

# The Figure of the Slave as an Ethical Paradigm in the Work of Agamben

Ype De Boer

## 1 Introduction

Last year, the apologies of the Dutch government for its involvement in slavery gave rise to a heated debate across many fields. Questions were raised concerning the political effects of this apology, its relation to human rights and to our understanding of history, how the apology should be phrased, to whom it should be addressed and how it effects reparatory efforts. The apology did not stand on its own, but is part of a much larger effort to raise awareness of the western colonial past and its aftermath. At stake here is not simply the attempt to inform ourselves about what happened during colonial times, but also to confront the ways in which this past effects our present. From a decolonial perspective, letting this past truly speak to us involves being affected by it in such a way as to change deep-rooted ways of being and thinking, ideally rendering a more just and inclusive society possible. Such confrontations and transformations, within the humanities fundamentally involve language: the way we speak, think and write. One example here is the proposal to no longer refer to enslaved people as ‘slaves’ but as ‘enslaved’. Syntactically speaking a minor change, but with the powerful semantic effect of shifting focus from a supposed ‘essence’ of the ones enslaved to an enslaving party. Such shifts and changes demonstrate that in order to achieve a new consciousness, the very concepts that shape the colonial consciousness are to be rethought. It is at this level of conceptual revaluation that I want to discuss the controversial revaluation of the figure of the slave by Italian philosopher Giorgio Agamben. Since Agamben primarily works with the concept of the slave and rarely refers to actual enslaved people, when speaking of his revaluation I will speak of ‘the slave’. When I refer to historical occurrences, I shall use the term ‘enslaved people’.

Slavery has been a topic of philosophical and legal deliberation at least since Plato. There is an extensive history of reflections on the nature of slavery and the human being as enslaved, on its supposed political necessity or its redundancy, its legal status, historical variations, the immorality of it and its dehumanising contexts. Seldom, however, is the figure of the slave proposed as a paradigm for the good life.<sup>1</sup> Yet this is precisely how it comes to appear in the later work of Agamben. To be sure, in his writings historical instances of slavery are paradigmatic of faulty and

1 The most famous example of a positive use of the figure of the slave, is probably in the Letters of Saint Paul, which I briefly discuss in this article. One might also think here of the work of Hegel, although in his system, the slave is arguably only appreciated as a station on the road to a form of shared (self-)mastery. See also Dale Martin, *Slavery as Salvation. The Metaphor of Slavery in Pauline Christianity* (London: Yale University Press, 1990).

destructive mechanisms of law and politics and slavery as a social institution is understood as a perversion of human relations. Ultimately, however, the slave leads him in the direction of an alternative relation to law and a good life, a *vita felice* even. This paradoxical and counter-intuitive status of the slave in Agamben's work has invited various types of criticism. Before his ethical reevaluation of the slave in *The Use of Bodies* in 2014, he had been criticised for neglecting slavery altogether.<sup>2</sup> More in particular, and this critique holds also after *The Use of Bodies*, Agamben is questioned for overlooking Atlantic slave trade and other modern variants.<sup>3</sup> In addition, his discussion of slavery has been faulted for illegitimately abstracting from the actual historical cruelty of the trade and of the suffering of the victims in order to utilise it as a conceptual persona in a philosophical endeavour.<sup>4</sup> Although limited and historically deficient in its treatment of slavery, I will argue in this article that Agamben's philosophical reevaluation of the concept of the slave nonetheless aims to deactivate precisely the type of systems that have allowed for slavery. It targets these systems, however, not at their concrete historical, juridical or moral level but at the level of the mode of thought and logic underlying them. It is aligned on at least one major front with decolonial attempts to develop a form of consciousness emancipated from 'colonial logics', namely in its critique of the figure of the master. The Agambenian intuition here is that, as long as we recognise in the enslaved only the figure of the object and the dehumanised, we unwittingly value human life from the viewpoint of the master, which is one of the fundamental 'errors' that keeps systems of exclusion and institutional violence in place.

In the work of Agamben, the figure of the slave constitutes a multifunctional paradigm that allows him to address five interrelated issues, which provide the arrangement of my article. First, enslaved people manifest what he terms 'bare life', that is, human life as excepted from juridico-political orders and for that very reason all the more at their mercy. Secondly, the figure of the slave enables him to thematise humanity from the point of view of what we normally consider inhumane or undignified aspects of human existence. Thirdly, through an idiosyncratic reading of the letters of Saint Paul, Agamben finds in the figure of the slave the promise of a type of life that eludes juridical systems having become all-pervasive and oppressive. Fourthly, the slave is presented as an alternative to the paradigm of the master, which according to Agamben has dominated western ethical, political and juridical thought. Finally, Agamben analyses the slave as allowing for an

- 2 Simone Bignall and Marcello Svirsky, 'Introduction: Agamben and Colonialism', in *Agamben and Colonialism*, eds. Simone Bignall and Marcelo G. Svirsky (Edinburgh: Edinburgh University Press, 2012), 1.
- 3 Ian Baucom, *Spectres of the Atlantic: Finance Capital, Slavery, and the Philosophy of History* (Durham and London: Duke University Press, 1995), 179. See also, Jack Taylor, 'Slavery and Biopolitics: Douglass's My Bondage and My Freedom as Biopolitical Theory', *Interdisciplinary Literary Studies* 20/1 (2018): 84.
- 4 Tom Frost, *Law, Relationality and the Ethical Life* (New York: Routledge, 2022), 159. See also Jennifer Glancy, 'On Agamben's Slave without Slavery', *Diacritics* 48/4 (2020): 5.

alternative to teleological understandings of human existence, one that centres on 'use' and which offers indications of an alternative good life and happiness.<sup>5</sup>

## 2 The Slave as Bare Life

The theoretical framework first formulated in *Homo sacer* allows for a clear albeit general critique of the position of the enslaved within Ancient Greece.<sup>6</sup> In this book, Agamben criticises the western tradition of politics for adhering to a biopolitical logic of separation. By distinguishing natural life (*zōē*) from politically qualified life (*bios*), a threshold is introduced demarcating the sphere of politics and law, distinguishing it from other aspects pertaining to life. In ancient Greece, Agamben claims, there was a relatively clear distinction between the matters of the *polis* (law, public service) and the matters of the *oikos*, or household, which concerned reproductive life and survival. At first glance this might seem an unproblematic distinction, for we normally do not consider all aspects of life to be immediately political or constitutive of the good life, nor do we usually consider the growing of plants or the dealings of animals as political in the manner we do human affairs. However, there are instances of human life in which this distinction loses its clarity. Think, for instance, of the women, children and enslaved people in Ancient Greece. Although excluded from partaking in the *polis*, they were not for that reason simply without relation to it and left to develop 'naturally'. On the contrary, excluded from political life proper, they are all the more under its rule because it is this same *polis* that legitimises their subjection to the sovereignty of the freemen. Neither simply *zōē*, nor *bios*, the lives of women, children and enslaved stand as though 'naked' in front of the law, that is, without legal or political protection. They are treated as 'bare life' [*nuda vita*], abandoned to the arbitrary command of those protected and legitimised in their sovereignty by the juridico-political order. The standard legitimisation of this type of slavery is well-known. Aristotle, for instance, argued that the good and properly human life is possible solely if it has liberated itself from the labour necessary to survive. For only then can it focus all attention and effort on the free activities that together make up the good life. In order to procure such freedom, others need to be subjected to perform the necessary labour. As Agamben writes in *The Use of Bodies*, here 'the slave in fact represents a not properly human life that renders possible for others the *bios politikos*, that is to say, the truly human life'.<sup>7</sup> Notwithstanding the general nature of this theory, which applies to many instances of exclusion other than

5 My discussion of the state of exception, Agamben's interpretation of the letters of Saint Paul and the notion of use, relies and builds upon my dissertation, currently forthcoming as a monograph at Bloomsbury entitled *Agamben's Ethics of the Happy Life. Beyond Nihilism and Morality*. The primary focus on Agamben's revaluation of the slave vis-à-vis the critique his work has received in this regard, its relation to contemporary decolonial attempts at developing a new mode of consciousness and the sharp opposition between the figure of the slave and the master, belong solely to this article.

6 Giorgio Agamben, *Homo Sacer. Sovereign Power and Bare Life*, trans. Daniel Heller-Roazen (Stanford: Stanford University Press, 1998).

7 Giorgio Agamben, *The Use of Bodies*, trans. Adam Kotsko (Stanford: Stanford University Press, 2015), 20.

slavery as well, it is clear that Agamben's theory provides a way of conceptualising the precarious juridico-political status of slaves: included through exclusion, the lives of the slaves function as the material presupposition for the formed and good life of those who are considered to lead a properly human life.

Having said this, it remains striking that Agamben only in the final installment of the *Homo sacer*-series in 2014, almost twenty years after *Homo sacer I*, explicitly addresses slavery through this frame. Although it can be arbitrary to fault prolific authors for not having written on even more topics, I agree that in this particular case it is strange that Agamben discusses ancient Greek and Roman politics extensively, focusing on the *homo sacer* and banishment, but does not elaborate on the status of women, children or enslaved within these political contexts.<sup>8</sup> Moreover, while others have utilised Agamben's theory to address also modern slave trade, there are strong cases to be made that, by expanding his theory to address colonial issues, certain problems peculiar to the theme of racism might have allowed him to develop or reformulate his thought in different ways.<sup>9</sup> In any case, before moving on to Agamben's later, positive re-appraisal of the figure of the slave, we need to understand first how his biopolitical theory is accompanied by a diagnosis of modernity that claims all human life is on the verge of becoming treated as 'bare life'.

In general, the law itself determines the status of individuals and the conditions according to which someone can be considered a proper citizen. In particular, the decision concerning what lies within and outside the grasp of the law and the power to reformulate its conditions, lies with what ill-famed jurist Carl Schmitt calls the 'sovereign'. Following Schmitt's definition, Agamben understands sovereignty as the power to decide over the exception. This power, Agamben and Schmitt argue, reveals that every juridical order presupposes a certain 'normal' situation which enables juridical norms to actually apply to life. 'Every general rule demands a regular, everyday frame of life to which it can be factually applied and which is submitted to its regulations', states Schmitt, and '[t]here is no rule that is applicable to chaos'.<sup>10</sup> Sovereign is the one (or the group of people) who decides whether or not such a 'normal' situation is in effect. In case of exceptional circumstances, for instance in the case of war, endemics or pandemics, and natural disasters, the sovereign can decide that such a normal situation is wanting. If then the juridical order is to survive, it must, paradoxically, suspend its own validity to allow for exceptional measures better suited to the situation: a state of exception is installed. The state of exception is proclaimed in order to bring, by exceptional means, the situation back under control in order to then re-instate a (more or less

8 Magnus Fiskesjö, 'Outlaws, Barbarians, Slaves: Critical Reflections on Agamben's *Homo Sacer*', *HAU: Journal of Ethnographic Theory* 2(1) (2012): 166. See also Frost, *Law, Relationality and the Ethical Life*, 159.

9 See for instance, Punsara Amarasinghe and Sanjay K. Rajhans, 'Agamben's two missing factors: understanding state of emergency through colonialism and racial doctrine', *Open Political Science* 3 (2020): 34-46; Alexander G. Weheliye, *Habeas Viscus: Racializing Assemblages, Biopolitics, and Black Feminist Theories of the Human* (Durham: Durham University Press, 2014).

10 Agamben, *Homo Sacer*, 16, quoting Carl Schmitt.

reformed) juridical order. Agamben's concern is with the status of life in such a state of exception: how is it perceived and how is it treated? Since the normal juridical order has been suspended, people can no longer lay claim to their rights and political qualities to the same degree as in a normal situation. One could thus say that human life is here stripped of its *bios*. However, the lives of people in a state of exception are not for that matter simply let be to develop naturally, as *zōē* and without any relation to law. On the contrary, when a national emergency occurs, for instance, the people in the state of exception are confronted not less, but *more* with regulation and prohibition. Equally, police, army and other institutional forces are not diminished, but, instead, are given more license. In Agamben's terminology, life in a state of exception is treated as though bare, without any qualities of its own and therefore in need of a legal order to mold and shape it, to 'normalise' it in order to fit or render possible for others a certain '*bios*' or ideal of the good life as reformulated via exceptional measures.

Agamben's bigger claim is that, due to this sovereign principle inhering in juridico-political orders, *all* human life finds itself potentially in such a situation. Depending on the 'emergency' identified, by installing states of exception the laws describing who are and who are not accorded its protection and what lies within and what outside the force of law, can be endlessly redefined and expanded to include everyone and the totality of human life. Suddenly certain aspects or activities in life that always seemed to be outside the juridico-political sphere are taken up and regulated within it, such as for instance taking an evening stroll during a curfew, shaking hands during an epidemic, taking a shower during water shortage. These seem relatively innocent examples, but according to Agamben they rely on the same juridical mechanism that under Nazi rule could determine 'being of Jewish decent' as allowing for exceptional treatment. Likewise, historical instances of slavery are, from this perspective, especially cruel and systematic examples of a much broader aspect of politics, namely to proclaim in the name of an emergency or a to be achieved political goal (Aristotelian good life, colonial and imperial agenda's, a *Third Reich*), or exceptional statuses by which to legally denude certain human lives of political and juridical protection in order to regulate, exploit or destroy them. In order to understand Agamben's *plan de campagne* in the face of this problem, it is important to take into account that, according to his diagnosis, modernity is characterised by an ever more frequent use of states of exception. Modern society, he warns, is moving towards a 'permanent state of exception' and corresponding complete 'juridicisation' of human life. All aspects of life that we were used to consider as outside the force of law, such as our health, private life, non-violent social gatherings, modes of expression, etc., are slowly but surely becoming subjugated to apparatuses that govern and shape it according to 'exceptional measures' deemed necessary due to various crises: war, natural disaster, economic crisis, pandemics and so forth.

Crucially, Agamben's response to this situation does not consist in reformulating juridico-political orders, setting new restrictions to the force of law, recognising marginalised groups or redistributing social justice. If one accepts the above

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diagnosis – which has of course also been contested<sup>–11</sup> then only a critique and alternative at the structural level seems adequate to tackle the problem. Any attempt to re-articulate the juridico-political order to include more groups, remains within the biopolitical logic he seeks to move away from and hands over just more power to a system corrupted or erroneous from the outset. For him, the whole edifice of law is to be ‘deactivated’ to make way for an alternative form-of-life. ‘Form-of-life’ is written with hyphens, for it is to be an understanding of life wherein simply living and taking or having form can no longer be separated; it is a life from which no ‘bare life’ can be isolated. It is in his attempts to achieve the abovementioned deactivation of systems separating worthy, human life from unworthy, inhuman life, that the figure of the slave unexpectedly acquires a salutary potential: namely as a signpost for a life no longer valued in terms of institutionally fixed rights, identity, possessions and mastery but which, in its ‘use of the body’ generates its own forms.

### 3 From Concrete Slavery to Ethical Paradigm

Before I move on to sketch the contours of this revalued concept of the slave, let me first address the critique of irresponsible philosophical appropriation. First of all, why look to a figure such as the slave to provide an alternative for the above problematic? Does slavery not represent precisely the type of dehumanisation that we need ensure never to occur? Can such an abused, violated and humiliated life ever be anything other than a *negative* point of orientation for ethics or politics? Although Agamben does not explicitly deal with legitimate concerns like these in relation to slavery, this same issue is plainly present in *Remnants of Auschwitz*, where he offers an in-debt analysis of the so-called *Muselmänner*: the camp inmates of Nazi lagers that had been mistreated so badly as to resemble living dead. Strikingly, Agamben understands these lives not only as the horrendous result of Nazi biopolitics but also as paradigms that teach us something essential about what it means to be a human being. And although he nowhere shies away from the concrete misery of the situation of the *Muselmänner*, in relation to *Auschwitz* Agamben has been critiqued many times for transforming a historic and dreadful situation into an abstract theoretical instrument concerning idiosyncratic philosophical discussions.<sup>12</sup> It would not be difficult to formulate similar accusations concerning his revaluation of the slave as a positive paradigm for ethical thought. For in order to do so, the enslaved are no longer considered in their actual and concrete misery, but rather as a representative of some missing element in ethical theory or politics. If one would take into account the concrete suffering caused by the Atlantic slave trade, for instance, can one really claim the slave as pointing

11 See, for instance, Sergej Prozorov, ‘A Farewell to Homo Sacer? Sovereign Power and Bare Life in Agamben’s Coronavirus Commentary’, *Law Critique* 34 (2023): 63-80.

12 Zdravko Planinc, ‘Drowning Ulysses: Saving Levi from Agamben’s Remnant’, *An Interdisciplinary Journal of Jewish Studies* 33/2 (2015): 53-86; Stefano Brugnolo, ‘Auschwitz come metafora della modernità, dei suoi usi e abusi: il paradigmatico caso di Agamben’, *Mimesis* (2019), at [www.mimesis.education](http://www.mimesis.education) (last accessed 1 July 2023).



towards an alternative, happier life? This matter is especially delicate as Agamben's revaluation of the figure of the slave as somehow promising a better, happy life is not supported by him with any empirical evidence.<sup>13</sup> But if this revaluation does not concern a historical or empirical statement, then what kind of claim does Agamben make here and on what ground should one assess its sense or non-sense?

Significant as the above empirically informed critique may be, from the biopolitical analysis Agamben has developed his ethical re-appraisal of precisely the mistreated and destroyed, 'bare' life, is not only consistent, but also required. If one accepts that underlying the structures of oppression is the logic of separation and the production of 'bare lives', then if ethics and politics are to overcome this logic of separation, they need to take into account also the lives formerly excluded from considerations on the good life. If one takes account of them only as instances of the debased, inhumane life that is never to occur again, we in fact utilise the same distinction between properly human and inhuman that, according to Agamben, lies at the base of the institutions that allowed for these types of violence and misery. To search for a radical alternative to such juridico-political systems, one needs to develop an eye towards what, in the inhumane situation of the *Muselmänner* and of the enslaved, is precisely *human*. As Agamben argues in *Remnants of Auschwitz*, the *Muselmänner* call for an ethical witness, one that not only testifies to how they have been mistreated, but testifies precisely of their being human. Agamben claims that, if we are to take ethical lessons from what happened in the concentration camps, we need to rethink humanity from the ground up, which means taking into account also those aspects and situations of humanity that we have become accustomed to as regarding as inhumane. In *Remnants of Auschwitz* this leads him to a complex discussion of the relation between *humane* and *inhumane*, which I will not elaborate upon here for the sake of brevity. However, I believe it is from this same conviction that he also turns to the figure of the slave. Precisely that life which cannot lay claim to mastery, 'dignity', possessions or legal protection is to teach us something essential about being human.

To be sure, this does mean converting the enslaved into a paradigm or philosophical type beyond their own historical context, and Agamben is aware of this. As he writes in *What is a Paradigm?*, treating something as a paradigm means placing it alongside other phenomena that at first glance might seem unrelated to it, but which viewed together 'constitute and make intelligible a broader historical-problematic context'.<sup>14</sup> Rather than a historically accurate analysis of what certain forms of slavery were actually and in their own context like, the point is to bring something into view that otherwise 'might elude the historian's gaze'.<sup>15</sup> This may indeed lead to irresponsible abstractions and obscure a more factual understanding of various instances of slavery, including colonial slavery and the transatlantic slave trade, but it might at the same time lead one to discover a

13 Frost, *Law, Relationality and the Ethical Life*, 161.

14 Giorgio Agamben, *The Signature of All Things: On Method*, trans. Luca D'Isanto and Kevin Attell (New York: Zone Books, 2009), 9.

15 Agamben, *The Signature of All Things*, 31.

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potentiality of (human) existence that such more factual analyses cannot render present. If we are to enable a postcolonial consciousness, then we need to discover and develop also the potentialities that did not become factually actualised. In this case, Agamben's wager is that the figure of the slave contains an ethical potential that can come into view only through a deactivation of the modern biopolitical situation, the paradigm of the master and any teleological perspective of human existence.

#### 4 The Slave as a Paulinian Paradigm

The first time the slave occurs in this promissory way is in Agamben's commentary on Saint Paul's Letter to the Romans. Crucially, at least for Agamben's interpretation, Paul introduces himself not only as 'called', but as called a *slave* to the Messiah. Rather than a simple figure of speech, Agamben argues that 'slave' is here to be understood as a 'messianic *signum*' indicating a 'new harmony', a new way of perceiving and living. In relation to Paul's conversion, the self-designation as a slave has a similar standing as the *metanomasia* from Saulos to Paulos.<sup>16</sup> Although Agamben does not explicitly develop what precisely this technical meaning of slave becomes in Paul's letter, his commentary does offer several indications as to why, from an Agambenian perspective, identification with the slave strategically and conceptually makes sense.

First of all, identifying with the lowest legal rank in the eyes of the world, it indicates that the messianic call concerns everybody, independent of their worldly status: gentile or Jew, freeman or slave, man or woman. Secondly, it helps emphasise that this 'new creature' is no master of existence, come to install a new world order by subjecting others and existence in general to its superior command. In fact, it is to indicate a way of life that does not relate to things, others, and the world in terms of ownership and possession. Instead of owning, mastering or subjecting (parts of) existence, the alternative way of life rendered possible by the calling only 'uses' it. To support such a reading, Agamben presents Paul as struggling with the same problem as him: a complete juridicisation of human life, an all-encompassing law that 'stiffens and atrophies' and because of which 'relations between men lose all sense of grace and vitality'.<sup>17</sup> For both Paul and Agamben, 'law' or '*nomos*' indicate here not only institutional law but also normative custom and tradition prescribing ways of life in minute detail. Over and against such stifling *nomos* having become 'set in stone', Paul sets an enigmatic 'law of the Messiah' or 'law of faith'. Using life, the slave follows this alternative law. To get an idea of the type of transformation Agamben reads in Paul's letters, it is important to see that although the messianic event announces the annulment of current law and its expansion over the whole of life, this 'annulment' does not simply entail destruction or negation. The Pauline term here is *katargein*, which Agamben translates as

16 Giorgio Agamben, *The Time That Remains*, trans. Patricia Dailey (Stanford: Stanford University Press, 2005), 9.

17 Agamben, *The Time That Remains*, 136.



‘rendering inoperative’ or ‘deactivation’, that is a ‘taking out of *energeia*, a taking out of the act’.<sup>18</sup> Rather than destroying something and leaving one with nothing, deactivation, taking out the actuality of something, returns this same thing to potentiality. Annulling the law means restoring that which it captivated to potentiality.<sup>19</sup> This is not a concrete potentiality for something otherwise, a new world order or system, it not even necessarily involves changing one’s worldly status or identity. Instead it is a modest potentiality and entails an ‘inner shifting’ that perceives all actual facts of one’s life and situation as surrounded by a certain ‘halos’ or ‘ease’ of potentiality that allows one to engage with it, let it take on a different shape or meaning.<sup>20</sup> The messianic call, in Agamben’s rendering, awakens one to the potentiality of reality, the potentiality that law and tradition had stifled. It is to render the human being, whatever its status or situation, conscious of the space around one’s situation, allowing for slight or radical variation in factual conditions. Agamben calls this mode of engaging with life in its potentiality ‘use’ and claims it to be more originary than institutional law. The stifling law subjugating life from above is to be restored to what supposedly once gave rise to it; nothing other than the use people make of their lives and the habits and manners that arise from this use. Using one’s life in this manner, one follows a different *nomos*, the ‘law of the Messiah’, which in the end is nothing other than what develops naturally out of use of life. In distinction from institutionalised law, it is transient in the sense that it takes shape, forms and perishes with the communal usages of the lives that give rise to it. Because of this, it cannot fixate juridico-political identities, rights, hierarchies, possessions and distinctions. Accordingly, it is a law that does not recognise masters. It is a law that consists only in the non-possessive use of life, for which the paradigm is the figure of the slave.<sup>21</sup>

It is this revaluation of the concept of the slave as a new paradigm for human existence outside institutional law, consisting in a ‘use’ of life and involving a non-institutional *nomos*, that Agamben develops more systematically and beyond its religious context in *The Use of Bodies*.

## 5 The Slave, not the Master

More controversial than his re-appraisal of the Paulinian slave, is Agamben’s revaluation of the figure of the slave in Aristotle, the philosopher notorious for legitimising of slavery. Reserving the ‘proper work of man’, the being-at-work of the faculty of *logos*, for freemen, in his *Politics* Aristotle introduces a second way of

18 Agamben, *The Time That Remains*, 91.

19 Agamben, *The Time That Remains*, 167.

20 ‘Halo’ and ‘ease’ are technical terms in Agamben’s *The Coming Community*, see Giorgio Agamben, *The Coming Community*, trans. Michael Hardt (Minneapolis: University of Minneapolis Press, 2009), 23, 40.

21 This constitutes also one of Agamben’s main interests in the Franciscans who, in explicit relation to the letters of Saint Paul, refusing ownership laid claim only to a certain ‘use’ of things and willingly identified, as Paul did with the figure of the slave, with children or idiots insofar because of their legal status, the Church and the ways of the world was concerned.

classifying the human according to the activity of the slave, namely as ‘the use of the body’.<sup>22</sup> Agamben points out that Aristotle touches here upon a paradigm of human existence ‘reducible neither to labor, nor to production, nor to praxis’.<sup>23</sup> In distinction from the freemen of the polis, defined through their roles and activities (statesman, carpenter, teacher etc.), slaves are not determined by a specific function or activity because of the general and open use to be made of them. Occupied with the figure of the master, this dimension of human existence has been neglected by western ethico-political thought. This Agamben takes to be a missed opportunity he seeks to rectify.

As in the above description, we are accustomed to considering ‘using’ something, especially when it concerns the use of someone, in a negative manner. When we say that someone has used us or when we feel used, we mean to say that we have been mistreated, manipulated or exploited in some manner. Yet for Agamben using one another is not *in itself* perverted or immoral. In fact, it is part and parcel of the human condition and its relation to the environment. What should be combatted is the juridical fixation of relations of use according to hierarchies. He argues that there exists a more original, non-juridical dimension of use, in which master and slave are not fixed positions but oscillate and are never really separate from each other: ‘The perversion begins only when the reciprocal relation of use is appropriated and reified in juridical terms through the constitution of slavery as a social institution’.<sup>24</sup> Only then ‘use decays into exploitation’.<sup>25</sup> The revaluation of the figure of the slave depends on a revaluation of the sphere of use, no longer contaminated by institutionalising forces. Again, it is important to remark here that Agamben nowhere provides historical evidence of such an ‘uncontaminated’ sphere of use having existed prior to or next to the archaic civilisations of which we know that they practiced slavery.<sup>26</sup> Here too, a discussion with decolonial thought could have been fruitful, as there are in fact within decolonial thought fundamental attempts at developing alternative, non-capitalist ways of relating to the earth and forming community, inspired precisely by the communities of so-called fugitive slaves or the Maroons.<sup>27</sup> Agamben’s own strategy, however, is predominantly conceptual and when speaking of ‘original’ he seems to have in mind a sort of ontological primordality rather than a concrete moment in history. His claim concerns the conceptual *potentiality* of a sphere of use more original – in the sense of closer to the nature of human life – than how it has become actualised in most civilizations as we know them. This potentiality is only ‘restored’ or brought to light through a deactivation of how it has been actualised up till now.

22 Aristotle, *Politics*, trans. Charles Reeve (Cambridge: Hackett Publishing Company, 1998), 2.

23 Agamben, *The Use of Bodies*, 20.

24 Agamben, *The Use of Bodies*, 14.

25 Agamben, *The Use of Bodies*, 15.

26 Frost, *Law, Relationality and the Ethical Life*, 161.

27 A recent example is the book by Malcom Ferdinand, *Decolonial Ecology*, in which he combines critique of western colonisation of the Caribbean with a conceptualisation of a ‘world-ship’ paradigmatic of a shared and more just world. See Malcom Ferdinand, *Decolonial Ecology. Thinking from the Caribbean World* (Cambridge: Polity Press, 2022), 191-240. See also the contribution by Guno Jones, 174-175.

One of the biggest obstacles for such a reevaluation of use is the way in which society has been modelled on the figure of the master. The idea here is that, although western modernity condemns slavery, its ideas of the good life are still primarily based on how a tradition initiated by Aristotle defines the master, namely as a (male) human being that is enabled and legitimised by a certain *polis* to lay claim to his possessions and develop his proper humanity. If this is true, the presupposed ideal in our attempts at overcoming the problem of slavery (or of institutional hierarchies in general) seems to be that of a civilisation comprised fully of masters. Notwithstanding the material and practical implausibility of there ever existing such a society given the fact that planetary resources are limited and that, for instance, the high standard of living in western societies is possible only through slave-like labour in the global south, the Agambenian point here would be that *even if* we would have unlimited resources and could for instance outsource all ‘inhumane’ labour to machines, we would still not lead a good or happy life. For him, the very idea of mastering existence entails a sort of perversion of what it actually means to be a human being. Taking possession of something, subjecting it to your will, means capturing (enslaving) it in relation to a certain goal or to-be-achieved actuality. One thereby closes oneself off to what things, others, oneself might offer otherwise. Instead of openness or receptivity, one cultivates an attitude that narrows one’s engagement with existence. The very definition of human life in relation to a supposed ‘proper work of man’ already captures human existence in relation to an ideal which it is supposed to actualise. One can think here of various general definitions of the ‘good’ life that the western tradition has offered, for instance as following the Bible or doing one’s moral duty, but also horrendous ideals such as becoming a proper Arian. Closer to home are perhaps the modern ‘lifegoals’ that entrap us within the frantic motions of the consumerist self-help and self-realisation industry. Presenting us with an unending accumulation of unachievable ideals (successful career, successful mother, emotionally mature, best friend, perfectly healthy, sexually inexhaustible, romantically pure etc.), the Agambenian response is to find fault with the very structure of this ideal, namely that it presents the good, just and happy as something to be achieved (‘mastered’) through a certain realisation. These structures create an *ethos* that perceives existence and everything in it always only instrumentally, *as a means toward unachievable ends*, whereas the proper use of life Agamben contends, perceives existence precisely in terms of means *without* ends.

In this endeavour, Agamben is on a par with decolonial critiques of the modern as producing ‘neoliberal subjectivity’, as Guno Jones calls it in his contribution to this special issue. As Jones argues, if we are to rid ourselves of colonial logic one needs to critique not only the existing institutions and historical injustices, but this very subjectivity needs to be rethought. For Agamben, the crux of the colonial logic (and capitalist, property logic) – which in his view predate colonial times – is its instrumentalisation of existence. The figure of the slave is important because, for Agamben, its ‘use of the body’, brings to attention a non-teleological dimension of human life. Subjected to the mastery of others, the indeterminate nature of its life is a mark of oppression and captivity, ordered now to prepare food, then to work

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the land, watching the children, repairing the house or whatever else follows from the master's whim. However, conceived outside a non-juridically and institutionally fixed hierarchy, the indeterminate use of the body points to human life in its fundamental *inoperativity*: not to its 'proper work', but its proper *being-without-work* and precisely for that reason open to all kinds of activity. This other potentiality of the figure of the slave is what Agamben seeks to expose.

Conditioned by the paradigm of mastery and the corresponding ethico-political task of realising the good life through fulfilling a supposed 'work of man', the western tradition has neglected theorising the nature of this inoperative sphere of use and excluded it from the sphere of happiness and ethics. Agamben, by contrast, sets out to think an ethics and a happiness that does not exclude any sphere of life. Indeed, he will try to rethink inoperative 'use' not as what characterises only the deplorable state of the slave, but as what lies at the center of all human activity.

## 6 The Delight of Use

In order to do this, Agamben draws attention to the peculiar linguistic nature of the Greek word for use, *chrēsis*, that is at stake in the definition of the slave as using the body. As he attempts to show, in the verb *chrēstai* the inadequacy of the distinctions between subject and object, passive and active becomes transparent. As with verbs such as 'to enjoy', 'to suffer' and 'to sleep' – where I am the one doing and at the same time undergoing the sleeping, enjoying and suffering – so too with use, the subject is always 'doing' and 'undergoing' the using.<sup>28</sup> In the phrase 'the use of the body', the body is at the same time what is *used* and what is *using*. Agamben gives the example of taking a stroll: am I taking my body out for a walk, or is my body taking me out for a walk? The point is: both. And that does not only count for these particular activities, but for every human activity, also when engaged with external objects or with others. When playing the guitar, in a certain way the guitar is also 'playing' me, affecting me and allowing certain possibilities while disallowing others. Having a conversation with someone means being affected by what the other says while at the same time affecting the other. Even thinking means at the same time letting oneself be affected by thoughts in such a way that activity and passivity, subject and object cannot be completely separated. These do not have to be harmonious intimacies: the guitar can also affect me as unplayable, the other as incomprehensible and my thoughts as vague and disorderly – even then they shape my existence. According to Agamben, *chrēsis*, 'use' captures this essential intimacy between the human subject and that with which it is in relation. Expanded to encompass all human activity, 'use' indicates the subject *insofar as* it is in relation to something, *insofar as* it is affected by its body, its surroundings and so forth. It is the experience of being the centre of an event, of being engaged in it, without for that matter holding a position before or above this action as its initiator, cause or end.

28 Agamben, *The Use of Bodies*, 28.

Human being and world are, in use, in a relationship of absolute and reciprocal immanence; ... To the affection that the agent receives from his action there corresponds the affection that the patient receives from his passion. Subject and object are thus deactivated and rendered inoperative, and, in their place, there follows use as a new figure of human praxis.<sup>29</sup>

How does this relate to an alternative idea of the good life?

Use as a new figure of human praxis comes with a new notion of the self or the subject. In Agamben's theory, the 'self' or subject is nothing more than the experience of familiarising yourself with what affects you in use. The self is what, in its use of life, develops its manners and customs without there being a predetermined end pursued or protocol being followed. One could say it consists in a discovering receptivity that comes to know itself only in and through its use. In handling and touching, the hands discover a function: holding something. But rather than being confined by this function, in using, the hands also discover leaning, pushing, caressing, punching, gesturing and so forth. Ultimately, for Agamben, all (human) life consists in such familiarisation and the self is, in the end, the affection one receives from developing in relation to one's surroundings, things and others, becoming familiar with them. Because of this open-ended nature of use, any attempt to establish a 'universal' use or protocol, denies the potentiality inhering in it. Although use is habitual and gives rise to all kinds of customs, manners and forms, because of the receptivity at its core none of these ever attain the status of a law 'set in stone' – that is, not without violence. Institutional violence consists in abstracting a certain form or habit from the use that generated it and according it a place 'above' life as a form to which human existence is to be subjected, endowing certain humans passage and others not. Another way of explaining the exploitation at stake here, is in seeing masters and enslaved precisely as the attempts to isolate, in the sphere of use, passive from active, relegating enslaved to the passive pole and freemen or masters to the active pole. These are precisely examples of the 'perversion' or institutionalisation of use. It is what makes the law become a dead letter, totalising and 'stifling'. However, with this 'generative use', we also have an indication of a different *nomos*, not one set in stone above life, but as what develops out of the use of life itself: not as fixed law but as transient habit, custom, manner. In Lucretius, for instance, one finds the idea that organs were not created in view of a pre-existing end or function but instead, in being used, the organs as of themselves formed functions. Developing the Lucretian argument, Agamben writes that functions, ends, manners are

produced in the very act of exercise as a delight internal to the act, as if by gesticulating again and again the hand found in the end its pleasure and its 'use,' the eyes by looking again and again fell in love with vision, the legs and thighs by bending rhythmically invented walking.<sup>30</sup>

29 Agamben, *The Use of Bodies*, 30.

30 Agamben, *The Use of Bodies*, 50.

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In use, life and everything encountered within it, is perceived in terms of means without ends, in their potentiality to develop in various ways and to various ends, none of which inhere in these things themselves or are to be fixed as though they were. It is important here, I think, that instead of control or mastery, Agamben uses 'delight' and 'falling in love' to denote the process of familiarising. It concerns a shift in focus from the various ends we design for our uses, to the delight of their movements themselves. The use of life, of the modest potentiality enveloping factual existence as a halo, is itself the good life and, according to Agamben, the only antidote to any ethics or politics of mastery that, in the name of a to be achieved ideal, violently excludes those who do not fit its arbitrary description. Happiness is not to be found in attaining a certain identity or status, in achieving this or that goal, in getting what one wants or satisfying ones desires. On a more profound level, happiness is derived from being receptive to the potentiality inhering in life, allowing possible uses and generating values, meanings and forms. Happy life exists in the use of life.

## 7 Conclusion

Agamben's published reflections on slavery have been rightly critiqued for their lack of historical accuracy and sensitivity to different instances throughout history, especially the Atlantic and European colonial slave trade. Additionally, by treating the figure of the slave as an ethical paradigm, his philosophy transforms concrete instances of slavery into a philosophical potential without providing explicit empirical basis. Yet, as I have argued, with the critique of law and his biopolitical analysis of the western tradition, Agamben's philosophy does provide a critical framework from which to analyse structural problems that have allowed for slavery, namely the sovereign ability to strip life bare. Furthermore, Agamben's revaluation of the figure of the slave aligns with decolonial attempts at achieving a new form of post-capitalist consciousness. If one accepts with Agamben that an alternative is to be found at the level of underlying modes of thought, one may recognise in the choice of the slave as a paradigm for the good life the attempt to deactivate the opposite paradigm, namely that of the master, which in his view is complicit in keeping violent and oppressive systems in place. This article recognised two strategic motives guiding this revaluation. Following a Pauline (and Benjaminian) motive, Agamben contends that if the ways of the world are precisely the ones that need to be transformed, one should not look for transformational potential among the 'victors', rulers or privileged of this world, but precisely among those oppressed and neglected. Additionally, following the logic of *Remnants of Auschwitz*, to testify to the humanity of the enslaved one needs not only repeat the judgment of their oppressors, but find expressions for their humanity even in inhumane circumstances. Beyond this explanation, I have attempted to provide some content for the alternative engagement with existence Agamben in this way aims at, which he calls a 'use of life'.



The contribution Agamben's revaluation of the figure of the slave might offer to postcolonial thought, lies in this attempt to develop a new theory of use, no longer characterised in terms the means-end logic of the master and institutionalisation. Shifting focus from the ends to the means, use becomes viewed as a non-teleological dimension of affectivity, discovery and intimacy wherein human beings, in relation to their surroundings and the world may find new, non-possession based communities. It re-envision human life as *receptivity* instead of *mastery* and points to an alternative subject, one liberated from the need to 'master' its relations to its surroundings, others and its own body, subjecting them to its will and dominion. As a vision and possible *ethos*, the figure of the slave leads Agamben to present a powerful alternative to the idea of a mastery of life, consistent with his own analysis of law and biopolitical modernity.

Whether such an *ethos* could actually generate an alternative community or politics that could guarantee the abolition of slavery on a larger scale, is a question left frustratingly open by Agamben. For to theorise the possibility of an 'inner shift' within a receptive individual, adequate to cope with the structural problems underlying the systems of exclusion and oppression is one thing, but the communal exercise and implementation of it, quite another. Nonetheless, even the possibility of an alternative vision of the good life might help those seeking ethical orientation. And it is also precisely here that a fruitful encounter between Agamben's philosophy and decolonial theory could be staged.