

# ON THE NSA (NEW SECURITY AESTHETICS)

Clare Birchall

Matthew Potolsky, *The National Security Sublime: On the Aesthetics of Government Secrecy*, London, Routledge, 2019, 183pp; £115 hardback; from £21 ebook.

Simon Willmetts recently diagnosed a cultural turn in intelligence studies.<sup>1</sup> We can occasionally detect in such formulations the idea that disciplines *turn* to culture, like milk *curdles*. Luckily, Willmetts is positive and welcoming in this instance (and, I should declare in the interests of transparency, kindly references my own work as an example). While Matthew Potolsky's *The National Security Sublime* would be an excellent candidate for inclusion in this positive cultural turn, I would rather claim the book as an exemplary contribution to a growing body of interdisciplinary work on secrecy in which culture is always already central.

Space precludes me from giving a fuller picture, but this body of work includes Timothy Melley's study of the visible cultural eruptions of the intelligence infrastructure he calls the 'covert sphere'; Eva Horn's work on the political logic of secrecy; Finn Brunton and Helen Nissenbaum's account of obfuscation as political tactic; Russ Castronovo's literary historical eye on secrets and leaks; Jodi Dean's examination of how the condition of possibility for publicity is, counterintuitively, secrecy; Joseph Masco's writings on national security affect; Simone Browne's study of racial surveillance; and the work of Simon Willmetts himself, on cinematic representations of intelligence services.<sup>2</sup> (Which means I am counter-recruiting Willmetts as though he were an intelligence asset, making him a double agent of sorts.) To this work, *The National Security Sublime* adds a reading of contemporary state secrecy that cuts across discussions in intelligence studies, cultural studies, history, literature, film studies, and digital culture.

Potolsky's curiosity was piqued by the lack of representation, in comparison with other agencies at least, of the NSA. Anyone who has ever watched a data analyst work will know why: data and signals surveillance obviously lacks the drama of more tangible (and human) forms of spying and investigation. However, since 2005, after *The New York Times* began to report on NSA surveillance programmes, artists, writers, filmmakers and television showrunners grappled with representing the agency at the centre of the revelations. Potolsky shows how they turned to the sublime with new tropes, affects, and political import. If the Gothic relied on conspiracies that could be unveiled and an aesthetic reliant upon darkness, claustrophobic interiors, or icy plains; and the Romantic sublime offered an elevated glimpse of the elusive nature of divine truth; the most recent incarnation of the national security

1. Simon Willmetts, 'The Cultural Turn in Intelligence Studies', *Intelligence and National Security*, 34, 6, 2019, pp800-817.

2. Timothy Melley, *The Covert Sphere: Secrecy, Fiction, and the National Security State*, Ithaca, NY, Cornell University Press, 2012; Evan Horn, *The Secret War: Treason, Espionage, and Modern Fiction*, Geoffrey Winthrop-Young (trans.), Evanston, IL, Northwestern University Press, 2013; Finn Brunton and Helen Nissenbaum, *Obfuscation: A Users Guide for Privacy and Protest*, Cambridge, MA, MIT, 2015; Russ Castronovo, 'State Secrets: Ben Franklin and WikiLeaks', *Critical Inquiry*, 39, Spring, 2013, pp425-50 and 'James Fenimore Cooper and the NSA: Security, Property, Liberalism', *American Literary History*, 28, 4, Winter, 2016, pp677-701; Jodi Dean, *Publicity's Secret: How Technoculture Capitalizes on Democracy*, Ithaca, NY, Cornell University Press, 2002; Joseph Masco, *The Theatre of Operations: National Security Affect from the Cold War to the War on Terror*, Durham and London, Duke University Press, 2014; Simon Willmetts, *In Secrecy's Shadow: The OSS and*

sublime under the War on Terror, which was used to justify the expansion of government secrecy in terms of size, scope, and remit, thwarts any promise of revelation or enlightenment.

The sublime became deeply unfashionable as a concept because of its perceived ideological accommodation. As Potolsky outlines, Jean-François Lyotard may have championed the sublime for its ability to 'wage a war on totality', but Terry Eagleton's damning evaluation that it is an aesthetic mode that forces us to cower before authority is the one that stuck for many cultural theorists (p.160). Potolsky reframes the issue by claiming, 'Aesthetic forms need not have direct political effects to be politically effective in the long view' (p161), and that they offer 'a starting point rather than a comprehensive solution' (p162). Potolsky's 'national security sublime' makes no claims as a form of direct action, then; but as an intervention into the deep time of aesthetic challenge, it has potential.

In the process, the national security sublime certainly marks a shift, Potolsky argues, in the relationship between the citizen and state (p161). In the way that the most recent incarnation of the sublime depicts the ungraspable scale and scope of government surveillance data, it 'provides an aesthetic appropriate to a world in which secrets as we have long understood them are becoming a thing of the past' (p161). Far from prompting revelation of a subversive plot that might renew democracy, the public secret of contemporary surveillance is banal in its embedded role in everyday life. We are offered 'a recognition not of deep mysteries but of public secrets' (p141). We know our data is being collected; that is no real secret. Revelation is forever thwarted for it makes little sense to talk of revealing the secret of one datum point – the currency of the NSA. Data are meaningless until aggregated and read through algorithmic analyses to produce intelligence. Datasets do not yield secrets in the way intelligence gathering might once have; they offer outliers and anomalies, and, when crunched, predictions. 'What if', Potolsky asks, 'there is no truth out there, and no people who conceal or discover it?' (p155). Potolsky evocatively captures this posthuman, depopulated surveillance as 'the secret without a subject'.

Ironically, some readers might encounter a feeling not dissimilar to the sublime just in witnessing the proliferation of sublimes in this book. But this is only because Potolsky is so thorough. He clarifies the Romantic sublime with Kant's distinction between dynamic and mathematical sublime; Thomas Weiskel's metaphorical and metonymical sublime (p98); Lyotard's modernist and postmodernist sublime (p98); Jameson's 'postmodern technological sublime' (p145) and Frances Ferguson's 'nuclear sublime' (p106). To this list, Potolsky obviously adds, and stakes his claim with, 'the national security sublime', which itself is divided into three historical stages – the 'Cold War sublime', the 'Echelon Moment', and the post-9/11 sublime characteristic of the War on Terror. Very occasionally, the periodization comes under strain – the Echelon moment, as an interregnum between the Cold War and the War

on Terror lacks identity, and a resurgence of conspiracy theory and conspiracy narratives in 2016 requires its own mode – ‘conspiracy nostalgia’ – because it borrows the gothic from the Cold War sublime. Nevertheless, as a symptomatic reading of the representation of government secrecy during the twentieth and twenty-first centuries, Potolsky’s book is entirely convincing and credible.

This book wears its theoretical credentials lightly – being eminently readable and entertaining. Without really noticing, the reader receives a primer on a whole range of political and critical theory. Such ideas are enlisted in the service of a sparkling, tight argument, brought in to help us understand the numerous cultural artefacts that employ sublime aesthetics to mediate political secrecy. The book is a triumph of fusion, drawing on medieval political theory, Gothic and Romantic aesthetics, contemporary art, the politics of surveillance, and popular culture. In less capable hands, such a broad sweep of history and reference to so many cultural forms could topple the project. The story of secrecy and sublimity Potolsky tells in this book is decidedly compelling. Even readers familiar with these individual histories should find something new in the way they have been brought together and the insights this prompts about the nature and representation of political secrecy.

The book is generously illustrated with film stills and works of art that reinforce what a strange task it is to try to represent secrets and secrecy: that which by definition resists and exceeds representation. Potolsky shows how creatives employ different materialising strategies in the face of such a task when it comes to the sometimes elusive and ephemeral work of the security state. Whether an episode of *The Simpsons* showing a vast control room with endless desks and screens, Trevor Paglen’s landscapes of secret military bases, or Laura Poitras’ shots of empty, long corridors in *Citizenfour*, it is clear that there is an aesthetic mode in operation that is responding to our particular political moment in which the state’s powers of automated and ubiquitous surveillance exceed the limits of both visuality and visibility. In terms of where change, agency and resistance will come from in light of this, Potolsky leaves readers with an open question. Can the way in which the traditional sublime ‘ascribes visionary powers to individual knowers ... survive in a world in which knowers have little or no place – in which the shadowy hidden warehouse has been replaced by the bland data centre, the elevated awareness by a swarm of numbers?’ (p162). What kind of experiences, aesthetics, or modes of resistance are needed when ‘big data [displaces] Big Brother’ (pxvii); when the most powerful agents in operation are black box algorithms?

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# ALL GOOD IN THEORY

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*Jack Boulton*

John Protevi, *Edges of the State*, Minnesota, University of Minnesota Press, 2019, 118pp; paperback, \$7.95, ISBN 978-1-517-90796-9.

*Edges of the State* may be short, but to misquote Hobbes' *Leviathan* this well-formed text is certainly not solitary, poor, nasty or brutish. The thesis of the text is a simple one: that where the state is not, rather than violence there is not necessarily peace but *prosociality*. In chapter one, Protevi uses a well-known latter day example: hurricane Katrina, or rather the disaster it caused in and around New Orleans in August 2005. Protevi points out that the overtly empathic response to that event undermined somewhat the media-hyperboled expectation that humanity would, as a result of 'lack of regular governance', fall into a pit of iniquity. Yet, as the author elaborates, 'it's not that the state is needed to keep a precarious social contract together [...] it's that the state is needed to enforce policies that foreclose the prosocial behaviour that would otherwise emerge' (p2).

As I will discuss, these are not points which have gone completely without critical thought within other disciplines; most notably anthropology, from which Protevi openly borrows here. Yet what follows then is an optimistic reflection on human sociality, optimistic enough that even Protevi himself describes it as 'admittedly speculative' (p3). Building on the successful *Political Affect: Connecting the Social and the Somatic*, a bridge is constructed between human emotion and experience: here, emotion is seen as a quotidian analytical tool which can be aimed at the body politic, with emotion and cognition being mutually constitutive.<sup>1</sup> It is a refreshing take on contemporary politics – given the current political climate and the Many Bad Things happening in the world – and Protevi's text is a pleasure to read; of course human beings are kind, of course they work together, possibly even more so without the interference of the ever-looming machinery of the state. Prosociality, however, and the empathy that Protevi focusses on, is not simply 'being kind' or 'nice'; 'it also motivates punishment of wrongdoers' (p3). It is perhaps fitting that such a message does not require a huge amount of prose; as mentioned this is a slip of a book, indicative of Protevi's usual writing efficiency.

In keeping with former work, subsequent chapters take on the age-old question of Hobbes v. Rousseau, war vs. peace as a 'natural state of mankind', with the latter receiving particular favour. The second chapter concentrates on outlining this preference for Rousseau's theorisation; Rousseau is preferred over Hobbes and Locke because of his tendency to incorporate both change over time and individual difference between people.

1. John Protevi, *Political Affect: Connecting the Social and the Somatic*, Minneapolis: University of Minnesota Press, 2009.

While Hobbes and Locke appeal to history and travel accounts to provide depth and breadth to the evidence for their notion of human nature, it's remarkably static; the accounts they adduce go to show that humans are basically the same, with the observed variation being reasonable adaptation to circumstances (p11).

Instead, an evolutionary route is taken, via Darwin and Rousseau, with the suggestion made that peaceful, sharing behaviour is an evolutionary development nullified by state politics and revealed through disaster. This is then related to Protevi's earlier connection between emotion and the body politic: perhaps humans are wired in such a way that we gain pleasure from tranquility and interpersonal distribution. The feeling, as they say, is mutual.

The third chapter, 'Warding Off the State: Nonstate Economies of Violence' is described as the 'ethnographic' chapter – as an anthropologist by training certainly the one I was most fascinated by among a compelling quintet. Perhaps the most daring for political economic theory, this section reverses the usual balance of power by shifting focus away from the state as the bearer of legitimate violence. Instead, the chapter pivots around those societies which exist outside of state regulation; particularly those towards which attempts have been made by state powers to incorporate them into larger economies of violence, sometimes with violent retaliation and resistance. I am reminded here (favourably) of the work of anthropologist Elizabeth Povinelli (2006, 2011, 2016), and the ongoing discussion of Indigenous Karrabing persons in north Australia; there also attempts to subsume this marginalised group into state power have resulted in violence not of the physical variety but certainly structural.<sup>2</sup> Protevi perhaps has a debt to Povinelli, whose work also discusses (and makes use of) emotion particularly in the context of friendship. Yet, although Protevi's reified theoretical conversations mirror Povinelli's own reflections, and sometimes cover the same ground, I see the two styles as being complementary. Povinelli's often tough, complex, sometimes subjective approach is contrasted by Protevi's succinct objectivity; yet this apparent objectivity misses the nuance which is certainly present in Povinelli's books. One is not necessarily a better approach than the other: in many ways Povinelli is practising Protevi's theory, that emotions can guide us in our criticism of both the state and of sociality. In that sense, whilst certainly 'borrowing' elements from anthropology and its daughter ethnography – especially some of the better known examples such as the literature and controversy concerning the Yānomamö – *Edges of the State* also speaks back to and reinforces the canon it abstracts. Indeed, there are implications in the theory presented here for anthropological method – that the emotions can be just as useful an implement as any interview or photograph.

The thrust of this chapter is that before the state, violence certainly existed, yet its meaning and purpose was not similar to how we might conceptualise 'warfare' in the contemporary West. Protevi points to the ethnocentricity of

2. Elizabeth Povinelli, *Geontologies: A Requiem to Late Liberalism*, Durham, Duke University Press, 2016; *Economies of Abandonment: Social Belonging and Endurance in Late Liberalism*, Durham, Duke University Press, 2011. (Hereafter *Economies of Abandonment*); *The Empire of Love: Toward a Theory of Intimacy, Genealogy and Carnality*, Durham, Duke University Press, 2006.

this assumption, showing that economies of violence in non-state groups sometimes served to promote peace – for example by exiling especially aggressive persons. Further, the ‘modern state’ is not an evolutionary endpoint but simply one form of politico-social organisation which is sometimes (often) imposed through a process of ‘statification’. Often, this occurs for distinctly ethnocentric reasons; Protevi indicates the perceived laziness of sedentary horticulturalist societies, and their apparent unwillingness to create surplus in preference of subsistence. There is, of course, a much larger project which engaged in this statification process, untouched here – that of colonialism. It refers to the inflicting of a certain set of principles borne elsewhere onto a group which does not necessarily need or require it, at least in the way it is presented; the state is a contested social form.

This is picked up in chapter four which deals more thoroughly with the origins of state power. Making good use of James Scott’s *The Art of Not Being Governed* (2009), Protevi describes how ‘non-state’ societies (such as those referenced in chapter three) are placed on an evolutionary scale by *the state itself*, with the state ergo fashioning itself as exemplar of social, cultural and political evolution.<sup>3</sup> Again this mirrors Povinelli’s critique of colonialism; specifically the model for the governance of the prior, in which it is suggested that indigenous populations are ‘differentialised, localised and territorialised’ into the past by immigrant settlers, usually Europeans, who similarly place themselves in the future. (*Economies of Abandonment*, p37)

As such, what is ‘state’ and what is ‘non-state’ – and included in the latter are also those who have deliberately eluded or left the entrapment of state violence – are mutually constitutive. As has also been suggested by Das and Poole (2004), the state is perhaps better examined from its margins, those places in which the state must often be reconstituted and from where the state can often be seen as unstable.<sup>4</sup> For Protevi, although the state might ‘promote’ itself as arriving ‘complete’, the process of ‘statification’ – of bringing under control those persons who might resist such a process – is a violent one. The state is viewed as a parasite, with taxation an example of ‘a sort of rationalised, regularised plunder’ (p50).

Protevi resists the evolutionary explanation of state formation using a well-argued yet simple thesis: that other forms of social organisation certainly exist, even if they often do in relation to state power. The final chapter deals specifically with ideology, ‘the production and reproduction of “bodies politic”’ (p55); having explained to us the mechanics of statification, the book neatly ends with a discussion of why we might believe the magic of the state. Protevi outlines the function of ideology through Deleuze and Guattari, ie as a belief structure which aides in social reproduction through systems of reward and punishment. This is microfascism, related to the state yet also distanced from it, diffused throughout state societies and embodied within persons. As Protevi so eloquently puts it, ‘a thousand independent and self-appointed policemen do not make a Gestapo, though they may be a necessary condition for one’

3. James Scott, *The Art of Not Being Governed: An Anarchist History of Upland Southeast Asia*, New Haven, Yale University Press, 2009.

4. Veena Das and Deborah Poole, ‘State and its Margins: Comparative Ethnographies’ in Veena Das and Deborah Poole (eds), *Anthropology in the Margins of the State*, Oxford, James Currey, 2004, pp3-34.

(p63). Molecular molarity; each ‘policeman’ is a self-contained unit which is oriented towards a group identity (ie molar), yet also interacts independently and in relation to specific locality – molecular.

Bringing the story to a close, Protevi posits that ideology – here seen as supremely fascist as I have already stated, but also atomising societies through the instillation of fear – could be saved, or reinvented through the incorporation of affect. Affect is already there, ideology is not completely rational or removed from emotion. Using Jason Stanley’s example of white supremacy and slavery,<sup>5</sup> Protevi points out that

The reproduction of the practice of white supremacy is also constituted by an effective structure of white pride and vengeance motivated by white vulnerability, and hatred, fear, and contempt for blacks that is encoded along with the representational content of the scenes of humiliation, torture and death that constitute the daily practices of the coercive reproduction side of plantation white supremacy (p66).

In that sense, ‘ideology’ is already based on emotions, on feelings, on possibly misguided empathy or empathy with the wrong people. The book ends with a call to redirect this form of prosocial behaviour which has been, more or less, rewired through the introduction of the state in order to maintain its own power.

In conclusion it is reinforced that humans are by nature cooperative, and it is not until the state comes along and introduces fear that we start to monitor and regulate each other according to criteria set out by the state itself. The thesis is well-argued, simply put, and its interdisciplinary nature daring although not as developed as it could be. To mirror the structure of *Edges of the State* myself, my bottom line: my comparisons here with some of the more recent anthropological texts are not intended as a negative criticism but more a statement that similar ideas are appearing rhizomatically – to borrow a term from Deleuze and Guattari – across disciplines, especially those that the author has himself borrowed from.<sup>6</sup> Perhaps this is evidence of, or a call for, the prosociality that the author describes in this work: many disciplines working together in order to understand the processes by which we are both separated and bound. For just as Protevi finishes his book with a directive ‘to search for the joy we directly find in cooperation, sharing, and helping’ (p74), perhaps this is an instruction we should all take to heart.

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5. Jason Stanley, *How Propaganda Works*, Princeton, Princeton University Press, 2016.

6. Gilles Deleuze and Felix Guattari, *Anti-Oedipus: Capitalism and Schizophrenia*, Robert Hurley, Mark Seem, and Helen R. Lane (trans.), Minneapolis, University of Minnesota Press, 1972.

# CAN FEMININITY BE QUEER?

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*Joni Meenagh*

Hannah McCann, *Queering Femininity: Sexuality, Feminism, and the Politics of Presentation*, London and New York, Routledge, 2018, 162pp; £115.00 hardcover.

Hannah McCann provides a timely contribution to the burgeoning field of Femininity Studies with her exploration of the questions: what makes feminine presentations queer, and how can femininity be understood beyond the binary of oppressive or empowering? Starting from her own experience of being a queer femme – from growing up in an explicitly feminist household where expressions of femininity were discouraged, to having her queerness rendered invisible by her feminine presentation – and through a critical analysis of key feminist texts, McCann highlights an uncomfortable tendency toward an ‘us versus them’ rhetoric around understandings of femininity: from feminism disavowing feminine presentations of self as oppressive, to queer readings of reclaiming femininity as empowering (provided that it is not a ‘straight’ femininity). This leads her to ask, ‘why femininity always needed to be understood along this binary, and why both feminists and femmes agreed that the best way to overcome gender oppression was at the level of individual gender presentation’ (p10). This book aims to find a new way of understanding presentations of the body, identity, and politics that does not assume these are linked in particular ways.

Through this investigation, McCann outlines how Femininity Studies as a field is underdeveloped, particularly in comparison to Masculinity Studies. She differentiates Femininity Studies from Women’s Studies, which has focused on the oppression of women. While she is critical of those theorists who would only see feminine presentation as oppressive, McCann is also critical of the empowerment trope popularized by third wave feminism, arguing that it is time we ‘pay some attention to the experiences and attachments involved in feminine gender presentation in the first instance’ (p28). She notes that such analyses have been limited, though are beginning to emerge in considerations of aesthetic labour. Another aim of the book is to think critically about queer theory and the claims it makes to anti-normativity, while questioning ‘whether femininity can ever be queer’ (p12). These questions are important and are reflected within some of the attempts to ‘queer’ femininity within contemporary pop culture: as I worked my way through this book on my daily commute, Janelle Monáe’s 2018 album *Dirty Computer* played in my headphones and I was often struck between the similarities of Monáe’s lyrics and McCann’s critiques.

The book begins by exploring historic and contemporary debates on what



feminine presentations of self mean for feminism, challenging the notion of femininity as anti-feminist. McCann then turns to the question of if it is possible for femininity to be queer, exploring this through interviews with self-identified queer femmes in three Australian cities; reflections on her participation in a conference for femmes; and a continued interrogation of feminist texts. Throughout the book, McCann attempts to disrupt an essentialist linking of femininity to female bodies, most notably through drawing on the work of Jack Halberstam. While it is clear that McCann sees bodies and presentations of gender as separate and able to combine in any number of ways, her arguments are focused on the ability of female-identifying bodies (be they cis or trans) to engage with presentations of gender along a spectrum. Missing from this are considerations of how male-identifying bodies and non-binary-identifying bodies might also engage and queer presentations of femininity. I concede that McCann's intention is to move beyond queer theory's 'attachment to masculinity' (p82) but am left with questions about the implications a deliberate feminine presentation of a non-female-identifying body has for queering femininity, and particularly for queer femmes. Given interviews were carried out with 'self-identified queer femmes' and the analysis is situated as exploring 'the experiences of those identifying as queer femme within the LGBTQ community' (p81), it is unfortunate the analysis seems to be focused solely on women. The use of gender-neutral language at times obscures aspects of the twelve femmes interviewed, however it is notable that only one participant is identified as a trans woman, while the other eleven appear to be cis gendered women.

In her analysis of various feminist texts McCann manages to provide both generous and critical readings, unpacking the virtues and problems of the texts in equal measure. This enables her to explore how the concept of 'femininity' causes friction between various branches of feminism – the rejection of femininity because it is seen as inherently oppressive by some feminists, and the embracing of femininity as empowering by other feminists – and to build a foundation for her argument about the potential for femininity to be understood differently by considering 'what femme embodiment 'does' in terms of affects, pleasures, failure, and reimagining possibilities' (p118). While not directly discussed as such, McCann's overview of the history of feminist critiques of femininity demonstrates how a heteronormative, patriarchal culture has been damaging. The result is a divide between respectable and excessive femininity – where excessive femininity (working-class, hypersexualised) is seen as dangerous.

McCann points to how feminism's focus on the connections between femininity, feminine appearance, and gender inequality has at times 'inadvertently collapsed effect into cause', resulting in an easy slippage from 'the personal is political' into 'the personal is *the* political', where femininity is coded as oppression, seen as a problem to be overcome, and as a masquerade that must be unveiled' (p37). To be feminine, then, is a problem. In addition to

this, within queer communities femininity is read as heterosexuality, rendering femmes' queerness invisible. This, according to McCann, is the legacy in which queer femme finds itself: wishing to differentiate itself from heterosexual femininity and to push back against *normativity* (hetero or otherwise), queer femininity becomes a deliberate performance of excessive femininity.

Importantly, McCann notes that the intentional performance of femininity that is 'femme' is distinct from being 'feminine':

femme is understood as a more active identification that requires special knowledge, daily negotiation, and a specific political positioning. One cannot simply be a feminine femme because femme is seen as always enrolled in a politics of resistance enacted at the level of identity (p100).

McCann is keenly aware of the limitations of understanding femme as tied to particular aesthetic representations of the self. She unpacks the tensions felt by the femmes she interviewed for a nostalgic 1950s vintage aesthetic with queer political understandings of racial, class, and beauty privileges. Given that the aesthetic styles taken up by queer femmes are not unique to the queer community, her respondents discussed needing to 'amp up' their gender presentation for their queerness to be seen, and the tension between identity and politics this sometimes created due to the performativity femme can require. While the femmes felt their identity was deeper than their appearance, they were caught in a bind where signaling their politics through their appearance had the potential to reduce their politics *to* appearance. McCann argues that this leads to a conundrum where, because expressions of femme can reinforce norms – leaving it open to critique – there is pressure placed on femmes to 'encompass the *most* challenging and the *most* diverse presentations of femme possible' (p97). However, when politics are reduced to aesthetics, the goal posts for resisting norms are constantly shifting as each new aesthetic becomes normalized. The problem with this, McCann notes, is that it '*undoes* the possibility of feminine appearance carrying queer potential', leaving 'little space to imagine the queer possibilities of femininity' (p101).

If any given queer expression of self is only moments away from becoming normalized, where does this leave the potential for queer resistance? McCann lodges a compelling argument for the limitations of centering queerness as the best way to resist normativity. As with the problem of binary understandings of femininity within feminism, within queer communities 'femme' is rendered as either intentional (affected and therefore political) or unintentional (engaged in without deliberate intent and therefore apolitical) – with this new binary feeding into the notion that femininity in general involves 'an oppressive and inauthentic masquerade' (p111). The result is a cyclical erasure of femme femininity. However, McCann does see a way out and this is detailed in the final chapter and conclusion of the book. The solution, she argues, is to move away from the attachment to 'what femme identity *ought* to do (the idea that

it must be political)' and instead focus on 'what femme *can do*' (p137). In doing so, McCann sees the possibility 'of a femme future where femme is not only a legitimate subject position, but also where the pleasures, fascinations, affections, and complexities of femininity are taken seriously rather than always enrolled in a politics of identity' (p137). Central to this is exploring how 'normative' and 'queer' femininities are similar in order to broaden out our understandings of femininity's queer potential and decenter it from attachment to particular bodies, and thereby reexamine what it means for something to be queer.

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# JUDGMENT, OR LEARNING HOW TO LIVE

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*Danielle Sands*

Jacques Derrida, *Before the Law: The Complete Text of Préjugés*, Sandra Van Reenan and Jacques de Ville (trans.), Minneapolis & London, University of Minnesota Press, 2018, 78pp; ISBN 978-1517905514 (pbk).

In 'The (Re)Turn of Philosophy to *Itself*' Alain Badiou lamented that philosophy, contaminated by other discourses and paralysed by obsessive historicity, 'no longer knows if it has a proper place'.<sup>1</sup> 'Contemporary philosophy' he observed, aiming squarely at Jacques Derrida's late engagement with the structure of messianism, 'combines a deconstruction of its past with an empty wait for its future' (p4). Philosophy's restoration, he argued, demanded 'a violent *forgetting of the history of philosophy*' (p5). Badiou's extreme solution was less widely endorsed than his diagnosis, which, first articulated in the early 1990s, reflected an intellectual restlessness which would ultimately generate a rejection of deconstruction and a shift in paradigm from text to matter, and from genealogy to politics and ontology.

*Before the Law*, a text well-known in its shortened form (published in Derek Attridge's 1992 collection *Acts of Literature*), is unlikely to gain Derrida new readers or to convert Badiou and his sympathisers. It is textual, historical and digressive. Its unabridged publication does not lessen the challenges of Kafka's opaque story or of Derrida's dense exegesis. The opening section, in which Derrida leafs ponderously through Jean-François Lyotard's now largely-unread back catalogue, is a reminder of the fickleness of philosophical fashion. But Derrida, now himself deeply unfashionable, remains a superb thinker whose interrogation into the 'impossible history' (p42) of law and judgment deserves to be read.

Derrida describes a philosophical era marked by a tripartite destabilisation of judgment: the phenomenological *epoché*, a suspension of judgment; the Heideggerian rejection of the conception of truth as fundamentally propositional or judicative; and the psychoanalytic challenge to the judging subject. However, despite its disintegrating authority, judgment persists. Indeed, like metaphysics, which haunts those who proclaim its dissolution, according to Derrida (and here he follows Lyotard), decreeing yourself free from judgment guarantees that it will 'not leave you in peace any time soon' (p20). Unable to escape judgment, Derrida explores modes of engagement which don't endorse the entire Kantian schema (which flavours, of course, all post-Kantian accounts of judgment) and its rational, juridical subject. This is where the parasitical *pré* of Derrida's untranslatable title comes into play. Doubly descriptive – *préjugés* is an ontological adjective, referring to 'the prejudged beings that we *are*' (pp8-9) and a noun describing the prejudices

1. Alain Badiou, 'The (Re)Turn to Philosophy Itself' in *Conditions*, London, Continuum, 2008, pp3-22, p3. Subsequent references are given in parentheses in the text.

that we bring to judgment – *préjugés* also functions as a counter to the categorical, a way of resisting the ‘ontological prerogative’ (p13) of judgment. Despite at times veering towards the laborious hermeneutics which his critics perceive as leading to passivity, Derrida always returns to the practical: the question of judgment, it is clear, is a question of how to live.

In Derrida’s text, Kafka’s inexhaustible story – the tale of a man from the country who is inexplicably denied access to the law by its gatekeeper – functions both diagnostically, exposing the law, and performatively, refusing the reader entry to or knowledge of it. Derrida demonstrates that the absolute authority of law depends on its disassociation from potential contaminants, such as narrative or history, which might expose its authority as ungrounded. The law appears as a sort of ‘God effect,’ superficially theological but lacking essence. Derrida’s unmasking of its disavowed historicity, for example (in a now-familiar revelation of the operation of supplementarity), by unfolding one of its ‘prohibited narrative[s]’ (p47) via Freud’s account of the founding of the moral law, displaces law sufficiently so that we might actively and critically think our relation to it. Such critical thinking is allied with reading. As ‘prejudged beings,’ thrust into a world whose systems are both inescapable and illegible, we risk having our reading faculties jammed. ‘Perhaps,’ Derrida writes, ‘man is a man from the country in so far as he is unable to read or [...] has to deal with the illegibility within that which seems to allow itself to be read’ (p43). Deconstruction, however, refreshes these faculties, inviting us to interrogate illegibility and to read differently, sometimes circuitously, to disrupt our identification with the structures which interpellate us.

Both the figure of literature and individual literary analyses occur frequently within Derrida’s work. This has polarised scholars of deconstruction between those who view him as a reader of literature *par excellence* and those who regard his literary proclivities as a dispensable, even distracting, accompaniment to his philosophy. Both readings – neither quite as vulgar as these characterisations suggest – miss the mark by trying to instrumentalise deconstruction for one cause or other. Yet, Derrida’s provocations sometimes shore up misreadings. His claim that Kafka’s ‘Before the Law’ ‘could be said to recount nothing or to describe nothing but itself as text’ (p62) suggests a linguistic *mise en abyme* irrecoverably distinct from the material world. Readers undeterred by this apparently unashamed textualism later discover structural and historical parallels between law and literature – relating to genre, authorship, and ownership – which, Derrida suggests, enable translations between ways of reading and ways of living. Such translations are attempted elsewhere, (most notably in the aforementioned Attridge collection), and frame literature as a space of invention and singularity which, in being necessarily open and unprogrammable, is inseparable from the idea of democracy. This is not a utopian, esoteric or escapist space; the singular idiom towards which literature aspires is always filtered through existing languages, codes and genres in order to be shared and understood.

The negotiation inherent to this process is fundamentally democratic. To this ongoing conversation about literature, *Before the Law* adds the notion of its 'subversive juridicity [*juridicité*]' (p70). Unlike law, literature does not rely on self-identity for its power or value. In flaunting its lack of essence and continuous transformation, it provides a model of power without sovereignty.

For Derrida, learning how to live with judgment has two facets. The first, as we have seen, is responsive: it consists in negotiating one's relation to the inescapable yet aporetic process of being judged. The second, the enduring necessity of judging – without criteria, law or authority – in the light of the problematisation of judgment, is arguably more difficult. 'How can judgment be made,' Derrida asks, 'if one cannot *not* judge and yet one has neither the right, nor the power, nor the means?' (p14). Derrida has written elsewhere of the pairing of law and justice, with the latter irreducible to the former. Here, through Lyotard, Derrida addresses justice via the 'pragmatics of Judaism' (p32), the unwavering injunction to 'Be just' (p33) without prescription or law, and with neither divine guidance nor the assurance that the faculty of judgment is secured simply by one's humanity. Searching for the 'proper place' of philosophy in *Before the Law* will leave one disappointed; the conservation of the proper, Derrida insists, is a misguided task. Nevertheless, this remains a profoundly philosophical book, where philosophy is not autonomous but embedded, structurally and historically, with other modes of thinking. Philosophy, here, entails an unyielding examination of the paradoxes of judgment in full knowledge that one must – seriously, reflexively, yet impossibly – continue to judge.

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