

Counter-Critical Theory: An Intervention in Contemporary Critical Thought and Practice

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A new journal is at issue, and indeed the only one to have overcome my firmly rooted conviction that I could never again get involved in anything like it [...] I cleared the way for the plan's acceptance by the publisher Rowohlt by appointing myself the representative responsible for the journal's organizational and practical aspects, which I have worked out in long conversations with [Bertolt] Brecht. Its formal stance will be scholarly, even academic, rather than journalistic, and it will be called *Krise und Kritik*.

— Walter Benjamin, letter to Gershom Scholem, October 1930.¹

Crisis and Critique. *Kritische Blätter*, then. *Critical Times*, now. And how appropriate that is. We indeed live in critical times—at a troubling juncture of world-historical developments that are challenging our understanding of both our past and our possible futures. Around the world, we are witnessing a grab for the global commons—or whatever was left of it—with the dismantling of the Soviet Union and the precipitous privatization of industry, utilities, and finance in the former Eastern Bloc, the capitalization of the Chinese economy, the deregulation of the British and American economies, gradually seeping across Western Europe, the devastating impact of the IMF's fiscal policies across Africa and Latin America. Mainstream economists document the plummeting percentage of property held in public trust in China, Japan, Europe, and the United States—with several of these countries having effectively placed their commons in hock.² We are witnessing, in effect, a recomposition of the global order of the post-war period, with inequality increasing throughout the world:³ a hegemonic form of neoliberalism no longer contained by the threat or even existence of communism; an oppressive globalized and financialized economy run from the corporate headquarters of finance, oil, data, and commercial multinational giants and G-7 through -20 government leaders; a run on the commons that extends even to our shared planet, the earth. Since the last third of the twentieth century, we have witnessed a structural transformation of the human condition—one that is about to accelerate with the explosive growth of artificial intelligence and the expected diminution, by half, of global employment.

In the United States, these trends crystalized in November 2016 with the Electoral College victory of Donald J. Trump, who, upon inauguration, immediately seized unbound executive power

through a series of unconscionable executive orders discriminating against Muslims, immigrants, Latinos, LGBTQ communities, and other minorities. President Trump immediately began overseeing the dismantling of social structures and institutions—from the national parks, national service programs, and refugee resettlement to net neutrality and health care—in order to facilitate an even more aggressive grab on the public commons, forcing all Americans to financially contribute to his real estate empire, where Trump spent an average of one third of his time as president.⁴ Trump immediately began to govern the United States through a reality TV, *Apprentice*-like, “you’re fired” management style, tweeting impulsive and radical policy changes without even consulting his own cabinet. During the first months of his presidency, Trump led a putsch against public norms, refusing to disclose his federal taxes, willingly flouting norms prohibiting conflicts of interest, ditching Camp David for Mar-a-Lago, touting an unprecedented right to extend the presidential pardon to himself, effectively enthroning a royal family, and creating a storm of palace intrigue. Since the moment he entered the White House, Trump has inched the country toward unbounded executive power in pursuit of personal gain.

In the wake of the recent elections of strong-men leaders around the globe—not just Donald Trump, but also Vladimir Putin in Russia, Recep Tayyip Erdoğan in Turkey, Rodrigo Duterte in the Philippines, Nearendra Modi in India—the critical opposition has tended to mobilize using traditionally liberal devices. At least in the United States, the principal forms of resistance and mobilization have involved, first, civil rights litigation against the Muslim Ban, the military transgender ban, and other executive orders; second, permitted protest marches, such as the Women’s March, or, even, the March for Science; and third, myriad on-line petitions, letters, and statements of protest by individuals and institutions, including universities. Alongside these peaceful protests and social movements like Black Lives Matter, Antifa rallies have also spread, sometimes devolving into violence. For the most part, though, the resistance has taken the path of liberal democratic protest, even among the more critically oriented. The resistance to the Muslim Ban followed precisely a liberal civil and political rights model: civil rights lawyers and even attorney generals went to court and sued President Trump, while others offered their expertise as area experts or translators. In effect, the critical resistance predominantly used the courts as a bulwark against forms of discrimination proscribed by the US Constitution.

Critical theorists did develop new conceptual tools to try to grasp these world-historical shifts. Some turned to the concept of the Anthropocene to capture humankind’s effect on the earth and to historicize the phenomenon of global climate change⁵—with some even extending this into the domains of surveillance and digital technologies.⁶ Others turned to the framework of neoliberalism and biopolitics to capture the globalization of a new political economy of profiteering, financialization, and consumerism.⁷ Others looked for new definitions of populism in order to capture the rise of right-wing political developments in Hungary, Poland, or the Philippines, the election of Donald Trump, Brexit, or the electoral turn-out of the Front National in France and of right-wing candidates in the Netherlands, Austria, and elsewhere. Still others crafted new concepts of precarity, necropolitics, racialized assemblages, intersectionality, critical anthropology, and other theoretical frameworks to make sense of our present.⁷

But the critical responses have felt fractured, at least from the perspective of traditional critical

theory. And the recommendations for political action have felt unmoored, again from the perspective of traditional critical praxis.⁹ After the Arab Uprisings and the global Occupy movements, there was indeed fruitful theorizing about assembly and political disobedience;¹⁰ yet those practices—of leaderless and ideologically-neutral occupations, of uprisings marked by political spirituality, of standing ground, hunger strikes, or hashtags—clashed with traditional notions of praxis. Our critical theory and praxis, it seems, had not caught up with the critical times.

I.

The journal is political. By that is meant that its critical activity is consciously anchored in the critical situation of present society—that of class struggle.

— *Krise und Kritik* Memorandum, c. 1930.¹¹

The political situation in January 1930 may have been as confounding as it is today, but back then the critical framework was far more unified and cohesive. When Walter Benjamin and Bertolt Brecht planned the launch of their journal, *Krise und Kritik*, along with the writer Bernard von Brentano and the drama critic Herbert Ihering, the critical scaffolding was firmly embedded in a Marxist register. They all agreed on what was needed: scientific expertise by critical intellectuals to demonstrate the validity of the dialectical materialist method, the foundational role of class struggle, and their implications for understanding the crisis—and even perhaps contributing to it. They understood, or at least Benjamin did clearly, that the economic and political crises had begun to produce, or in Benjamin's own words, “must produce manifestations of crisis in the superstructure.”¹² The disagreements surrounding critical theory were far less dramatic. To be sure, Brecht was perhaps too crude or vulgar theoretically for Theodor Adorno, Max Horkheimer, or Friedrich Pollock, and troublingly supportive of Stalin; the Institute members were perhaps too bourgeois still for Brecht; and Benjamin was a source of concern for all as he navigated between them.¹³ But everyone was working in the same register of class struggle, dialectical materialism, and a certain kind of positivism.

Benjamin's plans for *Krise und Kritik* were starkly positivist and foundationalist. The role of the intellectual, Benjamin declared in conversation with Brecht, was not to lead the proletariat, but rather to fulfill “a subordinate function” of proving the validity of the dialectical materialist method—essentially, of providing scientific research to solidly establish the proper and necessary sociological positions.¹⁴ The journal was intended, Benjamin maintained, to publish the scientific expertise of scholars, to engage not in journalism but in academic research. The program that Benjamin and Brecht set was clear: “The journal's field of activity is the present *crisis* in all areas of ideology, and it is the task of the journal to register this crisis *or to bring it about, and this by means of criticism.*”¹⁵

“Interventionist thinking” was the order of the day. “Inconsequential thought” was to be avoided.¹⁶ *Krise und Kritik*—also for a short time called *Kritische Blätter* (literally *Critical Pages* but more metaphorically *Critical Notebooks* or *Critical Papers*)—was to be a journal that would permit “an active, interventionist role, with tangible consequences, as opposed to [the] usual ineffectual arbitrariness.”¹⁷ Benjamin clearly expressed what he had had in mind for *Krise und Kritik*:

The journal was planned as an organ in which experts from the bourgeois camp were to undertake to depict the crisis in science and art. This was meant to demonstrate to the bourgeois intelligentsia that the methods of dialectical materialism are dictated to it by its own most necessary characteristics—necessities of intellectual production, research, and existence. The journal was meant to contribute to the propaganda of dialectical materialism *by applying it to questions that the bourgeois intelligentsia is forced to acknowledge as those most particularly characteristic of itself.*¹⁸

The project was thus deeply positivistic, in a scientific Marxist sense. Critique would lay the foundation for revolutionary political change. As Brecht wrote, in the context of *Krise und Kritik*, the concept of *Kritik* was “to be understood in the sense that politics is its continuation by other means.”¹⁹ It should not come as a surprise that Erdmut Wizisla, who published the extensive materials recording the planned publication of *Krise und Kritik*, compared, as “near equivalents,” the intended method of Benjamin and Brecht with the logical positivism of the Vienna School.²⁰

Ultimately, this positivist ambition would foil the project. Benjamin felt that the first three articles received were not in fact expert science. They had not lived up to the ambition of the journal and could not “claim to have been written by an expert authority.”²¹ The German translation of the article by Georgi Valentinovich Plekhanov, a Russian Marxist who had died in 1918, titled “Idealist and Materialist World Views,” for instance, was decades old and outdated. If it could have claimed expert authority, Benjamin wrote, that would have been twenty-five years earlier.²² Benjamin withdrew from the project at the end of February 1931, followed by Ihering, then the financial collapse of Rowohlt and the emergency press restrictions of July 1931—which finally ended the project.²³

The terms *Krise* and *Kritik* would be taken up again and again, inverted, resignified, but for the most part, they remained associated with a deeply Marxist and post-Marxist tradition until the 1960s at least. The 1988 English translation of Koselleck’s 1959 book, *Kritik und Krise*, would not get past the period of Rousseau and Raynal and so would not directly engage the twentieth century, though it was written explicitly for a post-war “state of permanent crisis.”²⁴ Koselleck of course had no reason to elaborate on Benjamin and Brecht’s interventionist thinking or their planned journal, *Krise und Kritik*—focusing instead on the way in which the Kantian conception of critique had so influenced the utopianism that would, apparently and recurrently, lead to terror—but his work forwarded in different ways their earlier project.

Today, by contrast, the critical framework has been fractured by anti-foundationalist interventions that have fissured the cohesion of the post-Marxist scaffold. In the wake of May ’68, radically different conceptions of power, of desire, of subjectivity challenged post-Marxist thought from within the critical framework. Gilles Deleuze, in his 1962 monograph, *Nietzsche et la philosophie*, would turn Nietzsche into *the* critical philosopher, the founder, the inventor, in Deleuze’s words, of “*une philosophie critique*,” in the process displacing even Kant, who Deleuze would tell us missed the target and did not do “real critique.”²⁵ Deleuze located in an anti-foundationalist Nietzsche the pure form of critique, the very essence, the core: namely, the questioning of the value of values.²⁶ The critical element, Deleuze would write—italicizing the word “*critique*” in “l’élément *critique*”—is

precisely “the creative element of meaning and of values.”²⁷ Michel Foucault as well, and many after him, would draw from Nietzsche the model of a truly critical approach. Nietzsche’s work, in Foucault’s words, “seems to me to be the best, the most effective, the most pertinent of the models that one can draw upon” to do genealogical work.²⁸ These critical interventions would violently upend the traditional link between critique, power, and the Marxist and post-Marxist tradition.²⁹

For decades thereafter, the intellectual framework remained fractured, and critical theory caught in debates over influence and intellectual genealogies—with some returning to Kant, others turning to deliberative democratic thought, or even Rawls, and still others drawing on Nietzsche or Freud. Subsequent generations of the Frankfurt School would gravitate first toward Kantian liberalism, then toward Hegelian recognition, then back to Kant—leaving students of critical theory somewhat *démuni* before the crises that would come, in waves, with neoliberalism, then neoliberal penalty, then neoliberal warfare, and on and on. These different epistemological sensibilities fragmented the critical project. The contrast, even with the more literary and aesthetic thinkers like Benjamin, was deep. In his notes from the time of *Krise und Kritik* in 1930, under the telling header “Some Remarks on Theoretical Foundations,” Benjamin underscored his “thesis,” in his own words, that “true validity,” “fruitful validity,” “genuine validity” is only “guaranteed by the closest possible connection to social reality,” because, he said, “Truth cannot be established by digression, by the collection and addition of all that’s thinkable, above all by arbitrary flight from its consequences. Rather must it repeatedly be confronted with reality at every stage and point.”³⁰ The contrast with the anti-foundational approaches of the 1960s could hardly have been greater.

Many critical thinkers tried to soften the tensions—and I would include myself here, regretfully.³¹ But none of those efforts could truly overcome, in the end, the breach that anti-foundationalist critical theories introduced into the debate. Critical theory was born of an Enlightenment drive to separate truth from falsity—of the critical impulse to seek the limits of reason and perform the work of discrimination at the root of the Greek term, *krinein*, that is at the base of both critique and crisis.³² Criticism, as Koselleck demonstrated, was fundamentally “the art of arriving at proper insights and conclusions via rational thought.”³³ The anti-foundational critique went to the heart of that. And to date, the critical tradition has not been able to reconcile the chasm.

The practical effects are especially acute today. The critical tradition, mired in these internecine struggles for influence among different strands and variations—Marxist, Freudian, or Nietzschean, Lacanian, Foucauldian, or Derridean, deconstructive, feminist, post-colonial, queer, gender troubling, to name a few—has struggled to elaborate a contemporary critical theory of practice, *a critical practice for these troubled times*. To be sure, there are still voices calling for traditional praxis. Some persevere in calling for the construction of sensible communism, a communist hypothesis, more authentic notions of solidarity, or new communist insurgencies.³⁴ But the prospect of a proletarian uprising has faded, especially in the absence today of robust self-consciousness among workers or students. The very concept of modern revolution, which Reinhart Koselleck so skillfully historicized, seems anachronistic today.³⁵ Etienne Balibar is surely right that other, similar forms of insurrection may still be possible; as he suggests, “civic and democratic insurrections, with a central communist component against ultra-individualism, also involving an ‘intellectual and moral reform’ of the common sense itself (as Gramsci explained), are probably not destructible.”³⁶ And Balibar might still want to call

those forms “revolution.”³⁷ But any such insurrections would be better understood through other rubrics than praxis—through the different modalities of uprising, revolt, disobedience, trouble, liberation, standing ground, and so on. And it is not clear whether or how traditional critical theory would guide us through these modalities.³⁸ Words matter, of course. As Koselleck reminds us, “In politics, words and their usage are more important than any other weapon.”³⁹ But if that is true, we are indeed in a radically anti-foundationalist place.

In any case, at this point, the critical question becomes: What would revolution look like today from a critical perspective, in these fragmented theoretical times? In an age that may be considered post-revolutionary, how should we understand and theorize collective action and individual political engagement? What does or should direct action look like when the underlying theoretical structure of the dialectical imagination is so fractured? When, today, right-wing populist movements, like the Front National in France, have cannibalized the base of the former Communist Party, turning old-style class warfare into anti-immigrant and ethno-racist conflict? The cleavage today is no longer between a bourgeoisie and a proletariat, but between a popular working-and-unemployed class and immigrants and their children. In the United States, it is increasingly between poor whites and poor blacks. And one need only look around to question whether the idea of a popular uprising—once imaginable, or even more, realized one hundred years ago in 1917—has become today a past future. What is to be done when the theoretical bases of political practice are so splintered?

II.

This great myth needs to be dispelled. It is this myth which Nietzsche began to demolish by showing that, behind all knowledge, behind all attainment of knowledge, what is involved is a struggle for power. Political power is not absent from knowledge, it is woven together with it.

— Michel Foucault, “Truth and Juridical Forms” (1973)⁴⁰

It may be useful first to get a sense of the fragmentation. The tension between the traditional critical framework and its anti-foundational challenges is illustrated well by the confrontation between the method of ideology critique and that of regimes of truth. The conflict, at heart, always came down to questions of knowledge, truth, and falsity. At one end, the critique of ideology constituted itself as a particular form of knowledge that rested on a specific epistemological conception tied to the facticity of class interests. Ideology critique was a cognitive enterprise that produced a kind of knowledge intended to lead to enlightenment and emancipation.⁴¹ At the other end, Foucault’s theory of knowledge-power, of *savoir-pouvoir*,⁴² amounted to a radical critique of knowledge. It aimed to unmask precisely that “great Western myth,” the illusion that it is possible to sever knowledge from power or achieve objectivity.⁴³ That myth, Foucault declared, had to be, in his words, “liquidé”—liquidated, a far more forceful expression than “dispelled” as in the official English translation. Foucault’s was a searing critique of the possibility of powerless knowledge.

To be more concrete, in the early 1970s, Foucault directly challenged the idea of class interests and proposed, instead, that social relations be modeled on the matrix of civil war. That matrix would

call for a constant reexamination of how power circulates through society, always questioning the categories through which we even analyze power, always reexamining the ways in which power and subjectivity are transformed. As he explained in December 1972, a month before launching into his lectures on *The Punitive Society*, his project was to study power relations on the basis of “the most criticized of all wars: not Hobbes, nor Clausewitz, nor class struggle, but civil war.”⁴⁴ At the time, and focusing on early nineteenth-century France, what he developed—in contrast to those other three approaches—was the idea of a generalized civil war involving the production of a “criminal-social enemy” that facilitated a disciplinary form of power permeating society and transforming the entire time of life and subjectivity into a productive force.⁴⁵ Foucault’s matrix of civil war did not rest on a binary or stable structure, but sought instead to upend our conventional ways of thinking about knowledge in a realm he himself characterized as power-knowledge.⁴⁶

It was precisely this tension that motivated Steven Lukes’s radical theory of power, and his defense of the idea of false consciousness,⁴⁷ in which Lukes emphasized that “there is truth to be attained,” a “correct view that *is not itself imposed by power*.”⁴⁸ Lukes argued that on Foucault’s view, by contrast, there can be no normative judgment because there is power all the way down: for Foucault, Lukes wrote, “there can be no liberation from power, either within a given context or across contexts; and there is no way of judging between ways of life, since each imposes its own ‘regime of truth’ . . .”⁴⁹

In an earlier essay, challenging Lukes, I tried to reconcile these differences, but in hindsight I realize that I did not do justice to the fundamental tension between the Frankfurt School’s epistemology and Foucault’s critique of knowledge.⁵⁰ I should not have dismissed the inexorable chasm so quickly. This is evident if we return to the passages in which Foucault explicitly engaged the question of ideology and proposed certain revisions to (what he understood as) the concept of ideology. The passages occur at the end of Foucault’s Rio lectures from May 1973, *Truth and Juridical Forms*—and so the context is important.

As we all know well, Foucault frequently used the concept of ideology as a foil to his own thought.⁵¹ He often insisted that our ways of thinking about madness, delinquency, and sexuality were not mere ideological fabrications; that his own project was *not* to demonstrate that these categories were no more than “ideological products that must be dissipated in the light of reason.”⁵² Foucault maintained that these categories—the mad, the delinquent, the abnormal—were the product of a whole series of practices and discourses that gave birth to something that did not exist beforehand and ultimately still does not exist—a complicated idea—but that has a *real* presence (and does not fit within the rubric of ideology).⁵³ The categories, Foucault emphasized, could not fully be captured by the notion of ideologies.⁵⁴ And so, in *Truth and Juridical Forms*, Foucault explored various ways in which different legal forms—for instance, the practice of testing the accused or the evidence (what he refers to as *épreuve*), of inquiring into the facts (what he calls *enquête*), or of examining witnesses, oneself, or one’s conscience (what he calls *examen*)—function as ways of producing truth in resolving disputes, as forms of veridiction through jurisdiction. The Rio lectures thus represent a frontal assault on the idea or the possibility of objective knowledge.

At the conclusion of the Rio lectures, Foucault discusses the theory of alienated labor—the claim, which he attributes to Hegel and Marx, that “man’s concrete essence is labor.”⁵⁵ Foucault does not provide a pin cite, but we could point to the *Economic and Philosophical Manuscripts of 1844*,

where Marx defines what is quintessentially human, as opposed to animal, as precisely laboring freely and productively.⁵⁶ Foucault critiques the claim that man's essence is labor, arguing first that this is by no means true ("labor is absolutely not man's concrete essence," Foucault declares),⁵⁷ but second that we come to believe in its truth by means of certain practices that are intimately connected to capitalist relations of production themselves. These are the practices, Foucault argues, that shape the body, that render bodies docile. Foucault refers to them in Rio as "infrapower": "a set of political techniques, techniques of power ... by which people's bodies and their time would become labor power and labor time so as to be effectively used and thereby transformed into [surplus value]";⁵⁸ a "web of microscopic, capillary political power ... at the level of man's very existence ..."; "the whole set of little powers, of little institutions situated at the lowest level," in contrast to the state or even to a notion of class.⁵⁹ Marx's theory of capital accumulation, on Foucault's reading, depends on these disciplinary techniques (which are themselves intimately connected with capitalist production) to shape bodies and render workers docile.

Foucault develops this insight two years later in *Discipline and Punish* where, specifically citing Marx's *Capital* (Vol. I, Chap. XIII), he argues that the economic revolutions that made possible the accumulation of capital during the nineteenth century cannot be separated from the production of these docile bodies—or what he refers to as "the methods for administering the accumulation of men."⁶⁰ These methods are the disciplinary techniques at the heart of *Discipline and Punish*, which replaced "the traditional, ritual, costly, violent forms of power, which soon fell into disuse and were superseded by a subtle, calculated technology of subjection."⁶¹ On Foucault's view, these methods were *as important* to capitalist production and the exploitation of surplus value as the modes of production.⁶² And, drawing on Georg Rusche and Otto Kirchheimer's *Punishment and Social Structure* (1939)—published under the auspices of the Frankfurt School—Foucault transforms traditional Marxist political economy into a "political economy of the body," effectively into "a history of bodies" that focuses on the "political investment of the body" and the "political technology of the body."⁶³ These disciplinary forms—themselves embedded in relations of production—rendered docile the modern body, simultaneously making possible factory workers and the idea that free labor is man's essence. As he would say in *Psychiatric Power*, "we can say that disciplinary power, and this is no doubt its fundamental property, fabricates subjected bodies; it pins the subject-function exactly to the body. It fabricates and distributes subjected bodies; it is individualizing [only in that] the individual is nothing other than the subjected body."⁶⁴

Foucault could not have been clearer—or more challenging to ideology critique: the idea that "man's concrete essence is labor" is *itself* fabricated, alongside these docile bodies, by disciplinary techniques that are embedded in relations of production and that themselves make those relations of production possible. These techniques also bring about feelings of alienation because they deprive us of the rich, substantive meaning that our lives could have. These techniques of power give rise to knowledges—such as the idea that labor is "the essence of man," but more broadly the idea of man as an object of science. In Rio, Foucault specifically proposes that this infrapower "gave rise to a series of knowledges—a knowledge of the individual, of normalization, a corrective knowledge—that proliferated in these institutions of infrapower, causing the so-called human sciences, and man as an object of science, to appear."⁶⁵ This rehearses the argument at the end of *Les mots et les choses* (1966)—

the image of man written in sand, disappearing under the waves.

As Foucault explains: “If what I have said is true, it cannot be said that these forms of knowledge [*savoirs*] and these forms of power, operating over and above productive relations, merely express those relations or enable them to be reproduced.”⁶⁶ The reason is that ideologies themselves are made possible by relations of production that are themselves made possible by knowledge-power; there is no priority to relations of production that would privilege or place first production as the driving force of history. Ideas are necessary to enable political economy. The relations of production are themselves shaped by conceptions of the self that enable docile bodies to man the factories. These are interlocking: relations of production/knowledge/relations of power. Foucault writes:

In order for the relations of production that characterize capitalist societies to exist, there must be, in addition to a certain number of economic determinations, those power relations and forms of operation of knowledge. Power and knowledge are thus deeply rooted—they are not just superimposed on the relations of production but, rather, are very deeply rooted in what constitutes them.⁶⁷

From a regimes-of-truth perspective, then, it is not possible to speak of interests that are, in some sense, foundational. Instead, stated interests and conceptions of self are shaped by relations of power and are historically situated; they are interwoven with and make possible the modes of economic production within which they find themselves; they are not exterior, in any way, to relations of production. It is possible to show how they are born and maintained and evolve, and to what effect. And, despite all that, they have *real* force and staying power. They cannot just be lifted, like a veil. They have real effects—*des effets de vérité*. They are real. They cannot simply or easily be proven wrong. They are not susceptible to demonstrations of falsity. And it may take a whole series of complex techniques of power and knowledges, deeply embedded in relations of production, for other beliefs to form.

In both critical approaches, to be sure, there is a form of enlightenment—but enlightenment by different means. On the first view, access to truth, to true facts—and thereby emancipation from illusions—is achieved by acquiring the right social theory.⁶⁸ On the second view, there is no access to powerless knowledge; there can be at best an unveiling of current forms of oppression or relations of power, achieved through the denaturalization of dominant ideas. On this second view, we do not achieve an end-state, but reach another place from which we will again need to emancipate ourselves. We do not escape relations of power; we never do. We are always embedded in them. We may make progress, perhaps on the basis of an aesthetics of existence, but at best we bring about a new condition that will itself need to be reassessed and reexamined, so that we can understand how power recirculates. When we shed illusions, when regimes of truth shift, we are merely at another place where power relations are thickly at play, may be problematic, may become entrenched—and where we will need to revalue how we are governing and being governed.

III.

It is necessary to institute a counter-city or a counterpower in the face of legitimate power that has become the mere property of those who exercise it or the expression of governmental or administrative routine.⁶⁹

— Étienne Balibar, “Resistance, Insurrection, Insubordination,” in
Equaliberty: Political Essays (2013)

In the end, the tension between traditional critical theory and anti-foundational challenges cannot be resolved. It must be overcome. And it can be overcome, I propose, through what might be called “counter-critical theory.”

The notion of counter-critical theory is not *anti*-critical theory, but a form of contemporary critical thought that goes beyond traditional critical theory. It operates what I call—and develop in detail elsewhere—a *counter*-move that rests on the importance of thinking in terms of “counter-” rather than “anti-”.⁷⁰ The conceptual particle “counter-” in “counter-critical theory” indexes the opposition to the foundationalism and positivism of early critical theory, and simultaneously overcomes the opposition from which it is born, in order to generate a fully autonomous critical approach. It overcomes the opposition, not in the Kantian or Hegelian sense of a synthesis that resolves the opposition between thesis and antithesis (not least because the conceptual particle “counter-” functions very differently than the particle “anti-”), but rather as a form of contestation that becomes so potent as to liberate itself from the oppositional relationship entirely and to transform itself into a free-standing idea, principle, or even method. Counter-critical theory becomes something greater than just a constant *resistance* to traditional critical foundationalism; it turns into something independent, overcoming its mere oppositional character. It becomes self-sufficient—no longer dependent on its relationship to earlier critical theory.

Counter-critical theory becomes autonomous when it becomes a *pure* theory of illusions—a pure theory of relations of power in flux such that every critical unmasking forces us to reexamine the resulting redistribution of power relations. At that point, it can continue to index, but need not concern itself with or argue against the foundations. At that point, the original anti-foundationalist insight no longer needs to refer back to the object challenged. At that point, counter-critical theory develops fully into its own independent form of thinking. This is an ambitious project indeed, but a realizable goal, I believe.

A similar conceptual movement at times runs through Balibar’s writings, as evidenced in the epigraph above, and in Foucault’s writings and method as well. A good illustration is from Foucault’s inaugural lesson to the 1981 Louvain lectures on *Wrong-Doing, Truth-Telling: The Function of Avowal in Justice*. At the close of that inaugural lesson, Foucault offers as the overarching framework of his intervention the notion of a *counter-positivism* which, he explains, “is not the opposite of positivism, but rather its counterpoint.”⁷¹ The full passage is as follows:

We often speak of the recent domination of science or of the technical uniformity of the modern world. Let’s say that this is the question of “positivism” in the Comtian sense, or perhaps it would be better to associate the name of Saint-Simon to this theme. In order

to situate my analysis, *I would like to evoke here a counter-positivism that is not the opposite of positivism but rather its counterpoint*. It would be characterized by astonishment before the very ancient multiplication and proliferation of truth-telling, and the dispersal of regimes of veridiction in societies such as ours.⁷²

This notion of a “counter-positivism” provides the key to the Louvain lectures. The notion conveys more than merely an opposition to positivism, since Foucault is admitting that he is embracing something akin to a positivistic view of a history of shifting truth-telling forms. There is, in fact, a history in the lectures—or a genealogy. Foucault traces a series of truth-telling forms. This is a history of regimes of truth—more specifically, of regimes of veridiction and of speaking truth, which fit neatly into the broader arc of his research and lectures at the Collège de France.

In effect, Foucault’s method, at Louvain and at the Collège, is not *anti*-positivist, but instead a “counterpoint,” deploying positivistic sensibilities against narrow positivism. And the central point is that Foucault’s counter-positivist method culminates in a philosophical intervention that is independent of both positivism and of anti-positivism, that does not depend on either, and that no longer merely responds to the opposition—but becomes its own autonomous method: a pure philosophical method, a way of seeing the world.

In a similar way, we can imagine a counter-critical theory—distinct from this counter-positivism—that is not anti-critical, but instead overcomes the foundationalism of critical theory. It indexes traditional critical theory insofar as it holds on to its core insight. At its core, critical theory has always been a theory of illusions: the world we find ourselves in, rife with inequalities, injustice, and prejudice, is made tolerable by means of a series of illusions—the myths of individual responsibility and merit, the illusions of liberalism and free markets, the fantasy of upward social mobility, and so on. These fantasies are what make our unequal world tolerable. And they are what critical theory unmask, unveils, reveals. But not to give way to a truth underlying those illusions. Not to reveal real interests, or genuine class interests. The illusions instead give way to another set of ambitions that eventually we will need to unmask again. In this sense, counter-critical thought becomes a *pure theory of illusions*.

The implications for counter-critical *practice* are significant. The effort must be to expose illusions and struggle for new meanings and interpretations—not for some truth or real interests, and not necessarily within the narrow confines of traditional critical praxis, but to struggle for new ways of governing and living together. Along with the opening of counter-critical theory—the liberation from certain unfounded foundations and dogmatic first principles—there must be a move from critical *praxis* to contemporary critical *practice*. Our practical engagements must free themselves from foundational constraints.

The resulting forms of counter-critical resistance can take many shapes, from radical forms of political disobedience to strategic deployments of critical legal practice. The anti-foundationalism of counter-critical theory must go hand-in-hand with an ecumenical tactical practice that seeks not to realize a preconceived ideal of society or some foundational set of interests, but to push against existing forms of oppression and inequality, cognizant of the need to constantly reexamine how power recirculates. Counter-critical theory calls for an openness to different forms of resistance, particularly in different political contexts—at times engaging in disobedience, or standing ground, or

rising up, or breaking silence, at other times critically deploying rights, initiating a hunger strike, or disrupting the normalcy of life.⁷³ In a sense, the counter-critical move liberates and makes way for a tolerance of different practices, an agnosticism, in the same way that the Occupy movements opened the public space to different political viewpoints. From a counter-critical perspective, there is always a tentative nature to practical interventions since there is no identifiable end point, no known ideal or foundation, but rather always another space where power is recirculating, often in unprecedented ways.

For the longest time, I was troubled by the fact that many of my own direct actions drew on conventional liberal legal methods. In the death penalty context, for instance, or more recently, in challenging President Trump's Muslim ban, I have often been concerned that my own political practices drew instrumentally on the tools of civil and political rights, and as a result may have been merely palliative efforts, mere reformism in effect, or, worse, served to bolster or uphold or legitimize the very legal structures that were in question. I have often been worried that I was merely protecting rights and not doing justice, in the sense Marx argued for so powerfully in *On the Jewish Question*. But from the perspective of counter-critical theory, I now see that deploying legal weapons, even traditional liberal rights, among other strategies, does not simply promote or protect the existing framework, but more fundamentally challenges the punitive state. I've spent decades using the state's weapons to prevent the state from executing the condemned—from exercising its fullest power in a situation where the state is *at its most powerful*: the state apparatus faces down, most often, an impoverished and despised man or woman, who has confessed to murder, has no resources whatsoever, and no one to turn to. It is the ultimate confrontation of a Goliath state at its most might—in the realm of crime and punishment, in the unquestioned space of security and policing—with an entirely subjugated subject, isolated in solitary confinement, who was most likely destined for death row from the moment he or she was born. This should be quick work for the state. A swift display of power. And yet, the litigation takes place as a sort of power struggle, with the condemned using every weapon he or she can get his or her hands on—including those from the register of liberal rights.

In the United States today, in the face of constant attacks on minorities—from Muslims to Black Lives Matter activists to immigrants to trans* persons—multiple forms of resistance are necessary, and none should be off the table. Enjoining the Muslim ban, delaying it, limiting it—these are all important efforts from the perspective of counter-critical theory, which constantly attends to the circulation of power. It is precisely now that different models of political disobedience must emerge—and remain open to experimentation, open to differences, non-hierarchical, and, especially, non-foundational. This is precisely what is called for by counter-critical theory in the twenty-first century.⁷⁴

IV.

After Buddha was dead, people showed his shadow for centuries in a cave,—a tremendous, gruesome shadow. God is dead: but given the ways of men, there may still be caves for thousands of years in which his shadow will still be shown.—And we—we still have to vanquish his shadow, too.

— Nietzsche, *Gay Science*, III, § 108.

Hand-in-hand with an open and strategic but ecumenical approach to political disobedience, counter-critical theory calls for constant and better interpretations. Political struggle today requires political action—and lots of it, to be sure—but it also demands trenchant and forceful resignifications, along with an unbending commitment to resist the shadows from the past.

A world made up of interpretations, an infinite regress of interpretations, all the way down: if that is where we find ourselves, then we must continue to struggle through resignification. If we live in a world in which we never get to the original meaning or first source, where there is no omega, then interpreting is what we must do, always. This represents a way of thinking, Foucault reminds us, that Nietzsche inaugurated, doing critique with the blows of a hammer.⁷⁵ There is force to that method. But we need to go even further.

To move forward, from a counter-critical perspective, we need not simply to understand, but to *deploy* the infinite regress of interpretations—knowing that even we do not preexist the meanings that we impose on the world, that our subjectivity is shaped by those infinite interpretations, that the struggle, in the end, is a struggle over life and death, a struggle over our subjectivity, a battle over the imposition of those interpretations. And we must test those new interpretations as we would sound out our beliefs and faiths, as we would test our past idols. Yes, we are at the twilight of old idols,⁷⁶ but even more importantly now, we are at the dawn of new ones that we will need to interrogate immediately and ruthlessly.

Counter-critical theory must challenge the intolerable in these critical times, and, faced with the utter singularity of the battle, it must respond in multiple ways. Some—perhaps we should leave them anonymous—need to unearth the hidden corruption and publicize it. Others need to occupy, others disrupt. Others must march, and others boycott. Others need to file more lawsuits, or get signatures, or run for office, or call, write, and put pressure. Others must bear witness to history. Still others must break their silence. And all the while, we must take over meanings, interpreting with the sharp blows of a hammer. Yes, we will need to proceed in myriad ways with different strategies, with different tools, using different sensibilities, agnostic and respectful with each other, but always passionate and resolute in our approach.

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Notes

- 1 Benjamin, *Correspondence*, 368. See also Wizisla, *Benjamin and Bertolt Brecht*, 68.
- 2 Alvaredo et al., “Global Inequality Dynamics.”
- 3 See, for example, Piketty, “Vers une économie politique”; Alvaredo et al., “Global Inequality Dynamics.” This new research begins to extend the analysis of *Capital in the 21st Century* to China, Brazil, India, the Middle East, and so forth.
- 4 Philip Bump, “Trump Has Now Made 33 Visits to Trump-branded Properties Since the Inauguration.” *Washington Post*, May 5, 2017.
- 5 Chakrabarty, “Climate of History”; Latour, “Anthropology”; Steffen et al., “The Anthropocene.”
- 6 Schuilenburg and Peeters, “Gift Politics.”
- 7 Brown, *Undoing the Demos*; Wacquant, *Punishing the Poor*; Nancy Fraser, “Legitimation Crisis? On the Political Contradictions of Financialized Capitalism”; Harcourt, *Illusion*; Obarrio, *Spirit*; Agamben, *Homo Sacer*.
- 8 Butler, *Notes*, 33-38; Mbembe, “Necropolitics”; Weheliye, *Habeas Viscus*; Crenshaw, “Mapping the Margins”; Fassin, “The Endurance of Critique.”
- 9 On critical praxis, see generally Andrew Feenberg, *Philosophy of Praxis*; Jay, *Dialectical Imagination*, 4ff. For a broader discussion of its relation to pragmatic and analytic philosophy, see Bernstein, *Praxis and Action*.
- 10 Butler, *Notes*; Hardt and Negri, *Assembly*.
- 11 *Krise und Kritik Memorandum*, in Wizisla, *Benjamin and Bertolt Brecht*, 188.
- 12 This was a comment that Benjamin made in conversation with Ernst Bloch in 1931, as reported by Max Rychner, quoted in Wizisla, *Benjamin and Bertolt Brecht*, 76.
- 13 On Theodor Adorno’s, Max Horkheimer’s, and Friedrich Pollock’s views of Brecht, see Wizisla, *Benjamin and Bertolt Brecht*, 62-63; Jay, *The Dialectical Imagination*, 201-203. See generally Jennings, *Dialectical Images*, 3; Uwe Steiner, *Benjamin*, 18-20; 145.
- 14 See the stenographic memorandum of conversations between Benjamin, Brecht, and Ihering from 1930, reproduced in Wizisla, *Benjamin and Bertolt Brecht*, 203-206. See also Horkheimer, “Latest Attack.”
- 15 *Krise und Kritik* minutes, from November 1930, quoted in Wizisla, *Benjamin and Bertolt Brecht*, 190; emphasis added.
- 16 Wizisla, *Benjamin and Bertolt Brecht*, 42.
- 17 *Ibid.*, 66.
- 18 Quoted in Wizisla, *Benjamin and Bertolt Brecht*, 76; emphasis in original.
- 19 Quoted in Wizisla, *Benjamin and Bertolt Brecht*, 75.
- 20 *Ibid.*, 80.
- 21 Quoted in, Wizisla, *Benjamin and Bertolt Brecht*, 71.
- 22 *Ibid.*, 91.
- 23 *Ibid.*, p. 71; Jennings, *Dialectical Images*, p. 3.
- 24 Reinhart Koselleck, *Critique and Crisis*, 5.
- 25 Deleuze, *Nietzsche*, 97; 2.
- 26 *Ibid.*, 1
- 27 *Ibid.*, 97
- 28 Foucault, “Truth and Juridical Forms,” 5.
- 29 Compare Deleuze and Foucault dismissing class interests and discussing the role of desire and libidinal investments in fascism, in Foucault, “Les intellectuels et le pouvoir.”
- 30 Benjamin, “Some Remarks on Theoretical Foundations,” reproduced, in Wizisla, *Benjamin and Bertolt Brecht*, 206-207.
- 31 See, for instance, Harcourt, “Radical Thought.”
- 32 Koselleck, *Critique and Crisis*, 103-123; see also Foucault, *Mal faire, dire vrai*, 35-40, 271-276, 287-292; Foucault, *Wrong-Doing, Truth-Telling*, 45-50, 279-303.
- 33 Koselleck, *Critique and Crisis*, 108.
- 34 See, for example, The Invisible Committee, *The Coming Insurrection*; Tiqqun, “L’Hypothèse cybernétique”; Dean, *The Communist Horizon*; Badiou, *Communist Hypothesis*.
- 35 Koselleck, *Vergangene Zukunft*; Balibar, “Idea of Revolution.”
- 36 Balibar, “Idea of Revolution,” 24.
- 37 *Ibid.*: “Call ‘revolution’ the indestructible? I would suggest that possibility.”
- 38 This is precisely what we are exploring in the seminar series Uprising 13/13 at Columbia University in 2017-2018, a series that analyzes thirteen different modalities of revolt, from *satyagraha* and civil disobedience to Maoist insurrection and the modern conception of Revolution. Texts and recordings from the Uprising 13/13 series are

- available here: <http://blogs.law.columbia.edu/uprising1313/1-13/>.
- 39 Ibid., 57.
- 40 Foucault, "Truth and Juridical Forms," 32.
- 41 Geuss, *Idea*, 26. See also Jay, *Dialectical Imagination*, 63-64.
- 42 Foucault, *Naissance de la biopolitique*, 22.
- 43 Foucault, "Truth and Juridical Forms," 32.
- 44 Defert, "Chronologie," 42.
- 45 See, generally, "Course Context" in Foucault, *Punitive Society*, 276-279.
- 46 For an analysis of Foucault's conception of power in *Discipline and Punish*, see Bernard E. Harcourt, "Notice," 1462-1496, in Foucault, *Surveiller et punir*, at 1471-1474.
- 47 Lukes, "In Defense of 'False Consciousness.'" Some draw a far sharper distinction between the ideas of "false consciousness" and "ideology," and there are certainly broader definitions of ideology that would warrant the differentiation; however, when it comes to the critique of ideology, the distinctions are not sufficiently significant to foreclose Lukes's analysis. For a collection on the Foucault-Habermas debate with excellent contributions from Axel Honneth, Nancy Fraser, Thomas McCarthy and others, see Kelly, ed., *Critique and Power*; see also McCarthy, "Critique of Impure Reason,"; Hoy, "Power, Repression, Progress," which explicitly brings Lukes to bear on Foucault and the Frankfurt School.
- 48 Lukes, "In Defense of 'False Consciousness,'" 28; 19.
- 49 Lukes, *Power*, 91-92, citing Foucault, *Power/Knowledge*, 38.
- 50 Harcourt, "Radical Thought."
- 51 Foucault, *Qu'est-ce que la critique?*, 43-44; Foucault, *Il faut défendre la société*, 30; Foucault, *Naissance de la biopolitique*, 21-22; Foucault, "Adorno, Horkheimer"; and Foucault, "Structuralisme."
- 52 Foucault, *Naissance de la biopolitique*, 21 ("des produits idéologiques à dissiper à la [lumière] de la raison enfin montée à son zénith").
- 53 Ibid., 21-22.
- 54 Ibid., 22. See also Foucault, "Qu'est-ce que la critique?"
- 55 Ibid., 86.
- 56 The quintessential "animal functions" consist of "eating, drinking, procreating," and Marx contrasts these with the "human functions," which consist of laboring freely and productively. Labor is "*life-activity, productive life* itself, ... the life of the species, ... life-engendering life"; or, as Marx writes, "free conscious activity is man's species character." Marx, *Economic and Philosophical Manuscripts of 1844*, 75-76. The alienation of labor is problematic on these grounds, because it turns life as labor into a mere means for existence: "What is animal becomes human and what is human becomes animal." Ibid., 74.
- 57 Foucault, "Truth and Juridical Forms," 86.
- 58 Ibid., 86.
- 59 Ibid., 86-87.
- 60 Foucault, *Discipline and Punish*, 220-221; emphasis added.
- 61 Ibid., 221.
- 62 Ibid.
- 63 Ibid., 25.
- 64 Foucault, *Psychiatric Power*, 55; see also 71-72.
- 65 Foucault, "Truth and Juridical Forms," 87.
- 66 Ibid.
- 67 Ibid.
- 68 See Horkheimer, "The Latest Attack on Metaphysics," 159.
- 69 Balibar, *Equaliberty*, 284.
- 70 Harcourt, "Contre-."
- 71 Foucault, *Mal faire*, 10.
- 72 Ibid.
- 73 On hunger strikes, see Bargu, *Starve and Immolate*.
- 74 Compare Balibar, "Critique in the 21st Century"; Butler, "What is Critique?"; Didier Fassin, "The Endurance of Critique."
- 75 Foucault, "Nietzsche, Freud, Marx," 275.
- 76 Nietzsche, *The Twilight of the Idols*, 31.

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