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Agamben and Radical Politics

Edited by Daniel McLoughlin

14. Agamben writes that 'to have mistaken such a naked life separate from its form, in its abjection, for a superior principle of sovereignty or the sacred – is the limit of Bataille's thought, which makes it useless to us' (Agamben, *Means without End*, p. 7). In her *Catastrophe and Redemption: The Political Thought of Giorgio Agamben* (Albany: State University of New York Press, 2013), Jessica Whyte deals with the ambiguous theme or operation of 'redemption' or 'salvation' in Agamben's thought, though this particular reference to Bataille is not addressed.

15. Agamben, *Means without End*, p. 8.

16. Giorgio Agamben, 'Marginal Notes on Commentaries on the Society of the Spectacle', in *Means without End*, p. 88. It is not insignificant that these lines were written as a purported response, as the title indicates, to the Italian translation of Guy Debord's 1988 book *Commentaries on the Society of the Spectacle*.

17. Aristotle, *De Anima*, trans. W. D. Ross (Oxford: Clarendon Press, 1961), 429a–b.

18. Agamben, 'Form-of-Life', p. 9.

19. Dante, *Monarchy*, trans. and ed. Prue Shaw (Cambridge: Cambridge University Press, 1996), p. 7.

20. Dante, *Monarchy*, p. 7.

21. Dante, *Monarchy*, pp. 6–7.

22. Agamben, 'Form-of-Life', p. 11.

23. Giorgio Agamben with Adriano Sofri, 'Un'idea di Giorgio Agamben', *Reporter* (9–10 November 1985), pp. 32–3.

24. Giorgio Agamben, 'Nota alla prima edizione', in Paolo Virno, *Convenzione e materialismo: L'unicità senza aura* (Rome: DeriveApprodi, 2011), p. 9.

25. Agamben, 'Form-of-Life', p. 10.

26. Agamben, 'Form-of-Life', p. 10.

27. Agamben, 'Form-of-Life', p. 10 (original emphasis).

28. Hobbes, *De Cive*, XII, 'Speaking as in a dissolute multitude, and yet not fashioned Government, they destroy the frame.' 'Leviantano e Behemoth', the second chapter in Agamben's recent *Stasis. La guerra civile come paradigma politico* (Torino: Boallati Boringhieri, 2015), treats this figure of the 'dissolute multitude' at length.

29. Agamben, 'Form-of-Life', p. 9.

30. In *L'Uso dei corpi*, the term antagonism, so rare in Agamben's work – and tied entirely to his engagement with Virno and workerism – is replaced with the idea of 'destitution'.

31. Agamben and Sofri, 'Un'idea di Giorgio Agamben'.

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What Is a Form-of-Life?: Giorgio Agamben and the Practice of Poverty

Steven DeCaroli

What is your aim in philosophy?
To show the fly the way out of the fly-bottle.
Ludwig Wittgenstein, *Philosophical Investigations*, I, 309

What I would like to attempt in this chapter, which at first might seem a simple matter, is to determine the meaning of what Giorgio Agamben calls a 'form-of-life' and to make clear how its technical sense differs from the term 'form of life', which bears a slightly different inscription, and in relation to which form-of-life remains in continual tension.[1] Although both terms have been part of Agamben's lexicon for over two decades,[2] the manner in which they have been discussed in the secondary literature remains unconvincing – in part because these considerations are often limited to simple repetitions of Agamben's sparse formulation. But this is not entirely the fault of Agamben's readership. There is a great deal of ambiguity, if not outright inconsistency, in the manner in which Agamben deploys the terms and, until quite recently, their presentation has been, somewhat notoriously, uncertain.

In order to comprehend the strategic function these terms play in Agamben's thought we must, however, approach them obliquely because it is not possible to adequately understand what is meant by form-of-life unless we first come to terms with the role that the concept of necessity plays in Agamben's analysis of juridical power. As will become clear in what follows, Agamben's investigation into the limits of legal authority is guided by his treatment of necessity, a concept that plays a central role in two pivotal texts, *State of Exception* and *The Highest Poverty*, which, despite their evident differences, in fact mirror each other quite closely.[3] Since it is within the pages of the more recent of these two books, *The Highest Poverty*, that Agamben provides his fullest treatment

to date of the positive content of form-of-life – an undertaking announced in the book's subtitle – it will serve as the focus of this study.[4]

Two necessities

The Greeks gave the name *Ananke* to the personification of necessity and in Orphic theology she appears as the wife of *Demiurgus* and as the mother of both the *Moerae* (the fates) and *Heimarmenē* (destiny). In her lap rests a spindle around which the world revolves and we are told that her power was irresistible, even to gods – a view corroborated by Simonides of Ceos who, in a passage cited by Plato in the *Protagoras*, tells us that 'against necessity [*ananke*] not even the gods make war'.[5] But if necessity forces the hand of both mortals and gods, she does not do so alone. For according to Pausanias' *Descriptio Graeciae*, there was a sanctuary on the north slope of the Acrocorinth dedicated not only to *Ananke* but also to *Bia* (violence), where the two goddesses were worshipped together in the same shrine – a shrine, he adds, which it was 'not customary to enter'.[6]

The proximity of necessity and violence arises, of course, in the context of biological survival where, in accordance with natural law (*ius naturale*), the use of force to secure basic necessities is justified. It is, however, in the domain of politics that this relation has proven most consequential. When Aristotle turns his attention to the topic of the *polis*, for instance, he begins not with politics itself but with a discussion of the *oikos*, the private realm of the household, which, in addition to being responsible for procuring the biological necessities of daily living, serves both as the backdrop against which the *polis* will be defined and as the domain of necessity from which the political order will continually seek to distance itself. Likewise, when, in a brief essay from 1993, Agamben states that 'Political power as we know it . . . always founds itself – in the last instance – on the separation of a sphere of naked life [*nuda vita*] from the context of the forms of life',[7] it is to this primary political division of *oikos* from *polis* that he refers. What we have is an attempt to exclude from the realm of political life both the constraints of necessity that oblige human action to conform to the requirements of survival and the violence that accompanies this pursuit, not only because every necessity conceals the potential for an emergency, but because there is simply no necessity that law can hope to command.

But despite every effort, the absolute separation of *polis* from *oikos* has never held fast. The necessity that politics seeks to exclude finds its way back into the *polis*, and it does so for two reasons – first, because the *polis* cannot exist without the necessary work of the *oikos* and, second, because the logic of political life generates formidable necessities of its own. As we will see, these two reasons correspond not only with two distinct types of necessity, but also designate two points at which the rule of law reaches its operational limit.

The demands of biological life have always, from time to time, erupted within the *polis* and when raw necessity confronts the juridical order, when the need for survival impinges upon the aims of politics, the force of law begins to deteriorate. It is well known that, for Aristotle, membership in the *polis* was possible only through the strict exclusion of those (women, slaves, etc.) whose lives remained tethered to the labour required for survival, and therefore to the *oikos*, and so it is not surprising that it is from out of their ranks that the *polis* first encounters its antithesis, that is to say, *the poor* – the name we give to the appearance of biological necessity within the borders of the state. It is with this in mind that Aristotle tells us, 'poverty is the parent of revolution and crime',[8] for under conditions of material scarcity the legal order gives way to the demands of biological need, giving full meaning to the Latin adage, often repeated in medieval legal literature, 'necessity knows no law' (*necessitas dat legem non ipsa accipit*).[9]

But the appearance of poverty is not the only manner in which the separation of the *oikos* from the *polis* reveals its fragility, for the state is concerned with its own survival as well. The violence that political life sought to avoid by excluding necessity from its domain reappears in the form of necessities born within the political order itself – a purely political form of survival, which concerns not the ability to live but the capacity to rule. When, in his seminar of 1977–8, Michel Foucault introduces the notion of necessity in relation to what the seventeenth century knew as *coup d'État*, it is this second form of necessity to which he refers. Following Giovanni Palazzo's early definition, *coup d'État* refers not to the seizure of state power by outside forces, but to the state 'acting of itself on itself' in response to a necessity that is 'above the law', and it is 'in the name of the state's salvation', that is

to say, its survival, that the state undertakes the suspension of law and legality.[10] Politics, Foucault concludes, is therefore, 'not something that has to fall within a form of legality or a system of laws. Politics is concerned with something else, although at times, when it needs them, it uses laws as an instrument. Politics is concerned with necessity.'[11] What we encounter here is necessity born of the state itself, emerging from the need to preserve legitimacy so as to retain the authority to rule. When political life appears on the verge of collapse, when the ability to extend force to law is placed in jeopardy, the political order begins to mirror the biological order by turning not to law, because the law's viability is precisely what is in question, but to extra-legal forms of legitimacy and to violence: 'When necessity demands it,' Foucault writes, 'raison d'État becomes coup d'État, and then it is violent.'[12] At this point, however, the parallel between the biological order and the political order comes to an end because, whereas life encounters biological necessity whenever objective conditions give rise to the risk of death, the state confronts political necessity strictly by way of a decision – thereby disclosing the essential meaning of Carl Schmitt's famous definition of sovereignty, according to which the 'sovereign is he who decides on the exception'.[13]

Two investigations

Any interpretation of the political meaning of necessity, then, must begin with the peculiar fact that necessity stands on opposite ends of the law, positioned, as it were, at the two poles where law reaches its operational limit. On one side there is biological necessity, the point at which law must abdicate its authority in favour of biological survival, and it is in this sense that the law is constrained by biological necessity. And on the other side there is the loss of political legitimacy, the point at which law is stripped of its general capacity to command, and it is in this sense that law is constrained by the requirements of political necessity. On the one hand, we encounter conditions leading to necessary use (*usus necessitatis*), and on the other we encounter conditions that give rise to a state of necessity (*status necessitatis*). Although there is a risk of oversimplification, Agamben's ongoing investigations into the limits of juridical power can be understood as proceeding down both these lines of inquiry.

The first investigation leads us to *State of Exception*, which, as the title indicates, concerns *status necessitatis* or, more specifically, the nature of authority (*auctoritas*) insofar as it retains the power to suspend law. Agamben's analysis demonstrates that authority is not only a power that persists in the absence of the law, but coincides with the life of the sovereign in whose person life and law are made indistinguishable. Authority is 'what remains of law if law is wholly suspended', and in this sense authority is 'not law but life', a 'law that blurs at every point with life'.[14] Being a living law, the sovereign, the *auctor*, makes the political emergency possible by making political necessity intelligible, that is, by entangling the survival of the state with the survival of the ruler. And insofar as a political emergency is possible, authority is revealed to be a dependent power not only because political life depends upon *material* necessities provided by the private domain of the household, but because authority depends also on *cognitive* necessities (belief and obedience) furnished by a population.

And the second investigation leads us, of course, to *The Highest Poverty*, which considers *usus necessitatis* and the role it plays in monastic communities that sought, through the practice of poverty, to live life beyond law. In this text Agamben asks: to what extent is it possible to envision a viable community premised neither on sovereignty nor on the juridical allocation of rights? Are there historical precedents for this type of community? And, if so, what type of life – what form of life – characterises this community and makes extra-legal existence possible? If strength of authority is directly proportional to the way of living (form of life) that sustains it, then the aim of Agamben's most recent work is to formulate a way of life (form-of-life) wherein authority is rendered *un*sustainable.

Monastic rule

In the opening pages of *The Highest Poverty*, which are devoted to a discussion of the birth of monastic rule during the fourth and fifth centuries, Agamben explains that his investigation will be an attempt, by means of a study of monasticism, 'to construct a form-of-life', a life 'that is linked so closely to its form that it proves to be inseparable from it'.[15] Although, according to Agamben's analysis, monastic communities ultimately fail to achieve this inseparability, the persistence with which they repeatedly approach its realisation is nonetheless instructive. Of paramount importance is the novel

manner in which later forms of monasticism, and in particular the Franciscan Order, confronted the problem of the relationship between rule and life, collapsing the distinction in a way that was decidedly *not* achieved through either perfect obedience under law or strict conformity to the duties of office – subjects Agamben explores in a subsidiary text on liturgy and divine office, *Opus Dei*.[16] As we will see, what makes the Franciscan Order significant is the manner in which it bridged the disconnection between, on the one hand, the demands spelled out in the rules and, on the other hand, the imperfect ability of the monastic community to comply with those demands. Whereas other monastic communities accomplished this reconciliation between rule and life through an extreme intensification of monastic discipline, the Franciscans did very much the reverse. As Agamben explains:

> The traditional juridical idea of the observance of a precept is here reversed. Not only is it the case that the Friar Minor does not obey the rule, but live it – with an even more extreme reversal, it is life that is to be applied to the norm and not the norm to life.[17]

Consequently, the 'most precious legacy' of Franciscanism is, as will become clear in what follows, precisely 'how to think a form-of-life, a human life entirely removed from the grasp of the law' and therefore how to establish a community 'no longer on the level of doctrine and law, but on the level of life'.[18]

According to Agamben's presentation, the earliest monastic rules were not juridical texts but rather codes of conduct, which, by being something other than law, reconfigured the relation between norm and life. 'What is a rule, if it seems to be mixed up with life without remainder? And what is a human life, if it can no longer be distinguished from the rule?'[19] The manner in which Agamben formulates these questions is undoubtedly intended to invite a comparison with the special relationship that the sovereign maintains with the law, thereby invoking the central theme of *State of Exception*, namely, the sovereign whose authority makes his life indistinguishable from law. Likewise, quoting Cándido Mazón's *Las reglas de los religiosos*, Agamben explains that the rules of monastic orders 'are not truly laws or precepts in the strict sense of the term', but neither are they reducible to 'mere advice that leaves the monks at liberty to follow it or not'.[20] Here too we find a conspicuous parallel with *State of Exception* insofar as

auctoritas, according to Theodor Mommsen's definition, which Agamben cites, is 'more than advice and less than command, an advice which one may not safely ignore'.[21]

Roughly speaking, then, there is an inverse parallel between monastic rule and sovereign authority, between *regula* and *auctoritas*. While monastic rules guided the lives of monks who lived outside the law and who refused every right furnished by the juridical order, sovereign authority grounds the force of law insofar as it survives in the person of the sovereign who exists beyond it. Monastic rules, like authority, were not laws and did not attain their efficacy by juridical means, yet they functioned very differently from sovereign authority insofar as they did not serve as the foundation for a legal system. Instead of joining the obligated to an elevated source of power, as in the case of law, monastic rules bonded together (each-to-each) those who had given themselves over to this obligation, thereby creating a common life over which rules had no binding claim. The form of life (*forma vitae*) invoked by the rule, then, is a common life constituted absent the imposition of law, and all monastic *regula* must be understood in these terms. 'Common life', Agamben maintains, 'is not the object that the rule must constitute and govern. On the contrary . . . it is the rule that seems to be born from "cenoby" [common life].'[22]

The notion of a *forma vitae* championed by the Franciscans is, however, considerably older than Franciscanism itself and can be found as far back as Cicero, Seneca and Quintilian – a lineage that brings with it synonymous meanings that accompany *forma*: *imago*, *exemplar*, *exemplum*. The sense of a model or an example that characterised these earlier traditions carried over into the Franciscan *forma vitae*, and understood in these terms the phrase 'form of life' may also be rendered 'example of life' or 'paradigm of life' since a form of life is that type (*typos*) of life that can serve as an example of a way of living – which is precisely how we ought to understand the monastic rule, especially when we recall that the supreme rule for Francis was not a code but the concrete, exemplary life of Christ. 'One could not say more clearly that if a life (the life of Christ) is to furnish the paradigm of the rule, then the rule is transformed into life, becomes *forma vivendi et regula vivifica*.'[23]

'Living according to a form', Agamben tells us, 'undoubtedly implies, according to a frequent meaning of the term *forma* in medieval Latin, an exemplary relation with others',[24] but, he

reminds us, 'the logic of the example is anything but simple and does not coincide with the application of a general law'.[25] The peculiar logic of the example, about which Agamben has said a great deal, fits nicely here for there is, after all, no separation between the example and the thing it exemplifies. The example is always already an instance of its exemplarity and so it is impossible to cleanly distinguish between the example as a rule and the example as instance of adherence to that rule. The example exercises a normative force without relying on law and so Sulpicius Severus can write, regarding the embodiment of monastic regulation, 'Be a form of living for all, be an example.'[26]

The great insight of the monastics, then, was to refuse to produce on top of common life, which is by its nature precarious, a legal framework that purports to protect, stabilise and defend it, because the cost of this stabilisation is a legal logic that permits the type of exclusion that political order seems to require and which Agamben's famous figure of *Homo sacer* exemplifies. Ironically perhaps, and despite its religious nature, Agamben finds in monasticism a community characterised by a *refusal of authority*, a refusal to recognise and thereby make operative the work of law and sovereignty. The monks' refusal to employ legal codes as a mechanism for binding community was therefore neither the result of de facto illegality, nor of a rebellious refusal to obey, but of a form of life that rendered juridical authority inoperative, a life characterised by a type of poverty which was not only material but juridical.

Abdicatio iuris

It is no surprise that when Agamben takes up the question of the relation between *forma vitae* and the law, he begins with poverty, and specifically the *altissima paupertas* (highest poverty) of Francis. From the beginning, the Friars Minor stressed not merely the embrace of material poverty but, in a move that produced tension with the Papacy, the abdication of every right (*abdicatio omnis iuris*), which is to say, the adoption of *juridical poverty*. 'What the Franciscans never tire of confirming', we are told, 'is the lawfulness for the brothers of making use of goods without having any right to them (neither of property nor of use).'[27] Bonagratia, who is among the first to develop the notion of use without right by placing the Franciscan vow of poverty in the context of neces-

sity, argues that, 'as the horse has de facto use but not property rights over the oats that it eats, so the religious who has abdicated all property has the simple de facto use [*usum simplicem facti*] of bread, wine, and clothes'.[28] While Francis's devotion to animals is undoubtedly implied in this formulation, as Agamben points out, animals are not here brought into the human fold; rather, the brothers are 'equated with animals from the point of view of the law'.[29] Just as in the state of innocence, 'human beings had the use of things but not ownership, so also the Franciscans . . . can renounce all property rights while maintaining, however, the de facto use of things'.[30] The separation of ownership from use, implicit in the *abdication iuris*, therefore constituted 'the essential apparatus that the Franciscans use to technically define the peculiar condition that they call "poverty"'.[31]

Under the papacy of John XXII, however, the possibility of separating ownership and use is called into question and the Pontiff's pronouncements on the subject, put forth in the bull *Ad conditorem canonum*, marks a critical moment in the history of Franciscanism. The Curia's argument hinged on isolating a sphere of conduct wherein the separation of use from ownership is impossible. This was accomplished by claiming, in the case of consumable goods such as food or water, that use entails the necessary destruction of the thing consumed. Therefore, '[t]he purely ontological problem is whether a use that consists only in abuse (that is, in destruction) can exist and be possessed other than by right of ownership.'[32] Whereas the Friars wished to preserve a right of usage in the absence of ownership, and so claimed to use out of necessity, the Curia argued that necessary use and, indeed, all forms of use that involve consumption imply a de facto right of ownership.

The Franciscans, of course, responded to this critique and Agamben articulates the monastic position by citing both Hugh of Digne and Ockham. According to Hugh's *De finibus paupertatis*, natural law 'prescribes that everyone have use of the things necessary to their conservation, but does not obligate them in any way to ownership'.[33] Hugh's strategy for distinguishing use from ownership rested, therefore, on the distinction between natural law and positive law, between *quid facti* and *quid iuris*. He tells us, for instance, that conserving one's life through the use of food and clothing does not constitute ownership but rather simple use, because the right of ownership can be renounced, whereas the

right to use in the interest of survival cannot be. The problem with this formulation, however, is that by defining simple use in opposition to ownership, Hugh defines it in entirely legal terms. Necessary use is anchored in the theory of natural law which positive law recognises, thereby tethering it to a legal logic and placing Hugh's presentation in the awkward position of having to present in juridical terms the right to have no rights.

Ockham defended the Franciscan position in a similar fashion by distinguishing between the natural right of use (which appears when one enters a state of necessity measured against the needs of survival) and the positive right of use (which is entirely the result of law and legal dispensation). Though they retained no positive right to the things they used, the Friars nevertheless claimed a natural right limited to cases of extreme necessity:

Brothers have permission to use things for a time other than a time of extreme necessity [*pro alio tempore quam pro tempore necessitatis extremae*], but they do not have any right of using at all except for the time of extreme necessity.[34]

Whereas monks had *permission* to use things when it was not necessary to do so, they did not have a *right* to use those things unless they did so under conditions of necessity, because in such cases their actions assumed a legal status (via natural law), thereby becoming a matter of right. As Agamben puts it, 'They have renounced all property and every faculty of appropriating, but not the natural right of use, which is, insofar as it is a natural right, unrenounceable.'[35] Thus,

[i]t is not the rule so much as the state of necessity that is the apparatus through which they seek to neutralise law and at the same time to assure themselves an extreme relationship with it (in the form of *ius naturale*).[36]

Although Ockham strayed into the same trap as Hugh, justifying the Franciscan notion of use in terms that are entirely juridical, he had, in a sense, flipped the relation between law and necessity that characterised monastic life.[37] Under normal conditions, where positive law is generally applied, the Friars Minor had no legally enforceable right to use, but in cases of extreme necessity, as Ockham argues, the brothers 'recover a relationship with law'[38]

– but in this case it is natural law, not positive law. 'Necessity, which gives the Friars Minor a dispensation from the rule, restores (natural) law to them; outside the state of necessity, they have no relationship with the law.'[39] Thus, what for others is the normal condition of living under rights extended by law became for the monastics an exceptional state. Monastic life was lived outside of the law, coming into contact with the law only when conditions were necessary for survival, whereas others live continually under the law and begin to exit the law only in an emergency – 'what for others is an exception becomes for them a form of life'.[40] Monastic use and legal use overlap or come into contact only in this very narrow condition known as necessary use – *usus necessitatis* – and so, Agamben concludes, '[u]se and the state of necessity are the two extremes that define the Franciscan form of life.'[41]

Abdicatio officium

But since, as we saw above, use and necessity are not limited to material or biological existence, but appear also in the more circumscribed context of political life, Agamben turns next to a consideration of office (*officium*). What is important to understand here is that office is also a kind of property and therefore not only is it something that can be put to use, it is also something in relation to which one can be poor. Office is a type of status and, as with all status, what distinguishes it ontologically is a capacity to bring into existence, within a social domain, real powers and real effects. To hold an office, in other words, is to possess the power to transform some portion of social reality, which in the case of clerical office is best exemplified by the priestly power to perform the sacraments.

A key procedural question arising from the power of religious office was whether sacraments performed by an unworthy priest were still valid. Holding firm to the integrity of the institution of offices, which was its prerogative to dispense, the Church answered the question affirmatively, claiming that a priest is merely the instrument of God. Monastics, however, held an entirely different view, claiming that monks are not given rights according to status, but in accordance with the life they lead. It was not, therefore, a matter of a person empowered by his office, the efficacy of which would thereby ultimately lie in an authority located external to the officeholder, transferred through *officium*, but of a person whose

meritorious disposition and spiritual attitude instantiated its own efficacy. 'To a life that receives its sense and its standing from the Office', Agamben explains, 'monasticism opposes the idea of an *officium* that has sense only if it becomes life.'[42]

As was mentioned above regarding monastic rule, with which office is closely connected, earlier forms of monasticism attempted to solve the general problem arising from the disconnect between ideal conduct presented in the rule and actual monastic behaviour by creating a *regula vitae*, 'an unprecedented intensification of prayer and *officium*'[43] in which the rules of devotion were so completely absorbed into their way of life that there was not a moment which was not given over to their fulfilment. Franciscanism, however, took a different path, substituting for *regula vitae* the idea of *forma vitae*; and this is 'not because it is constituted as an *officium* and a liturgy, nor because the law has for its object the relation between a life and its form, but precisely by virtue of its radical extraneousness to law and liturgy'.[44] Indeed, it stands to reason that a movement dedicated to living a life beyond the privileges of right and ownership would shed any pretence to office which, insofar as it gains its effectiveness through legal status, is a species of property that the practice of poverty disables. Since divine office never came to define Franciscan identity, the Order stood in an extraneous relation to the Church and for this reason the development of the Order exhibited none of the anticlericalism common to other monastic movements of the same period. 'Life according to the form of the holy Gospel is situated on a level that is so distinct from that of the life according to the form of the holy Roman Church that it cannot enter into conflict with it',[45] and consequently Francis could 'always give to the Church what is the Church's without polemic'.[46]

To walk this road, to establish a community without law, property or office, is to confront the question of what a law is in its most general sense: to live outside of law is not to repeal this or that statute or decree, but to dismantle the peculiar idea that life is something to which a rule or status of any sort might be 'applied'. As we will see, the means of accomplishing this task is to reveal the artifice of authority upon which law and office depend. But this is no easy task. Indeed, as Agamben makes clear, the real temptation that confronted monastic life was not the enticements of greed and lust, but the tendency to slip into strict codes of conduct and to police communal life in a mistaken attempt to preserve it:

The great temptation of the monks was not that which paintings of the Quattrocento have fixed in the seminude female figure and in the shapeless monsters that assail Antony in his hermitage, but the will to construct their life as a total and unceasing liturgy or Divine Office.[47]

Olivi and Paul

In the final pages of the book, Agamben turns his attention to the work of the thirteenth-century Franciscan theologian, Pierre Jean Olivi, who brought the Franciscan way of life closest to its full conceptual manifestation. What surfaces in Agamben's analysis is not only a testimony to the radicalism of Olivi's understanding of use, but a segue to a positive definition of form-of-life, which, up until this point in Agamben's own writings, in proximity with figures such as the *homo sacer* and the *Muselmann*, has been presented in a predominantly negative fashion. In other words, while figures such as the *homo sacer* introduce us to lives removed from the normal legal order, the manner of their exclusion is conditioned negatively in relation to the law's withdrawal, not positively in the absence of *any* relation to law. In the pages of *The Highest Poverty*, and especially in its final section, Agamben shifts the direction of his political intervention, taking us down a more prescriptive path, and Olivi marks one interlocutor who aids in this movement.

What is at stake for Olivi in the texts Agamben cites is nothing short of an ontology of signs. Does a sign, or a status, or a right add something essential to the thing or person to whom it is applied? In Olivi's analysis of these questions, Agamben contends, 'we see articulated, according to an intention that undoubtedly characterised Franciscan thought, an ontology that is so to speak existentialist and not essentialist'.[48] But what does an existentialist ontology mean in this context? Olivi's inquiry concerns the degree of reality contained in socially constituted phenomena such as sacraments, offices and rights. Speaking generally of signs, Olivi writes:

Insofar as you can consider them with subtlety and clarity, you will find that signification does not add to the real essence of the thing that is used as a sign anything other than the mental intention of those who have instituted it and accepted its validity and of those who accept it in action in order to signify and of those who hear it or receive it as a sign.[49]

All socially constituted phenomena exist, therefore, only within the domain of 'mental intentions', in the form of collective intentionality, and never at the level of essences. An essentialist understanding of social phenomena, which, for instance, might attribute reality to the power of an office, is therefore simply the effect of having misperceived as real what is in fact only a sign. By contrast, an existential understanding follows from the ability to perceive within social phenomena the un-mystified, un-glorified, perceiver-dependent process whereby humanity manufactures significance in the world.[50]

The conflict that Olivi and the Franciscans have with the law (or rather, their attempt to render the law inoperative) thus takes place on the level of the law's operational existence. And therefore, '[t]he conflict with law – or rather, the attempt to deactivate it and render it inoperative through use – is situated on the same purely existential level on which the operativity of law and liturgy acts.'[51] What Olivi suggests is, in fact, a profane ontology – an awareness of the mundane operation that lies behind all that operates *as if* sacred.[52] 'The sphere of human practice, with its rights and its signs, is real and efficacious', Agamben explains, 'but it produces nothing essential, nor does it generate any new essence beyond its own effects. The ontology that is in question here is thus purely operative and effectual.' And so, he concludes, '[f]orm of life is the purely existential reality that must be liberated from the signature of law and office or duty (*ufficio*).'[53] If one is able to genuinely understand how, through the projection of status, we come to create things like kings or gods – if one sees how this works – then the risk of attributing to a king or a god an essence lying beyond the social mechanics of their construction is greatly reduced. Practically speaking, this entails an ongoing practice of exposing the immanent work of thought that is involved in producing something that functions *as if* it had an essence.

However, rather than follow Olivi, who lays bare the nature of office and ownership by revealing them to 'have a reality that is only psychological . . . and procedural',[54] the Franciscan polemicists chose, as we have seen, to mobilise their claim along the more cautious juridical path separating use from ownership. This tactic undercut the profound novelty of their position and ultimately caused Franciscanism to become fixed within the order of the Church and canon law. Thus, '[w]hat is lacking in the Franciscan

literature', Agamben laments, 'is a definition of use in itself and not only in opposition to law.'[55]

In pursuit of such a definition, Agamben invokes Saint Paul. Drawing from the extensive analysis he has undertaken of the Pauline literature, especially in *The Time That Remains*, Agamben sees in Paul's writings a strategic resource, certainly available to the Friars, which could have enabled them to break free from the purely negative and ultimately juridical defence of their ostensibly non-juridical way of life and manner of using. Paul's attempt to deactivate the law and to render the law inoperative through use is, Agamben explains (thereby bringing Paul into direct conversation with Olivi), 'situated on the same purely existential level on which the operativity of law and liturgy acts'.[56] By constructing a defence of use in exclusively juridical terms the Franciscans were prevented from discovering in Paul's writings, especially in the verses of 1 Cor. 7: 20–31, a theory of use which entails 'using the world as not using it or not abusing it (*et qui utuntur hoc mundo, tamquam non utantur*)', and which could have furnished a powerful argument against John XXII's theses on the use of consumable things as *abusus*.[57]

What we learn from Olivi is that the ontology of social categories is fundamentally a theory of use, which has the potential to remind us that we are always 'using' our social perception. It is for this reason, Agamben argues, that the Friars should have turned to Paul and to his notion of using 'as if not' using (*hōs mē*) to recover a theory of use designed to expose the purely functional, that is to say, existential, utility of social status. As we will see shortly, it is precisely this manner of awareness that I take to be the foundation of Agamben's notion of form-of-life. In its full and proper sense, form-of-life names the habit of putting into practice the Pauline *hōs mē* as a means of making visible what Olivi called our 'mental intentions' so as to deactivate the social status and privilege it sustains.

The Capuchin Constitution

The Highest Poverty concludes with a two-paragraph chapter that begins with the following observation:

> What was lacking in the Franciscan doctrine of use is precisely the connection with the idea of form of life that Olivi's text seems to implicitly demand. It is as if the *altissima paupertas*, which according

to the founder was to define the Franciscan form of life as a perfect
life (and that in other texts, like the *Sacrum commercium Sancti
Francisci cum Domina Paupertate*, effectively has this function), lost
its centrality once it was linked to the concept of *usus facti* [necessary
use] and ended up being characterised only negatively with respect to
the law.[58]

As we have seen, life defined by the practice of *altissima pauper-
tas* is a life lived outside the law and in accordance with a way
of living for which the law has no terminology. Poverty, of both
property and right, disarms law not by breaking it, but by refusing
it – in the manner of a gift respectfully declined, or in the style of
Bartleby's courteous refrain, 'I would prefer not to.'

Although Agamben claims that the Franciscans failed to articu-
late this type of use, due to their 'preoccupation with constructing
a justification of use in juridical terms',[59] there is at least one place
within the Franciscan literature where the Friars seem to be saying
something very close to what Agamben denies of them. In the
1536 *Capuchin Constitution* (*Le Constitutioni de' Frati Minori
Cappuccini di San Francesco*, corrected and revised in 1577), a
text Agamben does not cite but which is absolutely central to the
development and historical expansion of the Franciscan ideal, not
only is *all use* understood in terms of necessary use precisely so
that the legal bond between usage and ownership can be rendered
inoperative, but the manner in which use is separated from the law
appears to employ the strategy implicit in the Pauline *hōs mē*. 'Let
every Friar remember', the *Constitution* reads, 'that evangelical
poverty consists in the firm resolution of not becoming attached to
any earthly thing, of using the things of the world most sparingly
as if compelled by necessity.'[60]

Not *by* necessity, but *as if by* necessity. Recall that, according
to Agamben, the fatal error made by the Franciscan polemicists
in response to the Papacy was to turn to necessity and the natural
law that it invokes. But the passage from the *Constitution* says
something quite different. It does not instruct the monks to use
only when their survival is at risk, but rather to use as they would
as if their survival was at risk. In other words, use as if you were in
a state of necessity, even though you are not. But, of course, under
such conditions positive law does not formally recognise natural
law at work. These are entirely different claims. From the point of
view of the law the consumption of bread that is not one's own is

justified due to need, but in a different situation where one con-
sumes bread as if by necessity, no court would rule this justified.
To put it simply, the law recognises *by* but not *as if by*.[61]

But there is more. A few lines later we encounter a statement
that expresses the Franciscan position in all its sophistication.
'[W]e wish it to be understood', the *Constitution* continues, 'that
we have in fact no jurisdiction, ownership, juridical possession or
usufruct or legal use of anything, *even of the things* we use through
necessity [*ne anco di quelle, che per necessita usiamo*].'[62] Here it
is stated with perfect clarity that *even in those instances when
the Friars do use by necessity* (which natural law *does* justify), all
claims to right of use granted under natural law are rejected. With
these words, the drafters of the *Constitution* demonstrate a full
awareness of the need to eliminate every connection to the law,
including natural law, and explicitly adopt a means of achieving
this that is strikingly similar to the Pauline *hōs mē*. In doing so, they
skilfully avoid, by means of a uniquely juridical form of poverty,
the negative definition of use that Agamben identifies in other
Franciscan documents. By rejecting outright the legal status of
natural necessity, these passages appear to speak directly to what
Agamben wants the Franciscans to say but yet seems to suggest
that they have not said. Agamben's intuition that the Franciscans
were doing genuinely radical and sophisticated work in conceiv-
ing a form of life beyond legality is correct, but the Friars seem to
have taken this task further than Agamben either is aware of or is
prepared to admit.

Form-of-life

In his opening lecture of 1978–9, Foucault includes a discussion
of his method:

> What I would like to show is not how an error . . . or how an illusion
> could be born, but how a particular regime of truth, and therefore
> not an error, makes something that does not exist able to become
> something. It is not an illusion since it is precisely a set of practices,
> real practices, which established it and thus imperiously marks it out
> in reality.[63]

Then, in the final lecture of the year, Foucault returns to the theme
with which he began, this time supplying terminology designed to

name it. Speaking of the nature of civil society, Foucault cautions that 'we should be very prudent regarding the degree of reality we accord to this civil society', not because it is not real, but because it is real in a way that is difficult to grasp and which can very easily slip through our fingers. 'Civil society', he writes, 'is like madness and sexuality, what I call transactional realities [*réalités de transaction*].'[64] What Foucault describes in these passages regarding his own research into the nature of madness and sexuality offers an apt depiction of Agamben's methodological intention as well and can be extended to his study of law and office. Law and office, together with the authority associated with each, are themselves *réalités de transaction*, powers made manifest at the moment their status as effects of social perception disappears, replaced by an assumed natural order; and so to study them historically is not merely to depict them or to narrate them, but rather by accounting for their existence, is to thereby embark on the work of dismantling them.

The deactivation of our transactional realities requires not a seizure of state power or the establishment of a radically new order, but the exposure of a reality that has always been at work. Ludwig Wittgenstein's *Philosophical Investigations* is a uniquely instructive resource in this regard, especially because its pages contain perhaps the best-known appearance of the term 'form of life'.[65] Although Wittgenstein is speaking here specifically about language, his words are applicable to all forms of signification:

> We must do away with all *explanation*, and description alone must take its place. And this description gets its light, that is to say its purpose, from the philosophical problems. These are, of course, not empirical problems; they are solved, rather, by looking into the workings of our language, and that in such a way as to make us recognise those workings: *in despite of* an urge to misunderstand them. The problems are solved, not by giving new information, but by arranging what we have always known. Philosophy is a battle against the bewitchment of our intelligence by means of language.[66]

The problem Wittgenstein outlines is solved not by finding new ideas or by discovering superior content for thought, but by attending to the operation of thinking itself, that is, by observing thought at work. Philosophy, Wittgenstein shows us, is attention paid to the mind so as to reveal the process whereby we create a perceiver-

dependent world, and in becoming aware of this work of creation, we begin to loosen the grip that categories of thought have on judgement. In order to achieve this insight, however, philosophy must overcome not only the human inclination to misunderstand how thought works, but also the deceptively natural manner in which this misunderstanding appears to us, which is to say, in the form of *understanding* itself. When we become aware of this, and if this awareness can be sustained, form of life becomes form-of-life, thereby ushering in a way of living that no longer projects onto the world an ontology of essence and transcendence, along with the privileges that these empower.

In his early essay 'Form-of-Life', Agamben addresses the subject of thought in a manner reminiscent of Wittgenstein, giving to thought a technical sense that places it in close proximity to form-of-life.

> I call *thought* the nexus that constitutes the forms of life in an inseparable context as form-of-life. I do not mean by this the individual exercise of an organ or of a psychic faculty, but rather an experience, an *experimentum* that has as its object the potential character of life and of human intelligence.[67]

For Agamben, thought names not the exercise of the brain or a general faculty of mind, but rather the experience of cognition itself. 'To think', he continues,

> does not mean merely to be affected by this or that thing, by this or that content of enacted thought [i.e., to think is not simply to think within the constraints of the customs or forms of life we encounter], but rather at once to be affected by one's own receptiveness and experience in each and every thing that is thought.[68]

To think, in other words, is to be and to remain aware of our own receptiveness and to be cognisant of the tendency to lock ourselves into modes of truth:

> only if living and intending and apprehending themselves are at stake each time in what I live and intend and apprehend – only if, in other words, there is thought – only then can a form of life become, in its own factness and thingness, *form-of-life*.[69]

This also explains the lexical distinction Agamben draws between form of life and form-of-life. The hyphens do not erase form of life, destroy it or replace it, but make us aware of its being used, and in doing so render its most virulent force inoperative. When Saint Paul claims that during the time of the Messiah ordinary law will not be replaced by a new law but will instead be rendered inoperative, his understanding is akin to Agamben's notion of form-of-life. The law remains but now it is seen for the contingent set of beliefs it is. And in a recent impromptu discussion held at the Embros Theatre in Athens, Agamben seems to corroborate this interpretation:

> We have to stop thinking of any revolutionary action as directed toward the constitution of a new juridical order. Benjamin calls this pure violence, which is a violence that will never constitute a new juridical order. You depose without restoring another. If you are really, strongly and clearly able to demonstrate the illegitimacy of the political order, in a way you are deposing it.[70]

Likewise, we are told in a passage from Benjamin, which Agamben often cites, the messianic world to come will be no different than the world as it is now. Rather, it is the way we comport ourselves toward this world that will change, and this is precisely the double vision that form-of-life aims to express.

In his first book, *The Man without Content*, there is a short passage that seems to elegantly capture the problem that Agamben confronts with the notion of a form-of-life. He speaks of the principle whereby 'it is only in the burning house that the fundamental architectural problem becomes visible for the first time'.[71] The general problem expressed in this analogy is, of course, how one reveals the constructed nature of those things that, for one reason or another, are taken as given. But the analogy also raises the more practical question of how we might observe the architecture of our house without having to burn it entirely to the ground. It is here that we encounter perhaps the greatest obstacle confronting Agamben's programme, namely, the risk that in dismantling our house we will introduce a profound ontological disorientation, drawing us to the brink of the vertigo we know as nihilism. While I do not have the space to fully engage this issue here – I have done so elsewhere[72] – this represents a key juncture in Agamben's work. Herein we grasp the task of Agamben's project, namely, to openly

face the groundlessness of nihilism and to discover in it not a road to despondency but a path to happiness. In the past, Agamben has located this sentiment in Benjamin's short 'Theologico-Political Fragment' where the notion of happiness is linked not to permanence, nor to perfection, but to transience ('The rhythm of this eternally transient worldly existence, transient in its totality, in its spatial but also in its temporal totality . . . is happiness'[73]). Now, in *The Highest Poverty*, impermanence and contingency appear once again, extended to monastic life where the outcome of Franciscan poverty is neither resignation nor loss, but the achievement of a happy life, an '"apostolic" or "holy" life, which they profess to practice in perfect joy'.[74]

What Franciscan life offers, although in an incomplete fashion, is an encounter with the problem of translating the contingencies of non-appropriative use into an ethos or way of living that claims no social or juridical foundation – a way of life to which Francis bestows the name poverty. Not poverty regarding material things, although the Friars certainly lived modestly, but rather poverty regarding those less tangible things, such as possession and privilege, that mark out for us, today as well as in the past, the contours of our shared social reality – the real operation of which we are, in most circumstances, not even dimly aware. We are speaking here of a socio-political form of poverty and therefore its realisation cannot be accomplished independently. Just as the exercise of authority cannot be accomplished by a king in isolation from the obedience of those who bow before him, so too the realisation of poverty in the juridical sense cannot truly materialise in the absence of a community of practitioners. Which is why the common life of the monastics, and cenobitic life in general, is central to the possibility of Agamben's project: 'there where I am capable we are always already many (just as when, if there is a language, that is, a power of speech, there cannot then be one and only one being who speaks it.)'[75]

Form-of-life, then, is a *kind* of form of life. It is a life that remains aware of its way of living *as* a way of living. And unlike all other forms of life, form-of-life takes as its principle stance an explicit awareness of the manner in which it functions or operates as a form of life. This is the particular ontological consciousness that form-of-life asks us to adopt and to retain. The habit of being aware of the contingency of our cognitive orientation is precisely what distinguishes form-of-life from any other form of life and, of

course, necessarily lurks within every form of life because *every* worldview is capable of bearing witness to its own profane construction. In his use of hyphens, Agamben attempts to indicate lexically the notion that, although we cannot entirely escape our conventional worldview – our various forms of life that structure the social world and give it meaning – we can nevertheless recognise its absolute conventionality and thereby operate differently with respect to the world we already have.

Agamben's form-of-life urges us to never let rules become transparent to their use, to never let use become dogmatic or proper, to never let laws disappear into operational neutrality, or lose a sense of their practical character and their instrumentality. What Agamben seeks in a form-of-life is a continual awareness of the forces that ceaselessly entice us to naturalise our use of things – be they words or laws, gods or kings – and he asks whether it is possible to conceive of a way of living that disarms these concepts not simply by replacing them, but by patiently exposing the machinery of their operation. In the final instance, *politics is a type of awareness*, not of the minor and mundane adjustments that comprise juridical existence, but of the largely hidden attitudes that sustain that existence and determine the scope of what is valid within it. Our task, and the task of any politics understood as a form-of-life, is the sustained practice of exposing the effects of this awareness. I believe Giorgio Agamben's positive project rests on this insight.

Postscript

In the single paragraph that comprises the entire preface to *Toilers of the Sea*, Victor Hugo speaks of necessity, binding the yield of his pen to the pursuit of its understanding. Dividing necessity in three, he refers to a triple *ananke*, placing before us a preface that could very easily stand in as Agamben's own:

> Religion, society, nature; these are the three struggles of man. These three conflicts are, at the same time, his three needs: it is necessary for him to believe, hence the temple; it is necessary for him to create, hence the city; it is necessary for him to live, hence the plow and the ship. But these three solutions contain three conflicts. The mysterious difficulty of life springs from all three. Man has to deal with obstacles under the form of superstition, under the form of prejudice, and under the form

of the elements. A triple *ananke* (necessity) weighs upon us, the *ananke* of dogmas, the *ananke* of laws, the *ananke* of things.[76]

Notes

1. Many of the ideas presented in this chapter were developed in the context of a graduate seminar on Agamben that I taught at National Taiwan Normal University in Taipei during the spring of 2014. I would like to extend my warm appreciation to the students and faculty of NTNU who participated in that seminar and who were a constant source of inspiration to me. My appreciation also extends to Taiwan's National Science Council (NSC) for generously funding my year in Taipei and to my marvellous colleagues at NTNU who invited me to join them.
2. See, for instance, Agamben's brief essay from 1993 entitled 'Form-of-Life', in *Means without End: Notes on Politics*, trans. Vincenzo Binetti and Cesare Casarino (Minneapolis: University of Minnesota Press, 2000).
3. Giorgio Agamben, *State of Exception*, trans. Kevin Attell (Chicago: The University of Chicago Press, 2005); Giorgio Agamben, *The Highest Poverty: Monastic Rules and Form-of-Life*, trans. Adam Kotsko (Stanford: Stanford University Press, 2013).
4. The opening section of this chapter draws from work that I have previously published. In the earlier publication I discuss necessity in relation to Agamben's *State of Exception*, whereas in the current chapter I follow the theme of necessity as it appears in *The Highest Poverty*. Most of the material contained here is new, but in a few places I have chosen to retain the language found in the previous publication. See Steven DeCaroli, 'Political Life: Giorgio Agamben and the Idea of Authority', *Research in Phenomenology*, vol. 43, no. 2 (2013), pp. 220–42.
5. Plato, *Plato in Twelve Volumes*, vol. 3, trans. W. R. M. Lamb (Cambridge, MA: Harvard University Press, 1967), 345d.
6. Pausanias, *Description of Greece*, vol. 1, trans. W. H. S. Jones (New York: G. P. Putnam's Sons, 1918), ii. 4.6.
7. Agamben, 'Form-of-Life', p. 4.
8. Aristotle, *Politics*, in *The Complete Works of Aristotle*, vol. 2, ed. Jonathan Barnes (Princeton: Princeton University Press, 1984), 1265b13.
9. Francis Bacon once warned, in the pages of his essay, 'Of Seditions and Troubles', 'the rebellions of the belly are the worst' (Francis

Bacon, 'Of Seditions and Troubles', in *Essays, Civil and Moral* (New York: P. F. Collier & Son, 1909–14).

10. Giovanni Antonio Palazzo, *Discorso del governo e della ragion vera di Stato* (Naples: G. B. Sottile, 1604).

11. Michel Foucault, *Security, Territory, Population: Lectures at the Collège de France, 1977–1978*, ed. Michel Senellart, trans. Graham Burchell (New York: Palgrave Macmillan, 2007), p. 263.

12. Foucault, *Security, Territory, Population*, p. 345.

13. Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, trans. George Schwab (Cambridge, MA: The MIT Press, 1985), p. 5.

14. Agamben, *State of Exception*, p. 80.

15. Agamben, *The Highest Poverty*, p. xi.

16. Giorgio Agamben, *Opus Dei: An Archaeology of Duty*, trans. Adam Kotsko (Stanford: Stanford University Press, 2013).

17. Agamben, *The Highest Poverty*, p. 61.

18. Agamben, *The Highest Poverty*, p. xiii.

19. Agamben, *The Highest Poverty*, pp. 4–5.

20. Cándido Mazón, *Las reglas de los religiosos: Su obligación y naturaleza juridical* (Rome: Pontifica Università Gregoriana, 1940), p. 171, quoted in Agamben, *The Highest Poverty*, p. 34.

21. Theodor Mommsen, *Römisches Staatsrecht*, vol. III, 1034, quoted in Agamben, *State of Exception*, p. 78.

22. Agamben, *The Highest Poverty*, p. 58.

23. Agamben, *The Highest Poverty*, p. 107.

24. Agamben, *The Highest Poverty*, p. 105.

25. Agamben, *The Highest Poverty*, p. 95.

26. Sulpicius Severus, *Epistolae*, 2.19, quoted in Agamben, *The Highest Poverty*, p. 95.

27. Agamben, *The Highest Poverty*, p. 110.

28. Bonagratia of Bergamo, 'Tractus de Christi et apostolorum paupertate', ed. L. Oliger, *Archivum Franciscanum Historicum*, vol. 22 (1929), p. 511, quoted in Agamben, *The Highest Poverty*, p. 110.

29. Agamben, *The Highest Poverty*, p. 111.

30. Agamben, *The Highest Poverty*, p. 113.

31. Agamben, *The Highest Poverty*, p. 113.

32. Agamben, *The Highest Poverty*, p. 130.

33. Agamben, *The Highest Poverty*, p. 123.

34. Agamben, *The Highest Poverty*, p. 114.

35. Agamben, *The Highest Poverty*, pp. 114–15.

36. Agamben, *The Highest Poverty*, p. 116.

37. Agamben observes, '[a]long with the *abdicatio iuris*, the other argument the Franciscans used in the polemic with the Curia is an ingenious generalization and at the same time inversion of the paradigm of the state of necessity' (Agamben, *The Highest Poverty*, p. 114).

38. Agamben, *The Highest Poverty*, p. 115.

39. Agamben, *The Highest Poverty*, p. 115.

40. Agamben, *The Highest Poverty*, p. 115.

41. Agamben, *The Highest Poverty*, p. 116.

42. Agamben, *The Highest Poverty*, p. 117.

43. Agamben, *The Highest Poverty*, p. 121.

44. Agamben, *The Highest Poverty*, p. 121.

45. Agamben, *The Highest Poverty*, p. 122.

46. Agamben, *The Highest Poverty*, p. 120.

47. Agamben, *The Highest Poverty*, p. xii.

48. Agamben, *The Highest Poverty*, p. 135.

49. Ferdinand Delorme, 'Question de P. J. Olivi "Quid ponant ius vel dominium" ou encore "De signis voluntariis"', *Antonianum*, vol. 20 (1945), pp. 309–30, p. 324, quoted in Agamben, *The Highest Poverty*, p. 136.

50. In *The Kingdom and the Glory*, through an investigation of glorification and acclamation, Agamben explores humanity's tendency to attribute essences to political and religious authority.

51. Agamben, *The Highest Poverty*, p. 136.

52. I do not have the space to expand on this here, but those familiar with Agamben's work will immediately recognise the technical use of profanation in Agamben's thought.

53. Agamben, *The Highest Poverty*, p. 136.

54. Agamben, *The Highest Poverty*, p. 138.

55. Agamben, *The Highest Poverty*, p. 139.

56. Agamben, *The Highest Poverty*, p. 136.

57. Agamben, *The Highest Poverty*, p. 139.

58. Agamben, *The Highest Poverty*, p. 144.

59. Agamben, *The Highest Poverty*, p. 139.

60. *The Capuchin Constitution of 1536*, trans. Paul Hanbridge (Rome: Collegio San Lorenzo da Brindisi, 2007), pp. 22–3 (my emphasis). The original text reads: 'E guardinsi I Frati di non mettere il loro fine nel lauorare, pe in quello pore alcuno affetto, ne occuparuisi tanto, che estinguino, deminuischino, o ritardino lo spirit, al qual deueno servir tutte le cose, ma sempre havendo l'occhio aperto' (ch. 5). See *Le Constitutioni de' Frati Minori Cappuccini di San Francesco* (Appresso Gabriel, Giolito de' Ferrari, 1577), pp. 21–2.

61. The type of poverty expressed in the 1536 *Constitution* is a qualified poverty, not real poverty. By the time we arrive at the twelfth century, monastic poverty must no longer be equated with asceticism or the poverty of destitution, but rather with a commitment to live in the absence of ownership. Although Francis modelled his voluntary poverty on the poverty of the involuntary poor, it should not be understood as being the same thing. For the ordinary poor, poverty is an undeniable source of suffering which no theoretical overlay can, or should, glamorise. This is true of both Francis and Agamben. But thankfully both thinkers make clear that becoming poor in an ordinary sense is not their aim.

62. *The Capuchin Constitution of 1536*, p. 23 (my emphasis). The original text reads: 'Pero noi uolendo in cosi degno essempio, imitare Christo in verita, et realmente osservate il Serafico precetto della celeste pouerta; facciamo intendere come in effetto non habbiamo alcuna giuriditione, domino, propriera, giuridica possession, uso frutto, ne uso giuridico di alcuna cosa, ne anco di quelle, che per necessita usiamo' (ch. 6). See *Le Constitutioni de' Frati Minori Cappuccini di San Francesco*, p. 23.

63. Michel Foucault, *The Birth of Biopolitics: Lectures at the Collège de France, 1978–1979*, ed. Michel Senellart, trans. Graham Burchell (New York: Palgrave Macmillan, 2008), p. 19.

64. Foucault, *The Birth of Biopolitics*, p. 297.

65. Space does not permit me to expand on the connection with Wittgenstein, but Agamben's use of 'form of life' is inspired, at least in part, by Wittgenstein's use of the term in the *Philosophical Investigations*, where the enigmatic concept, which is mentioned only five times, is deployed to express the condition necessary for linguistic communication and the acquisition of meaning: 'To imagine a language means to imagine a form of life' (Ludwig Wittgenstein, *Philosophical Investigations*, trans. G. E. M. Anscombe (Oxford: Basil Blackwell Ltd. 1958), p. 8).

66. Wittgenstein, *Philosophical Investigations*, p. 47.

67. Agamben, 'Form-of-Life', p. 9.

68. Agamben, 'Form-of-Life', p. 9.

69. Agamben, 'Form-of-Life', p. 9.

70. Giorgio Agamben, informal discussion at the Embros Theatre in Athens, 18 November 2013, available at <https://vimeo.com/80059143> (last accessed 22 November 2014). The transcription is my own.

71. Giorgio Agamben, *The Man without Content*, trans.

72. Georgia Albert (Stanford: Stanford University Press, 1999), p. 115.

72. See Steven DeCaroli, 'The Idea of Awakening: Giorgio Agamben and the Nāgārjuna References', *Res Publica: Revista de Filosofía Política*, vol. 28 (2012), pp. 101–38.

73. Walter Benjamin, 'Theologico-Political Fragment', *Selected Writings, Volume 3: 1935–1938*, trans. Edmund Jephcott, Howard Eiland, et al., ed. Howard Eiland and Michael W. Jennings (Cambridge, MA: The Belknap Press of Harvard University Press, 2002), p. 306.

74. Giorgio Agamben, *The Highest Poverty*, p. 92. For a more sustained analysis of the relationship between impermanence and joy, see Steven DeCaroli, 'The Idea of Awakening', pp. 101–38.

75. Agamben, 'Form-of-Life', p. 10.

76. Victor Hugo, *Toilers of the Sea*, trans. Isabel F. Hapgood (T. Y. Crowell and Company, 1888), p. 5.