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Nagisa Ōshima's 1968 film *Death by Hanging* begins with the execution of an ethnic Korean man, R.[1] Miraculously, the hanging does not kill him; in fact, the only effect of the hanging is that it erases his memory. Taken by surprise, the officials argue about how to proceed. After frantic deliberation, they decide that an execution is only just if a person realizes the guilt for which they are being punished. They do not let R go, but rather endeavour to make him admit his guilt for a crime that he has no memory of committing. In one such attempt the officials simulate his crimes which only leads to an absurd comedy of errors that exposes the racist, violent dimension of nationalist law and history. R finally admits to the crimes in principle and in practice, but only to protest the whole process. 'Is it wrong to kill?' R asks. 'Yes' they respond. 'Then killing me is wrong, isn't it?' R replies. The official rejoinder is a predictable one: 'Don't say such things! We're legal executioners! It's the nation that does not permit you to live'. 'I don't accept that' R responds, and then summarizes the central question of the film, 'What is a nation? Show me one!' (Figure 1), because 'I don't want to be killed by an abstraction' (Figure 2).[2]

R's objection raises a series of questions: Does the state exist as anything but an illusion? Can the existence of the state be perceived – empirically, philosophically or otherwise? Is there a form of power unique to the state? And if so, who or what is responsible for the actions done in the name of the state?

Governmentalizing the State

In his genealogical study of power, Michel Foucault echoes R's frustrations. Intellectually dissatisfied by the way in which 'the representation of power has remained under the spell of monarchy', he claims that long after the rise of the Republic 'we still have not cut off the head of the king'.[3] Foucault chooses two targets for his criticism: Marxism and anarchism. The first of which he charges with producing a functionalist account of the state – as an epiphenomenal effect of a mode of production – while the second he accuses of treating the state as a 'cold monster' to be universally feared.[4] As such, he suggests that political analysis should minimize the importance of the state. For Foucault, 'the state is only a composite reality and a mythicized abstraction whose importance is much less than we think. What is important for our modernity, that is to say, for our present, is not the state's takeover

FIGURE 1
Nagisa Ōshima, *Death by Hanging*, 1968. Film. © Criterion Collection.

FIGURE 2
Nagisa Ōshima, *Death by Hanging*, 1968. Film. © Criterion Collection.

[*étatisation*] of society, so much as what I would call the "governmentaliza-tion" of the state'.[5]

The Anglo-American social sciences have taken up Foucault's challenge in earnest. Interestingly, their primary inspiration comes from a single lecture on governmentality excerpted from a much longer lecture series – entitled *Security, Territory, Population* – in which Foucault completed a genealogy of liberal rule.[6] Nevertheless, this engagement has produced a highly original methodology for Foucauldian state theory. This innovation comes from

taking seriously Foucault's enjoinment to study 'the governmentalization of the state'. The resulting field of study, Governmentality Studies, is exemplary in not analyzing the state as such. Instead, it studies 'forms of power without a centre, or rather with multiple centres, power that was productive of meanings, of interventions, of entities, of processes, of objects, of written traces and of lives'.[7] The empirical bent of Governmentality Studies effectively brackets the idea of the state altogether in contending that, to the extent that the state exists as an object of investigation,[8] it exists only in 'governmental practices'[9] and 'state effects'.[10] As Bob Jessop notes, 'to study governmentality in its generic sense is to study the historical constitution of different state forms in and through changing practices of government without assuming that the state has a universal or general essence'.[11] In sum, Governmentality Studies separates the concept of the state from the material traces left as a result of acting on its behalf. Only these material traces, it contends, provide the proper material for scholarly inquiry.

The recent publication of Foucault's three-part state genealogy provides ample material to bolster this resistance to abstraction. In *Birth of Biopolitics*, for instance, Foucault critiques 'state phobia' on both political and method-ological grounds.[12] In the political argument, he argues that state phobia laid the groundwork for neo-liberalism. In the methodological argument, Foucault argues that the 'interchangeability of analyses' that results from state phobia contributes to a 'loss of specificity' that allows the opponents of the state to evade possible empirical and historical challenges and thus 'avoid paying the price of reality and actuality'.[13] Demonstrating the significance of 'paying the price' and proving Foucault's political argument, Governmental-ity Studies scholars have produced considerable scholarship that grants neoliberalism a precise specificity. As a consequence, they have shown how neoliberalism employs a discourse of contemporary liberalism, whereby the state 'governs best by governing least', whilst simultaneously expanding the scope and depth of governance through new means of control.[14] Scholars of Governmentality Studies have documented neoliberal expanded governance in ways that reveal the hidden fist at work behind the invisible hand in pri-vatized risk-management,[15] the social engineering of community empower-ment initiatives,[16] and the governmental influence over market forces exerted through entrepreneurship initiatives.[17]

Whilst Governmentality Studies has provided a wealth of scholarship on the 'governmentalitization of the state', has it come any closer than Marxism and anarchism to cutting off the head of the king? A forced choice between these approaches may not be needed; in the thirty years since Foucault's critique, numerous scholars have squared Foucault with Marxist and anarchist thought (already in the '70s and '80s Foucault's work was incorporated into structuralist Marxism and Italian autonomist Marxism and more recently Foucault's theory of power has inspired the creation of post-anarchism).[18] In choosing to heed Foucault's advice, this scholarship provides an exemplary critique of actually existing neoliberalism. However, as that work is already

robust, I believe it is time for a renewed defence of the two things which Foucault criticized: state phobia and the false.

Resistance to the Present

My defence of state phobia is political. What Governmentality Studies lacks is resistance to the present. As Karl Mannheim has convincingly argued, right-wing and left-wing state phobias are structurally distinct. Classical anarchism, for instance, grows out of the Anabaptist chiliastic imagination whereby the existing order is 'one undifferentiated whole' that is all 'evil itself' and must be completely overturned.[19] Governmentality Studies suffers from the opposite problem: it paints the present as such a complexly differentiated whole that it refuses to think *the outside*. As a result, it analyzes power only according to its own self-professed aims. Absent something like Derridian deconstruction or Adornian immanent critique, these studies are not political but descriptive.[20] Indeed, leading governmentality scholars admit this commitment to description, saying that their studies 'are not hardwired to any political perspective' and 'are compatible with other methods'.[21] Such a refusal to think outside the current social order empties scholarship of its utopian dimension – and utopia is the politics of the outside. Utopia is what emerges from the 'relative sense' of that 'which seems to be unrealizable only from the point of view of a given social order that is already in existence'.[22] It is with the same distinction – object and concept – that Governmentality Studies separates reality from utopia. Mannheim's concept of utopia does not split this way. For him, utopia combines reality and unreality; utopia is at once the reality of current challenges to the existing order and the currently unrealizable futures projected by those challenges into the present. Samuel Butler captures this double character by naming his imagined utopia Erewhon, which is simultaneously no-where and now-here.[23] Consequently, utopia is actually absent in space but virtually present in time. From the perspective of utopia, the difference between right-wing and left-wing state phobia is clear: one seeks the restoration of lost authority, while the other pursues the revolutionary triumph of a classless society. It is unclear where Governmentality Studies stands between restoration and revolution.

My defence of the false is also methodological. Methodologically, I disagree with those scholars within Governmentality Studies who argue for a shallow definition of the state, which they justify through 'brute' empiricism. For these scholars, governmentality is strictly 'an empirical mapping of governmental rationalities and techniques' which 'turn[s] away from grand theory, the state, globalization, reflexive individualization, and the like'.[24] The type of empiricism they invoke is associated with social scientific research methods that use sample surveys, number crunching and the statistical subject. Despite their criticisms of governmental techniques which utilize similar methods, Governmentality Studies participates in a larger disciplinary project within sociology that relies on a particular configuration of realism, empiricism and scientificity.[25] This social scientific approach has strong allies within

certain strands of contemporary philosophical realism.[26] Echoing the concerns of Ōshima's character R and Governmentality Studies, these 'object-oriented' thinkers are similarly sceptical of abstractions.[27] Objects, they hold, are slices of the real world that gives rise to qualities, relations, events, and powers that are independent of humans' ability to perceive them.[28] A common move is modelled by Manuel DeLanda, who suggests that concepts such as 'the state' or 'the market' are mere reified expressions of concrete entities, as in 'market-places or bazaars' located in 'a physical locale such as a small town or a countryside'.[29] The object-oriented approach also shares Governmentality Studies' penchant for reality, turning to ontology to explain the origin of thought. The associated 'political ontology', such as that outlined by Jane Bennett and William Connolly, proposes a project of re-enchantment with the matter and things already of this world.[30]

Many of these writers draw upon the 'empiricism' of a philosopher whose thought will inform my own, alternative, approach: Gilles Deleuze. The exact status of this empiricism is, however, a strong point of contention within the secondary literature. By his own definition, Deleuze uses a reworked version of philosophical empiricism whereby 'empiricism is a philosophy of the imagination and not a philosophy of the senses'.[31] Demonstrating the importance of the imagination, he readily draws upon the literary works of Anglo-American writers to demonstrate its principles.[32] In his strictly philosophical work, it appears as the paradoxical formulation of a 'transcendental empiricism' as a philosophical alternative to Kant's transcendental idealism, in which the transcendental field is separated from its empirical givenness to bypass the personal, individuated world of the subject.[33] In the recent secondary literature, many writers have departed from the object-orientated camp by following Deleuze's claim that this empiricism 'treats the concept as object of an encounter'.[34] They clarify that Deleuze's empiricism is strictly concerned with the real conditions of thought and thus fundamentally uninterested in an empirical tracking of the habits of thought expressed in lived experience [*vécu*].[35] Taking seriously Deleuze's separation of the transcendental from the empirical, these thinkers focus on concepts and not ethnography or personal reflection ('for the data of empirical lived experience doesn't inform thought about what it can do').[36] Shifting the focus to concepts is part of their wider move to claim that 'there is no "ontology of Deleuze"'.[37] They appeal to Deleuze and Guattari's suggestion in the introduction of *A Thousand Plateaus* to 'overthrow ontology' by substituting what 'is' for Hume's ongoing series of interacting exterior relations 'and… and… and…'.[38] The philosophical consequence of the concept-based approach is an engagement with the outside as a relative exteriority beyond sensory givens.[39] Interestingly, this is also how Foucault defines the experience of thought.[40]

There are specific political stakes for the disagreement over objects and concepts. Governmentality Studies, Object-Oriented Ontology, and political ontology suffer from the self-imposed limitation of the imagination invoked by Foucault: the 'price of reality'. Concepts do not always pay such a price; utopia does not exist as such, as discussed above, but is necessary for politics

– conservative, revolutionary, and otherwise. The historical consequence of this limitation is specific, as state phobia is an anticipation-prevention mechanism that stateless peoples have used to anticipate the real potentials of an emergent state and prevent its arrival.[41] Key here is that which is anticipated. Deleuze and Guattari do not theorize the state as arriving through a perverse internal transformation of forces, but they instead follow Nietzsche's claim that the state is brought from the outside by conquering beasts.[42] For prevention to be possible, empiricism must provide more than the experience of an object and its potential transformations, it somehow must anticipate threats from the outside that have not yet materialized. Deleuze provides one such 'image with two sides' in the duality of the 'actual *and* virtual'.[43] I argue that the project of amending the study of governmentality to include abstractions of the outside requires revising its methodology to focus on philosophical concepts and not just objects.

The State as Virtual Concept

Contrary to Foucault's shallow governmentalized definition of the state, Gilles Deleuze and Félix Guattari treat the state as a 'virtual concept'. For them, the state is neither an ideological effect nor solely repressive – thus avoiding the 'inexact' terms of Foucault's brief argument from the classic governmentality lecture.[44] Through a broader typological survey of the State in the two volumes of *Capitalism and Schizophrenia*, Deleuze and Guattari show that the state is evinced in more than its institutions. For them, the state is found in a whole cultural history of sovereignty that constitutes a dominant strand in the philosophical anthropology of becoming.[45] The state, Deleuze and Guattari hold, is an apparatus of capture that is both actualized in its state-effects, as studied by Foucault, as well as a virtual abstraction of power. The ontology of the state is not an empirical object of study, as studies of governmentality would have it, but a philosophical concept. I am not the first to suggest this – Mitchell Dean suggests the importance of the Deleuzian concept in the new introduction to the second edition of *Governmentality*, yet he calls for empirical-scientific concepts and not philosophical ones.[46] Dean's insistence exemplifies the political-methodological separation of object from concept.

What Governmentalty Studies' object-based approach delimits is philosophy. Critical here is that philosophy is itself a special area of inquiry; it 'has its own raw material that allows it to enter into more fundamental external relations with these other disciplines'.[47] An exclusive focus on verifiable objects results in an inability to think what is unique to philosophy, as it cannot be studied 'through structure, or linguistics or psychoanalysis, through science or even through history'.[48] For that reason, the philosophical concept of the state remains beyond the purview of Governmentality Studies. The effect of such a deficit is demonstrated in *Death by Hanging*. The state officials are unable to cure R's amnesia by drawing on the routine tools of evidence-based education. They jog his memory through crude recreations of the

crime, which they follow up with a crude re-enactment of his family environment. Each state representation is utterly insufficient, as they lack the ability to define basic terms, such as the 'carnal desire' that makes rape different from sex, and are unable to explain what makes the Japanese different from Koreans. It is only in the concept of the state, which arrives in a flash of light from the outside, that R finally understands the state and its power.

Defining the state as a virtual concept requires an explanation of the virtual in Deleuze's work. Deleuze does not mean simulated, as in 'virtual reality'. In fact, 'the virtual is opposed not to the real but to the actual'.[49] The virtual and the actual together make up two mutually-exclusive sides of the real.[50] The actual is a given state of affairs that is populated by bodies. The virtual is a 'pure past' of incorporeal events and singularities that have never been present, which have 'the capacity to bring about x, without (in being actualized) ever coming to coincide or identify itself with x, or to be depleted and exhausted in x' while 'without being or resembling an actual x'.[51] In this sense, the virtual includes all potential worlds, everything that inhabits them, all of their really-existing potentials, and their every potential to differ that coexists with the actual.[52] To illustrate the complex character of the virtual, Deleuze is fond of quoting Jorge Luis Borges, whose 'The Garden of Forking Paths' includes a fictional book of Chinese philosophy that creates an opening 'to various future times, but not to all'.[53] 'In all fiction, when a man is faced with alternatives he chooses one at the expense of others', he writes, 'in the almost unfathomable Ts'ui Pên, he chooses – simultaneously – all of them' and thus *creates* various futures, various times which start others that will in their turn branch out and bifurcate in other times'.[54] In fiction, the book is able to depict the virtual as 'an infinite series of times, in a dizzily growing, ever spreading network of diverging, converging and parallel times' that creates a 'web of time' – 'the strands of which approach another, bifurcate, intersect, or ignore each other through the centuries' and thus 'embraces every possibility'.[55]

Just as the fictional book *The Garden of Forking Paths* is 'a picture, incomplete yet not false, of the universe', science and philosophy also create images of the virtual.[56] These images are made by intersecting the virtual, much like a plane sections a cone, to isolate a workable section. Science and philosophy, however, differ in their approaches. Science descends, which it does by isolating variables and laying out patterns that predict change – so when physics is used to determine the potential changes in a physical system, scientific functions are used to describe an actual state of affairs and its virtual potential to transform.

Philosophy ascends. This ascension starts from a concrete present and ends at concepts that reside in the virtual. Philosophy is not a representation of reality but a fresh orientation that poses new problems about this world that open up other possible worlds that are already present in the contemporary moment. Philosophy, like utopia, thus connects 'with what is real here and now in the struggle against capitalism' for the purpose of 'relaunching new

struggles whenever the earlier one is betrayed'.[57] This philosophy may be practical but it does not address any particular historical event for the philosophical concept 'does not refer to the lived' but consists 'in setting up an event that surveys the whole of the lived no less than every state of affairs'.[58] Philosophy therefore undoes the certainty of science by thinking the world 'without losing anything of the infinite', in the service of renewing the drive for creation.[59] Unlike science, philosophy remains utopian as it breaks through the limits of this world and 'turns it back against itself so as to summon forth a new earth, a new people'.[60] Philosophy is thought as the act of creation. It is not reality reflecting back on itself – this becoming like that – but thought speeding beyond the present, whereby the future is introduced into the present to undo the past.

Many of Foucault's most respected contributions do not 'pay the price of reality' because they are philosophical.[61] Two well-known examples are the concepts of the archive and the diagram. In *The Archaeology of Knowledge*, Foucault proposes the archive as 'the general system of the formation and transformation of statements'.[62] The archive is not a crudely empirical object, and it is not a sum of texts – it is an image of the surface of discourse that 'reveals the rules of a practice that enables statements both to survive and to undergo regular modification'.[63] Foucault goes on to explain archaeology, the method for studying the archive, as an abstraction. Archaeology is, in sum, the philosophical activity of mapping the virtual structure of a system that exists at the boundary of thought. Foucault's subsequently developed method, genealogy, is similarly a virtual mapping. In completing his genealogy of modern power, Foucault creates the concept of the diagram. The diagram appears in *Discipline and Punish*, where Foucault describes Bentham's panopticon as a diagram of power.[64] He carefully outlines what he means by diagram, writing that it is 'a mechanism of power reduced to its ideal form', 'abstracted from friction' to become a representation, 'a figure of political technology… detached from any specific use'.[65] In other words, the diagram is too abstract to be a model because it combines two things: 1) a function – the anonymous and immanent observation of subjects to individualize and classify them without their knowledge, independent of any particular spatial arrangement, and 2) matter – any human multiplicity made countable or controllable by confinement, independent of their qualification.[66] Each of these philosophical concepts, the archive and the diagram, are *virtual* and have corresponding *actual* states of affairs: the archive and the statement, the panopticon and disciplinary institutions. From this, it seems clear that Foucault himself was not allergic to approaching power through virtual concepts, as he granted them a philosophical existence independent of their actualization.

The State's Abstract Power: Incorporeal Transformation and Empire

How might we then conceptualize the state as real but not actual? If it continues in the same way that Deleuze and Guattari conceptualize capitalism,

then conceptualizing the state begins with a negative move. This move is to 'do away with the judgment of God', which means affording the state a specific and not universal status – tearing it down from the heavens of natural fact and show how it is a thing of this world, though without denying that it may be a nearly omnipresent figure today.[67] The method Deleuze and Guattari specify for this task is a *détournement* of Hegel's universal history (by way of Marx) that is retrospective, contingent, singular, ironic, and critical.[68] And on this point, such an approach is not in conflict with the study of governmentality, which similarly disarticulates the state through critical history. Where we part ways with Governmentality Studies is in the positive task I propose here: the construction of a virtual concept of the state. In particular, I contend that the state is an abstraction that induces incorporeal transformations.[69]

As an abstraction, it is 'what is not actualized or of what remains indifferent to actualization' that includes but exceeds the material state effects, 'since its reality does not depend on it'.[70] And the state is capable of producing incorporeal transformations, which are qualitative transformations (in kind not in quantity) not directly accessible through experience, although they produce effects that are empirically measurable. The classic example of an incorporeal transformation is the performative speech act, for instance 'I pronounce you husband and wife', which transforms two people from being engaged to being married without changing their material existence (their bodies).[71] These incorporeal transformations may appear as natural attributes, as they lie at the heart of social segmentations – 'gender, race, class, work, family' and now 'debt and credit' – though as much as we experience them, these transformations are not themselves material, it is only their effects that are material.[72] Deleuze does not ascertain the ontology of virtual concepts and instead says that they 'insist', 'subsist', or 'persist', leaving only their effects to ontologically 'exist'.[73]

Michael Hardt and Antonio Negri have a useful illustration of a similar abstraction in their book *Empire*.[74] According to Hardt and Negri, colonialism works as an abstract machine (a term roughly synonymous here with abstraction or virtual concept). The abstract machine of colonialism, they say, creates a dialectic of identity and alterity that imposes binary divisions on the colonial world.[75] The identity of the European Self, for instance, is produced through the dialectical movement of its opposition to and power over a colonial Other. The prevailing critique of colonialism in the early 20th century responded dialectically by revealing that the differences and identities created by colonialism appear 'as if they were absolute, essential, and natural' but are in fact incorporeal and therefore function 'only in relation to each other and (despite appearances) have no real necessary basis in nature, biology or rationality'.[76] Hardt and Negri name two conclusions to this dialectical critique: first, that the European Self must continually use material violence against its Other to sustain the dialectical appearance of corporeal power, and, second, that such a negative dialectic of recognition is hollow and prone to subversion. But reality itself is not dialectical, only colonialism

is, Hardt and Negri contend.[77] And because dialectics is only one mode in which abstract machines operate, they suggest that the effective response to colonialism is not a negative antithesis, such as the negative project of négritude or Sartrean cultural politics.[78] An effective response, they say, is the reciprocal 'counter-violence' of Frantz Fanon and Malcolm X, which produces a separation from the movement of colonialism. Such violence is not itself political, yet the violent reciprocity of 'a direct relation of forces' that breaks the abstract bond holding together incorporeal colonial power and poses a disharmony that arrests the colonial dialectic while opening a space in which politics can emerge.[79]

As Hardt and Negri go on to describe Empire, they do not call it an abstract machine, but perhaps we should. Customary definitions of Empire usually focus on a polycentric sovereignty of global governance as it intersects with the postmodern production of informatized, immaterial, and biopolitical products.[80] In contrast, I contend that Empire arrives as an entirely incorporeal entity that lacks its own body and is deprived of a material existence to call its own.[81] However devoid of existence, Empire persists as whatever collection of forces rallies behind a concept for organizing and directing the capitalist world market. As a result, Empire operates through management and circulation, but it is not extensive with its products.

Opposing Empire surely includes the tasks used by the Governmentality School: outlining its material practices, its effects on behaviours, and its shared logic of governance. A philosophical definition of Empire, however, would also typologize it as a virtual concept. In determining Empire's mode of operation, the task would be to abstractly identify how it produces incorporeal transformations in the open ecology of contemporary power. Considerable research already mixes the concrete and virtual aspects of Empire while studying the feedback and capture of cognitive capitalism, the free labour of the digital precariat, the anonymous networks of computerized corporate control, and the ballooning surveillance assemblage of states.[82] Within this work, however, the Governmentality School's strict materialism and Deleuze's philosophy of the virtual cause tension: one is motivated by scientific certainty, and the other, utopian creation. While science may descend onto a state of affairs to detail objects that give a truer picture of contemporary power, philosophy ascends to create images through abstraction that are just as real. The key difference is that only philosophy, like Fanonian counter-violence, creates a formally asymmetric relationship with the world as it is presently constituted.

The Powers of the False

The powers of the false are what cause the science of governmentality and the philosophy of abstraction to part ways. Deleuze, following Nietzsche, argues that 'the "true world" does not exist, and even if it did, it would be inaccessible, impossible to describe, and, if it could be described, would be

useless, superfluous'.[83] This critique is in part historical, much like Hardt and Negri's depiction of colonial dialectics, as time 'puts truth in crisis'.[84] Derrida explicates how time can subvert truth, whereby the legal order is founded through a violence that is illegitimate under the law.[85] It is not enough to simply recall the bloody history dried in the codes. Denouncing states, nations, or races as fictions does little to dislodge their power, however untrue the historical or scientific justifications for them might be.[86] Deleuze is intrigued by these '*not-necessarily true pasts*', and in particular, the founding mythologies that fictionalize the origin of states and nations of people.[87] Such power arises from the indistinguishability between the true and false. Between the true and the false, Deleuze does not find emptiness or illusion, as in the devaluation of value or the discrediting of the world as a sham; in place of the model of truth, he poses the real. Put in these terms: disputing the truthfulness of an abstraction does not limit that abstraction's power; in fact, it confirms the real capacities of even false abstractions (to name two: that illegal violence can and has been used to found new legal orders, and that now-debunked science once justified eugenics and that scientific paradigms currently used in social policy will inevitably be invalidated by new research). To draw a sharp boundary between the state as a historical set of practices on the one hand and 'a mythicized abstraction' on the other – as Governmentality Studies does – is to turn a blind eye to the dual reality of the state.[88] This is why Deleuze and Guattari insist that the utopian challenge to the state is ultimately philosophical; and following Nietzsche, they urge us to 'overthrow ontology' through the creative power of the virtual.[89]

Deleuze turns to cinema to theorize the powers of the false. As such, his philosophical conceptualization of cinema extends well beyond the purview of the 'state-effects' surveyed by Governmentality Studies.[90] This is because Deleuze is interested in how cinema 'takes up the problem of truth and attempts to resolve it through purely cinematic means', and not how it is sometimes taken to simply represent the concept of truth through metaphor or analogy.[91] In the history of cinema, he finds a shift after World War II whereby films break from the clichéd calls to action characteristic of classic cinema, and instead increasingly produce new realities. Some retain a reference to the true, such as the 'clairvoyant eye' of Italian neo-realism era films; others, such as 1960s new wave films, escape the usual function of the senses.[92] This cinema's realism is not a simple mimesis, but a presentation of what is not directly perceivable – not different worlds but realities that exist in the present, though not currently lived, which confirm but also weaken reality.[93] The elusiveness of truth in post-war cinema does not, however, prevent the existence of a 'truthful man'; one who Deleuze identifies as the figure that seeks the moral origins of truth and the return of judgment.[94] Brecht and Lang are his two foils; he charges both with returning morality through the judgment of the viewer, and against whom he poses Welles, whose films make judgment impossible.[95]

Ōshima's *Death by Hanging* may open with a Brechtian form of truth that challenges the legitimacy of the state to legally condemn people to death.

And in a call to judgment, the film opens with a long intertitle sequence silently presenting the printed question 'Do you support or oppose the abolition of the death penalty?', continuing with statistics on public support for the death penalty, and finally challenging the viewer's experience, 'Have you ever seen an execution chamber?' and 'Have you ever seen an execution?'. Yet this form of truth fractures with the botched execution, which forces truth to split into contradictions. Actually-existing governmentality occurs in the space of the false. When the clichéd documentary presentation of the hanging breaks down and the law appears woefully abstract and inadequate, the officials perform an exercise in governmentality: they each limit the functions of the state by individually disavowing authority, as each delineates their own functions so as to disavow responsibility for violence and defer to another for re-founding the law. In turn, R, the amnesiac protagonist, grows to have even more vitality than Josef K. of Welles's *The Trial*.[96] Rather than being ambiguously tied to history like Josef, 'the body of the condemned man R refuses execution'; neither an individual weighed down by his past crimes nor collectively tied to the ethnic ressentiment offered by a fellow Korean, R breaks with truth and replaces it with 'the power of life', unqualified.[97]

Ultimately, *Death by Hanging* stages a conservative utopia as the restoration of power. In the conclusion, R continues to make judgment impossible. Once again facing execution, he asks the officials to show him a nation so he can name his executioner. Perhaps it is the Public Prosecutor or the Security Officer, as they represent the nation? No, they respond, they are only 'a small part, not the whole thing'. R continues his line of questioning, telling the prosecutor, 'If you were the whole thing, you would be evil for killing me. The next prosecutor will kill you, and he'll be killed in turn… and finally no one will be left'. The prosecutor becomes frustrated enough by R's deconstruction of the law that he offers R freedom. As R opens the door to leave, however, an intense light compels him back into the courtroom. It is at this moment that the law's outside returns; the state, itself an abstraction rather than simply a collections of practices, behaviours, and local truths, is finally depicted in its real virtual existence. And in this case, the light is also the reality that R, as a Korean, will never be fully accepted in Japanese society. The conclusion is startling: truth does not challenge the virtuality of the state, and even when its actions are inept, it is still capable of producing incorporeal transformations. Perhaps the most powerful example of the incorporeal transformation is the transformation that occurs when a judge declares the accused to be guilty of their crimes – transforming an alleged criminal into a real one.[98] Back in the room, R submits to being hanged, to which the prosecutor declares that even if the nation is invisible, R now *knows* the nation, because 'the nation is in your mind, and as long as it exists there, you feel guilty'. In spite of this, R still maintains his innocence by proclaiming '[a] nation cannot make me guilty', which leads the officials concur: 'with such ideas [he] shall not be allowed to live'. They then hang R – not for his initial crimes, but for his dangerous and treasonous ideas. In a final shot of a hanging noose, the prosecutor thanks the Education Officer 'for

taking part in this execution' and then thanks the Security Officer 'for taking part in this execution', and then he thanks 'you', 'and you', 'and 'you', 'and you', and then finally 'you, dear spectators, thank you for taking part in this execution'. Then the screen goes black – leaving only the after-effect of conservative utopia. Our own task remains: after overthrowing the ontology of the state, how do we create the revolutionary utopia of a stateless society?

Notes

1   *Death by Hanging*. Dir. Nagisa Ōshima.
2   For clarity, I will refer to the nation-state as simply 'the state'. Central to my argument is that the state's cultural history is essential to its nature. While every state has a cultural dimension, however, the concept of nation holds a distinctly modern connotation that emerge from forms of right new to medieval Europe. When understood philosophically, the right of an abstract nation to execute criminals – as used by R in *Death by Hanging* – is contained within the notion of the state as concept. For a genealogy of the nation, see Foucault's *Society Must be Defended*.
3   Foucault, *The History of Sexuality*, 88–89.
4   Foucault, *Security, Territory, Population*, 109, 114.
5   Ibid., 109. Despite the recent acceptance of Foucault's theory of the state as an essential part of his *oeuvre*, its status deserves comment – after the success of *Discipline and Punish* and the first volume of *The History of Sexuality* Foucault suffered from a 'silent' seven years. In that time, he ceased publishing books although he meticulously constructed book-length genealogies of liberalism that chronologically moved through sovereignty, early modern statecraft, and 20th century economics, which he presented as lectures to the Collège de France. The famous 'governmentality' essay was a lecture in the *Security, Territory, Population* series. These lectures have been released in full in the last decade, but their unfinished quality and Foucault's decision not to publish the material raises methodological questions – in particular, whether or not he ultimately agrees with his own claim on the significance, comparative preference, and veracity of the theory of

state he presents in these lectures. In addition to *Security, Territory, Population*, Foucault's other lectures on modern government are *Society Must be Defended, The Birth of Biopolitics*.
6   Foucault, "Governmentality," 5–21.
7   Rose and Miller, *Governing the Present*, 9.
8   Foucault, *Birth of Biopolitics*, 2.
9   Mitchell, "Society, Economy, and the State Effect," 76–97.
10 Mitchell, "The Limits of the State," 77–94.
11 Jessop, *State Power*, 150.
12 Foucault, *Birth of Biopolitics*, 75–77, 189–92.
13 Ibid., 188.
14 Rose and Miller, "Political Power Beyond the State," 173–205.
15 O'Malley, "Risk and Responsibility," 189–207.
16 Cruikshank, *The Will to Empower*.
17 Rose, *Inventing Ourselves*.
18 In regards to structuralist Marxism, Althusser's students cite Foucault generally favorably from the 1970s onward, in particular Balibar, Macherey, Lecourt, Pêcheux, and Rancière. The Italian reception is less clear, as Franco Berardi and others claim that Foucault's work was not widely circulated within Potere Operaismo until the 1978 translation of *The History of Sexuality*, although there was a small group of scholars associated with the movement who had read Foucault, including Antonio Negri, who cites Foucault in the famous 1977 essay "Domination and Sabotage"; for that essay and Berardi's reflections, see Negri, 'Domination and Sabotage' and Berardi, 'Anatomy of Autonomy'. Post-Anarchism was founded as the union of post-structuralism philosophy and contemporary anarchism, making the works of Michel Foucault, Gilles Deleuze and Félix Guattari, and Jacques Lacan canonical.

19 Mannheim, *Ideology and Utopia*, 177–78.

20 One response is that 'empirical studies and genealogies of government are full of accounts of conflicts and struggles, although resistance seldom takes the form of a heroic meta-subject. Thus, Rose's account of the emergence of advanced liberal rationalities is at pains to stress the role of those who opposed government through the social; but there was, here as elsewhere, no single movement of resistance to power, but rather a conflict of rival programs and strategies'. O'Malley, Rose Valverde, "Governmentality," 100. Absent from this defence is the Nietzschean spirit of writing untimely histories against the present that would give life to new becomings, and for this, they avoid playing the most persistent note of Foucault's politics.

21 Ibid., 101.

22 Mannheim, *Ideology and Utopia*, 177.

23 Deleuze returns to Butler's *Erewhon* often. See, for example, Deleuze, *Difference and Repetition*, xx–xxi, 285–88; Deleuze and Guattari, *What is Philosophy?*, 100.

24 O'Malley, Rose, and Valverde, "Governmentality," 101.

25 Ticiento Clough, "The Case of Sociology," 627–641.

26 The loose collection of philosophers associated with 'Speculative Realism' share a starting point: the rapport between the givenness of the world ('the real') and the thought of that givenness ('truth').

27 Numerous object-oriented approaches are included in *The Speculative Turn: Continental Materialism and Realism*.

28 Harman, "On the Undermining of Objects," 24.

29 DeLanda, *A New Philosophy of Society*, 17–18.

30 Bennett, *Vibrant Matter* and Connolly, *The Frailty of Things*. Andrew Cole puts forth a rather convincing argument that these object-based approaches mirror the idealism of Fichte because 'these newer philosophies exhibits a very strong humanism and a rather traditional ontology in that they claim to hear things "speak," recording things' voices, registering their presence, and heeding their indifference'. Cole, "The Call of Things," 106–118.

31 Deleuze, *Empiricism and Subjectivity*, 110.

32 An excellent demonstration of the wider constellation of thought can be found in Flaxman, "A More Radical Empiricism," 55–72.

33 Deleuze, *Difference and Repetition*, 143, 143.

34 Ibid., xx.

35 Zourabichvili, *Deleuze: A Philosophy of the Event*, 130.

36 Ibid., 211.

37 Ibid., 36.

38 Deleuze and Guattari, *A Thousand Plateaus*, 25.

39 Flaxman, "Coda," 292–324.

40 Foucault, "Maurice Blanchot," pp. 7–60.

41 Deleuze and Guattari, *A Thousand Plateaus*, 431, 437, 437–448.

42 Deleuze and Guattari, *Anti-Oedipus*, 351–356.

43 Deleuze, *Cinema 2*, 68. It is also worth noting that the encounters with the 'non-external outside' are not simply to ward off threats, but is the motor of utopian fabulation necessary for art, science and philosophy.

44 Foucault, *Security, Territory, Population*, 109.

45 The cultural dimension of sovereignty is so integral to Deleuze and Guattari, that they open the apparatus of capture plateau with a formal definition of the state derived from comparative mythologist Georges Dumézil's study of Indo-European sovereignty within a tri-partite conception of society, *Mitra-Varuna*. Deleuze and Guattari accept the tri-partite structure but define the state as two complementary poles – one authoritarian, the other liberal – while holding that the third part, the warrior-as-nomad, is the state's incommensurate outside.

46 Dean, *Governmentality*, 13–14.

47 Deleuze, *Negotiations*, 89.

48 Ibid., 89.

49 Deleuze, *Difference and Repetition*, 208.

50 I borrow this formulation from Boundas, "What Difference," 397–423.

51 Ibid., 399.

52 Deleuze, *Difference and Repetition*, 81–82.

53 Borges, "The Garden of Forking Paths," 98.
54 Ibid.
55 Ibid., 100.
56 Ibid., 100.
57 Deleuze and Guattari, *What is Philosophy?*, 100.
58 Ibid., 33–34.
59 Ibid., 42.
60 Ibid., 99.
61 To be absolutely clear, philosophy is real. The point is that reality does not exact the same toll from philosophy as it does from science.
62 Foucault, *The Archaeology of Knowledge*, 130.
63 Ibid., 130.
64 Foucault, *Discipline and Punish* , 205.
65 Ibid., 205. It should also be noted that Deleuze makes this comparison in Deleuze, *Foucault*, 31–34.
66 Ibid., 72. An additional reason why it must be an abstraction and not a model, according to Deleuze, is that the actualized content and expression bear neither resemblance nor correspondence, and so must have a common immanent cause. *Ibid*., 33. For further information on this point, see Bogue, *Deleuze and Guattari*, 130–35.
67 Deleuze, "To Have Done with Judgment," 126–35.
68 Deleuze and Guattari, *Anti-Oedipus*, 163–64. For an elaboration on these concepts, particularly as it relates to Althusser, see Read, "A Universal History of Contingency".
69 Foucault explicitly describes his philosophy as 'incorporeal materialism' in two places: his inaugural Collège de France lecture, "The Order of Discourse" and "Theatrum Philosophicum," his review of *The Logic of Sense*.
70 Deleuze and Guattari, *What is Philosophy?*, 156.
71 Austin, *How to do Things with Words*, 5.
72 Buchanan, "Deleuze and the Internet".
73 Deleuze, *Logic of Sense*, 52–54.
74 Hardt and Negri, *Empire*.
75 Ibid., 128–29.
76 Ibid., 129.
77 Ibid., 128.
78 The keystone examples are Cesaire, *Discourse on Colonialism* and Fanon, *The Wretched of the Earth*.
79 Hardt and Negri, *Empire*, 131–32.
80 See, for example, Barkawi and Laffey, "Retrieving the Imperial," 109–27; Jean L. Cohen, "Whose Sovereignty?" 1–24; Bowring, "From the Mass Worker to the Multitude,"101–32; Borón, *Empire & Imperialism*.
81 This is a position shared with Tiqqun, Plan B Bureau, and other recent theorizations of Empire, see Plan B Bureau, "20 Theses" and Tiqqun, *Introduction to Civil War*.
82 Hagerty and Ericson, "The Surveillant Assemblage," 605–22; Terranova, *Network Culture*; Galloway, *Protocol*; Dean, *Blog Theory*.
83 Deleuze, *Cinema 2*, 137.
84 Ibid., 130. Deleuze poses this in the modified terms of the classic philosophy problem of future contingents that considers the truth of the statement 'there will be a sea-battle tomorrow'. He has particular ire for philosophy founded on such propositional logic.
85 Derrida, "Force of Law," 3–66.
86 Rahita Seshadri, *Desiring Whiteness*.
87 Deleuze, *Cinema 2*, 131. The 'miraculating power' of the state is dealt with extensively in Deleuze and Guattari, *Anti-Oedipus* and Deleuze and Guattari, *A Thousand Plateaus*.
88 Foucault, *Security, Territory, Population*, 109.
89 Deleuze and Guattari, *A Thousand Plateaus*, 25. Deleuze also call this process fabulation. See Flaxman, *Gilles Deleuze* for further information on this point.
90 Previous theorists have studied cinema's capacity to produce new political realities by balancing their authority as scientists with the energetic philosophy of cinema. To this end, none seem to have retained the Nietzschean spirit of fabulation. See Shapiro, *Cinematic Political Thought*; MacKenzie and Porter, *Dramatizing the Political*; Lisle and Pepper, "The New Face of Global Hollywood," 165–92; Shapiro, *Cinematic Geopolitics*; Reid, "What did Cinema do"; Lorimer, "Moving Image Methodologies," 237–58.
91 Lambert, *The Non-Philosophy of Gilles Deleuze*, 93.
92 Ibid., 22. It is also worth dwelling on the distinction between reality and truth, which can be used to restate

Foucault's desire to exact the 'price of reality'. State theory must pay the price of reality but not with truth.

93   To clarify this understanding of the real, Flaxman makes reference to Cameron's *Avatar* and Kubrick's *2001: A Space Odyssey*. Flaxman, "Out of the Field," 119–37.

94   Deleuze, *Cinema 2*, 137.

95   Ibid., 138–39.

96   *The Trial*. Dir. Orson Welles

97   Deleuze, *Cinema 2*, 135. A similar argument can be found in Agamben's *Homo Sacer* regarding Kafka's "Before the Law" and "Bartleby the Scrivener".

98   Deleuze and Guattari, *A Thousand Plateaus*, 80–81.

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