

"Il y a de la plèbe": Figurations of the Minor between Complicity and Dissent

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Volume 21 Issue 3 (June 2019) Article 9**Maria Muhle,****"'Il y a de la plèbe': Figurations of the Minor between Complicity and Dissent"**<<http://docs.lib.purdue.edu/clcweb/vol21/iss3/9>>

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Abstract: In this article I discuss the logic of "complicity" and "dissent" that, under current forms of ultra-neoliberal capitalism, is no longer (if it has ever been) one of opposition but rather corresponds to a logic of unrealized potentials, or "as ifs" that "manage" dissent and complicity in conjunction, and erase the dividing line between them, or their value as separate concepts. I examine the genealogy of this opposition and its dilution as a symptom of our contemporary political reality. Michel Foucault presented a paradigmatic view of this genealogy in his analysis of power and the taxonomic separation of three regimes of power: the sovereign, the disciplinary and the biopolitical. While sovereign power maintains a "negative" distinction between acts of complicity and of dissent, implemented in the decision over life and death, both the disciplinary and the biopolitical power adopt a "positive" paradigm that relates, as I will argue, to figurations of the minor, inferior or infamous. It is precisely within these figurations that the paradoxical logic of "complicity" and "dissent" becomes more palpable, inasmuch as they demonstrate that acts of complicity can turn into acts of dissent; and vice-versa, that any act of dissent can also function "as if" it was an act of complicity. Thus, there is no outside of power. Instead every power challenges strategies of counter-power, that at once interrupt and fuel the existing structures of domination.

Maria MUHLE

"Il y a de la plèbe": Figurations of the Minor between Complicity and Dissent

The logics of "complicity" and "dissent" are most commonly understood as two opposed political strategies aiming at different political goals—such as, to put it bluntly, the conservation of an existing order through complicity and the reformation or even revolution of this same order through dissent. In this schematic view, the possibility of choosing one over the other—the possibility of being in dissent and therefore not complying with any existing order—seems to remain a possible way of action. The same seems to be true of the "conservative" practice of complicity that needs to exclude any elements of dissent in order to operate. Obviously such a static and monolithic understanding of politics is today far from being realistic, and it remains to see if it has ever been realistic. But in the light of contemporary ultra-neoliberal capitalism, fueled by notions of liberty, freedom and creativity, it seems all the more evident that a political movement that is aimed at the conservation of a capitalist system necessarily operates through moments of dissent that tend to be integrated in the ever-growing capitalist logic. Against this background, that suggests that "complicity" and "dissent" cannot be thought of as separated logics, it could be interesting to look back at the genealogy of this intertwining that marks our contemporary political reality. A genealogy that has been presented paradigmatically by Michel Foucault in his analytics of power and the differentiation between three regimes of power: the sovereign, the disciplinary and the biopolitical. While sovereign power seems to maintain a clear distinction between acts of complicity and of dissent implemented by a sovereign power over live and death, both disciplinary power and biopolitical power shift towards a "positive" paradigm of power where power relations participate in the logics of complicity as well as those of dissent—even though in different ways. In what follows, I would like to take a closer look at the specific figurations within Foucault's analytics of power, that make this intertwined logics of power explicit. These are, contrary to the case of sovereign power, not those of the kings, but rather those of the minor, inferior or infamous subjects of disciplinary and biopolitical power.

Figurations of the "minor" are present in Foucault's work and thought in several forms: as plebs, as infamous lives, as dangerous classes, amongst others. They comprise "all those lives destined to pass beneath any discourse and disappear" (Foucault, "Lives" 161). They stand in a paradoxical relation to the various shapes of power—sovereignty, disciplines, biopolitical governmentality—a relation that may be considered mimetic in that it reflects the inner circuits of the formations of *power* and figurations of the *political* in Foucault. Thus, one could say, this mimetic relation of the characterizations of the minor and their corresponding power regimes places before us the flipside of Foucault's central thesis in *Discipline and Punish*, that "[t]he man described for us, whom we are invited to free, is already in himself the effect of a subjection much more profound than himself" (30). For, the remarkable positivity and productivity of power, specified as its basic distinguishing mark and elaborated as such from *Discipline and Punish* onwards, unfolds against the background of the paradoxical dynamic of power and counterpower, which Foucault brings into view by considering figurations of the minor.

1.

As is well known, Foucault's investigations after the publication of *Discipline and Punish* in 1975 aim to depict an *analytic* of power, to elaborate an analytical view of power that lets us see its internal displacements and understand in particular the productivity of its post-sovereign forms. In *Discipline and Punish* and other major works, Foucault does not provide a model of politics that would be opposed to this kind of power. Foucault's claim about the omnipresence and insuperability of power relations and the apparent neglect of politics in his thought is often construed as posing a dilemma for a Foucauldian analysis of power, which would necessitate a revision of his analytic of power through the third "theoretical shift" noted in the introduction to the *Use of Pleasure* (6).

In his book on Foucault, Gilles Deleuze discusses this admission of a supposed impasse in Foucault's conception of power. For Deleuze, this does not point to a shortcoming in the conception. Rather, according to Deleuze, Foucault "found the impasse to be where power itself places us, in both our lives and our thoughts, as we run up against it in our smallest truths" (96). Deleuze spots an exit from this impasse in a "new" axis, a subject-axis, which is distinguished from power- and knowledge-axes, but neither just revises nor denies them. For the so-called "three axes"—knowledge, power, and subject—are present in Foucault's thought from the beginning and do not give way to each other

(power retreating upon the entry of the subject, for example). This becomes especially clear in re-reading *Discipline and Punish* and Foucault's talk of the instruments of subjectivation, that is, the technologies of subjectifying and subjection, the apparatus [*dispositifs*] producing subjection qua subjectification.

In this sense the appearance of the subjectivating complex intensifies the inner tangle of the three "axes." For, neither the talk of subjectification nor that of counter-discourses has any place outside power; they always only exist intertwined with it internally and come about through it. Accordingly, there cannot be for Foucault any place for politics *beyond* power. Rather, there exist "counter-discourses," "counter-power" or "counteractions" [*contre-conduites*], whose possibility Foucault articulates among other places in his work with the *Group for Information on Prisons* as well as in his research on the plebs, the infamous, and the *lettres de cachet*. The locus of such a "politics" of *contre-conduite* is those of the so-called "minor works," which, again, Deleuze had described as the other half of Foucault's thought. These draw out those "lines of actualization," which Foucault had *not* formulated in his main works "out of concern for rigor, from the resolve *not to confound everything*, from a confidence in the reader" (Deleuze 96).

In one of these "minor works," the well-known interview "Powers and Strategies" conducted by Jacques Rancière in 1977—two years after the publication of *Discipline and Punish*—for the recently founded journal *Révoltes Logiques*, Foucault puts his finger on the specific interconnection of power and politics when he writes that "resistance to power does not have to come from elsewhere to be real, nor is it inexorably frustrated through being the compatriot of power" ("Powers and Strategies" 142). That there is no "outside to power" does not per se neutralize resistance to power. This claim, which means that power and counter-power are to be thought as intrinsically interlaced, was preceded by an earlier tentative determination of one of those figures that harbor such a potential for resistance in the sense of counter-power, the figure of the plebs. Foucault writes:

There is certainly no such thing as "the plebs"; rather there is, as it were, a certain plebeian quality or aspect [*il y a de la plèbe*]. There is plebs in bodies, in souls, in individuals, in the proletariat, in the bourgeoisie, but everywhere in a diversity of forms and extensions, of energies and irreducibilities. This measure of plebs is not so much what stands outside relations of power as their limit, their underside, their counter-stroke, that which responds to every advance of power by a movement of disengagement. Hence it forms the motivation for every new development of networks of power. ("Powers" 138)

Thus, the plebeian is not a sociological entity, but, rather, a quantity or a proportion, which escapes the power relations in the disciplined, regulated individuals, groups, or classes completely subjugated by power relations: "something which is by no means a more or less docile or reactive primal matter, but rather a centrifugal movement, an inverse energy, a discharge" (138). There can be no genuine place for or bearer of this inverse energy, and, rather, it appears in the most differentiated registers: as just a part of the population, or social groups, or in the single individual—and indeed in every case as an excessive moment, which remains neither on an individual level nor within a determinate social group, but, rather, essentially concerns the totality of the political order. The plebs, as Alain Brossat writes,

arise in irregular and changing flows and independent of external conditions produce varying effects of interruption, displacement, and insecurity. And although the faces and appearances of the plebs are infinitely variable, they are identified with remarkable consistency as the dregs, the unclassifiable, the undocumented or the infamous—depending on the relevant rationale employed by the reigning order. (213)

Contrary to the traditional categories of the people, the masses, the proletarians as documented, visible, and sayable historical collectivities the plebs have "no substance" and consequently it is impossible to ascribe their roll to a historical subject.

The plebs share this unclear constitution with another figuration of minority, which Foucault treats under the heading of the infamous, whose "voices" are bound in the silence of private, extra-political and extra-judicial space and which are neither visible nor sayable for the so constituted politics. Even they produce a kind of "counter-discourse," which can occur exclusively outside of power, as Foucault showed in his paradigmatic text "Infamous Lives" also published in 1977. For here again it is power itself which makes the infamous into the paradoxical place of a kind and type of resistance tied to discourse. And it does this as it were unwittingly insofar as it places in its very hand the instrument of power in the form of *lettres de cachet*.

2.

In the lectures "Truth and Juridical Forms," which were presented in Rio de Janeiro in 1973 and which can be read as preparatory studies for *Discipline and Punish* and already contain key passages concerning panoptical mechanisms, Foucault takes the practice of *lettres de cachet* as a horizon for the genealogy of the prison. In the fourth lecture, which explicitly considers the disciplinary practice of "examination," Foucault investigates the correlative type of power as a form of normalizing power *avant la lettre*. The disciplinary society replaces the penal reform movements of the 18th century through the actual expansion of a paradoxical form of punishment, which looks ahead to the juridical form of examination. The prison aims not at the reproduction of law but functions as the site of preemption, that is aimed at the regulation and normalization of individual modes of behavior: "In the nineteenth century, penal justice aimed, in an increasingly insistent way, not so much at the general defense of society as the control and psychological and moral reform of the attitudes and behavior of individuals" ("Truth" 56).

The penal system was no longer oriented towards the judgment or legal ruling over past crimes and so needed no knowledge of what actually transpired. Rather, it looked to control *possible* actions of individuals, which were presumed to be discovered by means of examining and inspecting them: the central concept of the penal system is hence the *dangerousness* of individuals, who must be examined at the level of their potential behavior in order to detect anomalies in advance, to neutralize dangerous dispositions, to prevent violations of the law *before* they could occur. To enable such control over humans in their potentiality, or as Foucault says, "a control of their future behavior while this was still taking form," ("Truth" 57) penal institutions had to extend over all realms of social life. The control of potential behavior cannot only be a matter for the judiciary, but, rather, required a whole network of disciplinary and thus extra-judicial institutions, the police, but also psychological, psychiatric, pedagogical, criminological, and medical institutions. The life of individuals in its entirety is now surveilled, controlled, cultivated, and investigated in its entire extent—we enter the age of "generalized orthopedics" (58).

Foucault had here already designated this model of controlling power "panopticism" and genealogically traced it to various historical processes such as the proliferation of private societies for the defense of morality in England and the introduction of *lettres de cachet* in France. These "letters of the sign/signet" were letters signed by the king of France, countersigned by one of his ministers, and closed with the royal seal, or *cachet*. They contained orders directly from the king, often to enforce arbitrary actions and judgments that could not be appealed. They emerged during the 13th century and were abolished by the French revolution though briefly reinstated by Napoleon. The best-known *lettres de cachet*, and the ones that were of the most interest to Foucault, were the penal ones by which a subject was imprisoned without trial and without an opportunity of defense. Imprisonment could be in a state prison or an ordinary jail, or mean confinement in a convent or the General Hospital of Paris, or even entail transportation to the colonies, or expulsion to another part of the realm, or from the realm altogether. The *lettres* were mainly used against drunkards, troublemakers, prostitutes, squanderers of family fortune, or insane persons.

Consequently, Foucault explains how these "curious" *lettres de cachet* belonged essentially to precisely that parajudicial practice, which, in France, received the form of the police, with its own officials, its own architecture—the Bastille or the Bicêtre—and even its own "institutional aspect" with the *lettres de cachet*. These constituted "one of the major instruments of power of the absolute monarchy" insofar as they, qua royal commands and not just laws or edicts, exercised a force over any individual, who could be imprisoned at the discretion of the king. They were tantamount to "an instrument of royal despotism crashing down on someone like a lightning bolt, able to imprison him for the rest of his days" ("Truth" 65). At the same time, Foucault reminds us that these letters were also "a way of escaping the law," (65) insofar as they functioned as petitions by deceived husbands, dissatisfied fathers, quarreling families, and cloven communities, beseeching royal authority to enforce what was at bottom their own private will. The *lettres de cachet* were in this way "a kind of counterpower, a power that came from below, enabling groups, communities, families, or individuals to exercise power over someone. They were instruments of a control that was voluntary in a sense, a control from below... a way of regulating the everyday morality of social life... to provide for their own police control and ensure their own order" (65-66). And so Foucault concludes that this "parajudicial practice of *lettres de cachet*" reveals the "origin" of the prison insofar as it could inflict parajudicial punishment in virtue of being a parajudicial practice, as was the case with imprisonment, which was *not* a legal punishment for the penal system of the 17th and 18th centuries.

Thus, Foucault, on the one hand, characterizes the infamous and the extra-judicial practice of *lettres de cachet* as a counterpower. Yet, on the other hand, he notes that they did not at all lead to a generalizable resistance against power. For, the counterpower mediated through the *lettres de cachet* is yet again a regulating and controlling power, which, it is granted, effectively permeates the sovereign monopoly of power, but does not thereby cause any "political" effects in the emphatic sense. Foucault's talk of the counteractions and counterpowers must be understood in precisely this sense, as strategies, therefore, which did not simply break free from power, but, rather, whose resistive capacity was always already ensnared in their inner contradictions.

3.

In talking of "flash existences" in the aforementioned text "Lives of Infamous Men," which too focuses on this paradoxical practice of power, Foucault more or less directly builds on the comments made in the lecture discussed above, while describing these existences more dramatically as "poem-lives." ("Lives" 159) Here, Foucault's train of thought takes another turn, when he underlines the archival function of power that recorded the words "to recall their fleeting trajectory" (161).

The concrete manner in which this collision with power occurs appears all the more interesting, because, for Foucault, power itself lends the model, which the speaker or writer of insignificant infamy must emulate in order to compel the attention of that power. In their archived pleas the infamous reach for the written word, which was not capable of being written in any obvious sense, since neither was the banality of their life "worth" describing, nor was writing itself accessible. They are paradigmatic figures of a minority, who do not enter the annals of history either in descriptions by others or in their own self-description, save for that accidental encounter with power. Only thanks to this encounter do they write, or become written about, and comport themselves to the scribal apparatus, where they emerge in excessive forms as they seek to slip in through imitation or emulation, leading to quirky and paradoxical rhetorical effects. For the texts of infamy adorn themselves with a rhetoric one cannot dispense with if one wants to catch the eye of the sovereign, texts that strive to mimic the ceremonious splendor of sovereign power. The petitions, evaluations, denunciations proceed in this way through an as-if logic: banal family histories are recited *as if* they were great crimes, to give birth to an "emphatic theater of the everyday," a grandeur and the disparity of an insignificant writing. By the imitation and emulation of "grand rhetoric" and the theatricalized, baroque style, the ignoble—minor—lives sought to draw the monarch's notice: "The political discourse of banality could not be anything but solemn" ("Lives" 170).

This imitation was necessarily accompanied by an "effect of incongruity," which gave the texts their specific stamp: when the infamous persons or the semi-literate writers representing them addressed the monarch, they mixed formulaic politesse with "words that were awkward and violent, loutish expressions by which they hoped no doubt to give their expressions more force and truthfulness" (Foucault, "Lives" 170).

According to Foucault, this incongruous rhetoric is normalized under post-sovereign, disciplinary relations of power, when disciplinary mechanisms of control place the "colorless categories of administration, journalism, and science" ("Lives" 172) upon the peculiar disparity of these life-histories, relegating, in turn, their modulations to literature. If the "politics" of these writing-scenes of infamy thus depends on the dissonance and the disparate rhetoric of solemnity inspired by sovereign power, post-sovereign disciplinary power is enacted precisely at this juncture by inscribing these incongruous practices of the infamous into coercive systems of disciplinary power, taking them as normalizing-disciplinary points of entry. It is therefore just this precarious relation between the figures of minority and language through which language becomes ambivalent and uncertain, or excessive, a relation upon which the power of writing through disciplines operate, to divert it and invert it, that is to say, too normalize it. Consequently, not only can we portray the dynamic of power and counterpower—or of complicity and dissent—at play here, but, at the same time, we can also specify more clearly one of the displacements of power, which came up in Foucault's analytic of power.

4.

As Foucault explains in *Discipline and Punish*, this displacement accompanies the emergence of individualization as one of the fundamental mechanisms of disciplinary power, whereby it is essentially distinguished from the techniques of sovereign power as well as from power's biopolitical and

governmental strategies in a still more decisive sense. While the target of sovereign power is the juridical subject, and biopolitical governmentality mainly aims to produce a whole in the form of a population to be penetrated and ruled in its globality, the disciplines direct their techniques of power to fitting out and training individuals. In this vein, the mechanism of individualization aims at bottom to survey variations between individuals in order to plot these upon a given plane, to particularize their distinct qualities and to harmonize the differences between them, thus making them productive. For Foucault, this process depends on a key technique, which operates in a controlling as well as normalizing way, namely, the examination, which is at once an apparatus of knowledge and of power.

The object of the techniques of examination and their documentary reformulation, according to Foucault, is to produce "cases," which are resultantly the selfsame object of knowledge and power. Here, the individual appears in its genuinely disciplinary character: that individual, which one describes, surveys, and compares with others on the basis of their own individuality, and that very individual, who must be trained, classified, normalized, or excluded. The individual, who up till now had been deemed unworthy of description or attention, acquires a privileged standpoint through disciplinary techniques in being investigated, described, and recounted to the last detail. If earlier only the lives of kings, noblemen, and saints were depicted, the disciplines now speak of *everyone* and at the same time make everyone susceptible to disciplinary control: "This turning of real lives into writing [*mise en écriture*] is no longer a procedure of heroization; it functions as a procedure of objectification [*objectivation*] and subjection [*assujettissement*]" (Foucault, *Discipline* 192).

Thus, the *individual as case* just means the describable, measurable, and comparable individual to be normalized, classified, and trained. This individuality, however, first enters power's field of vision when the "*seuil de description*," the threshold of what can be described, and thus even perceived, is lowered. If, to be looked at, "observed, described in detail, followed from day to day by an uninterrupted writing was a privilege" in the premodern era, then this representational hierarchy of writing and describing is upset by the disciplinary technique of examination and paradoxically transformed into a method of control. On the one hand, the disciplinary methods "lowered the threshold of describable individuality," that is, they broke down the hierarchy of those dignified in written works, but, on the other hand, they "made of this description a means of control and a method of domination" (Foucault, *Discipline* 191). In this way the power of writing fashioned material dispositions in the form of documentation. Lowering the threshold of what can be described had disciplining, codifying effects. Disciplinary power produced its object in describing it and thus created its own reality.

Consequently, "examination" as a crucial technology of the disciplinary apparatus throws a "network of writing [*réseau d'écriture*]" over individuals and encompasses them "in a whole mass of documents that capture and fix them" (Foucault, *Discipline* 189), in order to exercise complete supervision and control over each and every individual. The "power of writing" so constituted is tasked with documenting individuals, describing and inscribing them ever further into systems of control and surveillance. Individuality, as the result of disciplinary examination, can then be "transcribed" in lists and forms, i.e., copied *out* and written *off* at the most base-level writing acts thereby formalized and normalized.

A further innovation of "disciplinary writing," Foucault tells us, supplements the translative tasks of transcription, one that consists in the comparison, compilation, and grouping of individual traits, a *synthesizing function* of ordering and classifying, finding averages and fixing norms. Through such a writing apparatus a smooth transition from the general register to individual (clinical) case-histories and vice-versa becomes possible. The singular trait or exception is part of a great system of records, within which every individual variation has repercussions for the general curve of normality in an entirely statistical sense. Thanks to such a writing apparatus (*appareil d'écriture*) examination introduces two correlative possibilities: first, the individual, along with his capacities and skills becomes a completely describable particular object, and, second, the individual becomes a part of a global comparative scheme, or to use the catchphrase of biopolitics, becomes regulated as a part of the population.

In this sense disciplinary power responds to those strategies of "minor" mimesis, which oppose a "power from below" to exemplary power, i.e. subvert a specific hierarchy of speech and visibility with the generalized inscription and description of the minor, infamous, or plebeian lives, which raises them into the realm of the sayable and the visible, but, at the same time carries out a process of neutralization and codification.

It is just this equivocal relation of the infamous or the minor to language, especially to writing, to which disciplinary power responds with the formulation of the "power of writing," whose job is to restrict the ambivalence of this writing and to understand it as a series of signs to which the

disciplined body can react in a strictly unique way. Disciplinary language is understood as code, as a machinery for producing unequivocal, which yields the disciplined individual qua description or by insertion into the domain of fit-for-writing. Moreover, this double function of writing, which at once raises and subordinates, which, while simultaneously imprinting into a determinate place and time, makes the individual visible, is symptomatic of the paradoxical make-up of disciplinary power, as much positive as negative, which opens onto the strategies of biopolitical governmentality.

5.

Thus, the structure of disciplinary power is double: at once repressive (compliant) and productive (dissentive), and thus only repressive qua productivity. It is a trait it shares with the structure of biopolitical governmentality and which was the key result shown by Foucault's analytic of power. It can be understood, according to this thesis, only against a contrast which acquired prominence in the 1973 lectures referring to the *lettres de cachet*: Namely, the contrast between the penal system and the extra-judicial status of the *lettres de cachet*—or between "pénalité judiciaire" (judiciary penalty) and a "pouvoir de la norme" (power of the norm) as Foucault reformulates it in *Discipline and Punish*. And this was in fact grounded not so much in the concrete phenomena of *lettres de cachet* in 17th and 18th century France but, rather, in the conflict of constitutional law and extra-judicial practices, which is how things were with the *lettres de cachet*. Ignoring how this opposition accounts for the surprising fact of the birth of the prison, which was still not provided for as a form of punishment by constitutional law—the prison as an initially extra-judicial phenomenon takes root in an ensuing departure from extra-judicial practices. This opposition is crucial with regard to the amalgam of power and resistance in Foucault's thought, as this was mentioned at the outset, which is especially seen with the help of figurations of the infamous or the plebeian. And it clarifies the link between disciplines and governmental biopolitics, thus between those forms of power in which the exercise of power is realized as the positive practice of individuals and the population.

Insofar as the minor, the plebeian, the infamous is *not* a constituted people in any measure, it is also not politicized through consensual, juridical means of coming to be in a free space of society and hence does not supply a juridically verifiable response to power. Its politicization cannot operate through a simple complicity with an existing political (or juridical) order, but has to pass through practices of dissent with the established (dominating) order to articulate a political presence. It does not aim at representation, or even presentation, of the "minor," but, rather, articulates the latter quasi-mimetically around moments of disruption. This elude complete disciplinary describability by producing effects of dissonance or of dissent, thus bringing their emulation of the regnant exemplary power again to the forefront, for example, by accumulating or appropriating the individualizing forms of description. Phillipe Artières had read this mimetic dynamic in view of the "bad literature" (*mauvaise littérature*) of psychiatric reports, based on which Foucault had investigated the rise of modern psychiatry in his lectures on the *Abnormal*. It was in this way that scraps of conversation, which were hitherto imperceptible, became legible through the documented self-descriptions and descriptions of abnormal individuals, and protests and demands, which were not supposed to have any place here, came to be seen. These *minimal* texts come to communicate an insight, which structurally builds on the one discerned in the *lettres de cache*. For the abnormal, pathological voices respond to their judges and doctors, insofar as they use expression, which was conceded to them for therapeutic ends, at once in the sense it has in the therapeutic model as well as to register protest against it: "Insofar as they play with the rules and dictates that dominate their writing, the writers express a number of protests and demands" (Artières, "Michel" 80). In this way there also occurs an excess of language at this point and indeed again *in* the emulation of the official or institutional speech, which is by now the scientific discourse of psychiatry.

One can therefore conclude that the "mediums" of the plebs or the infamous comprises all these "minimal," the inferior, minor or the "bad" literature of the "lettres de cachet," petitions and psychiatric evaluations, inasmuch as they enable interruptions and diversions of power structures through quasi-mimetic appropriation. As "counterpower from below," as a specific power of dissent, they instance new structures of power, which can give rise to political effects in turn, without having to, and which need not be conceived as universal political emancipation in any case, which would have located them beyond power and complicity. Rather, it is a matter of singular breaks and displacements, which sustain the very interplay of power and counterpower: A power of dissent that is not thinkable beyond complicity; but also a complicity that is always punctuated by practices of dissent.

The central idea is therefore that the mimetic character of these minor texts does not aim at *presenting* infamous lives, and one does not have to do with a simple presentation of those unfit for presentation or with a mimesis of the minor which would project the non-presentable into presentability. Thus, Foucault writes: "Real lives were 'enacted' in these few sentences: by this I don't mean that they were represented but that their liberty their misfortune, often their death, in any case their fate were actually decided therein, at least in part" ("Lives" 160). Rather, in such enactment, the question concerns the form of *minor mimesis* precisely because it does not go into presentation, producing bizarre effects, and thus in every instance a surplus. Such a *minor mimesis* lays language bare in its excessiveness, its "literarity" or "homonymy," to use Rancière's terms (*Distribution* 39-40; *The Names* 24 ff.). In his "Lives of Infamous Men" Foucault shows how this excessiveness works in the speech of the infamous, although this is not and does not have to be a purely verbal affair, as Foucault shows in the case of Pierre Rivière's violent acts or with reference to plebeian uprisings and agitations. Exactly here, one may say in conclusion, lies the radical element of Foucault's thought, which simply cannot be integrated into a consensual (or complicit) model of politics. This becomes especially evident in the description in *Discipline and Punish* of the doubled constitution of power, at once subordinating and productive, compliant and dissenting, and so in the fact that the most enlightened (dissenting) subject is always already the result of techniques of power of complicity that in turn can never completely neutralize the practices and strategies of dissenting counterpower either. This lead, this trace, can and must be thought further through Foucault's later work, through the purported "turn" to the subject, in the technologies of the self.

Translation from German: Meghant Sudan

Works cited:

- Artières, Philippe. "Michel Foucault et l'auto-biographe." *Michel Foucault, la littérature et les arts*, edited by Philippe Artières, Kimé 2005, pp. 71-85.
- Brossat, Alain. "Plèbe, politique et événement." *Foucault dans tous ses éclats*, edited by Alain Brossat, Fulvia Carnevale et al., L'Harmattan, 2005.
- Deleuze, *Foucault*. U of Minnesota P, 1988.
- Foucault, Michel. *Discipline and Punish: The Birth of the Prison*. Vintage Books, 1995.
- . "Lives of Infamous Men." *Power: Essential Works of Foucault 1954-1984*, edited by James D. Faubion, The New Press, 2000, pp. 157-175.
- . "Powers and Strategies." *Power/Knowledge: Selected Interviews and Other Writings 1972-1977*, edited by Colin Gordon, Harvester/Pantheon, 1980, pp. 134-145.
- . "Truth and Juridical Forms." *Power: Essential Works of Foucault 1954-1984*, edited by James D. Faubion, New Press 2000, pp. 1-89.
- . *The Use of Pleasure: The History of Sexuality. Vol 2*. Vintage Books, 1990.
- Rancière, Jacques. "The Distribution of the sensible." *The Politics of Aesthetics*, edited by Gabriel Rockhill, Continuum Books, 2004, pp. 7-45.
- . *The Names of History*, U of Minnesota P, 1994.

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