



## Sovereignty's Alibi

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**W**hat exactly is a *counter*-provocation? Against what does it stand or set itself? These questions are themselves provoked by a redoubled provocation: by a book series from University of Nebraska Press that advertises itself as a set of "Provocations" and that has spawned an online journal of that name for which I and other authors are invited to write a collection of counter-provocations to the original provocation. In what sense, though, does the provocation originally reside in the book-provocation? And what is the effect of putting a provocation into constellation with "its" counters, of doubling down, as it were, on provocation?

Specifically, if a pro-vocation is in some sense *for* the noisy business of the voice, is a counter-provocation necessarily silent or silencing? Or is it "in and against," as the slogan of modern socialism would have it, or even *tout contre*, like Derrida right up against metaphysics? In which case, if the countering is in some sense *within* the provocation, does it somehow neutralize and de-escalate the provocation or does it multiply and exacerbate it? Otherwise put, does a counter-provocation provoke *again* as if it were another provocation? Or is it always a reaction to being *provoked*—a response and hence a responsibility? Perhaps the counter does not set *itself* against so much as it is a passive decision. Perhaps every provocation is already a counter-provocation, reacting against the other within. And yet that precisely is what provocation seems intent on denying. A provocation, Derrida argues in his own pro-vocation or fore-words to *Without Alibi*, would be the performance of the self-determination of the performative:

Before all other senses of the word, a *provocation* proffers; it is the act of a speaking. A speech act, so to speak. Perhaps every speech act acts *like* a provocation. To provoke, is that not to cause (in French, *causer* means "to speak with the other," but also "to produce effects," "to give rise" to what takes place, to what is called, in a word, the event)? Is to *provoke* not to let resonate a vocal appeal, a vocative, a "vocal," as we say in French, in other words, a word? Is it not to turn the initiative over to the word, which, like a foreword and in a thousand ways, *goes out ahead, to the front of the stage*: to expose itself or to dare, to face up to, here and now, right away, without delay and *without alibi*? A *provocation* is always somewhat "vocal," as one might say in English, resolved to make itself heard, sonorous and noisy. The most inventive provocations should not be vocal, but this is difficult to avoid.<sup>1</sup>

The ostensible immediacy and self-sufficiency of the provocation that puts itself out alone in front leaves no room for counter-provocations. Hence any text that I would write under that heading would necessarily set itself against that very “without alibi” that is said to characterize the provocation. But then I would come (right) up against—*tout contre*—the aporia that is the subject of Derrida’s “Forewords”: the impossibility of setting *myself* against the self-determination of the provocation without at the same time reproducing that very auto-determination. Derrida’s theme, as he reveals that the scene at the front of the stage has already gone into deconstruction, is nothing less than sovereignty. More specifically, he is concerned with the “divisibility” of sovereignty: “divided sovereignty, sovereignty legitimately deconstructed here, but claimed there, necessity of a strategy that, without relativism, does battle here against sovereignty so as to support it elsewhere.”<sup>2</sup> Whence a counter-provocation that is against or else(where) for.

But Jeffrey Nealon’s *I’m Not Like Everybody Else* is elsewhere.<sup>3</sup> It’s everywhere but (t)here. And it has multiple alibis: biopolitics, neoliberalism, discipline, distraction, technological prostheses. But when it comes to sovereignty: it’s never been there or if it has, it leaves no trace behind on its pages. The book is organized around the Foucauldian distinction between disciplinary and biopolitical *dispositifs*. Even though Nealon is careful to argue that any clear-cut division is unsustainable and demonstrates, for instance, that there is a certain discipline to the (self-)production of the entrepreneurial post-Fordist subject, this arguably overdrawn schematic remains a structuring heuristic for many of the book’s key arguments. Moreover, Foucault’s genealogy of governmentality, as is well known yet too often overlooked, is a triad of overlapping and intersecting paradigms that find expression as the management of leprosy, the plague, and smallpox, respectively. And yet the first of these paradigms of governmentality—sovereignty—doesn’t receive a single explicit mention in Nealon’s entire book. At the same time, figures of self-determination are scattered through the book’s account of the listening subject’s self-reproduction. Most notably, the signature idea of “authenticity,” while framed as a signal trait of neoliberal biopolitics, turns out to be a thinly veiled transmutation of autonomy. One might argue that such avatars of sovereignty amount to a kind of paleonymy of sovereignty, thereby playing my Derridean counter at “its own” game. But even if this is Nealon’s strategy—to invent (sovereignly) a new category of sovereignty worthy of the name to rival the hyper-sovereignty that is put in check at the end of Derrida’s final seminar—it’s far too surreptitious to walk out center stage.<sup>4</sup> Rather, sovereignty is nowhere to be seen and yet, however many alibis Nealon adduces, it’s everywhere. Too many alibis, no more alibi.

An alibi doesn’t simply refer the accused to an *elsewhere* but can also redirect them to *another time*. Nealon’s central claim, building on Jacques Attali (though Nealon takes his time to disclose this alibi), is that postwar American popular music, far from selling out or being co-opted, *predicts* (or pre-dicts?) neoliberal capitalism. What was countercultural resistance becomes the primary mode of neoliberal interpellation insofar as the self-production of authenticity on which this music hinged becomes the mainstream conduit of capitalist subjectivation across multiple domains, not merely

cultural. The novelty of the argument, then, is that music did it *first*. Music isn't just another sell-out. It is the original—and origin of—selling out. And Nealon, at least until he confesses that Attali was the first to say it some 71 pages in, “presents himself as the first to know who will have been the first to think something *truly*.”<sup>5</sup> These are the words of Derrida's dismissal of Agamben in the first year of the final seminar, *La bête et le souverain*. But in Nealon's book, the provocation has the same structure (and arguably hubris): that he's the first to notice that music will have been the first to think subjective authenticity and to think it authentically. Nealon is saying “I'm not like everybody else” (forgetting Attali) when I notice that music says “I'm not like everybody else” and that it says it not like everybody else says it. The issue here is not simply the performative contradiction. This one can be given the same deconstructive treatment as the classic “I am dead” that in *La voix et le phénomène* is used to expose the deconstruction of presence because the statement necessarily presupposes a universal form of presence that exceeds my empirical existence.<sup>6</sup> Hence any act of speech is necessarily structurally haunted by the relation to the possibility of my death—a fact that metaphysics keeps hidden behind the curtain. Nealon's claim for himself and for music of a certain originality comes up against the same differentiation and temporal deferral that disturbs all speech at its origin.

As Derrida argues, it is the gesture of “recognizing priorities ... *first times*, inaugural initiatives, instituting events” (purportedly as yet overlooked “primacies” and “principalities”) that constitutes “the very definition, vocation, or essential claim of sovereignty”:<sup>7</sup>

He who posits himself as sovereign or intends to take power as sovereign always says or implies: even if I am not the first to do or say so, I am the first or only one to know and recognize who *will have been* the first. And I would add: the sovereign, if there is such a thing, is the one who manages to get people to believe, at least for a while, that he is the first to know who came first, when there is every chance that it is almost always false, even if, in certain cases, no one ever suspects so. The first then, the *premier*, as its name indicates, is the prince.<sup>8</sup>

As Derrida points out, Agamben comes up against the very problem explicitly thematized in Nealon's version of “I am the first to say,” which is, given the difficulty of finding anyone who had not implied or said such a thing, that it requires the necessary supplement “like anybody else” or, in Agamben's version, a more ambiguous and ambitious “truly.” From this, Derrida, rather cruelly lampooning Agamben as a schoolboy craving the recognition of the principal's prize, unravels the pretense to come first by showing that any first-prizewinner is necessarily the runner-up to the master who ceremoniously hands out awards and lessons. Nealon's claim to (be the first truly to notice) music's exceptional, originary status replicates the paradigmatic status of the sovereign: autonomous and alone in that autonomy. When Nealon follows Attali in describing music as a “herald,” it's as if rock and punk acquire their coats of arms. How to counter such a brazenly sovereign—triplely sovereign—sovereignty?

It's not enough to suggest Nealon's sovereignty is a rebellious reaction to the straitjacket of mastery, discipline, and repression. Any notion that this would consist in an anarchic protest against the gesture of coming first, *en arkhē*, is undermined by the fact that this anarchy is not the Lévinasian "after you" that Derrida associates with polite society, but that of the outlaw whose status the sovereign shares with the beast as he puts himself above and outside the law.<sup>9</sup> Nealon paints a picture of the "individual artistic authenticity" of the "visionary genius" (67), of rule-breaking innovation and transgressive teenage angst pushing back against homogeneity and consensus. In this depiction, he could at first blush be speaking about late Beethoven, whose notorious subversions of the formulaic Classical style turn out to be, as with any rebellion, far more conventional than the caricature suggests. Postwar American popular music is certainly not the first body of music to have adopted a revolutionary posture. Its resistant individuality has a clear precursor in the early German Romantic musical subject. Absolute music was the first Spotify.

The notion of aesthetic autonomy is founded in a misconstrual of Kantian aesthetic judgments that misreads "aesthetic" for "of art" and thus, with a sleight of hand, transforms the autonomy of such judgements from determinate concepts into the supposed autonomy of art from material determination. The resulting notion of autonomy, which is repeatedly attached to the instrumental music of the long nineteenth century, is premised upon a series of sovereignties: that of the genius, who is said to be as free from the rules, mechanisms, and limitations of nature as he is from the mercenary demands of the market, and the freedom of formalism liberated from empirical conditions. As it is defined by Kant and in the tradition that followed, genius is marked by originality—that is, by the mind occupying itself independently of any determinate rule or pre-existing convention as much as of any salary. I would hardly be the first to point out, though, that, far from being completely exempt from economic considerations, the early Romantic conception of art—enshrined in the emancipation of form, the solitude of the genius composer, pure immediacy, and access to suprasensible truth—in fact owes its existence to certain political-economic conditions: namely, the market and its processes of commodification. Arguably, the entire edifice of metaphysical sovereignty is the effect of a self-valorizing capitalism insofar as it is commodity exchange that provides the material basis for the formal abstraction of ahistorical thinking. Alberto Toscano makes this point when he draws upon Alfred Sohn-Rethel's groundbreaking commentary on Marx's theory of real abstraction to highlight philosophy's non-philosophical origins in commodity exchange:

The elimination of society from abstract philosophical thought is a product of society itself; it is an abstraction that society makes from itself in intellectual labor and in the primacy of exchange as form of mediation. Capitalism is an abstract society where the social nexus is not generated primarily by custom, reciprocity, or tradition—though these are both the material and forms of appearance of capitalist society—but in the indifference of exchange. The profound theoretical originality of Marx is thus to be sought in the fact that

he provides “the first explanation of the historical origin of a pure phenomenon of form.”<sup>10</sup>

But again, lurking here is the princely award of trophies: Sohn-Rethel is the first to recognize that Marx will have been the first to identify that capitalism is what first makes formal abstraction possible. The paradoxical intractability of sovereignty abounds and cannot be chased down to an inauguration precisely because it is irreducible and anarchic “before” any origin comes on stage.

In a tradition that runs from Schiller through Adorno to Rancière, autonomy appears in art or music to the extent that it’s unable to appear in empirical life or, if it is capable of appearing in political form—as in the post-autonomist thought of Negri, for instance—it can only do so on condition that, like absolute music, it withdraws from the social. But the autonomy of pure aesthetic form and judgment is less outside or against the social conditions of its emergence than it is the resistance that is originally co-substantial with all power. That means that all sovereignty is nothing but a fiction. Indeed, for Foucault, power is necessarily incomplete—that is, never sovereignly sovereign—insofar as resistance comes first and is superior to the power it resists. The result is that Foucault’s thought negotiates between two kinds of resistances: first, empirical, *conditioned* and *conditional* resistances to whatever is recognized as dominant power; and second, a resistance that precedes all specific resistances and that is the *condition* for all power. Nealon’s story is that music’s autonomy becomes the paradigm for neoliberal capitalism, and yet not only is capitalism the condition of possibility for such negative freedom; capitalist power is also irreducibly divided between power and resistance such that, in a Foucauldian analysis, power is what resists itself. From this perspective, the entanglement of autonomy and neoliberal subjectivation that Nealon describes is eminently foreseeable. Resistance has always been sovereignty’s alibi.

In what sense, then, is the postwar popular-musical subject in a novel sense the first harbinger of neoliberal subjectivation? What distinguishes the postwar musical situation from the turn of the nineteenth century is that autonomy is now sutured to a mass individualism that goes far beyond democratization of the eighteenth-century public sphere. It is the mass production of musical authenticity that distinguishes postwar popular culture from modernist subjectivity. And sound enjoys a certain privilege here precisely on account of its disseminatory propagation, which allows it to seep into every corner of social reproduction. The sonorous works both in the interior forum at a sub- or unconscious level of mood, affect, and memory (90) and in the exterior arena of class with the “becoming-economic” of desire (106). What is unique about postwar popular music, then, is the ubiquity of this misnamed aesthetic autonomy, the generalization of sovereignty that says that everybody is not like everybody else and thus exposes sovereignty’s originary unravelling. The question is whether everybody is *just as* unlike everybody else as everybody else or whether everybody is *uniquely* unlike everybody else. If neoliberal subjects aren’t alone in being sovereign, is everyone *equally* sovereign (and hence not sovereign at all) or is everyone *differently* sovereign (hence more or less, and not absolutely, sovereign)?

It is from this perspective that one should assess Nealon's appeal to distraction as a potentially antihegemonic force. Often seen as an alternative to the structural listening championed by Adorno, a different analysis of distraction emerges by drawing out Adorno's contention that the problem with popular music is not that it promoted a Benjaminian overly distracted listening but that it offered *too little* distraction from capitalist dictates. The ambient quality of listening to music-streaming services might just offer the possibility of unplugging, if only temporarily, from the imperatives of the attention economy. One of Nealon's sharpest insights is that musical attention, in its generalization, has become social and, after Yves Citron, ecological, rather than a matter of individual decision. For distraction to offer this promise, though, I would suggest that it needs to unplug itself from the logic of sovereignty. While Nealon gestures in this direction insofar as he recognizes that attention is not an individual choice or disposition, distraction nonetheless remains something of which a listening subject is capable and listening a site where "we," with individual or collective "agency," can "resist" and "rework" neoliberal power (119–120). By contrast, Peter Szendy proposes a notion, after Catherine Malabou, of listening as a generalized plasticity that would listen not according to one type or another, neither structural nor distracted, but always in the process of transformation, like a musical rearrangement.<sup>11</sup> This plasticity rebounds, moreover, on the listener who is thus divided between her hearing and the desire for that hearing to be overheard by another who will in turn transform that listening.

Plasticity, though, in Malabou's rendering, is crucially as destructive as it is creative (think explosives) and as passive as it is active (think of the way clay receives form).<sup>12</sup> And it is in particular the self-destructive tendency of attention that Nealon risks overlooking. When he invokes Dominic Pettman's reflections on "infinite distraction" to support his case for harnessing it as a potential "weapon against the colonizing forces of power" (115), he doesn't follow Pettman to the point of wondering whether the "enabling form" of distraction might in fact constitute distraction *from* distraction. As Pettman elaborates in a footnote that glosses Paul North's reflections on the theme, it is important to dispense with the idea that distraction is the antithesis or negation of attention.<sup>13</sup> Rather, as I have argued elsewhere, distraction is often the product of too much (misplaced) attention and is thus as much excess as it is lack.<sup>14</sup> Too much attention means no more attention. In this sense, distraction is neither subordinate nor resistant to attention. Instead, we might speak of the exhaustion *of* attention as a double genitive: the particular kind of depletion experienced by the constant attentiveness of paranoia and the tendency for that exhausting attention to begin to exhaust even itself and thus necessarily, in an autoimmune fashion, to produce the very respite from itself in order to conserve itself.

Nealon insists that distracted resistance takes place *on the surface* of our lives, rejecting modernistic metaphors of depth and interiority, so he would no doubt denounce my attempt to expose distraction as the effect of the attention economy's intensification and generalization as the outsized demystifying claim of yet another tenured intellectual. Distraction, though, is the perfect alibi. It always puts the sovereign subject elsewhere. The danger, as Derrida warns, is that the alibi too can become the sovereign master—"an

invincibly transcendental or ontological structure” no less than the pure presence or autonomous responsibility of the resisting subject.<sup>15</sup> *Différance*, dissemination, trace—they are not simply other names for “alibi,” Derrida cautions.

What remains no doubt to be thought *without alibi* is precisely a difference *without alibi*, right there where, it’s true, this same *différance* goes on endlessly producing irreducible effects of alibi through traces that refer to some other, to another place and another moment, to something else, to the absolute other, to the other to come, the event, and so forth. One has to go elsewhere to find oneself here. The here-now does not appear as such, in experience, except by differing from itself. And one trace always refers to another trace. It thus secretes, it produces, it cannot not produce some alibi. Ubiquity of the alibi.<sup>16</sup>

Derrida therefore speaks increasingly throughout his life of an unconditionality *without* sovereignty, not as opposition or deactivation but as the unconditional exposure to anything at any time in any place already at work dispersing sovereignty from within. But this exposure to chance and risk has little to do with the demystification that Nealon decries. Far from disclosing or freeing what resists (psycho)analysis, the “unconditional resistance” that Derrida imagines as the posture of the university without condition remains irreducibly entangled with what it resists without the possibility of disengagement or acquittal.<sup>17</sup> Only such a listening that one is never quits with, nor quit of, nor acquitted of—only such listening would be without alibi and without sovereignty.<sup>18</sup>

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<sup>1</sup> Jacques Derrida, “Provocation: Forewords,” in *Without Alibi*, ed. and trans. Peggy Kamuf (Stanford: Stanford University Press, 2002), xv.

<sup>2</sup> Derrida, “Provocation: Forewords,” xi.

<sup>3</sup> Jeffrey Nealon, *I’m Not Like Everybody Else: Biopolitics, Neoliberalism, and American Popular Music* (Lincoln: University of Nebraska Press, 2018). All references will be indicated parenthetically in the body of the text.

<sup>4</sup> Jacques Derrida, *Séminaire: La bête et le souverain, Volume II (2002–2003)* (Paris: Galilée, 2010), 397; *The Beast and the Sovereign, Volume II*, trans. Geoffrey Bennington (Chicago: University of Chicago Press, 2011), 290.

<sup>5</sup> This is how Derrida pithily describes Giorgio Agamben’s “irrepressible gesture” of sovereignty in *Séminaire: La bête et le souverain, Volume I (2001–2002)* (Paris: Galilée, 2008), 136; *The Beast and the Sovereign Volume I*, trans. Geoffrey Bennington (Chicago: University of Chicago Press, 2009), 92.

<sup>6</sup> Derrida, *La voix et le phénomène* (Paris: Presses Universitaires de France, 1967), 108; *Voice and Phenomenon*, trans. Leonard Lawlor (Evanston: Northwestern University Press, 2011), 82–83.

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<sup>7</sup> Derrida, *La bête et le souervain I*, 134–35; *The Beast and the Sovereign Volume I*, 92.

<sup>8</sup> Derrida, *La bête et le souervain I*, 134–35; *The Beast and the Sovereign Volume I*, 92.

<sup>9</sup> See Derrida, *La bête et le souervain I*, 139; *The Beast and the Sovereign Volume I*, 95–96.

<sup>10</sup> Alberto Toscano, “Plasticity, Capital, and the Dialectic,” in *Plastic Materialities: Politics, Legality, and Metamorphosis in the Work of Catherine Malabou*, ed. Brenda Bhandar and Jonathan Goldberg-Hiller (Durham, NC: Duke University Press, 2015), 96–97; quotation is taken from Alfred Sohn-Rethel, *Intellectual and Manual Labor: A Critique of Epistemology* (London: Macmillan, 1978), 45.

<sup>11</sup> Peter Szendy, *Écoute, une histoire de nos oreilles* (Paris: Minuit, 2001); *Listen: A History of Our Ears*, trans. Charlotte Mandell (New York: Fordham University Press, 2008).

<sup>12</sup> Catherine Malabou, *L’avenir de Hegel: Plasticité, temporalité, dialectique* (Paris: Vrin, 1996), 21; *The Future of Hegel: Plasticity, Temporality, and Dialectic*, trans. Lisabeth During (New York: Routledge, 2005), 8.

<sup>13</sup> Dominic Pettman, *Infinite Distraction: Paying Attention to Social Media* (Cambridge: Polity, 2016), 141 n4. See Paul North, *The Problem of Distraction* (Stanford: Stanford University Press, 2011).

<sup>14</sup> Naomi Waltham-Smith, “The Sonic *Habitués* of the Strip: Listening in Las Vegas,” *Sound Studies* 3.2 (2018), 125.

<sup>15</sup> Derrida, “Provocation,” xxviii.

<sup>16</sup> Derrida, “Provocation,” xvi–xvii.

<sup>17</sup> See Derrida “The University Without Condition,” in *Without Alibi* and “Résistances,” in *Résistances de la psychanalyse* (Paris: Galilée, 1996); “Resistances,” in *Resistances of Psychoanalysis*, trans. Peggy Kamuf (Stanford, CA: Stanford University Press, 1998), 1–38.

<sup>18</sup> See Derrida and Anne Dufourmantelle, *Of Hospitality: Anne Dufourmantelle Invites Jacques Derrida to Respond*, trans. Rachel Bowlby (Stanford: Stanford University Press, 2000), 91–93.