

The Sovereign, the Survivor, the Last Man

MARC NICHANIAN

Translated by Philip Gerard

ABSTRACT The sovereignty that Georges Bataille wanted to implement and to theorize obeys a strange logic. He tried twice: first in 1942, next in the impossible book that was meant to serve as the final volume of his second, projected summa, *The Accursed Share*. Sovereignty implies an experience, but the experience it implies is one that cannot bear witness to itself. Sovereignty must leave an institutional record; at the same time, sovereignty calls for apocalyptic thinking. In each case, sovereignty can only pronounce itself through a “catastrophe,” and, likewise in each case, sovereignty is obliged to summon the figure of the “last man.” This logic needs to be reconstructed. We need to go back to where Bataille left off. We must understand the terrible obstacle that he ran into along the way. Bataille was on the brink of entering virgin territory, that of the survivor. And, because Bataille stopped precisely where he proposed to write about Franz Kafka, the present article announces and introduces an attempt to situate Kafka in the (European) history of sovereignty.

KEYWORDS sovereignty, survivor, Georges Bataille, Franz Kafka, Walter Benjamin

Preface

The text before you was written as an introduction for a work on Franz Kafka. Initially, it wasn't written in French but in my surviving language (*ma langue survivante*). Yes, there still are such survivor languages, pursuing their phantomatic existence throughout the world. Their survival is certainly phantomatic, but it is also symptomatic. They are symptoms of the sovereignty of languages. Sovereign languages pay them hardly any notice, nor do they have any reason to. By contrast, surviving languages, insofar as there are any left, are obliged to reflect constantly on their own status, to redefine themselves continually in relation to sovereign languages and to the sovereignty of languages in general. As survivors, they have no choice but to remain in a perpetual dialogue with sovereignty. It is therefore necessary first to say something, with some help from Walter Benjamin, about the form that this particular dialogue assumes in Kafka's work.

Near the end of his great 1934 essay on Kafka, Benjamin introduces a penultimate animal figure: Bucephalus, Alexander's horse—back among us and now a member of the lawyers' guild. Kafka's short tale is called "The New Advocate" ("Der neue Advokat"). It is worth quoting several lines: "Perhaps it is really best to do as Bucephalus has done and absorb oneself in law books. In the quiet lamplight, his flanks unhampered by the thighs of a rider, free and far from the clamor of battle, he reads and turns the pages of our ancient tomes."¹ The battle scene that Benjamin evokes here points to the following conclusion, which I will give in German: *Umkehr ist die Richtung des Studiums, die das Dasein in Schrift verwandelt.*² Let me try to translate: "Le mouvement vers l'arrière est la direction de l'étude, celle qui transforme l'existence en Écriture" (The backward movement is the direction of study, which transforms existence into Writing). One is obliged to write "Writing" with a capital letter to signal, among other things, that it is also a question of the Scriptures (*des Écritures*)—even if, as Benjamin says, "Kafka doesn't dare attach to this study the promises which tradition has attached to the study of the Torah."³ Here, Benjamin alludes to Werner Kraft's short book on Kafka, agreeing that Kafka's tale offers a radical critique of myth—which is to say, very briefly, a radical critique of sovereignty in its historical functioning, particularly in the form of the law (Benjamin appreciated that Kraft had read his 1921 essay on the critique of mythico-political violence). Still, even if this assessment is right, one wonders why the radical critique of sovereignty requires such an about-face. Why this reversal, this U-turn, this backward movement? Benjamin gives the answer in a single word: "Sancho Panza sent his rider ahead, Bucephalus outlived his [*hat den seinigen überlebt*]."⁴ A single word, just one, in German: *überlebt*. And, like Georges Bataille after him, Benjamin stops there. Naturally, Bucephalus comes back *as a survivor*. And, as much as Benjamin might insist in one of his letters to Gershom Scholem that the law is the "blind spot" in Kafka's work and that his own interests concern the image, it remains the case that, although the new advocate has outlived sovereignty, it is nonetheless law books that he chooses to peruse.⁵ Nor can it be denied that it was precisely in the guise of the law—and in the law's political form—that Bucephalus had long carried the sovereign on his back. For which reason one must rewrite the history of the word and the concept of sovereignty.

Georges Bataille did not want to hear anything about the "sovereignty of states." Above all, he did not want to historicize sovereignty and the subject. Nevertheless, these are entirely historical words and concepts, introduced during the eighteenth century. At the end of that century, the reality that had first appeared in the political domain was quickly transported into the literary domain through widespread translation among what subsequently became the sovereign

languages—as such translation was theorized and practiced in Germany by the first generation of Romantics. The Romantics had decided to translate everything, from the greater and lesser works of modern European literature to the poems and epics of ancient India. Antoine Berman once retraced this prodigious undertaking in a book called *The Experience of the Foreign*. By translating—that is, by opening a line of communication between languages, by securing a route from one to the other—the Romantics also confirmed the frontiers that bound each language as a language; they invented a new way for languages to be strangers to each other. Here, translation served as viaticum and passport. Translation was what set down the conditions for this new coexistence of languages, and translation was what tested these conditions once they had been set down. Translation, therefore, was what established the *sovereignty* of languages and what made such sovereignty a tangible reality. In this respect, the trial and experience of the foreign that can be heard in the title of Berman’s work constitute the trial and experience of a limit and of a law.⁶ In my own surviving language, “limit” and “law” are expressed by the same word, *sahman*. Sovereignty—whether that of states or that of languages—was therefore doubly related to the law: from the inside and from the outside. Whence the creation of the strange word *sovereignty*, which refers, on the one hand, to the sovereign as the source of the law, and, on the other, to the limit tried and experienced by the subject of law (*sujet de droit*), which is the very definition of the sovereign state. *Sovereignty* is thus a strange, double-edged word. As such, it does not even exist in my surviving language. Indeed, it only exists in the sovereign languages. If, on the inside, the sovereign was—and still is—the self-instituted subject of the law (*sujet de la loi*), on the outside, the sovereign was—and still is—subject to a law (*sujet à une loi*) that was tacitly constituted and recognized through reciprocal translation. The test (*épreuve*) of the foreign is always the test (*épreuve*) of the law. So it was that politics was converted into literature. And literature replayed politics. The one depends on the other. They are indiscernible in sovereignty.

It is therefore necessary to read Kafka historically. It is necessary to read him in dialogue with the Romantics, with the sovereign languages, and with sovereignty in general. This is also the way to understand how a language acquires the status of “survivor” (*survivante*)—in relation to the sovereign status, modality, and functioning of languages. Of course, a surviving language can continue to live and to die on its own terms, keeping to itself, without drawing anyone’s attention. And yet! Look how it has managed to reveal itself before its own eyes as what it is, as a survivor, to study its history, old and new, to open the law books, those books governing the kingdom or republic of the sovereign, and to seek out the specific grounds on which the advocates of sovereign languages pronounce their judgments. None of that would have

been possible if Kafka's new advocate had not learned the legal language of sovereignty, if he had not become a lawyer like the others, if he had not been received by them and were not today a member of their trade union, if he had not benefited from their hospitality, if he had not finally been recognized by them for what he is: for the survivor that he is, of course, but also—and anterior to the survivor that he is—as one who carried the entire edifice of sovereignty on his frail shoulders.

Fair enough. But then why Georges Bataille? Because Bataille, I believe, is the only contemporary author who, wrestling with sovereignty, came upon the survivor (which he called the “last man”). Bataille only encountered the survivor reluctantly, as he was backing away. And this obliges us to read him, in a certain sense, against himself. If the sovereign is what we said it was earlier, if it is concerned with the border and the law, with the *sahman*, then, with “the man of sovereign art” (*l'homme de l'art souverain*), Bataille was trying to define a sovereignty that was *anti-sovereign* in every respect.⁷ It is necessary, he says, to conceive the man of sovereign art as if he were the last man.⁸ This makes the reader's task particularly complicated. And, at any rate, as he backed away, Bataille bumped into Kafka. It is from that point, therefore, that we must begin again.

An Interrupted Book

Bataille never managed to finish his book on sovereignty. By all appearances, the difficulties he ran into proved insurmountable. Giorgio Agamben has his own take on the question, a view that he made public first in a short essay in the collection *Georges Bataille: Il politico e il sacro*⁹ and then in his masterwork, *Homo Sacer*. In the latter book, the discussion of Bataille takes place at the end of the second part, once the connection has been made between the eminently political concept of “sovereignty” and what Agamben calls “bare life.” Bare life represents what is excluded from the law by a sovereign decision, sovereignty being the capacity to decide on the exception, and thus on exclusion itself. The explanation that Agamben gives for Bataille's failure is the following: While it is true that Bataille had intuited that bare life was a figure linked to sovereignty—that it was sovereignty's dark side, so to speak—“instead of recognizing bare life's eminently political . . . nature, [Bataille] inscribes the experience of this life both in the sphere of the sacred . . . and in the interiority of the subject.”¹⁰ For Bataille, “life still remains entirely bewitched in the ambiguous circle of the sacred.”¹¹ Briefly put, Bataille's reflections on sovereignty were insufficiently political. He was trapped in the anthropological categories of his time. His conceptual apparatus, centered on sacrifice and eroticism, was hardly suited to the aim of understanding the nature of *homo sacer*—an inadequacy all too evident, Agamben notes, when one considers Bataille's fascination with photographs of a young Chinese man being tortured. And that's about it. The

recourse to images and photographs is interesting in its own right, but Agamben does not pursue the point. It is true that Bataille, at least in this context, considers the image only as a simulacrum for “inner experience.” But that does not tell us why the book on sovereignty breaks off so suddenly. One must therefore take up the whole question again.

The qualification of “experience” is our first indication. An experience, as Bataille imagines it (but one could say the same thing of experience in the phenomenological sense), requires that I be, as a subject, my own object. Those are the exact words that Bataille uses. One finds them, for example, in an article from 1949 called “The Cruel Practice of Art,” where Bataille explicitly formulates his project in terms of experience, and thus in phenomenological terms. This experience takes the “subject” as an object, and it intends nothing less than the destruction of this “object”—which is to say, the subject. This is what Bataille has always called “sacrifice.” I will quote him: “Sacrifice promises us the trap of death, for the destruction rendered unto the object has no sense other than the menace that it has for the subject. If the subject is not truly destroyed, everything remains in ambiguity. And if it is destroyed the ambiguity is resolved, but only in a nothingness that abolishes everything.”¹² The schema is very simple and is repeated constantly—always in the same form. And it truly is a trap: the trap in which Bataille was ensnared his whole life. It would always be a question of exposing oneself, as a subject, to destruction. That’s where the meaning and finality of experience is directed. But if one exposes oneself to destruction, there is no subject left, and thus no longer any experience. It is as simple as that. Otherwise one would have to be able to survive, to survive one’s own destruction. And if that becomes the case, then the very possibility of experience (and, by extension, of any knowledge from experience) presupposes the idea or the reality of survival (*de la survie*). It presupposes a figure of the survivor. We thus need to know what “surviving” means. We need to know what the survivor is. We need a phenomenology of the survivor, as improbable and even contradictory as that might seem. In any case, this is obviously not something that Bataille ever says. At least, he never says it in these terms. For a phenomenology to make sense, one obviously needs a subject—which, in this case, is very clearly a witness (*témoin*). It is necessary that I be able to bear witness to myself. The destruction of the subject would be the destruction of the witness in the human. The survivor would be the dead witness. A phenomenology of the “dead witness,” it follows, is what we’re in need of. And yet, despite all the indications that he had, this wasn’t the path that Bataille chose. He wanted to connect sovereign experience to the image as a simulacrum. It would have had to have been a death mask cast while the subject was still alive.

Earlier we mentioned Agamben’s reticence with respect to what Bataille presents as his experience of sovereignty as well as the difficulty Agamben has

explaining why the third volume of *The Accursed Share* suddenly breaks off. A different explanation is given by Étienne Balibar in an essay written for the *Dictionary of Untranslatables: A Philosophical Lexicon* and reprinted in his book *Citizen Subject* (a collection, it bears noting, that gives pride of place to its eponymous essay, written in response to Jean-Luc Nancy's question, "Who comes after the subject?"). In this article, Balibar cites Bataille's magnificent sentence, "The subject is for me the sovereign" (*Le sujet, c'est pour moi le souverain*)—surely an example of a speculative sentence if there ever was one.¹³ He also notes that Bataille had not adequately considered the revolution of the subject that took place in the eighteenth century, the revolution that made the subject sovereign.¹⁴ In his 1987 article, Agamben does take note of the ambivalence—or rather what he calls the "oxymoron"—of the subject, but, as is his practice, Agamben regards this ambivalence as in some way ordinary—which is to say that he does not account for the well-documented emergence of the "sovereign subject" at a certain point in history. (Neither, of course, did Bataille, but at least Bataille was vexed by the oxymoron and, astonished, did not attempt to supplement it with an etymological explanation.) Here is what Agamben writes:

[The paradox of sovereignty] is very ancient, and if one looks closely it is implicit in the oxymoron that explains it: the sovereign subject. The *subject* (etymologically, what is below) is *sovereign* (what is above). Perhaps the term "subject" (conforming to the ambiguity of the Indo-European root from which the two contrary Latin prefixes, *super-* and *sub-*, derive) signifies nothing besides this paradox, this dwelling there where it is not.¹⁵

Geoffrey Bennington, by contrast, has properly registered this revolution, building on Jacques Derrida's reflections in "Psychoanalysis Searches the States of Its Soul."¹⁶ But first, here is the context for Bataille's sentence about the sovereign subject, cited above:

If I have spoken of objective sovereignty, I have never lost sight of the fact that sovereignty is never truly objective, that it refers rather to deep subjectivity. . . . [In the world of things,] we perceive relations of forces and doubtless the isolated element undergoes the influence of the aggregate, but the aggregate cannot *subordinate* it. Subordination presupposes another relation, that of object to subject. (*AS*, 237)

To this passage, Bataille appends the following footnote: "The custom of sovereigns saying 'my subjects' introduces an ambiguity that I can't avoid: the *subject* is for me the *sovereign*. The subject I speak of has nothing *subjugated* about it" (*AS*, 442n15; translation modified). Immediately after citing these lines, Bennington adds a very

ironic commentary consisting of a single word: “Maybe.”¹⁷ If the double meaning of “subject” is the result of a pun, for Bataille “the unavoidable play on words is awkward” (AS, 240). Awkward, maybe, but, for historical and philosophical reasons that Bataille preferred to overlook, hardly insubstantial.

Bataille sought to produce a quasi-phenomenological description of the experience of the sovereign subject. Yet it is also the case that his strange book *Sovereignty* begins with a semantic decision that is just as ambiguous as the decision to identify the subject with the sovereign. Indeed, in the very first sentence, we read, “The sovereignty I speak of has little to do with the sovereignty of states, as international law defines it” (AS, 197). All right, but then why do European languages use the same word for the sovereignty of states and the sovereignty of the sovereign? Besides, in *Sovereignty*, the latter sense is twisted entirely to Bataille’s advantage, since he bases its definition on the principles of the accursed share. The sovereign is the one who doesn’t accumulate. In archaic societies, the objective institution of sovereignty represented this principle of nonaccumulation.

Let’s just suppose Bataille is right about this point. Nonaccumulation means that the sovereign, or the hypothetical subject as sovereign, lives in the moment — in the miraculous moment, to be more exact. The sovereign dispenses the wealth of those who labor and accumulate. Now, the question that occupies a large portion of this unfinished book concerns communist society, modeled on the deplorable example of the Soviet Union during Bataille’s day. Bataille asks himself whether sovereignty is still possible in such a society. (On initial examination, the response to this question is negative.) He also asks what remains to be done, if it is true that every trace of sovereignty’s former institutions, as these were known in archaic and medieval times, has entirely disappeared, freeing up space for the catastrophic situation that we are living today. “The world of accumulation is the world rid of the traditional values of sovereignty” (AS, 423). And yet, this is our world, we have no other. At the point we have reached, Bataille says, only “the man of sovereign art” is capable of measuring up to (*de se mesurer à*) the catastrophe “under the threat of which we are living” (AS, 429). Those are nearly the last lines of the book. Here, once again, appears a figure of the survivor. Perhaps the survivor is the one who can still bear witness to the objective sovereignty of former times, but the survivor is surely the one who bears witness to its catastrophic disappearance. The one can’t be had without the other. The task thus falls to the man of sovereign art, a designation by which Bataille intends Friedrich Nietzsche and himself — *almost* exclusively, I believe. And the *almost* here is important.

Bataille does not use the term *survivor*. He says, “the last man.” The last man, it follows, is the one who, against all odds, preserves the memory of what sovereignty was. The last man is the figure of catastrophic experience, for there is no other way to preserve this memory. From this point on, what’s at stake is the memory of an

impossible sovereignty. This is not exactly how Agamben formulated the paradox of sovereignty. Here is the relevant passage from Bataille's text:

I could not define the place and the meaning of the "man of sovereign art" in this world without calling attention to the rational consequences of a less dim-sighted way of looking at things. But the masses are only interested in the consequences of his thought and his sensibility is alien to them. The strangest thing is that he measures up to that measureless catastrophe under the threat of which we are living. This is because he always lives rather as if he were the last man. (AS, 429)

One must understand the logic of these statements. The man of sovereign art is the one who measures up to the catastrophe, which, for the moment, is only a threat. This means that the catastrophe has not fully arrived. Nonetheless, taking in its proportions (*vivre à sa mesure*) means living *as if* it had already arrived. As a consequence, measuring up to the catastrophe means acting *as if* I (the man of sovereign art) were the last man. Moreover, it is only on this condition that my art qualifies as sovereign. Should this art produce images, these images will indeed be death masks—but they will be death masks cast from the living face. Sovereign art is the art of the survivor.

A couple of lines further down, Bataille writes, "I would like to open up another perspective if I can. Thus far, I have spoken of Nietzsche and I will now speak of Franz Kafka" (AS, 430). Then, after a final statement about the "nothing" that sovereignty is, the manuscript breaks off. We do not know how Bataille would have spoken of Kafka, either from this perspective or from a different perspective. We will thus have to redress this absence. We can start by asking whether Kafka might be another example of the man of sovereign art or whether he is an example of something else entirely. If the latter, then in what sense? We can also recall that it was here where Bataille stopped, just as he was articulating what qualifies sovereign art—which is to say, the art of the figure who always lives a bit as if they were the last man. (The survivor? The revenant? The one who comes back dead [*revient mort*]? But from which death?)¹⁸ And, above all, we can bear in mind the fact that this reference to the last man, to the experience of the last man, is only an echo of inner experience, the echo of a sentence that Bataille had written at least a decade before but which he had placed under another's authority (*mise sous l'autorité d'un autre*) rather than claiming for himself. To be sure, the perspective changes at the moment that Bataille is obliged to pronounce the same sentence on his own authority (*sous son autorité à lui*). The question is: was Bataille prepared to accept this change in perspective? What is clear, in any event, is that until now one has not paid sufficient attention to Kafka, whose name appears so abruptly—with no warning, with no explanation—on the very page where the book manuscript breaks off.

The Chorus, the Witness

The sentence that Bataille had written a decade earlier is the one found in his 1943 book *Inner Experience* on the last page of its central section (“Torture”). This is it: “[Maurice] Blanchot asked me: why not pursue my inner experience as if I were the *last man*?”¹⁹ This last page is so fabulous that one must really read it in its entirety. At any rate, we will go through it step by step. Bataille, of course, is reticent. He takes issue with Blanchot’s suggestion; doing all he can to avoid it, he presents objections. “However, I know myself to be the reflection of the multitude and the sum of its anguish. In another sense, if I were the last man, the anguish would be the most insane imaginable! I could in no way escape, I would remain before infinite annihilation, thrown back unto myself, or again: empty, indifferent” (*IE*, 65–66; translation modified). That’s the first objection: inner experience makes sense only “for others” among the “multitude”; it no longer makes any sense if I am the “last,” and thus alone. Bataille’s second objection is directly connected with this one, but its formulation draws on the semantics of the “subject.” Inner experience is the experience of the destruction of the subject, but it nonetheless remains an experience, one in which the subject loses itself: obviously, it is thrown out of itself “as a subject,” but in the process it makes itself “consciousness of others” (*se faisant conscience d’autrui*), thereby transforming itself into a witness.

Here, Bataille goes so far as to articulate the law of sacrificial death, of the subject’s dissolution in inner experience: “The subject in experience is lost, loses itself in the object, which itself is dissolved. It could not however dissolve itself to this extent if its nature did not permit this change; the subject of experience in spite of everything remains” (*IE*, 66). This is a crucial declaration. One catches sight of how Bataille has understood experience from the beginning. The deconstitution of the subject? The destruction of the human being? Disappropriation? As Bataille sees it, the subject nonetheless *persists* in its most extreme dissolution, by means of the thought of sacrificial death and the simulacrum. In the middle of this declaration, however, Bataille suddenly grasps what Blanchot wanted to tell him. He breaks off midsentence. He comes around to his friend’s proposition. The subject “throws itself out of itself,” yes, but as a *witness*, like the “ancient chorus.” The subject remains a witness. It remains a witness to itself by remaining the witness of the action and the drama. This is an extraordinary concession on Bataille’s part. He keeps the subject as a witness, while at the same time recognizing what is being asked of him. Then, all at once, in the middle of a sentence, he realizes what the last man is. The last man is the subject *without a witness* (*le sujet sans témoin*), and thus the opposite of any subject. It is the figure in whom the witness has been obliterated. Still, Bataille goes on thinking of this possibility in theatrical terms. What would happen if there were no witness in the theater? If there were no laughing chorus? If no one were officiating the sacrifice? If, during the sacrifice, one didn’t, in

spite of everything, continue to be one's own witness? Bataille doesn't even want to imagine it. It would be shutting oneself up "in the depths of a tomb." And then all of a sudden he gives in, he grants the suggestion, he says, "it's possible." He begins to speak as Blanchot would speak, as he spoke later. "The *last* without chorus, I imagine, dying dead to himself, in the infinite twilight where he would be." As the last man, one would die dead to oneself, with no possibility of reappropriation, with no simulacrum, with no ability to bear witness to oneself in one's own death. "It is possible that already alive, I am enshrouded in his tomb—the tomb of the last one" (*IE*, 66). The last would thus be a living corpse, a dead revenant (*un revenant mort*), a survivor. The last is the one who comes back dead (*qui revient mort*), who comes back as a dead witness. Bataille imagines it. But he never pursued it to the end. Nonetheless, this is the one time—the only time—he comes into contact with inhumanity, beyond the familiar figures of the animal, the monster, and the refuse (*rebut*). There is no phenomenology of the survivor—of the survivor as a dead witness, as the one who comes back in the form of a dead witness. The survivor is the opposite of every subject. And yet, ten years later, Blanchot will give this figure a novelistic phenomenology. The last man is the one without a witness, because it is the figure in whom the witness has been obliterated. In his 1957 work *The Last Man*, Blanchot will write, "Even a God needs a witness."²⁰ He will write the impossible encounter with the dead witness. Doubtless, Blanchot had led his friend astray when he suggested that he act *as if* . . . , as if he were the last man, when he suggested that Bataille identify with this figure. And yet, as the return of the "last man" at the end of the book on sovereignty shows, Bataille had for his part correctly understood what the last man was. This figure has no witness, so it cannot be witness to itself either: the last is a figure condemned to being dead to itself, even before having died. When Bataille writes, "*the last* without chorus"—at that very moment, though at that moment only—he suddenly grasps the signification of the "last." Previously, he had been lost in his objections; he had yet to fully articulate this signification. To be without a witness. Unable to be a witness for oneself. To become the one in whom the witness is dead. And, therefore, to be buried *during one's own lifetime* in the tomb of the last man. Later, as we will see, Blanchot will articulate the same paradoxes in his novelistic phenomenology of the "last man." These are not even paradoxes, since "it's possible, . . . I am willing to imagine it" (*IE*, 66; translation modified). And what Blanchot will describe in 1957 is once more the encounter with the same last man that Bataille nonetheless had trouble imagining.

Bataille had trouble imagining it. This is what explains the incredible difficulty he had connecting sovereign experience and institutional sovereignty. To be precise, the last man can only "bear witness" to impossible sovereignty if they are the last—or by acting *as if*—which in practice rules out any witnessing on their part. The true paradox, at this point, becomes clear: experience alone is sovereign, but

there is no way to bear witness to such sovereignty. No matter how one understands it, sovereignty does not suffer any witnesses. Bataille stated and restated this simple reality in every conceivable way. The sovereign subject cannot be a witness to itself. It thus cannot be a “subject.” Even though he didn’t want to let go of the “subject,” Bataille had to admit as much. It was a patently untenable situation. On the one hand, from Nietzsche’s example Bataille knew that he had to revisit the moment when the *modern* meaning of the subject (and, of course, the *modern* meaning of sovereignty along with it) had imposed itself through an extraordinary semantic reversal. On the other hand, he clearly could not accept the fact that the “subject” was nothing more than the effect of this reversal. One would call this a *double bind*, if such a thing were possible in philosophy. Where can one read this double bind? Naturally, one reads it in Bataille’s principal formulation of inner experience, which, in a certain sense, constitutes his theorem of sovereignty. “Blanchot tells me that experience itself is the authority. On the subject of this authority, he adds that it must be expiated” (*IE*, 58; translation modified). As was already the case for the *as if* (to be precise, the double “as if” of “as if I were the last man”), here again Bataille places himself under Blanchot’s authority (*se place sous l’autorité de Blanchot*). He could not say it himself.

Victim of His Own Laws; Rousseau

Nonetheless, one knows that Bataille had indeed said it himself a few years earlier, in a rather extraordinary context that, apparently, he preferred not to recall. It was in the article “Nietzsche’s Madness,” published in 1939 in the last issue of *Acéphale*. Today, one can read an English translation of the article in the 1986 issue of *October* devoted to Bataille’s work. Here is the passage in its entirety:

He who has once understood that in madness alone lies man’s completion, is thus led to make a clear choice not between madness and reason, but between the lie of a “nightmare that justifies snores,” and the will to self-mastery and victory. Once he has discovered the brilliance and agonies of the summit, he finds no betrayal more hateful than the simulated delirium of art. For if he must truly become *the victim of his own laws*, if the accomplishment of his destiny truly requires his [own] destruction, . . . then his very love of life and destiny requires him to commit within himself that crime of authority that he will expiate.²¹

Since the eighteenth century, since Jean-Jacques Rousseau, the subject has been the figure who obeys its own laws—which is to say, laws of which the subject, as sovereign, is itself the source. At least, this is one of the ways to understand the revolution of the subject, the inversion of its meaning over the course of several decades. (But Rousseau does not yet use the word *subject* in this sense; for this

meaning to impose itself, one must wait, as Balibar says, for the becoming-subject of the citizen.²² More importantly, one must wait for a supplementary back-and-forth between France and Germany and the institution of a value doubly constitutive of the subject, according to the law and according to the image, and therefore already according to politics and according to literature—but that is a topic for another time.) Bataille, after Nietzsche, thus wanted to return to the subject’s historical “origin,” wanted, in short, to reverse the course of history, to revisit the version of sovereignty whose definition was circumscribed by the political horizon: the sovereignty of citizenship. This is also one of the dimensions of inner experience, whose purpose, at bottom, is to reinterpret sovereignty, to rescue sovereignty from a strictly Rousseauian definition. Of course, Bataille never says so in just these terms—never, except in the previously cited passage. There, the sovereignty of the subject who submits to its own laws flips into the sovereignty of the subject who is “victim of its own laws.” By this means, what we might call the subject of law (*le sujet de droit*) is historically sacrificed on behalf of another sovereignty, a sovereignty different from the one that makes use of rights and the law.

As it happens, the remark about the crime of authority that one must expiate (by madness, if need be) comes straight from Nietzsche: not only in its inspiration—which is obvious enough—but also in its formulation. Indeed, when one consults the section “De la victoire sur soi-même” (“On the Victory over Oneself”) of the translation of *Thus Spoke Zarathustra* that Bataille had before him, one reads the following: “Et quand ce qui est vivant se commande à soi-même, il faut que ce qui est vivant expie son autorité et soit juge, vengeur, et victime de ses propres lois” (And when the living commands itself, it is necessary for the living to expiate its authority and become judge, avenger, and victim of its own laws).²³ In the German, by contrast, there is only the following: “Ja noch, wenn es sich selber befiehlt: auch da noch muss es sein Befehlen büßen. Seinem eigenen Gesetze muss es Richter und Rächer und Opfer werden.”²⁴ The above French translation was written by Henri Albert. Bataille was thus reading Nietzsche in French in the 1903 edition of *Œuvres complètes* (though the translation of *Zarathustra* dates from 1898). The quoted lines can be found on page 161 of volume 9. Indeed, the 1947 Gallimard edition, whose translation is credited to Maurice Betz, is not all that different from Albert’s (but Betz’s translation first appeared in 1936, and the version Bataille had before him may date to that year as well). Betz did the bare minimum: he follows Albert’s translation word for word. Like Albert, he puts “laws” (*lois*) in the plural and he transforms *Befehl* (order, command) into “authority” (*autorité*). He also retains Albert’s expression “victim of his own laws” (*victime de ses propres lois*). In 1939, Bataille submitted himself to Nietzsche’s authority (*se plaçait sous l’autorité de Nietzsche*), via the interpretation provided by Nietzsche’s translators. This tutelage directly necessitated a revision of the subject’s sovereignty—a necessity attributed

to Nietzsche and picked up by Bataille, who followed in his wake. From one language to the other, the unconscious of translation had done its work. (I have no sense of Henri Albert's personality or of his intentions other than the fact that, whether consciously or not, he echoes Rousseau. An expert on Nietzsche, if not "a faithful apostle of Nietzscheism,"²⁵ Albert could not have been oblivious to one of the essential dimensions of Nietzschean thought, the fundamental "anti-Rousseauism" it maintains on behalf of sovereignty—by which, of course, I mean: on behalf of a different sovereignty. Either Rousseau's sovereign subject was not sovereign enough, or else it was too sovereign in the political sense.)²⁶ All that remained for Bataille to do was to transpose Nietzsche's sentence onto the sovereignty of inner experience—that experience without a witness and, consequently, without a subject, which is by necessity its own authority. But this is also an experience that nullifies itself unless there is added to it, or unless there is substituted for it, the *as if* of the last man. Of the survivor.

In 1957's *The Last Man*, his last great narrative, Blanchot will confirm that this indeed was what it was all about: being unable to serve as a witness for oneself, in spite of the fact that "even a God needs a witness." In sovereign experience, witnessing (*témoignage*) is impossible. One does not bear witness to sovereignty as experience. Neither does this experience have any subject. Consequently, if we return to the "man of sovereign art," the one who always lives a bit as if they were the last man, it is evident that their experience is that of the *survivor*—I mean to say: of the survivor of a disaster without truth, for which no witnessing is possible because the disaster is itself the disaster of witnessing. This situation singularly complicates how one is to understand the word *witness*, employed previously. And (I am saying it now again), just a few lines further down, still on the last page of *Sovereignty*, Bataille writes, "Thus far, I have spoken of Nietzsche and I will now speak of Franz Kafka." He will speak of Kafka, but he stops, he doesn't do it. In addition to all the other reasons that one might put forward to explain his breaking off, there is also this one: there is Kafka. Bataille had already written on Kafka, from a different perspective. Here, he is getting ready to do so in the context of the sovereign and the survivor; that's the perspective from which he announces that he will do it. Had he done so, everything, I imagine, would have been turned upside down. Moreover, he would have been obliged to take the sovereignty of the state into consideration, the sovereignty that inscribes the law onto bodies by torture. Which is exactly the point. But additionally, and above all, he would have been obliged to take sovereignty's European history into consideration. He would have been obliged to historicize sovereignty, in its concept and in its application.

Michel Surya has tried to relaunch the debate. Building on the example of the chapter in *Literature and Evil*, he has tried in his own way to bring to fruition what else Bataille could have written about Kafka. What he could have written and

what he did not write. That takes place in his book *Humanimalités*.²⁷ Surya offers a “Batailleian” interpretation of Kafka. What’s more, he precedes this interpretation with a chapter on Bataille himself. I would like to proceed differently. This is because, for my part, I believe that, if one wants to stay faithful to the formidable obstacle that Bataille ran up against, the obstacle to which the breaking off of his book bears witness, then one must not attempt a “Batailleian” reading of Kafka. Had he continued, Bataille would have had to enter virgin territory—that of the survivor. Never before had he done so. He wrote in a sovereign language. To understand what a sovereign language is, one must translate into a surviving language. That’s the virgin territory. When the sovereign languages were established, the surviving language had not been foreseen as a category. Nor, for that matter, is it today. Which means one must translate Kafka into a surviving language in order to understand anything.

MARC NICHANIAN earned his doctorate in philosophy in 1980 with the dissertation “La question générale du fondement,” supervised by Jean-Luc Nancy. He was professor of Armenian language and literature at Columbia University until 2007 and has since taught in the cultural studies program at Sabancı University in Istanbul. Nichanian is also editor of the Armenian-language journal *GAM: A Review of Criticism and Analysis*, now in its tenth issue. He is likewise author of a three-volume critical work in French, *Entre l’art et le témoignage* (2006–8), the first two volumes of which are available in English as *Writers of Disaster* (2002) and *Mourning Philology* (2014). Other recent publications include, in English, *The Historiographic Perversion* (2009); in Turkish, *Edebiyat ve Felaket* (2011); in French, *Le sujet de l’histoire* (2015); and, in Armenian, *Patker, patum, patmut’iun* (2015–16). In recent years, Nichanian has published Armenian translations and commentaries of works by Maurice Blanchot (*Death Sentence* and *The Last Man*), Friedrich Nietzsche (*The Antichrist*), Walter Benjamin (“Little History of Photography” and other texts), and Giorgio Agamben (*Homo Sacer* and *Remnants of Auschwitz*).

Notes

1. Kafka, *Complete Stories*, 415.
2. Benjamin, “Franz Kafka,” in *Gesammelte Schriften*, 438.
3. Benjamin, “Franz Kafka,” in *Selected Writings*, 815.
4. Benjamin, “Franz Kafka,” in *Selected Writings*, 816; translation modified.
5. See Benjamin to Scholem, August 11, 1934, in Scholem, *Correspondence*, 134–36.
6. Translator’s note: The French title of Antoine Berman’s book is *L’épreuve de l’étranger*. Both Berman and Nichanian continually play on the various senses of *épreuve*, which include not only “experience” but also “test,” “trial,” “ordeal,” and “experiment.”
7. Bataille, *Accursed Share*, 418 (hereafter cited in text as *AS*).
8. Translator’s note: In French, the grammatical gender of the noun phrase “le dernier homme” (the last man) is masculine, but this need not imply anything about the gender of the human being it refers to. As in English, *homme* has historically been used as

a general term that includes human beings of all genders. That said, the absence of grammatical genders in English creates problems for pronouns that take “the last man” as an antecedent. In this translation, I have consciously avoided using the pronouns “he” and “him” when the subject is the last man. I do, however, make an exception for this sentence, since it illustrates an important point: “Il faut comprendre, dit-il, l’homme de l’art souverain comme *s’il était le dernier homme*.” Syntactically, the second “il” refers back to the “man of sovereign art” and could indeed be translated by a nonbinary “they.” Nonetheless, the first “il” — the “he” that refers to Bataille as the speaker — casts his shadow over the construction, especially since, later, much will depend on whether Bataille can imagine *himself* in the last man’s position (“Blanchot asked me: why not pursue my inner experience as if *I* were the last man?”). This particular problem of pronomial reference thus anticipates the compounded displacement that Nichanian will describe as a “double as *if*”: on the one hand, one must conceive the man of sovereign art as if *they* were the last man, and, on the other, one must imagine *oneself* as if one occupied *their* place.

9. Agamben, “Bataille e il paradosso della sovranità.”
10. Agamben, *Homo Sacer*, 112.
11. Agamben, *Homo Sacer*, 113.
12. Bataille, “Cruel Practice of Art.”
13. Translator’s note: To hear an echo of this sentence’s carefully calibrated ambiguity in the English, note that the preposition *for* can indicate possession, with “the sovereign” in apposition (“I am the sovereign; the subject belongs to me”). But *for* can also indicate a perspective on sovereignty or a particular relation to the subject: “in my opinion . . .” or “in my case, the subject is the sovereign.” Nor are these the only possible readings.
14. Balibar, *Citizen Subject*. See, in particular, page 48, where one finds a discussion of a “revolutionary caesura” that draws on the double etymology of subject (*subjectus* and *subjectum*) to recast the subject (that is, politically) as the figure who obeys the law that it establishes itself and (philosophically, by way of a back-and-forth between Rousseau’s French and Kant’s German) as the constitutive principle of knowledge.
15. Agamben, “Bataille and the Paradox of Sovereignty,” 251.
16. Bennington, “Superanus.”
17. Bennington, “Superanus,” n3.
18. Translator’s note: Nichanian’s use of the term *revenant* (“ghost,” “specter,” or, literally, “that which comes back”) alludes to the work of Jacques Derrida. See, for example, Derrida, “Living On.”
19. Bataille, *Inner Experience*, 65 (hereafter cited in text as *IE*).
20. Blanchot, *Last Man*, 34.
21. Bataille, “Nietzsche’s Madness,” 45; italics mine.
22. Balibar, “Citizen Subject.”
23. Nietzsche, *Ainsi parlait Zarathoustra*, 161. The English translation that follows translates from Henri Albert’s French and not Nietzsche’s German.
24. Nietzsche, *Also Sprach Zarathustra*, 147. Walter Kaufman’s translation of this passage reads, “Indeed, even when [the living] commands itself, it must still pay for its commanding. It must become the judge, avenger, and victim of its own law” (Nietzsche, *Thus Spoke Zarathustra*, 114).
25. The description of Henri Albert as a “faithful apostle of Nietzscheism” comes from Théodore de Wyzewa. I have taken it from his essay on Nietzsche, which was collected in the 1896 volume *Écrivains étrangers. Première série* (Paris: Perrin). An electronic version of

- Wyzewa's text was published in 2016 and is available at https://obvil.sorbonne-universite.fr/corpus/critique/wyzewa_ecrivains-etrangers-01 (last consulted March 14, 2023).
26. And, in essence, this is the argument that Michel Foucault takes up in his February 1, 1978, lecture at the Collège de France, albeit at every point reaching the opposite conclusion. Rousseau's sovereign subject was too sovereign; he was still defined by the legal system that continued to haunt political thinking. The contours of a different "subject" were about to emerge on the horizon. This would no longer be the "subject of law" but what would become the "sexual subject." See Foucault, *Security, Territory, Population*, 106–7.
27. Surya, *Humanimalités*.

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