

The Conjecture of Sovereignty

New Anxieties for the Subject

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Abstract Sovereignty continues to be a significant issue for political theorisation. In particular, the question of sovereignty's adherence to and resistance against specific ideological forms and interventions remains debated. Many of these political deliberations assume the constitution and contours of sovereignty to be a sovereign moment. However, in retrospect, there appears to be an act of sovereignty by the subject as part of a wider collective movement. Although Agamben and Santner seek ways to escape the idea of sovereignty being framed as necessarily oppressive, there are moments in which sovereignty still appears as desirable. This article considers this conundrum through two scenarios: the exposition of smoking as a mundane, individual sovereign pleasure, and the recent #metoo movement as collective sovereign suffering. In order to situate a discussion of sovereignty that departs from complete resistance to or escape from it, a recourse to Lacan's concept of extimacy informed by Schmitt's public interest as rule of law is vital. Sovereignty then reveals itself as a concept and practice caught up with jouissance of the foreignness of extimacy which itself relies on the invisible Other for cogency. Both upon recognition of sovereignty and in anticipation of it, jouissance and anxiety are harnessed in a process that demands acting against the law. Sovereignty is thus necessarily grounded in extimacy, a principle which although separating the subject from its context also apprehends it as obedient to the law. In staging the sovereign moment as one of anxiety and jouissance this article argues that although the concept of sovereignty may today be little more than an illusion, we nevertheless continue to pursue it.

Keywords anxiety, extimacy, smoking, pleasure, #metoo, suffering

Le symptôme est en tant que tel extime au sujet, mais il a lui-même une structure d'extimite (J-P Gault, L'extimite du symptôme).¹

Just as with Hegel, the narrative of mastery and emancipation here is clearly linked to a narrative of truth and death. Terror and killing become the means of realizing the already known telos of history. (J-A Mbembe 2003, 20)

¹ 'The symptom is as such extimate to the subject, but it itself also has the structure of extimacy' (author's translation).



The Conundrum of Sovereignty

Sovereignty is a concept with implications that cannot be taken for granted. Although understood as a fundamental feature of the modern state, sovereignty remains a politically contested concept. Olsen notes that sovereignty 'is one of the principal ways we understand ideas like "the people" which is not to say in any absolute or unitary form. Rather it gives us a historically situated vocabulary for examining the genealogy of such ideas' (Olsen 2016, 116). Although sovereignty has been variously constructed, interpreted and widely debated across several disciplines, its foundations lie in political philosophy. It operates within the realm of power politics and is spatially defined, that is, sovereignty is a claim (or reclaim) to power and authority. As such, sovereignty is inevitably linked to promises of agency, self-determination, self-sufficiency and collective mobility. It is best understood as a will, not a law, because to be defensible sovereignty must be considered as above the law and standing in the name of authority. At the same time, sovereignty is a fluid concept which assumes investment in normative powers and related obligations. Today we situate sovereignty as inevitably linked with violence through insistence that it is a right of citizens for which the state is responsible. However, Maritain in 1951 considered the concept of sovereignty to be intrinsically problematic and inadequate because it involves a decisive separation between the will of the state and that of the individual. Thus sovereignty needs to be considered in non-absolutist terms as Foucault memorably concludes:

political philosophy has never ceased to be obsessed with the person of the sovereign. What we need, however, is a political theory that isn't erected around the problem of sovereignty, nor therefore around the problem of right and violence, law and prohibition. We need to cut off the king's head. In political theory this has yet to be done (Foucault 1980, 121).

In attempting to establish the nature and location of sovereignty at an intersection of biopolitics and distributed power, Agamben makes an important distinction between oppressive and resistant sovereignty, that is, sovereignty as a moment and sovereignty as an act (Agamben 1998). Moreover, he points out that any claim to sovereignty necessarily involves deciding on 'the exception', that is, on who is included or excluded from the status of citizenship. For Agamben this power is precarious and arbitrary since it presupposes a conception of sovereignty reliant on technologies of surveillance, bio-power as well as categorization and ordering of social life. The investment of sovereignty structures the ways in which the politics of sovereignty are shaped, mediated and validated. Although Agamben invokes Foucault's notion of biopower, he does not reduce sovereignty to identity-politics or representation but instead argues for an ethic of sovereignty which, rather than being trapped within pragmatic politics, arguably holds up a moral compass worth investing in. Although sovereignty is for Agamben a critical position involving relations between citizens and the state, he nevertheless asserts that an analysis of sovereignty should be undertaken because it encompasses political effects including resistance to bio-power and oppressive hierarchies.

While drawing on Agamben, Mbembe, Foucault and Schmitt's work on sovereignty, this paper at the same time steps back from it by considering how sovereignty has been and continues to be a libidinal project bound within the rule of law and its prohibitions. It

considers the ways in which we can think an examination of sovereignty as an encounter with psychoanalysis and specifically with Lacan's concept of extimacy which enables sovereignty to be contoured as both collective and individual contingency. Sade's work speaks directly to this matter, as Lacan shows in his *écrit*, *Kant avec Sade*, where he points to the literal authoring of sovereignty as a perverse structure: that in order to author sovereignty, one needs to write oneself out of the very act of authorship. Thus, one could say that Sade does not author the sovereignty ascribed to his own work. And even though Sade was obsessed with personal renunciation and requested his son to destroy his later work, he nevertheless did say something important about sovereignty in his writing on the libertines. In Lacan's reading of Sade's practical logic, these libertines desire a kind of sovereignty which at the same time allows them to not be fully sovereign. This sets them apart from the slaves who are dependent on the will-to-sovereignty. This Sadian fantasy detailing the first act of sovereignty is all about returning to the structural limits of language, whereas the second act – or moment – of sovereignty is one to which Lacan alerts us, namely the problematic disappearance of the subject. The problem is a theoretical one which we cannot lay to rest: to what extent does the subject harbour agency within the structure of social and political forces? Here we turn to Lacan's concept of extimacy (*extimité*) as grounding the desire for sovereign subjectivity in terms with the subject's confrontation with the structural limits of language: we only have so many words which in limited ways may or may not work. Extimacy is an intimate exteriority which speaks to the order of exception as a signifying structure. Lacan introduces extimacy as a way of grappling with the unconscious subject who must at the same time exist within the social bond. In this way extimacy is crucial to the discussion of sovereignty because if, as Badiou envisages, sovereignty invokes an assembly of the people, then there must be an exteriority which constitutes the subject of sovereignty, one which determines either exclusion as a non-citizen and potential enemy, or inclusion as a participating citizen having some kind of politics to speak of (Badiou 2016, 24). Thus, sovereignty is characterised and internalised by mastery and control of both individual self-determination and resultant collective agency.

Lacan's neologism, extimacy is that which is considered most intimate and carved out by the Real, the Real being the kernel of the subject's world symbolised through language and speech. Extimacy refers to the strangeness we encounter as subjects always situated between the psychic and the Symbolic, neither fully within or nor without but oscillating between them. It is this signifying structure which is the foundation and horizon for action. Pavón-Cuellar describes Lacan's concept of extimacy as that which seeks to externalise internal life through assimilating interiority with exteriority (Pavón-Cuellar 2014). He explains extimacy through an analogy with the Möbius strip which cannot be oriented to one point because it conveys through optical illusion a strange contradiction in spite of its actual isomorphic form (figure 1):



Figure 1: Möbius Strip

Although presenting a common boundary, the strip cannot be completely seen. Even if one tries to spatially manipulate it (figure 2), it remains a twisted loop rather than a strip.

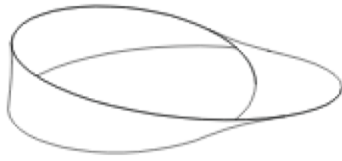


Figure 2: Möbius Strip spatially manipulated

Thus, the Möbius Strip offers an appearance of distinction between the inside and the outside in that three dimensions are implied in the presentation of only two. An interior and exterior are offered but not as independent entities, each one merging into the other at different sections along the strip. If one were to sever the strip it would revert to having simply an outer and under side with no contradiction in form, a simple construction in which there is no interiority. By contrast, the subject and its investment in division is, as Lacan reminds us, not a simple construction. There is no clear line between what he calls the ‘psychic inner world’ and the ‘physical outer world’ (Lacan 1968). These worlds are intertwined as in the Möbius Strip, sometimes occupying the same space but always sharing the same edges. Such spatial confusion is alienating for the subject and is how extimacy can be conceptualised.

According to Miller, ‘extimacy is not the contrary of intimacy. Extimacy says that the intimate is Other—like a foreign body, a parasite’. He continues:

In this sense, the extimacy of the subject is the Other. This is what we find in ‘The Agency of the Letter’ (*Écrits* 172), when Lacan speaks of ‘this other to whom I am more attached than to myself, since, at the heart of my assent to my identity to myself, it is he who stirs me’ – where the extimacy of the Other is tied to the vacillation of the subject’s identity to himself (Miller 2008, unpaginated).

Topologically, extimacy is formulated by Miller as:

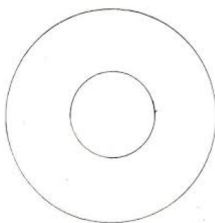


Figure 3

The exterior is present in the interior and the interior has the quality of the exterior. That is, whether or not it is a signifier, the object can have a confusing effect when confronted by its signification.

Parker elaborates extimacy as discursive realisation, a process of continual (re)defining of that which is not reducing (Parker 2005). For Parker this gives psychoanalysis political

intention and purpose, a form of critique he calls *critical extimacy*. What this suggests is that as subjects of discourse, we are also subjects of *discourse analysis*. Whilst convincing at first sight, this is nonetheless problematic because it fails to consider a crucial question: namely, what makes psychoanalysis viable in the first place, and relevant as a function and project of politics and therefore of sovereignty? Could it also be that the analyst who decides the 'exception' also be acting as the sovereign who identifies the exception for the analysand?

For Pavón-Cuéllar, extimacy also attributes a spatial status to human desire. Extimacy, 'does not simply reside in our outside world, but is the navel, the source of the world, as it is for us' (Pavón-Cuéllar 2014, 662). Pavón-Cuéllar orients extimacy towards *Das Ding*, the Thing as a temporal signifier, that which eludes us in spite of our searching, that which is never really an object but something else standing in for a named object. *Das Ding* is important for us as subjects because it provides to some extent the contours of what we are trying to locate, our desire. The question now is, can we talk of sovereignty as that which declares the exception of desire through ceding to one's desire, standing in the name of it as an ethical gesture even if one has to pay a heavy price? From this location, such a claim to sovereignty as a desire at the level of the subject means to stand one's ground regardless of the social inconvenience which might ensue. It also means that one must accept responsibility for claiming sovereignty as a desire. Lacan formulated extimacy as that which promises to free the subject from its investment in subjectivity through something beyond subjectivisation, namely an object proper (Lacan 1968). Thus, when taking into account the guiding notions, ideological conditions and ethical frameworks which appear to govern our environment, be it daily life, politics, culture, religion and so on, common-sense injunctions such as inside/outside no longer appear so substantial or easily discernible. To afford such injunctions *a priori* status is to overlook the shared edges of their constituent parts, to overlook for example how body and psyche, culture and language, God and subject coexist in contradiction yet sometimes substitute for one another. Through the presence of both inside and outside in the same place we can perhaps better appreciate the ongoing problem for the divided subject: alienation. Lacan insists that alienation is not a mishap instructed by extimacy. Rather, it is an intentional and constitutive feature of being a subject wherein the subject is not whole but split from itself and misrecognised only as fragmented and contradictory in nature. Lacan explicitly states in *Seminar III* that 'alienation is constitutive of the imaginary order. Alienation is the imaginary as such' (Lacan 1955-1956, 146). This speaks directly to the question of sovereignty and in particular to the character of exception when claiming sovereignty in order to reconcile the experience of alienation.

What can psychoanalysis offer in terms of understanding our desire for sovereignty and the *jouissance* invested in it? For Lacan, it is important to separate alienation from the condition of separation which he explicitly links to the desire of the Mother. In *Seminar IX* Lacan introduces alienation as *manque-à-être* (lack of being), that is, the subject wants to be, to be separate and individuated from that which it desires. For Lacan, '[d]esire is a relation to being to lack. The lack is the lack of being properly speaking. It is not the lack of this or that, but lack of being whereby the being exists' (Lacan 1954-1955, 223). This lack-of-being designates not only the emptiness experienced by the subject but also the will to fill it.

The concept of sovereignty can be seen as a will to confrontation with *jouissance*, whether this be a plea for an anti-utopian, realist ontology or for some sort of political praxis. But why should one commit to either, particularly since psychoanalysis and politics appear so incompatible? McGowan suggests that we can think about psychoanalysis as operating within an incomplete system which for him is the overlapping system of capitalism (McGowan 2016), whereas for me it operates within theorisation of the social affect. Thus my attempt to articulate the actuality and possible viability of sovereignty by means of psychoanalysing it plays out against the background of particular nuances of pleasure and suffering.

Sovereignty can also be discussed in terms of the primacy of the political which in classical theory refers to a general will underpinning liberal society (Maritain 1951, Schmitt 1976, 2006, Hardt and Negri 2009). Here the state reveals itself as a protector in crisis or emergency, that is, state sovereignty claims the right to exclude some (who are deemed unsuitable within existing state parameters) from its protection. Schmitt critiques this by suggesting that protecting the social from such crisis presupposes an enemy, where the exercise of the precarious state power always relies precisely on this enemy (Schmitt 1979). Schmitt contends that in creating a political collective, entity or presence it is not the organisation of bodies which is sufficient for governance but rather the intensification of language. The highly contagious words, 'friend or enemy of the state', are for Schmitt both a problematic and a defining feature of liberalism, which makes it therefore covertly authoritarian insofar as it identifies and declares the exception. The friend-enemy binary is not fixed (or there would be no sovereignty to exercise), but is based on warfare and violence which are thereby constitutive of politics. As Schmitt points out sovereignty always goes hand in hand with the condition of conflict as well as with the conflict itself:

To demand seriously of human beings that they kill others and be prepared to die themselves so that industry and trade flourish for the survivors or that purchasing power of grandchildren may grow is sinister and crazy. It is a manifest fraud to condemn war as homicide and then demand of men that they wage war, kill and be killed, so that there will never again be war (Schmitt 1976, 48).

For Schmitt, the concept of democracy justifies itself via morality propagated through entertainment and economics. When democracies engage in war it is justified by an ethics of conflict driven by moral ideals deemed worth fighting for. Consequently, economic and territorial conquests (or losses) are pivoted around the primacy of the political, where everyone is defined either as friend or enemy. Schmitt's notion of sovereignty also allows us to critique its presumed fixity, because in deciding the exception a friend can quickly become the enemy (and *vice versa*). A society without a sovereign environment is for Schmitt a society without politics.

In *Homo Sacer* Agamben approaches the political environment from a somewhat different angle (Agamben 1998). He reconsiders Schmitt's 'state of exception' (in which the production of life is caught up in sovereign ban through exclusion from sovereignty) by reinvigorating Foucault's notion of bio-power. For Agamben, sovereign life establishes

itself through political order wherein the exception (often provoked as the enemy) provides the law which, having first constituted itself as a rule must 'maintain itself in relation to the exception' (Agamben 1998, 18). Thus for Agamben the state is constituted through a rule of law which both captures and is captured by sovereignty; 'through its exclusion it finds itself tied to the order, and the sovereign power by which it is constituted, in the relation of exception' (Agamben 1998, 18). Here he invokes the position in Roman law of *Homo Sacer* who:

has been excluded from the religious community and from all political life: he cannot participate in the rites of his *gens*, nor [...] can he perform any juridically valid act. What is more, his entire existence is reduced to a bare life stripped of every right by virtue of the fact that anyone can kill him without committing homicide; he can save himself only in perpetual flight or a foreign land [emphasis in original] (Agamben 1998, 183).

When stripped of the legal status of citizenship and thereby ostracised from the political community this non-citizen, the enemy, is reduced to a biological entity shackled with fault. In this situation the potential for violence escalates.

Drawing on Schmitt and Agamben, Santner suggests that the sovereign situation of exception is one in which the law is suspended so that it can be subsequently enforced, thus leaving citizens in a space which is neither within nor outside the legal order, or as Santner puts it, in the 'threshold of law and nonlaw' (Santner 2006, 15).

The following two scenarios depict how the single figure of a sovereign moment can be expressed through action along the horizon which include a wider political agenda. Although apparently disparate (in that the first scenario is focused on pleasure and the second on suffering) both scenarios demonstrate how Santner's concept of 'sovereign jouissance' – the organisation and dissemination of sovereignty as a logic of the Master's discourse (Santner 2006, 35) – falls short of recognising the subject as sovereign. In addition they show how in face of pervasive dissatisfaction with this shortfall we are left with merely a fantasy of the sovereignty we desire, both as a matter of politics and in its interpellation through common-place usage.

The Annoying Smoker

Life is a cigarette,
Cinder, ash, and fire,
Some smoke it in a hurry,
Others savor it.

In Klein, *Cigarettes are Sublime* (1993, 22).

It is important to distinguish between state sovereignty transmitted at a political level and individual sovereignty in which one attempts to personally participate. But what precisely constitutes a subjective sovereign moment? It could be argued that Santner advances Agamben's *Homo Sacer* by suggesting that sovereignty is that which actualises

life in the sense that the body ensconced within the Symbolic is necessarily constituted as a sovereign body, one that become anxious in the face of losing sovereignty. Here sovereignty is a given and 'libidinally implicated in the world' (Santner 2011, 122) and this further embeds human existence into the regime of biopolitics in spite of the 'fictive manmade character' (Santner 2011, 42) of authority which Santner argues is the kernel of our investment in modern sovereignty. Thus, sovereignty is a matter for psychoanalysis: it is the 'real stuff of fantasy' (Santner 2011, 43). Further, our investment in sovereignty is complicated as an affect of anxiety as Kornbluh points out:

Anxiety, the affect around which Santner's discussion implicitly revolves, always pertains, Lacan maintains, to the spectre of bodily fragmentation produced by the contrastive encounter with a whole image (as in the mirror stage). We can see in what sense this immediately attends sovereignty of both types: the localisation of law-forming, law-executing power [...] is undermined by the mortal body [...]. [T]he displacement of sovereignty to the body popular intensifies this threat of fragmentation by incarnating political agency in the contested, indistinct shape of 'the people' (Kornbluh 2012, 18).

Anxiety emanates not only from the affect of sovereignty's conscription of the body wherein the body or assembly of bodies are inscribed into the logic of sovereignty as an inevitable part of contemporary existence, but also from a confrontation with the failure of even a multitude of bodies to constitute a whole and thereby perpetuate an unfinished and fragmented sovereignty of the group. To be inscribed into sovereignty means to contend with repression and resistance in reaching for a subjective outcome. Sovereignty is polymorphous, ranging from the will to violence to a less determinable vision of being self-sufficient. Together with Badiou's 'impossibility of politics' this fragmentation points towards shifting moments of sovereignty rather than to a totalising image. Bataille's unstable logic of the limit locates sovereign communication as in-between moments, always in flux and challenging to the stability of the subject, the contours of this in-between space being marked by *savoir* and *non-savoir* (Bataille 1987, 13). Knowledge is possible only because of the discontinuities we are constantly faced with regarding life and death, knowing and unknowing. It is this in-between space which for Bataille gives rise to the possibility of a sovereign moment emanating in the contexts of, for example, laughter, eroticism and death. These are suspended spaces in which we forget ourselves through willing our suspension of being-in-the-Symbolic.

Although the ability to recognise or grasp a sovereign moment is a conundrum, it is interestingly captured by Pfaller when he considers what we have to offer our enemy:

I think the smoker in public space was accepted and welcomed as long as people were aware that his smoking was just not his private passion, his sickness and addiction, but that his smoking was a kind of duty in the public space. Just as it is a duty to be dressed a bit nice and behave a bit politely, also smoking was an elegant gesture. It allowed people to calm down, to behave in a ceremonial way, alluding to some famous images, and to display a bit of sovereignty. This is what the public space requires from its dwellers. And as long as this universal dimension of the other was acknowledged – as long as I saw in your behaviour your following of your duty to public space then your smoking was welcome. At

the very moment that neoliberalism teaches us that everybody is on his or her own, and everybody is just his or her private identity, then I start to feel that you should only smoke at home and not come to the public space and poison me (Pfaller 2016, unpaginated).

Here Pfaller neatly undercuts assumed ethical exigencies which sometimes underlie quasi-transcendental formulations of sovereignty and which maintain a shifting logic of sovereign power. Although the conditions of modernity which encourage smoking remain unaddressed, in many countries this formally benign socialising convention is now seen as radically anti-social, thereby signalling smoking as placeholder for a sovereign moment. In this way Pfaller accords with Bataille's reading of sovereignty in so far as it can be achieved via objects which have the potential to hold the subject within sovereign moments, specifically here the feeling of freedom. The sovereign moment Pfaller presents is an almost irreconcilable condition which has to be confronted, namely the impossibility of always being able to act in accordance with sovereignty.² Here Pfaller departs from Schmitt's account of sovereignty. On the face of it, the sovereign moment is the exception only when there is a perception that the figure in the act of something obscene is acting in accordance with their given sovereignty. Existing social relations which allow a sovereign moment to manifest do so only when one is acting in accordance with the *other* rules which accompany it. Certainly, transgression has its own logic and rules as Kuldova reminds us (Kuldova 2017). The 'spectacle of excess' (Kuldova 2017, 396) arouses the imagination to deliberately implicate an enigma of power where the self is excluded from the doxa of the social bond. Here one is compelled not only by the object representing the will to self-exclude but also by the laws which prohibit or endorse the drive itself. Concerning smoking, Klein shows that the cigarette serves other functions beyond mere smoking:

The cigarette not only has a little being of its own, it is hardly ever singular, rather always myriad, multiple, proliferating. Every single cigarette numerically implies all the other cigarettes, exactly alike, that the smoker consumes in series; each cigarette immediately calls forth its inevitable successor and rejoins the preceding one in a chain of smoking more fervently forged than that of any other form of tobacco (Klein 1993, 26).

Here the transgression involved in refusing self-preservation requires a kind of courage; to deliberately smoke and at the same time submit to the logic that cigarettes are deadly. Thus the ritual of smoking, although one of consumption, can be thought of as transgressive.

Although we may no longer consider smoking to be fashionably elegant, romantic or interestingly subversive but for the most part simply annoying for the majority, we do not reject friends and family who smoke because they observe the *other* more nuanced social rules which accompany smoking, namely being respectful of the space of non-smokers and so on. However, smoking becomes a sovereign moment when these *other* rules are

² This is reminiscent of Copjec's claim that the social space is constructed not only by those acts and relations which fill it, but also that it is thereby reduced to such relations (Copjec 1996, 7).

transgressed, as when unapologetically smoking in the company of a pregnant woman or a new baby, or simply smoking *too much* and *all the time*.³ Here transgression takes on a more nuanced form. For an act to be transgressive something has to be at stake; one must fully assume one's agency, position oneself in the rift and be willing to pay for one's desire. How is this to be done, what is one giving up when insisting on smoking? Arguably, it is through social stigma and the mediation of social norms rather than legal framework that the extimacy of sovereignty is set. The smoker who breaks the *other* more nuanced social rules is not our enemy but simply one who is expressing what it means to exercise transgressive sovereignty. But again, at what cost? Through denial or refusal of the fear of death, smokers resist the instinct for self-preservation. Thus the annoying smoker points not only to the possibility of a sovereign moment but also to the contradictions which arise in an action which *perhaps* could be sovereign, for example, a moment of sovereign suspension. Although the annoying smoker is demanding from non-smokers that they endure what for many is an anxiety-provoking vicissitude: shut up or put up with my poison, at the same time, the smoker's sovereign exception is a transgression which by refusing the fear of death breaks with serving life. In this way smoking is the classical Bataille sovereign moment which refuses the super-ego injunction to obey.

Where does this leave the non-smoker who refuses to participate in this apparently sovereign moment? Returning to the Möbius strip when it is cut and becomes a straight line, here enjoyment is not what can be discovered by the possibility of seeing and knowing everything, but rather an enjoyment saturated in the belief that one is on the correct life course in an effort to expunge anxiety. By contrast the smoker's *other* rules provide the conjuncture of extimacy with sovereignty: as they meet, sovereignty incites anxiety which is exposed via the injunction of extimacy. Anxiety provides that point of minimal difference from where one can contemplate sovereignty, but it is only a moment and does not last. An excess of anxiety is, of course, unlivable. In its place, as Pfaller points out, is politeness. Yet this politeness is both contingent and somewhat opaque as Jankélévitch wittily illustrates:

You are an hour late: I understand and excuse you. You didn't want to arrive on time, you did it on purpose, - and I forgive you (or I don't forgive you...) Here all your excuses aside, for one doesn't interpret a bad intention, it brings with it no nuances; and there exists no way to 'understand' it (Jankélévitch 1988, 1144).

Discussion of annoying and polite smoking is not to trivialise the possibility of an associated sovereign moment even if this is shrouded in fantasy, because the sovereign moment can occur in more troubling ways; for example, in the upsurge of neo-Nazi hatred, where subjective excess and intimidation are the prime sources of *jouissance*. However, there is a difference between the stark transgression of refusing the fear of

³ I recount an amusing story from my friend about to birth her first baby – during the late stages of her labour, she and her partner glanced outside their window when they heard a car pull up to see the midwife arrive, quickly finishing her cigarette to the very last puff in preparation to deliver their new baby. In telling me this story, my friends expressed dismay at my amusement which to them implied that I did not share their outrage at the midwife's transgression of an ethical birth plan commitment.

death through smoking and the public endorsement of hatred towards minority groups or women. The direct threat of violence posed by neo-Nazi hatred spills over into the social and circumvents social reasoning through a different kind of discipline of the subject, one into which the liberal left arguably falls via the anxious reactive declaration to ‘punch a Nazi’, this being a way of expunging the *jouissance* of the other embodied in the figure of the Nazi. However, this reaction fails to provide an emancipatory sovereign moment because punching is neither an act of politics nor a sovereign moment, but merely an invocation of one’s own *jouissance*. Instead, this imagined reactionary violence is best understood as clear neglect of the conceptual tools politics provides for thinking through sovereignty and the anxiety such an enemy provokes. To be clear, this anxiety is specifically one of *jouissance* on two levels. Firstly, on the level of a collective of bodies which stands for exclusion and which itself makes a claim of anxious sovereignty in opposition to a clear enemy. Secondly, the thought of punching a Nazi merely preserves an excess of enjoyment in the guise of an imaginary act (which more than likely one never would do). Imagining violence as a sovereign moment renders the body no fragmentation because there is less anxiety to be reckoned with, but instead enjoyment in posturing a political position *vis-à-vis* a perceived enemy. Nevertheless, anxiety is certainly a bodily experience and speaks to the intimate connection between a plea for sovereignty including its associated inevitable violence.

Thus the contours of sovereignty range from day to day banalities through to the more urgent crises of who lives and who dies. In his introduction to Robespierre’s ‘Virtue and Terror’ Žižek (2017), recapitulating the Jacobin legacy of revolutionary terror and Robespierre’s ‘politics of truth’ (Žižek 2017, viii), identifies how an assembly of bodies in the name of a sovereign truth not only enables but enforces power. This inevitably gives rise to a terror which because it is potentially revolutionary can be seen as Benjamin’s ‘divine violence’ (Žižek 2017, x-xi) where, however, it is the people who pay the price for justice. Thus there is no safe distance from terror because direct confrontation with all-encompassing power results in a logic of revolutionary sovereignty which fully exploits biopower within the order of the affective.

Mbembe, too, conceptualises sovereignty within biopower – Foucault’s notion that that power is bodily inscribed and exercised (Foucault 1995) – the materiality of life as an explicit manifestation of power which can be terrifying:

One could summarize [...] what Michel Foucault meant by biopower: that domain of life over which power has taken control. But under what practical conditions is the right to kill, to allow to live, or to expose to death exercised? Who is the subject of this right? What does the implementation of such a right tell us about the person who is thus put to death and about the relation of enmity that sets that person against his or her murderer? Is the notion of bio-power sufficient to account for the contemporary ways in which the political, under the guise of war, of resistance, or of the fight against terror, makes the murder of the enemy its primary and absolute objective? War, after all, is as much a means of achieving sovereignty as a way of exercising the right to kill. Imagining politics as a form of war, we must ask: What place is given to life, death, and the human body (in particular the wounded or slain body)? How are they inscribed in the order of power? (Mbembe 2003, 12)

Sovereignty involves the process of subjectivisation, of becoming a subject, although not necessarily of becoming a sovereign subject but rather one which may encounter moments of apparent sovereignty. Even though we may think we know sovereignty through our experience of a sovereign moment, sovereignty itself is opaque and ultimately unknowable. This is Lacan's point about analysis, the unconscious knowing that one cannot claim to know. Consequently, sovereignty's unknowability even as a theoretical idea and life possibility is sublimated into other fields where politics is at stake, into our identity, alliances and networks. Although these fields explicitly implicate the body, they at the same time negate an important *jouissance* for the subject, identified by Mbembe as 'self-institution and self-limitation: fixing one's own limits for oneself' (Mbembe 2003, 14). This 'romance of sovereignty' as Mbembe calls it 'rests on the belief that the subject is the Master and the controlling author of his or her own meaning' (Mbembe 2003, 14). For Mbembe 'the exercise of sovereignty, in turn, consists in society's capacity for self-creation through recourse to institutions inspired by specific social and imaginary significations' (Mbembe 2003, 13). This reading of sovereignty encompasses many different images and interpretations of its potentialities and undercurrents. Mbembe pin-points sovereignty when invoking Hegel's distinction between being and animality; Hegel is claiming that what makes us sovereign is that we are not the same as animals in that we negate nature by *becoming* a subject. Thus our sovereignty enables confrontation with the inevitability of death, this being realised through a succession of risks:

My concern is those figures of sovereignty whose central project is not the struggle for autonomy but the generalized instrumentalization of human existence and the material destruction of human bodies and populations. Such figures of sovereignty are far from a piece of prodigious insanity or an expression of a rupture between the impulses and interests of the body and those of the mind. Indeed, they, like the death camps, are what constitute the nomos of the political space in which we still live. Furthermore, contemporary experiences of human destruction suggest that it is possible to develop a reading of politics, sovereignty, and the subject different from the one we inherited from the philosophical discourse of modernity. Instead of considering reason as the truth of the subject, we can look to other foundational categories that are less abstract and more tactile, such as life and death (Mbembe 2003, 14).

However, what is at stake is not only killing and being killed but also self-destruction and breaking with the instinct of self-preservation, which in turn signal desire to be free from the social bond and the rules which structure it. For Mbembe, as for Badiou who calls such a position of negation an event, these provide a momentum towards the sovereign moment, culminating in Bataille's conclusion:

The sovereign world, Bataille argues, 'is the world in which the limit of death is done away with. Death is present in it, its presence defines that world of violence, but while death is present it is always there only to be negated, never for anything but that. The sovereign,' he concludes, 'is he who is, as if death were not... He has no more regard for the limits of identity than he does for limits of death, or rather these limits are the same; he is the transgression of all

such limits.’ Since the natural domain of prohibitions includes death, among others (e.g., sexuality, filth, excrement), sovereignty requires ‘the strength to violate the prohibition against killing, although it’s true this will be under the conditions that customs define’ (Mbembe 2003, 14).

#methree

The current #metoo scandal illustrates well this desire yet inability to harness sovereignty. Sexism is certainly still widespread, both men and women being subject to its effects. However, the unforgivable aggressive misogyny of Weinstein, Cosby *et al*⁴ has been elevated beyond entrenched sexism, for example, women being the target of blatant sexist comments, tied to domestic duties and consequently considered less valuable than men. Misogyny results from confrontation with woman as not-all; that woman does not exist is, for the subject invested in misogyny, too much to bear. Today we find ourselves faced with a *new* misogyny (arguably, a form of masculine sovereignty) as a sophisticated enterprise whose logic entails something more than intense hostility to misogyny itself. This something, perhaps not yet grasped by intersectional feminism, silences women more profoundly than being obstructed in negotiating the economic materiality of daily life. It is that this new misogyny, which focuses on the individual than on collectivist mobilisation, is portrayed as interestingly subversive rather than unforgivably misogynist. Nevertheless #metoo has at least illuminated an important point, that even in the context of a mediatised *jouissance*, it affirms potential sovereignty by retaining control (even if only momentarily) of its operative context. In signifying an ethical position #metoo is not an effacement of sovereignty, but rather a fantasy of it. Brown attests to this when she describes sovereignty as ‘god-like’ and

the unmoved mover. Epistemologically, it is a priori. As a power, it is supreme, unified, unaccountable, and generative. It is the source, condition, and protector of civic life, and a unique form of power insofar as it brings a new entity into being and sustains control over its creation. It punishes and protects. It is the source of law and above the law (Brown 2010, 58).

Here one might consider whether potential vicissitudes of sovereignty also lie within semantics. #metoo as hashtag activism had a specific purpose – to tell an anonymous third party of a libidinal occurrence that threatened autonomy. Women felt powerless in face of this new misogyny because their abusers not only had power, they were supported by those who stood to gain from them, a dynamic which unfortunately occurs in most fields including the academy. #metoo provided a glimpsed promise of the sovereign moment from which some collective consciousness might have emerged, yet instead of militant mobilisation a pervasive liberalism within its polemic somewhat negated the possibility of such an outcome. For example, whereas the sovereign moments of many women who suffered and endured unforgivable misogyny received extensive coverage, there was little celebration of the (possibly few) whose awareness of their sovereign moment consisted of immediate, outright refusal of aggressive misogyny. Here the voyeuristic sleaze of such aggressive misogyny is enabled to trump its healthy,

⁴ For abusers to remain forever imprisoned in public unforgiveness might be the only possible trigger of genuine remorse, here forgiveness as political category requiring its refusal in that the acceptance of apology or forgiveness signifies the end of politics.

vigorous rebuttal. Furthermore #metoo allowed for the acceleration of reactionary commentary fuelled by idiocies such as Catherine Deneuve's astonishing claim of a 'witch hunt' against Weinstein (The Guardian 2017); Germaine Greer's victim blaming (Independent 2018); myopic suggestions that patriarchy doesn't really exist; or the naïve and disturbing admission of a few young men that their clumsy seduction techniques have been misinterpreted as misogyny. Thus #metoo is not altogether what it set out to be insofar as it provided a forum for the direct and fetishized interpellation of such reactions. Although there is a danger that in taking these reactions seriously #metoo might be seen as signalling little more than liberal virtue, nevertheless they do not negate the will to preserve sovereignty and to arouse collective and mediated consciousness. In order to have traction, #metoo needs an *other* to be heard, yet being reliant on numbers its sovereign moment is somewhat stripped of political clarity, even giving the impression of having forgotten the intense suffering many women endured, which as Ruti reminds us is a shattering experience:

suffering in its intense – acute rather than habitual – modulations end up being the event of events, the event that transforms our life beyond recognition, that makes it impossible for us to return to our previous life; and that we absolutely cannot take back...(Ruti 2018, 228)

No doubt #metoo started out with the intention of making women's suffering an encounter with a sovereign event, but it quickly morphed into a strand of individualist neoliberal ideology while the all-important anguish of the subject disappeared. Nevertheless, #metoo's precarious sovereign moment at least provides a platform for recognising oneself as unique in the other: I too am a woman.⁵

In #metoo the 'too' designates 'also' – two are involved in a problematic encounter with an imaginary third listener who is presumed to consider the new misogyny an unwanted discipline in the public space. The problematic of this encounter is that in underscoring the movement's apparent sovereign moment it simultaneously detracts from its ability to provide conditions under which oppression in relations between the sexes might be better understood: it signifies the surplus of a utopic rather than a sovereign moment. The sovereign moment is usually considered to be the final one: that of jumping into the act, in this case, writing #metoo next to your name and sharing your story of unwelcome sexual advances or acts. Here the logic of 'performative' sovereignty involves a linguistic declaration reliant on a fantasy third person who will listen, thus #metoo becomes another form: #methree, having three dimensions, not just two. What is happening here is that the signifying chain of #metoo is relying on an outward determination of the subject-position configured from multiple subject-positions repeating exactly the same phrase: #metoo. The motivation for this collective utterance is to cause a rupture, to break down the conditions of sexism and to provide ways of thinking sex in relation to the subject. Writing #metoo can be seen as a category of Sadian authorship in that although written by the author, in order to have traction it is perversely reliant upon possible renunciation from an *other*. Retaliation against #metoo, its negation through minimalization or dismissal, perversely fuels its momentum and

⁵ Gonsalves (2018, 264) suggests that human suffering is estimate *par excellence* because it presents a conceptual blueprint identifying how the internal and external are inexorably bound.

might even enable a sovereign imaginary. If we take into account the distinction between the sovereign moment and the emergence of a collective consciousness (the former being symptomatic whereas the latter, the sovereign act, bears the mark of the signifier) then there is some doubt as to whether #metoo is an expression of sovereignty at all. Certainly, debates about sex, seduction, flirtation, sexual favours and so on have been mediated for months. However, notwithstanding the probability of abusers' legal convictions, what is missing is that the subject-position (howsoever this is interpreted), being merely a projection of its own impossibility, thereby makes the *sovereign* project of nailing abuser's culpability no more than a fantasy. In addition, although #metoo created the exception of giving a platform to those women who spoke out, it highlighted women who already had power. It even allowed false rumours and accusations to circulate without facilitating legal redress. Given the inevitability of linguistic relativism #metoo will always be a provisional conceptual framework which in some ways detracts from the centrality of subjective agency. Although through its very nature fantasy here confronts us with #metoo's partial failure and incomplete sovereignty,⁶ yet this same fantasy also provides, through greater social visibility, a possible image exposing the injustice of the new misogyny.

It seems that the #metoo movement fails in successfully putting the new misogyny on trial not least because it simultaneously diminishes feminist critique by allowing for specific women to be called liars (the oldest, most unoriginal of accusations) or accusing them of secretly enjoying libidinal excess. Thus #metoo could never be entirely sovereign, being in part driven by the third person who clicked 'like' but also being vulnerable to comments such as 'where's the proof?'

Extimacy as a Category of Sovereignty

Is sovereignty no more than an illusion of everyday life? Belief in sovereignty is made harder because we are willing to sacrifice it in return for a less troubled (if mundane) life. In this scenario our ambivalence is reified by symbolic investment in both excess and scarcity as intentions we wish to preserve: sovereignty itself and the conditions in which it might emerge. Yet the integration of these characteristics of sovereignty remains debatable and uncertain, notwithstanding that perhaps this is where the true sovereign moment resides, namely in its apparent inaccessibility and indeterminate inscription of excess and scarcity. Sovereignty is captured through both modalities as an injunction of the law: its' excess (*jouissance*) is oriented towards the object and its (ideological) scarcity emanates from lack. Both require extimacy in order to direct sovereignty and this direction is constituted through the rule of law and its prohibition. Excess itself produces scarcity. Here McGowan's ontology of excess (as scarcity) provides the insight that because one cannot create a fundamental divorce between excess and scarcity therefore one cannot adopt or retain a position of neutrality (McGowan 2018).

⁶ The question beckons, what might complete feminist sovereignty look like? As a starting point I refer to Masselot's rewriting caselaw from the perspective of a 'feminist judgement' (2017). She critiques the presumption of legal neutrality by insisting that women are often perceived by Judges as less capable, credible or rational than men, especially in claims of harassment. Masselot calls for a feminist legal method in which evidence must take into consideration the reluctance of women to complain about harassment because of negative outcomes which accompany even the rare, successful challenge to dominant male perspectives.

Sovereignty is the promise of a place in which (insofar as they declare a state of exception) excess and scarcity can be deployed as signifiers of the sovereign moment, of perhaps having agency amidst contrary forces to promote the state of exception. Thus, for the subject *jouissance* is retained rather than disavowed in the name of sovereignty. Here sovereignty can be realised via extimacy because it is itself extimate, realised by but forever beyond the subject; it is exceptional to the subject and necessarily foreign. From that of annoying smoker to target of the new misogyny, sovereignty is not reducible to a single identity because it speaks to the contradiction at its core, that for some sovereignty seems possible whereas others cannot even contemplate it. To claim sovereignty is itself an act of exception from others who either do not or cannot claim it. Yet if sovereignty is dependent on community for its continuation then it must be on the basis of a shared imagination of politics and its potential acts. Considered thus, sovereignty as an expression of subjectivity encompasses in a radical sense the subject's investment in its own division. At the same time the sovereign subject is that which embraces another subject, a radical Other that is extimate. Žižek's amusing example of this radical Other extimate subject nicely illustrates McGowan's ontology of scarcity and excess conceptualised as both sides of the Möbius Strip:

At an art exhibition in Moscow, there is a picture showing Nadezhda Krupskaya, Lenin's wife, in bed with a young member of the Komsomol. Title of the picture is 'Lenin in Warsaw'. A bewildered visitor asks a guide: 'But where is Lenin?' The guide replies quietly and with dignity: 'Lenin is in Warsaw' (Žižek 1989, 159).

This joke alerts us firstly to how we are caught up in the position of desiring that which is seemingly radical yet symbolically absent or appearing in fragments. Secondly, that in this position we bear the anxiety of actually having that which we desire, namely sovereignty. However, the certainty of sovereignty is both less radical and more unbearable, more desirable only as a possibility of subjectivity's intimate encounter with that which is foreign. Subjectivity keeps the foreignness of sovereignty at bay whilst at the same time allowing it to tantalise. The absence of Lenin as lover is eclipsed by a deliberate implication that the libidinal project is potentially political, answering to the call of both sovereignty and the social bond. We don't really want to see Lenin fucking his wife because such transgressive voyeurism would be too much. In place of this excess we opt for scarcity, namely the infidelity of Lenin's wife and his invasion of Poland, notwithstanding these manifestations of agency are less clearly exercises in sovereignty.

At the same time sovereignty signals an unconscious force in the form of a desirable symptom which is at the same time outside the subject. Sovereignty is extimate because the symptom is both within and in charge of the subject. We desire sovereignty because being outside us not only is it is foreign, it importantly allows authority to make an appearance.⁷ We need the other to confirm our exceptionality, a process which renders sovereignty, although imaginable, precarious and contingent. Sovereignty enables a

⁷ The concept of authority is varied and complex but I here invoke Kojève's critique of the notion of unequivocal support between all citizens including state representatives whose powers must imply loyalty to tradition, responsiveness to the present and vision for the future.

fantasy wherein the subject and its foreign other are in partnership, thereby making the sovereign moment always dependent on the will and desire of the other. Both the extimate conception and condition of the sovereign moment enable a singular dimension to the possibility of acting politically. Here, extimacy, Lacan's 'intimate exteriority', is central in providing the foundational motive for the desiring subject (Lacan VII, 139). Ruti engages with this motive when considering the transcendence of suffering as a moment in which subjectivity 'comes into being' retroactively and without necessarily resorting to the position of Sadian slave (Ruti 2018, 282). Might this be a subjective sovereign moment, when the will to come into being is triggered through suffering but after the event, when we realise that the sovereignty of being a hoped-for exception is a fantasy that we must live with?

This discussion has focused on sovereignty as dependent on extimacy. Whether sovereignty might be thought of as political obligation depends on whether a coherent alignment between excess and scarcity can be maintained, this undoubtedly being an anxiety for the subject. Furthermore, potential disconnection between excess and scarcity is both what makes the sovereign moment possible and what necessitates its problematic contradictions and limits. There is nothing new about the *perhaps* of sovereignty, it is a conjecture whose moment does not rely upon any particular social context, notwithstanding that in order to think sovereignty social context is essential. To the extent that sovereignty might be enabled it will always be a sovereignty in perpetual crisis confronting us with the contradiction of prohibition. Sovereignty can only ever be a *perhaps* whose intentionality is to be sought in the *jouissance* of the symptom driving us towards what may be no more than a fantasy.

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