Notes Toward a Performative Theory of Assembly

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THE MARY FLEXNER LECTURESHIP was established at Bryn Mawr College on February 12, 1928, by Bernard Flexner, in honor of his sister, Mary Flexner, a graduate of the College. The income from the endowment is to be used annually or at longer intervals, at the discretion of the Directors of the College, as an honorarium for a distinguished American or foreign scholar in the field of the humanities. The object of the lectureship is to bring to the College scholars of distinction who will be a stimulus to the faculty and students and who will help to maintain the highest ideals and standards of learning.

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Introduction

Since the emergence of mass numbers of people in Tahrir Square in the winter months of 2010, scholars and activists have taken a renewed interest in the form and effect of public assemblies. The issue is at once ancient and timely. Groups suddenly coming together in large numbers can be a source of hope as well as fear, and just as there are always good reasons to fear the dangers of mob action, there are good grounds for discerning political potential in unpredictable assemblies. In a way, democratic theories have always feared "the mob" even as they affirm the importance of expressions of the popular will, even in their unruly form. The literature is vast, and tends to recur to authors as diverse as Edmund Burke and Alexis de Tocqueville, who wondered quite explicitly whether democratic state structures could survive unbridled expressions of popular sovereignty or whether popular rule devolves into the tyranny of the majority. This book will neither review nor adjudicate these important debates in democratic theory, but only suggest that debates about popular demonstrations tend to be governed either by fears of chaos or by radical hope

for the future, though sometimes fear and hope get interlocked in complex ways.

I mark these recurrent tensions in democratic theory in order to underscore from the start a certain disjunction between the political form of democracy and the principle of popular sovereignty, since the two are not the same. Indeed, it is important to keep them apart if we are to understand how expressions of the popular will can call into question a particular political form, especially one that calls itself democratic even as its critics question that claim. The principle is simple and well known, but the presumptions at work remain vexing. We could despair of deciding the right form for democracy, and simply concede its polysemy. If democracies are composed of all those political forms that call themselves democratic, or that are regularly called democratic, then we adopt a certain nominalist approach to the matter. But if and when political orders deemed democratic are brought into crisis by an assembled or orchestrated collective that claims to be the popular will, to represent the people along with a prospect of a more real and substantive democracy, then an open battle ensues on the meaning of democracy, one that does not always take the form of a deliberation. Without adjudicating which popular assemblies are "truly" democratic and which are not, we can note from the start that the struggle over "democracy" as a term actively characterizes several political situations. How we name that struggle seems to matter very much, given that sometimes a movement is deemed antidemocratic, even terrorist, and on other occasions or in other contexts, the same movement is understood as a popular effort to realize a more inclusive and substantive democracy. That table can turn quite easily, and when strategic alliances require regarding one group as "terrorist" on one occasion and as "democratic allies"

on another, we see that "democracy," considered as an appellation, can be quite easily treated as a strategic discursive term. So, apart from the nominalists who think that democracies are those forms of government called democracies, there are discursive strategists who rely on modes of public discourse, marketing, and propaganda to decide the question of which states and which popular movements will or will not be called democratic.

It is of course tempting to say that a democratic movement is one called by that name, or one that calls itself by that name, but that is to give up on democracy. Although democracy implies the power of self-determination, it hardly follows that any group that determines itself to be representative can rightly claim to be "the people." In January 2015, Pegida (European Patriots Against the Islamicization of the West), an openly anti-immigrant political party in Germany, claimed "we are the people," a self-naming practice that sought precisely to exclude Muslim immigrants from the operative idea of the nation (and it did so by associating itself with a phrase popularized in 1989, casting now a darker meaning on the "unification" of Germany). Angela Merkel responded, "Islam is part of Germany," at about the same time that Pegida's leader, exposed as having dressed up like Hitler for a photo shoot, was compelled to resign. A row like this graphically raises the question, who really are "the people"? And what operation of discursive power circumscribes "the people" at any given moment, and for what purpose?

"The people" are not a given population, but are rather constituted by the lines of demarcation that we implicitly or explicitly establish. As result, as much as we need to test whether any given way of positing "the people" is inclusive, we can only indicate excluded populations through a further demarcation. Self-constitution

becomes especially problematic to consider under these conditions. Not every discursive effort to establish who "the people" are works. The assertion is often a wager, a bid for hegemony. So when a group or assembly or orchestrated collectivity calls itself "the people," they wield discourse in a certain way, making presumptions about who is included and who is not, and so unwittingly refer to a population who is not "the people." Indeed, when the struggle over deciding who belongs to "the people" gets intense, one group opposes its own version of "the people" to those who are outside, those considered to threaten "the people," or to oppose the proposed version of "the people." As a result, we have (a) those who seek to define the people (a group much smaller than the people they seek to define), (b) the people defined (and demarcated) in the course of that discursive wager, (c) the people who are not "the people," and (d) those who are trying to establish that last group as part of the people. Even when we say "everyone" in an effort to posit an all-inclusive group, we are still making implicit assumptions about who is included, and so we hardly overcome what Chantal Mouffe and Ernesto Laclau so aptly describe as "the constitutive exclusion" by which any particular notion of inclusion is established.[1]

The body politic is posited as a unity it can never be. Yet, that does not have to be a cynical conclusion. Those who in a spirit of realpolitik reckon that since every formation of "the people" is partial, we should simply accept that partiality as a fact of politics, are clearly opposed by those who seek to expose and oppose those forms of exclusion, often knowing quite well that full inclusiveness is not possible, but for whom the struggle is ongoing. The reasons for this are at least twofold: on the one hand, many exclusions are made without knowledge that they are being made, since

exclusion is often naturalized, taken to be "the state of things" and not an explicit problem; secondly, inclusiveness is not the only aim of democratic politics, especially radical democratic politics. Of course, it is true that any version of "the people" that excludes some of the people is not inclusive and, therefore, not representative. But it is also true that every determination of "the people" involves an act of demarcation that draws a line, usually on the basis of nationality or against the background of the nation-state, and that line immediately becomes a contentious border. In other words, there is no possibility of "the people" without a discursive border drawn somewhere, either traced along the lines of existing nation-states, racial or linguistic communities, or political affiliation. The discursive move to establish "the people" in one way or another is a bid to have a certain border recognized, whether we understand that as a border of a nation or as the frontier of that class of people to be considered "recognizable" as a people.

So one reason inclusiveness is not the only aim of democracy, especially radical democracy, is that democratic politics has to be concerned with who counts as "the people," how the demarcation is enacted that brings to the fore who "the people" are and that consigns to the background, to the margin, or to oblivion those people who do not count as "the people." The point of a democratic politics is not simply to extend recognition equally to all of the people, but, rather, to grasp that only by changing the relation between the recognizable and unrecognizable can (a) equality be understood and pursued and (b) "the people" become open to a further elaboration. Even when a form of recognition is extended to *all* the people, there remains an active premise that there is a vast region of those who remain unrecognizable, and that very power differential is reproduced every time that form of recognition

is extended. Paradoxically, as certain forms of recognition are extended, the region of the unrecognizable is preserved and expanded accordingly. The conclusion is that these explicit and implicit forms of inequality that are sometimes reproduced by fundamental categories such as inclusion and recognition have to be addressed as part of a temporally open democratic struggle. The same can be said about those implicit and explicit forms of contentious border politics that are raised by some of the most elementary and taken-for-granted forms of referring to the people, the populace, and the popular will. In effect, the insight into persistent exclusion forces us back into the process of naming and renaming, of renewing what we mean by "the people" and what various people mean when they invoke that term.

The problem of demarcation introduces another dimension to the problem, since not all of the related discursive actions that go into recognizing and misrecognizing the people are explicit. The operation of their power is to some extent performative. That is, they enact certain political distinctions, including inequality and exclusion, without always naming them. When we say that inequality is "effectively" reproduced when "the people" are only partially recognizable, or even "fully" recognizable within restrictively national terms, then we are claiming that the positing of "the people" does more than simply name who the people are. The act of delimitation operates according to a *performative* form of power that establishes a fundamental problem of democracy even as—or precisely when—it furnishes its key term, "the people."

We could linger longer with this discursive problem, since there is an always-open question of whether "the people" are the same as those who express "the popular will" and whether those acts of self-naming qualify as self-determination or even valid expressions

of the popular will. The concept of self-determination is also here at play, and so implicitly the very idea of popular sovereignty. As important as it is to clarify this lexicon of democratic theory—especially in light of recent debates about whether any of the public assemblies and demonstrations we have seen in the Arab Spring, the Occupy Movement, or the antiprecarity demonstrations—and to ask whether such movements can be interpreted as true or promising examples of the popular will, the will of the people, the suggestion of this text is that we have to read such scenes not only in terms of the version of the people they explicitly set forth, but the relations of power by which they are enacted.[2] Such enactments are invariably transitory when they remain extraparliamentary. And when they realize new parliamentary forms, they risk losing their character as the popular will. Popular assemblies form unexpectedly and dissolve under voluntary or involuntary conditions, and this transience is, I would suggest, bound up with their "critical" function. As much as collective expressions of the popular will can call into question the legitimacy of a government that claims to represent the people, they can also lose themselves in the forms of government that they support and institute. At the same time, governments come into being and pass away sometimes by virtue of actions on the part of the people, so those concerted actions are similarly transient, consisting of the withdrawal of support, deconstituting the government's claim on legitimacy, but also constituting new forms. As the popular will persists in the forms it institutes, it must also fail to lose itself in those forms if it is to retain the right to withdraw its support from any political form that fails to maintain legitimacy.

How, then, do we think about these transient and critical gatherings? One important argument that follows is that it matters that

bodies assemble, and that the political meanings enacted by demonstrations are not only those that are enacted by discourse, whether written or vocalized. Embodied actions of various kinds signify in ways that are, strictly speaking, neither discursive nor prediscursive. In other words, forms of assembly already signify prior to, and apart from, any particular demands they make. Silent gatherings, including vigils or funerals, often signify in excess of any particular written or vocalized account of what they are about. These forms of embodied and plural performativity are important components of any understanding of "the people" even as they are necessarily partial. Not everyone can appear in a bodily form, and many of those who cannot appear, who are constrained from appearing or who operate through virtual or digital networks, are also part of "the people," defined precisely by being constrained from making a specific bodily appearance in public space, which compels us to reconsider the restrictive ways "the public sphere" has been uncritically posited by those who assume full access and rights of appearance on a designated platform. A second sense of enactment, then, emerges here in light of embodied forms of action and mobility that signify in excess of whatever is said. If we consider why freedom of assembly is separate from freedom of expression, it is precisely because the power that people have to gather together is itself an important political prerogative, quite distinct from the right to say whatever they have to say once people have gathered. The gathering signifies in excess of what is said, and that mode of signification is a concerted bodily enactment, a plural form of performativity.

We might be tempted on the basis of older habits to say, "but if it signifies, it is surely discursive," and maybe that is true. But that rejoinder, even if it holds, does not let us examine that important

chiasmic relation between forms of linguistic performativity and forms of bodily performativity. They overlap; they are not altogether distinct; they are not, however, identical with one another. As Shoshana Felman has shown, even the speech act is implicated in the embodied conditions of life.[3] Vocalization requires a larynx or a technological prosthetic. And sometimes what one signifies by the means of expression is quite different from what is explicitly owned as the aim of the speech act itself. If performativity has often been associated with individual performance, it may prove important to reconsider those forms of performativity that only operate through forms of coordinated action, whose condition and aim is the reconstitution of plural forms of agency and social practices of resistances. So this movement or stillness, this parking of my body in the middle of another's action, is neither my act nor yours, but something that happens by virtue of the relation between us, arising from that relation, equivocating between the I and the we, seeking at once to preserve and disseminate the generative value of that equivocation, an active and deliberately sustained relation, a collaboration distinct from hallucinatory merging or confusion.

THE SPECIFIC THESIS OF THIS BOOK is that acting in concert can be an embodied form of calling into question the inchoate and powerful dimensions of reigning notions of the political. The embodied character of this questioning works in at least two ways: on the one hand, contestations are enacted by assemblies, strikes, vigils, and the occupation of public spaces; on the other hand, those bodies are the object of many of the demonstrations that take precarity as their galvanizing condition. After all, there is an indexical force of the body that arrives with other bodies in a zone visible to

media coverage: it is *this* body, and *these* bodies, that require employment, shelter, health care, and food, as well as a sense of a future that is not the future of unpayable debt; it is *this* body, or *these* bodies, or bodies *like* this body or these bodies, that live the condition of an imperiled livelihood, decimated infrastructure, accelerating precarity.

In some ways my aim is to stress the obvious under conditions in which the obvious is vanishing: there are ways of expressing and demonstrating precarity that importantly engage embodied action and forms of expressive freedom that belong more properly to public assembly. Some critics have argued that the Occupy movements succeeded only in bringing people out onto the streets, and facilitated the occupation of spaces whose public status is contested by expanding privatization. Sometimes those spaces are contested because they are, quite literally, being sold off as property to private investors (Gezi Park in Istanbul). But other times those spaces are closed to public assemblies in the name of "security" or even "public health." The explicit aims of those assemblies vary: opposition to despotic rule, securitarian regimes, nationalism, militarism, economic injustice, unequal rights of citizenship, statelessness, ecological damage, the intensification of economic inequality and the acceleration of precarity. Sometimes an assembly seeks explicitly to challenge capitalism itself or neoliberalism, considered as a new development or variant, or, in Europe, austerity measures, or, in Chile as elsewhere, the potential destruction of public higher education.[4]

Of course, these are different assemblies, and different alliances, and I do not believe that one can come up with a single account of these most recent forms of public demonstrations and occupations that link them more broadly to the history and principle of

public assembly. They are not all permutations of the multitude, but neither are they so disconnected that we can draw no ties among them. A social and legal historian would have to do some of that comparative work—and I hope they continue to do so in light of recent forms of assembly. From my more limited vantage point, I want to suggest only that when bodies assemble on the street, in the square, or in other forms of public space (including virtual ones) they are exercising a plural and performative right to appear, one that asserts and instates the body in the midst of the political field, and which, in its expressive and signifying function, delivers a bodily demand for a more livable set of economic, social, and political conditions no longer afflicted by induced forms of precarity.

In this time in which neoliberal economics increasingly structures public services and institutions, including schools and universities, in a time in which people are losing their homes, their pensions, and their prospects for work in increasing numbers, we are faced in a new way with the idea that some populations are considered disposable.[5] There is short-term work or no work at all, or post-Fordist forms of flexible labor that rely on the substitutability and dispensability of working peoples. These developments, bolstered by prevailing attitudes toward health insurance and social security, suggest that market rationality is deciding whose health and life should be protected and whose health and life should not. Of course, there are differences between policies that explicitly seek the deaths of certain populations and policies that produce conditions of systematic negligence that effectively let people die. Foucault helped us to articulate this distinction when he spoke about the very specific strategies of biopower, the management of life and death in ways that no longer require a

sovereign who explicitly decides and enforces the question of who will live and who will die.[6] And Achille Mbembe has elaborated upon this distinction with his conception of "necropolitics."

And this was, for some of us, keenly exemplified at that meeting of the Tea Party in the United States in which Congressman Ron Paul suggested that those who have serious illness and cannot pay for health insurance, or "choose" not to pay, as he would put it, would simply have to die. A shout of joy rippled through the crowd, according to published reports. It was, I conjecture, the kind of joyous shout that usually accompanies going to war or forms of nationalist fervor. But if this was for some a joyous occasion, it must have been fueled by a belief that those who do not make sufficient wages or who are not in secure enough employment do not deserve to be covered by health care, and a belief that none of the rest of us are responsible for those people. The implication was clearly that those who are not able to achieve jobs with health care belong to a population that deserves to die and that is finally responsible for their own death.

Shocking for many people who still live under the nominal framework of social democracy is the underlying presumption that individuals ought to care only for themselves, and not for others, and that health care is not a public good, but a commodity. In this same speech, Paul praises the traditional function of the church and charity for taking care of the needy. Although some Christian-left alternatives to this situation have emerged in Europe and elsewhere to make sure that those abandoned by forms of social welfare are taken care of by philanthropic or communitarian practices of "care," those alternatives often supplement and support the decimation of public services such as health care. In other words, they accept the new role for Christian ethics and practices

(and Christian hegemony) that the decimation of basic social services provides. Something similar happens in Palestine when the infrastructural conditions of life are constantly being destroyed by bombing, water rationing, the uprooting of olive groves, and the dismantling of established irrigation systems. This destruction is ameliorated by nongovernmental organizations that reestablish roads and shelters, but the destruction does not change; the NGO interventions presume that the destruction will continue, and understand their task as repairing and ameliorating those conditions between bouts of destruction. A macabre rhythm develops between the tasks of destruction and the tasks of renewal or reconstruction (often opening up temporary market potential as well), all of which supports the normalization of the occupation. Of course, this does not mean that there should be no effort to repair homes and streets, to provide better irrigation and more water, and to replant destroyed olive groves, or that NGOs have no role. Their role is crucial. And yet, if those tasks take the place of a more thoroughgoing opposition to occupation that brings about its end, they risk becoming practices that make occupation functional.

What about that sadistic shout of joy emerging from that Tea Party meeting, translating into the idea that those who cannot find their way to gain access to health care will rightly contract diseases, or suffer accidents, and will rightly die as a consequence? Under what economic and political conditions do such joyous forms of cruelty emerge and make their sentiments known? Do we want to call this a death wish? I start with the presupposition that something has gone very wrong, or has been wrong for a long time, when the idea of the death of an impoverished or uninsured person elicits shouts of joy from a proponent of Tea Party republicanism, a nationalist variant of economic libertarianism that has

fully eclipsed any sense of a common social responsibility with a colder and more calculating metric aided and abetted, it seems, by a rather joyous relation to cruelty.

Although "responsibility" is a word that is often found circulating among those who defend neoliberalism and renewed versions of political and economic individualism, I will be seeking to reverse and renew its meaning in the context of thinking about collective forms of assembly. It is not easy to defend a notion of ethics, including key notions such as freedom and responsibility, in the face of their discursive appropriation. For if, according to those who value the decimation of social services, we are each responsible only for ourselves, and certainly not for others, and if responsibility is first and foremost a responsibility to become economically self-sufficient under conditions that undermine all prospects of self-sufficiency, then we are confronted by a contradiction that can easily drive one mad: we are morally pushed to become precisely the kind of subjects who are structurally foreclosed from realizing that norm. Neoliberal rationality demands self-sufficiency as a moral ideal at the same time that neoliberal forms of power work to destroy that very possibility at an economic level, establishing every member of the population as potentially or actually precarious, even using the ever-present threat of precarity to justify its heightened regulation of public space and its deregulation of market expansion. The minute one proves oneself to be incapable of conforming to the norm of self-sufficiency (for instance when one cannot pay health care or take advantage of privatized care), one becomes potentially dispensable. And then, this dispensable creature is addressed by a political morality that demands individualistic responsibility or that operates on a model of the privatization of "care."

Indeed, we are in the midst of a biopolitical situation in which diverse populations are increasingly subject to what is called "precaritization."[7] Usually induced and reproduced by governmental and economic institutions, this process acclimatizes populations over time to insecurity and hopelessness; it is structured into the institutions of temporary labor and decimated social services and the general attrition of the active remnants of social democracy in favor of entrepreneurial modalities supported by fierce ideologies of individual responsibility and the obligation to maximize one's own market value as the ultimate aim in life.[8] In my view, this important process of precaritization has to be supplemented by an understanding of precarity as effecting a change in psychic reality, as Lauren Berlant has suggested in her theory of affect;[9] it implies a heightened sense of expendability or disposability that is differentially distributed throughout society. The more one complies with the demand of "responsibility" to become self-reliant, the more socially isolated one becomes and the more precarious one feels; and the more supporting social structures fall away for "economic" reasons, the more isolated one feels in one's sense of heightened anxiety and "moral failure." It involves an escalation of anxiety about one's future and those who may be dependent on one; it imposes a frame of individual responsibility on the person suffering that anxiety; and it redefines responsibility as the demand to become an entrepreneur of oneself under conditions that make that dubious vocation impossible.

So one question that emerges for us here is the following: What function does public assembly serve in the context of this form of "responsibilization," and what opposing form of ethics does it embody and express? Over and against an increasingly individualized sense of anxiety and failure, public assembly embodies the

insight that this is a social condition both shared and unjust, and that assembly enacts a provisional and plural form of coexistence that constitutes a distinct ethical and social alternative to "responsibilization." As I hope to suggest, these forms of assembly can be understood as nascent and provisional versions of popular sovereignty. They can also be regarded as indispensable reminders of how legitimation functions in democratic theory and practice. This assertion of plural existence is not in any way a triumph over all forms of precarity, though it articulates, through its enactments, an opposition to induced precarity and its accelerations.

The fantasy of the individual capable of undertaking entrepreneurial self-making under conditions of accelerating precarity, if not destitution, makes the uncanny assumption that people can, and must, act in autonomous ways under conditions where life has become unlivable. The thesis of this book is that none of us acts without the conditions to act, even though sometimes we must act to install and preserve those very conditions. The paradox is obvious, and yet what we can see when the precarious assemble is a form of action that demands the conditions for acting and living. What conditions such actions? And how is plural and embodied action to be reconceived within such an historical situation?

Before we turn to these central questions, let us first consider how this contradictory imperative operates in yet other domains. If we consider the rationale for militarization that is based on the claim that "the people" who belong to the nation must be defended, we find that only some of the people are defensible, and that an operative distinction is at work between the defensible and the indefensible, differentiating the people from the population. Precarity shows itself in the midst of this imperative to "defend the people." The military defense requires and institutes precarity not

only among those it targets, but also among those it recruits. At least those conscripted into the U.S. Army are promised skills, training, and work, but they are often sent into zones of conflict where there is no clear mandate and where their bodies can be maimed, their psychic lives traumatized, and their lives destroyed. On the one hand, they are considered "indispensable" to the defense of the nation. On the other hand, they are designated as a dispensable population. Even though their deaths are sometimes glorified, they are still dispensable: people to be sacrificed in the name of the people.[10] An operative contradiction is clearly at work: the body that seeks to defend the country is often physically and psychically eviscerated in the course of doing its job. In this way, in the name of defending people, the nation kicks some of its people to the curb. The body instrumentalized for the purposes of "defense" is nevertheless disposable in the course of providing that "defense." Left defenseless in the course of defending the nation, such a body is both indispensable and dispensable. The imperative to provide "the defense of the people" thus requires the dispensability and defenselessness of those tasked with defense.

Of course we are right to distinguish among kinds of protest, differentiating antimilitarization movements from precarity movements, Black Lives Matter from demands for public education. At the same time, precarity seems to run through a variety of such movements, whether it is the precarity of those killed in war, those who lack basic infrastructure, those who are exposed to disproportionate violence on the street, or those who seek to gain an education at the cost of unpayable debt. Sometimes a gathering takes place in the name of the living body, one entitled to life and persistence, even flourishing. At the same time, no matter what the protest is about, it is also, implicitly, a demand to be able to gather,

to assemble, and to do so freely without fear of police violence or political censorship. So though the body in its struggle with precarity and persistence is at the heart of so many demonstrations, it is also the body that is on the line, exhibiting its value and its freedom in the demonstration itself, enacting, by the embodied form of the gathering, a claim to the political.

ASSERTING THAT A GROUP OF PEOPLE is still existing, taking up space and obdurately living, is already an expressive action, a politically significant event, and that can happen wordlessly in the course of an unpredictable and transitory gathering. Another "effective" result of such plural enactments is that they make manifest the understanding that a situation is shared, contesting the individualizing morality that makes a moral norm of economic self-sufficiency precisely under conditions when self-sufficiency is becoming increasingly unrealizable. Showing up, standing, breathing, moving, standing still, speech, and silence are all aspects of a sudden assembly, an unforeseen form of political performativity that puts livable life at the forefront of politics. And this seems to be happening before any group lays out its demands or begins to explain itself in proper political speech. Taking place outside of parliamentary modes of written and spoken contributions, the provisional assembly still makes a call for justice. But to understand this "call," we have to ask whether it is right that verbalization remains the norm for thinking about expressive political action. Indeed, we have to rethink the speech act in order to understand what is made and what is done by certain kinds of bodily enactments: the bodies assembled "say" we are not disposable, even if they stand silently. This expressive possibility is part of plural and embodied performativity that we have to understand as marked by dependency and resistance. Assembled creatures such as these

depend upon a set of living and institutional processes, infrastructural conditions, to persist and to assert together a right to the conditions of its persistence. That right is part of a broader call to justice, one that may well be articulated by a silent and collective stand. However important words are for such a stand, they do not exhaust the political importance of plural and embodied action.

As much as an assembly can signify a form of popular will, even lay claim to "the" popular will, signifying the indispensable condition of state legitimacy, assemblies are orchestrated by states for the very purpose of flashing before the media the popular support they ostensibly enjoy. In other words, the signifying effect of the assembly, its legitimation effect, can function precisely through orchestrated enactments and orchestrated media coverage, reducing and framing the circulation of the "popular" as a strategy of the state's self-legitimation. Since there is no popular will that exercises its legitimating effect being demarcated or produced within a frame, the struggle over legitimation invariably takes place in the play between public enactments and media images, where state-controlled spectacles do battle with cell phone and social networks to cover an event and its significance. The filming of police actions has become a key way to expose the state-sponsored coercion under which freedom of assembly currently operates. One can easily arrive at a cynical conclusion: it is all a play of images. But perhaps a much more important insight is at stake here, namely, that "the people" are not just produced by their vocalized claims, but also by the conditions of possibility of their appearance, and so within the visual field, and by their actions, and so as part of embodied performance. Those conditions of appearance include infrastructural conditions of staging as well as technological means of capturing and conveying a gathering, a coming together, in the visual and acoustic fields. The sound of what they speak, or the

graphic sign of what is spoken, is as important to the activity of self-constitution in the public sphere (and the constitution of the public sphere as a condition of appearance) as any other means. If the people are constituted through a complex interplay of performance, image, acoustics, and all the various technologies engaged in those productions, then "media" is not just reporting who the people claim to be, but media has entered into the very definition of the people. It does not simply assist that definition, or make it possible; it is the stuff of self-constitution, the site of the hegemonic struggle over who "we" are. Of course, we have to study those occasions in which the official frame is dismantled by rival images, or where a single set of images sets off an implacable division in society, or where the numbers of people gathering in resistance overwhelm the frame by which their size is supposed to be cut, or their claim is transformed into uncivil noise. Such gatherings are not the same as democracy itself. We cannot point to one provisional and transient gathering and say, "that is democracy in action," and mean that everything we expect of democracy is emblematized or enacted at such a moment. Gatherings are necessarily transient, and that transience is linked to their critical function. One could say, "but oh, they do not last," and sink into a sense of futility; but that sense of loss is countered by the anticipation of what may be coming: "they could happen at any time!" Gatherings such as these serve as one of democracy's incipient or "fugitive" moments.[11] The demonstrations against precarity may well prove to be a case in point.

As I BEGAN TO CLARIFY IN *Frames of War,* precarity is not simply an existential truth—each of us could find ourselves subject to deprivation, injury, illness, debilitation, or death by virtue of

events or processes outside of our control.[12] We are all unknowing and exposed to what may happen, and our not knowing is a sign that we do not, cannot, control all the conditions that constitute our lives. However invariable such a general truth may be, it is lived differentially, since exposure to injury at work, or faltering social services, clearly affects workers and the unemployed much more than others.

On the one hand, everyone is dependent on social relations and enduring infrastructure in order to maintain a livable life, so there is no getting rid of that dependency. On the other hand, that dependency, though not the same as a condition of subjugation, can easily become one. The dependency of human creatures on sustaining and supporting infrastructural life shows that the organization of infrastructure is intimately tied with an enduring sense of individual life: how life is endured, and with what degree of suffering, livability, or hope.

In other words, no one person suffers a lack of shelter without there being a social failure to organize shelter in such a way that it is accessible to each and every person. And no one person suffers unemployment without there being a system or a political economy that fails to safeguard against that possibility. This means that in some of our most vulnerable experiences of social and economic deprivation, what is revealed is not only our precariousness as individual persons—though that may well be revealed—but also the failures and inequalities of socioeconomic and political institutions. In our individual vulnerability to a precarity that is socially induced, each "I" potentially sees how its unique sense of anxiety and failure has been implicated all along in a broader social world. This initiates the possibility of taking apart that individualizing and maddening form of responsibility in favor of an ethos of

solidarity that would affirm mutual dependency, dependency on workable infrastructures and social networks, and open the way to a form of improvisation in the course of devising collective and institutional ways of addressing induced precarity.

The chapters of this book seek first to understand the expressive or signifying function of improvisational forms of public assembly, but also to interrogate what counts as "public" and who "the people" may be. By "expressive" I do not mean to imply that some already established sense of the people is expressed through forms of public gathering, but only that just as free speech is considered an "expressive freedom," so, too, is freedom of assembly: some matter of political significance is being enacted and conveyed. This inquiry is situated within a historical time in which the question emerges: How is precarity enacted and opposed in sudden assemblies? To the extent that forms of interdependency are foregrounded in such assemblies, they provide a chance to reflect upon the embodied character of social action and expression, what we might understand as embodied and plural performativity. An ethical conception of human relationality traverses a political analysis throughout these pages and becomes most salient in the discussion of Hannah Arendt on cohabitation and the Levinasian proposition that an ethical demand is in some sense prior to the formation of the choosing subject, and so precedes conventionally liberal notions of contract.

The first chapters focus on forms of assembly that presume modes of belonging and site-specific occasions for political demonstrations, whereas the last chapters ask about forms of ethical obligation that hold among those who do not share a geographical or linguistic sense of belonging. Finally, in taking up Adorno's formulation that it is not possible to live a good life in a bad life, I

suggest that the "life" one has to lead is always a social life, implicating us in a larger social, economic, and infrastructural world that exceeds our perspective and the situated, first-person modality of ethical questioning. For this reason, I argue that ethical questions are invariably implicated in social and economic ones, although they are not extinguished by those concerns. Indeed, the very conception of human action as pervasively conditioned implies that when we ask the basic ethical and political question, how ought I to act, we implicitly reference the conditions of the world that make that act possible or, as is increasingly the case under conditions of precarity, that undermine the conditions of acting. What does it mean to act together when the conditions for acting together are devastated or falling away? Such an impasse can become the paradoxical condition of a form of social solidarity both mournful and joyful, a gathering enacted by bodies under duress or in the name of duress, where the gathering itself signifies persistence and resistance.

Notes

Introduction

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2. Hamid Dabashi, *The Arab Spring: The End of Postcolonialism* (London: Zed Books, 2012).

3. Shoshana Felman, *The Scandal of the Speaking Body: Don Juan with J. L. Austin, or Seduction in Two Languages* (Palo Alto, CA: Stanford University Press, 2003).

4. Wendy Brown, "Neo-liberalism and the End of Liberal Democracy," *Theory and Event* 7, no. 1 (2003), accessed July 20, 2014, muse.jhu.edu/journals/theory_and_event/v007/7.1brown.html.

5. The notion of "disposable life" has emerged in a number of recent theoretical debates. See Achille Mbembe, "Necropolitics," *Public Culture* 15, no. 1 (2003): 11–40, and Beth Povinelli, *Economies of Abandonment* (Durham, NC: Duke University Press, 2011). See also the Columbia University website: http://historiesofviolence.com/specialseries/disposable-life/.

6. Michel Foucault, *Society Must Be Defended: Lectures at the Collège de France, 1975–76,* trans. David Macey (New York: Picador, 2002); Michel Foucault, *Security, Territory, Population: Lectures at the Collège de France, 1977–78,* trans. Graham Burchell (New York: Picador, 2009).

7. Isabell Lorey, *State of Insecurity: Government of the Precarious* (London: Verso, 2015).

8. Michel Feher, "Self-Appreciation; or, The Aspirations of Human Capital," *Public Culture* 21, no. 1 (2009): 21–41.

9. Lauren Berlant, *Cruel Optimism* (Durham, NC: Duke University Press, 2011).

10. Ibid.

11. Sheldon S. Wolin, "Fugitive Democracy," *Constellations: An International Journal of Critical and Democratic Theory* 1, no. 1 (1994): 11–25.

12. See my "Introduction: Precarious Life, Grievable Life," in *Frames of War: When Is Life Grievable?* (London: Verso, 2009).

1. Gender Politics and the Right to Appear

1. A chilling example of this refusal to heed the political demands implied by assembly took place in London in 2011, and also in the suburbs of Paris in 2005. See "Paul Gilroy Speaks on the Riots," *Dream of Safety* (blog), August 16, 2011, http://dreamofsafety.blogspot.com/2011/08/paul-gilroy-speaks-on-riots-august-2011.html. See also a number of recent reports on military personnel from Israel and Bahrain brought in to train local police how to suppress and disperse demonstrations: Max Blumenthal, "How Israeli Occupation Forces, Bahraini Monarchy Guards Trained U.S. Police for Coordinated Crackdown on 'Occupy' Protests," The Exiled, December 2, 2011, http://exiledonline.com/max-blumenthal-how-israeli-occupation-forces-bahraini-monarchy-guards-trained-u-s-police-for-coordinated-crackdown-on-occupy-protests/.

2. Jacques Derrida, "Signature Event Context," in *Limited Inc,* trans. Samuel Weber and Jeffrey Mehlman (Evanston, IL: Northwestern University Press, 1988); Pierre Bourdieu, *Language and Symbolic Power* (Cambridge, MA: Harvard University Press, 1991); Eve Kosofsky Sedgwick, *Epistemology of the Closet* (Berkeley: University of California Press, 1990).

3. In a Hegelian sense, the struggle for recognition never fully overcomes the life and death struggle.

4. See my *Frames of War* (London: Verso, 2010).

5. See Linda Zerilli, "The Arendtian Body," and Joan Cocks, "On Nationalism," in *Feminist Interpretations of Hannah Arendt,* ed. Bonnie Honig (University Park: Penn State University Press, 1995).

6. Hannah Arendt, *On Revolution* (New York: Penguin, 1963), 114.

7. Ibid.

8. Zerilli, "Arendtian Body," 178–179.

9. See Ruth Wilson Gilmore, *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California* (Berkeley: University of California Press, 2007), 28.

10. For an account of how rights of bodily mobility are central to democratic politics, see Hagar Kotef, *Movement and the Ordering of Freedom: On Liberal Governances of Mobility* (Durham, NC: Duke University Press, 2015).

11. Hannah Arendt, "The Decline of the Nation-State and the End of the Rights of Man," in *On Totalitarianism* (San Diego: Harcourt, Brace, Jovanovich, 1973), 267–302. See also Judith Butler and Gayatri Chakravorty Spivak, *Who Sings the Nation-State? Language, Politics, Belonging* (Calcutta: Seagull Books, 2007).

12. Joan W. Scott, *Politics of the Veil* (Princeton, NJ: Princeton University Press, 2010).

13. See http://baltimore.cbslocal.com/2011/04/22/video-shows-woman-being-beaten-at-baltimore-co-mcdonalds/.

14. Palestinian Queers for Boycott, Divestment, and Sanctions, see http://www.pqbds.com/.

15. Jorge E. Hardoy and David Satterthwaite, *Squatter Citizen: Life in the Urban Third World* (London: Earthscan, 1989).

16. Denise Riley, *"Am I That Name?" Feminism and the Category of Women in History* (Minneapolis: University of Minnesota Press, 1988).

17. Eve Kosofksy Sedgwick, "Queer Performativity: Henry James's *The Art of the Novel,*" *GLQ* 1, no. 1 (1993): 1–16.

18. This final discussion is transposed from "Rethinking Vulnerability and Resistance," my lecture given in Alcala, Spain, in July 2014, part of which was published in the Modern Language Association's online journal, *Profession,* January 2014, https://profession.commons.mla.org/2014/03/19/vulnerability-and-resistance/.

2. Bodies in Alliance and the Politics of the Street

1. Jasbir Puar, *Terrorist Assemblages: Homonationalism in Queer Times* (Durham, NC: Duke University Press, 2007).

2. Hannah Arendt, *The Human Condition* (Chicago: University of Chicago Press, 1958), 198.

3. Ibid.

4. Ibid., 199.

5. "The point of view of an ethics is: of what are you capable, what can you do? Hence a return to this sort of cry of Spinoza's: what can a body do? We never know in advance what a body can do. We never know how we're organized and how the modes of existence are enveloped in somebody." Gilles Deleuze, *Expressionism in Philosophy: Spinoza,* trans. Martin Joughin (New York: Zone Books, 1992), 217–234. This account differs from his in several respects, most prominently by virtue of its consideration of bodies