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Preface (On Alain Badiou’s Handwriting)

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A glance at the cover endorsements of Badiou’s recently published English works rapidly indicates that his is not an opus aimed at the faint-hearted. This is philosophy in the grand style and against the grain of the times. Attend then to his principal encomiast, Slavoj Žižek, who in “praising” Ethics indicates that Badiou’s work takes “aim at the very heart of politically correct ‘radical’ intellectuals, undermining the foundations of their very mode of life!”1 The fragile exclamation mark seems to indicate emphasis rather than irony or any self-conscious humor. The tenor of the laudation is political and polemical, a suspicion that is confirmed by the continuation: “Ethics enacts a return to a full-blown philosophy which strikes as thunder into the morass of post-modernist sophisms and platitudes.”2 The meteorological metaphor, if anything, adds to the stakes in suggesting a celestial source and naturalistic force of impact. The heavens open in the wake of the philosopher Badiou, or so Žižek appears to believe. And then finally, just to confirm the world historical stature of the man and the destructive potential of the thought, Žižek adds on the back cover of The Century a further lectorial rubric: “Read it with the proper tremor, aware that you are reading a classic, that a figure like Plato or Hegel walks here among us!”3

Philosopher, poet, playwright and aspiring filmmaker—he wants to make, and has indeed got some way in negotiating, a Hollywood biopic of the life of Plato—Badiou has taken over the coveted spot of regnant French philosopher in the Anglophone world. It is a recent and in many respects surprising crowning in that Badiou’s lengthy oeuvre is far removed from what Cusset dubs “French Theory.”4 It is true that

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2 Id.


4 FRANÇOIS CUSSET, FRENCH THEORY: FOUCAULT, DERRIDA, DELEUZE & CIE ET LES MUTATIONS DE LA VIE INTELLECTUELLE AUX ÉTATS-UNIS (2003), makes only the most fleeting
Badiou is a soixante-huitard, and a hardline Marxist in theoretical project and inspiration, but his major work is devoted to the application of set theory to the claims of ontology, and is Pythagorean in its difficulty as well as being, until very recently, untranslated. Being and Event is not a work of obvious appeal to the humanities, nor is his Maoist metaphysics immediately attractive to a liberal academy still recovering from the culture wars. Badiou’s reception is evidently a complicated matter that devolves around a dual axis of symbolic valence.

First, and this phenomenon developed initially through the reception and non-reception of Derrida’s work, what matters in the politics of transatlantic transmission is a symbolic capital or status of the name that is not necessarily correlated to any close reading of the work. The sinews of attraction attach increasingly to the figure, to the mediological phenomenon, to the symbol of a thought, rather than to any immediate substance or doctrine. Badiou here arrived in the Americas first as a follower and protégé of Lacan, as a proponent of the psychoanalytically inspired matheme, and as a decidedly sub-cultural figure. It was as an essayist whose short and esoteric pronouncements appeared in clique-chic journals such as Lacanian Ink that Badiou developed a certain cachet. He offered pronouncements, positions, in a word certainty in the face of liberal doubt. And specifically in terms of cultural analysis, he carried forward the politicization of psychoanalysis that Althusser had initially, and perhaps tragically, elaborated. He promised a friendship of disciplines, an oracular mapping of the subject of such magisterial abstraction, and such mathematical rigor as to both dazzle and entrance.

Second, the essay form, the sound bite, the brief excursion has become the popular public intellectual norm. It is the essays, printed from the handwritten texts of his numerous public addresses, that

of references to Badiou, whom he clearly does not include in his history of French Theory in the sub-culture of American University intellectual politics.

7 On which, and not coincidentally, see PIERRE BAYARD, HOW TO TALK ABOUT BOOKS YOU HAVEN’T READ (2007). In a juristic context, see Tim Murphy, The Habermas Effect: Critical Theory and Academic Law, 42 CURRENT LEGAL PROBS. 135 (1989), and also on citation and its lack of influence, see NEIL DUXBURY, JURISTS AND JUDGES: AN ESSAY ON INFLUENCE (2001).
8 LOUIS ALTHUSSER, WRITINGS ON PSYCHOANALYSIS (1999).
brought Badiou to the crescendo of attention that he now enjoys in the Anglophone world. This is not, of course, to say that the accolades of the academy are much heard in the public sphere, nor indeed that Badiou as yet has any great status within or hold upon the middle brow domains of the higher circulation journals or popular media. He is not Derrida or Lacan in terms either of his ability to scandalize or his cross-over significance. But we also should recognize the philosopher on tour, the public speaker, the figure of recognition whose name stands for a certain rigor of thought and for a political apprehension of art, literature, ethics, epistemology, and now, here, tentatively, law.

The symposium gathered under the aegis of law and event poses a stark paradox. To borrow from Badiou, if law is P then the event is non-P. They cannot exist in the same space: “In my philosophical vision, in a given world, we have something new only if the rational or conventional laws of this world are interrupted, or put out of their normal effects, by something which happens, and that I name an Event.” The consequences of the Event, Badiou continues, “sustain a negative relationship to the laws of the world.” The Event is in this sense subtracted from the world and exists in defiance of precedent or prior norm. The Event produces consequences, and these consequences, these multiple fidelities, are together what Badiou terms a truth. In jurisprudential argot, the Event thus constitutes the opposite of precedent, the exception, the inversion or shadow of the norm. Truth, the set of consequences of the Event, “is like a negation of the world” precisely because the Event is subtracted from the visible, promulgated, conscious and repeated laws of what is in the world, meaning institution, convention, and norm. Note finally that a truth, being a transgression of law, a novelty, both depends upon the law and is a negation of it.

Badiou stands jurisprudence on its head. He will ruffle some feathers. No question. Professor Legrand, to take one radical example, already intimates a certain negative affect in the amusing prosonomasia of his tentatively dismissive title “Bad u . . . ?”, in this volume. Legrand does not follow up on this occasion, his title seems rather in the vein of a prolegomenon, an exercise in subtle prolepsis, the figure of some further critique yet to come. His substantive discussion rather adopts the neutral stance, or in juridical terms strategy of building a case, through a lengthy, painstaking, and apparently disinterested accounting of the interstices of Badiou’s thought. The litigation has not yet begun, or at least not in print. There is simply a hint, a title, a name.

10 Id.
11 Id.
And this naming, of course, is in rhetorical parlance a highly significant gesture, a rallying calling, both nomen and omen as has been observed, not least by Badiou himself, before. Prosonomasia—the figure of the nickname—nominates in a novel and dismissive manner, and in that most singular and surface of senses it ruptures the extant vocabulary, or more figuratively one can say that it undoes the lex of the lexicon. At the same time, and as a more general point, lawyers are not fond of novelty. According to the maxims of common law, it disturbs, perturbs, or it is, in the determination of the legal tradition, novel only in declaring the old law one more time: novum judicium non dat jus novum, sed declarat antiquum. Law, by convention or position, always already exists. It is promulgation or precedent, prerogative or pontification, custom or use, and it is law precisely and only to the extent of its prior existence. No punishment, after all, sine lege, without prior law. It is in this sense that the authors of common law state with some stringency that where the law is vague, uncertain, ill-defined, the sociality exists in a state of misery. Thus, just to grasp the obvious, Badiou threatens law with a certain misery, a distance from itself, a minimal intensity and hence, to coin a phrase, an analytic unhappiness.

An Event, and here Badiou is not far from Kuhn’s theory of scientific revolutions applied to social structures, is a paradigm-changing instance, a revolution, a white-hot intensity that makes the weaker the stronger, the minimal the maximal and so on. Here we see or sense the underside of law, the claim of justice, understood as the demand of the excluded, the return of the hidden, the expression of what, for want of a better formulation, could be called a para-inconsistency. By this I mean a breaking away, a fissure in the social structure in which laws that are not laws emerge and fade in precisely the degree of their fidelity to the spirit of the Event. The legal, which is general and abstracted, is abandoned in favor of the non-legal, indeed the illegal, although here too the ascending intensity of the new group or social formation is subject to its own laws, its own instances of naming, dividing, distributing, and most important of all for Badiou, equalizing.

The rise and fall of law, the minimal intensity that Badiou attributes to the juridical, can be understood best in terms of the opposition between state imposed regulation, a democracy and its laws that express or favor certain interests and classes as against others, and a political and expressive autonomy which, in time will have its own name, but for now is formulated in terms of equality. The stages of the argument are necessarily Trinitarian, or so Schütz suggests, and devolve

13 Res est misera ubi jus est vagum et incertum, or more strongly: Ubi jus incertum, ibi jus nullum.
14 Reference, of course, is to THOMAS KUHN, THE STRUCTURE OF SCIENTIFIC REVOLUTIONS (1970).
slowly towards a better future, be it some form of pneumatic anarchy or free association. The premise of the argument, first hypothesis, is that state and law represent inequality, injustice, and at best political stasis or more strongly infidelity to the Event. For the radical and egalitarian, law is thus an unnecessary manacle, a regressive tie, in Marx’s terms a chain to be lost, a bond whose progressive essence lies in being unbound.

Remaining specifically with the question of law and its critique, with Badiou’s expressive dissolution of jurisprudence, the unloosing or disaggregating of the bonds of law has a dual function. First, it serves to challenge the hierarchy and imposition of law, displacing legality with politics, decision with a space for thought. Second, in marginalizing or diminishing the authority of law, this unbound politics also dissolves the generality, the state sponsored groups, the hierarchies and status capital upon which inequality depends. Thus, and with all due respect to the bravura critique of Badiou made orally by Professor Legrand, it is the subject as particularity, the singular universal that interests Badiou. This leads to our third point, the abolitionist conclusion, the positively anarchic idea that the thinker of the Event, perhaps we can call it ‘evental thought’, is a thinking from a future or purely speculative position beyond law, after politics, and within a collectivity of free association. Viewed from such a point, and however ecclesiastical this promised future, this imagined or heavenly space may seem, it does allow for a certain rigor, a radical purity, a delightful irreverence even towards the hypocritical and regressive claims of law. It is law that is blindfolded, justice that sees, or in Badiou’s Pauline formulation, “Every letter is blind and operates blindly . . . . When the subject is under the letter, or literal, he presents himself as a disconnected correlation between an automatism of doing and a powerlessness of thought.”

Badiou, philosopher of the Event, wields his version of Joachim of Fiore’s tripartite schema, although outside of occasional, handwritten insertions of allusions to Marx, he prefers the reference to Saint Paul. Law deadens. Law kills. The spirit, grace, justice give life and in particular allow the novel (the novum) to appear in its singularity, in its equality and hence also its universality. It is from the perspective of such singular universality that Badiou thinks the social and the subject. Taking a phrase from Critchley, they merely are. It is the uniqueness of the subject and the free association of such singularities or ‘ones’ that constitutes an unbound collectivity, a future space, a site of fidelity in

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16 SIMON CRITCHLEY, THINGS MERELY ARE 11 (2005). Proposition 9: “Poetry allows us to see things as they are.” Id.
and of thought. The support of justice, of the antonym or negation of law, Badiou concludes, citing Celan, is inconsistency, meaning an unbound singularity, a judgment premised not upon law but upon truth.\textsuperscript{17} Enough said. The rest is poetry or hieroglyphics, theatre or operatics, depending upon your point of view.

I have made no attempt to summarize or survey the wealth of contributions—the concatenation of persons and papers, at a specific time and place—to the symposium that follows. There are many and diverse highlights, numerous foibles, and throughout a very apparent authenticity to the event. The purpose of the gathering was simply—and yet isn’t this the point of any philosophy of law that avoids the temptation to analytic retrogression?—to open a space of thought within law, to address and assess a beyond of law within the confines of the legal. The task of analyzing this antinomy between law and justice, between jurisprudence and its negation, was elaborated in numerous forms. Badiou offers a species of shadow play, an imaginary beyond of law located in thought and in images of future possibilities, in hope beyond hope. Thus rich and forgotten strands of the legal tradition concerned with law and enigma, with nocturnal judgments, with night thoughts, opera and dreams, pneumatic anarchy and disaggregated collectivity were all and variously opened up and happily revised. That is not my point. These contributions can be perused at leisure or online. I want rather to finish with what was said but wasn’t published, with images, with the handwritten, with the record of that which remains indelibly off the record.

If only. Allow me my inconsistencies. The handwritten lecture, which I obtained by means of a subtle and persistent persuasion, shows a Gallic hand, an upright chirography concerned in form and content with the present, with politics \textit{in actu}, and most obviously of all, granted the pleasing aesthetic of insertions, crossings out and diverse \textit{arrière pensées} graphically added, with a strikingly mobile, eventful process of thinking these negations of law. Put it like this. The lecture was written for the occasion. Handwritten, as it happens, meaning, as the figures show, inscribed, read, revised, annotated, ordered and reordered to capture the line of thought, the progress or unraveling of the ideas, as directly as linear transcription, manuscript, can permit.

\textsuperscript{17} \textsc{Alain Badiou}, \textit{Metapolitics} 105 (2005).
of this Event contain a negation, partly to the ease of the world. If for many separated reasons, I move a truth that is a past event, it is multiplied toward of these consequences. So we can say that a truth according to which it is a past event is a part of the world, for it is a part of the consequences in the world, and not outside. But in a small way, we can say that a truth is like a negation of the world, because the Event itself is constituted, not in the world, but as a negation of the world.

For example, a negation according to
the affirmative condition of the
insertion of the law. A negation stands up as a first line of a truth that is an insertion on the law, and because
insertion gives a negation of
the law.

Figure 1

The first lexical insertions, in this order, as the thought warms to its task, are “often,” “many,” “of the Event,” and “by Marx.” The figure of insertion is, of course, parenthesis, and is defined rhetorically, by Puttenham and others, as that of ‘tolerable disorder’.

Puttenham goes on to add that the insertion is “utterly impertinent to the principal matter, and makes a great gap in the tale, nevertheless is no disgrace but rather a beauty and to very good purpose . . . ”

If the handwriting is closely formed, intense, focused, and overall well ordered, alternately leaning back and waving forward the figure of

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19 Id. at 253.
insertion, as its somewhat enigmatic emblem seems to fit well.

Figure 2

Badiou offers, and this has been my theme, a shadow play, a spectral dance of hidden laws, juristic chimera that in their very evanescence promise a justice to come. But then, just as the insertion undoes the order of the sentence, unbinds the grammar, the figures of a thinking that takes place outside of law, from the perspective of an event yet to come, are bound to generate ire, opposition, both love and hate from lawyers. That is what happened, though not necessarily or entirely what is reported or recorded here. It can take us back to the opening encomia for Badiou in which Žižek’s hyperbole uncannily conjures the image of a contemporary Gargantua, though Rabelais is in truth very distant from us today. That said, the explosive and gigantic are proper connotations of the Event. The author of evental theory should himself be eventful. He should clap like thunder and rain like a monsoon, at least in thought. Badiou is here, in this description, a sonorous brontologist, and that is in many respects an admirable position and profession. And he should be bad, or indeed “Bad u . . .,” to borrow the earlier adverted prosonomasia.

The phonetic play upon the name—and we can of course properly ask of what is “Bad u” the name?—offers one rhyming indicator of reaction. Another play upon the name would be to trace it to Badaud and thence to bavarder or to chatter, meaning someone wordy, prolix,
prone to overstatement and with a penchant for rumor and gossip. Someone open-mouthed in Provençal slang. And several participants hinted at a very legitimate criticism of Badiou for being too expansive, a merchant of overstatement or more technically, but I doubt that anyone is paying any attention to that, a premature universalizer. But there is more. The name has etymological roots in the Germanic combination of *badu* and *wald*, meaning respectively battle and rule. A combative and conflictual name, connoting both law and resistance, rule and insertion, hierarchy and the event that undoes it.

Return if you will to the orthography as represented in the two figures reproduced in this Preface. We can look at this process of thought as a style of handwriting, and here specifically of a procedure of inscription, erasure, amendment and insertion. Note then the difference between the two pages. It is marginal yet noticeable that there is a shift, a slippage between the humanistic, or even glossatorial, mode of Figure 1, with its column and comment in the lower right hand corner, and the mathematical, even algebraic, quality of the tabular arrangement in Figure 2. The first insertions are basically lexical, or properly speaking *paraleptic*, meaning that they introduce a further reference. A name or term is inserted, Marx for example, and a distant figure, an enigmatic further text is added to break up the argument, to distract or direct to an elsewhere, to another thought, a shadow law or possibility. In Figure 2, by contrast, Badiou the mathematician, the jurist—if we can so term the philosopher king—is more in evidence. Here he is erasing and adding tables, equations, lists. This is the domain of the calculable, of the rule, of that which is known in advance, quantified, tabled and listed. These appear if not as laws, then at least as negative desiderata, as interdictions, speculations that are not to be infracted. These are the marks of method, ordinances, *nomos* as it is explicated beyond both law and its transgression.

The separate parts war with each other, the humanist with the legislator, the aesthete with the mathematical ontologist. Justice, or the desire for a justice to come, confronts calculus, the many challenge the one. The erasure or undoing of bonds, the war implicit in the name and in the text are polemical and provocative. The root in battle also reminds us, and Simon Critchley is critical of this, of the violence of some of Badiou’s positions. The shadow play in other words is also a species of resistance in the French sense of covert armed resistance. The sovereign, to borrow a very old legal maxim, is graced with arms and with laws, swords and books. As law and war have tended increasingly to go hand in hand, the contemporary translation of the maxim should probably counterpose not arms and laws, but law and

Peter Birks & Grant McLeod, *Introduction* to *Justinian’s Institutes* (Peter Birks & Grant McLeod trans., Cornell University Press 1987).
philosophy because it is the philosophers who have taken over the books while the lawyers merge with the febrile sterility of the contemporary war torn world. Badiou is the progenitor of an insertion into this realm of compromise, his is a disorderly thought, and he is to be thanked fulsomely for that, for living up to his name.