

# Citizen Subject

Etienne Balibar

## I

Both following Hegel and opposed to him, Heidegger proposes Descartes as the moment when the "sovereignty of the subject" is established (in philosophy), inaugurating the discourse of modernity. This supposes that man, or rather the *ego*, is determined and conceived of as subject (*subjectum*).

Doubtless, from one text to another, and sometimes even within the same "text" (I am primarily referring here to the *Nietzsche* of 1939–46), Heidegger nuances his formulation. At one moment he positively affirms that, in Descartes's *Meditations* (which he cites in Latin), the *ego* as consciousness (which he explicates as *cogito me cogitare*), is posited, founded as the *subjectum* (that which in Greek is called the *hypokeimenon*). This also has, as corollary, the effect of identifying, for all of modern philosophy, the *hypokeimenon* and the foundation of being with the being of the subject of thought, the other of the object. At another moment he is content to point out that this identification is implicit in Descartes, and that we must wait for Leibniz to see it made explicit ("called by its own name") and reflected as the identity of reality and representation, in its difference with the traditional conception of being.

Is this nuance decisive? The fact is that it would be difficult to find the slightest reference to the "subject" as *subjectum* in the *Meditations*, and that in general the thesis that would posit the *ego* or the "I think/I am" (or the "I am a thinking thing") as *subject*, either in the sense of *hypokeimenon* or in the sense of the future *Subjekt* (opposed to *Gegenständlichkeit*), does not appear anywhere in Descartes. By evoking an implicit definition, one that awaits its formulation, and thus a teleology of the history of philosophy (a lag of consciousness, or rather of language), Heidegger only makes his position more untenable, if only because Descartes's position is actually incompatible with this concept. This can easily be verified by examining

both Descartes's use of the noun "subject," and the fundamental reasons why he does not name the thinking substance or "thinking thing" "subject."

The problem of substance, as is well known, appears fairly late in the course of the *Meditations*. It is posited neither in the presentation of the *cogito*, nor when Descartes draws its fundamental epistemological consequence (the soul knows itself "more evidently, distinctly, and clearly" than it knows the body), but in the third meditation when he attempts to establish and to think the causal link between the "thinking thing" that the soul knows itself to be and the God the idea of whom it finds immediately in itself as the idea of the infinite being. But even there *it is not a question of the subject*. The term will appear only incidentally, in its scholastic meaning, in the "Responses to the Objections," in the context of a discussion of the real difference between finite and infinite, and between thinking and extended substances, for which the *Principles* will later furnish a properly formulated definition. Along with these discussions we must consider the one concerning the union of body and soul, the "third substance" constitutive of individuality, the theory of which will be exposed in the "Sixth Meditation" and developed in the *Treatise on the Passions*.

From consideration of these different contexts it becomes clear that the essential concept for Descartes is that of *substance*, in the new signification that he gives to it. This signification is not limited to objectifying, each on its own side, the *res cogitans* and the *res extensa*: it allows the entire set of causal relations between (infinite) God and (finite) things, between ideas and bodies, between my soul and my (own) body, to be thought. It is thus primarily a relational concept. We should understand by this that the essential part of its theoretical function is accomplished by putting distinct "substances" into relation with one another, generally in the form of a unity of opposites. The name of substance (this is its principal, negative characteristic) cannot be attributed in a univocal fashion to both the infinite (God) and the finite (creatures); it thus allows their difference to be thought, and nevertheless permits their dependence to be understood (for only a substance can "cause" another substance: this is its second characteristic). Likewise, thought and extension are really distinct substances, having no attributes whatsoever in common, and nevertheless the very reality of this distinction implies a substantial (nonaccidental) union as the basis of our experience of our sensations. All these distinctions and oppositions finally find their coherence—if not the solution of the enigmas they hold—in a *nexus* that is both hierarchical and causal, entirely regulated by the principle of the *eminent causality*, in God, of the "formal" or "objective" relations between created substances (that is, respectively, those relations that consist of actions and passions, and those that consist of representations). It is only because all (finite) substances are eminently caused by God (have their eminent cause, or

rather the essence of their cause, in God) that they are united in a causal relation  
 every substance has its own essence—another term by which  
 substance is called is its essence—another term by which  
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Thus nothing is further from Descartes than a metaphysics of Substance conceived of as a univocal term. Rather, this concept has acquired a new equivocality in his work, without which it could not fill its structural function: to name in turn each of the poles of a topography in which *I* am situated simultaneously as cause and effect (or rather as a cause that is itself only an effect). It must be understood that the notion of the *subjectum/hypokeimenon* has an entirely evanescent status here. *Descartes mentions it, in response to objections, only in order to make a scholastic defense of his realist thesis (every substance is the real subject of its own accidents). But it does not add any element of knowledge (and in particular not the idea of a "matter" distinct from the "form") to the concept of substance. It is for this reason that substance is practically indiscernible from its principle attribute (comprehensible: extension, thought; or incomprehensible: infinity, omnipotence).*

There is no doubt whatsoever that it is essential to characterize, in Descartes, the "thinking thing" that *I* am (therefore!) as substance or as substantial, in a nexus of substances that are so many *instances* of the metaphysical apparatus. But it is not essential to attach this substance to the representation of a *subjectum*, and it is in any case impossible to apply the name of *subjectum* to the *ego cogito*. On the other hand, it is possible and necessary to ask in what sense the human individual, composed of a soul, a body, and their unity, is the "subject" (*subjectus*) of a *divine sovereignty*. The representation of sovereignty is in fact implied by the ideal of eminence, and, inversely, the reality of finite things could not be understood outside of a specific dependence "according to which all things are subject to God."<sup>1</sup> That which is valid from an ontological point of view is also valid from an epistemological point of view. From the thesis of the "creation of eternal truths" to the one proper to the *Meditations* according to which the intelligibility of the finite is implied by the idea of the infinite, a single conception of the subjection of understanding and of science is affirmed, not of course to an external or revealed dogma, but to an internal center of thought whose structure is that of a sovereign decision, an absent presence, or a source of intelligibility that as such is incomprehensible.

Thus the idea that causality and sovereignty can be converted into one another is conserved and even reinforced in Descartes. It could even be said that this idea is pushed to the limit—which is perhaps, for us in any case, the herald of a coming decomposition of this figure of thought. The obvious fact that an extreme intellectual tension results from it is recognized and constantly reexamined by Descartes himself. How can the absolute freedom of man—or rather of his will: but his will is the very essence of judgment—be conceived of as similar to God's without putting this subjection back into question? How can it be conceived of outside this subjection, for it is the *image* of another freedom, of another power? Descartes's thought, as we know, oscillates between two tendencies on this point. The first, mystical, consists in *identifying* freedom and subjection: to will freely, in the sense of a necessary freedom, enlightened by true knowledge, is to coincide with the act by which God conserves me in a relative perfection. The other tendency, pragmatic, consists in *displacing* the question, playing on the topography of substances, making

my subjection to God into the origin of my mastery over and possession of nature, and more precisely of the absolute power that I can exercise over my passions. There are no fewer difficulties in either one of these theses. This is not the place to discuss them, but it is clear that, in either case, freedom can in fact only be thought as the freedom of the *subject*, of the subjected being, that is, as a contradiction in terms.

Descartes's "subject" is thus still (more than ever) the *subjectus*. But what is the *subjectus*? It is the other name of the *subditus*, according to an equivalence practiced by all of medieval political theology and systematically exploited by the theoreticians of absolute monarchy: the individual submitted to the *ditio*, to the sovereign authority of a prince, an authority expressed in his orders and itself legitimated by the Word of another Sovereign (the Lord God). "It is God who has established these laws in nature, just as a king establishes laws in his kingdom," Descartes will write to Mersenne (letter of 15 April 1630).<sup>2</sup> It is this very dependence that constitutes him. But Descartes's subject is not the *subjectum* that is widely supposed—even if, from the point of view of the object, the meaning has to be inverted—to be permanently present from Aristotle's metaphysics up to modern subjectivity.

How is it then that they have come to be confused?<sup>3</sup> Part of the answer obviously lies in the effect, which continues to this very day, of Kantian philosophy and its specific necessity. Heidegger, both before and after the "turn," is clearly situated in this dependence. We must return to the very letter of the *Critique of Pure Reason* if we are to discover the origin of the projection of a transcendental category of the "subject" upon the Cartesian text. This projection and the distortion it brings with it (simultaneously subtracting something from and adding something to the *cogito*), is in itself constitutive of the "invention" of the transcendental subject, which is inseparably a movement away from and an interpretation of Cartesianism. For the subject to appear as the originarily synthetic unity of the conditions of objectivity (of "experience"), first, the *cogito* must be reformulated not only as reflexivity, but as the thesis of the "I think" that "accompanies all my representations" (that is, as the thesis of self-consciousness, which Heidegger will state as: *cogito = cogito me cogitare*); then this self-consciousness must be distinguished from both the intuition of an intelligible being and from the intuition of the "empirical ego" in "internal sense"; and finally the "paralogism of the substantiality" of the soul must be dissolved. In other words one and the same historico-philosophical operation *discovers the subject in the substance* of the Cartesian *cogito*, and *denounces the substance in the subject* (as transcendental illusion), thus installing Descartes in the situation of a "transition" (both ahead of and behind the time of history, conceived of as the history of the advent of the subject), upon which the philosophies of the nineteenth and twentieth centuries will not cease to comment.

Paraphrasing Kant himself, we can say that these formulations of the *Critique of Pure Reason* form the "unique text" from which transcendental philosophies in particular draw "all their wisdom," for they ceaselessly reiterate the double rejection of substantiality and of phenomenality that forms the paradoxical being of the

subject (being/nonbeing, in any case not a thing, not "categorizable," not "objectifiable").<sup>4</sup> And this is valid not only for the "epistemological" face of the subject, but for its *practical* face as well: in the last instance the transcendental subject that effectuates the nonsubstantial unity of the conditions of experience is *the same* as the one that, prescribing its acts to itself in the mode of the categorical imperative, inscribes freedom in nature (it is tempting to say that it *exscribes* it: Heidegger is an excellent guide on this point), that is, the same as the one identified in a teleological perspective with the humanity of man.

## II

What is the purpose of this gloss, which has been both lengthy and schematic? It is that it is well worth the trouble, in my view, to take seriously the question posed by Jean-Luc Nancy, or rather the form that Nancy was able to confer, by a radical simplification, to an otherwise rather diffuse interrogation of what is called the philosophical conjuncture, but on the condition of taking it quite literally—at the risk of getting all tangled up in it. Not everyone is capable of producing a truly sophistic question, that is, one able to confront philosophy, in the medium of a given language, with the aporia of its own "founding" reflection, with the circularity of its enunciation. It is thus with the necessity and impossibility of a "decision" on which the progress of its discourse depends. With this little phrase, "Who comes after the subject?" Nancy seems to have managed the trick, for the only possible "answer"—at the same level of generality and singularity—would designate the nonsubject, whatever it may be, as "what" succeeds the subject (and thus puts an end to it). The place to which it should come, however, is *already* determined as the place of a subject by the question "who," in other words as *the being (who is the) subject* and nothing else. And our "subject" (which is to say unavoidably ourselves, whoever we may be or believe ourselves to be, caught in the constraints of the statement) is left to ask indefinitely, "How could it be that this (not) come of me?" Let us rather examine what characterizes this form.

First of all, the question is posed *in the present tense*: a present that doubtless refers to what is "current," and behind which we could<sup>5</sup> reconstitute a whole series of presuppositions about the "epoch" in which we find ourselves: whether we represent it as the triumph of subjectivity or as its dissolution, as an epoch that is still progressing or as one that is coming to an end (and thus in a sense has already been left behind). Unless, precisely, these alternatives are among the preformulations whose apparent obviousness would be suspended by Nancy's question. But there is another way to interpret such a present tense: as an *indeterminate*, if not ahistorical present, with respect to which we would not (at least not immediately) have to situate ourselves by means of a characterization of "our epoch" and its meaning, but which would only require us to ask *what comes to pass* when it comes *after* the subject, at whatever time this "event" may take place or might have

taken place. This is the point of view I have chosen, for reasons that will soon become clear.

Second, the question posed is "Who comes . . . ?" Here again, two understandings are possible. The first, which I sketched out a moment ago, is perhaps more natural to the contemporary philosopher. Beginning from a precomprehension of the subject such as it is constituted by transcendental philosophy (*das Subjekt*), and such as it has since been deconstructed or decentered by different philosophies "of suspicion," different "structural" analyses, this understanding opens upon the enigma into which the *personality* of the subject leads us: the fact that it always succeeds itself across different philosophical figures or different modes of (re)presentation—which is perhaps only the mirror repetition of the way in which it always precedes itself (question: Who comes *before* the subject?). But why not follow more fully the indications given by the language? If a question of identity is presupposed by Nancy's question, it is not of the form "What is the subject?" (or "What is the thing that we call the subject?"), but of the form "Who is the subject?," or even as an absolute precondition: "Who is subject?" The question is not about the *subjectum* but about the *subjectus*, he who is subjected. Not, or at least not immediately, the transcendental subject (with all its doubles: logical subject, grammatical subject, substantial subject), which is by definition a *neuter* (before becoming an *it*), but the subject as an individual or a person submitted to the exercise of a power, whose model is, first of all, political, and whose concept is juridical. Not the subject inasmuch as it is opposed to the predicate or to the object, but the one referred to by Bossuet's thesis: "All men are born subjects and the paternal authority that accustoms them to obeying accustoms them at the same time to having only one chief."<sup>6</sup>

The French (or Anglo-French) language here presents an advantage over German and even over Latin, one that is properly philosophical: it retains in the equivocal unity of a single noun the *subjectum* and the *subjectus*, the *Subjekt* and the *Untertan*. It is perhaps for lack of having paid attention to what such a continuity indicates that Heidegger proposed a fictive interpretation of the history of metaphysics in which the anteriority of the question of the *subjectus/Untertan* is "forgotten" and covered over by a retrospective projection of the question of the *Subjekt* as *subjectum*. This presentation, which marks the culmination of a long enterprise of interiorization of the history of philosophy, is today sufficiently widely accepted, even by philosophers who would not want to be called "Heideggerians" (and who often do not have the knowledge Heidegger had), for it to be useful to situate exactly the moment of forcing.

But if this is what the subject is *from the first* (both historically and logically), then the answer to Nancy's question is very simple, but so full of consequences that it might be asked whether it does not underlie every other interpretation, every reopening of the question of the subject, including the subject as transcendental subject. Here is this answer: *After the subject comes the citizen*. The citizen (defined by his rights and duties) is that "nonsubject" who comes after the subject, and

whose constitution and recognition put an end (in principle) to the subjection of the subject.

This answer does not have to be (fictively) discovered, or proposed as an eschatological wager (supposing that the subject is in decline, what can be said of his future successor?). It is already given and in all our memories. We can even give it a date: 1789, even if we know that this date and the place it indicates are too simple to enclose the entire process of the substitution of the citizen for the subject. The fact remains that 1789 marks the irreversibility of this process, the effect of a rupture.

We also know that this answer carries with it, historically, its own justification: if the citizen comes after the subject, it is in the quality of a rehabilitation, even a restoration (implied by the very idea of a revolution). The subject is *not* the original man, and, contrary to Bossuet's thesis, men are not "born" "subjects" but "free and equal in rights." The *factual* answer, which we already have at hand (and about which it is tempting to ask why it must be periodically suspended, in the game of a question that inverts it) also contains the entire difficulty of an interpretation that makes of the "subject" a nonoriginary given, a beginning that is not (and cannot be) the origin. For the origin is *not* the subject, but man. But is this interpretation the only possible one? Is it indissociable from the fact itself? I would like to devote a few provisional reflections to the interest that these questions hold for philosophy—including when philosophy is displaced from the *subjectus* to the *subjectum*.

These reflections do not tend—as will quickly be apparent—to minimize the change produced by Kant, but to ask precisely in what the necessity of this change resides, and if it is truly impossible to bypass or go beyond (and thus to understand) it—in other words, if a critique of the representation of the history of philosophy that we have inherited from Kant can only be made from the point of view of a "subject" in the Kantian sense. The answer seems to me to reside at least partially in the analysis of this "coincidence": the moment at which Kant produces (and retrospectively projects) the transcendental "subject" is precisely that moment at which politics destroys the "subject" of the prince, in order to replace him with the republican citizen.

That this isn't really a coincidence is already hinted at by the fact that the question of the subject, around which the Copernican revolution pivots, is immediately characterized as a question of *right* (as to knowledge and as to action). In this question of right the representation of "man," about whom we have just noted that he forms the teleological horizon of the subject, vacillates. What is to be found under this name is not *de facto* man, subjected to various internal and external powers, but *de jure* man (who could still be called the man of man or the man in man, and who is also the empirical non-man), whose autonomy corresponds to the position of a "universal legislator." Which, to be brief, brings us back to the answer evoked above: after the subject (*subjectus*) comes the citizen. But is this citizen *immediately* what Kant will name "subject" (*Subjekt*)? Or is not the latter rather the

reinscription of the citizen in a philosophical and, beyond that, anthropological space, which evokes the defunct subject of the prince even while displacing it? We cannot respond directly to these questions, which are inevitably raised by the letter of the Kantian invention once the context of its moment is restored. We must first make a detour through history. Who is the subject of the prince? And who is the citizen who comes after the subject?

### III

It would be impossible to enclose the "subjectus" in a single definition, for it is a matter of a juridical figure whose evolution is spread out over seventeen centuries, from Roman jurisprudence to absolute monarchy. It has often been demonstrated how, in the political history of Western Europe, the time of *subjects* coincides with that of *absolutism*. Absolutism in effect seems to give a complete and coherent form to a power that is founded only upon itself, and that is founded as being without limits (thus uncontrollable and irresistible by definition). Such a power truly makes men into subjects, and nothing but subjects, for the very being of the subject is obedience. From the point of view of the subject, power's claim to incarnate both the good and the true is entirely justified: the subject is he who has no need of *knowing*, much less *understanding*, why what is prescribed to him is in the interest of his own happiness. Nevertheless, this perspective is deceptive: rather than a coherent form, classical absolutism is a knot of contradictions, and this can also be seen at the level of theory, in its discourse. Absolutism never manages to stabilize its definition of obedience and thus its definition of the subject. It could be asked, why this is necessarily the case, and what consequences result from it for the "surpassing" or "negation" of the subject in the citizen (if we should ever speak of sublation (*relève*) it is now: the citizen is a subject who rises up (*qui se relève*)!). In order to answer this question we must sketch a historical genesis of the subject and his contradiction.

The first question would be to know how one moves from the adjective to the substantive, from individuals who *are* subjected to the power of another, to the representation of a people or of a community as a set of "subjects." The distinction between independent and dependent persons is fundamental in Roman jurisprudence. A single text will suffice to recall it:

*Sequitur de jure personarum alia divisio. Nam quaedam personae sui juris sunt, quaedam alieno juri sunt subjectae. Sed rursus earum personarum quae alieno juri subjectae sunt, aliae in potestate, aliae in manu, aliae in mancipio sunt. Videamus nunc de iis quae alieno juri subjectae sint, si cognoverimus quae istae personae sunt, simul intellegemus quae sui juris sint.* [We come to another classification in the law of persons. Some people are independent and some are subject to others. Again, of those persons who are dependent, some are in power, some in marital



subordination and some in bondage. Let us examine the dependent category. If we find out who is dependent, we cannot help seeing who is independent.]<sup>7</sup>

Strangely, it is by way of the definition (the dialectical division) of the forms of subjection that the definition of free men, the masters, is obtained *a contrario*. But this definition does not make the subjects into a *collectivity*; it establishes no "link" among them. The notions of *potestas*, *manus*, and *mancipium* are not sufficient to do this. The subjects are not the heterogeneous set formed by slaves, plus legitimate children, plus wives, plus acquired or adopted relatives. What is required is an *imperium*. Subjects thus appeared with the empire (and in relation to the person of the emperor, to whom citizens and many noncitizens owe "service," *officium*). But I would surmise that this necessary condition is not a sufficient one: Romans still had to be able to be submitted to the *imperium* in the same way (if they ever were) as conquered populations, "subjects of the Roman people" (a confusion that points, contradictorily, toward the horizon of the generalization of Roman citizenship as a personal status in the empire).<sup>8</sup> And, above all, the *imperium* had to be theologically founded as a Christian *imperium*, a power that comes from God and is conserved by Him.<sup>9</sup>

In effect, the subject has two major characteristics, both of which lead to aporias (in particular in the form given them by absolute monarchy): he is a *subditus*; he is not a *servus*. These characteristics are reciprocal, but each has its own dialectic.

The subject is a *subditus*: this means that he enters into a relation of obedience. Obedience is not the same as compulsion; it is something more. It is established not only between a chief who has the power to compel and those who must submit to this power, but between a *sublimis*, "chosen" to command, and *subditi*, who turn towards him to hear a law. The power to compel is distributed throughout a hierarchy of unequal powers (relations of *majoritas-minoritas*). Obedience is the principle, identical to itself along the whole length of the hierarchical chain, and attached in the last instance to its transcendental origin, which makes those who obey into the members of a single body. Obedience institutes the command of higher over lower, but it fundamentally comes from below: as *subditi*, the subjects *will* their own obedience. And if they will it, it is because it is inscribed in an economy of creation (their creation) and salvation (their salvation, that of each taken individually and of all taken collectively). Thus the *loyal subject* (*fidèle sujet*) (he who "voluntarily," "loyally," that is, actively and willingly obeys the law and executes the orders of a legitimate sovereign) is necessarily a *faithful subject* (*sujet fidèle*). He is a Christian, who knows that all power comes from God. In obeying the law of the prince he obeys God.<sup>10</sup> The fact that the order to which he "responds" comes to him from *beyond* the individual and the mouth which utters it is constitutive of the subject.

This structure contains the seeds of an infinite dialectic, which is in fact what *unifies* the subject (in the same way as it unifies, in the person of the sovereign, the act and its sanctification, decision making and justice): because of it the subject

does not have to ask (himself) any questions, for the answers have always already been given. But it is also what *divides* the subject. This occurs; for example, when a "spiritual power" and a "temporal power" vie for preeminence (which supposes that each also attempts to appropriate the attributes of the other), or more simply when knowing which sovereign is legitimate or which practice of government is "Christian" and thus in conformity with its essence becomes a real question (the very idea of a "right of resistance" being a contradiction in terms, the choice is between regicide and prayer for the conversion of the sovereign . . . ). Absolute monarchy in particular develops a contradiction that can be seen as the culmination of the conflict between the temporal power and the spiritual power. A passage is made from the divine right of kings to the idea of their direct election: it is as such that royal power is made divine (and that the State transfers to itself the various sacraments). But not (at least not in the West) the *individual person* of the king: incarnation of a divine power, the king is not himself "God." The king (the sovereign) is *lex animata (nomos empsychos)* (just as the law is *inanimatus princeps*). Thus the person (the "body") of the king must itself be divided: into divine person and human person. And obedience correlatively. . . .<sup>11</sup>

Such an obedience, in its unity and its divisions, implies the notion of the *soul*. This is a notion that Antiquity did not know or in any case did not use in the same way in order to think a political relation (Greek does not have, to my knowledge, an equivalent for the *subjectus-subditus*, not even the term *hypekoos*, which designates those who obey the word of a master, who will become "disciples," and from whom the theologians will draw the name of Christian obedience: *hypakoè*). For Antiquity obedience can be a contingent situation in which one finds oneself in relation to a command (*archè*), and thus a commander (*archôn*). But to receive a command (*archemenos*) implies that one can oneself—at least theoretically—give a command (this is the Aristotelian definition of the citizen). Or it can be a natural dependence of the "familial" type. Doubtless differentiations (the ignorance of which is what properly characterizes barbarism) ought to be made here: the woman (even for the Greeks, and a fortiori for the Romans) is not a slave. Nevertheless these differences can be subsumed under analogous oppositions: the part and the whole, passivity and activity, the body and the soul (or intellect). This last opposition is particularly valid for the slave, who is to his master what a body, an "organism" (a set of natural tools) is to intelligence. In such a perspective, the very idea of a "free obedience" is a contradiction in terms. That a slave can *also* be free is a relatively late (Stoic) idea, which must be understood as signifying that on *another* level (in a "cosmic" polity, a polity of "minds") he who is a slave here can also be a master (master of himself, of his passions), can also be a "citizen." Nothing approaches the idea of a freedom residing in obedience itself, resulting from this obedience. In order to conceive of this idea obedience must be transferred to the side of the soul, and the soul must cease to be thought of as natural: on the contrary, the soul must come to name a supernatural part of the individual that hears the divinity of the order.

Thus the *subditus-subjectus* has always been distinguished from the slave, just as the sovereignty of the prince, the *sublimus*, has been distinguished from "despotism" (literally, the authority of a master of slaves).<sup>17</sup> But this fundamental distinction was elaborated in two ways. It was elaborated within a theological framework, simply developing the idea that the subject is a believer, a Christian. Because, in the final instance, it is his soul that obeys, he could never be the sovereign's "thing" (which can be used and abused); his obedience is inscribed in an order that should, in the end, bring him salvation, and that is counterbalanced by a responsibility (a duty) on the part of the prince. But this way of thinking the freedom of the subject is, in practice, extraordinarily ambivalent. It can be understood either as the affirmation and the active contribution of his will to obedience (just as the Christian, by his works, "cooperates in his salvation": the political necessity of the theological compromise on the question of predestination can be seen here), or as the annihilation of the will (this is why the mystics who lean towards perfect obedience apply their will to self-annihilation in the contemplation of God, the only absolute sovereign). Intellectual reasons as well as material interests (those of the lords, of the corporations, of the "bourgeois" towns) provide an incentive for thinking the freedom of the subject differently, paradoxically combining this concept with that of the "citizen," a concept taken from Antiquity and notably from Aristotle, but carefully distinguished from man inasmuch as he is the image of the creator.

Thus the *civis-polites* comes back onto the scene, in order to mark the quasi-ontological difference between a "subject" and a serf/slave. But the man designated as a citizen is no longer the *zōon politikon*: he is no longer the "sociable animal," meaning that he is sociable as animal (and not inasmuch as his soul is immortal). Thomas Aquinas distinguishes the (supernatural) *christianitas* of man from his (natural) *humanitas*, the "believer" from the "citizen." The latter is the holder of a neutral freedom, a "franchise." This has nothing in common with sovereignty, but means that his submission to political authority is neither immediate nor arbitrary. He is *submitted* as a member of an order or a body that is recognized as having certain rights and that confers a certain status, a field of initiative, upon him. What then becomes of the "subject"? In a sense he is more really free (for his subjection is the effect of a political order that integrates "civility," the "polity," and that is thus inscribed in nature). But it becomes more and more difficult to think him as *subditus*: the very concept of his "obedience" is menaced.

This tension becomes, once again, a contradiction under absolute monarchy. We have already seen how the latter brings the mysterious unity of the temporal and spiritual sovereign to the point of rupture. The same goes for the freedom of the subject. Insofar as absolute monarchy concentrates power in the unity of the "State" (the term appears at this moment, along with its "reason"), it dissolves all intermediate powers (at least ideally) and suppresses all subjections to the profit of one subjection. There is now only one prince, whose law is will, "father of his subjects," having absolute authority over them (as all other authority, next to his, is null). "I am the State," Louis XIV will say. But absolute monarchy is a *State*

power, precisely, that is, a power that is instituted and exercised by law and administration; it is a political power (*imperium*) that is not confused with the property (*dominium*)—except “eminent” domain—of what belongs to individuals, and over which they exercise their power. The subjects are, if not “legal subjects (*sujets de droit*),” at least subjects “with rights (*en droit*),” members of a “republic” (a Commonwealth, Hobbes will say). All the theoreticians of absolute monarchy (with or without a “pact of subjection”) will explain that *the subjects are citizens* (or, like Bodin in the *Republic*, that “every citizen is a subject, his freedom being somewhat diminished by the majesty of the one to whom he owes obedience: but not every subject is a citizen, as we have said of the slave”).<sup>13</sup> They will not prevent—with the help of circumstances—the condition of this “free (*franc*) subject dependent upon the sovereignty of another”<sup>14</sup> from being perceived as untenable. La Boétie, reversing each term, will oppose them by defining the power of the One (read: the Monarch) as a “voluntary servitude” upon which at the same time reason of State no longer confers the meaning of a supernatural freedom. The controversy over the difference (or lack of one) between absolutism and despotism accompanies the whole history of absolute monarchy.<sup>15</sup> The condition of the subject will be retrospectively identified with that of the slave, and subjection with “slavery,” from the point of view of the new citizen and his revolution (this will also be an essential mechanism of his own idealization).

#### IV

*The Declaration of the Rights of Man and of the Citizen* of 1789 produces a truth-effect that marks a rupture. It is nevertheless an intrinsically equivocal text, as is indicated by the dualities of its title and of its first line: rights of man *and* of the citizen, are born *and* remain, free *and* equal. Each of these dualities, and particularly the first, which divides the origin, harbor the possibility of antithetical readings: Is the founding notion that of *man*, or of *the citizen*? Are the rights declared those of the citizen *as man*, or those of man *as citizen*? In the interpretation sketched out here, it is the second reading that must take precedence: the stated rights are *those of the citizen*, the objective is the constitution of citizenship—in a radically new sense. In fact neither the idea of humanity nor its equivalence with freedom are new. Nor, as we have seen, are they incompatible with a theory of originary subjection: the Christian is essentially free *and* subject, the subject of the prince is “*franc*.” What is new is the sovereignty of the citizen, which entails a completely different conception (and a completely different practical determination) of freedom. But this sovereignty must be founded retroactively on a certain concept of man, or, better, in a *new* concept of man that contradicts what the term previously connoted.

Why is this foundation necessary? I do not believe it is, as is often said, because of a *symmetry* with the way the sovereignty of the prince was founded in the idea of God, because the sovereignty of the people (or of the “nation”) would need a

*human foundation* in the same way that imperial or monarchical sovereignty needed a *divine foundation*, or, to put it another way, by virtue of a necessity inherent in the idea of sovereignty, which leads to putting Man in the place of God.<sup>16</sup> On the contrary, it is because of the dissymmetry that is introduced into the idea of sovereignty from the moment that it has devolved to the "citizens": until then the idea of sovereignty had always been inseparable from a hierarchy, from an eminence; from this point forward the paradox of a *sovereign equality*, something radically new, must be thought. What must be explained (at the same time as it is declared) is how the concept of sovereignty and equality can be noncontradictory. The reference to man, or the inscription of equality in human nature is equality "of birth," which is not at all evident and is even improbable, is the means of explaining this paradox.<sup>17</sup> This is what I will call a hyperbolic proposition.

It is also the sudden appearance of a new problem. One paradox (the equality of birth) explains another (sovereignty as equality). The political tradition of antiquity, to which the revolutionaries never cease to refer (Rome and Sparta rather than Athens), thought civic equality to be founded on freedom and exercised in the determinate conditions of this freedom (which is a hereditary or quasi-hereditary status). It is now a matter of thinking the inverse: a freedom founded on equality, engendered by the movement of equality. Thus an unlimited or, more precisely, self-limited freedom: having no limits other than those it assigns to itself in order to respect the rule of equality, that is, to remain in conformity with its principle. In other terms, it is a matter of answering the question: *Who is the citizen?* and not the question: Who is a citizen? (or: Who are citizens?). The answer is: The citizen is a man in enjoyment of all his "natural" rights, completely realizing his individual humanity, a free man simply because he is equal to every other man. This answer (or this new question in the form of an answer) will also be stated, after the fact: *The citizen is the subject*, the citizen is always a *supposed subject* (legal subject, psychological subject, transcendental subject).

I will call this new development the citizen's becoming-a-subject (*devenir-sujet*): a development that is doubtless prepared by a whole labor of definition of the juridical, moral, and intellectual individual; that goes back to the "nominalism" of the late Middle Ages, is invested in institutional and "cultural" practices, and reflected by philosophy, but that can find its name and its structural position only *after* the emergence of the revolutionary citizen, for it rests upon the reversal of what was previously the *subjectus*. In the Declaration of Rights, and in all the discourses and practices that reiterate its effect, we must read both the presentation of the citizen and the marks of his becoming-a-subject. This is all the more difficult in that it is practically impossible for the citizen(s) to be presented without being determined as subject(s). But it was only by way of the citizen that universality could come to the subject. An eighteenth-century dictionary had stated: "In France, other than the king, all are citizens."<sup>18</sup> The revolution will say: If anyone is not a citizen, then no one is a citizen. "All distinction ceases. All are citizens, or must be, and whoever is not must be excluded."<sup>19</sup>

The idea of the rights of the citizen, at the very moment of his emergence, thus institutes an historical figure that is no longer the *subjectus*, and not yet the *subjectum*. But from the beginning, in the way it is formulated and put into practice, this figure exceeds its own institution. This is what I called, a moment ago, the statement of a hyperbolic proposition. Its developments can only consist of conflicts, whose stakes can be sketched out.

First of all, there exist conflicts with respect to the founding idea of equality. The absolutism of this idea emerges from the struggle against "privilege," when it appeared that the privileged person was not he who had *more* rights but he who had *less*: each privilege, for him, is substituted for a possible right, even though at the same time his privilege denies rights to the nonprivileged. In other words, it appeared that the "play" (*jeu*) of right—to speak a currently fashionable language—is not a "zero-sum" game: this is what distinguishes it from the play of power, the "balance of power." Rousseau admirably developed this difference, on which the entire argumentation of the *Social Contract* is based: a supplement of rights for one is the annihilation of the rights of all; the effectivity of right has as its condition that each has exactly "as much," *neither more nor fewer* right(s) than the rest.

Two paths are open from this point. Either equality is "symbolic," which means that each individual, whatever his strengths, his power, and his property, is *reputed* to be equivalent to every individual in his capacity as citizen (and in the public acts in which citizenship is exercised). Or equality is "real," which means that citizenship will not exist unless the *conditions* of all individuals are equal, or at least equivalent: then, in fact, power's games will no longer be able to pose an obstacle to the play of right; the power proper to equality will not be destroyed by the effects of power. Whereas symbolic equality is all the better affirmed, its ideality all the better preserved and recognized as unconditional when conditions are unequal, real equality supposes a classless society, and thus works to produce it. If a proof is wanted of the fact that the antinomy of "formal" and "real" democracy is thus inscribed from the very beginning in the text of 1789 it will suffice to reread Robespierre's discourse on the "marc d'argent" (April 1791).<sup>20</sup>

But this antinomy is untenable, for it has the form of an all-or-nothing (it reproduces *within* the field of citizenship the all-or-nothing of the subject and the citizen). Symbolic equality must be nothing real, but a universally applicable form. Real equality must be all or, if one prefers, every practice, every condition must be measured by it, for an exception destroys it. It can be asked—we will return to this point—whether the two mutually exclusive sides of this alternative are not equally incompatible with the constitution of a "society." In other terms, civic equality is indissociable from universality but separates it from the *community*. The restitution of the latter requires either a supplement of symbolic form (to think universality as ideal Humanity, the reign of practical ends) or a supplement of

substantial egalitarianism (communism, Babeuf's "order of equality"). But this supplement, whatever it may be, already belongs to the citizen's becoming-a-subject.

Second, there exist conflicts with respect to the citizen's activity. What radically distinguishes him from the subject of the Prince is his participation in the formation and application of the decision: the fact that he is legislator and magistrate. Here, too, Rousseau, with his concept of the "general will," irreversibly states what constitutes the rupture. The comparison with the way in which medieval politics had defined the "citizenship" of the subject, as the right of all to be well-governed, is instructive.<sup>21</sup> From this point forward the idea of a "passive citizen" is a contradiction in terms. Nevertheless, as is well known, this idea was immediately formulated. But let us look at the details.

Does the activity of the citizen exclude the idea of *representation*? This position has been argued: whence the long series of discourses identifying active citizenship and "direct democracy," with or without reference to antiquity.<sup>22</sup> In reality this identification rests on a confusion.

Initially, representation is a representation *before* the Prince, before Power, and, in general, before the instance of decision making whatever it may be (incarnated in a living or anonymous person, itself represented by officers of the State). This is the function of the Old Regime's "deputies of the Estates," who present grievances, supplications, and remonstrances (in many respects this function of representing those who are administered to the administration has in fact again become the function of the numerous elected assemblies of the contemporary State).

The *representation of the sovereign* in its deputies, inasmuch as the sovereign is the people, is something entirely different. Not only is it active, it is the act of sovereignty *par excellence*: the choice of those who govern, the corollary of which is monitoring them. To elect representatives is to act and to make possible all political action, which draws its legitimacy from this election. Election has an "alchemy," whose other aspects we will see further on: as the primordial civic action, it *singularizes* each citizen, responsible for his vote (his choice), at the same time as it *unifies* the "moral" body of the citizens.<sup>23</sup> We will have to ask again, and in greater depth, to what extent this determination engages the dialectic of the citizen's becoming-a-subject: Which citizens are "representable," and under which conditions? Above all: *Who should the citizens be in order to be able to represent themselves and to be represented?* (for example: Does it matter that they be able to read and write? Is this condition sufficient? etc.). In any case we have here, again, a very different concept from the one antiquity held of citizenship, which, while it too implied an idea of *activity*, did not imply one of sovereign will. Thus the Greeks privileged the drawing of lots in the designation of magistrates as the only truly democratic method, whereas election appeared to them to be "aristocratic" by definition (Aristotle).

It is nonetheless true that the notion of a *representative activity* is problematic. This can be clearly seen in the debate over the question of the binding mandate: Is it necessary, in order for the activity of the citizens to manifest itself, that their deputies be permanently bound by their will (supposing it can be known), or is it sufficient that they be liable to recall, leaving them the responsibility to interpret the general will by their *own* activity? The dilemma could also be expressed by saying that citizenship implies a power to delegate its powers, but excludes the existence of "politicians," of "professionals," a fortiori of "technicians" of politics. In truth this dilemma was already present in the astonishing Hobbesian construction of representation, as the doubling of an *author* and an *actor*, which remains the basis of the modern State.

But the most profound antinomy of the citizen's activity concerns the *law*. Here again Rousseau circumscribes the problem by posing his famous definition: "As for the associates, collectively they take the name *people*, and individually they are called *Citizens* as participating in the sovereign authority and *Subjects* as submitted to the laws of the State."<sup>24</sup> The consequences of this follow immediately:

It can be seen by this formulation . . . that each individual, contracting, so to speak, with himself, finds himself engaged in a double relationship . . . . Consequently it is against the nature of the political body for the Sovereign to impose upon itself a law that it cannot break . . . by which it can be seen that there is not nor can there be any sort of fundamental law which obliges the body of the people, not even the social contract . . . . Now the Sovereign, being formed only of the individuals who compose it, does not and cannot have an interest opposed to theirs; consequently the Sovereign power has no need of a guarantee toward the subjects, for it is impossible that the body wish to harm all its members . . . . But this is not the case for the subjects toward the sovereign, where despite the common interest, nothing would answer for their engagements if means to insure their fidelity were not found. In fact each individual can, as man, have a particular will contrary or dissimilar to the general will that he has as citizen . . . . He would enjoy the rights of a citizen without being willing to fulfill the duties of a subject; an injustice whose progress would cause the ruin of the political body. In order for the social pact not to become a vain formula, it tacitly includes the engagement . . . that whoever refuses to obey the general will will be compelled to do so by any means available: which signifies nothing else than that he will be forced to be free.<sup>25</sup>

It was necessary to cite this whole passage in order that no one be mistaken: in these implacable formulas we see the final appearance of the "subject" in the old sense, that of obedience, but metamorphosed into a *subject of the law*, the strict correlative of the citizen who *makes the law*.<sup>26</sup> We also see the appearance, under the name of "man," split between his general interest and his particular interest, of he who will be the new "subject," the Citizen Subject.

It is indeed a question of an antinomy. Precisely in his capacity as "citizen,"



the citizen is (indivisibly) *above* any law, otherwise he could not legislate, much less constitute: "There is not, nor can there be, any sort of fundamental law that obliges the body of the people, not even the social contract." In his capacity as "subject" (that is, inasmuch as the laws he formulates are imperative, to be executed *universally and unconditionally, inasmuch as the pact is not a "vain formula"*) he is necessarily *under* the law. Rousseau (and the Jacobin tradition) resolve this antinomy by identifying, in terms of their close "relationship" (that is in terms of a particular point of view), the two propositions: Just as one citizen has neither more nor less right(s) than another, so he is neither only above, nor only under the law, but *at exactly the same level as it. Nevertheless he is not the law (the *nomos empsychos*).* This is not the consequence of a transcendence on the part of the law (of the fact that it would come from Elsewhere, from an Other mouth speaking atop some Mount Sinai), but a consequence of its immanence. Or yet another way: there must be an exact correspondence between the absolute activity of the citizen (legislation) and his absolute passivity (obedience to the law, with which one does not "bargain," which one does not "trick"). But it is essential that this activity and this passivity be *exactly* correlative, that they have exactly the same limits. The possibility of a metaphysics of the subject already resides in the enigma of this unity of opposites (in Kant, for example, this metaphysics of the subject will proceed from the double determination of the concept of right as freedom and as compulsion). But the necessity of an anthropology of the subject (psychological, sociological, juridical, economic, . . . ) will be manifest from the moment that, in however small a degree, the exact correlation becomes upset in practice: when a distinction between *active citizens* and *passive citizens* emerges (a distinction with which we are still living), and with it a problem of the criteria of their distinction and of the justification of this paradox. Now this distinction is practically contemporary with the Declaration of Rights itself; it is in any case inscribed in the first of the *Constitutions* "based" on the Declaration of Rights. Or, quite simply, when it becomes apparent that *to govern* is not the same as *to legislate* nor even to execute the laws, i. e., that political sovereignty is not the mastery of the art of politics.

Finally, there exist conflicts with respect to the individual and the collective. We noted above that the institution of a society or a community on the basis of principles of equality is problematic. This is not—or at least not uniquely—due to the fact that this principle would be identical to that of the *competition* between individuals ("egotism," or a freedom limited only by the antagonism of interests). It is even less due to the fact that equality would be another name for *similarity*, that it would imply that individuals are indiscernible from one another and thus incompatible with one another, preyed on by mimetic rivalry. On the contrary, equality, precisely inasmuch as it is not the identification of individuals, is one of the great cultural means of legitimating differences and controlling the imaginary ambivalence of the "double." The difficulty is rather due to equality itself: in this

principle (in the proposition that men, as citizens, are equal), even though there is necessarily reference to the *fact* of society (under the name of "polity"), there is conceptually too much (or not enough) to "bind" a society. It can be seen clearly here how the difficulty arises from the fact that, in the modern concept of citizenship, freedom is founded in equality and not vice versa (the "solution" of the difficulty will in part consist precisely of reversing this primacy, to make freedom into a foundation, even, metaphysically, to identify the ordinary with freedom).

Equality in fact cannot be limited. Once some x's ("men") are not equal, the predicate of equality can no longer be applied to anyone, for all those to whom it is supposed to be applicable are in fact "superior," "dominant," "privileged," etc. Enjoyment of the equality of rights cannot spread step by step, beginning with two individuals and gradually extending to all: it must immediately concern the universality of individuals, let us say, tautologically, the universality of x's that it concerns. This explains the insistence of the cosmopolitan theme in egalitarian political thought, or the reciprocal implication of these two themes. It also explains the *antinomy of equality and society for, even when it is not defined in "cultural," "national," or "historical" terms, a society is necessarily a society, defined by some particularity, by some exclusion, if only by a name.* In order to speak of "all citizens," it is necessary that somebody not be a citizen of said polity.

Likewise, equality, even though it preserves differences (it does not imply that Catholics are Protestants, that Blacks are Whites, that women are men, or vice versa: it could even be held that without differences equality would be literally unthinkable), cannot itself be *differentiated*: differences are close by it but do not come from its application. We have already glimpsed this problem with respect to activity and passivity. It takes on its full extension once it is a question of *organizing* a society, that is of instituting functions and roles in it. Something like a "bad infinity" is implied here by the negation of the inequalities which are always still present in the principle of equality, and which form, precisely, its practical effectiveness. This is, moreover, exactly what Hegel will say.

The affirmation of this principle can be seen in 1789 in the statement that the king himself is only a citizen ("Citizen Capet"), a deputy of the sovereign people. Its development can be seen in the affirmation that the exercise of a magistrature *excludes* one from citizenship: "The soldier is a citizen; the officer is not and cannot be one."<sup>27</sup> "Ordinarily, people say: the citizen is someone who participates in honors and dignities; they are mistaken. Here he is, the citizen: he is someone who possesses no more goods than the law allows, who exercises no magistrature and is independent of the responsibility of those who govern. Whoever is a magistrate is no longer part of the people. No individual power can enter into the people. . . . When speaking to a functionary, one should not say *citizen*; this title is above him."<sup>28</sup> On the contrary, it may be thought that the existence of a society always presupposes an organization, and that the latter in turn always presupposes an element of qualification or differentiation from equality and thus of "nonequality" developed on the basis of equality itself (which is not on that account a principle of

inequality).<sup>29</sup> If we call this element "archy," we will understand that one of the logics of citizenship leads to the idea of anarchy. It was Sade who wrote, "Insurrection should be the permanent state of the republic," and the comparison with Saint-Just has been made by Maurice Blanchot.<sup>30</sup>

It will be said that the solution to this aporia is the idea of a contract. The contractual bond is in fact the only one that thinks itself as absolutely homogeneous with the reciprocal action of equal individuals,<sup>31</sup> presupposing only this equality. No other presuppositions? All the theoreticians are in agreement that some desire for sociability, some interest in bringing together the forces and in limiting freedoms by one another, or some moral ideal, indispensable "motor forces," would *also* be required. It will in fact be agreed that the *proper* form of the contract is that of a contract of *association*, and that the contract of subjection is an ideological artifact destined to divert the benefits of the contractual form to the profit of an established power. But it remains a question whether the social contract can be thought as a mechanism that "socializes" equals purely by virtue of their equality. I think that the opposite is the case, that the social contract *adds* to equality a determination that compensates for its "excess" of universality. To this end equality itself must be thought as something other than a naked principle; it must be justified, or one must confer on it that which Derrida not long ago called an *originary supplement*.

This is why all the theories of the contract include a "deduction" of equality as an indispensable preliminary, showing how it is produced or how it is destroyed and restored in a dialectic either of natural sociability and unsociability or of the animality and humanity in man (the extreme form being that of Hobbes: equality is produced by the threat of death, in which freedom is promptly annihilated). The Declaration of 1789 gives this supplement its most economical form, that of a *de jure* fact: "Men are born and remain . . ." Then—as Michel Foucault saw beginning from other premises—the time of competing theories of human nature comes to an end. The time of man-the-subject (empirical and transcendental) can begin.

## V

I think that, under these conditions, the indetermination of the figure of the citizen—referred to equality—can be understood with respect to the major alternatives of modern political and sociological thought: individual and collectivity, public sphere and private sphere. The citizen properly speaking is *neither* the individual *nor* the collective, just as he is *neither* an exclusively public being *nor* a private being. Nevertheless, these distinctions are present in the concept of the citizen. It would not be correct to say that they are ignored or denied: it should rather be said that they are suspended, that is, irreducible to fixed institutional boundaries which would pose the citizen on one side and a *noncitizen* on the other.

The citizen is unthinkable as an "isolated" individual, for it is his active participation in politics that makes him exist. But he cannot on that account be merged into

a "total" collectivity. Whatever may be said about it, Rousseau's reference to a "moral and collective body composed of as many members as there are votes in the assembly,"<sup>32</sup> produced by the act of association that "makes a people a people,"<sup>33</sup> is not the *revival* but the *antithesis* of the organicist idea of the *corpus mysticum* (the theologians have never been fooled on this point).<sup>34</sup> The "double relationship" under which the individuals contract also has the effect of forbidding the fusion of individuals in a whole, whether immediately or by the mediation of some "corporation." Likewise, the citizen can only be thought if there exists, at least tendentially, a distinction between public and private: he is defined as a public actor (and even as the *only* possible public actor). Nevertheless he cannot be confined to the public sphere, with a private sphere—whether the latter is like the *oikos* of antiquity, the modern family (the one that will emerge from the civil code and that which we now habitually call "the invention of private life"), or a sphere of industrial and commercial relations that are nonpolitical<sup>35</sup>—being held *in reserve*. If only for the reason that, in such a sphere, to become other than himself the citizen would have to enter into relationships with *noncitizens* (or with individuals considered as *noncitizens: women, children, servants, employees*). The citizen's "madness," as is known, is not the abolition of private life but its transparency, just as it is not the abolition of politics but its moralization.

To express this suspension of the citizen we are obliged to search in history and literature for categories that are unstable or express instability. The concept of *mass*, at a certain moment of its elaboration, would be an example, as when Spinoza speaks of both the dissolution of the (monarchical) State and its (democratic) constitution as a "return to the mass."<sup>36</sup> This concept is not unrelated, it would seem, to that which in the Terror will durably inspire the thinkers of liberalism with terror.

I have presented the Declaration of Rights as a hyperbolic proposition. It is now possible to reformulate this idea: in effect, in this proposition, *the wording of the statement always exceeds the act of its enunciation [l'énoncé excède toujours l'énonciation]*, the import of the statement already goes beyond it (without our knowing where), as was immediately seen in the effect of inciting the liberation that it produced. In the statement of the Declaration, even though this is not at all the content of the enunciation of the subsequent rights, we can already hear the motto that, in another place and time, will become a call to action: "It is right to revolt." Let us note once more that it is equality that is at the origin of the movement of liberation.

All sorts of historical modalities are engaged here. Thus the Declaration of 1789 posits that property—immediately after freedom—is a "natural and imprescriptible right of man" (without, however, going so far as to take up the idea that property is a condition of freedom). And as early as 1791 the battle is engaged between those who conclude that property *qualifies* the constitutive equality of citizenship (in other words that "active citizens" are proprietors), and those who posit that the universality of citizenship must take precedence over the right of property, even

should this result in a negation of the unconditional character of the latter. As Engels noted, the demand for the abolition of class differences is expressed in terms of civic equality, which does not signify that the latter is only a period costume, but on the contrary that it is an effective condition of the struggle against exploitation.

Likewise, the Constitutions that are "based" on the principles of 1789 immediately qualify—explicitly and implicitly—the citizen as a *man* (= a male), if not as a head of the household (this will come with the Napoleonic Code). Nevertheless as early as 1791 an Olympe de Gouges can be found drawing from these same principles the *Declaration of the Rights of Woman and the Citizenness* (and, the following year, with Mary Wollstonecraft's *Vindication of the Rights of Woman*), and the battle—one with a great future, though not much pleasure—over the question of whether the citizen has a sex (thus what the sex of man as citizen is) is engaged.

Finally, the Declaration of 1789 does not speak of the color of citizens, and—even if one refuses to consider<sup>37</sup> this silence to be a necessary condition for the representation of the political relations of the Old Regime (subjection to the Prince and to the *seigneurs*) as "slavery," even as true slavery (that of the Blacks) is preserved—it must be admitted that it corresponds to powerful interests among those who collectively declare themselves "sovereign." It is nonetheless the case that the insurrection for the *immediate* abolition of slavery (Toussaint L'Ouverture) takes place in the name of an equality of rights that, as stated, is indiscernible from that of the "sans-culottes" and other "patriots," though the slaves, it is true, did not wait for the fall of the Bastille to revolt.<sup>38</sup>

Thus that which appeared to us as the indetermination of the citizen (in certain respects comparable to the fugitive moment that was glimpsed by Aristotle under the name of *archè aoristos*, but that now would be developed as a complete historical figure) also manifests itself as the opening of a *possibility*: the possibility for any *given* realization of the citizen to be placed in question and destroyed by a struggle for equality and thus for civil rights. But this possibility is not in the least a promise, much less an inevitability. Its concretization and explicitation depend entirely on an encounter between a statement and situations or movements that, from the point of view of the concept, are contingent.<sup>39</sup> If the citizen's becoming-a-subject takes the form of a dialectic, it is precisely because *both* the necessity of "founding" institutional definitions of the citizen and the impossibility of ignoring their contestation—the infinite contradiction within which they are caught—are crystallized in it.

There exists another way to account for the passage from the citizen to the subject (*subjectum*), coming after the passage from citizen to the subject (*subjectus*) to the citizen, or rather immediately overdetermining it. The citizen as defined by equality, absolutely active and absolutely passive (or, if one prefers, capable of auto-affectation: that which Fichte will call *das Ich*), suspended between individuality and collectivity, between public and private: Is he the constitutive element of a *State*? Without doubt the answer is yes, but precisely insofar as the State is not, or not

yet, a society. He is, as Pierre-François Moreau has convincingly argued, a *utopic* figure, which is not to say an unreal or millenarist figure projected into the future, but the elementary term of an "abstract State."<sup>40</sup> Historically, this abstract State possesses an entirely tangible reality: that of the progressive deployment of a political and administrative right in which individuals are treated by the state *equally*, according to the logic of situations and actions and not according to their condition or personality. It is this juridico-administrative "*epoché*" of "cultural" or "historical" differences, seeking to create its own conditions of possibility, that paradoxically becomes explicit to itself in the minutely detailed egalitarianism of the ideal cities of the classical Utopia, with their themes of enclosure, foreignness, and rational administration, with their negation of property. When it becomes clear that the condition of conditions for individuals to be treated equally by the State (which is the logic of its proper functioning: the suppression of the exception) is that they also be equally entitled to sovereignty (that is, it cannot be *done for less*, while conserving subjection), then the "legal subject" implicit in the machinery of the "individualist" State will be made concrete in the excessive person of the citizen.

But this also means—taking into account all that precedes—that the citizen can be simultaneously considered as the constitutive element of the State and as the actor of a revolution. Not only the actor of a founding revolution, a *tabula rasa* whence a State emerges, but the actor of a *permanent* revolution: precisely the revolution in which the principle of equality, once it has been made the basis or pretext of the institution of an inequality or a political "excess of power," contradicts every difference. Excess against excess, then. The actor of such a revolution is no less "utopic" than the member of the abstract State, the State of the rule of law. It would be quite instructive to conduct the same structural analysis of revolutionary utopias that Moreau made of administrative utopias. It would doubtless show not only that the themes are the same, but also that the fundamental prerequisites of the individual defined by his juridical activity is *identical* with that of the individual defined by his revolutionary activity: he is the man "without property" (*der Eigentumslos*), "without particularities" (*ohne Eigenschaften*). Rather than speaking of administrative utopias and revolutionary utopias we should really speak of antithetical readings of the same utopia narratives and of the reversibility of these narratives.

In the conclusion of his book, Moreau describes Kant's *Metaphysics of Morals* and his *Anthropology from a Pragmatic Point of View* as the two sides of a single construction of the legal subject: on one side, the formal deduction of his egalitarian essence; on the other, the historical description of all the "natural" characteristics (all the individual or collective "properties") that form either the condition or the obstacle to individuals identifying themselves in practice as *being subjects* of this type (for example, sensibility, imagination, taste, good mental health, ethnic "character," moral virtue, or that natural superiority that predisposes men to civil independence and active citizenship and women to dependence and political passivity). Such a duality corresponds fairly well to what Foucault, in *The Order of Things*,

called the "empirico-transcendental doublet." Nevertheless, to understand that this subject (which the citizen will be *supposed* to be) contains the paradoxical unity of a universal sovereignty and a radical finitude, we must envisage his constitution—in all the historical complexity of the practices and symbolic forms which it brings together—from *both* the point of view of the State apparatus and that of the permanent revolution. This ambivalence is his strength, his historical ascendancy. All of Foucault's work, or at least that part of it which, by successive approximations, obstinately tries to describe the heterogeneous aspects of the great "transition" between the world of subjection and the world of right and discipline, "civil society," and State apparatuses, is a materialist phenomenology of the transmutation of subjection, of the birth of the Citizen Subject. As to whether this figure, like a face of sand at the edge of the sea, is about to be effaced with the next great sea change, that is another question. Perhaps it is nothing more than Foucault's own utopia, a necessary support for the enterprise of stating that utopia's facticity.

### Notes

1. Letter by Descartes to Elizabeth, 3 November 1645, *Oeuvres de Descartes*, ed. Charles Adam and Paul Tannery (Paris: J. Vrin, 1969), vol. 4, p. 333. Cited by Jean-Luc Marion, *Sur la théologie blanche de Descartes* (Paris: Presses Universitaires de France, 1981), p. 411.
2. *Oeuvres de Descartes*, 1:145.
3. I am aware that it is a matter of *opposing* them: but in order to oppose them directly, as the recto and verso, the permanence of a single question (of a single "opening") must be supposed, *beyond* the question of the *subjectus*, which falls into the aschcan of the "history of being."
4. Applying it to Kant himself if need be: for the fate of this problematic—by the very fact that the transcendental subject is a limit, even *the* limit as such, declared to be constitutive—is to observe that there always remains some substance or some phenomenality in it that must be *reduced*.
5. As Nancy himself suggests in the considerations of his letter of invitation.
6. Jacques-Bénigne Bossuet, *Politique tirée de des propres paroles de l'Écriture sainte*, ed. Jacques Le Brun (Geneva: Droz, 1967), p. 53. Bossuet states: "All men are born subjects." Descartes says: There are *innate* ideas, which God has always already planted in my soul, as seeds of truth, whose *nature* (that of being eternal truths) is contemporaneous with *my nature* (for God creates or conserves them at every moment just as he creates or conserves me), and which at bottom are entirely enveloped in the infinity that envelops all my true ideas, beginning with the first: my thinking existence.
7. *The Institutes of Caius*, trans. W. M. Gordon & O. F. Robinson (London: Gerald Duckworth & Co., Ltd., 1988), §48–50, p. 45.
8. Cf. Christian Bruschi, "Le droit de cité dans l'Antiquité: un questionnement pour la citoyenneté aujourd'hui," pp. 125–53 in *La citoyenneté et les changements de structures sociales et nationales de la population française*, ed. Catherine Wihtol de Wenden (n.p.: Edilig/Fondation Diderot, 1988).
9. Emmanuel Terray suggests to me that this is one of the reasons for Constantine's rallying to Pauline Christianity ("All power comes from God": cf. *Epistle to the Romans*).
10. On all these points, see, for example, Walter Ullman, *The Individual and Society in the Middle Ages* (Baltimore: The Johns Hopkins University Press, 1966), and *A History of Political Thought: The Middle Ages* (Harmondsworth: Penguin, 1965).

11. On all this, see Ernst Kantorowicz, *Frederick the Second, 1194–1250*, trans. E. O. Lorimer (New York: Ungar, 1957); *The King's Two Bodies* (Princeton: Princeton University Press, 1960); *Selected Studies* (New York: J. J. Augustin, 1965).
12. How does one get from the Roman *servus* to the medieval *serf*? Doubtless by a change in the "mode of production" (even though it is doubtless that, from the strict point of view of production, each of these terms corresponds to a single mode). But this change presupposes or implies that the "serf" also has an immortal soul included in the economy of salvation; this is why he is attached to the land rather than to the master.
13. Jean Bodin, *Les six livres de la République*, vol. 1, pt. 6 (Paris: Fayard, 1986), vol. 1, p. 114.
14. *Ibid.*, 1:112.
15. Cf. Alain Grosrichard, *Structure du séraïl: La fiction du despotisme asiatique dans l'Occident classique* (Paris: Editions du seuil, 1979).
16. Cf. the frequently developed theme, notably following Proudhon: Rousseau and the French revolutionaries substituted the people for the king of "divine right" without touching the idea of sovereignty, or "archy."
17. In the *Cahiers de doléance* of 1789, one sees the peasants legitimize, by the fact that they are *men*, the claim to equality that they raise: *to become citizens* (notably by the suppression of fiscal privileges and seigneurial rights). Cf. Regine Robin, *La société française en 1789: Semur-en-Auxois* (Paris: Plon, 1970).
18. Pierre Richelet, *Dictionnaire de la langue française, ancienne et moderne* (Lyon, 1728), s.v. "citoyen." Cited by Pierre Rétat, "Citoyen-Sujet, Civisme," in *Handbuch politisch-sozialer Grundbegriffe in Frankreich, 1680–1820*, ed. Rolf Reichardt and Eberhard Schmitt, vol. 9 (Munich: Oldenbourg, 1988), p. 79.
19. (Anon.), *La liberté du peuple* (Paris: 1789). Cited by Rétat, "Citoyen-Sujet, Civisme," p. 91.
20. Robespierre, *Textes choisis*, ed. Jean Poperen (Paris: Editions sociales, 1974), vol. 1, pp. 65–75.
21. Cf. Rene Fedou, *L'Etat au Moyen Age* (Paris: Presses Universitaires de France, 1971), pp. 162–63.
22. Cf. the discussion of *apathy* evoked by Moses I. Finley, *Democracy, Ancient and Modern*, rev. ed. (New Brunswick: Rutgers University Press, 1985).
23. Cf. Saint-Just, "Discours sur la Constitution de la France" (24 April 1793): "The general will is indivisible . . . Representation and the law thus have a common principle." *Discours et rapports*, ed. Albert Soboul (Paris: Editions sociales, 1977), p. 107.
24. Jean-Jacques Rousseau, *Du contrat social*, I, 6, in *Oeuvres complètes*, ed. Bernard Gagnebin and Marcel Raymond (Paris: Gallimard, Bibliothèque de la Pléiade, 1964), vol. 3, p. 362.
25. *Ibid.*, I, 7, in *Oeuvres complètes*, 3:362–64.
26. During the revolution, a militant grammarian will write: "France is no longer a kingdom, because it is no longer a country in which the king is everything and the people nothing . . . What then is France? A new word is needed to express a new thing . . . We call a country sovereignly ruled by a king a kingdom (*royaume*); I will call a country in which the law alone commands a lawdom (*loyaume*)." Urbain Domergue, *Journal de la langue française*, 1 August 1791. Cited by Sonia Branca-Rosoff, "Le *loyaume* des mots," in *Lexique* 3 (1985): 47.
27. Louis-Sébastien Mercier and Jean-Louis Carra, *Annales patriotiques*, 18 January 1791. Cited by Retat, "Citoyen-Sujet, Civisme," p. 97.
28. Louis-Antoine de Saint-Just, *Fragments d'institutions républicaines*, in *Oeuvres complètes*, ed. Michele Duval (Paris: Editions Gérard Lebovici, 1984), p. 978. Cited by Rétat, "Citoyen-Sujet, Civisme," p. 97.



29. The Declaration of Rights of 1789, First Article, immediately following "Men are born and remain free and equal in rights," continues: "Social distinctions can only be founded on common utility." Distinctions are *social*, and whoever says "society," "social bond," says "distinctions" (and not "inequalities," which would contradict the principle). This is why freedom and equality must be predicated of man, and not of the citizen.
30. Maurice Blanchot, "L'insurrection, la folie d'écrire," *L'entretien infini* (Paris: Gallimard, 1969), pp. 323-42.
31. Instead of reciprocal action, today one would say "communication" or "communicative action."
32. *Du contrat social*, I, 6, *Oeuvres complètes*, 3:361.
33. *Ibid.*, I, 5, *Oeuvres complètes*, 3:359.
34. I am entirely in agreement on this point with Robert Derathé's commentary (against Vaughan) on the adjective "moral" in his notes to the Pléiade edition of Rousseau (*Oeuvres complètes*, vol. 3, p. 1446).
35. Cf. Karl Marx, *Capital*, trans. Ben Fowkes (New York: Vintage Books, 1977), vol. 1, p. 292: "The product [of the worker's labor in his workshop] belongs to [the capitalist] just as much as the wine that is the product of the process of fermentation taking place in his cellar."
36. Cf. Etienne Balibar, "Spinoza, l'anti-Orwell—la crainte des masses," *Les temps modernes* 470 (September 1985): 353-94.
37. As Louis Sala-Molins does in *Le Code Noir ou le calvaire de Canaan* (Paris: Presses Universitaires de France, 1987).
38. Cf. Yves Benot, *La révolution française et la fin des colonies* (Paris: La découverte, 1988).
39. Let us note that this thesis is *not* Kantian: the accent is placed on the citizen and not on the ends of man; the object of the struggle is not anticipated but discovered in the wake of political action; and each given figure is not an approximation of the regulatory ideal of the citizen but an obstacle to effective equality. Nor is this thesis Hegelian: nothing obliges a new realization of the citizen to be superior to the preceding one.
40. Pierre-François Moreau, *Le récit utopique: Droit naturel et roman de l'Etat* (Paris: Presses Universitaires de France, 1982).