

“An urgently contemporary study of the relation between ‘terror’ as a state of expectancy in relation to an event to come, and ‘terrorism’ as the deadly deployment of force in situations of radical exploitation and oppression.”—Julia Lupton, University of California, Irvine

“Jacques Lezra has written what is undoubtedly the most nuanced and complex analysis of the relation between terror, terrorism, and republicanism that we have today. Through a dazzling highway of theoretical engagements with the most important ethical and political thinkers of our day, Lezra brilliantly defends his own notion of positive freedom, which turns on an allegory of a wounded sovereignty. Wounded, in that ‘the city’ no longer walls itself off from that which would pierce its walls and its defenses. Lezra seeks to keep us awake at night by powerfully reminding us of our ‘terrible’ responsibility in an unjust world, where we truly leave ourselves open to an encounter with the suffering of others. Lezra also engages with the major works of Western literature from Greek tragedy on, to show us the pervasiveness of the theme of what happens to the city when it fails to live up to its own image. If this were not enough, Lezra’s careful enunciation of the difference between terror, terrible responsibility, and terrorism explores the political and ethical significance of both the actuality of terrorist acts and their phantasized presentation in the media, which leads them to become a justification for the protection of the city through grossly immoral acts, such as acts of torture. This is an extraordinarily rich and fearless book that will be must-reading in disciplines from law and politics to media studies and comparative literature.”—Drucilla Cornell

“Lezra sketches a fascinating trip from the archaic scene of Oedipus, beyond the time of the founding of the individual and collective subject, to the events of September 11, at the threshold of our contingent future. *Wild Materialism’s* path leads through the Paris of the fifteenth century, the Spanish empire, the war in Algeria, and on to the contemporary world, and delivers an analysis of the production of universals in and of political space, that prior instant from which dualisms and differences flow—inside/out, friend/enemy, private/public, terror/terrorism—divisions and reconstitutions of what is held in common. This is a work that refuses finally to dissolve politics into aesthetics and seeks out an innovative, apt vocabulary for the tasks of ethics and politics, far from the fiction of sover-

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eign, constituting power. *Wild Materialism* revises the sense of radical republicanism, basing itself in a fascinating interpretation of Levinas, Althusser, and Freud, which forces us to rethink the classic arguments of the twentieth century, from Arendt to Schmitt, from Koselleck to Habermas, Derrida to Negri.”—José Luis Villacañas, Universidad Complutense de Madrid

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WILD MATERIALISM





*Wild Materialism*

THE ETHIC OF TERROR  
AND THE MODERN REPUBLIC

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JACQUES LEZRA

FORDHAM UNIVERSITY PRESS

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Susanne, Gabe, and Nat are written into these pages somehow and constantly. Without them, nothing.

This book is for Mauricio and Giggy, who live in Madrid.



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WILD MATERIALISM



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## Introduction: Terrible Ethics

To an anomalous species of terror I found him a bounden slave.

—EDGAR ALLAN POE, “The Fall of the House of Usher”

They were creating not just terror; they were creating images.

—NEIL GABLER, “This Time, The Scene Was Real,”  
*New York Times*, September 16, 2001

There is an old kinship between terror, judgment, and the city. That relation and the promises it may hold for the almost equally old concept *republicanism*, are the subject of this book.

This is how the story starts. It is 1982. A city’s survival is at stake, and everything depends on our decision: this is what the philosopher Michael Levin invites us to imagine. Levin gives us a particular city; it stands in for any other. His famous fable terrifies, but it is a pedagogical, or better yet, a *civic* experience that he intends. (If we are terrified enough, we will be moved to act in defense of the city.) The story he tells bears on the relation between ethical judgments and political interests, and he gives it the shape that the conflict between globalization and national interest assumes in the metropolitan imaginary. “Suppose,” Levin writes:

a terrorist has hidden an atomic bomb on Manhattan Island which will detonate at noon on July 4 unless . . . (here follow the usual demands for money and release of his friends from jail). Suppose, further, that he is caught at 10 A.M. of the fateful day, but—preferring death to failure—won’t disclose where the bomb is. What do we do? If we follow due process—wait for his lawyer, arraign him—millions of people will die. If the only way to save those lives is to subject the terrorist to the most excruciating possible

pain, what grounds can there be for not doing so? I suggest there are none. In any case, I ask you to face the question with an open mind.

Torturing the terrorist is unconstitutional? Probably. But millions of lives surely outweigh constitutionality. Torture is barbaric? Mass murder is far more barbaric. Indeed, letting millions of innocents die in deference to one who flaunts his guilt is moral cowardice, an unwillingness to dirty one's hands. If you caught the terrorist, could you sleep nights knowing that millions died because you couldn't bring yourself to apply the electrodes?<sup>1</sup>

No counterargument has prevailed, certainly not in the media or in the political idiom in the United States in the past quarter century, and a fortiori after September 11, 2001. Not even the scandals of Abu Ghraib and Guantánamo or the disclosure of the United States' practices of prisoner rendition and "enhanced interrogation" have made much of an impact—juridically, legally, or culturally. Within the academy Levin's controversial scenario has fared only marginally less well; the essay's presence on the syllabi of any number of writing or rhetoric classes attests more to the luridness and sad topicality of its thesis, images, and techniques than to its coherence.<sup>2</sup> The utilitarian argument based upon the "ticking-bomb" scenario is stark indeed, and, as recent TV shows like "24" suggest, the proposition that the greater good of greater numbers trumps any particular interest, and some general ones as well (for instance, the abstract social interest in the preservation of law and "constitutionality"), has an undeniable commercial cachet. The most effective objections to Levin's scenario are practical ones (for example: the argument that the practice of torture does not work, because it does not produce the effects required or produces undesirable additional effects; or the argument that the practice of torture licenses others to employ torture against U.S. forces; or the argument that torture lowers international opinion of the United States; etc.). Deontology, value ethics, religious morality—no ethical argument against torture and state terror has standing when the city is imagined to be in peril. The city's walls protect us from enemies, keep us from terror, close the circle of our friends, define the practices, habits, and idioms that determine us. Within the city walls, we are all humanitarians; rights are equally protected; a measure of political autonomy is presumed. When we allow those practices to cross the walls and apply them, extramurally, to those who do not accept the idioms of the city, who seek, indeed, to destroy it—then we are guilty of "moral cowardice."

Let's stop here a moment longer. A more detailed reading of Levin's position shows us that it depends on what is either an incoherent or an



impracticable account of judgment. In the first place, the truth-seeking function of acts of torture, which in Levin's description makes these acts permissible, may not be separated from secondary and tertiary functions that in themselves cannot be (and which would then require balancing against the primary goal, presuming it has been achieved). Two examples. Acts of torture that produce "truth" (if they do) necessarily also produce a reflexive justification for these acts. If we succeed in saving the city, then we were justified in proceeding as we did; if we do not succeed, we are at least not guilty of "moral cowardice," even if we are guilty of something else: our heroism here is of the tragic variety. The principle that torture is permissible because it works is not disproved—quite the contrary: perhaps we had the wrong terrorist (*someone* knew where the bomb was planted), or we did not apply sufficient pain to the right one. This second, self-legitimizing, heroic function is not morally permissible as a *goal* of torture, but it cannot be separated from the first function. And acts of torture also have what one could call secondary *lexical* consequences: if I can bring myself to apply the electrodes, then I have become something other than what I was (I may, for instance, have purchased a sort of extra-constitutional heroism by the gesture), and the city I have saved now shelters its walls behind a set of extra-mural, extra-judicial walls different from the ones that defined and guarded it before. Just as there is no single, discrete act of torture, but rather a plurality of acts involving the gestures, decisions, and applications of instruments by different hands, stretching across the city and across time, so there is no simple product of acts of torture (truth telling is also an act of revenge, for example).

This promiscuity of the act, its division and seepage across spaces, agents, and times, also holds in the second place, where the act of uttering a statement under torture is concerned. A confession, the statement of a location, a plan, a name: these will not yet count as true, not until the conditions of veridification have been satisfied. Is the utterance what it appears to be? What if it is true, but incomplete? That is, it is true that the bomb is in place *X*, but I haven't told you how to disarm it. (Terrorists are diabolically clever.) For instance: tell me where the bomb is; the bomb is at *X* location, at the Air France ticket office, say, but that statement, even if it should prove to be true, isn't sufficient to prevent the device from exploding. A further answer is required, pending a further question. (How is it to be disarmed?) From a juridical perspective, another class of questions and answers is presupposed, the sorts of questions that establish that this is indeed the terrorist whose knowledge we must extract (and not just a traveler seeking to cross into the city). Questions breed others and

entail further ones. The difficulty is conceptual as well as practical: one needs to stipulate too much before one begins asking the question, and there is no *single* question adequate to the scenario Levin envisions. Questions too are promiscuous.

The fantasy of the single, master question rests on, and is indissociable from, a chronological fantasy as well. Think of another, ancient story—set this time among the Theban hills, where two roads cross near the city, where a great, unsolved crime occurred alongside a private, unremembered one (the abandonment of a child), where both still poison the city. By uttering the name of the person who gave him the baby, the shepherd makes the plague disappear, or rather, he also names the plague and by naming ends it. Like Sophocles', Levin's fable has a mythological horizon: when the terrorist utters the word elicited by the most excruciating possible pain, the threat disappears. Indeed, we judge that it was the right word because we recognize that the threat has disappeared (and not till then). Or because the answer was known in advance (the day, as in Levin's example, is known to be "fated"; Oedipus's parentage, like the facts that the "terrorist" is a "terrorist" and that his information will ipso facto save the city, is known by the gods, by the Sphinx, by Teiresias, by Oedipus, by the audience). "Of course, *that's* where the device is, we knew it all along," we say, and the device is no longer there, or no longer active. Without this mythological recognition effect, the horizon of the acts of torture is not the production of truth and the salvation of the city—that is an indirect consequence of my use of the information (though it may be the one I intend). It is, rather, the production of an utterance, whose truth or falsehood is to be determined in the event: what Aristotelian logicians would call a *future contingent*. (These are truth-neutral or undecided statements, which escape from the Aristotelian principle of bivalence—the requirement that propositions must be either true or false. The most famous is Aristotle's own "A sea battle will take place tomorrow." Like Aristotle's example, the statement "A bomb located in Manhattan will go off 'at noon on July 4'" is not yet true or false: it merely becomes one or the other.) In the interim, between the utterance and its veridification, as between the act and its consequences, my judgment is also neutral, undecided, suspended. And how, after all, am I, or the community, supposed to assess an action, a decision, a state of affairs—if not in relation to its foreseeable or inferred outcome, or to what it *is* intrinsically, or to agreed-upon, explicit norms or rules of association that constitute the community?<sup>23</sup>

One cannot justify an act (or a set of acts: torture) on *both* consequentialist and truth-neutral, contingent grounds; one cannot stipulate which

consequences of acts will be subject to ethical judgment and which will be merely incidental; or rather, one can, but only in a very restricted sense indeed. A literary example may be useful: another story. This is *Purgatory*, and Virgil is instructing Dante the pilgrim how to read the *tormento*, the scenes of torture and retribution passing before him:

Li occhi miei, ch'a mirare eran contenti  
per veder novitadi ond' e' son vaghi,  
volgendosi ver' lui non furon lenti.

Non vo' però, lettor, che tu ti smaghi  
di buon proponimento per udire  
come Dio vuol che 'l debito si paghi.

Non attender la forma del martire:  
pensa la succession; pensa ch'al peggio  
oltre la gran sentenza non può ire.

*My eyes, which were looking intently,  
eager for any new thing they could see,  
were not slow in turning towards him.*

*Reader, I would not have you fall away  
from your good resolution to hear the way  
God wills that what is owed is to be paid.*

*Do not linger on the form of the torment.  
Think of what follows it. At the worst, think  
it cannot go beyond the great judgment.<sup>4</sup>*

The scene is distracting enough that Dante the poet in turn instructs his readers, from the retrospective vantage of the journey's end, how to understand the torment he witnessed with Virgil's aid. "Pensa la succession," he tells his reader: think about what follows and think about *la gran sentenza*, the Last Judgment. To attend to the form that torture takes is to be guilty of misplaced compassion or of "moral cowardice." It's only from the perspective of the outcome or the event (a good, strong translation of *succession*), from the Olympian standpoint reserved for those who know not only that days and acts have consequences but which acts serve to pay what debts, or save the city or the soul, that one can truly judge. Dante doubles his verb for emphasis: it is thought, *il pensier*, rather than vision or imagination, that helps us derive from torments we see or imagine outcomes that justify them. Consequentialist thought can ward off the risk that an example will become a bad example, or the risk that too much interest, pleasure, or content, *contento*, will be generated by (say) the spectacle of

the pain of another's *tormento*, or the risk that what we see or what we imagine will parasitically overtake all *buon proponimento* and, Medusa-like, astonish our judgment and arrest the pilgrim. Levin's fable both requires of his readers the mythological perspective of the event and offers it as the ground on which the city is built, on which membership in the community is to be assessed. Civic judgments thought under the aspect of the Last Judgment, subject to its sovereign integrity. Sovereign thought, banning from the city's gates what we merely see and merely imagine. The city is an eschatology. Is there another way of imagining the relation between terror, judgment, and the city?

### *Before the City*

Let's begin the story differently. It's still an archaic scene, an old tragedy: famine, blight, a plague; their causes unknown. The city, *polis*, the institutions and communal practices that support it and that its solid walls make possible, and the life of the city dwellers—all are in peril. On this ancient stage two stories cross, the story of the city's suffering and the story of its ruler's origins. Where they meet, the sovereign addresses the slave; a man (who is at first silent out of—what, reticence? decorum? loyalty?) is forced to speak: violently. For the chorus of citizens, always at hand, this scene has a shape that Sophocles' or Seneca's modern reader may find unfamiliar. For instance: we, the modern readers or viewers of these old tragedies, believe that the stories crossing before the chorus and before us should be different from each other because one concerns public matters, the other private ones. And we believe that the moral grounds for locating sovereignty—understood both as self-possession, as the capacity to decide autonomously whether one enters into one or another course of action, and as political sovereignty—in an office or an individual, or for distributing it across groups, depend upon a distinction between the interests of the city and those of the individuals within it. And—again—we may ask whether there are secular, noneschatological grounds on which to ground judgments concerning the admissibility of acts undertaken in the city's name. Finally, we believe that, even if we acknowledge that the city cannot survive without the slave's tale and further grant that to this end the slave (or the terrorist) can be “subject . . . to the most excruciating possible pain,” as Levin says, we will also conclude that the city will not be the same afterwards, that aspects of its self-understanding cannot survive when it elicits violently the tale that will save it. (It is no longer, for example, a

“constitutional” society; its values are no longer universal or universally applied.)

None of these four objections pertains when this old story begins: public and private interests have not taken on their modern, distinct, correlative and contrastive form, and the distinction between them has no normative value. The slave’s tale is not his own but the city’s, and its standing in public matters is a consequence of the very violence that a contemporary viewpoint might find disabling, even self-stultifying; the vast, inefficient, and subtle machinery of secularization has as yet no purchase.<sup>5</sup> In Sophocles, even in Seneca, there is no secular stance from which a character, a member of the chorus, or, indeed, a member of the audience might ask whether the city will survive the Shepherd’s story and the violence required to elicit it or might judge whether the interests of the collective warrant the sacrifice of the individual (the slave or the sovereign). No ostensible concepts—like “the city,” “the individual,” or their relation, citizenship—stand apart, free from the plague that threatens the city and its citizens from within and without, by which one might judge whether (or command that) one or another course of action should be followed, by whom, and under what circumstances and then describe and set rules prescribing what “following a course of action” means. No grounded position from which minimal ethical or political judgments might be made—and no position from which their relation might be assessed. There is no stance from which to decide whether the decision to accept the city’s laws precedes or follows from the city’s laws themselves, or to seek to determine whether in fact it is a decision at all: an absence on which the Socratic theory of the state articulated in the *Apology* will turn.<sup>6</sup>

Here, then, is the archaic scene I have been conjuring. It is one of the points at which the public or political story in Sophocles’ *Oedipus* touches the private story, and by no means the most explicitly violent one. Or rather, it is violent in a different way from the enraged interrogation of Teiresias, or from Oedipus’s confrontation with Creon, or from the radical but offstage physicalization of the encounter, the touch, of those two accounts: Oedipus’s blows to his own eyes, a gesture that sutures one story to the other forever, his blinded sockets marking the two points where the city’s story, its sovereign’s, and every citizen’s knowledge of these are held together; blind spots, crossroads, impasses. The interest of the city, the city’s health, its very survival: these are explicitly at stake as the play opens (Oedipus to the suppliants and chorus: “Your pain comes on each of you for himself alone, and for no other, but my soul is in pain at once for the city, for myself, and for you,” ll. 60ff) but not in this climactic scene.

Oedipus does not appeal to the servant on political grounds; a different logic is now at work:

MESSENGER: Come, tell me now: do you remember having given me a boy  
in those days, to be reared as my own foster-son?  
SHEPHERD: What now? Why do you ask?  
MESSENGER: This man, my friend, is he who then was young.  
SHEPHERD: Damn you! Be silent once and for all!  
OEDIPUS: Do not rebuke him, old man. Your words need rebuking more  
than his.  
SHEPHERD: And in what way, most noble master, do I offend?  
OEDIPUS: In not telling of the boy about whom he asks.  
SHEPHERD: He speaks without knowledge, but is busy to no purpose.  
OEDIPUS: You will not speak with good grace, but will in pain.  
SHEPHERD: No, in the name of the gods, do not mistreat an old man.  
OEDIPUS: Someone, quick—tie his hands behind [*apostrephō*: “to turn or  
twist the hands behind”] him this instant!  
SHEPHERD: Alas, why?<sup>7</sup> [*dustēnos anti tou*]

Small editorial disagreements tug at these lines. The Shepherd’s exclamation—*dustēnos*, “wretched, disastrous, miserable”—has generally been read as applying to himself, though some editors point out that the adjective may also describe Oedipus: the term floats between the slave and the sovereign, lighting on both. Nor is there consensus about the import of Oedipus’s lines, “Someone, quick—tie his hands behind him this instant!” which can be understood either as a threat (binding the Shepherd’s hands in preparation for other, unnamed torments to come) or as commanding that the pain begin by means of the binding back of the Shepherd’s hands (the twisting of the hands is part of the torture to which the Shepherd is put).

The exchange has thus provoked two sorts of staging, one suggesting that the mere fear of pain is enough to elicit the Shepherd’s story, the other placing the character’s pain on display: the first, in line with the play’s consistent relegation of the spectacle of violence to the imaginary, offstage realm (the murder of Laius, Jocasta’s suicide, Oedipus’s blinding); the second, threatening to bring it onstage. Seneca’s version favors the second. His Oedipus interrogates Phorbas, the shepherd who cares for Thebes’ royal flocks:

OEDIPUS: [*Aside*] Why search further? Now destiny comes close. [*To Phorbas*]  
Tell me fully, who was the baby?  
PHORBAS: My loyalty forbids. [*Prohibet fides.*]

OEDIPUS: Bring fire, one of you! Flames will soon drive out loyalty. [*Huc aliquis ignem! Flamma iam excutiet fidem.*]

PHORBAS: Is truth to be sought by such bloody means? Forgive me, I beg you. [*Per tam cruentas vera quaerentur vias?*]

OEDIPUS: If you think me cruel and ruthless, you have vengeance ready to hand: tell me the truth! [*Si ferus videor tibi/Et impotens, parata vindicta in manu est:/Dic vera.*]<sup>8</sup>

Neither Sophocles' commands ("Tell the story" or "Tie his hands behind him this instant!") nor Seneca's ("Dic vera!", "Tell the truth!") stand upon a firm distinction between the interest of the city and the interest of the citizen. It is not possible at this point in either version of *Oedipus* to distinguish abidingly or consistently between the desire that the sovereign expresses (as a son, a husband, a possible murderer, a man betrayed; as a man acting freely; as a man following, blindly, a destiny laid out for him by others) and the interest of the city. Although they are determining in the fields to which the plays compare them (in drawing familial or generational distinctions; in distinguishing between a stranger and a relative, between a slave and a citizen, between the sovereign and the citizen, or between the present and the past; or in determining whether one's apparently free act in fact obeys an older logic), the distinctions are both fundamental and impossible to draw in the domain of political or even of ethical judgments.<sup>9</sup>

Along the arc that these two plays trace, one form of ethico-political logic declines and another arises, as if in compensation. By the end of Sophocles' play and *as a result of the play*, what it means to be part of a city or what it means to be a citizen, a sovereign, or a member of the chorus or of the audience has changed profoundly. As the responsibility for different aspects of the ruler's and the city's story is distributed across the citizenry, so the relations between the citizens are resemanticized, reconfigured, mediated, shifted. Just as Oedipus's and Creon's familial relations are, as well. Sophocles' *Oedipus* closes on a series of demands, made on different levels and based in different normative frames. Two are particularly striking. The Chorus, displaying the blind Oedipus to its audiences (the Theban citizenry as well as the play's audience), reminds them of the eager imitation, even envy, that the sovereign's good fortune (*ēn tuchais*, a clear, ironic reference to Oedipus's claim, at l. 1080, that he is the "son of Fortune," *paida tēs tukhēs*) once elicited (*hou tis ou zē loi politōn ē n tuchais epiblepōn*), then famously draws from Oedipus's fall the injunction to the residents of Thebes (*ō patras Thēbēs enoikoi*) that they withhold judgment concerning the happiness or unhappiness of any mortal till after his or

her death (ll. 1524–30). The difference between the “resident” of Thebes, *enoikos*, and the “citizen,” *politēs*, is notable. *Enoikos* is unusual in Sophocles, and indeed more generally; its only other occurrence in Sophocles is in the *Trachiniae*, where it is used not of a man but about an animal, the Nemean lion (*hoi pote Nemeas enoikon*); in the *Crito* (113c), Plato uses the term to characterize the Atlantidean autochthon Evenor. The demand that the Chorus places upon the audience transforms the audience, and the Thebans, into mere residents of a space. They are inhabitants, not citizens (*politēs*); theirs is the bare life of the animal or the autochthon; the city is now understood to be a place inhabited by beasts. More properly: a zoo. And when Oedipus appeals to Creon to protect and shelter Antigone and Ismene, to lay his hand upon them (*xunneuson, o genmaie, sei psausas cheri*) he has no grounds beyond their kinship; the demand is not made on the basis of a social, ethical, or political norm. In Sophocles, the painful disclosure of the Shepherd’s story spells the end of the city’s *political* life, now fatally divided between interests aimed at mere dwelling, and the aristocratic requirements of the family. With the expulsion of Oedipus, Thebes regains its health, exiles the terrors of Sphinx and plague, and loses, too, what has properly made the city a *political* space: the sovereign’s wounds, his susceptibility to fortune, *tukhē*, and mere contingency, the distribution of his weakness over the whole city. “An infamous double bond,” as Jocasta says of her relation with Oedipus: the sacrificial exile of the wounded sovereign saves and condemns the city, and briefly opens the possibility of imagining an alternative, a sovereignty whose woundedness, division, and contingency are not expelled but assumed by the city, distributed across the citizenry. Remembered, repeated, worked through.

Seneca’s reading of Sophocles is precise and consequential; we hardly miss the small ambiguities of the earlier text, or its hesitations (Will the spectacle of violence be brought before us, or remain hidden? Is it to come, or has it already begun?), or the questions Sophocles raises but does not answer: What sort of decision, or foundational act, or mere happenstance lies at the origin of citizenship? Can there be an inaugural decision that is not already a repetition and that does not draw its intelligibility from its status as a repetition? From a structure of return and recognition? In what relation to ethical judgments does that decision stand? To political judgments? We remark four important differences between the two works, though.

In the first place, Seneca’s brief observations about the “truth” of truth telling in the city (for the city) glaringly set on stage matters that Sophocles leaves obscure. Senecan truth, it appears, lies at the end of a cruel path. It wars with loyalty. And torture, the cruel path that the true story



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