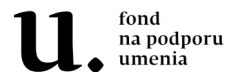


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On the shores of civility

editor

SIMONA RAŠEVOVÁ

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AND INSTITUTIONS**
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INTRODUCTION

What does the way it treats precarious lives, the lives of those on the poverty line, facing precarious working conditions or forced migration say about today's society? What does the way it distributes the social and political conditions of life preservation that make certain lives more subject to precarity than others say about our value system? The aim of this collection of papers, which is part of the project *Borders of Society - Exclusion, Memory, Inclusion*, is to create a space to discuss the precarization of life and the new forms it is taking, as a result of the turbulent socio-political changes of the last decades. When we talk about precarity, we mean, first of all, a certain situation of uncertainty regarding human life, the life of certain populations or groups within those populations. Which, in view of the socio-political and economic factors of globalisation - among them pandemics, precariousness of work or military conflicts - find themselves in a situation of existential precariousness. We are referring in particular to marginalised subjects facing generational poverty, exclusion on the grounds of belonging to national or cultural

minorities, or refugee status, whose precariousness of life is exacerbated by the current geopolitical and economic circumstances. It is precisely such liminal positions that make it possible today to draw attention to the fact of the fundamental dependence of human life on social institutions and its normalizing mechanisms. The very same mechanisms that encourage certain lives to grow while leaving other lives, to a greater or lesser extent, at the mercy of their fate.

The phenomenon of the precarization of life is thus fundamentally related to the problem of inequality. Inequality is not only concerned with the unequal distribution of material conditions under which certain lives find themselves in a situation of insecurity, but is also part of our value system, for which certain lives matter more than others. If the problems of precarity and inequality are coming to the fore in certain types of sociological and philosophical discourses these days, it is primarily in an effort to understand this mutual conditioning of the material and value inequalities of life. Today, social criticism turns to the notion of precarity as a conceptual tool through which it attempts to understand the contemporary moral economy of life and death, or the ways in which we approach the lives of certain minorities, migrants, or workers; how we turn away from their situation or, conversely, how we engage to protect them.

These issues are problematized in this volume from several perspectives, which are particularly relevant to the themes of social exclusion, health care and the precarization of work. We

believe that, despite the authors' different starting points, we find a set of converging features in their grasp of precarity that point to the role that the concept of precarity plays within the discourse of the humanities today.

In the first paper written by Stéphane Zygart, entitled *Precariousness and institutions from current arrangements of psychic care in France*, the author undertakes an analysis of the social structure of precarity within mental health care in France. The author attempts to place the problem of the precariousness of care institutions in a broader context and therefore first undertakes an interesting historical excursus on the concept of precarity, which has undergone a double movement since the 19th century. Zygart shows that the notion of precarity finds its roots in Roman law, the meaning of which was linked to an institutionalized form of survival in order to pacify relations of social domination. It is only in the 19th century that it acquires a much broader meaning, making precarity a general condition of life.

The author attempts to distance himself from this ontological conception of precarity, which puts it in the context of concepts such as vulnerability or insecurity. Instead, he maintains its specific meaning, which allows precarity to be defined as a relation of dependence and as a condition induced by social and political circumstances. Moreover, in a polemic with the Vitalist concept of precarity, the author shows that there is no general experience of insecurity, as it refers to multiple and inseparable problems. The only common denominator of the different types

of precarity is the fact that precarity brings with it the uncertainty of the future and a permanent dependence on the arbitrariness of others. The idea of precarity thus retains the uncertainty and arbitrariness of the relationship that was the Roman *precarius*.

Precarity stems from the type of relationships that are established between the individual and others, relationships that can be precarious and in the very uncertainty of that relationship create precarity for the individual. The author therefore proposes to consider precarity at the level of the institutions, which find themselves in a precarious situation due to their being ill financed. If mental health care institutions are underfunded and therefore precarious, it is consequently the patients whose precarity of ground is exacerbated by the inefficiency of the institutions themselves.

The article *Second Precarity: Adorno and the Dialectics of Self-preservation* by Marek Kettner provides a rich analysis of the universal precarity of life that defines our present, based on the critical theory of Theodor Adorno. In his article, the author draws on Adorno's second model of negative dialectics and specifically focuses on his concept of the historical dialectic of self-preservation. Through an outline of Adorno's critique of the principle of self-preservation, he attempts to show that the dominance of this principle in society as a whole tends to create the conditions of a so-called second precarity, which paradoxically threatens the self-preservation of life and leads to its very negation. Kettner's article turns to Adorno's description of the

historical development of self-preservation, passing through various historical formations whose task was to liberate individuals from the immediate pressure of self-preservation. The culmination of this development is a technological modern society in which the individual no longer faces an immediate daily struggle for survival but whose life is fully dependent on the whole of society. However, according to Adorno, modern society, at a time of potential nuclear war and environmental crisis, is no longer able to provide individuals with the security it promised them and is creating a new form of precarity that results from the self-preservation efforts of the existing form of capitalist society. It is this second precarity that is today becoming the universal source of the precarity of individual lives. Implicitly, according to the author, Adorno argues that only by understanding this dialectic can fundamental historical change occur.

The author of the third paper in this collection, *Cheap nature, Bullshit jobs*, is Andrej Grubačić, who discusses the concept of "bullshit jobs" by the American anthropologist David Graeber and attempts to outline its genealogy. Grubačić situates Graeber's concept within the broader multidisciplinary field of the humanities. His article raises a number of issues concerning, for example, the relationship between the process of "bullshitization" and precarity, or the relationship between the Marxist-feminist conception of care work and Graeber's proposal of care and freedom. Graeber defines a "bullshit job" as a meaningless form of paid employment that the employee is obliged to pretend is

meaningful. In his article, Grubačić focuses on the relationship between bullshit jobs and the precarization of labor. While not all bullshit jobs can be considered precarious, he believes that they are useful indicators of the precarious conditions that affect the contemporary economy, primarily in two respects - in terms of the exploitation of labor and its meaningfulness. The author then turns his attention to Graeber's attempt to redefine the category of labour, drawing on feminist theories of care as a major means of value creation.

The following article turns its attention to the problem of militarized quarantines of Roma settlements during the Covid-19 pandemic in order to highlight the deepening precarization of the Roma minority, which has long faced social and political exclusion in Slovakia. In the article *Pandemics and inequalities. Why didn't we mourn for Roma lives?* we tried to grasp the problem of precarization of Roma people through the framework of Judith Butler's political ontology. In our view, her conception of a livable life provides a theoretical tool that allows us to reveal the socio-political conditions of the precarity of Roma life, while appealing to the social responsibility for these lives with reference to the shared condition of the precariousness of human life. The intention of this article is not simply to criticize the undignified quarantine conditions for this group of citizens from a juridical-legal point of view, but to try to analyse the conditions of the visible and the sayable, i.e. the conditions of framing of Roma life that allowed the application of dispropor-

tionate and, at times, even violent measures to a certain group of the population without much concern.

Finally, a recent paper entitled *Precariousness of Social Conditions and The Generosity of Nature in Marx's Debates on Wood Theft* by the Czech philosopher Petr Kouba turns our attention to Marx's now famous article on wood theft, published in 1842 in the German newspaper *Rheinische Zeitung*. In this article, Marx provides an analysis of a legal act that criminalizes the theft of wood as something that was previously legal or at least tolerated. During precarization, the old customary law, which was benevolent towards the poorest of people, is abolished, which is justified by the prevention of property crime, not by property crime itself. Marx's analysis, according to the author, clearly describes the phenomenon of precarization and at the same time gives insight into the changing role of labour and private property. Based on the interpretation of this article, the author attempts to show the usefulness of Marx's analysis with regards to the conditions of industrial society, where changes in labour and private property threaten the living conditions of the poorest social classes. Finally, Kouba takes this argument further when he describes the transition to a post-industrial nature revealing forms of precarization whose common feature is not so much the threat of scarcity, but rather a surplus that is monopolized by a few owners. Referring to Shoshan Zuboff, he thus thinks of this post-industrial nature as a state of society in which human experience itself becomes the object of inte-

rest for the trading of data by technological giants, which will make it possible to anticipate and manipulate future consumer behaviour in the market. The era of post-industrial capitalism is thus characterised by the precarization of the very possibility of free decision-making.

The varied set of texts that we propose in this collection is representative of the works in progress on the different philosophical currents applied to the theme of precariousness, an ancient notion in origin but, regrettably, a notion that cannot be more relevant in our modern societies. The reflection carried in these pages on the notion of precariousness, although widely studied in the Anglo-Saxon world and in Western Europe, is relatively new in the Slovakian intellectual field, which is still in its early stages. It is for this reason that it seemed relevant to us to open the question in our book, hoping to lay the foundations for future philosophical debate on the subject.

Simona Raševová
NOUS Philosophy club

Stéphane Zygart

**Precariousness
and institutions
from current arrangements
of psychic care in France**

The current reduction of the means of psychic care provided by hospitals, the State, and the public sector in France raises the question of the possibility of replacing them with other arrangements of care. Certain forms of care are expanding, which are both less costly conducive to dehospitalization, more focused on everyday life, less specialized and less medical.¹ Care systems are

¹ The following indications can be given. The number of Mutual Aid Groups (GEM), which institutionalise patient groupings with a caring but non-medical and non-specialised focus, has for example increased by 20% in 2019-2020, to a total of 605 structures. [https://www.cnsa.fr/documentation/bilan_gem_2019-2020.pdf]. In 2017, of the two million patients treated in psychiatry in France, 1.6 were treated by outpatient facilities, see Stéphanie Dupays et Julien Emmanuelli, *Les centres médico-psychologiques de psychiatrie*

also created or re-established in small-scale initiatives, from a spatial or temporal point of view, using networks more flexible and plastic than hospitals or geographical sector-based organizations.² It's believable that more spontaneous forms of care, more lively and more adapted to each individual case, could enable psychological care to be maintained, despite the gradual reduction of former, more massive care systems, of which the big hospital were emblematic. Against what may seem to be a precariousness of care arrangements, it would be possible to rely on multiple efforts that would counterbalance this precariousness, even if these efforts are often themselves precarious, often forced to be urgent, faced with the need of care for which resources are lacking.

We would like to take a step back from this point of view. Without being able here to study for themselves the current problems encountered in the arrangements of psychic care in France, a more general analysis of the origins and form of the precariousness of many of our social activities, as well an analysis of our possible reactions to this precariousness, may allow us

générale et leur place dans le parcours du patient, IGAS, 2020 [<https://www.igas.gouv.fr/IMG/pdf/2019-090r.pdf>]. The number of full hospital beds is steadily decreasing, to about 53,000 places by the end of 2021, according to the Direction de la Recherche, des Etudes, des Evaluations et des Statistiques [<https://drees.solidarites-sante.gouv.fr/sites/default/files/2022-09/ER1242.pdf>]

² Examples of this include the *Château en santé* in Marseille [<http://www.chateau-en-sante.org/>] or *La Trame* en Seine Saint Denis [<https://latrame93.fr/>].

to perceive differently the current situation of care institutions. Their difficulties and strengths aren't always easy to understand, but may be not special. The world of care may be neither stronger nor weaker than other sociopolitical sectors faced with precariousness. Why is the precariousness of care possible? What can be the sources of the more or less immediate constructions, that aim to replace or compensate the disappearance of many of the old psychological care mechanisms? It is by studying the social structure of precariousness - and not by studying the nature of care - that we will propose here some guidelines, expecting further developments.

1. From precariousness as an ancient legal institution to precariousness as insecurity

For this purpose, a precise definition of precariousness is necessary, a definition which narrows its extension and distinguishes it from a number of related concepts, such as vulnerability, fragility, insecurity, weakness, etc.

This definitional effort may seem artificial, and in part it is, as these different words are used for each other. However, this terminological setting aims to do more than agree conventionally on what we're talking about. Tightening the meaning of the term "precariousness" is indeed justified by its absence or relative novelty in a number of European languages. This is particularly remarkable as the term is increasingly used, especially

in philosophy³. "Precariousness" is commonly used in English and French ("*précarité*"), but, for example, rarely or not at all in German (where the term only appeared at the beginning of the 19th century as a result of a transfer from French) or Slovak. These two languages rather signify it by the words "*Unsicherheit*" and "*neistota*", words that the French and English would translate as « *insécurité* » (or "*insecurity*"). Precariousness is a notion that has been particularized in some languages and not in others. This suggests that, beyond any arbitrary nominal definition, it can denote something precise that later became more general and vague. Something that today perhaps, has been re-particularized. Reviewing the particularity of precariousness in order to understand its disappearance and its comeback can therefore be enlightening. Why did the initial meaning of precariousness make it possible to speak of it as an extremely broad idea, effectively confusing it in English and French with the notion of insecurity, which was not the case in the past? What exactly did « precariousness » mean in the beginning?

Precariousness originates in Roman legislation, which is probably the reason why the term - and the idea - aren't initially found in the regions marked by the old Germanic right. The *precarium* refers to the possibility of exploiting a piece of land, and being considered its possessor but not its owner, following

3 A famous example in English is Judith Butler, *Precarious Life: The Powers of Mourning and Violence*, Verso, 2004.. In French, we can mention Guillaume Le Blanc, *Vies ordinaires, vies précaires*, Paris, Seuil, 2007.

an agreement given by the owner of the land, an agreement based solely on the owner's goodwill which does not include any temporal commitment.⁴ Whoever exploits land on the legal basis of the *precarium* does it without consideration of what he gets from it, but without knowledge of how long he can do so. He must leave the place as soon as the owner asks him to. The *precarium* is thus quite similar to our current precarious leases.

The precarious possessor of a holding is subject to the goodwill of the owner. This explains why *precarium* gave rise to the word « prayer » (and "*prière*" in French). It is therefore surprising that such a type of relationship gave rise to a legal codification : the precarious person in Roman law seems to have no rights, other than those that are given to him and that can be taken back, which in our view corresponds to charity rather than to any positive right.

Roman history sheds light on this problem. The legal institution of the *precarium* would date back to conflicts between the patricians and the plebs. The possibility of the *precarium* would have been opened to the plebeians to allow them to subsist, and thus extinguish their discontent.⁵ Moreover, in Roman law, the

4 Dominique Gaurier, « Le *precarium* romain, la tenancy at will du droit foncier anglais et le bail à domaine congéable des « usements » bretons. Similitudes ou fausses ressemblances ? », *Le droit romain d'hier à aujourd'hui. Collationes et oblationes, Liber amicorum en l'honneur du professeur Gilbert Hanard*, Bruxelles, Presses de l'Université Saint-Louis, 2019 [<https://books.openedition.org/pusl/1004>].

5 Ibid, paragraphs 10 ff.

possessor, even if he were not the owner, was given certain protections. He kept his rights to possession as long as the owner had not formally established his rights to ownership. The Roman jurists considered that, in any case, to immediately drive someone off a piece of land he'd had the right to occupy was a violent act, i.e., an act of war, contrary to the law as principle.⁶

These brief details make it possible to understand that the Roman law of the *precarium* is closely linked to concerns about survival and the pacification of social relations, and thus to see its arbitrariness as well, which is paradoxical for a law. By allowing the exploitation of certain lands and delaying immediate evictions, in fact, the *precarium* avoided the exercise or emergence of violence. From this point of view, the institution of a *de facto* octroi was undoubtedly established to pursue pacifying effects. The codification in law of the *precarium* not only guaranteed that the cessation of the loan of a piece of land would have its brutality systematically mitigated. It also, and more importantly, guaranteed that possibilities for the exploitation of other pieces of land, following the same modalities, would probably exist elsewhere, which could also pacify the precarious people by giving them hope.

According to its initial meaning in Roman law, we can therefore say that "precariousness" was a social and institutionalized

⁶ See especially Pierre Thévenin, « Situer la possession. Du droit romain de l'appartenance aux nouveaux modèles propriétaires. », *Clio@Thémis. Revue électronique d'histoire du droit*, Association Clio@Thémis, 2018 [<https://halshs.archives-ouvertes.fr/halshs-02309701>].

form of survival, codified in law in order to pacify certain relations of social domination without calling them into question, where the effectiveness of the law, finally, didn't lie in the duties it imposed, but in the possibilities in which it allowed one to hope (in this sense, one had all the less to fear the effects of precariousness that it was extended).

It's useful to start from these few elements in order to understand why such a precise legal and sociopolitical notion has been subject to a double movement, since the 19th century or thereabouts, but especially within the last few decades. The first movement has gone in the direction of an almost unlimited extension, which has made precariousness a quasi universal condition of life; the second has gone in the sense of maintaining the specificity of precariousness, by not confusing it with vulnerability, insecurity or fragility, which is why the term "precariousness" remains in use without disappearing.

2. Precariousness as a form of sociopolitical exposure to arbitrariness

A characteristic of precariousness has undoubtedly been maintained, which is essential to its particularity. It differentiates beings on a scale of degrees (one can be more or less precarious) but also by a difference of nature (one can be precarious or not). Precariousness is thus incomparable to vulnerability, because

the differentiation it allows doesn't imply that it's a universal condition of life.⁷

If precariousness divides beings, it's not, however, by attributing to them an inherent quality. It's not in the nature of something to be precarious or not to be precarious. Precariousness has its origin in the type of relations which are established between a being and others, relations that can be precarious and produce, in the same measure as their precariousness of relation, the precariousness of beings. In this way, there remains in the contemporary idea of precariousness the uncertainty and relational arbitrariness that was the one of the Roman *precarium*. In no case should it be confused with fragility, which corresponds to a quality proper to things that can be broken.

This relational origin of precariousness is an absolutely key point. It can be considered to have driven the paradoxical developments of the notion, on a linguistic as well as a conceptual level.

On the one hand, precariousness is based on the idea that certain particular relations, with a well-defined and identifiable action, are at the source of the precariousness of a being. One is precarious because of some specific difficulty - sickness, poverty, unemployment, etc. But, on the other hand, the constantly distinguishable causes of precariousness produce effects whose extension is potentially unlimited, and which can also be extreme. Poverty as a cause of precariousness can lead to loneliness, stress,

7 Marie Garreau, *Politiques de la vulnérabilité*, Paris, CNRS Editions, 2018.

illness, to the point of being life-threatening, in the most strictly biological sense.

The first aspect of precariousness refers to something specific: a weakening with determinable causes, against which certain social interventions can precisely struggle. Precariousness is specified by social relations, which play both the role of trigger and the role of means to stop it.

Through the second aspect, precariousness, considered in its effects, refers to cascading issues, ultimately vital, which are both multiple and inseparable. Precariousness can thus be assimilated to a danger or insecurity. This last term perfectly signifies the global and environmental indeterminacy of what constitutes precariousness, and its relationship to life and death. This explains the use of the word and the idea of insecurity to talk about precariousness,⁸ and the increasing extension given to this notion.

This double terminological trajectory is founded on a major conceptual problem. How can the vital and the social be combined in analyses of precariousness, in order to understand its particularities, and to strictly pose the problems that it evokes or provokes today? We can think that, in seeking to do so, we must subordinate the vital to the social, and not try to consider the two on an equal level of interaction.

8 One example is Robert Castel, *L'Insécurité sociale. Qu'est-ce qu'être protégé?*, Paris, Seuil, 2003.

The clue, or rather the reason for this, is that there is not and cannot be a generic experience of precariousness. Although precariousness is a common condition, and increasingly so, there's no standard or regular experience of it, apart from a political knowledge of its causes, shared by all precarious people.

Today, as in ancient Rome, precariousness can be described as a succession of continuities and interruptions of these continuities. But this isn't enough to shape it, either in time or in space. Precariousness can be made up of long periods of stability or, on the contrary, of brief moments of continuity that are often cut off; ruptures (or nowadays renewals) can be more or less predictable; there can be ease or difficulty in finding a stable situation, which can be more or less different from the previous one.⁹ In a nutshell, precariousness has no rhythmic or situational form. The only common element to all precariousness, to its experience and nature, is the permanent exposure to the arbitrariness and goodwill of others, and uncertainty is the only identifiable psychological expression of this.

This exposure to arbitrariness can itself be more or less forgotten, or obsessed upon. The fact remains that any experience of precariousness includes it, which is why one may believe that the only possible definition of precariousness is of a political nature.

⁹ On the formless splintering induced by precarity and a way of shaping it despite everything for effectively existential reasons, paying for it with health, see Joseph Ponthus, *À la ligne, feuillets d'usine*, Paris, La Table Ronde, 2018, originally written in Facebook posts.

What is there to say, then, about the vital and sometimes deadly aspects of precariousness? Subordinating the vital to the political in analyses of precariousness doesn't mean erasing the vital, quite the opposite. It helps to point out the essential role that vitality plays in the political institution of precariousness. It highlights that life as a force, the force of life, can in no way be an efficient means to fight against precariousness: this force, on the contrary, is an essential source of it maintaining.

3. Vitality as the source of the institution of precariousness

The strength of vitality can indeed easily represent what allows precariousness to overcome cuts and ruptures. This is a trap, rather than a solution. Vitality is thus a condition of possibility of the institution of precariousness, and one of its essential justifications, rather than a means of efficient struggle against it. It acts as an indispensable factor for putting into continuity the separate moments of continuity, the stops and breaks that define precariousness. Ultimately, it's biological continuity that ensures the concrete, institutional, political and social continuation of precariousness, of which the "great precarious", the tramps, are a tragic example,¹⁰ but of which Roman law also reminds us its calculated systematization.

¹⁰ For a development of such perspectives, see Patrick Declerck, *Les naufragés : avec les clochards de Paris*, Paris, Plon, Coll. Terre Humaine, 2005.

In the *precarium* as in precariousness, sociopolitical institutions rely on people's capacities for survival, so that certain forms of sociopolitical arbitrariness and domination are bearable in spite of everything, through vital sustenance they allow the precarious. From this point of view, it's necessary to underline the equivocalness of vitality in precariousness as an institution. Life is what stands *in* precariousness, and at the same time *against* precariousness. It's life as survival, the social and political sets of life as survival, the power of people's resistance as a paradoxical source of the reduction of their power to act, that precariousness reveals.

More broadly, and from the perspective of conceptual structures, it doesn't seem possible to correctly examine the articulation of social institutions (in which precarious existences are inscribed) with vitality (of human beings), if we start from the latter. The risk is to hypertrophy the forces of life, missing in particular precariousness as a specific social form, of extreme importance though, since the social form of precariousness reveals in depth the determinant role of sociopolitical institutions for human existences.

Indeed, if we attribute to vital normativity in the analyses of precariousness a central role of resistance, it's difficult to see then how to clearly set limits to the power of this normativity. Either it's considered able to establish continuities through efforts that are themselves continuous, or considered able make ruptures

so that ruptures are themselves passed through,¹¹ the primary power given to normativity cannot be invalidated *a priori* by any social norm. Symmetrically, and although their action in theory may be admitted, the social and institutional supports of life then tend to be reduced to a presence, without any particular content. Even if their necessity is affirmed in principle, they are indeed always susceptible to be transformed, or their absence compensated by the precedence given to vital normativity.

First of all, it follows from this that most vital analyses of precariousness, whether critical or not, can only be based on the individualized experiences of the precarious and on the individualized relations to which these experiences can give rise. Certainly, by their necessary infinite diversity, these experiences are useful, but they're also insufficient in considering the systematic politics of precariousness as well as their possible reforms or abolition. The passage from the individual to the collective, from the multiple to the social, is elusive. Then, in this most vital way, the problems raised by the articulation of the vital and the social in precariousness can only be formulated in terms of degrees, and characterized by the degrees of difficulty that vital normativity is likely to encounter the indefinitely variable forms of increasing worries, dangers or risks, up to certain extremes. Precariousness, as precariousness of the living caught up in social

¹¹ On this point, with a preference given to continuity, see Michele Cammelli, voir Michele Cammelli, *Canguilhem philosophe, le sujet et l'erreur*, Paris, PUF, 2022.

and political functioning, is in this way inseparably trivialized (because it potentially concerns all living beings, who, just as potentially, can always get out of it). But it's also dramatized (in order to fully present the conflicting forces that result in victories or defeats). We also lack, then, the means to distinguish between very dissimilar precariousness (precarious workers, migrants, tramps...) which are very different from a political, social and sanitary point of view.¹² Finally, the free action of vitalism in precariousness seems to fatally dissolve this into the notion of insecurity (vital and social), which is broader, more vague, more worrying politically but socially less brutal than precariousness.

In other words, if we don't proceed from a precise definition of the sociopolitical causes of precariousness, it seems that we can't avoid emptying them of all substance, insofar as the vital foundations of precariousness can't be limited in their power. But then, does starting from precariousness as an institutional sociopolitical form make it possible to analyze it better, and to envisage distinct solutions to different difficulties that have their common root in institutionalized exposure to arbitrariness? And does it mean we must ignore the notion of life in order to understand precariousness?

¹² The conceptualization of precariousness proposed by Guillaume Le Blanc in *Vies Ordinaires, vies précaires*, op. cit. is exemplary of the critical perspectives that vitalism has on precariousness and of their difficulty

4. Sociopolitical analysis of precariousness and care institutions

Generally speaking, focusing on an analysis of precariousness from its institutional, political and social form makes it possible to better study the different continuities and discontinuities that can be combined in it, as well as the constructed and modifiable part of these combinations (since life no longer immediately operates as an explanatory principle, as resistance or spontaneity).

Three issues in particular can be raised, which vitalist perspectives on precariousness leave in the shade. Each time, they involve the complexity of the vital, and oblige us to consider what it means to care and to arrange care. These problems concern the justifications for precariousness (and not only its possibility or its bearable character); the precariousness of institutions themselves (and not only of individuals or groups); and finally, the human activities that precariousness prevents (without the possibility of compensating for this blockage).

Some professions in France are systematically precarious, with periods of activity interrupted at variable intervals. This is the case for intermittent workers in the performing arts. At least two conclusions can be drawn from their status. First, because intermittence is seen as essential to the performing arts, there's a continuity in the background of the precarious contracts in these professions. An indemnity, actually a deferred wage,¹³ is paid to

¹³ On the idea of deferred wages, see Robert Castel, *Les métamorphoses de la question sociale*, Paris, Gallimard, Coll. Folio, 1999. On the status and situations

them during their periods of inactivity. When precariousness doesn't correspond to an organization of social acceptance of survival, thus it can be supported by forms of social and financial stability. The second point of reflection, which is more fragile but is also important, is that the precariousness of intermittent workers in the performing arts can be explained, at least in part, by spatial dispersion, the momentary nature of the performances and their preparation, and by the idea that artistic creation can only be produced on the basis of a multiplicity of places and times, which is the only way to prevent the uniformity or control of the arts. Thus, we can see that precariousness could be justified insofar as certain social activities would require attention to the singular and the multiple without any standardization.¹⁴ It can sometimes be the case in care, to ensure greater attention to people, diseases and therapeutic activities, as life is indeed always multiple and creative even if it can also, simultaneously, sometimes be weak and powerless. Such care, however constantly adapted, reworked or rewoven, can only exist if continuous social support is given to the carers.

Secondly, if precariousness is a social form, then institutions themselves can be precarious, not just individuals caught up in

of intermittent workers, see the website of the struggles of intermittent and precarious workers in Île de France, [<https://www.cip-idf.org/>]

14 To distinguish it from the precariat, the status of intermittent workers could be compared to that of missionaries, with whom it shares the fragmentation of time and space, the need to adapt to new situations, but also the need for specialist knowledge..

precarious social institutions. This precarization of institutions is increasingly common today. It's particularly caused by project-based funding, where a distinction is made between initial funding and continuation or development funding, without the initial funding guaranteeing the others. What appears here is not only an extension of precariousness. It's more deeply a precariousness of the users which is added to the one of the workers. The continuity of institutions may indeed go hand in hand with the precariousness of those who work in them. Therefore, the new precariousness of institutions doesn't change so much the condition of the workers, but instead changes the one of those who use these institutions. In the field of mental health care, it's the patients who are put in a more precarious position by the new project-based institutions, although these patients are already weakened. There is therefore no reason to believe that the precariousness of institutions can contribute to anything in the field of therapeutic treatment, as the dynamism of carers in constantly recreating new institutions can only partially compensate for discontinued care.

From this point of view and at last, we can see that care and precariousness can't be indefinitely composed of on another, however spontaneous and simple the care relationships may be. On the one hand, spontaneity and simplicity have their limits, science and technique are also needed in psychological and psychiatric care. On the other hand, care may have to rely on an asylum function, in the original sense of the term: of unconditional,

certain and as far as possible unfailing protection.¹⁵ precariousness has no role to play here. On this issue, it's necessary to make a clear distinction between the combination of continuities and discontinuities within institutional organizations - which can have therapeutic aims¹⁶ - and the discontinuity of the institutions themselves - which undermines their function of welcoming and which cannot be justified from a healthcare perspective.

To say that precariousness isn't a dimension of life, and even less an ontological characteristic, isn't to deny its reality, its possibility, and even sometimes its social utility. In the field of care, the fragility of sick lives and the essential intermittence of care interventions should oblige us to privilege the continuity of institutional forms, whatever can be their possible creative variations alongside the power of spontaneity.

15 On the concept of asylum, see Ferdinand Deligny, *Oeuvres*, Paris, Editions L'Arachnéen, 2007.

16 See Jean Oury, *Psychiatrie et psychothérapie institutionnelle*, Payot, Paris, 1976.

Marek Kettner

**Second Precarity
Adorno and the Dialectics
of Self-preservation**

I.

I kindly ask the reader to let me coin the concept of second precarity and show that it can be a useful tool for anyone who is trying to understand the present economic, epidemiologic, ecologic and military crises. The term is inspired by Lukács' concept of second nature¹ and designates a precarity that is produced by human historic activity. The important difference is that while second nature appears as immediate, mythic-archaic, even eternal as the first one and conceals the fact that in reality it is something historically produced and relatively new, second

¹ See Georg Lukács, *The Theory of the Novel*, transl. Anna Bostock, MIT Press, Cambridge 1974.

precarity appears, on the other hand, as something produced and new, but hides the fact that it is a distorted manifestation of an archaic principle—that of self-preservation. However, there is a real possibility of living without this kind of precarity, a possibility that grows paradoxical as second precarity imperils life ever more menacingly. In the present day, first precarity is almost completely absent—as is first nature—and it thus becomes difficult to get a good grasp on how it differs from the second. This task is crucial, though, for the responses to second precarity ought not to be the same as those to the first. People may have strove successfully to overcome first precarity by augmenting their capacity to control nature, second precarity cannot be overcome in this way; it will be only intensified.

II.

In the present world there are many individual lives that unfold in precarious conditions and deserve to be focused on concretely. Still, there is also a precarity with which all lives struggle, a universal precarity of life that had not existed in this form in preceding historical periods. It is second precarity, I claim, that is becoming the universal root of individual precarious lives today. As a reader of Adorno I consider it my task to attempt to unpack some of the paradoxes and contradictions that occur in the very universal that has installed itself in current historic

situations.² Guiding my thoughts will be Adorno's second model of the *Negative Dialectics* in which the author sketches a historic dialectics of self-preservation and in the light of which the present can be illuminated as a time of definitive transfer from first precarity to second.³ Among other features, the present universal is characterised by an unprecedented tendency to create conditions of second precarity. As such, it becomes antagonistic to the individual all the way down to his very existence—to bare life. The individual—always virtually a *homo sacer*⁴—must reconsider her position vis-à-vis the whole that is no longer able to sustain her self-preservation. Nevertheless, the present whole is structured in such a way that it is precisely in moments when one's bare survival is threatened that one has to act the most in line with the whole, even (perhaps unknowingly) adopting its antagonistic interests as one's own.⁵

2 By the term "universal" I understand, in the Adornian style, not an eternal idea or concept but rather the very real appearance of universality that belongs to a concrete historic social formation.

3 Adorno himself doesn't use the term precarity, he rather uses the term *Zwang* in the senses of "coercion", "necessity", or "force" that imposes itself on human beings. However, to actualize his thought I consider it legitimate to connect his thoughts with the concept of precarity in the broad sense of endangerment and uncertainty.

4 Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, transl. Daniel Heller-Roazen, Stanford University Press, Stanford 1998, p. 115.

5 See Theodor W. Adorno, *Negative Dialectics*, transl. E. B. Ashton, Routledge, London & New York 2004, p. 311.

III.

Concentration camps, atomic bombs, uncontrollable inflation, planetary heating—to name but a few obligatory examples of the form second precarity took in the 20th century. As these phenomena have been making their way into existence, an important change had already happened with regards to the relation of individual life to the whole: the individual had to put the problem of his self-preservation in the whole's (typically represented by the nation state) hands.⁶ The more highly developed structure of society, the stronger its protection of the individual against so called natural threats to her self-preservation. Devastating effects of floods, drought, bad crops or diseases are kept ever more safely behind the protective barrier of the evolving (not progressing) historical social formations. These promised a certain freedom: that of being emancipated from the necessity to worry about self-preservation. However, they ended up making individuals chained to the problematics of survival to at least the same degree as before. This can be viewed as a regression, but not in the sense of a return to former conditions of life. This regression creates a new state of things: while first precarity served as an impetus towards action, the second one leaves little space for individual acts of resistance. Facing the atomic bomb or rising inflation—or even simply life in highly developed administered society—the

6 “Without ceding the self-preserving interest to the species-in bourgeois thinking represented mostly by the state—the individual would be unable to preserve himself in more highly developed social conditions.” Ibid., p. 318.

individual has few possibilities to act and the stress that builds up in the organism in this confrontation doesn't find its outlet—rather, it leads to internal destruction. Such destruction is one of the possible vanishing points of individuals, as well as of the present whole.⁷

IV.

Adorno's life-long theme of failed emancipation—of enlightenment regressing into myth, of progress turning into *stasis*, of reason falling back into unreason⁸—is articulated in the second model of *Negative Dialectics* as failed emancipation from self-preservation.⁹ Adorno shows that the precarity of self-preservation (as that of the individual) may have been thrown out the window, but sneaked back in through the back door (as that of the whole). At a time when individuals have been freed from the burden of unsure self-preservation by society, they have been obliged to

7 “The universal that compresses the particular until it splinters, like a torture instrument, is working against itself, for its substance is the life of the particular..” Ibid., p. 346.

8 The classical articulation is to be found in Theodor W. Adorno, Max Horkheimer, *Dialectic of Enlightenment: Philosophical Fragments*, transl. Edmund Jephcott, Stanford University Press, Stanford 2002, p. 1-34. See also J.M. Bernstein, *Adorno: Disenchantment and Ethics*, Cambridge University Press, Cambridge 2001, p. 90-98.

9 For the relation and differences between the second model and *Dialectic of Enlightenment* see Brigit Sandkaulen, “Modell 2: Weltgeist und Naturgeschichte. Exkurs zu Hegel. Adornos Geschichtsphilosophie mit und gegen Hegel”, in: Axel Honneth und Christoph Menke (eds.), *Theodor W. Adorno: Negative Dialektik*, Akademie Verlag, Berlin 2006, p. 169-187.

serve the self-preservation of the whole. The problem has been transposed, not solved. Even worse, each particular life now serves the survival of something not proper to it, but antagonistic.¹⁰ Adorno implicitly draws a long line through history, a line that starts in prehistoric times where self-preservation had been “precarious and difficult”¹¹ and then goes through different social formations whose function was (among other things) to alleviate the pressure of self-preservation: the more developed and technologically equipped the society is, the more it frees individuals from the struggle for self-preservation and makes

10 In the *Negative Dialectics* Adorno consistently describes society (universal/whole/totality) as antagonistic/contradictory/negative to individuals (particulars). I’ll pick out just two exemplary passages: “The economic process ... reduces individual interests [of self-preservation] to the common denominator of a totality which remains negative because its constitutive abstraction removes it from those interests, for all its being composed of them at the same time. The universality that reproduces the preservation of life simultaneously imperils it in more and more menacing stages. ... Expressed in the individuals themselves is the fact the whole, individuals included, maintains itself only through antagonism. ... This transfer [of the self-preserving interest to the whole] is necessary for the individuals; all but inevitably, however, it puts the general rationality at odds with the particular human beings whom it must negate to become general ... The universality of the *ratio* ratifies the needfulness of everything particular, its dependency upon the whole, and what unfolds in that universality, due to the process of abstraction on which it rests, is its contradiction to the particular.” *Negative Dialectics*, p. 311, 318. It is this antagonism that Adorno wants to do away with the most. There’s not enough space here to present his solution to the problem of antagonism, but I refer the reader to the sub-chapter “Antagonism Contingent?” (*ND*, p. 321-323) where he speculates that the antagonism isn’t “natural”, that it doesn’t necessarily follow from a “natural” state of things and it can be thus abolished as avoidable.

11 *Ibid.*, p. 349.

them all the more dependent on itself at the same time. The peak of this (non-linear) development seems to be represented by present society where individual struggle for survival is almost completely absent and dependence on the whole almost total. The problem Adorno is trying to tackle can be articulated in this way: people tend to (albeit unconsciously) work towards the self-preservation of that which freed them from self-preservation. In Adorno’s language: the means becomes an end.

V.

Society as a nation state should have been a means and turned out to be an end. Adorno deemed such a reversal irrational, because the very rationale, on which society and its technology rested, was serving an irrational goal: mere survival.¹² The Adornian irrationality of modern society manifests itself in its failure to grant individuals what it promised them and in creating a wholly new constellation of precarity of life. In the present day it is as transparent as ever that current society is incapable of taking care of the preservation of individual lives. These are put “back”

12 “Abstraction from individual interests and reversal into unreason go hand in hand. The individual interest is first of all that of self-preservation; and this interest reverses into unreason in the very moment in which it is hypostatized as the interest of the species ... The reversal of reason into unreason amounts to the fact that history has not yet been appropriate to the interests of individual subjects and self-preservation has hypostatized itself as an interest of the species and thus turned into its own opposite. ... as a dominant principle of history, instrumental reason, reason in service of self-preservation, reverses into unreason of history.” Marc Nicolas Sommer, *Das Konzept einer negativen Dialektik*, Mohr Siebeck, Tübingen 2016, p. 312-313, 316.

in danger in times of potential atomic war, economic crisis and environmental collapse. And this state of things isn't accidental, it is not a mere *Unfall* that society has no means to control. It is rather mediated by the self-preservation of a maturely capitalistic society. Of course, this is a very rough simplification of a more complex process, but I still believe that Adorno would insist on focusing on the root cause, on the irrational self-perpetuation of a certain form of society. And the new constellation of precarity that has arisen from it seems to look like this: individuals serve the self-preservation of the whole that is no longer able to grant them their individual self-preservation; they are thus forced to revert back to the worry of individual survival whilst having no means to resist second precarity that imperils them. The situation seems to be *sans issue*, for neither identifying with the interests of the whole, nor reverting back to individualistic survival gives the individual any chance to face second precarity with a perspective of overcoming it.

VI.

The longer the current form of society preserves itself, the more second precarity it will bring into existence. It is, of course, not only individual human lives that are endangered by this precarity, but rather all life on the planet. The same way it doesn't make sense to look for first nature in the present world,¹³ it is

13 This is another of Adorno's life-long themes. Its articulation can be found in his lecture on the *Idee der Naturgeschichte* or in his *Essay as form*: "The

pointless to try to understand life on the basis of a natural struggle for self-preservation, of a confrontation with first precarity. All life already has to deal with the second type. The whole is splintered into nations, but at the same time, it is global.¹⁴ And the self-preservation of this global whole becomes more and more difficult, for it is an *expanding* whole and the preservation of expansion is more demanding at each stage. On the other hand, survival of individual life is "virtually...easy".¹⁵ Increasing amounts of effort have to be put in to preserve the whole while it would require almost no effort to keep everybody alive. What is more, this effort leads to further precarization of life. Adorno understood his time as an intersection of utopia—also in the sense of emancipation from precarity of self-preservation—and

essay quietly puts an end to the illusion that thought could break out of the sphere of *thesis*, culture, and move into that of *physis*, nature. Spellbound by ... artifacts, it honors nature by confirming that it no longer exists for human beings." Theodor W. Adorno, "The Essay as Form", in: idem, *Notes to Literature I*, transl. Shierry Weber Nicholsen, Columbia University Press, New York 1991, p. 11. Adorno's take is summarized very clearly by Andrew Bowie: "...any way in which nature is articulated in society is not to be regarded as expressing something 'purely natural'. The consequence is not that theories in the sciences, for example, are to be regarded as somehow *per se* questionable ... but that the claim that they are expressing what nature 'really is' cannot be sustained..." Andrew Bowie, *Adorno and the Ends of Philosophy*, Polity Press, Cambridge 2013, p. 88.

14 In the second model, Adorno criticized Hegel's concept of popular spirit and with it also implicitly the idea of a nation state: "Hegel's thesis that no man can 'vault the spirit of his people, no more than he can vault the globe,' is a provincialism in the age of global conflicts and of a potential global constitution of the world." *Negative dialectics*, transl. E. B. Ashton, Routledge, London & New York 2004, p. 341.

15 *Ibid.*, p. 349.

catastrophe.¹⁶ The catastrophe lingering on the horizon amounts to living in conditions of second precarity. What keeps utopia, lying today at society's feet, from unfolding is wholly irrational. The self-preservation of the whole, a biological remnant, blocks utopia. This means that the problem is extremely hard to solve by reflection; irrationality doesn't imply simplicity. Adorno isn't trying to evoke an arendtian nostalgia of the ancient separation of *oikos* and *polis* though, he doesn't claim that every citizen should take care of her/his survival and then enjoy the full freedom of the *polis*. The two are mutual, and very deeply mediated in Adorno. Any separation of the individual sphere from the public wouldn't make any sense. Rather, Adorno puts forth not only a critique of the ceding of individual self-preservation to the whole, but a critique of the very principle of self-preservation as well. At this point, his thoughts start to get tricky.

VII.

One passage from *Negative Dialectics* illuminates Adorno's approach to self-preservation exceptionally well and deserves to be quoted *in extenso*:

16 In such a time one has to reject every thought of things being alright and point to the rising tension of the contradictory possibilities (the same way good art does): "This is the true consciousness of an age in which the real possibility of utopia—that given the level of productive forces the earth could here and now be paradise—converges with the possibility of total catastrophe." Theodor W. Adorno, *Aesthetic Theory*, transl. Robert Hullot-Kentor, Continuum, London/New York 2002, p. 33.

The fatal part of ideology is that it dates back to biology. Self-preservation, the Spinozist *sese conservare*, is truly a law of nature for all living things. Its content is the tautology of identity: what ought to be is what is anyway; the will turns back upon the willing; as a mere means of itself it becomes an end. This turn is already a turn to the false consciousness. If the lion had a consciousness, his rage at the antelope he wants to eat would be ideology. The concept of ends, to which reason rises for the sake of consistent self-preservation, ought to be emancipated from the idol in the mirror. An end would be whatever differs from the subject, which is a means. Yet this is obscured by self-preservation, by its fixation of the means as ends which need not prove their legitimacy to any sort of reason.¹⁷

Strong concepts and conceptions are in play here and all the more careful the reading should be. First of all, Adorno seems to be painting a bleak picture of biological life—as if it were reduced to mere self-preservation that governed it as a law of nature. However, Adorno understood the term "law of nature" not as an immutable and unconditionally given law, but rather in the Marxist way of a dominant principle that living beings—*under certain historical conditions*—inevitably follow and that appears as

17 Adorno, Theodor W., *Negative Dialectics*, transl. E. B. Ashton, Routledge, London & New York 2004, p. 349.

immediate and eternal as the idea of a natural law prescribes.¹⁸ Such a principle can be put out of action, transformed. The fact that life had been based on self-preservation for eons doesn't mean that it has to be this way forever. In certain conditions life could free itself from setting itself as an end. Still, Adorno's picture of biological life seems to be reductive, for there are times when the lion doesn't want to eat the antelope and feels no rage. What the author seems to be getting at really is the fact that it is *this part* of the human biological foundation that became dominant in present society. There is no ideology outside of human society (no lion-ideology of course), but ideology, a relatively new phenomenon, is founded on a principle that far precedes society. Thanks to this, ideology may seem all the more "natural". Society submits to ideology once reason goes into the service of self-preservation. In addition, reason can make self-preservation more consistent than ever and its principle thus more adamant. Reason has to prove itself useful for self-preservation which, on the contrary, doesn't have to legitimize itself to reason. One can imply from Adorno's words that he conceives the subject as life that has been conceptually hypostatized by reason as an end. The point where things start to go south is when reason hypostatizes itself as an end and makes this hypostasis seem rational. It seem rational that the end should be to be rational. In fact, it is

¹⁸ See *ibid.*, p. 354-358. "That law is natural because of its inevitable character under the prevailing conditions of production." With these words Adorno comments on Marx' exposé of the capitalist law of accumulation.

not, Adorno would say. For a reason that sets itself as an end is secretly functioning as an instrument of self-preservation, of an irrational principle. Adorno would rather suggest that society should strive for rational ends—those that are non-identical with the prevailing reason. If reason is not to regress to unreason, it has to be open to non-reason.

VIII.

Adorno is tackling the problem of the complex interplay of reason—as a means of rising above nature—and nature.¹⁹ He seems to draw another long line through history, the line of reason serving the perpetuation of life—and itself along with it—and thus becoming irrational. Adorno shows that biology keeps having the upper hand over reason. Going hand in hand with it is the continual domination of nature as a means of self-preservation.²⁰ In the "discontinuous, chaotically splintered moments and phases of history" Adorno finds a "unity of the control of nature, progressing to rule over men, and finally to that over men's inner nature. No universal history leads from savagery to humanitarianism, but there is one leading from the slingshot

¹⁹ For a closer examination of this problem see Brian O'Connor, "Freedom within Nature: Adorno on the Idea of Reason's Autonomy", in: Nicholas Boyle, Liz Disley (eds.), *The Impact of Idealism: The Legacy of Post-Kantian German Thought*, Cambridge University Press, Cambridge 2013, p. 223-229.

²⁰ See Laurent Plet, *Essai sur la Dialectique négative d'Adorno*, Classiques Garnier, Paris 2016, p. 312-313.

to the megaton bomb.”²¹ Even though history is discontinuous, self-preservation continually dominates in it. This universal process is accompanied by “satanic laughter”,²² for it is an unprecedented threat to self-preservation, its very negation that it leads to. Self-preservation is a dialectical phenomenon. At a time when a successful emancipation from it is practically possible, second precarity forces society to make of it as great of an end as ever.

That end is a dead end.

IX.

The lion-ideology passage quoted above is closely related to an earlier one that appears at the very beginning of *Negative Dialectics*. There we learn what the lion stands for:

The system in which the sovereign mind imagined itself trans-figured, has its primal history in the pre-mental, the animal life of the species. Predators get hungry, but pouncing on their prey is difficult and often dangerous; additional impulses may be needed for the beast to dare it. These impulses and the unpleasantness of hunger fuse into rage at the

21 Theodor W. Adorno, *Negative Dialectics*, transl. E. B. Ashton, Routledge, London & New York 2004, p. 320.

22 Theodor W. Adorno, “Progress”, in: idem, *Critical Models: Interventions and Catchwords*, transl. Henry W. Pickford, Columbia University Press, New York 2005, p. 153.

victim, a rage whose expression in turn serves the end of frightening and paralyzing the victim. In the advance to humanity this is rationalized by projection. The “rational animal” with an appetite for his opponent is already fortunate enough to have a superego and must find a reason. The more completely his actions follow the law of self-preservation, the less can he admit the primacy of that law to himself and to others; if he did, his laboriously attained status of a *zoon politikon* would lose all credibility.²³

The rational animal doesn’t just conceal the fact that he is acting upon an animalistic principle, he also hides the fact that this principle has grown out of proportion. Most of the time, predators are satiated; the 21st century’s *zoon politikon* doesn’t enter this state any longer. The lion that Adorno has in mind in the first place is that which is always hungry. Not until present society has the self-preservation principle come into its own.

X.

Ceding individual self-preservation to the whole at the dawn of bourgeois society didn’t bring an emancipation from it in the end. Since the means were inverted into an end, the precarity of individual self-preservation was not eradicated but rather conditionally put aside. Individual survival was no longer pre-

23 Theodor W. Adorno, *Negative Dialectics*, transl. E. B. Ashton, Routledge, London & New York 2004, p. 22.

carious—under the condition that the individual assisted the self-preservation of the whole. *If* they obeyed the natural laws of the prevailing whole, people didn't have to worry about keeping their lives intact. Individual survival became potentially precarious, always one step from being problematic. As such, it still was the defining factor of the shape that human lives took. The whole could function only on its basis: since its purpose was to do away with the precarity of individual survival, setting its perpetuation as an end made sense only if individual self-preservation appeared as always potentially precarious. Hence the *Urforme* of second precarity: the precarity of potentially falling back into first precarity. Life became precarious in this second sense and society was more than happy to leave individuals in a state of constant worry about their survival. "It is only through the principle of individual self-preservation, for all its narrow-mindedness, that the whole will function. It makes every individual look solely upon himself and impairs his insight into objectivity; objectively, therefore, it works only so much more evil."²⁴ The problem is that once this state of things inaugurated itself, it became almost impossible for individuals to see what was wrong. It necessarily appears logical that one should serve the perpetuation of the whole since the whole guarantees one's self-preservation. To see clearly is a rare privilege today—and the only chance for change.²⁵

24 Ibid., p. 312.

25 Adorno was often being accused of being an elitist and it is true that only a few

XI.

The point is not to simply cancel present society and revert back to some a-social state, to do away with society as a repressive entity. Of course, Adorno's thoughts lead in another direction: the aim is to be open to substantial transformation of current society and not to preserve it *ad infinitum*. The fact that something served well as a means doesn't mean that it should be set as an end. It is the unfortunate tendency to cling to whatever positive already exists and preserve it—to exclude anything that could endanger the reproduction of its identity, to exclude substantial change—that Adorno is attacking. What is key for him is to be open to the other, the non-identical that contradicts the self-preservation of the existing identity.

The more enhanced the forces of production, the less will the perpetuation of life as an end in itself remain a matter of course. The end, as a prey to nature, becomes questionable in itself while the potential of something other is maturing inside it. Life gets ready to become a means for that otherness, however

privileged individuals are granted by him a chance of formulating an insight into objectivity that would lead to a change. Only those whose existence is assured, those akin to the *hommes de lettres* of the 18th and 19th centuries are capable of true critical thought. "Only as exempt from the general practice is the individual capable of the thoughts that would be required for a practice leading to change." Ibid., p. 343. For a nice description of the *homme de lettres* and his critical capabilities see Hannah Arendt, "Walter Benjamin: 1892 – 1940", in: Walter Benjamin, *Illuminations: Essays and Reflections*, transl. Harry Zohn, Schocken Books, New York 2007, p. 27-28.

undefined and unknown it may be; yet the heteronomous constitution of life keeps inhibiting it. Since self-preservation has been precarious and difficult for eons, the power of its instrument, the ego drives, remains all but irresistible even after technology has virtually made self-preservation easy ... The present stage of the fetishization of means as ends in technology points ... to the point of evident absurdity.²⁶

In the end it all seems to go down to the old problem of social relations not being up to date, being inadequate for the current state of productive forces. The old drives are not appropriate for the new reality. The historical momentum of the old continues to have the last laugh, and yet it is unveiled by Adorno as irrational and absurd. Such a pregnant articulation can be a first step in overcoming it. Still, it is important to complement Adorno's insight with an observation regarding the fetishization of means as ends in technology. This means, once again, that the productive technological forces that ought to emancipate society from self-preservation succumb to its very principle. The self-preservation of technology is the final absurdity of current society. However, technology is not something static, it is not a set of instruments, machines and programs society has at its disposal. Rather, it is a dynamic process and when Adorno talks about it becoming an end, one should understand that it is

26 *Theodor W. Adorno, Negative Dialectics, transl. E. B. Ashton, Routledge, London & New York 2004, p. 349*

the evolution, growth itself that has become an end. Growth as a means can stop once it is able to fulfil the end; there seems to be no means to stop growth as an end, though. Adorno would insist that technology ought to be viewed as a means of sustaining life which in turn should be understood as a means for something different from it. For Adorno, life is something that better not be stuck to itself. The potential of life is not just life.

A.

I want to close with a short addendum. For the domination of self-preservation in modernity reveals its most paradoxical side in the moment that one discovers it in the domain of production of the new. Modernity set itself apart from tradition by focusing on the new in opposition to the old. New art, new technology, new ideas served to free modernity from the traditional. Once the radically new came into being though, the self-preservation principle took over. The moment of newness was to be preserved. Suddenly, the new stopped functioning as an opposition to the old, and operated as a confirmation of the, by then, already old (even eternal in its appearance) scheme of production of the new. By now, history is still stuck in the old phase while a plethora of new things and events are produced every day.²⁷ Progress hasn't progressed beyond progress. If society

27 "Everything within the whole progresses: only the whole itself to this day does not progress." Progress, in: idem, *Critical Models: Interventions and Catchwords*, transl. Henry W. Pickford, Columbia University Press, New York

wants to preserve the new and its constant eruption, it cannot enter into a new phase.²⁸ It has to block itself off from the new. The new blocks the new. History froze in its course because of the very phenomenon that defines it the most.²⁹ Modernity will not open itself up to the qualitatively new as long as it preserves the new that had become qualitatively old decades ago.

2005, p. 149.

- 28 Susan Buck-Morss points to this when she discusses Adorno's lecture on the *Idee der Naturgeschichte*. "The double character of the concept of history, its negative pole, was determined by the fact that the actual history of actual human praxis was not historical insofar as it merely statically reproduced the conditions and relations of class rather than establishing a qualitatively new order." Susan Buck-Morss, *The Origin of Negative Dialectics*, The Free Press, New York 1977, p. 54.
- 29 "... by history I understand the mode of human behaviour that is mediated by tradition and characterized most of all by the fact that something qualitatively new emerges in it..." Theodor W. Adorno, "Die Idee der Naturgeschichte", in: idem, *Gesammelte Schriften I*, Suhrkamp, Frankfurt a/M 1973, p. 345.

Andrej Grubačić

Cheap Nature, Bullshit Jobs

"Doesn't a breath of the air that pervaded earlier days caress us as well?"

Walter Benjamin, Theses on the Philosophy of History

"We face modern problems for which there are no modern solutions."

Boaventura de Sousa Santos

What material conditions would produce the kind of people one would like to have as friends? What is production, really, if not a way of producing people? And are not all economies ultimately human economies? Is it possible to replace categories of consumption and production with those of care and freedom? This is perhaps the central question that David Graeber asked

in his works. Graeber believed that we should always begin with wealth, but the production of wealth is but a part of a more extensive process of production of social relations. The concepts of the economy, itself a recent invention, and the concept of value have been restricted and emptied of meaning, which both World Bank economists and orthodox Marxists tend to forget. One of the most pernicious effects of this peculiar understanding of value is that they define what is considered to work is and what is not. However, what happens if we shift our lens and think about the production of people rather than on the production of things? What happens if we, when thinking about the creation of social value, shift the emphasis to the mutual production of people? What is society if not a mutual creation of human beings? The primary business of any society is taking care of each other.

Let us briefly consider Graeber's simple yet infinitely complex question: why not use the ideas of care and freedom as the paradigm for our new economy, which should only be a way to take care of each other? In his seminal book on "bullshit jobs"¹ he made a compelling argument regarding the unfortunate and paradigmatic influence of what might be called the "factory labor theory of value", a system that postulated the male factory worker as the principal economic protagonist. This masculine and productivist form of the labor theory of value, with the pro-

¹ Graeber, D., *Bullshit jobs: A theory*. (New York: Simon and Schuster, 2018).

duction of things rather than people as its conceptual pivot, was first embraced by the industrial bourgeoisie in the 18th century but has been almost universally accepted over the 19th century, together with the attendant Gospel of Work. This is somewhat unusual, given that most workers never really worked in factories: working-class men and women were involved in hundreds of activities outside of the factory gates. At some point, the Gospel of Work was replaced by the Gospel of Wealth, and rich people (brilliant entrepreneurs from Andrew Carnegie to Bill Gates) became the real wealth creators. This paradox of modern work brought back a sadomasochistic synthesis of labor as punishment and self-discipline.² Modern managerial feudalism rests on the notion of suffering as a badge of economic citizenship.³

In something of an ideological offensive, this new common sense of capitalism has naturalized the moralization of work as a character-building exercise, ultimately producing unnecessary, or even mindless, bullshit jobs, which exist for the sole reason of keeping people working. According to Graeber, a bullshit job

² His argument here is very interesting. He believed that the notion of production was, essentially theological, and derived from the Judeo-Christian God who created the universe out of nothing. Work is both suffering and creation, as well as self-mortification.

³ Graeber coined the term "managerial feudalism" for the endless multiplication of intermediate levels of administration, to the creation of new layers of managers in corporate middle management, education, and the creative industries whose main jobs often seem to naturalize the misery and suffering of actual producers working on jobs they recognize as essentially useless.

is a form of paid employment that is so completely pointless, unnecessary, or pernicious that even the employee cannot justify its existence even though, as part of the conditions of employment, the employee is obliged to pretend this is not the case. He points out that though it is impossible to measure exactly the range of bullshit jobs, in developed economies such jobs may amount to 37–40%, meaning that roughly half of the economy consists of, or exists in support of, bullshit employment. Which, in turn, is at the center of contemporary conditions of precarity. In point of fact, bullshit jobs and precarious jobs intersect in interesting ways. While not all bullshit jobs are *stricto sensu* precarious, and not all precarious jobs are necessarily examples of bullshit employment, they are useful indicators of the precarious condition that is shaping the contours of the contemporary state of capitalist labor market. Bullshit jobs and other forms of precarious employment massively affect modern economies in two ways: first, from the aspect of exploitation of work, and second, from the aspect of the meaningfulness of work. The result is the erosion of society and the welfare state.

In Graeber's view, although the source of the capitalist expansion of bullshit jobs is economic alienation, the problem is primarily political. The ruling class is quite aware that a happy and creative population with plenty of free time would present "a mortal danger" to the system. Never one to succumb to pessimism, Graeber believed that we can do something immediately

useful about this situation. Putting his skepticism of policy aside, he makes a strong appeal for Universal Basic Income (UBI), a measure that would put an end to (re)production of precarity.

What Graeber came to suggest, in a series of essays first published in the American journal *The Baffler*, is a complete reversal of perspective. The caring classes and caring or socially beneficial work, such as nursing, or teaching, are those that are the least rewarded. To change this would require a new labor theory of value that begins with social production and caring labor. Factory labor is a second-order form, and education, or nursing, is part of a much broader process of mutual aid and care that supports and ultimately creates the work by which we create each other. What we need to do, he went on to argue, is to change our categories of what labor is.⁴

When Graeber argues that one of our main intellectual and political challenges is "to get rid of the terms production and consumption as a basis for political economy,"⁵ he also calls for a redefinition or, even better, a reimagination of the working class; not as producers but as carers. Graeber's understanding of care is, of course, not limited to institutions of social or health care but by the "caring class", he implies society as a whole. We

4 It is significant that Graeber viewed Occupy Wall Street, a movement of which he was one of the main protagonists, as "the revolt of caring classes".

5 Graeber, D., *Bullshit jobs: A theory*. (New York: Simon and Schuster, 2018, p. 57),

should therefore start from a premise where society is seen as the process of the mutual creation of human beings. In his later works, including the delightfully ambitious *The Dawn of Everything*,⁶ Graeber made significant and—I believe—still largely neglected connections between care and freedom. The locus of caring is the maintenance of relationships. Caring theory, developed by many generations of feminists, successfully focused our attention on the fact that caring is not a value but the principal means of creating value. Graeber's single contribution to this line of argument is his proposal to recognize care work as work that is directed at maintaining and developing its object's freedom.⁷

This was formulated as a part of his fierce defense of the notion of freedom, (he was, after all, an anarchist) attempting to rescue it from the patriarchal and liberal definition of freedom as individual autonomy. In doing so, Graeber rehabilitates the idea that freedom and equality are not in conflict, as in practice, it is not possible to have one without the other. It follows that liberal freedom is essentially unjust, as the market cannot be the basis for the freedom and equality of all. The second point in Graeber's understanding of freedom is confusing (read: subversive) when

6 Graeber, D., & Wengrow, D., *The dawn of everything: A new history of humanity*. (London: Farrar, Straus and Giroux, 2020)

7 When our priorities and activities are no longer be guided by the equilibrium of production and consumption (what is profitable), but by care and freedom (what is necessary).

he equates it with play. Freedom is an action for its own sake, one that exists on every level of physical reality and the natural world. Freedom, thus defined, is indistinguishable from play, and facilitation of play is the ultimate aim of care labor. This led him to reconceive of value-creating labor as care performed for the sake of enhancing freedom in all aspects of human existence. To illustrate the relationship between care and freedom, Graeber often pointed out the relationship between parent and child. Graeber concludes that parents take care of their children so that they can grow up and thrive but adds that obviously, in a more immediate sense, they take care of children so they can play. That's what children actually do most of the time. And play is the ultimate expression of freedom for its own sake.

The core of caring relations is communistic responsibility to each other; in itself the foundation of all forms of social value. Influenced by Marcel Mauss and Peter Kropotkin, he maintained that we already live in a communistic society and that capitalism is, at best, a bad way of organizing communism. The most important revolutionary task is to put to rest the old two-step strategy of traditional Marxist movements: to take the power of the state and then create new (socialist) humanity. The new two-step strategy should first recognize that communistic relations are already here, everywhere around us, and then look for a mode of democratic coordination of existing forms of communism. The crucial question, then, is how to translate this into a new

theoretical common sense, perhaps in a way that is similar to how productivist labor theory was developed in the 19th century. It would most certainly have profound implications for how we consider every aspect of what we call “the economy”. This would need to be predicated on a transformation of received categories so fundamental that it would constitute a revolution in itself.

But what happens if we imagine society as process of mutual creation of human beings *in the web of life*? If we are to “change categories of labor” we need to go beyond human economies extricated from the rest of nature. This requires us to reconsider how we think of capitalism, not only as a system of normalization and moralization of work, but as a system *that puts Nature to work*. Capitalism is more than just a form of dull compulsion of economic relation. It is a historical system that combines organization of power, accumulation, and nature.

World-ecology has emerged in recent years as a way to think through human history in the web of life. In this perspective, capitalism is seen as a world- ecology, or, more precisely, a set of relationships integrating power, capital and nature.⁸ Capital-

8 World-ecology conversation is rather unorthodox in its intellectual lineage. It draws on the value form reading of Karl Marx, the philosophy of internal relation inspired reading of Immanuel Wallerstein, and ecological reading of Fernand Braudel. Key texts include Jason W. Moore, *Capitalism in the Web of Life* (London: Verso, 2015); Raj Patel and Jason W. Moore, *A History of Seven Cheap Things* (Berkeley: University of California Press, 2017); Jason

ism creates an ecology that expands over the planet through its commodity frontiers, driven by forces of endless accumulation.

What makes this eco-socialist current distinctive is the world-historical understanding of capitalism as a way of organizing nature. Another distinctive feature is its consistent struggle against the geo-cultural binary of Man and Nature, recognized as two foundational ideas and abstractions of capitalist modernity. Modern concepts of Nature and Society were formed in close relation to the dispossession of peasants in the colonies and in Europe but also used as instruments of dispossession and genocide. The Nature/Society split was fundamental

W. Moore, ed., *Anthropocene or Capitalocene?* (Oakland, CA: PM Press, 2016). Recent contributions include Chris Campbell, Michael Niblett, and Kerstin Oloff, eds., *Literary and Cultural Production, World- Ecology, and the Global Food System* (New York: Palgrave Macmillan, 2021); Kyle Gibson, *Subsumption as Development: A World-Ecological Critique of the South Korean ‘Miracle,’* PhD dissertation, Environmental Studies, York University, 2021; Marion W. Dixon, “Phosphate Rock Frontiers: Nature, Labor, and Imperial States, from 1870 to World War II,” *Critical Historical Studies* 8(2, 2021), 271-307; Chris Otter, *Diet for a Large Planet: Industrial Britain, Food Systems, and World-Ecology* (Chicago: University of Chicago Press, 2020); Dan Boscov-Ellen, *After the Flood: Political Philosophy in the Capitalocene,* PhD dissertation, Philosophy, New School for Social Research, 2021; Aaron G. Jakes, *Egypt’s Occupation: Colonial Economism and the Crises of Capitalism* (Stanford: Stanford University Press, 2020); and the essays collected in Y. Molinero Gerbeau and G. Avallone, eds., *Ecología-Mundo, Capitaloceno y Acumulación Global Parte 1, Relaciones Internacionales, 46* (2021); *Ecología-Mundo, Capitaloceno y Acumulación Global Parte 2, Relaciones Internacionales, 47* (2021). Several hundred texts in the world-ecology conversation can be found here: [https://www.academia.edu/Documents/in/World-Ecology.](https://www.academia.edu/Documents/in/World-Ecology)

to a new, modern cosmology in which space was flat, time was linear, and nature was external. These real and violent abstractions are embedded in the production of everyday life as well as world accumulation, shaping both the exploitation of labor and the extra-economic appropriation of the unpaid work of “women, nature and colonies.”⁹ To separate reality into abstract Nature and abstract Society is to violently obscure the unity of three moments of capitalist power – of (some) humans over other humans, of (some) humans over extra-human land and life, and the ideological domination of those same humans. Offering no account for the epochal synthesis of power, profit and life realized in the long sixteenth century, we are treated to a reified modernity isolated from its patterns of accumulation, class formation, and geopolitical power.

Things change rather fundamentally if we define capitalism as a metabolism of power, profit and life. Observed in this light, The history of capitalism is a history of relations with and within webs of life, in which Nature is produced as *everything the capitalism does not want to pay for*. This transformation occurred between the years 1550 and 1700, and it was the moment of capitalism’s first climate crisis, also known as the the “general crisis of the seventeenth century.”¹⁰ This was the period when Capitalism’s

9 Maria Mies, *Patriarchy and Accumulation on a World-Scale* (London: Zed, 1986), 77ff.)

10 Geoffrey Parker and Lesley M. Smith, eds., *The general crisis of the*

law of value emerged, but not in the traditional Marxist sense. There is an agreement here with Graeber and his observation that the peculiar thing about capitalism is its way of deciding what constitutes “work.” Capitalism’s law of value (a law of Cheap Nature) contains an economic logic that is made possible by developments outside the circuit of capital. We must grasp the law of value as limited “neither to economics nor the social; as irreducibly socio-ecological and ethico-political, understood as mutually constituting moment of capital’s endless accumulation.”

Through this first modern climate crisis emerged a world-historical trinity of the climate-class divide, climate apartheid, and climate patriarchy. This interrelated and porous trinity was defined and secured by another trinity—that of capital, science, and empire. What this process concealed is a peculiar trialectics of work: paid human work, unpaid human work, and the unpaid work of nature. Everything that is truly valuable, in other words, has become devalued. The priority was to “civilize” such humans, belonging to Nature, of course always in the interests of securing the maximal exploitation of labor-power and the maximal appropriation of unpaid work. Situating caring classes in the web of life, and extending the notion of labor beyond human labor, takes us well beyond the formal conception of the

seventeenth century (London: Routledge, 2005). J.W. Moore, “The Value of Everything? Work, Capital, and Historical Natures in the Capitalist World-Ecology,” *Review* 37(3-4, 2017), 245-92 K. Marx, *Capital* (New York: Vintage, 1977), 799.

proletarian conditions as defined by wage-dependence. This conceptual shift involves three major dimensions: Salariat (human paid work), Femitariat (Unpaid human work), and Biotariat (the largely unpaid but valorized work of life as a whole). The first one is conventionally understood as proletarianization, marked by the expansion of the wage labor relation. The second moment is the historical enclosure of women into the private sphere and redefinition of their work as “natural” and unpaid. The third (but really the first) moment, following racialization and gendering of work relations, is the invention the Biotariat, or those unpaid human and extra-human natures put to work for capital.¹¹

To say that we live in a time of transition is accurate, but somewhat understated. We live in an age of epochal transition, facing a singular crisis of life-making and profit-making, marked by the breakdown of fundamental economic mechanisms of capitalism. This should not make us optimists nor catastrophists. The climate crisis threatens us all, but it also undermines the very basis of capitalist rule. Nowhere is this as evident as in the ways that global warming confronts us with the obvious (but widely unacknowledged) fact that the climate crisis is fundamentally a class problem. But every climate crisis is, historically

11 J.W. Moore, “Power, Profit and Prometheanism, Part I: Method, Ideology and the Violence of the Civilizing Project,” *Journal of World-Systems Research* 21(2, 2022), 415- 426

speaking, a time of transition. One way to put this is to say that ruling classes don’t do well with climate transitions. This was certainly an experience of feudalism. Feudalism’s logic of power, production and nature crumbled in the face of the Little Ice Age. Famine, disease, and, quickly, peasant revolts became large-scale threats to the feudal order. This is also true today, when the capitalist historical system has entered a time of epochal crisis: contemporary climate change is destabilizing capitalism’s longstanding metabolisms of class power and socio-ecological re/production. The crises of early capitalism were resolved through the combination of new technologies, new imperial and political forms, and new frontiers. This is not possible today, as commodity frontiers are rapidly closing, and geographical, and technological fixes no longer work. The problems of capitalism cannot be resolved through the old redistributionist strategies and productivist fixes, through the early capitalist strategy of thinking of nature as a productivist resource.¹²

We don’t know if what comes next will be an egalitarian, democratic, and sustainable world, or an authoritarian tributary resolution of planetary crisis wherein politics secures surplus accumulation. What we most certainly should not do is continue with the same abstractions that capitalism has made of nature,

12 Moore JW (2010) ‘The End of the road? Agricultural revolutions in the capitalist world-ecology’, 1450- 2010, *Journal of Agrarian Change*, 10, no. 3, 389-413

society and economy. To refuse the gospel of work (and the Gospel of Wealth) is to reject the real abstractions that rule our lives. Our success in doing so depends on rethinking traditional categories and the fixation on the factory work (that “second-order form of work,” in Graeber’s framing). As mentioned before, transitions from one mode of production to another are class struggles in the web of life: they are moments pregnant with both grave dangers and hopeful possibilities. For these modern problems there are indeed no modern solutions. We must find the language and politics for new civilizations, unthink received theoretical assumptions, and, as David Graeber invited us to do, effect a “transformation of received categories so fundamental that it would constitute a revolution in itself.” In order to make “the revolt of caring classes” a viable revolutionary strategy, we should develop forms of revolutionary politics grounded in capitalism’s work-relations, linking paid and unpaid work, human and extra-human lives.¹³ For Graeber, bullshit jobs are an expression of political and economic alienation. If we, however, consider the valorized but unpaid work of life as a whole, we can speak of at least four interrelated forms of capitalism’s *longue durée* alienations: of humans from each other, from the web of life, from access to means of livelihood and (re)production, and from the internal harmony of mind, body and spirit.¹⁴

13 Jason W. Moore, “The Capitalocene and Planetary Justice,” *Maize* 6 (2019), 49-54

14 R. Williams, *Politics and Letters* (London: Verso, 2015). J.W. Moore, “Power,

The tyranny of capitalist work requires liberation of all life, including “the caressing breath of air.” Well beyond the moderate proposal for universal basic income, or anthropocentric “human” economy, our collective project should consider the totality of relations within the web of life. This would include redistribution of care, land and work. An alternative to managerial feudalism, precarity and alienation (and current versions of environmentalism for the rich), is an ecology of freedom, a practice and a commitment to care and freedom for all in the web of life.

Profit and Prometheanism, Part I: Method, Ideology and the Violence of the Civilizing Project,” *Journal of World-Systems Research* 21(2, 2022), 415- 426

Simona Raševová

Pandemics and inequalities

Why didn't we mourn for Roma lives?

How do we treat Roma lives, and to what extent are we leaving these lives to die? These questions arise in the aftermath of the Covid-19 global pandemic and in reflection on the excessive measures introduced by some EU Member States, including Slovakia. Although the problem of human rights violations has long been highlighted by NGOs¹ and the Ombudsman's Institute²,

1 Amnesty International Slovakia, 20 April 2020, *Stigmatizujúca karanténa rómskych komunit na Slovensku a v Bulharsku*, (Stigmatizing quarantine of Roma communities in Slovakia and Bulgaria), URL: <https://www.amnesty.sk/stigmatizujuca-karantena-romskych-komunit-na-slovensku-a-v-bulharsku/>

2 LAVIČKA, Vojtěch, 26 February 2021, *Slovenská ombudsmanka protestuje proti uzavírání celých romských osad kvůli koronaviru. Obrátila se na generálního prokurátora* (The Slovak ombudsman is protesting the closure of entire Romani settlements because of the coronavirus. She appealed to the Prosecutor General) URL: <https://romea.cz/cz/zahranici/ombudsmanka-sr->

the plight of Roma settlements has never been at the centre of media attention.

During the first and second waves of the pandemic, the Slovak government decided to impose a mandatory 'blanket quarantine' of some Roma settlements with the assistance of the army and the police, which it justified on the pretext of protecting public health. During the first wave of the pandemic, five Roma settlements were quarantined, a total of 6800 people, only 31 of whom tested positive for Covid-19. The pandemic measures taken by the Slovak government have in fact worsened the lives of marginalised communities, that were already facing precarious living conditions associated with poverty, limited access to healthcare, clean water and food.³

However, organisations that have criticised the introduction of militarised quarantines of Roma settlements have focused exclusively on the question of the legitimacy of the government's measures in light of human rights violations and increasing racial and social discrimination. Since this legal-political discourse focused on examining the consequences of the official regulations, it was unable to explain, among other things, why this measure against the Roma community was taken so naturally

patakýova-slovensko-je-jedinou-zemi-v-niz-se-do-karanteny-umistuji-cele-romske-komunity

3 Amnesty International, 2020, *Policing the pandemic. Human rights violations in the enforcement of Covid-19 measures in Europe*, p. 16 URL: <https://www.amnesty.sk/wp-content/uploads/2020/06/Policing-the-pandemic-FINAL.pdf>

by the majority of society. The closure of entire Roma communities, alongside the deployment of the army, appeared to many as a perfectly rational decision that the government had to take in order to protect the health of the Slovak population. Roma life was thus framed politically and in the media as a threat to their surroundings rather than as a potential victim of the pandemic, i.e., as a vulnerable life deserving of protection by the state.

This is not an isolated event, of course. Rather, it is a consequence of the long-standing framing of Roma as second-class citizens, or as people whose lives are apprehended by society, but do not matter to the same extent. Thus, in this respect, it is not sufficient to draw attention to human rights violations, but to focus on the analysis of the social and political conditions of the framing of Roma life.

The aim of this article is to attempt such an analysis and to open up a space for discussion, appealing for social responsibility for lives facing increasing precarity. A precarity which is the result of the interplay of certain power-political decisions and the media framing of the Roma community. It is precisely the intersection of the two that defines the perceptual sphere of life and the criteria of recognition, on the basis of which certain lives appear to us as worth living and thus suitable for social support, while others are fall out of this perceptual framework.

I. A Short Excursus on Judith Butler's Political Ontology

Within contemporary political philosophy, Judith Butler's thought seems to be closest to our questions. The novelty of her approach lies in the close intertwining of politics and ethics, which leads to the formulation of the concept of 'livable life'. Although Butler's studies focus primarily on the analysis of the precarization of life in liminal situations such as war, we believe that her social ontology provides a good starting point for the critique of the differential distribution of precariousness within the framework of the social policy of the state, and thus allows us to shed new light on the issue of the exclusion of the Roma population in Slovakia. With the reader's permission, therefore, in the following pages we will attempt a brief excursus into her political ontology, focusing on those concepts that we consider crucial for our analysis.

1.1 Social ontology

The social ontology of the body plays a crucial role in Judith Butler's problematization of precarity. She develops this approach as a counterpart to the individualist ontology based on the assumption of a sovereign subject that underpins liberal theories invoking the universality of human rights. While But-

ler is not denying the importance of certain liberal principles in contemporary human rights discourse, such as universality and equality, she believes that the postulate of the individual as a subject endowed with rights and a sense of political agency fails to take into account the fundamental fact of bodily vulnerability and dependence on social and political conditions. It is precisely these conditions that enable a person's life to be preserved and supported in its growth.⁴

How does Butler's social-ontological approach relate to its liberal-individualist counterpart? Let us try to demonstrate this briefly with the notion of dependency. Liberal discourse, by postulating an autonomous subject, conceives dependency as a negative experience. Butler accuses these approaches of ignoring the fundamental dependence of human life on a supportive network of social relations, making the precarious conditions in which some individuals or groups find themselves appear to them as merely the result of individual failure.⁵ Butler, on the other hand, insists that an understanding of mutual dependence is the basis of our potential equality and our mutual commitment to create the conditions for a decent life together.

Two consequences for social ontology follow from this fundamental dependence. The first is the fact that human life cannot be conceived exclusively in terms of ontological categories. For

4 BUTLER, Judith, *Frames of war*, New York, Verso 2009, p. 25.

5 BUTLER, Judith, *Violence, Mourning, Politics*, In: *Precarious life*, New York, Verso 2004, p. 46.

Butler, ontology is always at the same time sociology, because life cannot be thought of apart from a supportive network of social relations.⁶ The second is the attempt to introduce corporeality into the framework of political philosophy. Butler rejects the notion of the body as a purely material substrate that would logically and chronologically precede the ‘superstructure’ in the form of shared meanings. The corporeality of the subject is never separated from the symbolic structures, and thus also from their normative action, which subjugate the individual and make him a subject. By this, Butler does not mean to deny the subject the right to bodily integrity, but rather to foreground the fact that the body inevitably has a public dimension that exposes it to the proximity of others whom it has not chosen.⁷ Social ontology thus attempts to think of the subject always in its relation to a corporeality that is constitutively social, whereas this relation between society and the subject’s body is one of mutual contingency. This conditionality is not only characterized by the relationship of the child’s bodily dependence on the parent, since the adult’s body also requires this supportive social infrastructure to ensure its life.⁸

By emphasizing bodily vulnerability, Butler highlights the fact that human life in general is a contingent process and therefore,

6 BUTLER, Judith, *Frames of war*, New York, Verso 2009, p. 19.

7 BUTLER, Judith *Violence, Mourning, Politics*, In: *Precarious life*, New York, Verso 2004, p. 46.

8 BUTLER, Judith, *The force of non-violence*, New York, Verso, 2020, p. 42-43.

in order to be lived, requires the realization of social and economic conditions that will enable its preservation and development. The fact of the physical vulnerability of subjects has fundamental implications for the analysis of the precarization of life.

1.2 Precarity and precariousness

In recent years, the concept of precarity has gained popularity mainly as a tool of critique of capitalism by left-wing intellectuals, who consider it a direct consequence of the neoliberal mode of governance, and thus a phenomenon defining the increase of precarity in human life in the form of unemployment, social exclusion or indecent working conditions. Although Butler seems to agree with the claim that neoliberalism produces certain forms of precarity and is responsible for the perpetuation of inequalities, her political ontology is characterized by a fundamental ethical turn that relies on the postulate of precariousness as an ontological condition of human life. Butler achieves this change of perspective through the differentiation between *precariousness* as an existential fact of human life and *precarity* as a condition achieved by political instruments.⁹ Despite this differentiation, precariousness and precarity remain closely intertwined notions that provide a starting point for an ethico-political analysis of

9 BUTLER, Judith, *Frames of war*, New York, Verso 2009, p. 25.

the unequal allocation of precarity and the demand for a radical equality of grievability.

Precariousness is a universal condition of life arising from the fact that human beings are interdependent and therefore vulnerable. However, it is not simply a designation of a particular group or population at higher risk of vulnerability, poverty or violence, but a more generalised feature of human being insofar as one's existence is dependent on a social network of relationships.¹⁰ Thus, the focus is not on the problem of the protection of life as such, but always only on the analysis and critique of the uneven allocation of social and political conditions that expose lives to varying degrees of precariousness. Finally, the notion of precariousness is also a moral appeal to responsibility for lives that fall outside the social support system and the sphere of social visibility. The fact that we are collectively exposed to the precariousness of existence is the basis of our potential equality and mutual obligations to create together the conditions of a life worth living.¹¹

10 „I have argued elsewhere that “vulnerability” should not be considered as a subjective state, but rather as a feature of our shared or interdependent lives. We are never simply vulnerable, but always vulnerable to a situation, a person, a social structure, something upon which we rely and in relation to which we are exposed.“ BUTLER, Judith, *The force of non-violence*, New York, Verso, 2020, p. 44. (epub)

11 BUTLER, Judith, 'Can One Lead a Good Life in a Bad Life?: Adorno Prize Lecture', In: *Radical Philosophy* 176, Nov/Dec 2012, p. 10.

The shared condition of insecurity and physical vulnerability of the subject thus further implies that life – if it falls out of the social and economic support system – can be lost, meaning it is exposed to a higher risk of death. Precisely because life is always potentially at risk of non-existence, it must be adequately secured against death by the supporting structures.¹² With this in mind, Butler subsequently defines precarity as “a condition induced by a particular policy whereby certain populations suffer from the breakdown of social and economic support networks and are consequently subjected to varying degrees of harm, violence, and death.”¹³ Precarity arises from the unequal distribution of social and political support through which the precariousness of life for one group of people is maximized while for another it is minimized. It is thus a politically created condition that makes it impossible for people to be exposed to risks equally. Precisely because of the precarious living conditions in which millions of people find themselves today – because of military occupation, forced migration, or the sense of uncertainty as to whether they will have enough to eat – these people are living, in a way, un-livable lives, without the prospect of a stable livelihood and with the consciousness of a damaged future.¹⁴

12 BUTLER, Judith, *Frames of war*, New York, Verso 2009, p. 21.

13 Ibid, p. 25.

14 BUTLER, Judith, 'Can One Lead a Good Life in a Bad Life?: Adorno Prize Lecture', In: *Radical Philosophy* 176, Nov/Dec 2012, p. 12.

1.3 Framing and grievable life

The unequal distribution of precarity is therefore not only related to material conditions, but is also directly linked to the varying degrees of the allocation of value attributed to lives, which in turn receive more or less support from the social network of relations. The value of a particular life becomes apparent in circumstances in which the possibility of its non-existence would take on the significance of a loss altogether. Only a life that has already been given value during its existence can be considered lost. The indicator of whether a life matters is mourning for it, or rather the hypothetical mourning of a life in the case that it would be destroyed. And it is mourning that figures in Butler as a condition of the possibility of perceiving an unsecured life that expresses, in a seemingly complicated grasp, a life in a future anterior:

The future anterior, “a life has been lived,” is presupposed at the beginning of a life that has only begun to be lived. In other words, “this will be a life that will have been lived” is the presupposition of a grievable life, which means that this will be a life that can be regarded as a life, and be sustained by that regard. Without grievability, there is no life, or, rather, there is something living that is other than life.¹⁵

¹⁵ BUTLER, Judith, *Frames of war*, New York, Verso 2009, p. 15.

The condition of grieving expressed in the future anterior thus simply expresses the fact that a life can only be grieved if its death is acknowledged as a loss. There are, however, lives which, on the basis of dominant value schemes, have been established from the beginning as those for whose loss they would not be grieved. These are lives that live in their present with a consciousness of ‘I wouldn’t not be grieved for’ and which, in terms of dominant ways of framing life, fall out of the sphere of social visibility and their eventual death is not acknowledged. Butler defines these lives as ‘grief unworthy’, i.e. as those that are dropped out of the social and institutional support network. Through the requirement of mourning, social critique attempts to analyse the conditions and frameworks for the recognition of life as grief-worthy through which its loss can be acknowledged:

“But my point is that people can be grieved or bear the attribute of grievability only to the extent that loss can be acknowledged; and loss can be acknowledged only when the conditions of acknowledgment are established within a language, a media, a cultural and intersubjective field of some kind.”¹⁶

The concept of grieving finds its place within social critique, as it makes it possible to show the unintelligibility of the dominant schemes of value that shape the conditions under

¹⁶ BUTLER, Judith, *The force of non-violence*, New York, Verso, 2020, p. 89 (epub)

which certain lives are taken into account and thus grieved, while others find themselves outside the scope of social recognition. The perception of human life as worthy of grieving is thus normatively conditioned by a framing whose purpose 'is to encompass the expression and determination of what is seen.' The problem of the social and ontological inequality of life is thus simultaneously a material and a perceptual issue. Butler invites us to imagine how our perceptual and epistemological categories have an impact on the formation of material reality. If life does not meet the criteria of recognizability and is not framed as worthy of grieving, there is no materialization of its life in the realm of social visibility. Butler conceives of this selective shaping of our experience as a practice of framing, which attempts to explain that the notion of human life is not a rigid category, and that the frames that define the perceptual sphere of life itself, and thus the ways in which they define the 'being' of life, are the result of specific discursive and power operations. These epistemological frameworks of intelligibility define the category of life, or what will be considered more or less human and thus worthy of protection. To avoid anthropological and anthropocentric assumptions, Butler turns to Foucault's notion of biopolitics. He understands biopolitics as a form of power that organizes life and exposes it to precarity, a power that, through the state or the broader governance of a population, establishes benchmarks for evaluations of life itself.¹⁷ According to Butler,

17 BUTLER, Judith, 'Can One Lead a Good Life in a Bad Life?: Adorno Prize Lecture', In: *Radical Philosophy* 176, Nov/Dec 2012, p. 10.

therefore, social criticism cannot be limited to the problem of respect for the rights of subjects because it fails to capture the differentiation in the degree of the value of life, nor the way in which this allocation of value is absorbed into social institutions.

Liberal theories based on the universality of human rights assume already existing communities or subjects whose rights need to be defended, but ignore lives that are not fully regarded as subjects, or whose lives are taken into account but do not achieve political recognition. Thus, the problem of life can never be grasped in itself, but only ever through the prism of normative frameworks that shape our experience through selective means, thereby differentiating between populations whose lives count as worth living and populations whose lives are in a sense a form of social death.

...

The claim of precariousness as a shared condition of life, which implies a moral requirement of grieving, may rightly raise doubts about the realistic application of such a requirement within contemporary political discourse. Ultimately, Butler encourages us to think of social equality in the form of a normative requirement to mourn all lives and to try to implement it in the material structures of social organization and modes of representation.

On the other hand, Butler makes no secret of the fact that behind the close intertwining of ethics and social critique lies an intention to redefine the basic concepts of political philosophy and thereby to rethink the foundations of left politics, which, by articulating a radical equality of mourning, is not so far from a critical theory. The perspective she brings can thus be beneficial as a critical tool to analyse the problems of the precarity of poverty faced by young liberal democracies such as Slovakia, whose political discourse has long suffered from the absence of a progressive left perspective.

II. Living life with a conscious failed future

The introduction of compulsory blanket quarantines of Roma settlements in Slovakia raised many doubts not only with regard to a lack of organisation, but also to discriminatory measures, the scope of which were disproportionate to the stated objective, i.e. the protection of public health.¹⁸ The population concerned was not provided with information on the conditions and duration of the quarantine. The Slovak Republic decided to completely close Roma settlements without sufficient food and medical supplies. In some settlements, the government decided to solve the food

18 Slovakia, Government of the Slovak Republic, 2 April 2020, *Plán riešenia ochorenia Covid-19 v marginalizovaných rómskych komunitách*, adopted by the Government, available at: <https://rokovania.gov.sk/RVL/Material/24697/1>

distribution problem by selling food packages worth €15, which many families in difficult financial situations simply could not afford. In addition, NGOs pointed to the inadequacy of the militant enforcement of the quarantine, to which the police and the army were called in.¹⁹ The image of Roma settlements surrounded by the army presented in the media thus communicated an image of the Roma community as a public 'enemy'. Such framing is the result of long-established stereotypes of Roma life as something that does not conform to the norms that make a person recognizable. Acquiescence to such stereotypes not only portrays the Roma community as a potential threat, but moreover obscures the cause of its real problems, which is a precarious life facing conditions of intergenerational poverty.

Why did the Slovak government fail so crucially, and continue to fail to this day, in the system of social support for this community which has long faced an unprecedented precarity of poverty? This has even deepened in recent years, not only as a result of the pandemic crisis, but also as a result of rising inflation, against which no measures have been publicly defined to date. The Roma community, at risk of slipping into even greater poverty, now finds itself out of political visibility. It is such a sensitive issue in contemporary political discourse that any expression of support for this ethnic minority is considered almost political suicide.

19 Amnesty International, 2020, *Policing the pandemic. Human rights violations in the enforcement of Covid-19 measures in Europe*, p. 16, URL: <https://www.amnesty.sk/wp-content/uploads/2020/06/Policing-the-pandemic-FINAL.pdf>

The descent into poverty of the Roma community is selectively separated from the issue of the precarisation of the lives of other vulnerable groups such as pensioners or single mothers.

The exclusion of the Roma ethnic group undoubtedly has a long history in Slovakia. From the constant segregation of Roma communities to the dark period of the First Slovak Republic, which was involved in the transport of Slovak Roma to concentration camps. A detailed analysis would require an excursus into the historical conditions of the birth of this exclusion, but given the scope of this article, we will focus on the consequences of one event that we believe represents a major milestone. With a critical eye on the contemporary form of governance, we might ask to what extent the institutionalization of the neo-liberal mode of thinking contributed to the current state of affairs, which led to the imposition of a form of rationality based on the economic abandonment of individuals to their own fate, and thus opened up the space for the creation of new forms of precarity?

Within Butler's critique of liberalism and individualist ontology, we have seen that the unequal distribution of precarity is the result of a particular way of designating and perceiving life, which she defines as framing. In the case of the Roma community, this is thus a matter of understanding how the dominant modes of representation of this community impact the material reality of their lives. If Roma lives are not seen as potentially worth mourning when they are lost, and are seen as less valuable by

dominant regimes, they are thus exposed to a greater degree of precarity in the form of existential problems. Discrimination by employers, and a lack of health care, result in a greater risk of violence and death.²⁰ If we accept Butler's assumption that modes of perception have material effects, the problem of media framing of the Roma community is not negligible in understanding the framing of Roma as a threat to public health. Moreover, it should be emphasized that perception and politics are two modalities of the same framing process that selectively shape experience to make it appear self-evident and inevitable. We should therefore

20 Roma settlements have long been exposed to an increased risk of violence from state protection forces. In a number of cases, there has been a history of excessive use of force and ill-treatment. The vast majority of these cases remain time barred.

The most significant incident against Roma during the pandemic was "the incident when the police officer was said to have beaten five children with his truncheon on Monday, 27 April. In a Romani settlement in Krompachy, which was under quarantine at the time. According to the children's testimony, he is even said to have threatened to shoot them." See European Union Agency for Fundamental Rights, 15 June 2020, *Implications of COVID-19 pandemic on Roma and Travellers communities* URL: https://fra.europa.eu/sites/default/files/fra_uploads/sk_report_-_covid-19_impact_on_roma_en.pdf

Another well-publicised case was a police raid in 2013, when 63 police officers raided a Roma community in Moldava nad Bodvou. In this action, state forces injured more than 30 residents, who testified that they did not put up any resistance to the police. Children were among the injured. Exceptionally, justice was seen in this case 8 years after the event, following a ruling by the European Court of Human Rights. More on the topic: *Európsky súd uzavrel kauzu razie v Moldave nad Bodvou. Obete vláda odškodní.* (The European Court has closed the case of the Moldava nad Bodvou raid. The government will compensate the victims), 2 June 2022, In: <https://dennikn.sk/minuta/2877043/>

focus on how the Roma population is represented and treated within dominant power structures.

When we say that modes of representation have an impact on the perception of the Roma community, we do not mean only radical right-oriented discourses (although we cannot deny their fundamental influence on the Slovak political scene in recent years). The perception of the Roma community is also largely shaped by the media, which draws attention to their precarious living conditions and highlights individuals who have managed to escape from these conditions through their own efforts. In doing so, however, they confuse the problem of the precarity of poverty and the absence of social support schemes with a 'lifestyle' that is a matter of the individual's resilience and will to resist and break free from these conditions.

The dominant ways of framing life today achieve, through the unequal distribution of precarity, the appearance of subjects who are provided with the present support system are self-sustaining. With the introduction of liberal rationality since the 1990s, the idea of the self-sufficient individual whose way of life depends on his or her personal responsibility has taken hold in our society. Approaching Roma lives through such frameworks ignores the fact that for these lives there is little or no support system present to sustain and support their lives (access to basic needs, access to education, access to healthcare, access to stable employment). In a way, these are lives that, by falling outside

the economic and social support framework, are condemned in advance to failure.

With Butler we saw that only a life that is worthy of mourning at its very inception can be valued and eligible for the provision of social support and forms of social recognition. If the condition of support is not met at the beginning of life, that life is constituted as precarious and, in that sense, unworthy of protection from injury or loss, i.e., unworthy of mourning. By dropping out of the economic and social framework of support, Roma lives are pre-destined to fail. But this form of dispossession also translates into their personal experience. One should be able to live with the knowledge that the loss of one's life would be publicly mourned and that society would make efforts to prevent this potential loss from occurring. However, if he lives with daily concerns about securing shelter or livelihood, he is living his life within a collapsed time horizon, marked by the knowledge of an uncertain future.

The questions we have raised in the introduction in the context of the quarantine of Roma settlements – to what extent are we putting Roma life at the mercy of death and framing this life as a potential threat – are interrelated through the prism of mourning. In *Frames of War*, Butler describes the politics of moral receptivity as part of the practice of selecting lives worthy of grieving and those unworthy of grieving. The latter rests on the assumption that our moral responses initially take the form of affect, which is subject to regulation through systems of power

and interpretive schemas.²¹ If the Slovak public had a cold attitude towards the militarised quarantines of Roma settlements, or even felt some kind of satisfaction, this attitude was in part, conditioned by the dominant interpretative frameworks. These subtly differentiate between populations on which our existence depends and those which pose a potential threat. This threat was made even more acute by the conditions in which Roma life was framed during the pandemic – as not conforming to norms that make people recognizable according to dominant criteria and require a heightened level of surveillance. We mentioned above that the Roma in Slovakia are usually framed as second-class citizens. Being a second-class citizen does not only mean facing various forms of discrimination on a daily basis, it is a way of framing subjects as uneducated, undisciplined and, in this sense, not entirely rational beings. This label carries a certain amount of paternalism, in the spirit of which the Roma are treated as not entirely autonomous individuals, and thus reflects the problem of inequality and, in a broader context, the unequal allocation of the value of life and the differential distribution of grievability.

This attempt to grasp the precarization of Roma life through the categories of Judith Butler's political ontology is not intended to reduce the complex problem of the exclusion of the Roma community in Slovakia to a moral requirement of grievability. However, we believe that the issue of the precarization of the Roma ethnic should become an object of social critique and thus

21 BUTLER, Judith, *Frames of War*, New York, Verso 2009, p. 40-41.

appeal to social responsibility for the lives of those who, due to the unequal distribution of wealth, are deprived of the social conditions for living a decent life.

Petr Kouba

**Precariousness
of Social Conditions
and The Generosity of Nature
in Marx's Debates on Wood Theft**

Introduction

Precarisation is the watchword of our times. It has long ceased to concern only the poorest sections of the population. Along with the worsening economic situation and the disappearance of the middle class, precarisation is the fate of the majority of the population except for the richest classes, who, on the contrary, are growing exponentially richer. Indeed, precarisation is presented to us as our destiny, or even as something to be grateful for, because it awakens our competitiveness and entrepreneurial spirit. We are told that those who disagree with precarisation

disagree with the essence of capitalism. Within this rhetoric, precarisation is spreading to all professions, including the academic, transforming the meaning and value of human labour. We must therefore ask whether we understand precarisation correctly. Is precarisation really inevitable? Does precarisation result from a lack of natural resources? Is it a reflection of the precariousness of the human condition, which is characterised by disease, pandemics, war and death? Or is it, on the contrary, something arbitrary that is not necessary even under the conditions of a capitalist economy?

To answer these questions let us take a look at a case study of precarisation that Marx presents in his famous articles on the theft of wood, which appeared in *Rheinische Zeitung* in 1842. Marx analyses there a legal act that criminalizes something which used to be legal, or at least tolerated by law. Gathering dry, fallen wood is qualified as theft and punished accordingly. The difference between stealing live growing timber and picking of fallen wood is erased, which dramatically worsens the living conditions of the poor who rely on the “alms of nature”. Marx’s analysis thus draws a contrast between the greed of forest owners and the generosity of nature. While the first is supported by the newly adopted law, the second is affirmed by the customary law that traditionally supported the poorest people in their struggle for survival. In the opposition between those two regimes of law we realize that precarisation is not natural. Marx shows us that the principle of precarisation is monopolisation, for precarisation

occurs when “a customary right of the poor has been turned into a monopoly of the rich.”¹

What is remarkable in Marx’s analysis is not only a lucid depiction of precarisation, but also a fine insight into the changing role of private property. Precarisation extends the meaning of private property ad infinitum, which means it maximizes the sphere of potential theft, leaving no space for a benevolent gift. The relations between private property, theft and gifts are the main focus of Marx’s article, but their character becomes evident only if we look at them from the perspective of nature which, for Marx, represents “a beneficent power more human than human power”. The wild growth of nature offers more than landowners could spend or use. It calls for the hands of the poor who can dispose of its ever renewing surplus that appears in the form of bilberries, cranberries, mushrooms and other forest fruits.

But besides the wildly growing nature we can think of industrial nature in the form of industrial waste and scrap material. We could also imagine a post-industrial nature where human experience becomes recyclable material and a source of data-mining, as Shoshana Zuboff in her book *The Age of Surveillance Capitalism: The Fight for a Human Future at the New Frontier of Power* has demonstrated. It is therefore worth considering how

¹ Marx, Karl: Proceedings of the Sixth Rhine Province Assembly. Third Article: Debates on the Law on Thefts of Wood, transl. Dutt, Clemens. First published: in the Supplement to the *Rheinische Zeitung* No. 300, p. 10. <https://marxists.architexturez.net/archive/marx/works/1842/10/25.htm>

the character of precarisation transforms if we move from wild nature to industrial, and postindustrial nature. It is possible to presume that Marx's analysis of the law on wood theft is not only a good point of departure, but also a solid guiding thread for such an investigation.

Theft of wood

In his commentary on Marx's *The Theft of Wood*, Peter Linebaugh recalls the important role the text plays in the development of Marx's philosophical thought: it is an important step on the path from political critique to economic critique that operates with notions of class difference and conflict.² Marx himself gives clear evidence of this when he asks:

If every violation of property without distinction, without a more exact definition, is termed theft, will not all private property be theft? By my private ownership do I not exclude every other person from this ownership? Do I not thereby violate his right of ownership?³

² Linebaugh, Peter: Karl Marx, The Theft of Wood, and Working Class Composition: A Contribution To The Current Debate. In. *Crime and Social Justice*, fall-winter 1976, No. 6 (fall-winter 1976), p. 6.

³ Marx, Karl: Supplement to the *Rheinische Zeitung*, No. 298, p. 5.

This Rousseauian exclamation has a primarily rhetorical function in his text on the theft of wood, as it is intended to show that the unlimited ownership of nature ultimately undermines the very concept of private property. When ownership of what humans share, at least to some extent, as natural beings is made absolute, the very possibility of sharing and belonging, without which private property is impossible, is lost. But Marx is primarily interested in the very dynamics of the process that makes natural wealth absolute private property. Linebaugh captures this dynamic through the process of marginalization, in which those who are already marginalized by their poverty are further excluded from the human community by being denied the opportunity to participate in the sharing of natural wealth claimed by the rich.

This brings us to the very essence of the process of precarisation as Marx demonstrates it in his texts on the theft of wood. Here, precarisation is shown as an absolute marginalization that drives the poor out of human society by excluding them from the sphere of the law and making them criminals. It is called the criminalization of poverty.

In this context, it is significant that the poor are not excluded from the sphere of the law because of proven transgressions against the property rights of the rich. The poor are outlawed purely as a precautionary measure because they might commit property crimes. Forest owners fear that the poor would deliberately break down mature timber in their forests and, after it

has dried, take it away as fallen timber. This is how prevention through criminalization works.

What is completely overlooked is that collecting fallen wood and breaking up scrub cleans and improves the quality of the forests used for economic purposes. The activities of the poor thus naturally benefit forest owners who would otherwise have to hire laborers for cultivation work. When the poorest people collect fallen wood, it costs the forest owners nothing and only gets rid of something that is worthless to them anyway. The laws against timber theft therefore end up harming those who have enforced them.

Rather than this paradox, however, Marx is interested in what happens on a legal level when something that has been considered permissible for centuries is outlawed. How is it even possible to criminalize something that has always been legal? Marx is referring here to the unwritten customary law, which has always been at least lenient enough towards the poor not to let them die of cold and hunger. The old Germanic law, as well as the harsh Middle Ages, left the poor free to gather fallen wood and berries in the forests of the manor. This right, which coincides with the right to stay alive despite poverty, is not understood by Marx as a purely European matter, but as a right of the poor in all countries of the world. He therefore declares:

We demand for the poor a *customary right*, and indeed one which is not of a local character but is a customary

right of the poor in all countries. We go still further and maintain that a customary right by its very nature can *only* be a right of this lowest, propertyless and elemental mass.⁴

This makes the customary law of the poor fundamentally different from the customary privileges of the upper classes. These privileges place the highest social classes above the law, thereby trampling on the very rational constitution of laws. They are islands of illegality that stand in contradiction to the very form of law, namely, universality and necessity. The privileges of the most powerful are institutionalized injustice and as such are historically doomed, Marx argues. The customary law of the poor, on the other hand, complements positive laws so as to do justice to elementary human justice. As Marx puts it,

whereas these customary rights of the aristocracy are customs which are contrary to the conception of rational right, the customary rights of the poor are rights which are contrary to the customs of positive law. Their content does not conflict with legal form, but rather with its own lack of form. The form of law is not in contradiction to this content, on the contrary, the latter has not yet reached this form.⁵

4 Marx, Karl: Supplement to the *Rheinische Zeitung*, No. 298, p. 6.

5 Marx, Karl: Supplement to the *Rheinische Zeitung*, No. 300, p. 8.

When the state decides to deny the poor customary rights that have been guaranteed to them for centuries, it not only breaks away from its past, but also deprives itself of its future, at least a future of possible justice. At the same time, however, it also breaks the symbiotic bond that links human society with nature. Marx finds this bond in the tacit affinity between the customary law of the poor, who have nothing but their lives, and the generosity of nature, which gives life and sustains it with its gifts. The customary right of the poor finds its positive echo in the gifts of nature with which nature encompasses all human beings. Marx puts it beautifully:

Human poverty senses this kinship and deduces its right to property from this feeling of kinship. If, therefore, it claims physical organic wealth for the predetermined property owners, it claims physical poverty for need and its fortuity. In this play of elemental forces, poverty senses a beneficent power more humane than human power. The fortuitous arbitrary action of privileged individuals is replaced by the fortuitous operation of elemental forces, which take away from private property what the latter no longer voluntarily foregoes. Just as it is not fitting for the rich to lay claim to alms distributed in the street, so also in regard to these *alms of nature*. But it is by its *activity*, too, that poverty acquires its right. By its act of *gathering*, the elemental class of human

society appoints itself to introduce order among the products of the elemental power of nature. The position is similar in regard to those products which, because of their wild growth, are a wholly accidental appendage of property and, if only because of their unimportance, are not an object for the activity of the actual owner.⁶

When the state, representing the interests of the forest owners, denies the poor the right to the alms with which they are encompassed by the bounty of nature, it commits an extreme injustice, although this injustice takes the form of a law. The poor are thus denied not only the right to gather fallen wood, but also mushrooms and berries. In the same way, they could be denied the right to graze in the fields after the harvest, which has always been granted to them, without anyone gaining anything extra. The material deprivation of the poor is thus only pointlessly deepened, without the forest owners gaining anything more than an assertion of their absolute right to natural wealth. But that is precisely the point. At the heart of the whole process is the desire to gain a monopoly on natural wealth. Here the customary right of the poor is replaced by monopoly ownership of nature. As Marx says:

6 Marx, Karl: Supplement to the *Rheinische Zeitung*, No. 300, p. 9.

That is exhaustive proof that common property can be monopolised, from which it naturally follows that it must be monopolised. The nature of the object calls for monopoly because private property interests here have invented this monopoly.⁷

It turns out, then, that the essence of precarisation is nothing other than monopolisation, in this case the monopolisation of natural wealth. As a result of this extreme monopolisation, the age-old activity of the poor, namely collecting fallen wood and berries, is being transformed into the crime of theft. As Peter Linebaugh rightly points out, the state, which acts here as legislator and guarantor of the law, is itself becoming hostage to the forest owners. The monopolisation of natural resources does not leave the state intact, which is becoming a tool in the hands of forest owners, while at the same time ceding to them a substantial part of its criminal-law agenda. Under the new law, forest owners are given rights that previously belonged only to the police and criminal courts: to catch thieves, to set the price of stolen material, to set and collect fines, to keep those fines, and to use caught thieves for forced labour in their own forests. Marx comments on this confusion between private interest and the public good in the following words:

7 Marx, Karl: Supplement to the *Rheinische Zeitung*, No. 300, p. 10.

This logic, which turns the servant of the forest owner into a state authority, *turns the authority of the state into a servant of the forest owner*. The state structure, the purpose of the individual administrative authorities, everything must get out of hand so that everything is degraded into an instrument of the forest owner and his interest operates as the soul governing the entire mechanism. All the organs of the state become ears, eyes, arms, legs, by means of which the interest of the forest owner hears, observes, appraises, protects, reaches out, and runs.⁸

In this way, the state executive resigns itself to any semblance of justice and degrades itself into a mere handmaiden of the material interests of private owners. Not only does this undermine the confidence of the population in the rule of law, but it is also a completely irrational step from the material point of view of the owners. Monopolisation calls into question the meaning of the rule of law and at the same time does not make economic sense either. Its essence is the unnecessary cruelty that results from the cowardice of legislators and the blind greed of private owners. In Marx's words:

Cruelty is a characteristic feature of laws dictated by cowardice, for cowardice can be energetic only

8 Marx, Karl: Supplement to the *Rheinische Zeitung*, No. 303, p. 18.

by being cruel. Private interest, however, is always cowardly, for its heart, its soul, is an external object which can always be wrenched away and injured, and who has not trembled at the danger of losing heart and soul? How could the selfish legislator be human when something inhuman, an alien material essence, is his supreme essence?⁹

Industrial nature

Marx's text, which discusses the legislative issues involved in trying to prevent timber theft, shows in a comprehensive way how monopolisation problematizes the relationship between private property, theft, and the gift of nature. Similarly, we see here how the boundary between labour, free economic activity and theft is precarious and shaky. What has seemed intuitively insightful and legally unquestionable for centuries can, from one day to the next, become subject to a legislative change that makes the acceptance of small gifts of nature a violation of private property. Preventive criminalisation plays a key role in this, outlawing hitherto legally blameless sections of the population, or at least treating them as dirty suspects.

But such shifts are proving real not only where nature's ever-renewing wealth is at stake. In a time of global environmental crisis, we have already lost the ability to rely on nature's

9 Marx, Karl: Supplement to the *Rheinische Zeitung*, No. 300, p. 11.

inexhaustible wealth. Wild nature is disappearing unstopably, and industrialised nature is also showing us its limits. Nature has ceased to be a force in itself and has become the human nature of the Anthropocene, which is anything but inexhaustible. However, the wild, unstoppable growth, the endless production of material, is now also taking on new forms. We can look at the never-ending production of industrial waste, scrap materials that can be recycled and reused. In this context, we can talk about industrial nature complementing and replacing the original wild nature. In this context, the collection of old iron, paper, glass and other scrap materials becomes an activity that is precisely analogous to the collection of fallen wood and berries, which Marx refers to in his 1842 article. It is not that the collection of fallen wood, mushrooms and berries has completely disappeared today. Rather, they are being supplemented by new activities that are being taken up again, as they were centuries ago, by the poorest of the poor who live on the margins of modern industrial society.

In the context of Central Europe, it is not surprising that the poorest of the poor are often Roma, who live in social ghettos and excluded localities outside the majority white population. In *The Time of the Gypsies*, Michael Stewart devotes a chapter to the phenomenon of "gypsy labour", which is based on an ethic of non-production.¹⁰ According to Stewart, the collection of scrap materials and their resale is a fundamental part of the economic activities of Hungarian Roma. From a Marxist point

10 Stewart, Michael: *The Time of the Gypsies*, Westview Press, 1997, p. 20.

of view, it is undoubtedly paradoxical to consider work whose basic characteristic is non-production, even where it is only the collection of scrap materials and other waste for further use. Marx would surely describe the act of collecting itself as value-added, as he does in his article on wood theft. However, within the self-understanding of the Hungarian Roma, Stewart argues, this does not constitute a paradox, no matter how much effort the Roma must expend in their economic activities. This notion of labour, which is not a production, and therefore not labour in the Marxist understanding, is also confirmed by other scholarly studies, recall for example Patrick Williams and his colleagues' study *The Invisibility Of The Kalderash Of Paris: Some Aspects Of The Economic Activity And Settlement Patterns Of The Kalderash Roma Of The Paris Suburbs*.¹¹

In order to avoid terminological difficulties, we might, for example, resort to the term "free activity", which Deleuze and Guattari use in *A Thousand Plateaus* as opposed to the notion of labour.¹² For them, free activity is associated precisely with the economic activities of those who stand on the margins or outside

11 Williams, Patrick, Lerch, Oliver, Lerch, Michael: *The Invisibility Of The Kalderash Of Paris: Some Aspects Of The Economic Activity And Settlement Patterns Of The Kalderash Rom Of The Paris Suburbs*, in. *Urban Anthropology*, Vol. 11, No. 3/4, Urban Gypsies (FALL-WINTER 1982), pp. 315- 346.

12 Deleuze, Gilles, Guattari, Félix: *A Thousand Plateaus, Capitalism and Schizophrenia II*, transl. Massumi, Brian, University of Minnesota Press; First edition 1987.

the framework of the state and its economic functioning. Rather than terminological matters, however, what is important for us is the substantive aspect of scrap materials gathering, which is related to the way of life of those who resort to it willy-nilly. What is inherent in the collection of scrap materials and other recycled materials is the need to escape the scrutiny of the state apparatus. Whether it is because of court-ordered exactions, unpaid debts or simply because the unemployed who receive state benefits are not allowed to work, the collection of secondary raw materials is not and should not be seen as work. No taxes are paid on it and the state has virtually no overview of it at the level of everyday street life. It is part of a grey economy that is beyond the supervision of the state apparatus.

However, this is precisely why the collection of scrap materials is a thorn in the side of the state apparatus. It is something that the state has repeatedly tried to bring under control. It is telling that the state authorities use the same rhetoric as the Rhine Provincial Assembly in Marx's time. It is supposedly necessary to prevent the property offenses that the collection of scrap materials potentially entails. Private and public property must be rigorously protected from theft in advance, which is not possible if scrap materials are bought up for cash across the board. Therefore, the state apparatus has come up with various regulatory mechanisms to prevent the free purchase of scrap materials. One of these mechanisms is, for example, the regulation that even a small amount of the surrendered scrap materials can only be

transferred to a credit card, which is of course linked to a bank account. In this way, the state apparatus gains a semblance of control over the unmanageable exterior of the well-to-do population, but the price that is paid for this is an even greater precarisation of the already miserable living conditions of those living on the margins of society. The homeless, the people living in ghettos with sequestered accounts and without the possibility of getting a regular job, will sink even deeper into their despair. The state's desire for complete control over the collection of recycled materials will only push them towards what it believes they are heading towards anyway: crime. As its consolation and compensation, however, it retains the pre-reserved right to lock up those who transgress against private or public property in prison, where the uncontrolled social outside is reintegrated into the interior of the state apparatus. Precarisation thus meets criminalization again, to recognize themselves as sisters.

When it comes to the precarisation of the poorest, Hungary, the beacon of illiberal democracy in Central Europe, has gone furthest in this direction by outlawing homelessness in 2018. What used to be regrettable but permissible under customary law for centuries has suddenly been turned into a criminal offense by a decision of the state. The criminalisation of homelessness is intended to clear the streets of human waste so that nothing disturbs the idyllic view of Orbán's Hungary. Breaking the ban on homelessness is punishable by up to 60 days in prison or community service. It is also legally possible to confiscate the

personal belongings and animals of homeless people who are not allowed to take their animals into the shelters for fear of having their belongings stolen. In this way, the state is throwing homeless people into an even more desperate situation by herding them into overcrowded shelters whose capacity is not sufficient to accommodate the tide of human misery. This is not just some kind of police decree. Since 2018, the ban on homelessness has been enshrined directly in the Hungarian Constitution, specifically in Article XXII, paragraph 3, which prohibits 'living in public'. The Hungarian constitution thus testifies to the same cruelty that Marx reproaches the members of the Rhine Provincial Assembly in 1842. It is a cruelty towards the weakest who have lost everything, a cruelty that does not even try to look like humanity when it takes away the freedom of those who have lost their homes. It couldn't be more absurd if the Hungarian constitution outlawed poverty and punished it with loss of freedom.

Postindustrial nature

We can see how the bounty of nature in Marx's sense and the never-ending avalanche of the scraps of industrial nature both encourage the same processes of precarization, where a certain part of the population falls into even greater poverty, while on the other side the rule of private or state monopoly sets in. But what about post-industrial nature? Is there even such a thing as post-industrial nature?

In her famous book *The Age of Surveillance Capitalism: The Fight for a Human Future at the New Frontier of Power*, Shoshana Zuboff presents a picture of a society where human experience becomes the source material, which is extracted by technology companies in the form of data, processed by advanced intelligence to be transformed into a new type of product and then traded in a new type of market.¹³ Here, our thoughts, interests, emotions, and social relationships act as input data that, once processed, are transformed into a commercial product that is our predictable future behaviour. Technology companies such as Google, Facebook or Twitter can extract surplus information from our lives to reshape and sell it in the marketplace of our future behaviour. The information and communication surplus of our lives is the source of their huge profits and hegemony.

If we accept that post-industrial nature is this information and communication surplus of our lives, we must also accept that it is we ourselves who are at stake. We are the timber in the forest, we are the forest fruits that Marx saw as evidence of nature's infinite bounty. Through the data mining and sensors of human behaviour that are part of search and social platforms, we are subjected to the permanent surveillance that is characteristic of the age of post-industrial capitalism. Without admitting it, technology companies already have us under their monopoly.

¹³ Zuboff, Shoshana: *The Age of Surveillance Capitalism: The Fight for a Human Future at the New Frontier of Power*, Public Affairs; 1st edition, 2019.

Monopolisation has already subtly taken place here, without our attempting to protest and reclaim information about our lives. However, just as we do not own the information about our lives, we are gradually losing our own lives, or at least their autonomy in the form of freedom to decide our future, for it is our future behaviour that is the commodity traded in surveillance capitalism. Shoshana Zuboff speaks of a circumvention of users that is neither accidental nor secondary. Rather, she argues that it is essential to the functioning of surveillance capitalism that users of internet search engines and social media have no idea that they are being tracked, manipulated and encouraged to take new and novel actions. What becomes precarious here is our own ability to make free choices. What is being precarised here is not just the shaky reality of informational privacy, but the possibility of free decision-making itself. It is this that becomes the most pressing issue in Shoshana Zuboff's book.

It is most telling that in the face of the monopolizing efforts of companies like Google and Facebook, the legal authority of states that are supposed to protect the right to privacy and freedom of their citizens is failing. Whether states give up their legal authority voluntarily or try to defend themselves, they always come after a losing battle. The monopoly of the technology companies is always one step ahead, not to mention the fact that the monopoly can always offer the states, as compensation, a portion of the information obtained to ensure their security against possible threats. In the final analysis, then, there is hardly anything

to prevent us from ending up in that form of collectivity that Zuboff refers to as a collective colony, where we are all colonized because our states are colonized, too.

Conclusion

The transition from wild nature through industrial nature to post-industrial nature reveals various forms of precarisation, whose common denominator is not the threat of scarcity, but rather the excess that is brazenly monopolized by a few exclusive owners. In the case of wild nature or industrial nature, most people may still think that it does not concern them, because only the poorest are affected, and they are certainly to blame. But when we come to post-industrial nature and understand the processes that Shoshana Zuboff describes, we suddenly realize that Marx's question of whether all private property is not ultimately theft, since it denies property to someone else, concerns us most personally. For the property in question is ourselves, and nothing can assure us that we are not being denied our own being.¹⁴

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