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CONTRADICTIONS OF MODERN SOCIETY

The Poor, the Gamblers and the Grotesque Sovereignty

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ABSTRACT

The present article considers a fundamental problem of modern societies that manifests in the phenomena of poverty and wealth. This problem will be addressed by drawing on three thinkers who provide insights that will be condensed into one coherent theoretical position: Luhmann, Hegel and Foucault. Traversing these positions will allow to show in what way a constellation of their thoughts can help to understand pressing issues of modern society.

KEYWORDS: *G.W.F. Hegel; grotesque sovereignty; poor; rabble; Karl Marx*

Contradições da sociedade moderna: os pobres, os jogadores e a soberania grotesca

RESUMO

O presente artigo considera um problema fundamental das sociedades modernas que se manifesta nos fenômenos da pobreza e da riqueza. Esse problema será tratado a partir de três pensadores cujas percepções serão condensadas em uma posição teórica coerente: Luhmann, Hegel e Foucault. Atravessar essas posições permitirá mostrar em que sentido uma constelação de seus pensamentos pode ajudar a entender os temas prementes da sociedade moderna.

PALAVRAS-CHAVE: *G.W.F. Hegel; soberania grotesca; pobres; população; Karl Marx*

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The present article considers a fundamental problem of modern societies that first and foremost manifests in the disparate phenomena of poverty and wealth. This problem will be addressed by drawing on three different thinkers who provide insight that will be systematically aligned into one coherent theoretical position. The thinkers in question are Niklas Luhmann, G. W. F. Hegel and Michel Foucault. Traversing these positions will allow to show in what way a constellation of their thoughts can help to understand pressing issues of modern society that are still with us today. My entry point into this debate will be the issue of social exclusion.

If we want to speak about social exclusion, we need to trust our eyes. Then we see the misery that effectively and really exists. This is what Niklas Luhmann claims in one of his late texts. Therein he writes: “Who trusts one’s eyes can see it, and can see it so impressively that all explanations at hand will fail” (Luhmann, 2006, p. 269). If we do not believe our eyes and do not look with an impartial gaze at the existing mechanisms of exclusion and the misery they generate, we only see in the misery what we always already have or at least believe to have seen or known before. Exclusion is difficult to see, because it is both, always specific, thereby often novel in form and hence difficult to identify. One must trust one’s eyes and distrust those who don’t trust them. Do not take seriously the evident. Luhmann, therefore, argues one can only speak of exclusion by excluding theories that remain blind against exclusion by reducing it to something all too well known. He identifies two such positions: first there are Hegelian-Marxist social theories and, secondly, there are theories of the Human Rights.

First, Luhmann argues one has to avoid and exclude the supposedly “simply traditional models” (id., 1995, p. 262), such as Marxism, because they commit a twofold mistake. According to him, firstly, they believe exclusion is always primarily economic, i.e., they assume a primacy of economy in the last instance, as Louis Althusser would have put it. Economic structures are thereby taken to be the structural paradigm of all systems of society. But, in line with this view, one part is taken to stand for the whole, and one reduces the complexity and specificity of mechanisms of exclusion to being nothing but mere particular manifestations of an essentially economic operation. If exclusion becomes conceived of under the primacy of economy, one can easily start believing that all exclusion is economic, while this is far from the case and thus far from evident. Secondly, such Marxist assumptions — and here one can see why, for Luhmann, they are Hegelian in spirit — assumes that the economic class antagonisms could be overcome, because they are essentially formally determined as contradictions. And contradictions can be unraveled, solved, undone. This is supposed to happen through the necessary movement of history, a history which thrives on solving and overcoming contradictions. With this twofold move of understanding exclusion in terms of contradiction and history as a contradiction-solving process, Luhmann argues, Hegelian-Marxist theories transpose and translate the problem of exclusion into a “logic of time” that is taken to be the “dialectical development, possibly with revolutionary nudging” (id., 1998, p. 626).¹ Exclusion is thereby turned into a problem that historical development, in its dialectical constitution, has always already

[1] Here, and as it follows, I am less concerned about Luhmann’s critique of Hegelian Marxism being convincing, but with where this leads Luhmann to.

potentially overcome. It is not taken in its real facticity (*ibid.*, p. 630). Hegelian Marxism does not have “impartial gaze” (*ibid.*), since the assumption of the primacy of economy and of the dialectic-historical dissolution of its antagonistic effects contributes to a “belittlement of the problem” (*id.*, 1995, p. 259) and not to any adequate theoretical confrontation or observation.

Hegelianized Marxism trivializes the really existing problem of exclusion. It does so because its entire outlook relies on the demand of an “inclusion without exclusion”, which ultimately proves to be nothing but an embodiment of a “totalitarian logic” (*id.*, 1998, p. 625) that knows no outside and is therefore inapt to properly confront historical phenomena. It cannot think exclusion proper, because it always already excluded it. Whatever and whoever appears excluded is, from this perspective, for Luhmann, actually only historically not yet included — a charge that, for example, in a quite similar, the early Giorgio Agamben raised against Hegel’s entire dialectical logical framework (Agamben, 1991, pp. 1-18). “Within the totalitarian logic of inclusion, exclusions are noticed as problematic remainders that are categorized in such a way that they do not question the totalitarian logic” (Luhmann, 1998, p. 626). But to believe exclusions are such remainders is, ultimately, to (unwillingly) endorse a belief in progress. But this, in turn, means to presume “more of a social order than is actually given” (*id.*, 1995, p. 262). Luhmann’s (well-known) solution to this apparent Hegelian dilemma is to conceive of exclusion under the condition of a functional differentiation of society into subsystems, within which there is not established any kind of hegemony or predominance of one system over all the others. Thereby it seeks to account for the specificity of processes of exclusion by observing the respectively specific subsystem in and to which they happen.

Hegelianized Marxism in this rendering ignores the “order of exclusion” and its particular “forms” (*ibid.*, p. 258[f]). This is because it ignores social differentiation and, hence, pace its emphasis on history, real historical development. Thinking in terms of social classes might have been useful in and for previous “primary stratified society” (*id.*, 2006, p. 270), but, under differentiated conditions, such bias leads to “laments without end and without addressee” (*id.*, 1998, p. 631). Hegelian Marxism is therefore embarked on a “search for scapegoats and [...] for points of attack to bring about changes” (*id.*, 2006, p. 270). Exclusion is no one’s fault, it is no one’s plan, it is a result of social differentiation. Under conditions of functional differentiation, exclusions have “a different structure” (*id.*, 1998, p. 631) and precisely therefore classical concepts of exploitation, oppression, determinations, etc. become theoretically inept. Since “if one takes a closer look, one does not find anything that could be exploited or suppressed”

(id., 2006, p. 269). Hegelian Marxism so loses its “relation to reality” (id., 1995, p. 248). Something similar applies, for Luhmann, to those theories that operate with “idealizations” (id., 1998, p. 628) and are also based on a postulate of all-inclusion, on a “metaphysics of happiness” (ibid.).² Luhmann summarizes these positions under the label of “ideology of human rights” (ibid., p. 628) and claims that they see social inclusion assured in advance through their interpretation of what is “creation and nature”, i.e., through what they see as the “nature of human being”, which always already provides a latent kind of universal inclusion into the species.

What makes this position, for Luhmann, comparable to that of Hegelianized Marxism is that, in it, exclusion is “carried along unexamined” (ibid.): and again it is only understood as not-yet inclusion, as obstacle to an all-inclusive regime that is already and inevitably given. Exclusion is yet again only an empirical — not at all a real or theoretical — problem. Luhmann’s argument is that both theoretical positions pull some (already existing) all-inclusion (into history or the species) out of their conceptual hat and thereby are not able to see the facticity and specificity of the exclusion brought about by contemporary societies. These societies start to form by systematically differentiating themselves and therefore do not start by recourse to an already established universal inclusion. Hegelian-Marxism and Human-Rights ideologies therefore operate as if they were conceptual defense formations against seeing the world as it really is. The point to be made is to break these defenses and then the following one. One must start from the assumption that the conditions of inclusions vary with the grade of social differentiation and that, in a society which is full differentiated into subsystems and where not a single system would be able to integrate all others, there is only a “principal full inclusion of everybody” (id., 2006, p. 265) into the social systems. What full differentiation means is that there is no longer any macrosocial and overarching difference which would organize all social life, but that differences are regulated by subsystems of society; full differentiation means the loss of any guarantee of inclusion as it means the particularization of the very mechanisms of inclusion, or its dependence on “highly differentiated chances of communication” (id., 1998, p. 625).

What is then Luhmann talking about when he speaks of exclusion? It is important to recall that he never tires to emphasize that “one can only speak about inclusion in a meaningful way, if there is exclusion” (id., 1995, p. 241): the concept of form that structures any social observation has two sides. And each exclusion is system-specific. So, if I am, for example, excluded from the educational system, this means something very different than being excluded from the legal system for example or from the economic system. Against one overarching

[2] It would be interesting to contrast this critique also with the fact that Alain Badiou has recently written a book precisely under this title and translated into English as *Happiness* (Badiou, 2019a).

theory of exclusion applicable to all regions of modern society, Luhmann emphasizes the need for the specific observation of particular exclusory effects. But, because he remained faithful to his own claim that one must rigidly trust one's eyes, he clearly saw that, even though there is no overarching and unified regulatory process of exclusion, there nevertheless emerge "quasi-automatically" additional exclusions when there is an "expulsion from one functional system" (ibid., p. 259). This creates mutually increased, cumulative exclusion effects, which is why, and surprisingly, Luhmann ends up stating that the distinction inclusion-exclusion "takes over the function of a primary differentiation of the social system" (ibid., p. 259) and it "super-codes" society (ibid., p. 260). It semantically operates "similar to the distinction of self-reference/hetero-reference" that constitutively concerns all subsystem (ibid.). Luhmann comes to this conclusion after a trip to Brazil and after visiting a *favela*. From then on, he argues that the effects of cumulative exclusion lead to the peculiar result that, even though functional differentiation supposedly made impossible one main and super-coding type of difference for the entire society, the distinction of inclusion and exclusion, nevertheless, will become "the guiding difference of the next century" (id., 2006, p. 270).

What now appears as result and product of the differentiation processes is the "sociality of the social" (id., 1995, p. 238), a "meta-difference", which "mediatizes the codes of the functional systems" (id., 1998, p. 632). Even though inclusion and exclusion appear to be just one particular difference among many system-specific differential operations (like the distinction between legal and illegal for the legal system, payment and non-payment for the economic system, etc.), Luhmann insinuates that the distinction inclusion-exclusion becomes a kind of concrete, a particular embodiment of something universal, a meta-difference that concerns all subsystems. But this can only be properly grasped through observing the cumulative effects of exclusory effects on the basis of partial social subsystems. Luhmann believed to have been able to identify such effects of cumulative exclusion while he was in Brazil, paradigmatically embodied by the *favelas*. But what does remain at the end of the process of cumulative exclusions? Luhmann answers: what remains are "bodies", or, in an almost Agambenian vein, "pure life" (id., 1995, p. 262). But what is pure life other than a life purified of all relevant determinations and thus in Luhmann's parlance of all relevant semantics and remainders of social communications. Now, at the peak of the functional differentiated society appears something that reminds us "a lot from afar of an archaic order" (id., 1998, p. 632). Luhmann indicates that, in the middle of a society that is functional differentiated into specific subsystems, we now

encounter something that seems surprisingly not functionally differentiated, but appears as container of all particular exclusion, of all excluded life.³

Luhmann claims that what one sees in the realm of culminating exclusion is a kind of “warning example” (*ibid.*, p. 627), since therein appears no recognizable order, a kind of absence of organized sociality proper. But the realm of exclusion thereby commences to force one overarching difference onto the totality of society, namely that of being included in one or more social system or falling outside of pretty much all of them. It would be a longer discussion if this diagnosis does lead us back (or not) into a revamping of certain elements of Marxism, but, for the present purposes, this is where we rather end the first detour and bring this problem specific to the more than modern, sub-differentiated society back to Hegel. More precisely, we shall bring it back to what Hegel said about the nature of civil society and its relation to exclusion within it. I want to suggest that what Luhmann discovers at the peak of cumulative exclusion, a kind of absolute exclusion, as it were, is something that Hegel long before and more systematically identified as a feature of what he called “rabble”, more specifically of the poor rabble.

THE FIRST (RE-)TURN TO HEGEL

In May 1833, eight years after Hegel’s death and on the occasion of the great Hegel edition, Eduard Gans, in what Manfred Riedel called a “prophetic” preface (Riedel, 1969, p. 100; see also Gans, 1833, p. xvii), remarked the philosophy of right will stand and fall with the rest of Hegel’s system. This is because in this book that Hegel develops a concept which is of an even increased significance today. Therein he remarks that poverty is something that “torments modern society in particular” (Hegel, 2008, p. 221).⁴ It torments modern society in particular because, to use the previously established terminology, poverty produces exclusion as systematic condensation and cumulation of the organization of individual actions (realizations of freedom) that is civil society. Poverty is thus not a contingent historical phenomenon. It is defined as a state in which all advantages of civil society are lost, but all needs remain stable. For Hegel, it is a necessary result of the dynamic that is constitutive of civil society: in the realization of the external concatenation of individual determinations of particular freedoms, i.e., in externally bringing together the different inner self-determination of particular free wills in their attempts to realize themselves — this is what Hegel calls civil society. This process of particularized realization cannot but create a systematic effect whereby a number of individu-

[3] This is somewhat similar to when Marx enumerates all the different modes of production and introduces the Asiatic mode of production wherein he puts everything that does not fit into any other.

[4] For a long reconstruction of this dynamic — unrelated to Luhmann —, see Frank Ruda (2011).

als are put into a situation where they cannot do what all others do, namely they cannot attempt to realize their respective freedom.

The dilemma of civil society is that the attempted realization of all individual freedoms leads into the impossibility of realizing freedom universally. If we attempt to realize freedom individually, we will never get a universal realization of freedom for all individuals. This is the contradiction of civil society. This happens because, when the poor is structurally excluded from the possibility of acquiring their subsistence (for example because technological innovation put them out of their job, because they are lacking the right qualifications or because their previous qualification is disqualified and not needed any more, or because a branch disappears, etc.), they are, consequently, also structurally excluded from participating in any kind of representative institution that has political leverage (in Hegel's account, this could be an estate or a corporation). As Mark Neocleous stated, "not being a member of an estate means that a person is nothing, nobody" (Neocleous, 1996, p. 8). The reason for this is clear. Civil society is the mediational space within which the ethicality of the state is generated. If one falls out of this mediating mechanism, one falls out of the shared space in which sociality is constituted and reproduced, one is excluded from the further unfolding of social relations.⁵

[5] I am here not discussing the options of potentially solving the problem of poverty that Hegel discusses, because he shows how all of them fail. He discusses: (1) that civil society cares for the poor; (2) public begging; (3) the law of necessity; (4) colonization; (5) an ethic of responsible consumption; (6) the police; and (7) religion.

The poor or impoverished thereby come close to what Rancière called the *part des sans-part*, the part of those who cannot participate, the part without part (Rancière, 2004). It is also easy to detect that Hegel sees the effect of cumulative exclusory processes in effect in civil society — for example, when he notes about "the possibility that individuals sink into poverty" that

no human being can live from the immediate fruits of nature, thy are commanded by civil society [...]. Poverty thus happens because the immediate means exist no longer. Furthermore, poverty also happens because the poor cannot acquire any skills. Poor children do not have the means to acquire skills or industrial branches moved. They do not have the skills to work in another industrial branch and cannot learn anything because of poverty. They even lose judicature, since it produces costs that the poor person cannot meet and even if she can, the little that she obtains through the legal process cannot counterbalance the costs. Poverty exacerbates the means to maintain or generate health. Even the consolation of religion is impeded for them if the poor do not own a dominical dress. The gospel is only preached to the educated, the clergy does not go into the huts of the poor. (Hegel, 2005, p. 220)⁶

[6] Hegel, here, even goes further than Luhmann, who at least wondered if "religion could offer an exceptional opportunity" to counter the effects of exclusion. see Luhmann (2006, p. 270).

Hegel is unambiguous. There is cumulative exclusion, but it begins from and with poverty. Does this claim a primacy of economy? To be pre-

cise, it rather indicates an unavoidable problem that is created by giving the primacy to economy, since on the level of civil society that ways in which the individuals realize their freedom manifest in their respective job and accumulation choices. On the level of civil society the form in which freedom can at all be realized is through individual participation in the general economy. And even Luhmann cannot but agree that exclusion often starts with the fall into unemployment.⁷ The real problem, however, is not poverty, but the rabble. The poor rabble is the poor who goes infamous. It is the “lowest form of subsistence” (id., 2008, p. 221) — it is those who are maximally day laborers or beggars. Yet, what constitutes the poor rabble is that it forms a kind of latent consciousness of — as an insight into — the universality of the processes of (cumulative) exclusion that become manifest in them. It is as if it sees the reason for its own existence. One can articulate this reasoning in the following terms: because everyone can lose her or his job, everyone therefore fall into poverty (and thus it is not an effect or product of an individual failure or mistake). But every poor can understand that one is here dealing with a structural problem, not an individual one, and therefore form a certain attitude and consciousness. This is an attitude toward a society that demands from everyone to work to earn one’s own subsistence, but which, in the very same breath, makes it impossible to realize this demand for everyone. This contradiction, between the universality of its demand and the necessary particularity in which it can be realized, is what the rabble identifies and takes as its ground. It therefore denounces society’s claim on the individual and demands as a wrong, dishonest and illegitimate, self-subverting form of universality. Society for the poor rabble delegitimizes itself because of the existence of poverty.

The poor rabble feels a general indignation against everything that is part of the system which generated it: those with a job, those with money, society in general and the government. It perceives its own situation as a wrong done to people, as unjust, and identifies a society that cannot agree with their judgment, and that only sees bad luck in their situation, as particularly unjust in its totality. Thereby the poor rabble is the disenfranchised poor. A member of society that loses its place in society and with it, and here exclusion comes more clearly to the fore, its political right. Since without property and means to ensure its own subsistence, the poor rabble is no longer an integrated part of society — and if there is a second generation of the poor, the lack of education and formation produces even more directly the rabble. It distances itself from the society which generated it, does no longer believe in it nor participate in its institutions and thereby loses the possibility of being represented, being heard at all. If representation presupposes participation, those who are no part and do not participate lose representation.⁸

[7] See Luhmann (1998, p. 630; 1995, p. 250).

[8] Hegel will go as far as to indicate that thereby the rabble might even lose its status as a person, since the “imperative of right is: ‘be a person and respect the others as persons’” (Hegel, 2008, p. 55).

In this sense, one should read Hegel's claim that "if a man makes himself lawless and unbinds himself also from his duties [...] this is the rabble" (Hegel, 2005, p. 222). Hegel clearly described the rabble in terms of socio-political *Entbindung*, unbinding. This means it cuts and ruptures the social bond, it disengages and absolves it, but it thereby also releases itself from it. The poor rabble, in this sense, is Hegel's name for a radical type of exclusion, which is both: objectively and subjectively mediated. Hegel thus adds to Luhmann's objectivist description the specific subjective side of things. Because everyone can lose their job and may therefore become poor and thus rabble (if indignation is added to poverty), the exclusion that becomes manifest in the poor rabble has a clear latent universal dimension. Yet, things need to be specified more, because, as Lenin liked to say, there is the rabble and there is the rabble. And, in line with this, Hegel indicates there is also rich rabble. To approach it, another detour is needed.

FOUCAULT – HEGEL

There is a strange diagnosis which can be found in Michel Foucault's work. While investigating the functioning of psychiatric power and the workings of its sovereignty-effects, Foucault mentions a specific type of sovereign conduct, "one of the essential processes of arbitrary sovereignty", that he sees already at work in the Roman Empire (Foucault, 2016, p. 12). This process is what he addresses as grotesque sovereignty. So, what is grotesque sovereignty? It does neither represent a failure or mishap of the sovereign function nor its monstrous and abnormal excrescence. This is to say it is not an external accident that would distract or hinder sovereignty from the outside nor does sovereignty degenerate in it. Rather, grotesque sovereignty "is one of the cogs that are an inherent part of the mechanism of power" (ibid.), it is an essential operational power-form. All sovereigns can go *comando* and grotesque, all the time, anywhere. But what are the conditions for the grotesque to come out of the closet?

This question addresses the "problem of the infamy of sovereignty" (ibid., p. 13)⁹ — a problem that Foucault sees to occupy its place in literature from Shakespeare to Kafka. Power does not only produce grotesque sovereignty-effects, but the latter even manifested by generating their own genre of literature. What this literature depicts is how "a discourse or an individual can have effects of power that their intrinsic qualities should disqualify them from having" (ibid., p. 11). It shows how someone can produce sovereign-power effects even if they, because of the ways in which they behave, think or talk, appear fully disqualified from having any power. Power can self-disqualify itself without losing power. The grotesque sovereign is the sovereign who is

[9] This phrasing is crucial, since Foucault was researching and compiling the "life of infamous men": people who only appear at the margins of some institutional histories because they were touched by power and would otherwise have disappeared without any historical traces. Infamy seems to stand in the potential centre and at the outskirts of power.

the “clown or buffoon” (ibid., p. 13), the visibly zany, the transparently shady and idiotic criminal, he or she who in advance appears to be disqualified to ever hold any position of power tout court. The grotesque thus describes the mode of sovereign conduct wherein we witness an “almost theatrical disqualification of the origin of power” in the very exercise of it (ibid., p. 12). There is a form of power that constitutively disqualifies itself by disqualifying its own constitution.

Power can thus operate by delegitimizing the representative of its own operation. The grotesque sovereign bursts all illusions that power and qualification or justification are intrinsically connected and co-dependent. It is like the Hegelian monarch, yet in a state which gives her or him more rights than Hegel would have ever granted him or her.¹⁰ The grotesque sovereign is not the genius in well-functioning disguise. But the grotesque sovereign is what he or she is — a moron, a buffoon and, nevertheless, the sovereign. This is what is grotesque. Grotesque sovereignty can therefore, in its undisguised nakedness, *appear* to unmask the way sovereignty and power functions, by making explicit what was universally known to be implicit all along. Yet, because grotesque sovereignty is at the same time an operational form of power, its nakedness can function as the ultimate disguise of power. A disguise non-exposing itself through revelation and transparency. The grotesque sovereign is the naked emperor who admits they are naked. They use a “disguise that does not conceal anything” (Sloterdijk, 1989, p. 134).

Cynical reason operates by knowing something to be the case and by not acting on the basis of this very knowledge (id., 1988). The grotesque sovereign mobilizes the powers of cynical reason and does not practically bracket this or that concrete knowledge (that they are a gangster, a liar, etc.), but knowledge (about the corruptibility of sovereign power) as such. If the ordinary critique of power relies on an act of unmasking some specific dishonesty or corruption, of removing its appearance of legitimacy, the grotesque sovereign discourse assimilates this critical gesture and integrates it into its own act of self-disqualification as empowerment. Its divestment is its ultimate investment; the divestiture, its investiture; the denudation, its costume. Everyone knows it and knows that it is what it appears to be. It works similar to the liar who admits that he is lying, the liar lying honestly. Their nudity is (and is not) just another costume. What their nudity ultimately disguises is not something about the functioning of grotesque sovereignty, but about the very power that they incorporate. Power, at times, operates — better and more efficiently — in a grotesque way. But there are material-historical conditions that enable such grotesque functioning. These are fulfilled when there is a “disqualification of the

[10] For Hegel's concept of the monarch, we can refer to the work done by Slavoj Žižek. See, for example, Slavoj Žižek (1993).

system itself” (Dumm, 2017). If grotesque sovereignty is an internal element to the functioning of power, it comes to the fore when there is a problem with a given regime of power. Foucault — quite differently from his usual methodological demeanor — identifies the grotesque as an almost trans-historical conceptual feature of the operation of power in times of emergency. Power can always retort in grotesque ways. If a political or economic system is inherently unsustainable and everyone knows it, if there is for example a poor rabble massively forming, the grotesque sovereign appears. Because it does something with and to the knowledge of a system’s unsustainability. It embodies the systematic disqualification in such a way that it is separated from the system within the system. This has an effect on everyone’s knowledge of the system’s imminent crisis. Grotesque sovereigns are what allows for a system to continue to function “not in spite of our disillusionment, but precisely because of it” (Zupančič, 2016, p. 227).

Grotesque sovereigns embody the “political crisis” that generated them, so that they take it away from the system and on themselves — a crisis that is not historically limited to the Roman Empire but that from a certain moment on also “emerges” in the midst of “the modern nation-state” (Karatani, 2012, p. 42). Grotesque sovereigns *are* (expressions of) the dysfunctionality of the system.¹¹ They are living invisibilization of a systemic crisis in the form of its most visible expression. This is why one can easily turn them into an object of critique and ridicule, which at the same time does not affect the system at all. Part of the grotesque sovereign’s function is therefore to nurture the belief that, if someone else ruled, there would be no crisis of the system. By objectively embodying and individualizing the structural non-functionality of the system, they silently work for its reproduction and justification by — even if often certainly in an unwilling manner — taking the whole of its inconsistency and contradiction onto themselves. Grotesque sovereigns are thus transubstantiations of systematic dysfunction, incoherence, or contradiction.

They allow to internally isolate the apparent inconsistency of a system, as if it were external to it. Grotesque sovereignty is a way of treating contradictions (of the system) in the midst of the system by not treating but by displacing them.¹² It brings together solving and not solving the crisis — bringing together even logically disparate elements is what ultimately makes the grotesque into the grotesque.¹³ With it we reach a higher logical level (the inconsistency becomes manifest), but in an idiotic, zany individual form and we thus regress at the same time. The grotesque sovereign is, in other words, a symptom, a “symptom of decay” (Marx, 1980b, p. 655).

[11] This is a point that recently has been made again in Alain Badiou (2019b).

[12] Western bureaucracy is one example of such grotesque sovereignty — it does not solve problems, but pretends to administer them. Foucault calls it the “administrative grotesque” (Foucault, 2016, p. 12).

[13] On the grotesque, see Geoffrey Galt Harpham (1983).

Foucault's depiction of grotesque sovereignty might not immediately take us back to Hegel, but rather to Marx — and then, through him, to Hegel, ultimately. Since Marx himself, in the wake of the failed worker's revolution in France (and pretty much everywhere in Europe in 1848), offers in his 18th *Brumaire* a historically informed but systematic account of the constitution of a grotesque sovereign, namely Napoleon III, whom he calls the “grotesque chief of the Society of the 10th of December” (Marx, 1995-1999, chapter V) or “the grotesque ventriloquist in the Tuileries” (id., 1981, p. 159), is the grotesque union of the greatness of Napoleon I and the pettiness of Napoleon, the III that undermines it. Marx's aim is to “demonstrate how the class struggle in France created circumstances and relationships that made it possible for a grotesque mediocrity to play a hero's part” (Marx, 1980a, p. 57). So, a grotesque sovereign appears in the midst of Europe, not even twenty years after Hegel's death, and it is depicted in a text which begins with one of the most famous Hegel reference in the entire oeuvre of Marx (the one about repetition in history which occurs first in the form of tragedy and then as farce).

It seems that not only is Napoleon III a farcical repetition of what appeared the first time as tragic world spirit on a horseback, but, and this is crucial, Marx, in his detailed and dialectically twisted depiction of how Napoleon III came to power, even used the widely implemented universal suffrage: one of the key players, so to speak, one of the key actors in this political theater of the coup d'état that has been worrying entire traditions of Marx's readers (as it seems to ruin any neat dialectical schema, and worse, as some argued, even complicate the smooth functioning of the concept of class) is the so-called *Lumpenproletariat*. One line of critique of Marx (and Engels) is that the *Lumpenproletariat* is basically composed of the excluded members of all classes and hence represents the excluded even from the proletariat, that is to say: the excluded of the excluded. Marx just made the same mistake that we encountered before: he did not see that emancipatory potential in what he excluded.

In the later Marx writes that the

lumpenproletariat of Paris had been organised into secret sections, each section being led by Bonapartist agents [...]. Alongside decayed roués with dubious means of subsistence and of dubious origin, alongside ruined and adventurous offshoots of the bourgeoisie, were vagabonds, discharged soldiers, discharged jailbirds, escaped galley slaves, rogues, mountebanks, lazzaroni, pickpockets, tricksters, gamblers, maquereaus, brothel keepers, porters, literati, organ-grinders, rag-pickers, knife grinders, tinkers,

beggars — in short, the whole indefinite, disintegrated mass, thrown hither and thither, which the French term la bohème; from this kindred element Bonaparte formed the core of the Society of December 10. (Marx, 1995-1999, chapter V)

And he calls Bonaparte the “chief of the lumpenproletariat, who here alone rediscovers in mass form the interests which he personally pursues, who recognises in this scum, offal, refuse of all classes, the only class upon which he can base himself unconditionally” (ibid.).

So, Bonaparte, the grotesque sovereign, is a *Lump*, a thug, a rascal, a blackguard who therefore can represent the disintegrated masses, he is the thug that does not disguise what he is. It is precisely here that Hegel can help to understand that what Marx describes as *Lumpenproletariat* is precisely not identical to the poor rabble, even though some members of the poor may be a part of it and even though it is important to recall that for Hegel the Lazzaroni in Naples also provide a crucial example for the rabble (Hegel, 2008, p. 221). However, the *Lumpenproletariat* rather corresponds to the second type of rabble that Hegel talks about in his lectures on the philosophy of right (but not in the published form of the *Outlines*). What and who is the rich rabble?

The rabble in general lacks “honour to secure subsistence by its own labour and yet at the same time” claims “the right to receive subsistence” (ibid.). To claim such a right may take two different forms: the indignant one, in the poor rabble, which delegitimizes the existing system of right; and the form in which there is no indignation about the state of the world, but “laziness and extravagance [*Verschwendung*]”, and at the basis of this is ultimately “corruptedness or depravity [*Verdorbenheit*]” (id., 2005, p. 222). This is what manifests in the potentially rich rabble. But how is the rich rabble generated? If the poor rabble is formed through the necessary production of poverty, the rich rabble does not begin on a necessary and hence latently universal ground. Rather, its ground lies in those people who act in “isolation and reduce their business to mere self-seeking” (id., 2008, p. 226). It is this reduction that delineates the fundamental condition of possibility of the rich rabble. The rich rabble is always first and foremost an isolated private person. It begins with someone arbitrarily and voluntarily putting self-seeking interests before a mediation of interest. It begins with giving the primacy to individual economy. There is the poor rabble emerging from the necessity of poverty, but there is also the potentially rich rabble who emerges from an arbitrary choice — but an arbitrary choice which is constantly demanded by the individual from society. This demand is translated into the form of seeking self-preservation in isolation and thus in whatever way possible.

For the private person who is reduced to the egoistic side of business, i.e., to the pure self-seeking accumulation of capital, arbitrarily decided in favor of the contingencies of the market. And this simply shows that this is a constant option under the given conditions of civil society. If the poor is *involuntarily* in the situation, it is a *voluntary* decision of a single private person what is constitutive for the rich. But it is crucial that this is not an individual and hence merely moral flaw. The problem that is embodied in the rich rabble is as structural and systematic as that of the poor rabble. The structural side of this problem is that civil society demands from the individual to individualize itself, to conceive of its own realization in isolated terms. And it is precisely this that can lead to systematic effects where freedom realized in isolated increases the impact of this very isolation of freedom. The self-particularizing decision — that is both, made possible, and even incited, by civil society and yet generated by the individual which seeks to subsist without work — leads to a specific form of existence, namely of what Hegel calls the gambler.¹⁴ An individual becomes a gambler by deciding to depend and ground his existence and subsistence purely on the contingencies of civil society. The whole economic dynamics becomes a gigantic roulette wheel and gambling table. The gambler is thereby twice governed by arbitrariness: they become a gambler through their own arbitrariness and remain, in consequence, always subordinated to the same contingency (of the economic game).

This is why gamblers just live from moment to moment. They are the real day, well, not laborer, but day-non-laborer, determined by an economy of now-moments, without being able to gain any stability or security for and in their subsistence. They are the entrepreneurs of contingency. The gambler puts, due to their particular opinion, *the* contingent as such in the place of the universal. For them security exists “only for today” (id., 2005) and they thus are also in a strange state of lack. This is why Hegel writes that the gambler, if they win, they have made an “acquisition [...] without labor”, a “contingent winning” so that they produce “an external, mindless and immoral [*gesinnungslos*] relationship” (id., 1986, p. 331[f]). If he wins subsistence of the gambling table that is civil society, the gambler turns into a rich and shameless rabble. But the gambler, before winning, always looking for subsistence without work, is precisely what Marx will classify as *Lumpenproletariat*. Hegel can thus help, maybe in addition or maybe even more than Marx, to elucidate this concept that might be of a particular valence today, because it is precisely the Lumpenproletariat that generates the legitimacy source for the grotesque sovereign. Hegel allows us to conceive of the very conditions of the genesis of the *Lumpenproletariat*, of the *Lumpen*

[14] In Hegel this reads as follows: “In this case he finds himself being a gambler” (Hegel, 2005, p. 230).

bourgeoisie, as we want to say. It is made of those elements of society who are self-seeking and gambling, because the current civil society allows and demands this from them. Hegel is here even more actual than Marx today — in a time when we are surrounded by grotesque sovereigns everywhere and we seek to understand how precisely we can decipher and fight what appears to be their popular support. Hegel's analysis of the gambler who seeks to become the rich shameless rabble might therefore gain an unprecedented actuality.

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