125]. And again: "a sage never takes action ... he 'transforms'" providing more 'thickness' and 'consistency' to a process, and this "is not to seek to impose an effect, as when one acts, but to allow the effect, as it takes shape and mass, to impose itself through a progressive process of sedimentation" (pp. 55, 57)

⁹¹³Ibid: p. 132

⁹¹⁴This is what Jean-François Billeter contends in his polemical *Contre François Jullien* (Allia, 2006)

⁹¹⁵Jullien, *A Treatise on Efficacy*, op. cit. p. 109, 122

⁹¹⁶Ibid, pp. 92, 183: "a great fund (of the processivity of things)"

⁹¹⁷See ch 1, *Materiality life event*, par. 4

⁹¹⁸Ibid: pp. 78-9

smooth, continuous and anti-evental movement into which we are called to conform and dissolve, thus fully justifying Žižek's remarks about the suspicious proximity between Taoism and the ethos of neo-capitalism. What is assumed, by updating Taoism as an ethico-political model for the present, is the supposed 'innocence' of the 'natural course of things' (*dao*), and this amounts to overlooking the key question of its ontological production vis-à-vis power configurations. The injunction to become an 'immaterial vehicle' of the *dao* risks becoming a receipt for utter vulnerability, Taoism's exposure to which, in fact, is not a new fact.

Already in VI-III century BC, Taoism was being co-opted within the authoritarian philosophy of so-called *Legalist* tradition. 'Legalist' thinkers exploited Taoist teachings by taking to the extreme their underlining presuppositions in order to build a model of despotic authoritarianism aimed at establishing a form of absolute and 'automatic', i.e. self-regulating control over the population.⁹¹⁹ Han Feizi's 'theory of impersonal sovereignty' is indeed a textbook case of the spatiolegal logic of control here discussed. It proposes an absolutely immanent model of government in which the ruler must be depersonalised and de-humanised to the point of 'disappearing' into the flow of things, becoming a 'void'.⁹²⁰ Here, the *emptiness* of sovereignty is not concealed behind a rhetoric of power, but directly assumed as the empty core of a system able to 'run smoothly on its own accord', i.e. automatically: a 'cybernetic' apparatus of power organised in "a completely artificial fashion (it is completely independent from the sentiment of the ruler and rests solely on the norms that are imposed and the control that is exercised) ... [a system expected to] operate *on its own*".⁹²¹ This 'theory of political manipulation' grounded on the "reduction of all others to passivity ... [treating them] as pure automatons",⁹²² is perfectly consistent with the 'glorious' logic of control, i.e. a configuration aimed at defusing the eventful potentiality of being-together, "manipulat[ing] the situation so as to influence one's adversary indirectly, progressively getting him to move in a particular direction".⁹²³ At play are all the elements discussed in the last chapters: a system of power which is self-justified by its own internal regularity, keeping alive a smooth and frictionless movement which does not offer anything tangible to oppose, 'defusing antagonism', 'disarticulating solidarity' and dissolving the 'possibility of event' according to an eminently preventing logic in which *anticipation*

⁹¹⁹Jullien has to admit that "dictatorial thinking can be inspired by nonaction" (p. 99)

⁹²⁰Despotic power is a "void without action" see pp. 30, 101, 151.

⁹²¹Ibid: pp. 100-2

⁹²²Ibid: pp. 151-2

⁹²³Ibid: p. 168; see then Tiqqun: "Empire does not confront us like a subject, facing us, but like an *environment* that is hostile to us", *Introduction to Civil War*, op. cit. p. 171

supplants projection.⁹²⁴ An immobile movement, that is: “the defenders of despotism sought to monopolize all the potential, making it converge to the throne in such a way as to immobilise the situation”.⁹²⁵ The ‘recuperation’ of Taoism within the oppressive model of Legalism mirrors the recuperation of naïve vitalism within the oppressive model of control and its self-justifying techné. Consistently, Tiqqun define control as *neotaoism*, an immanent and centre-less configuration of power, a ‘*mastery without masters*’ thriving onto a global, deterritorialised and smooth space where operates *without frictions*: the ruler is like a ‘ghost’, “as a perfect manipulator, he is dissolved within his manipulation”.⁹²⁶

Keeping with this parallel, equally telling is the counter-strategy Taoist thinkers envisaged against the exploitation of their thought by Legalism. The injunction, as Jullien tells us, was to let the tyrant following “his own inclinations and sink to the extremes”, to let him accelerate until self-destruction: liberation would not be come through revolution, but from the ‘self-regulation of reality’.⁹²⁷ Conformation risks becoming conformism. The faithful reliance on the self-regulation of reality and the implicit assumption on its divine neutrality prefigure an endlessly postponed wait for the miraculous event of liberation, nothing but a-political inertia stuck within the horizon of the reality that the abstraction of the system of power has produced. Here lies the danger that strategies of absolute deterritorialisation and de-subjectification entail. *Never believe the smooth would suffice to save us*. Both vitalistic accelerationism, horizontal relationalism and Taoist ascesis appear to share the same ‘lack of depth’: they are too *superficial*. They do overcome transcendent dichotomies, only to remain stuck into a flat and seamless ontological surface, at every point coinciding with the relational immanence of control.⁹²⁸ Neither acceleration nor passive renunciation, the reality of this abstraction should be challenged through the patient dismantling of its exceptional operations.⁹²⁹ Overcoming the verticality of ‘heights’ and ‘depths’ without getting stuck on the horizontal closure of ‘surfaces’: this is what we should achieve.⁹³⁰ Yet, is not a ‘surfing ethics’ an as much superficial stance?

⁹²⁴Jullien, *A Treatise on Efficacy* op. cit. pp. 173, 149, 192; the capacity for the despot is that to “coax the enemy into movement’ in order to manipulate him ... conferring upon the situation a ‘configuration’ that will cause him to feel obliged to ‘pursue’ it”, since he will see ‘profit’ to be gained by pursuing in this way (p. 139)

⁹²⁵Ibid: p. 31.

⁹²⁶The first quotes are from Tiqqun [*Introduction to Civil War*, op. cit. pp. 152, 165] who refers to control as Empire; the last from Jullien [*A Treatise on Efficacy*, op. cit. p. 164] quoting Han Feizi. Schutz offers a similar interesting take on the question of immanence and emancipation (or lack of it), see ‘A Quandary Concerning Immanence’ op. cit.

⁹²⁷Jullien, *A Treatise on Efficacy*, op. cit. p. 118.

⁹²⁸Certainly different is the case of Harman’s actualism, in direct polemic with these approaches, and yet sharing with them a counter-productive flatness. See ch. 1, *Materiality life event*, par. 3

⁹²⁹See in this regard Deleuze and Guattari, *Kafka*, op. cit. pp. 43-46, on the notion of dismantling (*démontage*)

⁹³⁰I am loosely referring to what Deleuze once enigmatically observed as regards his philosophical approach having evolved through three steps: “*Difference and Repetition* still aspired to a sort of classical heights and

5.

... they do not move. *They are nomads by dint of not moving, not migrating, of holding a smooth space that they refuse to leave, that they leave only in order to conquer and die. Voyage in place...*⁹³¹

I do not believe so. Surfing implies the dismantling of rigid dichotomies as well as the swerving away from the relational immanence which reproduces the smooth surface on which control thrives. *Inter-venire*, as being ‘forced to coordinate one’s body with other modi’, is a question of *selection* rather than ‘dissolution’: ontologically unable to transcend it, a surfer must stay in the water, not simply relinquishing through spontaneous, reckless and naive affirmation to the smoothness of the sea, but rather riding through its materiality, never simply dissolving but always retaining a singular potency to swerve, with style.⁹³² Contrary to its post-modern accelerationist caricature, every surfer knows that surfing is an “art of dosages, since overdose is a danger”.⁹³³ This is not a renunciation to oppose reality, not an aristocratic capacity dependent on one’s lineage, nor a-critical affirmation: the surfer is not the one who joyfully utters YES to what occurs, (acceleration bound to manipulation, ‘empty enjoyment’ fitting capitalist production of *juissance*, passive conformism), but the one that “knows how to say ‘no’”, the one who selects, able to detect and ‘ride’ the excesses, blind spots and contradictions that every system of power produces, exploiting the conflictual intensity that palpitates in the cracks and fault lines dimpling the apparent

even to an archaic depth ... intensity was presented as coming from depth ... In the *Logic of Sense* the novelty for me consisted in learning something about surfaces ... [then, with Felix Guattari] I believe we looked for other directions since we wanted to do so. The Anti-Oedipus has neither heights nor depth, nor surfaces. There everything happens ... intensities, multiplicities, events, in a sort of spherical body ... a body without organs” – Deleuze, Gilles. *Logica del senso* (Feltrinelli, 2007) afterword to the Italian edition (my translation)

⁹³¹Deleuze and Guattari, *ATP*, p. 482

⁹³²Agamben observes that once the operation is de-activated, it is the inoperative core of every action to unfold, i.e. what ‘is on every act as a ‘style, almost the counter-force which, in the creation, resists to the creation and undoes it’ Agamben, *Nudità*, op. cit. p. 14 (my translation)

⁹³³Deleuze and Guattari, *ATP*, op. cit.p.162; in fact the Latin term *perizia*, i.e. *skill*, is at the root of terms experience, experimentation, exploration. The latter’s amphibious character is testified again by etymology: (*ex-plorare*, i.e. *to flow, to swim*). The reference to ‘caution’ should not sound awkward. There is a whole part of Deleuzoguattarian thought, often forgotten by their imprudent followers, dedicated to the themes of caution and sobriety (e.g. *ATP*, pp. 7, 109, 116, 308, 379). This is not a mere re-calibration in the face of a problem (namely, accelerationism) not taken into account in the first place. Instead, it must be read as one of the very principle of their philosophical enterprise. Take for instance the famous ‘instructions’ on *how to make yourself a body without organs*: “You have to keep enough of the organism for it to reform each dawn; and you have to keep small supplies of signifiacance and subjectification, if only to turn them against their own systems when the circumstances demand it, when things, persons, even situations, force you to; and you have to keep small rations of subjectivity in sufficient quantity to enable you to respond to the dominant reality. Mimic the strata. You don’t reach the BwO, and its plane of consistency, by wildly de-stratifying”, *ibid.* p. 178

smoothness of control.⁹³⁴ By means of 'abstracting' surfing into an analogy for ethico-political action, an absolutely strategic orientation emerges, one that resonates in what Benjamin describes as 'politics of revolt', that is, in Hirvonen's concise description:

neither a politics of great revolutionary programmes, ends, events and heroes, nor an infinite gesture of waiting for an always yet-to-come justice and democracy or revolutionary moment. Instead, we must read this as an interruptive and ruptural politics which recognizes in every instant a 'small gateway' in the continuum of global capitalism and its legal systems and which aims to exploit these in order to bring about liberation, equality and justice⁹³⁵

What characterises this stance is the fact of being resolutely free from the anxious necessity to presuppose a negativity which would provide the 'lever for agential intervention'.⁹³⁶ In *this* world the ontological reality (the *worlding*) of control is produced, and in *this* world it can be dismantled, deactivating its operations and acting upon the intensities thus unleashed: *unplug and reorient*. From this dense ontology no-body can 'exit'. This would be just escapism. No room for the hubristic exaltation of the revolutionary subject emerging *ex nihilo*. There is no nihilistic trampoline out of which such irruption would occur.⁹³⁷ Likewise, what is also opposed is the 'eschatologically nomic desire' that any revolutionary enterprise carries: no revolution, but *diavolution*, in Brighenti's term, i.e. inhabiting and traversing the problematic fields of a given historical configuration, dismantling it by remaining within.⁹³⁸ This is what an inopereose acting entails. Dismantling the anxiety for control, solution, revolution: neither uncritical affirmation of what is, nor nihilistic renunciation, but an

⁹³⁴Gilles Deleuze, *Nietzsche and Philosophy* (Columbia University Press, 1983) pp. 108-13: "the Dionysiac 'yes' ... is that which knows how to say 'no' ... to affirm is to create, not to carry, to bear, to take on". As Nunes observes, "If it is true that Deleuze and Guattari place a higher value on deterritorialisation, this value is subordinated to the practical problem of resisting the conservatism that reduces the real to the given and turns the latter into necessity ... to affirm deterritorialisation does not mean saying yes to all deterritorialisations, but knowing how to *select*" [*Politics in the Middle*], *op. cit.* p. 121, 123]

⁹³⁵Ari Hirvonen, 'The Politics of Revolt: On Benjamin and Critique of Law'. *Law and Critique* 22 (2) 2011, 101–118: pp. 115-6:

⁹³⁶I am referring to Noys' critique, see *Persistence*, *op. cit.* p. 66

⁹³⁷As Brighenti puts it, this means "being ... as crossed by immanent becoming – i.e. as a form of abundance rather than the form of paucity that Badiou's position entails." [Brighenti, 'Revolution and Diavolution', *op. cit.* p. 798]. As Laerke [The voice in the name, *op. cit.* pp. 91-92] observes, for Badiou the event is conceived as "popping out of emptiness, an 'absolute beginning' on the border of emptiness. For Deleuze on the contrary, the ontological choice does not refer to an event popping out in the *ensemble vide*, but to an intensive variation in a full and continuous *spatium* ... There is no emptiness in which the event happens."

⁹³⁸'Diavolution' is "The cross-breed term replaces the Latin prefix re- with the Greek prefix dià-, which means 'through'. The Latin root *volvo*, -*ere*, which means 'to turn', remains ... Revolution is an eschatologically nomic desire which kathetically needs the anomic to prepare for its own occurrence: it thus produces extrinsic, vertical deterritorialization." [Andrea Mubi Brighenti, 'Revolution and Diavolution: What Is the Difference?' *Critical Sociology* 34 (6) 2008, 787–802: p. 797]. This is what nomads do, flinging "themselves upon the Steppe, not to escape beyond its bounds but to make themselves at home on it." Toynebee, quoted in Deleuze and Guattari, *ATP*, *op. cit.* p. 621

immanent staying (*in manere*), inoperose: 'beyond being and nothingness ... inhabiting until the last moment in the impotent possibility which exceeds both'.⁹³⁹

As hinted already, however, for some the refusal of a 'properly revolutionary' ambition in the end means "resigning oneself to a piecemeal re-engineering, re-formation, of the existing world".⁹⁴⁰ Rescuing the image of the surfer from a parody of libertarian accelerationism is not enough to avoid its reduction to an ethico-political stance of modesty and complacency *vis-à-vis* the status quo. Eschewing the latter definition requires even greater abstraction. If we are to challenge the state of exception in which we live, avoiding the always-compromised short-cuts of nihilism as well as the naivety of affirmationism, then what is required is perforating this enclosing horizon, opening up the here-and-now of *our* situation to *its* cosmic contingency, that is, to the non-relational event of its taking place. This is what is meant by 'installing oneself' on the 'viewpoint of the event', as Deleuze asserts: a post-human and impersonal gaze on the world, that from (t)here 'appears' as "a fractal clump rather than an exotic blue marble ... a passing oval meteorite whose crater has already bored into the skin of astral corpses".⁹⁴¹ What this equates to is the cosmic appreciation (rather than personal realisation) of the indifference of the world to our inescapable placed-ness in it, a world absolutely not for us, utterly non-disposable, non-appropriable and non-juridifiable.⁹⁴² If this is hardly reason for jubilation, it should not lead to personal demotivation either: "if there is indeed bitterness, let it not be my bitterness".⁹⁴³ As I will argue in the last part of this chapter introducing the notion of *whiteout*, this aperture, disclosed through the deactivation of the immunitary and proprietary mechanism of exception, is the locus of a truly radical and emancipatory politics, as the opening of a vortex that calls us upon us to act *vis-à-vis* the impersonal justice that insists in every situation. Here lies the sense of the refusal of the hubris of revolutionary ambition. Accepting the ultimate incompatibility of the world with our appropriating operations does not mean resignation, but rather prefigures an inoperose attitude "founded on the unilateral

⁹³⁹Giorgio Agamben, "Bartleby o della Contingenza," in Gilles Deleuze and G Agamben, *Bartleby, la Formula della Creazione* (Quodlibet, 1993) p. 72 (my translation) 'the experiment ... *de contingentia absoluta* ... by which he (Bartleby) emancipate himself from both being and non-being, and creates his own ontology'

⁹⁴⁰This is, schematically, the superficial critiques normally moved against the political stance implied by the philosophy of Badiou and Deleuze, respectively. In Weizman, 'Political Plastic', op. cit. p. 78 (question posed by the interviewer)

⁹⁴¹Negarestani, 'Solar Inferno', op. cit. p. 3; on the 'viewpoint of the event' see ch. 1 *Materiality life event*, par. 7, and this chapter, par. 8

⁹⁴²This is, I believe, the ultimate ethical consequence of what Meillassoux implies as the speculative way to overcome the human-world relation: "we must transform our perspective on unreason, stop construing it as the form of our deficient grasp of the world and turn it into the veridical content of the world as such – we must project unreason into things themselves." [Meillassoux, *After Finitude*, op. cit. p. 82.];

⁹⁴³Nicola Masciandaro, 'The Sweetness (of the Law)', *Non Liqueur: The Westminster Online Working Papers Series, Law and the Senses Series: The Taste Issue*, 2013, 40-60: p. 56

nature of cosmic contingency against which there is no chance of resistance – there are only opportunities for drawing schemes of complicity", conjuring novel, non-immunitary and non-proprietary configurations of being-together.⁹⁴⁴

This is what a surfing ethics implies, neither passive nor impassive, but aiming to be 'passable', not passively 'accepting a situation', but rather the inescapable complicity with anonymous materials one cannot objectify, a mere body among other bodies in a world ultimately independent from one's involvement.⁹⁴⁵ It is not only 'situatedness' that this understanding conveys, contrary to its ascetic characterisation.⁹⁴⁶ There is also a radical attempt at de-centring the human-centric perspective on ethics and politics that chimes with the ethical orientation of OOO. Yet, there is also a decided and decisively constructive aperture to a radical notion of event that seems to be missing in the latter.⁹⁴⁷ This is how I interpret Deleuze's famous injunction to be 'faithful to' and 'worthy of' the event: being faithful to a world which is ultimately *not* 'for us' – i.e. never fully reducible to its relation to us – and yet here-and-now. Following Peguy, Deleuze and Guattari explain that two are the ways of dealing with an event: "one consists in going over the course of the event, in recording its effectuation in history, its conditioning and deterioration in history", i.e. its actualisation; "the other consists in reassembling the event, *installing oneself in it* ... going through all its components or singularities".⁹⁴⁸ This is, crucially, a 'counter-actualisation', 'wanting' not what happens (the mere actualisation of the here-and-now) but rather the spark in what happens, the intensive potential that its (cosmically) contingent taking place generates. Deleuze observes that "the free man is the one who caught the event itself, he

⁹⁴⁴Negarestani observes that this is the stance that should orient a "truly terrestrial ecology ... an ecology which is based on the unilateral powers of cosmic contingencies such as climate changes, singularity drives, chemical eruptions and material disintegration. [Solar Inferno, op. cit. 8]; although not necessarily specular, I feel this understanding resonates with the double strategy I am proposing (see below)

⁹⁴⁵Negarestani, *Cyclonopedia*, op. cit.

⁹⁴⁶As Palmas ['Bodies without Bodhis', op. cit.] observes, if "we construe the surfer simply as one body among other bodies, entirely freed from mysticism and transcendence, we are neither led out of this world (Hallward) nor towards empty enjoyment (Zizek). To surf is to manouver the intensive ... [it] consists of experimenting with the *workings of the virtual*, situated in the *actual conditions* at hand, drawing upon *intensive processes*."

⁹⁴⁷In the first chapter, I hinted at the significant ethico-political consequences that this perspective opens, and also at the problematically conservative outcomes that it risks leading to. Addressing the thought of Harman in particular, I observed how his ontology of 'being without event' seems to produce an uneventful ontological closure that encourages acceptance of the *status quo*. Similarly lamenting the closure that the work of another OOO's theorist (Timothy Morton) appears to imply, Masciandaro observes that the subject of OOO "appears to surf an exciting wave between terror and freedom that flows upon the sea of an endless *within*, dancing to gnostic jazz in a mood of mobile, nomadic claustrophobia" [See Nicola Masciandaro, 'Mysticism or Mystification?: Against Subject-Creationism'. *English Language Notes* 50 (1) 2012 p. 255]. Differently from these approaches, the surfing I am delineating strives to overcome such an uneventfully claustrophobic (and thus politically problematic) outcome exactly by positing the accent on the notion of event, and through it to the immanent aperture that the notion of cosmic justice expresses. In the last paragraph of this chapter I will address this point more precisely through the notion of whiteout.

⁹⁴⁸Deleuze and Guattari, *What is Philosophy?* op. cit. p. 111 (my emphasis); "what History grasps of the event is its effectuation in states of affairs or lived experience, but the event in its becoming ... escapes history" (ibid)

doesn't allow the event to effectuate as such without 'operating' in it, as an actor, its counter-effectuation".⁹⁴⁹ Through such a 'strategic' abstraction we can rescue the image of surfer from both piecemeal localism and passive ascesis. This is what counter-effectuation allows for, Toscano observes, i.e. "transforming Badiou's ascetic image [of Deleuze's concept] of the 'purified automaton' into a constructivist one".⁹⁵⁰ Not a-political attempt to overcoming the actual so as to plunge into an undifferentiated immateriality where "*everything is possible*", but rather the absolutely strategic assumption "that, in every *here* and *now*, there are *potentials* that can be *acted upon*", complicities to be conjured.⁹⁵¹ As already stated: it is by means of being sufficiently 'abstract' that this perspective can avoid the quicksand of 'direct action' (that is, of its fetishisation) and thus resigning itself on being just a matter of piecemeal attempts at carving temporary comfort-zones of 'radicalist' self-fulfilment. Instead, what is envisaged is a 'localised' political strategy that 'acts on the potentials of this actual' as well as on the 'abstraction of this real', simultaneously oriented to what is "non-local, abstract, and rooted deep in our everyday infrastructure".⁹⁵² The task is 'freeing' the situation from its 'state of affair' by perforating its exceptional configuration and thus opening it up to its eventful potential, in the manner of a surfer who avoids the sublimation into the modulating waves of brandscaping that a naive affirmation of reality *qua* reality entails, not going beyond but entering within, hollowing it out: tube-riding.

By surfing we dig through the smooth superficiality of the libertarian emancipation of naive vitalism and reckless nomadism, avoiding the perils of nihilism, ascetic emptiness and acquiescent inertia, the sterility of deconstruction, the quest for authentic praxis, as well as the dialectical sublimation of the smooth and the striated into a pacific interspersion, and we rather splay them out into a perforated materiality: "excavate the land instead of striating it, bore holes in space instead of keeping it smooth, turn the earth into a Swiss cheese".⁹⁵³ This is where the enigmatic Deleuzoguattarian notion of *holey space* gestures towards: what 'communicates' with the striated and the smooth yet exceeds them both, simultaneously dismantling the striating logic of sovereignty and the smooth logic of control.⁹⁵⁴ In other words, a 'perforating' appropriation of the Nietzschean geo-philosophical cry of being true-to-the-earth, the hollowing out of space that opens up the

⁹⁴⁹Deleuze, *The Logic of Sense*, op. cit. p.136. On the double character of the event: "on the one hand, the part of the event which is realised and unfolded; on the other, the part of the event which its actualisation cannot realise" (ibid).

⁹⁵⁰Alberto Toscano, 'To Have Done with the End of Philosophy' *Pli: The Warwick Journal of Philosophy* 9, 2000, 220-238: p. 238

⁹⁵¹Nunes, 'Politics in the Middle' op. cit. p. 121

⁹⁵²Williams and Srnicek, 'Accelerate', op. cit.

⁹⁵³Deleuze and Guattari, *ATP*, op. cit. p. 456

⁹⁵⁴'holey space itself communicates with smooth space and striated space' (ibid: p. 415)

situation to its cosmic contingency beyond the closures of immanent relationalism.⁹⁵⁵ No escapism or mere opposition then. Neither a question of ‘wildly de-stratifying’ nor ‘going underground’ to flee the smooth spaces of control.⁹⁵⁶ Instead, it is a call to cut through the false alternative of a vitalistic affirmation and nihilistic negation. A call whose powerful speculation, I believe, promises to actualise the potential for a truly radical urbanism, that is, a strategy of opening ‘positive voids’ in the urban texture, i.e. voids devoid of any negativist/nihilistic hubris, in this way allowing to incorporating a non-negative negativity into a creative approach.⁹⁵⁷ In the strategic language of Situationism:

[Since] all space is already occupied by the enemy ... The moment of authentic urbanism's appearance will be the creation, in certain areas, of the absence of this occupation. What we call construction starts there.⁹⁵⁸

According to Philippopoulos-Mihalopoulos, this should be the mission of a truly radical right to the city, i.e. “to dig holes in the urban texture and to make the city ... a ‘holey space’”.⁹⁵⁹ Undoing (making inoperative) the operation of control means to create such ‘absence of occupation’, the opening of the smooth surface of the urban to the eventful potential of its cosmic justice, plugging into which creative construction becomes possible. Here lies the deep compositional and constructive sense of holey space as well as the double strategy that the surfer suggests. First, de-activating the terrestrial machine of the exception,

⁹⁵⁵In the sense offered by Negarestani's own re-appropriation of the term, and according to which, he suggests, it would be more correct to turn such cry into an injunction to be true-to-the-universe [Reza Negarestani, ‘Globe of Revolution: An Afterthought on Geophilosophical Realism’. *Identities* 17, 2011, 25-54]

⁹⁵⁶Bonta and Protevi [*Deleuze and Geophilosophy*, op. cit. p. 95] argue that “now that States are able to create a smooth space of surveillance and global military intervention. Holey spaces have flourished for the only way to escape the spying eyes of State intelligence is to go underground”. Deleuze and Guattari remind that “You don't reach the BwO, and its plane of consistency, by wildly de-stratifying” [*ATP*, op. cit. p. 178]

⁹⁵⁷I argue that the suffocating closure of relationalism is related to an inability to ‘incorporate’ a notion of void which, though irreducible to nothingness, would allow for avoiding to ‘freezing’ the situation into the full positivity of an immobile movement. Just like the *movement* of the constant deterritorialisation of control is oxymoronically *immobile*, also the impersonal *void* of sovereignty out of which control emerges is indeed a suffocatingly ‘full void’. As Francois Jullien notes, “an effect is prevented from happening when fullness is no longer penetrated by emptiness and, having become opaque, constitutes an obstacle: forming a screen, it makes reality congeal, and one remains stuck in it ... it is where the fullness is hollowed out ... that fullness can fulfil a function and acquire a capacity to produce an effect” [Jullien, *A Treatise on Efficacy*, op. cit. p. 74]. Benjamin Noys, as already mentioned, complains of Deleuze's failure to unfold the ‘potential opening of non-dialectical negativity’, instead turning into a positive ontology of affirmation (*The Persistence*, op. cit. pp. 53-60). He notes that, if in the early Deleuze the notion of negativity kept popping out, as evident in his flirting with such notions as ‘void’, ‘empty square’ and so on, the latter Deleuze would renounce to develop this ‘negative potential’ and would rather convert it into the positive dimension of the ‘problematic’ [see *supra* note 422]. Yet, I suggest that the notion of *holey space* is crucial in finally incorporating the ‘empty square’ into a complex understanding of negation (non-negative, that is) irreducible to nothingness.

⁹⁵⁸Attila Kotayani and Raoul Vaneigem, ‘Elementary Program of the Unitary Urbanism Office’ in Tom McDonough (ed) *The Situationists and the City* (Verso, 2009) p. 148; there is an intensive resonance between the creation of such ‘absence of occupation’ and the ‘zone not yet occupied by diagrams of power’ discussed above [see ch. 3, *Bio and Control*, par. 1]

⁹⁵⁹Andreas Philippopoulos-Mihalopoulos, ‘Mapping the Lawscape: spatial law and the body’ in Z. Bankowski, M. Del Mar and P. Maharg (eds) *Beyond Text in Legal Education* (Edinburgh University Press, 2012) p. 131

following the “flows of pause and revolt carved on the fabric of the earth”, inhabiting the problematic field of the situation rather than pretending to escape it into transcendental ascesis, overcome it through mad or authentic decisions, or simply solve and fix it through ‘appropriate’ operations.⁹⁶⁰ Deactivation as perforation, that is, boring holes in the smooth surface of control so as to make space for the ‘small gateways’ in which events can occur. Second, counter-effectuating unactualised potentialities by turning “physically and conceptually, against the flow of the world around it”, turning suspicious ‘liberationism’ into the radical ‘creation’ of novel, abstract and concrete tunings.⁹⁶¹

§

The oscillation between 'abstract' speculation and pragmatic strategy that characterises this section should not appear contradictory. As I already observed, the one implies the other. On the one hand, I am interested in the materialism of certain Situationist approaches, the attentiveness to the potential of the situation, and even the 'phenomenology of effectivity' that Jullien's account of Taoism conveys. On the other hand, I believe this strategic attitude must be complemented with a radically abstract orientation, literally pulling away (abs-tract) the situational confinement of these purely relational approaches into the cosmic dimension of the event. Keeping the strategic efficacy of the former together with the radical aperture of the latter, I believe, allows for envisaging an alternative, abstract and concrete form of urban politics, which is able to simultaneously address the materiality of being-together by means of keeping it open to its eventful justice. This is what I explore more in depth in the final section of this chapter, where I merge the notions of cosmic contingency and event into the concept of cosmic justice. Prior to do so, in the next two sections I relate the discussion so far delineated to the spatiolegal question, envisaging a strategy of spatiolegal perforation, i.e. boring holes within the spatiolegal state of exception so as to open it up to a non-immunitary and inoperose 'use' of law.

⁹⁶⁰See Brighenti, 'Revolution and Diavolution', op. cit. p. 797. I refer to the double meaning of stasis: *pause* and *revolt*. See Philippopoulos-Mihalopoulos, 'Normativity of Animal Atmosphere', op. cit. p. 149

⁹⁶¹Philippopoulos-Mihalopoulos, 'The Normativity of Animal Atmosphere', op. cit. p. 149. The surfer is, like Masciandaro's geophilosopher ['Becoming Spice', op. cit. p. 28], the one who proceeds “by staying ... staying with the earth is the means of not remaining stuck on it ... the geophilosopher is one who experiences rather than flees the earth, who passes through by remaining with it”

6.

[Hollow Law is a] law that is so riddled with loopholes and/or loose language it is impossible to enforce⁹⁶²

According to what has been written so far, only by revoking the exceptional logic of separation and the operational paradigm on which it is grounded, the legal closure can be perforated, making its appropriating and immunitary mechanism of exception 'tilt'. Opening law to the 'geo-legal' fact of a non-juridifiable world from which law is 'inseparable' nonetheless. This signals the beginning of a new legal modesty. Law is 'forced' to acknowledge its 'complicity with anonymous materials' which are independent from its juridification, and that it cannot objectify (and thus immunise from) either representationally or empirically, theoretically or practically.⁹⁶³ Zartaloudis defines justice as "the experience of encountering the limit of the law, where one encounters the possibilities of the law (its own juridical potentiality) and all other non-juridical possibilities to law".⁹⁶⁴ This is what a geo-legal approach implies: simultaneously law's situated-ness in the spatio-temporal here-and-now, as well as its immersion into the 'unhistorical vapour' of justice, the cosmic excess through which alone can law be fulfilled, applied, *used*. For this reason justice cannot be assumed as what 'irritates or sabotages the law'. It is the state of exception to systematically sabotage the law, making it 'function' by dis-applying it, and thus it is this separating machine that needs to be made inoperative, at least temporary, tentatively, contingently, so as to unfold the *inseparable contiguity* of law and justice.

Antoine Hennion provides us with the chance of an interesting analogy. He describes the activity of climbing as an encounter between – as well as a 'double erasure' of – the climbing body and the rock, as their 'separation' disappears in the 'zone of contact' in which the activity of climbing itself unfolds, through *gestures* which are no longer precisely ascribable to specific bodies.⁹⁶⁵ For the climbing to occur it is necessary to experiment with the rock, "in and through contact", yet this "in no way does ... signal a reduction to the here and now of the situation".⁹⁶⁶ The rock is 'a reservoir of differences' whose relation to the climber's body in no way exhausts it. Gestures are *counter-effectuations* which 'free' the climbing from its reduction to a phenomenological relation (or, worst, from its abstraction into a mere 'social construction'), and at the same time connect this here-and-now to other

⁹⁶²Copernicus, 'Time to fix Medicare Funding - Permanently!', *Brane Space Blog*, 14 April 2010, <http://brane-space.blogspot.co.uk/2010/04/time-to-fix-medicare-funding.html>, paraphrasing the definition by William Greider. *Who Will Tell The People: The Betrayal Of American Democracy* (Simon and Schuster, 2010)

⁹⁶³Negarestani, *Cyclonopedia*, op. cit.

⁹⁶⁴Zartaloudis, *Giorgio Agamben*, op. cit. p. 279

⁹⁶⁵Antoine Hennion, 'Those Things that hold Us Together: Taste and Sociology', *Cultural Sociology* 1, 2007

⁹⁶⁶Hennion, 'Those Things', op. cit. p. 101

locales, overflowing abstractions and floating potentialities.⁹⁶⁷ The climber knows how to *do justice* to the rock, neither transcending nor sliding over but rather ‘proceeding by staying’, deterritorialising by perforating a holey space in which the inoperose gesture of climbing can unfold.

This is the question we face then: how to perforate law’s state of exception in order to unfold the ‘zone of contact’ between law and justice, that “grey zone that eludes every attempt to establish its relation to a dichotomy we feel familiar with – that of law and non-law”?⁹⁶⁸ The strategy I have in mind entails pushing law beyond its static representational strictures, neither simply making it more totalising and suffocating as an ever-more encompassing control, nor dislocating it, but rather ‘hollowing it out’ from the entrapments of its operational apparatus, perforating the totality of its immunitary state of exception in order to let it be affected and infected by justice. This, in the vein of Alexander Lefebvre’s proposal to ‘de-familiarise’ law by “experimentally allowing the law to be affected by an encounter”, that is, by events that only once the *preventive* operation of *techné* is deactivated can unfold.⁹⁶⁹ There is no separation: law and justice are always in a vermicular zone of contact: a hollow law, a holey justice. In legal parlance the term ‘hollow law’ is usually employed to refer to a specific law so riddled with contradictions to be unenforceable. My use of the term is consistent with this interpretation, yet unenforceability is in this case no reason for discomfort: this paradoxical law turned into a Swiss cheese is actually a law which is fully oriented, and exposed, to a world not *for law*, and only in this sense is able to do *justice* to it. Hollow law is neither a law we have gotten rid of, nor an endlessly dislocated law, nor a law which must be enforced: it is rather a law that can be ‘commonly’ and constructively *used*.

§

⁹⁶⁷Agamben describes the gesture as what breaks with the dichotomy between ‘acting (*agere*)’ and ‘making (*facere*)’, “the false alternative between ends and means that paralyses morality” and thus that between acting and non-acting, activity and passivity: what is expressed “in gestures is not the sphere of an end in itself but rather the sphere of a pure and endless mediality”, in Giorgio Agamben, *Means Without End: Notes on Politics* (University of Minnesota Press, 2000) p. 59

⁹⁶⁸Brighenti, ‘Did we really Get Rid of Commands?’, *op. cit.* p. 70; as regards ‘contact’, see also Deleuze and Guattari *Kafka*, *op. cit.* p. 52: ““Contact” with justice, contiguity, have replaced the hierarchy of the law. The delay is perfectly positive and active—it goes along with the undoing of the machine, with the composition of the assemblage, always one piece next to another. It is the process in itself, the tracing of the field of immanence. And it is even more evident in *The Castle* to what degree K is nothing but desire: a single problem, to establish or maintain “contact” with the Castle, to establish or maintain a ‘liaison.’”

⁹⁶⁹Lefebvre, *The Image of Law*, *op. cit.* pp. 235-6 (I refer to his compelling book for some relevant legal example)

Santiago Cirugeda is a self-defined *social architect* whose projects often involve spatial explorations in the city and engagement with its spatiolegal mechanisms. In Seville, for the project *Scaffolding*, he graffitied a wall and then sued himself so as to be able to install a temporary scaffolding on the street, which then became for several months a new (abusive) room for the adjacent house. Deactivating legal abstractions from their operations (the exclusionary repression of the anti-graffiti law, the separating delegation of litigation), he showed how their residual power can be reoriented to generate alternative assemblages of urban bodies, digging positive voids for action within the urban. In Vigo for the project *Alegal Benches*, he set up six benches in residual lot of peripheral neighbourhood. The authorities first reacted negatively, for the lack of authorisation, yet subsequently cleaned the lot and provided it with public illumination.⁹⁷⁰ By positioning himself in the 'alegal' threshold, again, he disoriented the spatiolegal, forcing it to reorient towards urban bodies beyond its appropriating operations. These are minor examples of course, and yet interesting for their paradigmatic value. They expose a simultaneously abstract and concrete, vermicular way of acting within and without the law, by "exploiting the loopholes and legal voids in the city planning legislation", perforating the membrane of its spatiolegal apparatus of exception, detecting and exploiting frictions between the legal abstractions and the physical landscape in which they are inscribed, thus indicating the eventful potential that in any urban configuration lies for other, 'inopere uses' of spaces, objects and laws.⁹⁷¹

7.

*Law is not justice but only the gate that leads to justice. To open a passage towards justice is not the elimination of law, but rather its deactivation and inoperosity – in other words, another use of law*⁹⁷²

To orient law towards a world which is not for law means to emancipate law's relation to the world from the immunitary and proprietary mechanism of exception. This is what using law and legal representations means. Let us recall the Kantian instauration of the logic of correlation between the 'I-subject' and its representations, according to which the 'condition of possibility' of any representation is the fact of this representation belonging to someone, being *mine*, i.e. of me being its proprietor. Kant posits this relation as a 'de jure question' (a necessary condition of possibility). As Sartre asks, for Kant "it must be possible

⁹⁷⁰ Cirugeda's project can be explored on his website <http://www.recetasurbanas.net>

⁹⁷¹ NEGOTIATING LEGALITY, Projects by Santiago Cirugeda, *In Context* (13) 2012, available at <http://www.mascontext.com/issues/13-ownership-spring-12/negotiating-legality/>

⁹⁷² Agamben, *Stato di Eccezione*, op. cit. p. 82-3 (my translation)

for the 'I think' to accompany all our representations, but does it accompany them in actual fact?"⁹⁷³ This rhetorical question challenges Kant's *de jure* explanation *de facto* molecularising his transcendental subject into what Sartre calls the *transcendental field*.⁹⁷⁴ This 'impersonal' field 'without an I' radically revolts the Kantian correlation towards another potential dimension of thinking, acting and thus living, emancipated from the proprietary relation to an I-subject. This is the question we should ask then: what remains of the correlation once the proprietary mechanism is de-activated? How do we 'relate' to objects in a non-proprietary sense (as objects *not for us*)? Consistent with the perspective developed above, I understand legal representations as objects whose materiality is effective and affective, and whose ('demonic') potentialities can neither be reduced to a proprietary relation with a legal-subject, nor fully referred to socio-legal concatenations, nor exhausted into technical operations. The question can be reformulated as such: what occurs to (legal) representations, once the proprietary mechanism in which they are imbricated is de-activated?⁹⁷⁵ How can legal representations be 'profanated', dismantling their separating operation so as to be restored to a 'common use'?

Agamben has recently explored the concept of 'use' through the experience of St. Francis of Assisi and the Franciscan movements, surfaced in central Italy around 12th/13th century. In the thought of his founder the notion of property and its relation with poverty plays a key and complex role. According to St. Francis, the conception of man as *dominus sui actus* (i.e. proprietor of his own actions) is an original sin.⁹⁷⁶ Consequently, the famous Franciscan way of life in 'absolute poverty' (*altissima povertà*) should not be intended as simply a 'life in poverty'. Instead, it implies a non-proprietary life in the most radical sense: it means deactivating the proprietary mechanism of exception (the I-subject) and thus entering into a *non-proprietary and thus common relation* with the world and its objects, by simply *using* them.⁹⁷⁷ The concept of use assumed a particular relevance in this context, since it was

⁹⁷³Sartre, *Transcendence of Ego*, op. cit. pp. 1-2: "Kant affirms nothing about the de facto existence of the 'I think'. He seems, on the contrary, to have clearly seen that there were moments of consciousness without an I, since he says: 'it *must be possible* (for the "I think" to accompany, etc.)'. The real issue is rather that of determining the conditions of possibility of experience. One of these conditions is that I should always be able to consider my perception or my thought as *mine* ... Kant never bothered about the way in which empirical consciousness is de facto constituted ... If we thus agree with Kant on the *de jure* question, the de facto question is not thereby resolved."

⁹⁷⁴Which in Deleuze would become the concept of *plane of immanence*; see ch. 1.

⁹⁷⁵To qualify, the question does not only unfold a non-representational approach to law. It rather points to the different matter of a non-proprietary *use* of legal representations (i.e. legal objects) what I suggest is the only way to do *justice* to them.

⁹⁷⁶Giorgio Agamben, *Altissima povertà. Regole monastiche e forme di vita* (NeriPozza, 2011) p. 171 (my translation).

⁹⁷⁷The possibility to *simply using things* beyond any right (either to possess or indeed use them) was the core of the Franciscan life in 'highest poverty', and what the Franciscan theologians defined as *usus pauper*, which could be literally translated as 'poor use', although the sense here is more precisely: 'use in absolute poverty'.

around that the theological battle of the Franciscans with the Church – increasingly worried by the destabilising role that a non-proprietary doctrine could play vis-à-vis its right over its vast possessions – would be fought. Facing the mounting pressure of the Church, Franciscan theologians introduced the notion of *usus facti* (factual use), seeking to carve a space of action ‘outside’ of the grasp of law’s proprietary mechanism. The factual use of things indicates a series of acts (e.g. minimum amount of eating, drinking, wearing clothes) supposedly without juridical implications. This was an attempt to define use *negatively*, that is, as a dimension of ‘life and human praxis absolutely outside the determinations of law’ and its proprietary mechanism’.⁹⁷⁸ As already discussed, every quest for exhuming a dimension of (bare) life or praxis ‘outside’ of law, in the end implicitly confirms the very presupposition (i.e. the ‘separation’) on which the legal mechanism of exception rests. In other words, it is a contradictory strategy bound to become prey of legal appropriation yet again.⁹⁷⁹ Moreover, it is evident how a notion of use understood as ‘a series of operations performed by a subject’ is constitutively unable to challenge the legal apparatus of property, since reasserting the very notion of proprietary I-subject (i.e. *dominus sui actus*) on which the latter is grounded. The Franciscans’ nemesis, Pope John XXII, did lucidly address the source of this contradiction by arguing that the condition of possibility for *using* a thing is to possess it: in other words, any use *necessarily* implies a ‘proprietary subject’, and thus any non-proprietary use is, simply, impossible.⁹⁸⁰ As an *ante-litteram* Kant, what the Pope did was to reframe the notion of use into a *de jure* problem, *de facto* postulating that the reality of any object is exhausted into its proprietary correlation with a subject: an object can only be an object *for us*. The complicity of relationalism with capitalism finds here a correlationist archetype: as Agamben observes, capitalism thrives exactly on conceiving any non-proprietary use as impossible, that is, in reducing every use to consumption, i.e. ab-use. The importance of this question cannot be overstated. The impossibility to use an ‘object’ (legal representation included), and thus the systematic reduction (consumption) of objects to (proprietary) relations, sanction the impossibility to ‘do justice’ to them. Accordingly, every object is always-already recaptured (included/excluded) within the mechanism of exception: what results is a law which is un-usable and as such constitutively un-just. To qualify then: to emancipate life from law into a plane of pure (bare) praxis is to expose life to the realm of

⁹⁷⁸Ibid. 137 (my translation). As Pope Nicolas III summarised, ‘the Franciscans, having abdicated both the right to property and that of use over things, maintain a *factual* usus (usus facti)’ [p. 136 (my translation)].

⁹⁷⁹The question is lucidly summarised by Agamben: ‘the factual character of use is not sufficient to warrant an exteriority with respect to law, since every fact can be transformed into usus’ [ibid: p. 170 (my translation)].

⁹⁸⁰This was stated in the famous pontifical bulla *Ad Conditionem Canonu*, where the Pope argued that a use without possession would be an ‘act in becoming’, that is different from being, i.e. non-being and thus non-existent [ibid, pp. 159-61 (my translation)]

control – and this is, arguably, exactly what ultimately occurs with the ‘Franciscan’ attempt of Hardt and Negri.⁹⁸¹

Yet, Agamben adds, an alternative non-negative conception of use was encapsulated already in St. Francis’ message: not a praxis outside of law’s reach (a *usus facti*), but rather one able to put the very notions of subject, object and praxis (and thus their separation) into question. In these terms, the Franciscan theologian Olivi defined use not as ‘the pure and simple negation of law, but what constitutes such a negation into a form and a mode of life’.⁹⁸² It is this understanding (regardless of the complex century-long discussions around the notion of use) that is important for the present work, since it offers a glimpse towards a dimension of acting and living in which exceptional dichotomies (action/non-action, possession/non-possession, subject/object, law/life) appear to sublimate into a productive tension. As observed in the first chapter, I believe that a crucial ethico-political *matter vis-à-vis* the question of the human-world correlation is the *dismantling of the proprietary logic of possession that underlines it*, i.e. of the separating apparatus of exception. This is what resonates in the radical acceptance of the Franciscan way of life, exceeding the dichotomy of action and inaction by making inoperative such proprietary mechanism. There is no abandonment of law in this understanding. In Coccia’s terms, the Franciscan concept of use allows for ‘digging a void inside law’, i.e. for perforating and dismantling its proprietary state of exception and its separating operation, ‘opening up’ the space for its ‘common use’ and thus for the potentiality of justice to emerge.⁹⁸³ Such perforation literally resonates with what Agamben defines as *profanation*, i.e. what

deactivates the apparatuses of power and returns to common uses that spaces that power has seized ... profanation does not simply restore something like a natural use that existed before being separated in religious, economic, or juridical sphere ... [these appropriating and separating uses] are not effaced, but ... deactivated [made inoperative] and thus opened to a new, possible use.⁹⁸⁴

To repeat then, there is no quest for a more authentic, genuine or natural use implied in this concept. Likewise, this non-separated dimension of acting and living is clearly at odds with the vulnerability of a de-subjectified automaton or the always-already ‘recaptured’ praxis of

⁹⁸¹According to them, St. Francis is the one who "pos[es] against the misery of power the joy of being", the bare joy of the multitude, that is, an ethico-political position fatally prone to exceptional recuperation. Michael Hardt and Antonion (Toni) Negri, *Empire* (Harvard University Press, 2001) p. 413

⁹⁸²ibid: p. 173

⁹⁸³Emanuele Coccia, quoted in Agamben, *Altissima povertà*, op. cit. p. 142 (my translation). To be sure Coccia interprets this ‘digging of a void inside law’ as what allows a radical subtraction of life from law itself. Yet Agamben contends that this is instead an attempt to ‘neutralise law whilst at the same time keeping an extreme relation with it’ [in Agamben (ibid)] , opening “a space that escape[s] the grasp of power and its laws, without entering in conflict with them yet rendering them inoperative” Agamben, *The Time that Remains*, op. cit. p. 27;

⁹⁸⁴Agamben, *Profanations*, op. cit. pp. 77-86

an immanent multitude. Recalling the double-strategy of the surfing ethics I exposed above, what this instead implies is an ontological post-human constructivism. In fact, it prefigures a way to address the real (economico-juridical) abstractions of control by neither dismissing nor complying with them, but rather deactivating, perforating/profanating their proprietary and immunising mechanism by opening them to a complicity with anonymous material through which they can be 'constructively' used.⁹⁸⁵

Let me stress for the last time that there nothing universal, mystical or merely abstract in this understanding. Surely, such ethico-political surfing *is* an abstraction. As observed, it is exactly by being an abstraction that it can provide a radical way to deal with the real abstraction of control, by challenging its preventive reduction of the urban to a flat and uneventful relationalism. Pretending to challenge control by simply resorting to some comfortably 'solid and concrete' refuge is deeply contradictory. Alternative abstractions are needed, provided we understand them not as some sort of general principle or final solution, but rather as tools to traverse each time contingently, each time tentatively the problematic materiality of a situation by counter-actualising its excessive potential.

§

Faced by the need to improve the safety and vitality of public roads, the 'traffic philosopher' Hans Monderman coined what would be known as *shared space* approach, according to which the separation and thus the hierarchical differentiation between the road users (car-drivers, pedestrians, cyclists) is removed, by eliminating both traffic signs (from street signals to zebra crossings) and physical demarcations (for instance putting pavement and road at the same street level). In these 'shared spaces' the different road users need to find a new, common way of being together. As explained at length, the spatiolegal architecture of control is an immanent and self-regulating exceptional tuning that tends to reducing redundancy and decreasing the 'risk' of conflict from urban life. In urban space, the overlapping of laws (such as Health and Safety, Anti-Social Behaviour ecc.), security design and technologies (such as signs, CCTVs ecc.), general 'pedagogy of safety' as well as ever-increasing litigiousness tend to systematically neutralise antagonism and conflictuality in preventative fashion. The

⁹⁸⁵This is what ethico-political surfing suggests, that is, accepting one's being traversed by a material multiplicity, and in this way deactivating the exceptional operations that keep (juridical, economical, sociological etc.) separations in place. Not, however, in order to get lost into dissolution or 'mad acceleration', but rather to counter-effectuate such 'liberated' uses by composing *together* novel, post-human, abstract-and-concrete concatenations whose intensive potential was before neutralised by the apparatuses of separation themselves; in Benasayag terms, generating the 'common base' of the problem that such deactivation allows to detect [*Contro il Niente*, op. cit. p. 15]

result is a systematic defusion of the potential for (as well as demotivation *vis-à-vis* the need for) 'taking responsibility' by acting *vis-à-vis* the unexpected.⁹⁸⁶ Not only events are prevented, that is, but also their 'counter-effectuation' is discouraged and neutralised, by being delegated to higher authorities (law, security, technology ecc.). Horizontal separation via vertical delegation: the immunitary logic of exception functions in the sense of immunising anyone from the risk of being 'held responsible', in a de-responsibilising and event-defusing movement of legal self-immunisation into which justice cannot enter. In the model proposed by Monderman, this logic is directly challenged via the de-activation of the spatiolegal mechanism of exception and thus the removal of its operational devices (signs and physical barriers, but obviously also the legal scaffolding which reinforces them). In other words, holes are excavated within the urban space, out of which the intensive conflictuality and the potential eventfulness of the urban is allowed to emerge. This is not the place to discuss values and limits of this approach.⁹⁸⁷ Unleashing the eventful intensity of the urban does not necessarily generate desirable outcomes, since it does require being constructively counter-effectuated: "the only criterion of a good tactic is whether it enables significant success or not", and this cannot be known in advance.⁹⁸⁸ Yet, this instance has again a paradigmatic relevance for the present discussion, in the form of a strategy aimed to pursuing a 'more just' urban space neither through law, nor through its elimination, but rather via its dismantling and making inoperose. Legal abstractions are deactivated from their separating, de-responsibilising, litigation-bound operations, and thus restored to a 'common use', i.e. the possibility of being employed as tools to retune the urban and build together alternative spatiolegal normativities. Neither pursued technically *with* law by seeking to fix the problems once and for all, nor mystically, madly or pragmatically *without* law: the releasing of conflict and thus new potentials for justice in the urban occurs *whiteout* law.

⁹⁸⁶ On this understanding, see ch. 3, *Brandscaping*, par. 3

⁹⁸⁷ For information on the idea of shared space see the wiki-page: http://en.wikipedia.org/wiki/Shared_space; on Monderman see <http://www.pps.org/reference/hans-monderman/>; the other major proponent of the idea is the English Ben Hamilton-Baillie, according to whom, shared space "It's a moving away from regulated, legislated traffic toward space which, by the way it's designed and configured, makes it clear what sort of behavior is anticipated" (ibid.). As emerges from this quote, some uncomfortably determinist environment-design assumption appears to encompass this idea. What is however interesting for the present discussion is its potential unauthorised unfolding, that is, the hollowing out of urban space into a 'weakened immunity' where novel retuning are allowed to emerge, for the good and for the bad.

⁹⁸⁸ Williams and Srnicek, 'Accelerate', op. cit.

8.

*There are instants that last no longer than five or six seconds, in which all of a sudden you hear the presence of eternal harmony, and in which you have reached it. It is not earthly. But I do not want to say that it is heavenly either; only that in his earthly form man is incapable of tolerating it. He must either be physically transformed or die*⁹⁸⁹

Whiteout is a weather condition which always occurs in the *middle*, usually of a snowstorm, when a three-dimensional whiteness overwhelms (and denies) the subject.⁹⁹⁰ The horizon disappears, the turbulence eliminates the orientation. This denial of vision plunges bodies into the tactile materiality of a vortex.⁹⁹¹ In the absolute situatedness of one's non-immunitary openness to contingency, the whiteout is the impersonal glimpse into the potential of encounters we are no longer able to re-cognise.⁹⁹² Because 'we' is no longer there. Prior to 'what is to be done', the whiteout prompts the question: 'what has been undone'. Namely, the immunitary mechanism of exception: in the whiteout nobody can claim to be *dominus sui actus*. Seeking to reassert control only produces more disorientation, dizziness and nausea.⁹⁹³ Yet, as Paziienza reminds, the nausea we experience in the middle of the whiteout is 'the sign that we are fraught with becoming'.⁹⁹⁴

⁹⁸⁹Kimura Bin, quoted in Giorgio Agamben. *Remnants of Auschwitz: The Witness and the Archive* (Zone Books, 2000) p. 127

⁹⁹⁰From the Wikipedia definition of Whiteout: "A condition of diffuse light when no shadows are cast, due to a continuous white cloud layer appearing to merge with the white snow surface. No surface irregularities of the snow are visible, but a dark object may be clearly seen. There is no visible horizon", see [http://en.wikipedia.org/wiki/Whiteout_\(weather\)](http://en.wikipedia.org/wiki/Whiteout_(weather))

⁹⁹¹Michel Serres reflects in similar way about the fog: whilst the 'Night is empty or hollow, fog is full', and whilst darkness is a hollow, 'optical experience, retaining a Euclidean geometry', fog is topological, concerned with the 'ragged space of touch' [*The five senses a philosophy of mingled bodies* (Continuum, 2009) p. 69]

⁹⁹²De-activating the mechanism of recognition, the whiteout generates "an *interruption* ... [of] the links between perception and recollections ... it is not as if we voluntarily choose to dwell on or properly see an encounter; instead, an encounter catches us unprepared" [Lefebvre, *The Image of Law*, op. cit. pp. 175-6]. This does not equate to eliminate perception, but to make it inoperative, allowing for a 'way of perceiving' radically disconnected from the operational praxis of recognition: from "perceiv[ing] in order to recollect and act, not to perceive as such, to see[ing] in order to see, and no longer to see in order to act" (ibid). This 'inoperative perception' is what, in Deleuze's Bergsonian words, "puts us at once into matter" [Deleuze, *Bergsonism*, op. cit. p. 25].

⁹⁹³There is a glimpse of whiteout in the following description by Ferenczi: "The traumatic force catches up and, as it were, shakes the ego down from the high tree or the tower. This is described as a frightening whirlwind, ending in the complete dissolution of connexions and a terrible vertigo, until finally the ability, or even the attempt, to resist the force is given up as hopeless, and the function of self-preservation declares itself bankrupt" Sándor Ferenczi, *Final Contributions to the Problems and Methods of Psycho-analysis* (Karnac Books, 1994) pp. 222-3

⁹⁹⁴Davide Sapienza, *La Musica della Neve: Piccole Variazioni sulla Materia Bianca* (Ediciclo, 2011) p. 32 (my translation). Deleuze and Guattari, *What is Philosophy*, op. cit. p. 110: "becoming ... has neither beginning nor end but only a milieu. It is thus more geographical than historical"

Let us address the whiteout beyond phenomenological reductionism, as the locus of the impersonal encounter with cosmic justice. A whiteout is generated every time the immunitary and proprietary mechanism of exception is de-activated, projecting our always relational being-in-the-world in the vortex of a cosmic contingency: cosmic, since radically independent from us, and yet contingent, absolutely *here-and-now*. This is the profound disconcert in which the whiteout absorbs, and yet simultaneously the line of flight it offers. Joyful affirmation, nihilistic negation, reactionary escape, revolutionary overcoming, authentic decision, technical solution: all different ways to deny the whiteout, or to get lost forever in its sweeping turmoil. What is instead required is to impersonally 'embrace its dereliction', the 'universal disquiet' in which we are unavoidably lost. In other words, a *cosmic pessimism*, i.e. the impersonal realisation of the whiteout as the 'real content' of the world and the real condition of an emancipatory politics.⁹⁹⁵ Whiteout, therefore, expresses the potential for embracing a truly radical ethics and politics: not a suffocating vortex that entraps, but a swerving vortex through which going outside, yet by remaining, against the "weird assumption that justice might be satisfied in a world that ought to be otherwise": *voyage in place*.⁹⁹⁶ This is I believe the ultimate sense of the vertiginous close of Jean Paul Sartre's first essay:

The World did not create the *me*, the *me* did not create the World, they are two objects for the absolute, impersonal consciousness, and it is through that consciousness that they are linked back together. This absolute consciousness, when it is purified of the I, is no longer in any way a *subject*, nor is it a collection of representations; it is quite simply a precondition and an absolute source of existence. And the relation of interdependence that it establishes between the *me* and the World is enough for the *me* to appear 'in danger' before the world, for the *me* (indirectly and via the intermediary of the states) to draw all its content from the World. Nothing further is needed to enable us to establish philosophically an absolutely positive ethics and politics⁹⁹⁷

This 'absolutely positive ethics and politics' is the faithfulness on the eventful potential that any situation harbours, a radical orientation that discloses a way of acting and living as bodies among other bodies in a world utterly indifferent to everyone's inescapable necessity to inhabit. Being-in-the-world, and yet open to such "absolute horizon, independent from any observer ... independent of a visible state of affair in which it is

⁹⁹⁵As Masciandaro taking inspiration from Cioran writes, a truly 'cosmic pessimism' entails renouncing the "hypocritical ... impulse to 'make the world a better place'" and rather "embrace[s] dereliction, which is the only real way the world is actually improved" [Masciandaro, 'Comments on Eugene Thacker' op. cit.]. In the words of Meillassoux: "*a politics of emancipation does not seek the happiness of people but rather seeks universal disquiet*" [Quentin Meillassoux, 'The Immanence of the World Beyond', in P. M. Candler and C. Cunningham (eds) *The Grandeur of Reason* (SCM, 2010) p. 475]; above I employed the suggestion of cosmic pessimism as a methodological orientation, see ch. 4, *Method*

⁹⁹⁶Masciandaro, 'The Sweetness of Law', op. cit. p. 49; "Hell is only destroyed by entering it, by staying in it" (ibid. 56)

⁹⁹⁷Sartre, *Transcendence*, op. cit. p. 30

brought about".⁹⁹⁸ It is the openness to such an 'absolute horizon' of justice that allows for escaping, by paradoxically *staying*, the enclosing horizon of control and the relentless movement that always occurs within its ontological parameters.⁹⁹⁹ Cosmic justice, that is, 'available' to everything and yet not belonging to anything, as the impersonal, absolute and 'non-presentational viewpoint of the event', truly post-human insofar as extendible 'at every point of the matter, from viruses to stars, since it is the very *act* of matter', the uncorrelated event of every *taking place*.¹⁰⁰⁰ This is the ethico-political meaning of an ontology able to 'doing justice' to the non-objectifiable human and nonhuman beings that compose the worlds by respecting them on their own terms.¹⁰⁰¹ The (re)orientation that resonates in Nietzsche's intention, "to learn more and more how to see what is necessary in things as what is beautiful in them — thus I will be one of those who make things beautiful."¹⁰⁰² It would be foolish to understand this as a resignation to accept the status quo. Instead, it means to accept the world as the only world available, yet one whose eventful potentialities are never exhausted by our correlation to it, never totalisable within the relational immanence of control. Potentialities that, as we saw, are constantly defused by exceptional appropriation, immunitary reaction, projectual insertion of purposes, necessities, goals that 'disrespect' things, depriving them from their *immanent necessity*. Justice is what does not belong to anyone, and yet can only be found in this world, not as a yearning for a beyond, but a yearning for a now-here beyond one's own appropriation: "not a hope *for* anything, nor a hope *of* any value, but a hope *in* the immanent truth of its own situation".¹⁰⁰³

This is the same hope of Simone Weil: "may I disappear in order that those things that I see may become perfect in their beauty from the very fact that they are no longer things that I

⁹⁹⁸Deleuze and Guattari, *What is Philosophy*, op. cit. p. 36

⁹⁹⁹I refer to the critique moved by Williams and Srnicek ['Accelerate', op. cit.] to Nick Land's 'accelerationism', that according to them is simply a neoliberal speed, according to which "We may be moving fast, but only within a strictly defined set of capitalist parameters that themselves never waver. We experience only the increasing speed of a local horizon". I do not believe the point is to accelerate however. The notions of inoperosity and cosmic justice, with their situated potential, offer a less hubristic manner to think an ethico-political action able to break open the horizon of control.

¹⁰⁰⁰Ronchi, 'Introduzione', op. cit. p. 19 (my translation). *Ab-solutus*, i.e. untied from. On the notion of the 'viewpoint of the event', i.e. the non-presentational event which weighs on every situation, see Woodward, 'Events, Spontaneity and Abrupt Conditions', op. cit. p. 331 [see ch. 1, *Materiality life event*, par. 7]

¹⁰⁰¹I refer to OOO's ethical injunction: "the only way to do justice to objects is to consider that their reality is free of all relations, deeper than all reciprocity" [Harman, *The Quadruple Object*, op. cit. p. 47]; as Bryant affirms: "I desire an ontology capable of doing justice to these strange nonhuman actors, capable of respecting these strange strangers on their own terms." [Bryant, *Democracy of Objects*, op. cit. p. 248]. Again Harman refers to doing "justice to a world where objects are always more than they literally state." 'On Vicarious Causation', *Collapse Vol. II: Speculative Realism* (Urbanomics, 2007) p. 212

¹⁰⁰²Friedrich Nietzsche, *Gay Science* (Cambridge University Press, 2001) p. 157

¹⁰⁰³Masciandaro, 'Comments on Eugene Thacker', op. cit.

see".¹⁰⁰⁴ There is neither ascesis nor withdrawal in this disappearance, it is instead the appropriating machine of exception that is meant to disappear. In the whiteout the 'felt absence' of the *persona* is not an emptiness to be filled by a revolutionary subject or mad decisions, not the nothingness of a non-being, but rather the positive void left by the excepting machine of *persona* and its projectual operations, and thus the fullness of impersonal, conflictual and 'common' potentialities. Likewise, there is no absence of justice to justify the revolutionary instalment of justice. The blindness that the whiteout produces is the fullness of an ontological whiteness, an obscurity that the excess of light provokes.¹⁰⁰⁵ "It is precisely the felt absence of justice in the world that shadows forth the fact of eternal or infinite justice".¹⁰⁰⁶

In their experimental approach, 'minimalist composers' developed productive ways to generate and traverse sonorous whiteouts through 'de-familiarising techniques', unlearning their own skills to the point of no longer seeking to 'produce' and thus 'possess' their 'own' sounds, but rather resorting to *use* them.¹⁰⁰⁷ The author/work, author/spectator, author/technique dichotomies sublime in a vertigo, the materiality of a soundscape in which the composer 'must' accept to be traversed by a contingent multiplicity, a 'wilful succumbing to disorientation' (i.e. de-activating one's state of exception), "neither resist[ing] the unrest of this sensorial chasm nor assert[ing] himself with the hegemony of an outside agent ... but rather assum[ing] the status of a trigger, a catalyst, that which clears space for the infiltration of sound's unruly wilting".¹⁰⁰⁸ This succumbing does not indicate loss, renunciation, being at the mercy of the vortex: in the manner of a post-structural Franciscan, Cage suggests that "no one loses nothing because nothing is securely possessed".¹⁰⁰⁹

The whiteout is the aperture in which we are called to responsibly, ethically and creatively counter-effectuate, by entering in relation with other objects as objects amongst them, building necessarily common, more abstract and more concrete ways of being-together, not simply for the sake of mutual synchronisation, but to avert further closures, to keep each

¹⁰⁰⁴ Simone Weil, *Gravity and Grace* (Routledge, 2002) p. 42

¹⁰⁰⁵ See Ronchi, 'Introduzione', op. cit. p. 14

¹⁰⁰⁶ Masciandaro, 'Sweetness', op. cit. p. 43;

¹⁰⁰⁷ e.g. John Cage, Morton Feldman etc; Mohaghegh and Golestaneh ['Haunted Sound', op. cit. p. 489] describe this 'de-familiarising technique as "turning the acoustic world of the listener and composer towards vertigo".

¹⁰⁰⁸ Ibid. p. 490

¹⁰⁰⁹ John Cage, *A Year from Monday: New Lectures and Writings* (Wesleyan University Press, 1969) p. 108; Mohaghegh and Golestaneh ['Haunted Sound', op. cit. p. 49]: "... never as a nihilistic drive towards absence but as the infliction/expression of an invariably haunted vitalism: an absence-turning-presence (of the wasteland)"

situation open to the immanent presence of its cosmic justice.¹⁰¹⁰ Likewise, to 'whiteout' law means to make law inoperative, not eliminating law and its potentialities, but rather the purposes and modalities in which it is inscribed.¹⁰¹¹ Neither complying *with* the excepting machine of law, nor having done with (to do *without*) law. At the threshold of this seemingly unavoidable alternative is the inseparable contiguity of law and justice: the legal whiteout is *the necessary (yet insufficient) condition for the unfolding of justice*: the *place* of a law which refuses to be completed through the relentless actualisation of its potentialities into a given state of affair. This is the sense of this proposal, a 'minimalist' approach to law, i.e. *using* law as 'a trigger, a catalyst, that which clears space for the infiltration' of the 'unlegislated movement' of justice.¹⁰¹² It consists in forcing law to orient itself to a world not for law: clearing the space, 'creating voids', boring holes, not to 'uncover' the abyss of non-law but the 'luminous spiral' of the 'non-judicial possibilities to law'.¹⁰¹³ Just like the de-activation of the orienting machine of the subject-persona throws us into a whiteout fraught with risks and possibilities, forcing us towards an inoperative and necessarily common (that is, in constructivist and post-human sense) way of acting, so the making inoperative of the spatiolegal mechanism of exception throws law in a cosmic contingency that law itself is unable to juridify. Forced to endure this excess beyond any possible operative articulation, law is reoriented towards bodies it cannot appropriate, objectify or immunise from: unable to reduce them to its own relation, just a body among other bodies in promiscuous complicity, law becomes able to do justice to them, letting impersonal, inoperative and post-human normativities surface.

¹⁰¹⁰Meillassoux has proposed a way to think justice as a superior and yet immanent order of 'universal equality' that is opened by a truly emancipatory politics that is simultaneously aimed at its self-overcoming (i.e. to a world after the end of politics) insofar as projected towards justice, and yet unable to actually reach such an end. This is because "the *finality* of politics ... cannot be the *product* of a politics, except that of a totalitarian fantasy". Thus the "end of politics is that which proceeds from an ontological uprising that is independent of our action, an uprising whose hypothesis contributes at present to the shaping of the subjectivity of the vectoral militant" [Meillassoux, 'The Immanence of the World Beyond' op. cit. p. 477]. Although sympathetic with his attempt, the understanding of justice I am proposing is dependent from our 'actions', even though cannot be their 'product'. This is what an inoperative acting gestures to. The opening of the whiteout is exactly the locus of an emancipatory politics whose purpose is not to 'produce justice', but rather to open the space to its cosmic event, by deactivating the exceptional apparatuses that prevent and neutralise its potential, as well as counter-effectuating it to produce alternative spatialities.

¹⁰¹¹That is, 'all the purposes that separate life and living', Agamben, *Nudità*, op. cit. p. 144 (my translation)

¹⁰¹²the movement-phenomenon is left unlegislated, its lawlessness becoming nothing more than "that unending rhythm, that incessant, unending rhythm that you find", Fieldman, quoted in Mohaghegh and Golestaneh, 'Haunted Sound', op. cit. p. 490.

¹⁰¹³I am paraphrasing the above-quoted passage by Agamben: "What shows itself on the threshold between Being and non-Being, between sensible and intelligible, between word and thing, is not the colourless abyss of the Nothing but the luminous spiral of the possible" Agamben, 'Bartleby,' op. cit. p. 250; as well as the above-quoted passage by Zartaloudis, *Giorgio Agamben*, op. cit. p. 279

§

*Rather than new critiques, cartographies are what we need*¹⁰¹⁴

Decolonising Architecture (DA) is a project set up in Palestine by Eyal Weizman, together with Alessandro Petti and Sandi Hilal. In a recent interview, Weizman explains that the project has been inspired by the need to overcome the claustrophobic logic of the 'Occupied Territories', that is, the logic of the *solution* (one-state, two-state etc.) that traps them "in an 'endless present', a historical process without culmination".¹⁰¹⁵ The quest for the solution freezes the potentialities of the situation, leaving 'intact' its oppressive configuration, in the eternal wait for a yet-to/never-to-come salvation.¹⁰¹⁶ DA eschews problem-solving anxieties and is rather concerned with inhabiting this problematic field, challenging the present situation from within, opening a 'new political temporality' in which to operate or, in other terms, reorienting a temporal yearning (*à venir*) into a spatially-situated strategy.¹⁰¹⁷ Strategic are indeed the questions alighting this enterprise, namely whether there 'could be something in excess' in the order of Occupation, an excess that could be employed in order to use the power of colonial architecture, once its apparatus of domination has been deactivated (de-colonised).¹⁰¹⁸ The term 'decolonisation' in fact indicates the attempt to 'undoing' the existent system of inequalities, by depotentiating and defusing colonial relations of power, and thus reorienting them towards different uses, "articulated differently, inhabited differently".¹⁰¹⁹ DA does so strategising Agamben's concept of profanation. As Weizman explains, profanation means the "the deactivation of the spatial apparatus of exclusion ... the dismantling of the power that exists ... a

¹⁰¹⁴Tiqqun, *Introduction to Civil War*, op. cit. p. 216; "A revolution that does not produce a new space has not realized its full potential. . . . A social transformation, to be truly revolutionary in character, must manifest a creative capacity in its effects on daily life, on language and on space" Lefebvre, *The Production of Space*, op cit. p.54

¹⁰¹⁵Weizman, '*Political Plastic*', op. cit. p. 279

¹⁰¹⁶I refer to Noys' above-quoted critique to Derrida's strategy that "leaves capitalism intact while we await the grand and shattering arrival of the spectral event 'to come', which never truly materialises as such". Noys, *The Persistence of the Negative*, op. cit. p. 45

¹⁰¹⁷This is what Weizman expresses in temporal terms "one might open a way to operate in the present in relation to a future that is much further away than the one-state/two-state thing. So it's both immediate and very far." That is, in the absolute situatedness of a contingency and yet open to a potentiality far away and yet absolutely here and now [Weizman, *Political Plastic*, op. cit. p. 293]

¹⁰¹⁸Weizman asks, "whether there could be something in excess in this order [of the Occupation]; what is this excess" [ibid. p. 293] and "does the power that exists in the architecture of colonial exclusion remain in it like a residue, when it is unplugged? ... The task is to identify this power that remains, this charge, and to attempt to reorient it." [ibid. pp. 282-3]

¹⁰¹⁹ibid. p. 282

restoration of things to the common use”.¹⁰²⁰ Yet, does not this strategy imply the ‘dangerous assumption’, the interviewer asks, that “matter is ultimately innocent, that matter, at some level, can be decoupled from power”?¹⁰²¹

Weizman's answer exposes the double strategy I above presented. The aim, he explains, is “not to simply undo the power and techniques of the occupation but to reorient them.”¹⁰²² The ‘whiteouting’ of the apparatus of exception, I observed, is not disorientation, but also the swerving ethico-political potential for a *reorientation* towards cosmic justice. A potential that requires counter-effectuation to be unfolded, acting on the intensive potentiality of a power now ‘liberated’, i.e. unplugged from its immunitary apparatus of exception: “if resistance is not complete withdrawal, if it is articulated through some form of action, the question is whether there is a mode of action that might contain the possibility of a break rather than the constant elasticity of material organisation and political evolutions”.¹⁰²³ Thus, in the sense of the 'surfing interventionism' presented above, this implies detecting and exploiting the frictions in the smooth surface of control, opening up the space to inoperose uses, so that to “use it in a way that does not reproduce, that really breaks, this relationship of power and its forms”.¹⁰²⁴ According to Weizman,

the city is not spatially governed so much by its structures and buildings but rather by the way it organises and divides the surface ... [its] ground is a certain code, both at the operational and symbolic levels: the code of the city – its operational logic and its ideology ... a ‘thick surface’ in which occurs the designation of private and public, walk/drive/no walk, the relation between figure and ground, between the object and the surface on which it relies.¹⁰²⁵

The question becomes that of *ungrounding* the city, as he puts it, making inoperose its structures of power and domination by perforating the smooth surface of its spatiolegality, and thus counter-effectuating this eventful potential in order to make space for the emergence of novel concatenations.

The abandoned military base of Oush Grab (crowd’s nest) has neither been destroyed by the retreating Israeli army, nor by the re-appropriating Palestinians, as usually occurs in these cases. The DA project was assigned with the task of envisaging a way to deal with the building. The question here was not only that of thinking new ways to re-use it. At the same time, there was the necessity to prevent it from being re-appropriated by the army. In fact, within the regime of “‘revolving door occupation’, in which the danger of the place’s appropriation by settlers always exists, it is important

¹⁰²⁰ Ibid. p. 296

¹⁰²¹ Ibid. p. 283

¹⁰²² Ibid. p. 294

¹⁰²³ Ibid. p. 277

¹⁰²⁴ “So the spaces despoiled by power represent an opportunity in so far as they become depotentiated in terms of the existing politics, and operate within this new political temporality” [ibid. p. 293]

¹⁰²⁵ Ibid. pp. 298, 296

to first render the building less amenable to be used, before allowing for new functions to inhabit them.”¹⁰²⁶ For this purpose, DA devised a strategy consisting in “perforat[ing] the buildings of the military base by drilling holes into their walls.”¹⁰²⁷ Through this profanation by perforation, the structure of power entangled in the building is literally hollowed out, by dismantling its appropriating, violent and exclusionary mechanism and thus creating an 'absence of occupation' that prevents its re-occupation, in this way restoring the building to a common use, i.e. to the potential for conjuring complicities between human and non-human bodies.

In the introduction, I concluded by mentioning Lars Lerup’s concept of ‘building the unfinished’ as an instance, I suggested, of inoperose building that is oriented to build works able to ‘make space’ for the irruption of the eventful potential of being-together, rather than preventively closing them off into a pre-determined result.¹⁰²⁸ In this sense, through the inoperose deactivation of the spatiolegal apparatus of exception DA opens “a space that escape[s] the grasp of power and its laws, without entering in conflict with them yet rendering them inoperative”.¹⁰²⁹ A holey space, that is, opened to the cosmic justice of its taking place in a world that is ultimately irreducible to its mechanism of exclusion, immunisation and juridification.

Oush Grab is an important stop for thousands of migrating birds in their way to Africa. In this holey space, a novel, impersonal post-human normativity surfaces.

¹⁰²⁶Project: Return to Nature’, available at <http://www.decolonizing.ps/site/texts/>

¹⁰²⁷ibid

¹⁰²⁸Lerup, *Building the Unfinished*, op. cit. In Weizman’s words, the military base is redesigned “on behalf of nature ... design not for a construction but for the controlled disintegration of the building, we accelerate or intervene in the process of its disintegration” Weizman, *Political Plastic*, op. cit. p. 295

¹⁰²⁹Agamben, *The Time that Remains*, op. cit. p. 27;



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¹⁰³⁰<http://www.decolonizing.ps/site/texts/>

Conclusion: an Exhibition

1.

...this is what attracted me, a transitory imbalance between the traits, this unpredictable dimple in the homogenous surface¹⁰³¹

Through this thesis I addressed the relationship between law, space and control, how it unfolds in the contemporary city – with particular attention to how this occurs in the extraordinary spatio-temporal context of mega events –, and I sought to delineate a radically material, ethico-politically worthwhile and strategically adequate concept of justice. This endeavour has been articulated through three main parts.

The **first**, including the first three chapters, developed along two parallel lines: on the one hand I elaborated an original spatial ontology through the notions of life, materiality and event; on the other, I investigated contemporary forms of control and their on-going reformulation of urban space according to the twin requirements of consumption and immunity. These trajectories culminated with the introduction of two main concepts: urban tuning, as a way to account for how the urban is ‘held-together’ immanently; and brandscaping, to indicate in more explicitly spatial sense the preventive retuning of the urban enacted by strategies, techniques and practices of control, as well as to provide a methodological tool that would allow for empirical investigation. At the point of tangency between these two lines, I explored the configuration that the exceptional relation between law, space and justice takes in modern and ‘post-modern’ times. The **second** part, the fourth chapter, tested the theoretical framework through an ethnographic exploration set in Johannesburg during the FIFA 2010 South Africa World Cup. First, I employed the notion of urban tuning to describe the immanent normativity of the city. Second, I employed the notion of brandscaping to investigate the World Cup as an ‘installation’ for retuning the urban. Finally, I suggested that mega events could be understood as paradigmatic instances of brandscaping. They are not only relevant as objects of study in themselves, but also as privileged contexts to explore the urban more generally. The **third** part, the fifth chapter, sought to envisage an ethico-political stance able to challenge the pacifying and uneventful

¹⁰³¹ Andrea de Carlo, *Treno di Panna*, Einaudi, 1981: p. 121 (my translation)

logic of urban control. First, I problematised the Western dualism of action and inaction and its political consequences. Second, I proposed an alternative notion of interventionism through the conceptual figure of surfing. Third, I applied this understanding in order to rethink the law/justice relation and open it up to the concept of cosmic justice. Neither a set of new principles nor a panacea for social injustices, what I suggested is an absolutely situated, always contingent, simultaneously abstract and concrete strategy whereby to employ the intensive potential of the urban to produce alternative, hopefully 'just' spatialities.

Through this endeavour I provided an (unavoidably) tentative answer to the questions that prompted this thesis. Yet, the problematic field they generated is not going to disappear: it is rather to be traversed, each time contingently, using tools like those here proposed. In fact, in this conclusion I do not wish to suggest any *feeling* of completion. I believe this would run counter to the attitude alighting the thesis. Whether introductions provide cartographies to orient the reader through the narration, conclusions should venture towards unknown territories for which cartographies still need to be drawn. They *conclude* a text, that is, by opening it up to what is outside. Faithful to the stated intention to 'build something unfinished', in this conclusion I will explore a *paradigmatic* example, which will allow me to perform a *survol* of the whole thesis, re-exposing its lines of thought and possibly turning them into as many lines of flight.

I already touched upon the notion of paradigm through the definition offered by Agamben, different from the more famous one provided by Thomas Kuhn. Kuhn defines the paradigm as not only a set of rules and savoirs, but a fundamental worldview or framework which members of a scientific community consensually share more or less consciously adhering to it, and which guides and shapes the boundaries of the scientific research of a certain epoch.¹⁰³² Digging through philosophy in his typical archaeological fashion, Agamben exhumes a different meaning of paradigm: not the *de jure* condition of possibilities of a science, but its *de facto* existence.¹⁰³³ The paradigm can be thus understood as a 'norm', however not in the sense of a transcendental 'condition of possibility', but rather as existing and *subsisting* only in the exhibition of the paradigmatic case: a norm that cannot be simply posited or verified from outside but is always generated and produced via the paradigm itself: it cannot be applied or enunciated but only *exposed, performed, lived*.¹⁰³⁴ As

¹⁰³²Thomas S. Kuhn, *The Essential Tension: Selected Studies in Scientific Tradition and Change* (University Of Chicago Press, 1977)

¹⁰³³"not its right to be a science, but the fact that it exists" Agamben, *The Signature*, op. cit. p. 7

¹⁰³⁴As in the grammatical example, where in order for a rule to be made explicit, an actual, singular instance must be performed (for instance, the imperative 'go away') and at the same time 'suspended' from its contextual signification (the injunction for somebody to 'go away') in order to 'exhibit' its paradigmatic value,

explained above referring to the panopticon, a paradigm is an always contingent example (e.g. an architectural project), yet one that, through its 'suspension from its immediate factual reference', is at the same time able to expose the 'canon' or abstract form which it shares with the other instances to which it is paradigmatically related (e.g. *panopticism*, i.e. a diagrammatic function detached from any use). There is in other words always an *analogical* relation between a singularity and its paradigmatic suspension, which avoids and neutralises the dichotomous correspondence between particular and general.¹⁰³⁵ Understood as such, the paradigm assumes an immanent and generative quality with respect to a problematic field:

the intelligibility of the paradigm is never presupposed, on the contrary, the specificity of the paradigm resides precisely in the suspension of its immediate factual reference and in the exhibition of its intelligibility as such in order to give life to a new problematic context¹⁰³⁶

This is the sense of the 'paradigm of operation' I referred to along the thesis. As explained above, in Parmenide's 'ontological split' between Being and non-Being I did not see an 'original cause', but rather a paradigmatic example that I employed in order to make intelligible the field in which the relation between law and space unfolds: namely a problematic context in which the operation is assumed as the necessary mode of legal action in order to neutralise the dangers of spatiality. As every problematic field, a major necessity polarises it, i.e. the need for law to tame or, more precisely, to immunise itself from space. An 'immunitary paradigm', that is, essentially grounded on a presupposed separation from, i.e. erasure of space. It is such problematic field that the thesis sought to traverse and dismantle.

In the example I offer below, I explore again such a paradigm from an eccentric perspective, one that allows for digging more in depth through other related questions which arose along the thesis. Most importantly, the questions of how to detach radical thought and thus ethico-political action from its exceptional recuperation; how to generate spatialities which are truly alternative to the urban brandscaping, beyond reactive opposition, fleeting spontaneity or technical synchronisation; how to keep the space open to its cosmic justice, once the deactivation of the spatiolegal apparatus has been performed.

I do so in two steps. First, I dig through the notion of gardening, neither a lazy and unoriginal metaphor nor a redundant and pretentious divagation but, analogically as well as to some

its norm (in this case, the imperative form) [Ibid. p. 26]. Incidentally, this was the sense of the *regula* (monastic rule) of the aforementioned Franciscan movement: not a set of rules to be followed, but a 'paradigmatic' example – in this case, the life of Jesus – to be re-lived. [Agamben, *Altissima povertà*. op. cit. p. 124]

¹⁰³⁵ Ibid. p. 31

¹⁰³⁶ Giorgio Agamben. 'What is a Paradigm?' Lecture at European Graduate School. August 2002. Available at <http://www.egs.edu/faculty/giorgio-agamben/articles/what-is-a-paradigm/>

extent allegorically, as a paradigm through which the canon of the spatiolegal operation can be exposed. If on the one hand this allows me to come back and clarify the exceptional relation between law, space and control – explored in the thesis' first part –, on the other it permits to focusing more in depth, in an admittedly peculiar and yet useful way (through the conceptual figure of the 'weeds') to the question of the potential complicity between radical thought and control. In this way I am able to set the scene for a rather unorthodox instance of gardening, Ai Weiwei's art installation *Sunflower Seeds*. In this last section I seek provide further contextual depth and strategic sharpness to the trajectory developed in the fifth chapter. I do so by presenting *Sunflower Seeds* as an (art) installation alternative to the (urban) installation which I described in the analysis of the mega event. Contrary to the event-defusing logic of the mega event brandscaping, this artwork generates a whiteout by making inopereose the spatiolegal operations of the (gallery) brandscaping (security, order, property), unleashing the demonic powers of objects and allowing for novel concatenations to emerge. The porcelain seeds that form the artwork are taken as instances of 'inopereose acting', contrasting the operational hubris of the 'weeds'. Finally, by accounting for the 're-appropriation' of the space of the gallery that followed its temporary deactivation, I conclude by stressing that any deactivation, any whiteout, calls upon us to counter-effectuate constructively, so as to prevent its potential 'gateways' to be abruptly shut down.

§

I am aware that this conclusion will prompt at least a question from the reader, namely: is such a repetition or re-combination in such a paradigmatic format of some of the themes already exposed needed? I feel this requires methodological justification. In the introduction I stressed that a combination of the conceptual tools which build a thesis should be assessed with respect to the conceptual intensity and the lines of flight it manages to generate, rather than *vis-à-vis* the organic and internal coherence it maintains with the rest of thesis. How does it hold together? This is an undoubtedly relevant question, however subordinated to a more strategic one: how does it work? In this sense, I believe that the re-combination of some of the thesis' most important concepts into such a peculiar example, rather alternative to the urban context in which the thesis floats, will allow to expose them more effectively, providing with added complexity, theoretical depth and strategic sharpness. The same reasoning oriented both decisions to choose such a peculiar example and to position it outside of the thesis' main body: the intention, that is, is to exploit both its peculiarity and

'misplacement' to concentrate more effectively its rhizomatic and intensive potential.¹⁰³⁷

2.

*By its existence alone, the lily of the field sings the glory of the heavens*¹⁰³⁸

The garden appears as the mythical and archetypal locus of the mediation of an encounter, the articulation of a separation into an ordering operation. In every garden a stable *order of being* is projected, reproduced and summarised. The garden is a 'universalising heterotopia', as Foucault suggested, "the smallest parcel of the world and then the totality of the world", a microcosm where the whole world mirrors itself.¹⁰³⁹ At the beginning was the Garden of Eden, where the 'encounter' between God and Man is mediated.¹⁰⁴⁰ It is here that the utopian dream of an all-encompassing law merges with that of pure happiness in freedom, an ever-receding origin which subsequently grounds and justifies the gardening enterprise of the human. After being expelled from the heaven by the original gardener, separated from and yet thrown into the earth, the human becomes the sovereign gardener of the world, with the task of taming its wilderness into a 'utopia of a perfectly cultivated earth'.¹⁰⁴¹ Corollary is the internalisation of this very task as the essence of the human, as a 'creature of lack' condemned to compensate for the ontological poverty of his 'fallen' condition by involving himself into productive operations, result-oriented 'projects': here, *in nuce*, is the prototypical 'reduction of human beings into praxis'.¹⁰⁴²

Hence the paradigmatic exposition of the spatiolegal operation that gardening expresses: drawing boundaries, turning the earth into a land of projects and productivity, a space *for us* where to plough and sow neat politico-legal geometries. The garden as the 'homogenous

¹⁰³⁷ If the footnotes, as I explained in the introduction, have been often employed along the thesis as a way to perforate its structure and connect it to other potentialities outside, in this section they will be often employed in the reverse direction, i.e. as ways to prevent the thesis from excessive acceleration, by means of referring directly to relevant sections of the thesis as they are touched upon by the following exposition.

¹⁰³⁸ Deleuze, *Difference and Repetition*, op. cit. p. 75

¹⁰³⁹ Michel Foucault, 'Of Other Spaces, Heterotopias.' *Architecture, Mouvement, Continuité* 5, 1984: 46-49; see ch. 2 *Space of Exception*, par. 2

¹⁰⁴⁰ The term *Paradise* comes from the Persian *Pairi-daeza*: 'enclosed space', composed of wall [*daeza*] and around [*pairi*]. This trope appears, albeit in different ways, in the three main monotheisms.

¹⁰⁴¹ I am paraphrasing Foucault and his famous description of the plague-stricken town, where distinctions and partitions are precisely drawn as in the "the utopia of the perfectly governed city" [Foucault, *Discipline and Punish*, op. cit. p. 198]. Incidentally, from the etymology of garden derives the Russian and Polish word for city, *grad*.

¹⁰⁴² On the reduction of being into praxis as result of the postulation of a 'separated' no-thing, see ch.1 *Nothingness Separation Operation*

medium' where the separation (human/world) is presupposed and articulated into an immunising operation: civilisation as cultivation.¹⁰⁴³ As stated above, the will to control and manipulate beings is presupposed on the preliminary 'separation' and thus isolation of beings themselves, in this way consigned to man's disposal. This is reflected in the distinction which organises the disciplinary gardens of modernity between "those organisms contained, managed and bred for the benefit of the humans, and those which are 'wild', continuing to live their own territories on, more or less, their own terms" – whose presence, incidentally, testifies of the immoral idleness of its savage inhabitants (to be consequently cultivated, civilised, colonised).¹⁰⁴⁴ Accordingly, John Locke famously granted the right to property only to those who cultivate, 'civilise' and make the land productive – the justification for expropriation of land from the undeserving hands of those living in the various *terrae nulliae* of "wild woods and uncultivated waste ... left to nature, without any improvement, tillage or husbandry".¹⁰⁴⁵

Crucial is to keep in mind, however, that beneath the seemingly rational, peaceful and ordered gesture of gardening lies the violence of extirpation. Every gardening is grounded by a 'double move': the *erasure* of complexity from space – extirpated, weeded and ploughed into a bare space – and then the *partitioning*, i.e. the sowing and fencing of this bare substratum into an ordered garden.¹⁰⁴⁶ The sovereign gardener must constantly *decide upon* i.e. 'cut off' the weeds in order to re-establish the exceptional order.¹⁰⁴⁷ The latter, however, depends on his capacity to conceal the fact of having to continuously perform such a contingent (and unavoidably incomplete) operation so that to reassert the order that his spectacular authority alone is unable to emanate. Every garden is a garden of exception resting on shaky foundations, bound to be soon or later invaded by the weeds whose

¹⁰⁴³ See ch. 2, *Space of Exception*, par.. 2-4; and ch. 1 *Nothingness Separation Operation*; the notion of 'homogenous medium' refers to the above-quoted passage of Schmitt, *Political Theology*, op. cit. p 13; the term exception comes from ex-caping, literally, to take out, to extirpate.

¹⁰⁴⁴ A correspondence that 18th century Scottish botanist and garden designer John Claudius Loudon coherently assumed when inviting "his reader to 'compare plants with men, consider aboriginal species [i.e. wild plants] as mere savages, and botanical species [i.e. cultivars] as civilised beings". in Richard Mabey, *Weeds: The Story of Outlaw Plants: A Cultural History* (Profile Books, 2012) p. 9

¹⁰⁴⁵ John Locke, *Second Treatise of Civil Government* (1690) ch. V: "As much land as a man tills, plants, improves, cultivates, and can use the product of, so much is his property. He by his labour does, as it were, inclose it from the common"; See ch.2, *Space of Exception*, par. 1 3

¹⁰⁴⁶ See ch.2, *Space of Exception*, par. 1 4; ch. 3, *Prologue*, par. 2; I am mainly referring to Western gardening. Other practices, most notably the Japanese 'art of gardening', are rather different if not opposite to this conception (see below)

¹⁰⁴⁷ I refer to the Schmittian concept of the 'Sovereign who decides over the exception'. The etymology of the term *decision* is literally 'to cut off', from *de-* 'off' and *caedere* 'to cut'. On the theme of the impotence of the sovereign vis-à-vis the state of exception, see ch.3, *Prologue* and *Spectacle*.

existence it obstinately denies. Every garden always-already contains ‘the seeds of its own deconstruction’.¹⁰⁴⁸

Weeds are what inherently deconstructs the gardening of exception, “occur[ing] when this tidy compartmentalisation [cultivated/wild] breaks down. The wild gatecrashes our civilised domains, the domesticated escapes and runs riot”.¹⁰⁴⁹ They are not simply a wilderness comfortably situated ‘outside’ of the gardening endeavour. They are not what ‘opposes’ the space of gardening, but rather what *wrongs* it.¹⁰⁵⁰ As Richard Mabey observes, “the best-known and simplest definition is that a weed is a plant in the wrong place”.¹⁰⁵¹ Weeds’ continuous and rhizomatic proliferation aptly expresses the ineradicable conflictuality which lies within, and constantly dislocates any order: the variation, transformation and uncontrollable vitalism of life.¹⁰⁵² More profoundly, weeds express the impossibility for the sovereign gardening to ever bridge the separation with space, to ever tame and juridify it into a normative order, to appropriate it: it is such an all-ingesting hubris for each body to be defined, categorised, labelled, guarded and gardened, that the weeds frustrate.¹⁰⁵³

Able to proliferate where all other forms of life disappear, from post-conflict ruins to abandoned cemeteries, from desert land to asphalt roads, weeds expose the reality of a world ‘not for us’, populated by bodies which cannot be reduced to our relation to them: “the weed is the Nemesis of human endeavour ... [it] exists only to fill the waste spaces left by cultivated areas. It *grows between*, among other things.”¹⁰⁵⁴ The legal gardening is unequipped to deal with this non-juridifiable “grey zone that eludes every attempt to establish its relation to a dichotomy we feel familiar with – that of law and non-law.”¹⁰⁵⁵ Their anarchic vitalism unmasks the impotence and nakedness of the sovereign gardeners but also dislocates the neat fences of the disciplinary gardens. Weeds not only incorporate the ‘ontologically intractable’ principle of space. They also appear to run counter the

¹⁰⁴⁸Desutter, *Deleuze*, op. cit. p. 56 (my translation); see ch. 2, *Folding Exception* par. 4

¹⁰⁴⁹Mabey, *Weeds*, op. cit. p. 21

¹⁰⁵⁰Here is a reference to Rancière’s concept of the *political* as what wrongs a given order; see ch. 5, par. 1

¹⁰⁵¹Mabey, *Weeds*, op. cit. p. 5; Among the ways employed through history to define and discriminate weeds, Mabey notes the concept of utility (they are useless) toxicity (they are dangerous) morality (they are parasitic and thus morally reproachable) aesthetic (they are ugly) evolutionary (they are savage plants, as opposed to the civilised botanical species) (p. 9)

¹⁰⁵²See ch. 1 *Materiality Life Event* par4-6, and ch. 2 *Legal Matter* par.4

¹⁰⁵³See ch. 2 *Folding Exception* par. 3-4, *Legal Matter* par. 1-3

¹⁰⁵⁴Henri Miller, quoted in Deleuze and Guattari, *ATP*, p. 20; see ch.2 *Folding Exception*

¹⁰⁵⁵Brighenti, ‘Did we Really get rid of Commands?’, op. cit. p. 70 – As Mabey observes, weeds “aren’t parasites, because they can exist *without us*” [*Weeds*, op. cit. p. 12 (my emphasis)]. Or, perhaps more appropriately, weeds can be understood as a true parasite as in Masciandaro’s observation: “the para-site (that which makes food what is beside it) digests the host/parasite distinction into the bipolar disorder of its own being” [Nicola Masciandaro, ‘Gourmandized in the Abattoir of Openness’, in Ed Keller, Nicola Masciandaro & Eugene Thacker (eds) *Leper Creativity: Cyclonopedia Symposium* (punctum books, 2012) p. 189]. See ch. 1 *Materiality Life Event* par. 2, 7; ch.4, *Method* and ch. 5 par. 6

utilitarianism of the operational paradigm: “of course they don’t have a ‘purpose’ ... they just ‘are’”.¹⁰⁵⁶ It is perhaps in their ‘just being’ that does their being ‘just’ lie?¹⁰⁵⁷

3.

*being truly terrestrial is not the same as being superficial*¹⁰⁵⁸

In the second chapter I noted that, by removing its grounds as well as the ‘outside’ against which it supposedly erects its geometry, deconstruction places the sovereign state of exception before the ontological impossibility of its own operations.¹⁰⁵⁹ Likewise, the contingent and deterritorialising intractability of weeds plunges gardening into crisis. Both the authority of the gardener and the boundaries of the garden are overflowed and dislocated by the exuberant proliferation of weeds. Yet, if geo-political, socio-cultural, philosophical and other critical weeds succeed in unmasking the sovereign impotence and disaggregating its stable order, they do not block its exceptional operation. Instead, by means of no longer radiating from a given sovereign nor being projected towards a precise location, the exceptional techné of gardening becomes boundless, planetary (i.e. fully deterritorialised) and impersonal (post-sovereign), assuming its impossibility as its own self-justifying ends. The state of exception folds onto itself, becoming immanent as a self-alimenting techné, a purpose-generating movement.¹⁰⁶⁰ What emerges is a new impersonal, post-sovereign and immanent configuration of power, a moving and rhizomatic state of exception no longer concerned with colonising, striating and crystallising space. Weedy deconstruction can only trigger a superficial destabilisation of the garden of exception. By inserting a ‘chaos within the garden’, it problematises the sovereign façade of the spatiolegal (its sovereign subject and its locus), yet leaving untouched, nay, allowing for fully unleashing its deeper functioning.¹⁰⁶¹ Chaos, to repeat, is not the limit, but rather the inherent justification of the ‘will to control’.¹⁰⁶² Assuming the state of exception as a rigid

¹⁰⁵⁶Mabey, *Weeds*, op. cit. p. 14

¹⁰⁵⁷On the ‘persevering on one’s own being’ as the key character of the vitalism I am proposing, and on the notion of ‘inoperosity’ as the purpose-less (demonic) core of every being, see ch. 1, *Materiality Life Event* par. 4-7;

¹⁰⁵⁸Negarestani, ‘Solar Inferno’, op. cit. p. 7

¹⁰⁵⁹See ch. 2, *Folding Exception*

¹⁰⁶⁰See ch. 2, *Folding Exception* par. 4

¹⁰⁶¹See ch. 2, *Folding Exception* par. 4

¹⁰⁶²However see *supra* note 198 and 387; on the suggestion that the Western ‘will to know and control’, rather than simply an attempt to impose an order over a chaos, expresses more profoundly the ‘faith’ in the existence of a homogenous chaos which justifies the operation of control itself. Even more precisely, as I argue

and arboreal structure bound to collapse before chaos, therefore, appears as much closer to the hopes of those seeking to debunk it, than to the reality of its form.¹⁰⁶³

Along the third and the fifth chapter I moved a similar observation to some approaches gathered under the precarious labels of ‘relationalism’ and ‘naive vitalism’. I stressed that pretending to get rid of exceptional abstractions in the name of the creative praxis of multitudes, the post-human relationalism of networks, the vibrant materialism of naive vitalism; is a deeply problematic position, that misses the *reality* of these abstractions. Whilst deconstruction appears unequipped to deal with control, such ‘relational’ and ‘vitalist’ positions seem to remain ‘stuck’ or, which is the same, carried away into the immobile movement of its smooth ‘surface’.¹⁰⁶⁴ The result is, at best, a vulnerable position, at worst an (unwitting) complicity with control itself.¹⁰⁶⁵ In fact, whilst ‘affirmative biopolitics’ contrasts the immunitary logic of the spatiolegal state of exception by proposing a vitalism aimed at keeping life open to variation, movement and metamorphosis, control appears to depend and thrive exactly on keeping the metamorphosis, translatability, movement and variation of life open.¹⁰⁶⁶ The analogy with the weeds offers some peculiar insight.

By blurring the boundaries between cultivars and wild plants, but also parasitically dissolving the integrity of each plant, weeds make explicit the trans-individual machinism and rhizomatic materiality of the molecular ontology of being-together. On the one hand, weeds are the fitting embodiment of what Birchall et al. define ‘naive vitalism’, i.e. the expression of life as an “inherently positive, primal propulsive force that opposes domination and control”.¹⁰⁶⁷ On the other hand, however, the dislocation of (botanical) abstractions that their rhizomatic vitalism triggers is akin to a ‘compulsion to liquidity’ which ultimately mirrors the suffocating logic of control.¹⁰⁶⁸ As observed above, whilst the ‘static’ mechanism of exception is based on the bionomical extirpation (abstraction) of individuals from the spatiality of being-together, its ‘dynamic’ configuration introduces a different kind of abstraction, molecularising the static and self-contained individual into the dynamic

in the third chapter, chaos is the ontological product, i.e. the reality of control's abstraction: see ch.1 *Nothingness Separation Operation* ch.2 *Spectacle* par. 4 and *Brandscaping* par.3.

¹⁰⁶³On the problems with understanding the legal state of exception as a system of truth, see ch.2, *Folding Exception*, par.4

¹⁰⁶⁴See ch. 3, *Brandscaping* par. 5

¹⁰⁶⁵see supra note 157; see ch 3 *Brandscaping* par. 6

¹⁰⁶⁶See ch. 2, *Legal Matter*, par. 4

¹⁰⁶⁷That is, the quintessential understanding of life that (naïve) vitalism purports: Birchall, Hall and Woodbridge, ‘Postscript’, op. cit. p. 42; See ch. 2, *Legal Matter* par. 4; ch. 3, *Brandscaping* par. 6; ch. 5, par. 3; on accelerationism, vitalism and the risks of ‘recuperation’, see ch. 2, *Space of Exception* par. 4; and ch. 5 par. 4-5; ch. 3, *Brandscaping* par. 6

¹⁰⁶⁸Baudrillard, ‘Forget Foucault’, op. cit. p. 25

machinism of re-combinable *dividuals*.¹⁰⁶⁹ This means that there is no longer a static separation of a bare life from a life worth living, but rather the reduction of the whole life to a bare life, the whole space to a bare space.¹⁰⁷⁰ Static botanical separations are sublimated into a molecular relationalism that, accordingly, is ontologically produced by the weeds themselves in their viral and parasitic “process of omnivorous immanentization”.¹⁰⁷¹ If weeds superficially sabotage the gardening project, more profoundly they appear to *internalise* and fully unleash its exceptional operation.¹⁰⁷²

In the vast spaces of central US, new species of weeds, so-called ‘superweeds’, proliferate at ‘warp speed’, smoothing out space into a homogeneous surface.¹⁰⁷³ Erasure and

¹⁰⁶⁹ See ch. 3, *Spectacle*, par. 4

¹⁰⁷⁰ On the notion of ‘abstract form’ ch. 3, *Bio and Control* par. 2 and *Spectacle* par.4, where I observe that the abstraction of control (namely, the reduction of being into praxis) does not simply presuppose but actually posits the ontological reality of relationalism, both in its immanent totality (as a closed system) and as a permanent state of crisis.

¹⁰⁷¹ The quote is from Tiqqun, where they define ‘control’ (they use the term Empire) as “a regime of limitless integration that sets out to maintain the play between forms-of-life at the lowest possible minimum of intensity” *Introduction to Civil War*, op. cit., p. 132;

¹⁰⁷² See ch 3, *Brandscaping*, par. 6; See ch 3, *Bio and Control*, par. 1, where I refer to control as the sublimation of separation: in other words, the separation between life and the living is apparently revoked, and yet is more profoundly sublimated (not abandoned) into a systematically neutralised form

¹⁰⁷³ Linda Wells, ‘Superweeds spreading at warp speed’, *Ground Truth Blog*, 7 February 2013, available at <http://www.panna.org/blog/superweeds-spreading-warp-speed>; it would be interesting to draw a parallel with the vertiginous appendix of Deleuze’s book on Foucault, where he tries to think what the novel ‘historical configuration’ of our times could be. Overcome, in fact, is the vertical transcendence of the ‘God-form’ and the universal *unfolding* to which it centripetally attracted mankind, i.e. the “continual need to unfold and ‘explain’”. What is God, if not the universal explanation and supreme unveiling?” [*Foucault*, op. cit. p. 126]. Overcome is also the ‘Man-form’, in which the infinite unfolding of God was reversed, i.e. folded back onto the finitude of ‘horizontal transcendentalism’, as biology, political economy, linguistic, socio-empiricism and so on would provide an immanent *folding* to the vertical aspiration of the precedent era. These ‘unfolding’ and ‘folding’, brutally simplifying, are akin to what I have rather imprecisely termed ‘abstract’ and ‘concrete’ states of exception, i.e. the vertical and horizontal form of a differently-rearranged and yet ultimately unchallenged ‘static’ mechanism of exception [See ch. 2, *State of Exception* par. 4 and *Folding Exception* par. 4]. Yet, what occurs when both forms are ‘overcome’? Deleuze enters the realm of speculations here, taking inspiration Nietzschean ‘Superman’, the one which, if “man imprisoned life” (into the dissemination of savoirs) “frees life *within man himself*, to the benefit of another form” (p. 131). A form which is no longer molar but molecular, triggered by the revolutions of molecular biology, contemporary literature and cybernetic. This literally ‘post-structural’ revolution triggers enormous changes in the realm of life, labour, language. This is of course consistent with what, in the realm of the urban, I have described with the concept of ‘spatial explicitation’ [see ch. 3, *Brandscaping* par. 2-3]. Not an unfolding, not a folding, but rather, Deleuze ventures, a *superfold*, the unleashing of the proper forces of immanence. To be sure, this is not necessarily for the good: “a new form”, Deleuze observes, “it is hoped, will not prove worse than its two previous forms” (p. 132). Superfold, then, here chimes with Superweeds, as an apt embodiment of the attempt to “disperse and regroup life into new genetic codes” and, at the same time, of the revenge that “the genetic components take ... over the organism” (ibid. modified translation), [see Deleuze, *Foucault*, op. cit. pp. 124-32]. Above I mentioned the risk of post-structural theorist unwittingly becoming ‘the social engineers of our time’, enrolled in the deterritorialising enterprise of the capital, and even ontologically producing the reality they study [see for instance Birchall et. al., “Postscript”, op. cit.]. Here we see a peculiar and yet compelling parallel in the deterritorialised, indiscriminate and extensive cultivation of GM-crops by multinationals, together with their production and intensive use of war-like herbicides [notoriously Monsanto employs ‘Agent Orange’, already used in Vietnam War], that ontologically produce the smooth space in which the ‘gardening’ of superweeds thrives. Needless to

partitioning fold into rhizomatic smoothness. According to the scientific community, they have principally emerged as unintentional result of the massive employment of chemical herbicides which, acting in the manner of a vaccine, in the end stimulated ever-increasing capacities of herbicide-resistance on the weeds themselves. Moreover, a role in their surfacing was also played by widespread GM-cultivation (through mutation, cross-breeding or other indirect causes).¹⁰⁷⁴ Accelerationism finds here its deadly (dis)embodiment, a dark and oppressive body without organs whose simultaneous vitalistic proliferation and necrocratic parasitism produces a smooth space which deadly colonises any 'vital space', destroying crops and shrinking cultivation area. I propose to employ this perhaps bizarre, and yet inspiring analogy, to expose three key aspects emerged along the discussion of the thesis.

First, capacities for metamorphosis, variation and hybridisation appear as fitting qualities to be internalised into the apparatus control, able to "supply them in far more radical, a-subjective, and inhuman forms than any mutated subject" – as the superweeds aptly symbolise.¹⁰⁷⁵ Hence the risk for vitalism to turning into a suffocating nihilism, complicit to the ontological production of the very reality it pretends to fight against.¹⁰⁷⁶ *Never believe that the weeds would suffice to save us.*

Second, the analogy gives us the chance to further qualify the kind of power configuration that control entails: namely, an unauthorised and impersonal emergence of an immanent and centre-less configuration both (ontologically) producing as well as thriving onto a global, deterritorialised space in which it operates without frictions.¹⁰⁷⁷ In fact, the weeds appear to literally 'embody' an impersonal and unhuman techné of '*gardening*', as a self-generating rhizomatic proliferation of life independent from any 'human subject' performing it, and even from any 'given garden' where it is to be applied, nor 'located outside' of normative attempts to impose production and immunity, but rather viral and parasitic, internal to (i.e.

say, central role in fostering these invasive attempts at both intensive generation of life and widespread fabrication of death is played by the capitalist urge to produce ever-greater and meticulously protected quantities of mono-cultural crops.

¹⁰⁷⁴In fact, there is debate in the scientific community on the convenience of using such a sensationalistic definition as 'superweeds'. Moreover, also the between GM-crops and superweeds is a very controversial subject, hotly debated. Evidently, this is not the place for a detailed biological debate.

¹⁰⁷⁵I am referring to the above-quoted passage by Noys: "why proclaim the need for a right to difference, variation, and metamorphosis, if capitalism will supply them in far more radical, a-subjective, and inhuman forms than any mutated subject?" [*Persistence of the Negative*, op. cit. p. 71]

¹⁰⁷⁶Recall the above-mentioned demand posed by Birchall et al. [Postscript op. cit.] as regards the risk, for radical theorists seeking to interpret the web by retracing its relations and unfolding its hidden logics, to ontologically produce the very web they are (apocalyptically) describing. See ch. 3, *Brandscaping* par. 6, ch. 5 par. 4, ch. 3 *Bio and Control* par. 3 and ch. 2, *Folding Exception* par. 4

¹⁰⁷⁷See the whole ch.3, and especially *Spectacle* par. 2-3 and ch.5 par. 4

internalising) any state of exception.¹⁰⁷⁸ *Gardening without gardeners, gardening without gardens.*¹⁰⁷⁹

Third, and further stretching the analogy, it is possible to emphasise a key problem of those strands of contemporary ‘radical’ thought above criticised, namely, their inability to overcome the paradigm of operation, i.e. the reduction of being into praxis. This is, I suggest, what the proliferating movement of the weeds expresses. Not a lack of purpose (as Mabey observed, above), but rather a precise ‘urge to grow’. Weeds fully embody the subjection to this self-generating hubris, as what constantly feeds the force of both their propulsive vitalism and lethal nihilism. For this reason, they can be simultaneously taken to express both the logic of control *and* that of its resistance. Let me explain.

Negarestani, one not foreign to visionary analogies, has recently observed that what ultimately joins both negative nihilism and positive vitalism is the common dependence to what he terms the Solar Hegemony. With the latter he expresses the logic of Capitalism as a system which binds every being to the necessity to consume and preserve energy, a ‘slavery to the Sun’, that is. Within this system, he continues, ever-new ways of life (lifestyles) are envisaged, that is, an abundance of possibility for self-realisation through self-consumption.¹⁰⁸⁰ However, all of these possibilities are provided within a horizon (within a world or possible worlds) which has already been (ontologically) posited by the capitalistic abstraction: pluralities of lifestyles, yet a monism of death.¹⁰⁸¹ Both negative nihilism and positive vitalism as a result, remain stuck onto the surface of the Earth, differently and yet equally unable to escape the modulation of Capitalism, and instead contributing to produce, as I argued above, the suffocating closure of its seamless relationalism.¹⁰⁸² As Williams and Srnicek sharply note: “we may be moving fast, but only within a strictly defined set of capit-

¹⁰⁷⁸ See ch. 3 *Bio and Control* par. 2, where I refer to control as viral and parasitic, always ‘internal’, not functioning ‘frontally’ or transcendently

¹⁰⁷⁹ I am referring to Schütz’s ‘Imperatives Without Imperator’, op. cit. as well as to Tiqqun’s “*mastery without masters*”, in, *Introduction to Civil War*, op. cit. p. 152:

¹⁰⁸⁰ I refer to Sloterdijk’s observation: in contemporary times, ‘the realisation of oneself is a disguised definition of the consumption of oneself.’ *Ecumes*, op. cit. p. 498 (my translation); see ch. 3, *Brandscaping* par. 2

¹⁰⁸¹ Negarestani situates the problem in the incapacity to think death in ways which are not singular. Death is thus understood as a different way of living and thus vitalistically averted, and reduced to a matter of a ‘world of given possibilities’, that is, always thought within a given frame of ‘possibilities’, and never “according to the contingency inherent to exteriority—a contingency that is irreducible to both possibilities of the world and possible worlds.” [Reza Negarestani, ‘Drafting the Inhuman: Conjectures on Capitalism and Organic Necrocracy’. In Levi R. Bryant, Nick Srnicek & Graham Harman (eds) *The Speculative Turn: Continental Materialism and Realism*. Re-press 2011 p. 194 (n. 20); see also, ‘Solar Inferno’, op. cit.]

¹⁰⁸² See ch 3, *Brandscaping*, par. 2-3

alist parameters that themselves never waver. We experience only the increasing speed of a local horizon.”¹⁰⁸³

This is what the figure of the ‘weed’ helps expressing. Weeds’ overcoming of the ‘static’ separation of modern gardens is still performed within the same Solar Hegemony. Their unstoppable urge to grow testifies for their inability to escape such local horizon: just like other plants, and yet at an unrestrained and nihilistic ‘warp speed’, weeds remain sun-jects, subjects of the Sun and as such condemned to ‘glorify’ its light. They express, in other words, the necessity to relentlessly perform a (photosynthetic) operation of self-consumption (an operation to which, in the end, they are fully reduced and exhausted), producing energy, growing without limits, smoothing out space and ‘wildly de-stratifying’ even at the cost of suffocating other beings.¹⁰⁸⁴ What their ambiguous vitalism embodies is the suspicious superficiality of the political dimension of ‘(neo)liberation’.

This is the impasse that the geo-sophical position I proposed in the final chapter sought to avoid. Evidently, the absolute deterritorialisation of superweeds cannot be contrasted through (since constituted by) the accelerated overdose of the ambiguous vitalism of GM-crops and lethal nihilism of herbicides. Yet, if acceleration is not a solution, neither is the mere inertia of an “onto-phenomenological letting-be”.¹⁰⁸⁵ Beyond the false dichotomy of action and inertia, lies the art of profanation, that is, the contingent dismantling of the apparatus of control (its ‘making inoperose’) and the counter-effectuation of the eventful potential thus unleashed.¹⁰⁸⁶ The vitalism of weeds, so to speak, must become truly ‘purpose-less’, their action fully drained of their hubristic activism.¹⁰⁸⁷ This is what a *demonic* vitalism entails, the elimination of ‘all the purposes that separate life and living’.¹⁰⁸⁸

¹⁰⁸³Williams and Srnicek, ‘Accelerate’, op. cit. On their proposal for a radical accelerationism as opposed to a compromised ‘speed’ see supra note 632

¹⁰⁸⁴Deleuze and Guattari, *ATP*, op. cit. p. 178. Glorification, I argued above, is the operation of ontological *production* of the sovereign: the glorifying subject ultimately *coincides* with the operation of glorification [see Ch. 3 *Prologue*, par. 1];

¹⁰⁸⁵Michael Marder, *Plant-Thinking: A Philosophy of Vegetal Life*, Columbia University Press: 2013: p. 3; Marder proposes to “doing justice to them [plants] by means of this very onto-phenomenological letting-be”. I think letting-be is not enough. See also Timothy Morton [‘Thinking Ecology: The Mesh, the Strange Stranger and the Beautiful Soul’, in *Collapse VI: Geo/Philosophy* (Urbanomics, 2010)] for a critique of this principle of letting-be in ecology

¹⁰⁸⁶See ch. 5, especially par. 5, 8

¹⁰⁸⁷I am referring on an above-quoted passage by Jullien, *A Treatise on Efficacy*, op. cit. p. 89 [see ch. 5 par. 3]

¹⁰⁸⁸Agamben, *Nudità*, op. cit. p. 144 (my translation); in Masciandaro’s words: “Purpose exists in the separation of ends and means, in the empty space between law’s two senses. Purposelessness lives in the inescapable free binding of life to itself, wherein what is and what should be are forever reconciled beyond reconciliation, where the dialectical circle of law is paradoxically shrunk to an infinite point.” *Sweetness of Law*, op. cit. p. 51 (n. 39). On demonic vitalism see ch. 1, *Materiality Life Event* par. 5

Via its profanation, unleashed are the potentialities of a use which pierces through the suffocating horizon of techné, a necessarily common use: *inoperose gardening*.¹⁰⁸⁹

4.

*one must follow what the rock demands*¹⁰⁹⁰

In the third chapter I emphasised the role of the so-called ‘spatial revolution’ (begun from the end of XIX^o century in various ambits of thought, philosophical, art, politics, science etc.) in making explicit the immersive materiality of being-together, as well as in fostering ever-new attempts at modulating such a co-immersion.¹⁰⁹¹ This is what I sought to convey with the notion of brandscaping. In the fourth chapter I described the mega event as a paradigmatic instance of brandscaping: a urban-wide ‘installation’ aimed at stimulating and exploiting the eventfulness of the urban by producing pervasive entertainment and frenetic festival rhythms, whilst at the same time seeking to defuse all conflict, intensity and frictions which could dimple its smooth, secured and capitalised circulation. The mega event brandscaping, I observed, is a machine for the *pre-emptive production of events*.¹⁰⁹² In the conclusion of the fourth chapter, I briefly mentioned an instance of a temporary, spontaneous deactivation of the brandscaping of the ME, generated by the immanent emergence of a concatenation of bodies, affects and wind. This inspired me to pose some significant strategic question: how can the intensity of urban life allowed to emerge beyond the immediate spontaneism? How to deactivate the immunising attempt to reduce it into predictable, controllable and capitalisable tunings, and yet avoiding the dangerous outcomes of ‘liberationist’ tendencies? How to open the urban to the contingent potential of its cosmic justice? The paradigmatic example explored in the rest of this conclusion exposes and traverses the problematic field these questions produce.

¹⁰⁸⁹See ch. 5, par. 7; I am referring to Agamben’s notion of profanation, in *Profanations*, op. cit. on demonic vitalism see ch. 1, *Materiality Life Event*, par. 5

¹⁰⁹⁰Jiro Takei and Marc P. Keane, *Sakuteiki: Visions of the Japanese Garden* (Tuttle Publishing, 2008)

¹⁰⁹¹See ch. 3, *Brandscaping*, par. 2

¹⁰⁹²See ch. 4, *Mega Event*

§

*What happens between bodies during an installation is far more interesting than the installation itself*¹⁰⁹³

Arguably, any encounter with art is a glimpse into the impossibility to maintain an ideal distance. This is, perhaps, the *sublime* of art, the dissolution of the subject/object dichotomy into a vertiginous experience of threshold.¹⁰⁹⁴ Although in front of a painting or a sculpture this remains intangible, ‘implicit’, when walking inside a temple we can exclaim, as Paul Valery’s *Socrates* does, ‘we are, we move and we thus live in the work of man!’¹⁰⁹⁵ This is the power of contemporary installation art: it makes explicit the impossibility for us to be merely *in front of* an artwork by actually including the spectator within, thus giving shape to the ontological assumption of being as always being-in-the-world, in the form of a literal being-in-the-work-of-an-other.¹⁰⁹⁶

Ai Weiwei’s art installation *Kui Hua Zi* (Sunflower Seeds) took place from the 12th October 2010 to 2nd May 2011 in the gigantic Turbine Hall of the Tate Modern Gallery, in London. It consists of 100 millions hand-crafted porcelain ‘seeds’ brought from Jingdezhen in China to London, to form a soft carpet to wander, ponder, rest and play.¹⁰⁹⁷ This is no work to face, contemplate and interpret – it is a work to dive into, a haptic space of undulating vision, rustling steps, unusual horizontality. Doing justice to this ‘garden of stones’, I believe, means not to treat it as a ‘box’ with some hidden meaning inside to be uncovered and interpreted.¹⁰⁹⁸ What does it signify? A legitimate question, yet a pacifying one, that reduces the work to a self-contained object and dissolves the intensity it can generate into a differential space of interpretations. How does it work? This is a more significant, strategic question, that allows to connect the work to its Outside, thus to keep its intensity alive by following the concatenations produced in the contingency of its taking place: “there’s

¹⁰⁹³ I am paraphrasing the quote by Tiqqun: “What happens between bodies during a demonstration is far more interesting than the demonstration itself” *Introduction to Civil War*, p. 211

¹⁰⁹⁴ Sublime: *sub*: under; *-limen*: lintel, threshold

¹⁰⁹⁵ Valery, *Eupalinos*, op. cit. p. 41

¹⁰⁹⁶ Sloterdijk, *Ecumes*, op. cit. p. 469– see ch. 3, *Brandscaping*, par. 2

¹⁰⁹⁷ More precisely, the installation comprised: 100 million porcelain sunflower seeds; a short ‘making-of’ documentary; a ‘One-to-One With the Artist’, where visitors could record themselves asking questions to Weiwei as well as expressing what they thought of the work.

¹⁰⁹⁸ In Weiwei’s neighbouring Japan the art of gardening is defined as the *ishi wo taten koto*, literally ‘the art of setting stones’.

nothing to explain, nothing to understand, nothing to interpret. It's like plugging into an electric circuit."¹⁰⁹⁹

Sunflower Seeds produces a pervasive and contingent immersion which depolarises the separation between artwork and spectator and denies the immunity of distant contemplation, by plunging into an environment that engulfs us, displacing any possibility to choose whether to be active or passive.¹¹⁰⁰ This is what installation art does: making explicit the immersive materiality of being-together. As noted above, it is exactly in the sense of a 'modulation of immersion' that brandscaping is to be understood. Accordingly, the ME-brandscaping is an installation aimed to defusing the excessive, eventful and 'politico-ethical' potential of the urban. On the contrary, Weiwei's installation is a machine for generating encounters, producing intensities, that is, a machine that makes space for the eventful potential of its taking place by generating a whiteout in the spatiolegal surface of the gallery. This is not an explanation or an interpretation. Neither is directly relevant with respect to the author's intentions "machines don't explain anything, you have to analyze the collective arrangements of which the machines are just one component."¹¹⁰¹

Kui Hua Zi profanates the immunitary and proprietary apparatus of exception of the gallery. Significantly, it does so neither through reactive opposition, fleeting spontaneity nor technical synchronisation, but rather, by simply 'listening to the demand of the rocks'. *What an object can do?* This is the question the installation prompts and performs, by 'freeing' the seeds from their function, "not simply restor[ing] something like a natural use that existed before being separated", but rather opening them to a common and post-human use.¹¹⁰² *Sunflower Seeds* does not attempt to impose control over contingency, i.e. 'modulating the immersion' into a totalising closure, but rather 'demodulates the immersion', extracting

¹⁰⁹⁹I am referring to Deleuze's observation about the two ways of reading a book, already exposed in the *Introduction* par. § (4) [Deleuze and Parnet, *Dialogues*, op. cit. p. 69]. This is the same logic that oriented my ethnographic exploration in Johannesburg, see ch. 4, *Method*

¹¹⁰⁰I am paraphrasing Liu Bolin, quoted in Mattei, 'Camouflage', op. cit.; See ch. 5, par. 3. As Hancox observes, in *Sunflower Seeds* "vision, dominated by the undifferentiated field of grey, rel[ies] on the contact-sense of touch", fostering "a strong desire to move beyond the distanced gaze and engage in a proximate encounter", Simone Hancox, 'Art, activism and the geopolitical imagination: Ai Weiwei's 'Sunflower Seeds'', *Journal of Media Practice* 12 (3) 2012, 279-290: p. 82

¹¹⁰¹Gilles Deleuze, 'Control and Becoming', op. cit. Incidentally, in the short *making-of* video accompanying the exhibition Weiwei explains how he was interested at the unpredictable outcome generated by the encounter between visitors and seeds: "Because they are fake seeds, it takes them a while to adjust their minds. They would always say: is that possible? Then they would pick up a few, some would even want to put them in their mouth to try" ["Ai Weiwei: Sunflower seeds", YouTube video, 14:42, posted by "Tate" 14 October 2010, available at <http://www.youtube.com/watch?v=PueYwypkJW8>]. In any case, Weiwei does not appear to be much concerned with intentionality. As he himself observed, "I act in a way more or less as programmed by an uncertain force", in Rauch, Alex 'No Fake: An Interview with Ai Weiwei', *Portland Art Website*, 9 August 2010, available at http://www.portlandart.net/archives/2010/08/no_fake_an_inte.html

¹¹⁰²Agamben, *Profanations*, op. cit. pp. 77-86; as what Agamben elsewhere terms a "moment of art subtracted from the neutrality of aesthetics", in *Means Without Ends*, op. cit. p. 79

intensity from the waves of being together, rather than defusing them.¹¹⁰³ It is no simple improvisation, but rather a calibrated experiment in 'building the unfinished', an inoperose gardening, that is, that instead of prescribing any peculiar interaction to the human and nonhuman bodies involved, lets "them hold together without wounding their disjointure and their becoming otherwise".¹¹⁰⁴

Contrary to the weeds' accelerationist hubris, the 'urge to grow' is foreign to these seeds. What they express is not the propulsive movement of naive vitalism, but the impotentiality of demonic vitalism, a retreat from the 'evil' urge to exercise some power to be.¹¹⁰⁵ Let us not be distracted by the seeming inconsistency of this analogy. Let us instead follow the intensive lines of flight it generates. Doing justice to objects is freeing them from our interpretation and appropriation, understand them as double-structures, never fully graspable, reducible, manipulatable, always situated within a relational here-and-know, and yet never actually resolved, i.e. exhausted by that. What the porcelain seeds express is such 'inoperose potency to swerve', allegorically symbolised by the deactivation of the condition of being 'constantly enrolled into activity' that characterises the weeds, swerving from being 'sun-jects' reduced into the glorifying photo-synthesis of a Mao-Sun.¹¹⁰⁶ In fact, if the viral molecularisation of the weeds embodies a suspicious politics of reckless 'liberation', always-already compromised with the immobile movement of the 'techné of gardening', the 'inoperose acting' of the seeds expresses a far more radical gesture. What keeps a body 'alive' is not a 'capacity to do', but more importantly a 'capacity to undo'. An 'inoperose potentiality' that, by 'making inoperose' the operational mechanism of appropriation, unleashes the excessive eventfulness of the materiality of being-together, piercing the exceptional horizon by opening space to the uncorrelated event of its *taking place*. The

¹¹⁰³"Demodulation is the act of extracting the original information-bearing signal from a modulated carrier wave" (from Wikipedia: 'demodulation')

¹¹⁰⁴As Doel observes, the "ethical task is to become worthy of one's encounter with these forces of affectation: not to force constancy on them, but to lend them consistency. To let them hold together without wounding their disjointure and their becoming otherwise" (Doel, *Poststructural Geographies*, op. cit., p. 6)

¹¹⁰⁵On the difference between the notions of *demonic* and *evil*, see ch. 1, *Materiality Life Event*, par. 5; Weiwei himself emphasises such deactivation of purpose as an element of this artwork: "it's a work about mass production and repeatedly accumulating the small effort of individuals to become a massive, useless piece of work" [in 'The Unilever Series: Ai Weiwei: Sunflower Seeds: Interpretation text', *Tate Modern Website*, <http://www.tate.org.uk/whats-on/tate-modern/exhibition/unilever-series-ai-weiwei/interpretation-text>]. Let me also stress that I do not wish to suggest an opposition between organic and inorganic vitalism. The opposition between the two 'figures' is heuristic, employed to potentially generate some conceptual intensity.

¹¹⁰⁶In the making-of video Weiwei suggests a political inspiration for his work: "In the political area all the paintings have sunflower seeds. Whenever Chairman Mao comes out there are sunflowers around him, that means that Chairman Mao is the sun and all the ordinary people loyal to the party are the sunflowers. Sunflowers supported the whole revolution, spiritually and in material ways. In the political area all the paintings have sunflower seeds. Whenever Chairman Mao comes out there are sunflowers around him, that means that Chairman Mao is the sun and all the ordinary people loyal to the party are the sunflowers. Sunflowers supported the whole revolution, spiritually and in material ways." see 'Ai Weiwei: Sunflower seeds', YouTube video, op. cit.

seeds' 'de-sun-jection' is the preamble for the production of the spatiolegal whiteout that the installation triggers, unleashing the demonic potentialities of bodies that, liberated from exceptional captures, are free to enter into novel relations, producing new power configurations.¹¹⁰⁷ Let us not be fooled by their static, passive, a-political appearance. Seeds are 'nomads by dint of not moving', escaping the closure of brandscaping by remaining within, complicitous with anonymous bodies with which they enter in unpredictable and unauthorised compositions, causing frictions with abstract and concrete structures, unleashing their demonic, chaotic, immoral, illegal and poisonous potentialities, producing alternative normativities: "accomplishing nothing [they] become *capable* of everything".¹¹⁰⁸

Namely, generating: toxic atmospherics by entering in frictional relation with human bodies and their shoes; resonant noise across the aural space of the gallery, through multi-sensorial interaction with people, polluting the normative ideal of anaesthetic contemplation; uncontrollable circulation within visitors' pockets and further locales, destabilising the abstract scaffolding of property, disaggregating the artwork's authorial integrity... What they (un)do then, what they pierce through is the seemingly impenetrable smoothness of the safe, controlled and capitalised brandscape of the gallery, turning into a holey space its sanitised and authorial insulation. Not eradicated, but rather dismantled is the event-defusing spatiolegal apparatus of exception, *made inoperose* are its immunitary and proprietary operations (i.e. security, property and order). A de-museification of the gallery, that is.¹¹⁰⁹ Opening the installation to the cosmic event of its taking place, they are indeed seeds of justice, an impersonal justice extendible 'at every point of the matter, from viruses to stars, since it is the very *act* of matter'.¹¹¹⁰

No surprise that the Tate did decide not to *stay* and traverse this vortex. After few days, the exhibition was closed to the public and quarantined behind a fence for the rest of its duration.¹¹¹¹

¹¹⁰⁷ Important is to note that the 'unleashing of the demonic potentialities' of the seeds is allowed by the installation itself. In other words, whilst the weeds symbolised a reckless and wild de-stratifying, the installation shows that 'making space' for the eventful potentialities is not a drifting praxis of improvisation, but rather an absolutely precise, situated and calibrated strategy of deactivation, generating "more and more perceptual enclosures, spaces within which the unrepresentable is brought into presence" Masciandaro, 'Becoming Spice', op. cit. p. 30

¹¹⁰⁸ I am paraphrasing Masciandaro, 'Becoming Spice' op. cit. p. 52

¹¹⁰⁹ Above I related the notion of brandscaping to Agamben's concept of 'museification' of the city, as the condition of 'deprivation' of experience that the modern urban dweller constantly faces, in the overwhelming and saturating exposition to events which do not become experience, see ch. 3, *Brandscaping*, par. 4

¹¹¹⁰ Ronchi, 'Introduzione', op. cit. p. 19 (my translation). *Ab-solutus*, i.e. untied from. On the notion of the 'viewpoint of the event', i.e. the non-presentational event which weighs on every situation, see ch. 1, *Materiality Life Event*, par. 7 and ch. 5, par. 5, 8

¹¹¹¹ Three were the main reasons of discontent, and although only the question of the 'toxic dust' first proved decisive, the other two played a role in the heated debate that ensued.



1112

5

*Sunflower Seeds is contingent, oddly moving and beautiful. It is like quicksand*¹¹¹³

dust

Soon after the beginning of the exhibition it became clear that the friction generated by the visitors' stepping over the seeds raised a dusty cloud in the Turbine Hall, by-product of the black paint used to decorate the seeds. Apparently, a prolonged exposition to this dust could prove hazardous to the health. As a consequence, the Tate decided to fence the exhibition: "the enthusiastic interaction of visitors has resulted in a greater than expected level of dust in the Turbine Hall. Tate has been advised that this dust could be damaging to health following repeated inhalation over a long period of time."¹¹¹⁴ Among some approval, many

¹¹¹²Don't touch Ai Weiwei's Sunflower Seeds (Tate Modern London). Photo by [Appelogen.be](https://www.appelogen.be/), creative commons.

¹¹¹³Adrian Searle, 'Tate Modern's sunflower seeds: the world in the palm of your hand', *Guardian*, 11 October 2010 <http://prod-images.exhibit-e.com/www.friedmanbenda.com/861a34ac.pdf>

¹¹¹⁴"The series is made up of over 100 million individually handmade porcelain replicas of seeds. Although porcelain is very robust, the enthusiastic interaction of visitors has resulted in a greater than expected level of dust in the Turbine Hall. Tate has been advised that this dust could be damaging to health following repeated inhalation over a long period of time. In consequence, Tate, in consultation with the artist, has decided not to allow visitors to walk across the sculpture." From 'The Unilever Series: Ai Weiwei: Sunflower Seeds', *Tate*

were those arguing against what they perceived as Tate's over-reaction.¹¹¹⁵ Besides the little likelihood of any visitor undergoing a 'prolonged exposure' to the dust, duly informed visitors, the argument went, should have the right to risk their own safety if they wished to do so. A simple monitoring of the dust level and the provision of dust masks to both visitors and staff, it was suggested, would have been sufficient.¹¹¹⁶ However the issues of insurance and public liability proved paramount: this, after all, was a *health and safety* issue, whose immunitary logic of exception functions through delegation onto legal, securitarian and technological devices in order to immunise anyone from the risk of being 'held responsible', in an event-defusing movement of legal self-immunisation into which justice cannot enter.¹¹¹⁷ This logic "demands a self-policing, premised not upon any sense of justice or responsibility, but *liability*, i.e. what one can get away with".¹¹¹⁸ The Tate in the end, as a staff member pointed to me, 'chose to be on the safe side', much to Weiwei's disappointment.¹¹¹⁹

chaos

Another issue gaining coverage in the debate was that of order, or rather, the lack of it. In the first wild days before the closure, the visitors, it seems, tended to act rather 'unruly', running, jumping, throwing seeds: acting in a way which to some seemed closer to a 'day at the beach' than to an acceptable idea of 'artistic experience'.¹¹²⁰ Museums often appear as installations modulating the "art experience in a highly visual, non-touching, aurally insulated atmosphere ... an egalitarian space, where anyone can walk in and appreciate art", insofar as it complies with the egalitarian rule of maintaining a safe and anaesthetic distance with each other, human and non-human bodies included.¹¹²¹ As Philippopoulos-

Modern Website, available at <http://www.tate.org.uk/whats-on/tate-modern/exhibition/unilever-series-ai-weiwei-sunflower-seeds>

¹¹¹⁵For instance, endorsement came from those worried about eventual risks for asthmatic people: Mark Brown, 'Tate Modern rethinks Sunflower Seeds show after health fears' *Guardian*, Friday 15 October 2010 <http://www.guardian.co.uk/artanddesign/2010/oct/15/tate-modern-sunflower-seeds-ban>

¹¹¹⁶'Are the Tate's sunflower seeds a risk to health?' *Recognition, Evaluation, Control Blog*, 18 October 2010 <http://diamondenv.wordpress.com/2010/10/18/are-the-tates-sunflower-seeds-a-risk-to-health/>:

¹¹¹⁷See Ch. 5 par. 7 (§)

¹¹¹⁸Nathan Moore, 'Icons of control: Deleuze, signs, law', *International Journal for the Semiotics of Law* 20 (1) 2007, 33-54 – see ch. 5, par. 7-8

¹¹¹⁹As reported by Charlotte Higgins, 'Sunflower Seeds raise a quintessence of dust in the Turbine Hall', *On Culture Blog*, 19 October 2010, available at

[http://www.guardian.co.uk/culture/charlottehigginsblog/2010/oct/19/sunflower-seeds-dust-turbine-hall](http://www.guardian.co.uk/culture/charlottehigginsblog/2010/oct/19/sunflower-seeds-dust-turbine-hall;);

¹¹²⁰Adrian Searle, 'What happened next? Sunflower seeds', *Guardian*, 27 December 2010, available at <http://www.theguardian.com/lifeandstyle/2010/dec/27/al-weiwei-sunflower-seeds-tate>

¹¹²¹Philippopoulos-Mihalopoulos, 'Atmospheres of Law', op. cit. p. 3

Mihalopoulos notes, in these apparently liberating spaces the constricting weight of law is dissimulated, and yet more than present: the art gallery appears as “a striated space dissimulating as smooth, yet completely populated by property lines, health and safety regulations, consumer protection barriers, public morality risks, insurance diktats and so on”.¹¹²² It was exactly the implicit normativity of art’s (an)aesthetic experience to be voiced out by those lamenting the ‘unruly behaviour’ of the visitors. Above, I observed that the neoliberal ‘museification’ of society fosters an abstract ideal of ‘peaceful interaction’ and simultaneously (ontologically) *realises* it, especially through the deployment of legal, securitarian and commercial devices, whereby generating urban brandscapes depurated from the ‘polluting’ effects that instances of the aptly labelled ‘anti-social behaviour’ trigger.¹¹²³ Likewise, in the Turbine Hall the sterile atmosphere of ‘museum (a)sociality’ appeared to be polluted by the unexpected concatenations generated by *Sunflower Seeds*. The immunitary concern which ensued is well-expressed in Jonathan Jones’ Cartesian understanding of art fruition, whose ‘need to be serious’ he does not fail to remind:

There is more to art than interaction, after all. Personally I quite like just looking at stuff. The imperative to slide down slides or lie on the floor to see yourself in a reflective ceiling has always seemed to me a distracting eccentricity of the Turbine Hall installations ... [*Sunflower Seeds* is] a serious and imposing work of art. Why not contemplate it like a philosopher standing on the shore imagining the immensity of the grey sea?¹¹²⁴

theft

The final issue consisted in a variation to the endless theme of the relation of property *vis-à-vis* the work of art. Walking over a carpet made of one-hundred million seeds was for many visitors an experience so close to that of walking over a pebble beach that they did not find any moral or legal implication in taking home a couple of them as a souvenir. This, notwithstanding the Tate, through staff reminders and video suggestions, was busy “encouraging people not to”.¹¹²⁵ Undeniably, *Sunflower Seeds* indirectly played on this possibility, confusing the proprietary boundaries of the artwork, as well as the meaning of its

¹¹²² *ibid.*

¹¹²³ see Ch. 3, *Brandscaping*, par. 3;

¹¹²⁴ Jonathan Jones, ‘Turbine Hall’s Sunflower Seeds: Does it matter if they’re closed off?’, *Jonathan Jones on Art Blog*, 15 October 2010, available at <http://www.guardian.co.uk/artanddesign/jonathanjonesblog/2010/oct/15/turbine-hall-sunflower-seeds?intcmp=239>

¹¹²⁵ As a spokeswoman for the museum put it. Reported by Charlotte Higgins, ‘People power comes to the Turbine Hall: Ai Weiwei’s Sunflower Seeds’, *Guardian*, 11 October 2010, available at <http://www.theguardian.com/artanddesign/2010/oct/11/tate-modern-sunflower-seeds-turbine>

integrity. Questioned about the possibility of people taking seeds home, Weiwei diplomatically and acutely observed:

They might also want to eat one, and that would be a safety issue for the museum ...If I was in the audience I would definitely want to take a seed. But for the museum, it is a total work, and taking a seed would affect the work. Institutions have their own policies. But I know I would want to take a seed.¹¹²⁶

Discussing the issue with a staff member, I found myself arguing, rather romantically perhaps, that the possibility of these seeds being spread around the world by the visitors could have been part of the artistic experience this specific artwork could generate.¹¹²⁷ Grinning knowingly at my interpretation, he promptly replied: ‘as you’ll surely know there are works which explicitly contemplate the possibility to bring home a part of them, not this one’.¹¹²⁸ This reminded me an anecdote narrated by Jeremy Till in his *Architecture Depends*, a compelling reflection on the relation between architecture and contingency, and more precisely on the constant attempt of architects to avoid, control or deny contingency. There, Till narrates the story of an architect’s despair at coming home every night into the house he himself projected, only to find “‘rogue objects’ disturbing his ordered interior”: his children’s toys.¹¹²⁹

§

Pretending to overcome the proprietary separation between artwork and spectator by simply articulating it into an internalised encounter to be ‘explicitly contemplated in advance’ (as the staff member put it), is as much contradictory practice as those preached by the political rhetoric of ‘community participation’, in which disagreement is always-already internalised and thus neutralised, admitted only insofar as its intensity remains low. The outcome is a depurated space in which *uneventful events* are free to occur. Accordingly, Tate’s choice to be ‘on the safe side’ expresses a conservative attempt to re-assert an immunitary paradigm. Facing bodies *not for us* (that is, seemingly irreducible to the abstractions and operations of law, the prevention of security and the de-territorialisation of capital), the spatiolegal apparatus re-configures itself by re-objectifying them into inert

¹¹²⁶“Ai Weiwei: Sunflower seeds”, YouTube video, 14:42, posted by "Tate" 14 October 2010, available at <http://www.youtube.com/watch?v=PueYywpkJW8>. Indeed, ‘stealing’ in this sense assumes an interesting connotation as the possibility for the work of art to be dismembered and denied of any pretence of totality, scattered on people’s pocket, globally sown outside its ‘proper place’ in the Turbine Hall.

¹¹²⁷Incidentally, few months after the exhibition I assisted at a gallery opening in Dalston, London, where among the exposed works there were 5 ‘stolen’ Sunflower Seeds.

¹¹²⁸Member of Tate Staff, Interviewed by the Researcher

¹¹²⁹Jeremy Till, *Architecture Depends*, op. cit. p. 31

matter amenable to legal interpretation, capital appropriation and preventive control. It is instructive to see how Tate Modern's curator justified *a posteriori* the decision to fence the exhibition:

The thinking behind the work lies in far more than just the idea of walking on it. The precious nature of the material, the effort of production and the narrative and personal content create a powerful commentary on the human condition.¹¹³⁰

The latter are certainly sensible words, yet they ultimately defuse the potential of the artwork by explaining away the contingency of its taking place into layers of socio-anthropological supra-structures, reducing seeds to 'objects for us', made innocuous and thus amenable to safe interpretation and manipulation. To be sure, I am not suggesting that elaborating a theoretical reflection on the seeds is a less material activity than walking on them. Nor I am suggesting that a representational relation is less material than a physical one. Finally, I am not implying Weiwei did not take into account this aspect. Obviously, art is also a way to reflect on human condition, as well as the political situation in which an artist lives. Weiwei himself suggested in his video a direct political inspiration for the work.¹¹³¹ However, by being representationally reduced to a mere metaphor of the human condition, and physically secluded in the immunitary and proprietary cage of a self-contained box, the seeds are ontologically erased from the picture, deprived of their capacity to generate concatenations, reduced to an epistemological tool for the creative re-imagining of a critic.¹¹³²

6.

Exhaustion is something entirely different: one combines the set of variables of a situation, on the condition that one renounce any order of preference, any organization in relation to a goal, any signification. The goal is no longer to go out or stay in, and one no longer makes use of the days and nights. One no longer realizes, even though one accomplishes something. Shoes, one stays in; slippers, one goes out. Yet one does not fall into the undifferentiated, or into the famous unity of contradictories, nor is one passive: one remains active, but for nothing¹¹³³

¹¹³⁰The Unilever Series: Ai Weiwei: Sunflower Seeds', *Tate Modern Website*, available at <http://www.tate.org.uk/whats-on/tate-modern/exhibition/unilever-series-ai-weiwei-sunflower-seeds>

¹¹³¹see supra note 1106

¹¹³²Of course there is a possibility that this was Weiwei's idea as regards the exhibition. Again, this is of no relevance for the present discussion, since the way an artwork produces relations is far from being determined by the artist's intention.

¹¹³³Gilles Deleuze, 'The Exhausted', in *Essays Critical and Clinical* (Verso, 1998) p. 15

Kui Hua Zi performs a spatiolegal whiteout. In this vortex the law is exposed to events that are no longer defused by its exceptional operations, before bodies it cannot objectify and whose demonic potentialities it cannot prevent, internalise or immunise from. Among those bodies, spaces, scales and laws, non-immunitary and non-proprietary complicities surface, engendering frictions that are more than phenomenological and that pierce the smooth texture of the spatiolegal. The aperture thus provoked harbours the potential for the emergence of immanent tunings in which the abstract and concrete relations between bodies, spaces, scales and laws are reconfigured in ways that cannot be known, and thus valued, in advance. Some suggestions thus follow.

First, the desirability of these re-tunings is not to be taken for granted and must be assessed every time in the contextual unfolding of their situation, where justice is an ever-present potential, never a pre-given guarantee or a justifying goal:

In the [whiteout] everything is valued and contained in the event itself, where justice is always already present in the moment of the event and not merely present as its justifying goal¹¹³⁴

Second: 'unleashing the eventful potential' of being-together is not simply a matter of going with the flow, self-indulging in evocative language and drunken wanderings. This example demonstrates so. It is the installation to make space for the demonic potentialities of the seeds to emerge. The weeds symbolise a wildly de-stratifying gardening that has done with structures, gardens, abstractions: a reckless smoothing out of space whose hubristic vitalism borders into a parasitic nihilism. *Kui Hua Zi* expresses another praxis, neither seeking to restore sovereign gardens nor indulging into an iconoclastic post-gardening: inoperose gardening. It shows that an intensive and eventful politics is not an improvised praxis but rather requires a situated, careful and informed strategy of deactivation. Not a simplistic renunciation to build something, but an attempt at doing so 'inoperosely': (un)building, as in the example of the military base of Oush Grab, 'excavating' space for the irruption of eventful potentials. Third, this is still not enough. The example also shows how the spatiolegal re-configures itself, how spaces can be always re-appropriated. On the one hand, this is an important ethical reminder: whether no longer 'respected on their own terms', bodies become again prey of preventive neutralisation, capitalisation, de-materialisation and safe interpretation.¹¹³⁵ On the other, this is a precise strategic suggestion. Temporary autonomous zones are insufficient, innocuous and always bound to be re-ingested. Not only an opening then, the ethico-political task is that of counter-effectuating the potentialities thus unleashed, constructively turning 'absences of occupation' into novel configurations

¹¹³⁴Hirvonen, 'Politics of Revolt', op. cit. 115; I substituted the term 'revolt' for 'whiteout'.

¹¹³⁵Bryant, *Democracy of Objects*, op. cit. p. 248

that would prevent the ever-present risk of re-appropriation. *Unplug and reorient*, prompting the surfacing of common re-tunings by joining the scattered frictions and excesses of the urban in "the shape of a music, whose focal points, though dispersed in time and space, succeed in imposing the rhythm of their own vibrations."¹¹³⁶

This is what *Kui Hua Zi* paradigmatically exposes, the contours of a radical urban politics, whose task is to make space for the eventful contingency of a situation through a work of de-activation, perforating the superficial coherence of the spatiolegal architecture of control by letting conflict emerge where it has been suppressed and generating frictions where they had been smoothed out. Producing urban whiteouts, that is, accepting and traversing constructively the immersion in their contingent and inescapable materiality, the 'cosmic' dimension in which justice is to be found, in this world not for us.



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¹¹³⁶ The Invisible Committee *The Coming Insurrection* (Semiotext(e), 2009) p. 6

¹¹³⁷ <http://artsintherightplace.wordpress.com/2010/10/14/ai-weiweis-sunflower-seeds-tate-modern/#jp-carousel-517>

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