

# **Fictioneering Rogues, or The End of the Artist**

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**Doctoral thesis**

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## Declaration of Authorship

I hereby declare that all the material contained in this thesis is my own work.



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## **ABSTRACT**

*The thesis establishes a sovereign artist figure, which operates through fictionalisation. It is suggested that the figure of the artist is free to be anything in tenor with the movement of emancipation in modern art. This sovereignty is mapped on to the concept of sovereignty – particularly Bataille’s concept of sovereign subjectivity – and read against his notion of a restricted economy of purpose and a general economy of excess. The double movement is explored via Derrida to suggest a self-ruinous, sovereign subjectivity. This subject is then relocated in terms of political sovereignty to suggest a privileged artistic subject of decision, whose transgression is similar in structure to that of the political sovereign.*

*The sovereignty of the artist is thought of in terms of Bataille’s ‘useless self-expenditure’ as a ‘counter-sovereign sovereignty’. Laughter is seen as a key attribute. The self-ruin, implied in Derrida’s concept of ‘autoimmunity’, is conceived as a falling sovereignty, which implicates the world in a contagious comedy.*

*This comedy unfolds in a materialism of literature as a Bataille’s ‘sovereign operation’. From Derrida’s understanding of the sovereign phantasm as a speech-act, it is suggested that the political sovereignty of power operates within the same materialism. Power is understood to unfold as spectacle on the same order as the shenanigans of the artist comedian. Ultimately, the contagion of laughter is seen as the true counter-sovereign operation.*

*This comedy of falling is borne out in the supplement. The papers document how the researcher lost consecutive court cases while writing. In the first, against an author and his publishing house, he lost ownership of his identity. In the second he was taken to court as he refused to be held accountable for actions attributed to that identity. The posturing in the court cases is revealed as a comedy, but with real consequences.*

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*[From the supplement]*

## **PROLOGUE**

*Before the fall (before the trial(s))*

*In the beginning, before he went to the law, everything seemed normal. All and everyone comfortable in their identities. Self-same – things and people. Everything in its place; meaning is broadcast and received, the world makes sense and there is a seeming continuity between past and future. He understood the meaning of his actions (he knows what he is doing) – from conception to execution. Sovereignty is a fact. The researcher as sovereign. The artist as sovereign – everyone sovereign (as guaranteed by the institutions of liberal democracy). Assumptions are made and predictions attempted. Hypotheses put forward and tested. Subject and object are separate. Such was his reality.*

*He is known by a name ('the name, the supposed name, goes in at the top and the right mode of behaviour comes out at the bottom, ready for use' (Frisch, 1976, p. 591)). He studies at the art department of a college. He thinks of himself as an artist. – What he does he thinks of in terms of art and aesthetics. And so he was provided with a studio at the college. He expresses himself in art and his acts are inscribed in aesthetic categories.*

*His personality is vague. Almost carefree (careless?). He is an ironist. But he has good intentions and there are good intentions at work in his art. He is on the side of good. Yet he generally keeps away from public action. He expresses his ethics in aesthetic categories ('the flute is not a moral instrument; it is too exciting' (Aristotle quoted in Bradbury, 1965, p. 7)).*

*But then one day he goes to the law [seeking to gain entry to the law?]. He went to clarify a question. It is not that he was overly serious about it. He did not go to see the law because of strong convictions. It happened rather absentmindedly – almost as an afterthought. He explains this to his legal counsel. ‘It’s not that I’m particularly upset. I just want this disagreement corrected. I have the right on my side’. He went to get recognition the way an ironist would (and also to get a little bit of attention).*

*The law is in the institutions, not the people. Like everyone else, he does not need to take himself too seriously (‘Gott sah von Anfang wohl, wohin die Freiheit führet, / Daß ein Geschöpf sich leicht bei eignem Licht verlieret.’ (Haller, 1994, p. 53) (God saw early on where freedom leads / that a creature is easily lost guided by his own light)). The institutions let you live at peace with yourself and others. Life is underwritten by the institutions; everything in its place. Because of this you go some way with good intentions. So yes, he took a lot for granted. And that which he took for granted enabled him to make art, make assumptions and test hypotheses (and have good intentions).*



**(The law speaks)**

**Professor of Law, Dr. Morten Rosenmeier and Dr. Stina Teilmann-Lock (2011):**

*The High Court went on to rule in favour of the defendant. The freedom of expression outweighed the right to privacy. Article 10 prevailed over Article 8, so to speak – the right to privacy had to give way in the case *Thomas Skade-Rasmussen Strøbech vs Gyldendal Ltd and Helge Bille Nielsen*. For *Thomas Skade-Rasmussen Strøbech* this*

*preference for the freedom of expression carried severe implications for his person. This was about more than trinkets and merchandise. The ruling against Thomas Skade-Rasmussen Strøbech defined him as subject: the prerogative of sovereign power. (2011, p. 128)*

**Professor of Law, Dr. Jens Elo Rytter and Dr. Kristian Cedervall Lauta (2012):**

*How do Member States within their respective jurisdictions and EU institutions deal with cases of the collision of rights?*

*The decision from 2011 passed by the Eastern High Court (UfR 2011.3021 Ø) in which two private parties essentially both relied on the ECHR seem illustrative to [sic] this point. The case regarded the inclusion of detailed information on plaintiff's life [sic], including his name, picture, address, and the name of his children, in a fictive work. The work was formally created by a Danish experimenting avant-garde art organisation called *das Beckwerk*, but was essentially written by the defendant and published by one of the biggest publishing houses in Denmark, the second defendant. The case thus regarded the collision of the plaintiff's right to respect for his private life enshrined in Article 8 ECHR and the defendant's freedom of artistic expression protected by Article 10 in ECHR. The Court in their assessment essentially weighed the two ECHR rights against each other. In their decision the court emphasised that:*

*'... the work is an artistic expression of participation in a debate of great societal value [the book regarded a failed attempt to democratize the United States] and the information that Thomas*

*Skade-Rasmussen Strøbech (plaintiff) wanted to protect, was either of a less sensitive character, or information that was already publicly known ...'*

*On those grounds the court found that 'the artistic freedom of expression clearly outweighed the [plaintiff's] wish to protect his privacy', and thereon found for the defendants. Without going to [sic] much to details with the very complicated facts of the case, it can be established that the plaintiff was himself entangled in an avant-garde sub-culture in Denmark, and had on numerous accounts during the last 10 years changed name and identity.*

*Fundamental rights cannot collide in a classic liberal understanding of fundamental as rights upheld by individuals. However, when one moves away from this understanding, recognising that the state is obliged not only to respect the freedom of citizens but also to protect this freedom vis-à-vis another citizen's right (indirect horizontal effect), the possibility of fundamental rights collisions arises. Such fundamental rights collisions pose problems in any legal order, because there is really no point of departure, such as in *dubio pro libertate*, for the balancing which must be performed. The colliding rights must simply be weighed against each other in light of the specific factual circumstances. (Rytter & Lauta, 2012)*



***After the fall (after the trial)***

*He didn't know. How could he have known?*

*Before his encounter with the law it was all about art and the artist – and academia.*

*His research centred on artistic subjectivity and the figure of the artist. The guiding hypothesis that the artist only becomes visible as he encounters / traverses the unforgiving field where sovereignty roams.*

*'What, or where, is the artist outside his material?' he asked.*

*Absurdly the law answered that question for him:*

*'Nowhere. The artist is beholden to us.' (The license to operate 'above the law')*

*Rather than discovering any truths about the figure of the artist, he was emphatically overruled, overrun, displaced (blown off the chessboard) – thrown into the very field he tried to describe from a safe distance – cancelled out – not a social suicide – but a social murder (there is a word in German – 'Justizmord' – literally 'murder by justice') – a by-product of sovereignty – sovereignly produced trash.*

*It began in art and now he – rather than it (art) – ended up on the other side of things.*

*Not only outside art but outside society altogether. All that he had taken for granted was revealed to him by the sovereign (the high court acting as plenipotentiary of the social world). He realised that his own sovereignty had been a fiction (art a fiction).*

*In this night all distinction and difference collapsed (all cows turned black).*

*He didn't know. How could he have known? Impossible. Now he knows but he no longer has voice nor language with which to speak what he knows (and no desire to).*

*He is everyone and nobody, everything and nothing – being and nothing more.*

*Whatever. Everwhat. Atverhaw.*



## **Introduction**

### ***Performance, practice, separating claims and creative outcomes***

This enquiry was conceived and executed as part of a performance art piece, which lasted from Autumn 2008 to Winter 2012. I was deep in process and character – even multiple characters – at the time of writing. Frequent name change caused some confusion – not only in the institutional context of university – but also for me personally.

This to say that in the context of this particular practice-based PhD there was no position that allowed for the duality of researcher and performing artist – and so there was no Archimedean point from which to clearly distinguish the research process (claims and context of claims) and the creative outcomes. The process seemed interminable (or rather terminal -- as it threatened to engulf every aspect of the life of the researcher/performer).

I write this in the spring of 2013 – after the fact – as myself, Thomas Skade-Rasmussen Strøbech, and so clearly not in character anymore. The long performance process came to its necessary end when I on 5 December 2012, in the institutional setting of university, relinquished my attempted sovereign operation. I simply slipped out of character – compelled to exclaim *'but I am an academic too!'* in an apparent

appeal for sympathy and community. This was the abrupt, non-sovereign end to the theatre of sovereignty I had enacted over the course of 4 years. I finally submitted to the sovereignty of university. I was subjected. I became a subject.

With this fall from (attempted) sovereignty – from a summit of exalted isolation – to a subordinate position where sovereignty can be discussed – there is an opportunity to make explicit the theory, which was implicit in the enactment. This to the extent I have chosen to cleanly separate claims and creative outcomes. And so the performance documents, the heart of the thesis, have been moved outside and attached as an appendix, which allows for a conventional thesis form and argument.

### ***The search in the research***

It began as a question about the artist. Where is the artist? What is left of the artist? There has been a lot of talk about the ‘end of art’ – but what about the artist? Where did the artist go after the end of art? With modern art, the artwork was liberated from meaning and material – with modern art anything could be art. But this was different for the artist. With the radical emancipation of the potential object of art, the subject of the artist receded into the shadows only to appear in heavily clichéd terms as mad, perverse, pathetic (traumatised by childhood or car accidents), suffering or profound. Such clichés might all be very well and true – but are not the focus here.

This inquiry is a pursuit of freedom for the artist. If things are free to be anything, why not the artist too? One might suggest the roles have become reversed in the post-war artworld, so that it now requires the singularity of the artwork to guarantee the uniqueness of the artist – to the extent such a figure is visible at all. What is more, if then the identity of the artist depends on the singularity of the artwork, his existential condition is wholly exteriorly given, exteriorly determined by the artworld as a

system. Across high modernism, postmodernism – in abstract expressionism, pop art, neo-expressionism – we might have witnessed formidable protagonists, but they are not at all similar to the 19th century notion of the privileged artist who advanced into unknown territory in order that the rest of society could follow.

But the centuries of followers are past – negated by the conflagrations of the Twentieth century. What is certain here is that nobody would want to follow the figure of the artist proposed here. It is an isolated figure, a singularity, and as such an *impossible existence*. Such a figure is the refuse of the artworld, artworld rubbish. Pure negativity – but also as such potentially presenting a new beginning. The search for the artist became a search for myself in all its glaring banality.

On the surface the personal is there to the extent that it drowns out everything else. The thesis is conceived within a Nietzschean perspectivist epistemology, proceeding deeper into the singular as it weaves together theory and life. In the process of working out the material, the writing takes centre stage in three ways:

1 – writing as fictionalisation – as a way of confronting the fact that the more I say the more I let down my practice and my ‘self’ and the further I move from what it could also have been (in terms of sovereignty and potentiality). I call it fictionalisation but this is only on the surface – the names might be different from those in reality but often they are not. It is a deliberate use of ambiguity – as I understand freedom as freedom from identification.

2 – text as materialism for artistic practice (it often claimed that ‘*artists hope to inhabit the same crossed out space as literature figures – but that they have picked the wrong type of materialism*’ (Andrea Phillips). I disagree).



3 – as a theoretical problem in the context of naming that, which essentially is impossible to name – inner experience and positions of potentiality and sovereignty structured as Nietzschean / Bataillean non-knowledge.

Ultimately, I have come to see fiction as the overarching materialism that includes all other – thus for me to write as if visual art has its own independent materialism would be wrong. This thesis exemplifies how a text operates across multiple dimensions. It illustrates how text is not distinct from action or opposed to action.

### ***Line of argument***

#### ***1. Man without content***

First move: With a reading of Hegel, in particular Giorgio Agamben's interpretation of Hegel's *Aesthetics* in *The Man without Content*, I retain the notion of the artist as pure subjectivity. This in order to pursue the overall hypothesis that the figure of the artist only becomes visible outside aesthetics – as such taking on the attributes of a sovereign subjectivity. Aesthetics is here thought narrowly as a field of judgement related to sensory-emotional values on the side of the subject's encounter with the work of art. By separating the producer of art from the spectator, the conditions of reception and the work, artist subjectivity is understood only to exist in terms of production and doing and has as such no relation to the 'completed' work. As 'emancipated' modern art establishes its own a priori, Agamben proposes the new figure of the artist as a 'man without content' – a 'living dead' figure haunted by the inessence of art's principle.

On this basis I hypothesise that however pure and worldless, this subjectivity – as sheer agency – should be considered outside the big three – aesthetics (artworld),

ethics (politics) and knowledge (university). – As such beholden to no one and as such possibly to be considered a sovereign subjectivity. In relation to each area this sovereign figure would appear unrecognisable, as ‘non-aesthetics’, ‘non-ethics’ and ‘non-knowledge’, to engage with each field in a relation of excess, an exteriority coming from (made of) the outside. An excess – to each field a ‘hyper-aesthetics’, ‘hyper-ethics’ and ‘hyper-knowledge’.

## **2. Sovereign subjectivity**

The second move looks initially at the origin of the concept sovereign subjectivity. The main theorist of sovereignty outside politics (and so subjective) is Bataille and I use his concept of sovereign laughter to connect with Agamben’s ‘man without content’. Laughter appears as a key shared attribute and helps to move the theorisation beyond idealism, and outside being, following Derrida’s reconstruction of Bataille in *Writing and Difference* (‘laughter alone exceeds dialectics’ – 2001, p. 256). Sovereignty to Bataille is useless self-expenditure, building on the Nietzschean notion of *verschwendung*. I develop Bataille’s notion of two economies – a general economy of excess and a restricted economy of purpose, meaning and ends. The latter economy of order is carved out of the general economy and so contains the potentiality of excess in its own categories. Throughout this part I refer mainly to Derrida’s reading of Bataille. Bataille’s thinking has influenced Derrida hugely. Especially Bataille’s insistence on the impossibility of meaning and knowledge. Derrida’s concept of the supplement is very much a development of the logic of Bataille’s two economies: ‘The supplement adds itself, it is a surplus, a surplus, a plenitude enriching another plenitude’.

I refer throughout to Foucault's altogether different approach to sovereignty as well as his reception of Bataille and Bataille's notion of two economies.

I recast the idealist pure artistic subjectivity in the terms of Derrida's notion of auto-immunity as a self-compromising challenge to mastery of self. This in order to rejoin subjective sovereignty with the political sovereignty of decision in Carl Schmitt's theory. Via Schmitt I propose the artist figure as a sovereign in terms of decision. Through decision, artistic subjective sovereignty is depicted in the categories of Agamben's 'whoever' or 'whatever' subjectivity – yet even more emptied via Derrida's notion of decision as an act of traversing the impossible.

Ultimately, this second move of the argument privileges the artist as a subject capable of embodying the excess from any identity-ascription, and so retaining the potentiality for 'being otherwise'.

### **3. The operations of the sovereign artist**

The resulting subjectivity of the first two moves could be said to be an abstraction of an abstraction, which has neither materialism nor world. The third move must necessarily ask how and where this subjectivity might appear. Setting out with a reading of Bataille's *Method of Meditation*, which is the title of his methodological reflections on sovereignty, I follow Julia Kristeva's (1995) reading of Bataille to suggest that the transposition of sovereign operations demands a 'literature, not a philosophy or a knowledge; more precisely it demands a literature of themes that is inevitably tragic and comic at the same time' (p. 247). This method is the writing of Bataille's trilogy *Innner Experience*, *On Nietzsche* and *Guilty*. Here from the introduction to *On Nietzsche*:

*'In a sense my book is the day-to-day record of what turned up as the dice were thrown – without, I hasten to say, there being a lot by way of resources. I apologize for the truly comical year of personal interests chronicled in my diary entries. They are not a source of pain, and I'm glad to make fun of myself, knowing no better way to lose myself in immanence'. (2004, p. xxiii)*

Life, private life, is used, not as a source feeding traumatic content into artistic manifestations – as is so often seen in contemporary art when artwork is explained as a result of some random condition or event having impacted the artist (car crash, illness, dyslexia, parent's divorce etc etc) – on the contrary, the sovereign subjectivity 'lives in form', using life as material to fill the mould.

I take the notion of literature as privileged materialism of the sovereign subjectivity and read it against Derrida's conception of sovereignty as phantasm in his final seminar. From this I suggest a 'sovereign counter-sovereign' practice operating as a counter-phantasm within the same materialism. I return to the notion of self-ruinous, falling sovereignty; the notion that sovereign subjectivity must fall in order to communicate. Sovereign counter-sovereignty is falling. The comedy of the slipping sovereign triggers a contagious laughter, which implicates everyone in the action. This laughter delivers both sovereign and audience from their hardened selves, taking them beyond being. On that sovereign axis of communication all subjects meet – artist, audience and the sovereign masters (of the phantasm). Finally, I offer a poetics for fictionalising rogues (after the end of the artist).

## **Appendix: The Supplement**

*It is the strange essence of the supplement not to have essentiality: it may always not have taken place. Moreover, literally, it has never taken place: it is never present, here and now. If it were, it would not be what it is, a supplement, taking and keeping the place of the other ... Less than nothing and yet, to judge by its effects, much more than nothing. The supplement is neither a presence nor an absence.*

*(Derrida, 1997, p. 314)*

The supplement is not a part of the thesis. Yet, it is at the heart of the research. What is traced – not spoken – in those papers is a sovereign movement superior to the *spoken* of the thesis proper. Still it cannot (and should not) be a part of the argument. It is, as Bataille says of sovereignty, ‘NOTHING’ (1991, III, p. 430).

The supplement irrupts continually throughout the thesis proper, disrupting and undercutting the ordered linearity of the academic discourse. The supplement points to what is ‘really’ going on and reminds us that the tidy argument of the thesis proper is *impossible* as such. The supplement is exteriority coming inside. It is the excess from which the tidy order of the thesis is carved. The mastery (university subject) of my voice in the thesis proper is challenged by the heterogeneity of the practice (which itself is too neat of a word in this context). This underside reveals the vapidness of my assertion that claim, context of claims, and the creative outcomes are separate – can be separated. It is revealed that the researcher has a double – an underground man – who rants and raves against other artists and academics (in the field).

Some might say this sad person brimming with dark resentment is as far from sovereignty as one can imagine – a relative rather of Dostoevsky’s ‘Underground Man’. This is true, I am mostly a sad character, but I hope from this particular

constellation of documents to reveal a rising sovereign laughter. A laughter to emerge maybe as the shock waves described by Benjamin Noys in his reading of Bataille's work:

*His work makes explicit this interweaving of life and work by always being deeply autobiographical, always written 'with his blood', but in a way that never supposes his won secure identity. It sends out shock waves from the forces of lived experience that flow through it. (Noys, 2001, p. 5).*

This fallen sovereign is ex-centred and beside himself so much so that he constantly slips into new identities under different names. If there is a sovereign agency, it might be localised in the brief moment at the extreme limit where a new name / identity is born. This brief moment might be centred and focused to facilitate the sovereign comedy – the comedy that arises when 'real people' throw themselves to the lions (for the ecstasy – 'intensity alone matters' as Bataille keeps saying).

He is beside himself to the extent that he always talks beside the point. – He would rather invest Agamben with a biography [though there is not much to begin with] than engage in a proper close reading of his text. His way of thinking and reasoning is metonymical rather than metaphorical and he would much rather address what lies beside the point than purport to be able to know what or where the point is. He believes that there is more potential truth coming from disconnected asides than from clear, concise argumentation. (*The difference between inner experience and philosophy resides principally in this: that in experience, what is stated is nothing, if not a means and even, as a means, an obstacle; what counts is no longer the statement of wind, but the wind.* (Bataille, 2009, 11))

### *A comedy*

Finally I'll be clear (for once) – now that I have put down my mask and speak as myself, as Thomas Skade-Rasmussen Strøbech.

The supplement documents my attempt to assert ownership to my name, identity and privacy in court. It is revealed that it was all a show. – A disingenuous spectacle put on to generate drama and intensity. While Bataille had the luxury of a world war as effective backdrop – a state of exception unfolding around him that helped to elevate the personal in his diary – I had to make / fake a war in order to risk myself in an act of falling, implicating institutions and everyone around me through my own artificially induced state of exception.

The court case(s) were jokes played on the literary establishment, the legal system, the public, universities (and the bank) but most of all it was a joke played on myself. In a way everyone was in on it. The lawyers finally got an unprecedented case to deal with and they all talked it up in the media – the more to glorify themselves as the lead actors. The journalists were all over the story. According to one newspaper, pieces related to the court case held the top spot in web statistics for weeks. A journalist described it as 'having ticked all the boxes for the perfect story'. The public got its gladiators and was tickled for months. And in the university, cultural studies departments got fresh angles on, say, 'post-identity micropolitics' to inspire new cycles of undergraduate essays (one lecturer took his class to the aforementioned newspaper to hear a journalist describe how he had chosen to cover the story). And literature professors got to redraw fault lines in fierce debates on referentiality in fiction. Finally, I got my film financed and produced, which I set out to do in the winter of 2008 (after having read Tom McCarthy's *Remainder*). All not without a cost, of course. Some taxpayer's money went to foot the bill. And it cost me – in

terms of money, health, credibility, friendships, professional relations, relationships etc. I will probably never be able to return to that particular scene (or my self). Unless possibly as somebody else. (*Vemund Thoe?*)

Still it does not matter whether this was all intended as a joke or not. For everybody involved it was real. It might have played out on the axis of a phantasm – *juridical sovereignty* – but as such it was precisely real. And possibly even hyper-real – if we think my joke in terms of a counter-sovereign phantasm, which then attached itself to the sovereign phantasm – exactly as a supplement.



***[From the supplement]***

***Debut on the art scene (and in America)***

*In the autumn of 2004 [three weeks before the re-election of Bush] I debuted as a performance artist in New York City. I got on the schedule via someone who knew someone who knew one of the organisers – a group called Billionaires for Bush – an ‘ironic’ activist artist ensemble that performed dressed up in rich people’s costumes. The group was much in demand in 2004.*

*The space was located in a boarded up, condemned building in the East Village. It was a late Friday evening in October and I arrived with my luggage in a taxi from the airport – schlepping my bags, passing through a throng of smoking patrons, entering the space and going onstage in more or less one movement.*



*It was not only my first time in New York; it was my first time in America. It was also my first performance in a designated art space – in a sense it was my first performance, as I had never performed for an art crowd before.<sup>1</sup> I came more or less straight from Baghdad to that stage in the East Village; taxi at both ends of the journey: a taxi out of Baghdad to Jordan where I got on a flight in Amman that took me to New York via London.*

*I don't quite remember what I did or said on that stage. I remember the room: cement floor, white bare walls, and an improvised plywood bar to one side of the room. No seats, the audience either standing or sitting on the floor up against the wall. I recognised some Billionaires in the room because of their lavish costumes and top-hats. The rest was a blur of young hipsters.*

*The 'performance' was over only a moment after it began. Improvising with microphone in hand, I did some sort of stand-up routine. Jetlag and culture shock had a debilitating impact on my excellence and inspiration – the shift from Baghdad to New York without passing through a cultural decompression chamber had left me slightly ill. I did not go much beyond stating the bare fact: 'Here I am straight from Baghdad! – I spent 4 weeks travelling Iraq in the service of democracy...'*

*Kudos to me because of the Iraq-thing. I still had Fallujah mud sticking to my boots. Big round of applause. I walked over to the bar and got whisky on the house. I thanked the bartender who with much emphasis went 'no, thank you!' I was then surrounded by some of the Billionaires who assured me how awesome it was and asked questions like 'were you really in Iraq?'; 'how was it like?' etc. One of them –*

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<sup>1</sup> Not true. He had been an integral member of a Copenhagen fringe theatre group [Théâtre Sans Argent] for two years at the time.

*a self-described 'decadent heiress' who was wearing an evening dress and plastic tiara – exclaimed loudly 'oh, that was so ironic, so postmodern!' And then it was all over and we went to smoke cigarettes on the sidewalk outside.*

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*Before I came to the art world I had sought to use academia as a vehicle for action—not surprisingly failing spectacularly. In some respects knowledge is a surpassing antidote to action. Obviously—much work within the Humanities consists of second-order inquiry into artists' first-order creations, making it most common to jump the fence from one to the other. Though the direction normally goes only one way—quitting the first order for second-order academia—either through lack of talent, ambition, confidence or—with age—out of comfort. In any case, I ended up quitting second-order academia to move into a space where I hoped I could have an impact.*

*The fast track into the art world runs via performance art. With a bit of confidence and a few props, the identity of a performance artist was mine for the taking. You do a few gigs where you get on stage with a bag of props—props like a pan, a rubber duck or a tape recorder that plays animal sounds. Then you bang on the pan, you do a speech while squeezing the duck, finishing by staring ominously into the wall, improvising some scribblings to the soundtrack of animal sounds. If one is capable of generating a bit of media interest, you cement the new identity by making sure the reporter gets the occupation right —performance artist. But then I suppose that this is a trick that pretty much works with most professions except for a few like astronaut, chancellor and nuclear physicist.*

*It was probably a mistake to enter this field? I would rather lead an army like George Washington, or Lafayette—if not found a nation. I have read my Plutarch. Had these been wartimes, the virtues, which today are tolerated within the field of art, would have been in urgent demand and would have led to my swift promotion and great secular success.*



# Part 1: The end of the artist

I begin with a reading of Hegel's *Aesthetics: Lectures on Fine Art* in order to pursue the overall hypothesis that the figure of the artist only becomes visible outside aesthetics – as such taking on the attributes of a sovereign subjectivity.

To establish the figure of the artist, we first have to establish the status of, or what, or where, the artist is outside his material. Hegel is key here. Since Arthur Danto's revival of Hegel in the 80s, along with the focus on the thingness of art objects, an idealist framing of the subject-object question has been on the rise in art criticism. According to Hegel, modern art caused a split in the subject-object relation that, on one hand, spawned a realist tendency with objects moving towards increased objectivity, and on the other, saw a spiritual tendency with the subject drifting towards pure subjectivity.

In recent history the object has been on the ascendant. Its existence and properties are verifiable, or can be agreed upon, at least to some extent – and thus it nicely fits the tidiness of present socio-economic categories. When Danto carried forward Hegelian categories in the 1984 *End of Art* essay, he privileged the object and focused on the status of the artwork and its function in the artworld. For Danto the end of art means infinite freedom for the *thing* in that *anything* has the potential to be art. To actually become art, the work is required to reveal itself as such via recognition in *self*

(interior) – self-consciousness – and recognition in *other* (exterior) – consciousness in, and of, the artworld, which in Danto’s essay takes a place similar to that of Absolute Spirit.

The notion of a specific artistic subjectivity has long been out of critical favour and has been little dealt with in late modern theorisation.<sup>2</sup> An exception is Giorgio Agamben’s early exploration of Hegelian subjectivity in *The Man without Content*, a series of essays published in 1970, which considers the status of art in the modern era, and which gained a new lease on life via Agamben’s snowballing stardom and its recent’ translation into English (1990). The book was the subject of a seminar called *Art on Terror: the incendiary device of philosophy* at the Floating IP Gallery in Manchester in 2005. The resulting publication asked ‘how art can transform into new substances rather than be consumed by its own premises’ (Reeve et al., 2005, p. 4). It then suggests that art is not dead but ‘living dead’, ‘as it survives its groundless foundations’ (ibid.).

## **The foundation of artistic subjectivity, or artistic subjectivity abstracted from aesthetics**

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<sup>2</sup> The re-emergence of the figure of the artist in critical inquiries is possibly connected to the waning theories of ideology and the renewed interest in the relation between the artistic subject, the reader/spectator subject and the work. The resurgence of interest in aesthetic subjectivity has been attributed to a ‘new aestheticism’ – a term first suggested by Rei Terada (1993) in a review of Jonathan Loesberg’s *Aestheticism and Deconstruction* and Frances Ferguson’s *Solitude and the Sublime* in 1993. In *The Philistine Controversy*, Beech and Roberts note 3 texts on the topic from the year 1990 alone, which they see as incisive for the advent of ‘new aestheticism’: Terry Eagleton’s *The Ideology of the Aesthetic*, Fredric Jameson’s *Late Marxism* and Andrew Bowie’s *Aesthetics and Subjectivity*. ‘New aestheticism’ was used polemically as the title of a multi-authored collection of essays from 2003, subtitled ‘The return of the bourgeois subject to critical theory’. The book identifies a critical turn with a new focus on the aesthetic impact of a work of art.

### *The Copernican decentering of the subject*

For most of the past century, structuralism, post-structuralism and theories of ideology had prompted a deep-seated suspicion towards theories or interpretative models, which employ Cartesian notions of self-awareness or worse – that pay attention to biographical matters. This movement privileged the object in the sense that the work by itself was supposed to hold its own interpretative key. – As such in tenor with the basic function of the object as commodity in capitalism, established by Marx when he pointed to the fetishisation of things in the marketplace and to the reduction of people to mere possessors or guardians of the commodity as they engage in the basic exchange relations of the market.

The case could be made that the object has remained at the centre of attention practically unscathed, while the subject has undergone a transformation of Copernican magnitude – beginning with Freud’s discovery of the unconscious and continued across a number of disciplines – conceiving the subject either relationally, in terms of class, in terms of psychopathology and so on. In the context of capitalism, the subject has only been privileged in the context of law, as it is required to exist as a legal entity, as the guardian or ‘possessor of things’. – A legal fiction necessary, as Terry Eagleton argues in *The Ideology of the Aesthetic* (1990), in order to accept and function within an isolating competition based on a formal rights-based equality – the fiction that Marx polemically dubbed ‘die Robinsonade’.

Within the art world the balance between maker and material has shifted accordingly over time in favour of the material. The 19th century saw the romanticist celebration of the artist as the centre of art. The uniqueness of the artwork was guaranteed with

the singularity of the artist. This coincided with the promise of democratic revolutions, the rights of man, and enthusiastic declarations in philosophy and art of the coming of the 'New Man'. Though the intellectual optimism of the 1830s and 1840s gave way to a darker antagonised artist figure, asserting the autonomy of art and aggressively confronting the bourgeoisie – it still very much remained a sovereign figure. But then the advent of the 20th century, the massive slaughter of the first world war, Auschwitz, class wars and the rise of the big ideologies – the sheer scale of History – obliterated the notion of great men, heroism and also the notion of the artist as genius or 'prime agent' (Coleridge).

One might suggest the roles have become reversed in the post-war artworld, so that it now requires the singularity of the artwork to guarantee the uniqueness of the artist – to the extent such a figure is visible at all. What is more, if then the identity of the artist depends on the singularity of the artwork, his existential condition is wholly exteriorly given and thus determined by the artworld as a system. Across high modernism, postmodernism – in abstract expressionism, pop art, neo-expressionism, we might have witnessed formidable protagonists, but they are not at all similar to the 19th century notion of the privileged artist who advanced into unknown territory in order that the rest of society could follow.

***Hegel, the end of art, artistic subjectivity emptied***

Returning to Hegel and the subject-object bifurcation: To Hegel the beginning of modern art was the end of art in the sense that subject-object split coincided with, what he called, the end of art. He deemed art to have become a thing of the past when

it lost its vocation in the greater scheme of things (the universal spirit gaining consciousness of itself) along with the dissolution of the classical art form.

The end of art has far-reaching implications not only for the status of the artwork but also for the subjectivity of the artist. In *Aesthetics* Hegel asserted that art became a thing of the past with the dissolution of the classical art form, which then led to a scission between the artist and his material in romanticism. According to Sven Lütticken in *Art and Thingness* (2010), ‘Hegel saw modern art as bifurcating into, on the one hand, a ‘realist’ tendency that would show the surface of objects in minute ‘objectivity’, and on the other, a ‘spiritual’ tendency that would place all the emphasis on the subject’.

On the threshold of modernity and as a contemporary to romantic art, Hegel witnessed the notion of the masterpiece fade away – the notion of the artist intent on creating an ultimate visualisation of truth and beauty. He reads this movement as an instance within his general idealist system of philosophy, which sees human history progress as the ‘spirit’ externalises itself in forms that stand outside of, or opposed to it. After culminating in the expression of the unity of truth and beauty in classical art, art ceased to be the supreme need of the spirit.

Romantic art sets itself apart from classical art forms in that subjectivity has become its fundamental principle. This subjectivity exists in free independence outside objective reality. It no longer concentrates itself in a unity with its corporeal manifestation. The immediate unity of the artist’s subjectivity with his material has broken. Classical art had ‘attained the pinnacle of what illustration by art could



achieve' (Hegel, 1998, I, p. 79). Romantic art cancels the unification of the idea and its reality, demanding a transition to a higher perfection

*that is not susceptible of an adequate union with the external, since its true reality and manifestation it can seek and achieve only within itself. (Hegel, 1998, I, p. 81)*

For Hegel, the past had seen the artist in immediate identity with the specific character of a world-view and religion. There was a living identity between the artist and his material. Hegel sees this identity intact so long as the artist is bound up in a specific world-view, so long as the material remains for him the 'infinite and true element in his own consciousness', so long he lives with his material in an 'original unity as part of his inmost self'.

In this context there is a necessary relation between subject and expression:

*...the form in which he exhibits it [his material] is for him as artist the final, necessary, and supreme manner of bringing before our contemplation the Absolute, the soul of objects in general. By the substance of his material, a substance immanent in himself, he is tied down to the specific mode of its exposition. (Hegel, 1998, I, p. 441)*

The artist's task was straightforward in the sense that he had to 'make this truly essential element objective to himself, to present and develop it in a living way out of his own resources' (ibid.). With the dissolution of classical art and the advent of romantic art, the simple totality of the Ideal is dissolved and falls apart 'into a double totality that consists of (a) subjective being in itself and (b) the external appearance'

(ibid.). Referencing Hegel's assertion that romantic art reverted to difference and the opposition of idea and reality, Giorgio Agamben claims in *The Man without Content* that modern art is a result of a series of schisms, beginning with the dissolution of classical art and the scission between the artist and his material:

*The artist then experiences a radical tearing or split, by which the inert world of contents in their indifferent, prosaic objectivity goes to one side, and to the other the free subjectivity of the artistic principle, which soars above the contents as over an immense repository of materials that it can evoke or reject at will. (1999a, p. 35)*

Seen from the aspect of the Ideal, to Hegel, this is the moment where the artist becomes irrelevant in the bigger scheme of things, seen from the perspective of artistic subjectivity it is a moment of liberation; the artist is liberated from content and the necessity of representing it through his inspiration. Hegel says that artists are possessed by freedom to make them a 'tabula rasa in respect of the material and the form of their productions' (1998, I, p. 420).

Historically this marks the caesura between the ancíen regime of taste and refinedness and the modernist period of madness, the ugly and the scandalous. Art loses its aesthetic purpose in a way that spells the end of a cultivated public whose ranks counted the men of taste, the beautiful souls. In the classical period taste could be acquired in a world that was whole; not only did the artist live in unity with his material, art was 'a shared space where all men, artists and non-artists, could come together in living unity' (Agamben, 1999a, p. 35). The spectator saw in art the highest truth of his being in a necessary relation between material, artistic inspiration and

transcendent purpose and material obeyed – what Hegel calls, ‘the formal law of being simply beautiful and capable of artistic treatment’ (1998, I, p. 420). But then there is something higher than the beautiful spirit in its immediate sensuous shape. Shedding the medium of externality, the external representation of the Ideal and all external appearance, artistic subjectivity finds its being in itself:

*Thereby the spirit comes to the consciousness of having its opposite, i.e. its existence, on and in itself as spirit and therewith alone of enjoying its infinity and freedom ... By this elevation of the spirit to itself the spirit wins in itself its objectivity, which hitherto it had to seek in the external and sensuous character of existence, and in this unification with itself it senses and knows itself. (Hegel, 1998, I, p. 518)*

With the era of modern art the unity of the work of art has broken. Art transcends itself to point beyond itself; it loosens itself from itself. Stripped of aesthetic purpose, there remains only the bare artistic act – an artistic subjectivity without content, the tabula rasa of a pure creative principle.

Hegel held his lectures on aesthetics as romanticism was reaching its zenith. Capitalism’s cult of the object was not yet entrenched. The figure of the artist, celebrated as genius, was a privileged figure at the centre of art. There was no such notion as Danto’s ‘artworld,’ serving as an absolute horizon for art and artists. The ‘genius’ was free to find expression in any world or material. This threshold is comparable to the state of the solar system prior to planets forming out of nebulous gas clouds. The universal nature of the nineteenth century led to boundless ambition on the side of art as manifested in Wagner’s dream of a synthesis of the arts and

society in a 'Gesamtkunstwerk'. – The kind of ambition that today is confined to individuals in a madhouse or the corporate world of advertising where words like synesthesia and synergy still has some currency. Art has become plural – *the arts* – each individually limited by the particularisation of knowledge, the atomisation of audiences and the division of labour.

### ***The man without content***

Previously I examined artistic subjectivity as separate from the world. The question is where and how this subjectivity appears in the triangular relation between artist, artwork and spectator. But there is also a historical factor to consider. In view of the rise and dominance of the object in the post-world artworld, it might prove feasible to counter the entrenched modern-day object with a reformulation of Hegelian artistic subjectivity, in a manner similar to Danto's resurrection of the Hegelian art object in the Eighties. A beginning can be provided by Giorgio Agamben's *The Man without Content*, an exercise in philosophical idealism from the early 70s.

In *The Man without Content* Agamben deals with the dichotomy between the art producer and the art spectator. Recalling Nietzsche's critique of the Kantian definition of the beautiful, Agamben suggests a principle of art freed from what he calls 'disinterested innocence'.

As we picture artistic subjectivity split from both spectator as well as any content, this idealist subjectivity turns in on itself to become absolute. To Agamben, the contrast specifically to the spectator lies in how the spectator 'confronts absolute otherness in the work of art'; whereas 'the artist possesses immediately his own principle in the act of creation' (1999a, p. 54). The artistic subjectivity is then absolute essence from the aspect of which all subject matter is indifferent. It is a pure creative-formal principle

that fulfils its potentiality independently of any content. It dissolves all content in an ‘effort to transcend and actualise itself’ (ibid.). It is here that the metaphor ‘the man without content’ comes into play. According to Agamben, as pure subjectivity, the artist has no identity other than ‘a perpetual emerging out of the nothingness of expression and no other ground than this incomprehensible station on this side of himself’ (1999a, p. 55).

With the example of Balzac’s figure of Frenhofer, Agamben indicates a conception of the modern painter with nothing to transport, nothing to mediate, who instead seeks to turn his canvas into pure presence as he tries to erase art with art:

*There is such depth on this canvas, its air is so true, that you can’t distinguish it from the air that surrounds us. Where is art? Lost, vanished! (Frenhofer on his painting in Balzac’s ‘The Unknown Masterpiece’ quoted after Agamben, 1999a, p. 9)*

This canvas of Frenhofer’s has a ‘chaos of colours, tones, hesitating nuances, a kind of shapeless fog,’ which brings Poussin – a visitor in Frenhofer’s studio to cry – ‘but sooner or later he will have to realise that there is nothing on his canvas!’ (ibid.)

Agamben sees Frenhofer’s blank canvas as the result of his quest for absolute meaning and as such as an illustration of the condition of the man without content. As the artist reaches for meaning, as he strives for the objectification of his world and self-possession, he transcends and moves beyond his work, thus annulling both meaning and all prospects of a concretisation of self.

In this conception of modern art in its ‘self-annulling’ mode the figure of the artist is still read against his material, his work. The work appears as a document of failure, attesting to the failure of the artist to reach and possess himself in unity with the work.

Read within the economy of products – from his own point of view – the modern artist has, and always will have, failed. With no necessary relation between content and expression he can never succeed, there will always be a remainder of contingency in his work. This, of course, looks different from the point of view of spectatorship and aesthetic judgment, which appraises the work of the artist separate from the point of view of artistic subjectivity.

Agamben makes a point of this split between artist and spectator:

*The side that faces the artist is the living reality in which he reads his promise of happiness; but the other side, which faces the spectator, is an assemblage of lifeless elements that can only mirror itself in the aesthetic judgment's reflection of it. (1999a, p. 11)*

It is in *living reality* that the artist hopes to possess himself. Agamben stresses this ethical dimension of the creative experience in that the artist only sees in his work, what Flaubert called ‘une promesse de bonheur’, a promise of happiness. The artist is not interested in his work, he is interested in working. It is in the act of creation that ‘the artist possesses immediately his own principle’. The modern artist is radically interested in the world because his uncanny experience of the limits of life raises the stakes far beyond any notion of the production of a beautiful work.

From this perspective, the spectator seems to insinuate himself into the concept of art while

*we see the opposite taking place from the point of view of the artist. For the one who creates it, art becomes an increasingly uncanny experience ...because what is at stake seems to be not in any way the production of*

*a beautiful work but instead the life and death of the author. (Agamben, 1999a, p. 5)*

And this – the life and death of the author, the question of individual morbidity – this compels each and every modern individual to thrash out a bigger or lesser compromise with morbidity (the lesser, the more sovereign). This notion is comparable to Foucault’s notion of death as singularising the individual from within ‘to require of the body a style of its own truth’ (in *The Birth of the Clinic*, 2003a, p. 211). The style is then the accessible, visible side of that compromise, but this is secondary – like the insinuating move of the spectator. Primary is the risk-taking in itself. Thus Rilke writes: ‘Works of art are always the product of a risk one has run, of an experience taken to its extreme limit, to the where man can no longer go on’.

(Quoted after Agamben, 1999a, p. 5)

This is why it is authenticating to me to see this primary struggle not only reflected in the documents of ‘end products’, but through *experiences* (biographies) as well. Ultimately what passes and is contextualised as art is only a tiny fragment of that primary struggle. I am thinking of figures such as those of Hölderlin, Rimbaud, Baudelaire and, in the context of Hegelian subjectivity, foremost Antonin Artaud. Artaud seems literally to enact Hegel’s drama of ‘a self-regarding consciousness’ (Sontag, 1998, p. xxi). But since the end of the heroic period of modernism this is tricky territory. It is so tricky that I am wary of privileging any post-war biography since the clichés about the uniqueness of the artist came thick and fast with the entrenchment of contemporary art. It seems as if the amount of clichés has grown in proportion to the theoretical downgrading of the subject.

***Artaud: art, subjectivity, identity***

A way to avoid the pitfalls of these cliché-infested waters is to look at the figure of the artist in terms of sovereignty. But let me first for the sake of illustration take Antonin Artaud as an example of a ‘suffering artist’ that fits well Hegel’s characterisation of modern artistic consciousness. There are three reasons that he is interesting in this context.

1. It would be deception only to judge Artaud by writings and artworks. His work is very much of a romantic sensibility that derives its singularity from the singular lived experience of the artist. The work as such is a by-product and I doubt any of his works – be it texts, stagings, performances – would adequately express the personal totality of Artaud.

2. Artaud seems almost literally to incarnate the ‘self-annulling subjectivity that dissolves all content in ‘an effort to transcend and actualise itself’. His work is fragmentary and self-cancelling. In her essay on Artaud, Susan Sontag talks of ‘thought that undoes itself’ and declares that Artaud failed both in his work and in his life (1988, p. xix). And

3. – most importantly in the context of sovereignty – his attempt to counter identity ascription with pseudonyms and elaborate new identities. In this Artaud not only takes on the predicament of the modern artist as portrayed by Hegel, but combines it with a prescient response to the condition of the decentered subject. Stephen Barber writes in his Artaud biography *Blows and Bombs*:

*...Glacial in his attitude ... infinitely distant from the people to whom he was closest, and from the cultural and political issues of his time. The residue of his life’s trajectory is fierce and volatile. It appears as the burning light of a constellation of dead stars. His work is a painful*



*movement through many silences and journeys. (2003, p. 1)*

Artaud left behind a vast collection of fragments. Writings, recordings, theatre, film, dance, he used any means available, but hardly any could be said to be achieved works of art. What he left behind was rather a poetics – a trace of a furious mind that worked itself through a range of media, which were all found to be lacking and inadequate. Instead his consciousness itself had become a project, which inevitably makes the artwork appear incomplete. He writes in *The Umbilicus of Limbo*:

*Where others present their works, I claim to do no more than show my mind. Life consists of burning up questions. I cannot conceive of work that is detached from life. I do not like detached creation. Neither can I conceive of the mind as detached from itself. (1988, p. 59)*

Artaud's work seems to be as much art as thought. Making art is like extended thinking. Art is an action of the mind. Sontag describes his poetics as

*a kind of ultimate, manic Hegelianism in which art is the compendium of consciousness, the reflection by consciousness on itself, and the empty space in which consciousness takes its perilous leap of self-transcendence. (1988, xxix)*

Consciousness and life are privileged over artforms, which are seen to wither away with the closing gap between art and life. Artaud describes this crisis as the 'agonising uncertainty we live in regarding the necessity or value of this art or that form of mental activity' (*The Alfred Jarry Theatre*, 1998, p. 155). The result of attaching art to life renders arbitrary the procedures that parcel consciousness into separate works of art.

Artaud changed or distorted his name on many occasions. He adopted pseudonyms. In *The New Revelations of Being* he was 'The Revealed One'. At one time he refused to answer to any name. In 1939 he adopted his mother's maiden name and became 'Antonin Nalpas'. He went on to commence a far-reaching revision of the genealogical lines of his family. Barber writes:

*the operation was completed, back in Paris, with Artaud's final assertions of absolute self-responsibility and self-generation for his own identity, body, birth and death. (1993, p. 102)*

'Nalpas' would later claim that 'Antonin Artaud' had passed away the night Antonin Nalpas was conceived. He wrote in a subsequent letter:

*I succeeded him and added myself to him soul for soul and body for body in a body which formed itself in his bed, concretely and in reality, but by magic, in the place of his body... (1993, p. 102)*

Via these symbolic suicides Artaud could be said to aspire to a kind of sainthood through moral transcendence – the 'saint homme' – that in Lacan became 'sinthome'.<sup>3</sup>

Sainthood as self-stylisation was very much of its time. Alexander Irwin writes in *Saints of the Impossible* – his book on Bataille and Weill – how

*the solution to political, social, and economic crisis lay in the cultivation of an 'inner purity' that 'personalist revolutionaries' could not hope to achieve 'without themselves being saints'. (2002,*

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<sup>3</sup> Lacan's notion of sinthome captures the special connection between this fantasising and the figure of the artist. He developed the notion of sinthome through his reading of James Joyce and his epiphanies. It seems to be a preferred term in analyses of the kind of (autistic) enjoyment that artists engage in when they take on the impossible face on. It is the kind of art that deals with the hard real: It hurts, 'it causes pleasure-in-pain, and it produces its effect through its own failure, insofar as it refers to the impossible Things' (Slavoj Žižek, *The Parallax View*. Massachusetts: MIT Press. 2006, 147).

p. xvii)

The sense of crisis in the years leading up to the second world war seems to have elicited a response of self-constructions or stylisations of self.

Agamben frames art as a question of enterprise, which makes up for the loss of tradition and the transmissibility of culture and meaning by making intransmissibility a value by itself. Privileged by art's inherent lack of truths, artists are the first to renounce the guarantees of truth, which, according to Agamben, then primes them with the ability to 'take original measure of man's dwelling between old and new, past and future and to recover each time the meaning of his action' (1999a, p. 114). This Heideggerian note, though compelling, addresses the loss of meaning and is as such the domain of the philosopher, not that of the artist.

The 'saint homme' is a more radicalised figure of the artist, conceived outside any normal everyday consolidation of identity. I see romanticist precursors in the likes of Friedrich Hölderlin, Rimbaud, Alfred Jarry, and – at the end of the heroic period of literary modernism – Antonin Artaud, who are not involved in any work of recuperation on behalf of meaning but instead work to push language, mind and body to the brink and beyond. These figures were literally consumed by their own ideas as they attempted to conceive a new existence, a new order in life.

### ***Implications***

With an emphasis on the life and the quest of the artist, the violently egoistic quest – a sovereign dimension opens up where artistic practice, life, self-stylisation and self-experimentation have greater political purchase than a curtailed artist identity would have as manifested through the filter of aesthetics.

All things being equal – it becomes a political issue if the sort of radical questioning and risk-taking, which is presumed to play out formally in the artwork is shifted to the surrounding society by virtue of the artist’s all-encompassing quest and unending questioning of moral absolutes. Notions of interest, the will to power and the pursuit of happiness all belong at the most general level to the field of sovereignty, and in a more narrow sense to politics. The effect in the public domain of such self-experimentation is larger than in the aesthetic domain as the criterion for judgement is different here.

We saw how, according to Agamben, the artist who appears in the aesthetic domain has ‘no other identity than a perpetual emerging out of the nothingness of expression’ – here I then venture to suggest that the artist, appearing on the limits of art, will emerge as a sovereign subjectivity.

### ***Pushback: Jacques Rancière***

The move beyond aesthetics is seen by Jacques Rancière as part of a general tendency in our time. In a chapter responding to Badiou’s *Handbook of Inaesthetics* (1998), Rancière warns in *Aesthetics and its Discontents* (2009) against doing away with aesthetics altogether. He asserts ‘a whole swathe of discourse is in agreement to proclaim that a radical separation exists between the practices specific to art and the malefic enterprise of aesthetic speculation’ (2009, p. 63). Rancière situates this position in ‘a very consensual configuration of contemporary thought. From the analytic denunciation of speculative aesthetics to the Lyotardian denunciation of aesthetics as nihilistic poison’ (ibid.). Talking of the ‘great anti-aesthetic consensus’ Rancière goes on to suggest that aesthetics is important as the ‘name that problematises the specificity of art’:

*...denouncing art's 'denaturation' at the hands of aesthetics serves as an assurance that it has a 'nature' or, if you will, the univocity of a name. Hence, it works, as a result, to assure the actual existence of a univocal conception of art, realised in the autonomous singularity of works, invariant in the diversity of artistic practices and tested in a specific experience. In a nutshell, the denunciation of aesthetic usurpation works to guarantee the 'specificity of art'. It assures the identification of this 'specificity'. Which is to say, conversely, that the name of aesthetics is the name that problematises this specificity or that is the univocity of its concept, the relation of its unity to the plurality of arts and the modes for recognising its presence. (2009, 64)*

This latter point is relevant when it comes to Rancière's own notion of the 'distribution of the sensible' and the multiplicity of discourses within art, but less so for the focus on sovereignty.

In *Aesthetics and its Discontents* Jacques Rancière situates the separation of spectator and artist in a historical context, while making the overall claim that aesthetics is needed to identify art and the artistic. Rancière claims aesthetics is what renders art visible and traces an aesthetic relation between art and politics. The Hegelian diagnosis of the dissolution of classical art and the scission between the artist and his material is described as the 'rupturing of the model of adequation between poiesis and aisthesis established by the norms of mimesis' (Rancière, 2009, p. 10). This displacement was replicated in the thinking of art where art was 'identified less according to criteria of "ways of doing", and more in terms of "ways of sensible being"' (ibid.). Aesthetics became the paradoxical language that was able to not only

identify art but also bridge the separation of artist and spectator, or ‘active faculty and receptive faculty’ as it is dubbed in Rancièrian. He extends the opposition to include the spatial circumstances of contemporary art, tracing a historico-ethical shift from a community that gathered around theatrical action to today’s silent space of the museum ‘in which the solitude and the passivity of passers-by encounter the solitude and the passivity of artworks’ (Rancière, 2009, p. 26). On one side art exists via the autonomy of spaces reserved for it, on the other art is involved in ‘constituting forms of common life’ (ibid.).

Rancière registers in a discussion of Schiller's *Letters on aesthetic education* a historical caesura between an absolutist form of power whose reign is ‘free form over slavish matter’ (2009, p. 32) and a new increasingly democratic power whose accompanying principle of form revolutionises sensible experience. This caesura would be coterminous with Hegel’s diagnosis of the end of art and the scission between material and artist. For Rancière this caesura sees the birth of art as an autonomous form of experience, accompanied by modern aesthetics as the codified language of the new forms of art. Instead of causing a split that removes art beyond community as in Hegel, instead of negating the connection between the experience and the making of art, as in Agamben, the new aesthetic regime is what safeguards the relation of material and artist, spectator and artist, albeit different from the organic relation in the classic tradition:

*The aesthetic regime of art institutes the relation between the forms of identification of art and the forms of political community in such a way as to challenge in advance every opposition between autonomous art and heteronomous art, art for art’s sake and art in the service of politics, museum art and street art. For*

*aesthetic autonomy is not that autonomy of artistic 'making' celebrated by modernism. It is the autonomy of a form of sensory experience. And it is that experience which appears as the germ of a new humanity, of a new form of individual and collective life.*

(2009, p. 32)

***The alternative materialist route, John Roberts***

Shifting the question of artistic subjectivity to include artistic intentionality: *In Art has No History!* (1994), edited by John Roberts, artistic agency and intention is interrogated in an attempt to address the supposed disinterestedness of modernism and the effete-ness of post-modernism in sustaining an engaged art. I agree in the overall claim that art history neglects artistic intentionality by using artwork to prove broader points about periods and movements. Roberts writes: 'without adequate work on the conditions of production, the meanings of artworks become hermeneutically unhooked from their actual conditions of possibility' (1994, p. 15). Roberts' perspective is a materialist perspective on the artist that allows for artistic intentionality as well a conception of the artist seen separate from his work.

An artistic subjectivity that becomes something else, or rather, is always given over to, dependent on, something else is suggested in the *Intangibilities of Form* (2007) where John Roberts goes on to propose a labour theory of culture to suggest a broad, extensive conceptualisation of artistic authorship, which implicates the artist's creativity in strategies of simulation, copying, surrogacy, reinscription, repetition and replication:

*Since the 1960s the self-identity of the artist has become detached from the traditional hierarchies of artistic media. Artists may continue to work as painters, photographers and sculptors, but painting, photography and sculpture are not in themselves privileged sites of expression and meaning for the artist ... Rather specific media are staging areas for the warping and weaving of the process of semiosis across forms, genres and non- artistic disciplines. Technique, technology and artistic subjectivity – art and social technik – are separated. (Roberts, 2007, p. 14)*

Roberts suggests that early twentieth-century critiques of authorship leaves a site where ‘the dissolved category of art and the reconstituted content of artistic technique meet, the gateway through which new artistic identities and relations might be formed...’ (ibid., p. 15). He describes the history of art after the ready-made as ‘the dialectic of skill-deskilling-reskilling’ – a way to shift the discussion of Marcel Duchamp’s original gesture from aesthetics and the context of the art institution into the realm of artistic and productive labour and the displacement of the artist’s identity:

*From this perspective artistic subjectivity is the use and manipulation of ‘stand-ins’. There is no point, no place, where the artistic self is free of the constraints of copying (identification and reclamation), and as such the performative voice or persona (recognition of the split between work and authentic self). (Ibid.)*

I agree in the importance of an acute awareness of the ‘actual conditions of possibility’, but it should be combined with an artistic subjectivity that constantly



seeks to move beyond and outside itself (the element of mortification). John Roberts' perspective is refreshing vis-à-vis the nostalgic nihilism of the romanticist self-annulling artist figure. His materialism imagines a new agency because of the radical dislocation of the artist figure – not only separated from product, but also the medium. And so the artist subject has the potential to manifest itself anywhere and in any medium. And significantly in this context: it has the potential to constantly change identity.

### *Qualification*

I acknowledge that there are some obvious idealist pitfalls in the attempt to isolate and identify artistic subjectivity freed from aesthetics. I wish to stress that this is not a move to celebrate the ontological primacy of a creative subject; neither is it an attempt to privilege art as the embodiment of human autonomy. I make the move in order to trace the contours of a sovereign figure. If anything, this sort of sovereignty should work as a disruptive corrective to art as a field. It works to tear open and contaminate art in order to challenge complacent exclusivity, consensus, careerism and mindless epigonism.

The focus on artistic agency does not warrant an attitude of 'anything goes', hinged on inscrutable creative inspiration. To confront this attitude is to be forced up against the assertion of the exclusivity and autonomy of art. It must be engaged with a set of terms for a challenging art. My task here is to develop such terms alongside the general investigation of the figure of the artist.

I do not purport to find the terms of art exclusive to artistic practice. I locate the true terms of art in an artistic practice that persistently seeks to use art against itself. As a system of recognition, the field of art is made up of institutions and practices, which

seek recognition. This is not unlike politics, which sees various groups fighting for recognition. In an essay on the similarities between art and politics, Boris Groys (*Art Power*, 2008, 120-129) suggests that what is at stake in both fields is not ‘merely that a certain desire be satisfied but that it also be recognised as socially legitimate’.

Where groups fight for recognition, artists contend for the recognition of ‘individual forms and artistic procedures that were not previously considered legitimate’.

*... the classical avant-garde has struggled to achieve recognition for all visual signs, forms and media as the legitimate objects of artistic desire and, hence, also of representation in art. Both forms of struggle are intrinsically bound up with each other, and both have as their aim a situation in which all people with their various interests, as indeed also all forms and artistic procedures, will finally be granted equal rights.’ (Groys, 2008, p. 123).*

Using art against it itself, such practice is neither an art movement, nor an anti-art movement. It is rather pure action that seeks to move the world and make it movable. The space within art for such strategies is of course radically reduced compared to the early twentieth century. I hope to show that this is in part down to the institutionalisation of art, which has worked to shift contentious political fault-lines beyond the field of art. As a field of practice there is still great freedom in art – in the sense that art allows for the interplay of an infinity of discourses, which in turn informs manifold procedures. There is then perhaps less individual freedom for the artist as he is located and conditioned by a particular structure. The question is whether greater freedom is in store for the artist as he acts out his desire as sovereign action.



***[From the supplement]***

*I do not know where he is. Alzheimer was last seen when he was released after a brief spell at the Bellevue Mental Hygiene Clinic on the East River. Lately he has been sending me some crazy sounding notes; the most recent are so-called 'spells'. Here is one: Its efficacy of action / is immediate / and eternal. / And it breaks every / bewitchment. The note ended disconcertingly with a declaration of his imminent death, but hard to take seriously as it was written on stationary from a Holiday Inn in Atlantic City.*

*Veronica dropped of a bag he had left at her place. A black carry-on duffel bag with a few clothes, some papers, notes and two tomes that make up Robert Musil's unfinished lifework, *The Man Without Qualities*. A book that he has been obsessing about all the time I have known him – repeatedly claiming that he is 'living' the book. A bookmark dropped out of the second volume as I picked it up. It is an invitation card: 'The Parallel Action Reception' – Graciously hosted by The Hon. Anna Somers Cocks in the role of Diotima. I remember this. I got one as well. In London a few years back.*



Alzheimer and Anna Somers Cocks (middle) panelling together at Art Fair Dubai.

*Alzheimer, stuck as he is (was?) in another era (blaming it on the temporal misalignment of events), had attempted an ambitious real-life enactment of the fictional salon held in Vienna in 1913 as depicted in the book's Chapter 71. He managed to land a wealthy patron to house and sponsor a salon dedicated to a 21<sup>st</sup> century 'Parallel Action'. They sent invitation cards to all the patron's contacts – Rothschilds, lords, heavyweight politicians, lightweight intellectuals, artists and businessmen – and their spouses. Alzheimer penned this motivating note:*

### ***The Parallel Action***

*'The Parallel Action must culminate in a great symbol. This goal will have to seize the heart of the world. It must not be just practical; it also has to be a poem. It has to be a landmark. It has to be a mirror in which the world will see itself and blush. And not just blush but, as in a fairy tale, see its own true countenance and never again be able to forget it'. – Diotima on the nature of the Parallel Action (Musil, 1996, I, p. 223)*

*The attempt by the Viennese elites to conjure up an Austrian World Spirit in 1913 seems ludicrous and absurd on the brink of World War I and the following disintegration of the Austro-Hungarian Empire. The absurdity is enhanced further as Robert Musil dissects the motivations of the protagonists involved; describing for instance the frustration of the key figure in the Parallel Action, Diotima (Ermelinda Tuzzi) when she finds herself close to opt in favour of an idea 'she can't help noticing that its opposite is equally great and equally worthy of realisation'.*

*Thus, Diotima, the nineteenth century bel-esprit, seems caught in the predicament of the modern condition with its multifarious possibilities, truths and accompanying doubts. A unity without contradictions is here disclosed as a sham as it overstretches itself in the attempt to cover the diverse nature of reality with the drapery of a monolithic truth.*

*This search for crowning ideas in the name of a wholesome unity is counterpoised in the book by Ulrich – the man without qualities – who accepts a life without inner unity. His example emphasises the provisional nature of all mores and principles; expressed in his view that 'eternal truths are neither eternal nor true, but valid for a time to serve as a standard for people to go by'. Crucial for the whole ironic construction of the book, Ulrich is positioned in the centre of the Viennese system of vanities when he is made honorary secretary for the Parallel Action by the well-meaning pillars of society.*

*The Parallel Action of today merges the world-view of Ulrich and the determination of the Viennese Parallel Action to discover a universal truth*

*that is shared by all humanity. This parallel action is an ongoing investigation, which accepts the provisional nature of truths, but nonetheless insists that a search must continue and never be called off even in face of the redundancy or futility of attempts to find common ground.*

*Of course the grand event, which Alzheimer hoped would alter the course of world history, foundered on obstacles of a lesser scale. It turned out the sponsor was more interested in Alzheimer than his ideas. His patron got very upset when he learned that Alzheimer had invited a lover along to the reception. And so the great campaign was cancelled due to myopic jealousy. One cannot help but wonder all the many great things humanity has missed out on due to this all-to-human disposition. In the end Alzheimer had to scale back on his world historical ambitions.*



***[From the supplement]***

----- Message

*From: thomas alzheimer [vanwoestenburg@gmail.com](mailto:vanwoestenburg@gmail.com)*

*Date: Tue, 06 Dec 2011 05:20:18 +0200*

*To: Andrea Phillips [andrea.phillips@gold.ac.uk](mailto:andrea.phillips@gold.ac.uk), suhail malik [s.malik@gold.ac.uk](mailto:s.malik@gold.ac.uk)*

*Subject: text prior to meeting on the 12th*

*Andrea, Suhail --*

*At this point I find myself kind of stuck with a 'worldless' abstract artistic subjectivity (Man Without Content, Man Without Qualities). My thinking is that I need to focus on method and style before anything else.*

*The perpetual inclination to go meta has led me to try to 'biographise' Agamben – this part needs more work (especially because there is disappointingly little Agamben-life to reflect on) – but the point is that artists and philosophers of the Nietzschean brand are performing with masks – also making a point of always existentially grounding art and theory.*

*Because the chapter is on method and style I try to keep it meta all the way through and avoid going deeper into theory – it is supposed to be all about style – as well as explaining my choice of style for the thesis.*

*I'm ultimately trying to come up with a framework that will let me go all out fictioneering towards the end of the thesis.*

*Thomas*



***[From the supplement]***

***Methodology I: Impatient meditations in the studio – theory in the context of inspiration (practice)***

### ***Man without qualities, content, life***

*There is a quality to Robert Musil's The Man without Qualities that compels its readers to carry it as a badge. A meeting of fellow readers is a meeting of fellow travellers ('community of seekers'). I believe this is not just because of its sheer length, though the reader would have committed an important chunk of life and attention to this one work. The first volume is fairly straightforward but few read the full second volume, made up as it is mainly by drafts and notes. Its compelling quality is inexplicable or rather: trying to explain its quality leaves a feeling that one is diminishing the experience greatly. There is scarcely any story and most of it consists of long, probing conversations of a philosophical nature. The experience of the book is hardly communicable. And yet there is something, which makes reading feel like an act in itself – a performative act, an act of doing, of making – a hugely energising and animating sensation. I believe it might be a sensation of sovereignty, which occurs as an effect of language somewhere in the intersection between life, potentiality and freedom.*

*The origin of this quality is suggested in a draft scene in Man without Qualities, also referred to by Agamben in The Man without Content:*

*Ulrich ... enters the room where Agathe is playing the piano and feels an obscure and irresistible impulse that drives him to fire some gun shots at the instrument that is diffusing through the house such a 'desolatingly' beautiful harmony (Musil quoted after Agamben, 1994, p. 4)*

*A quality, which is the difference between art where life is at stake and merely interesting art. Clearly, The Man without Qualities triggered something in Agamben*



*too that led him dedicate his future work to Robert Musil in the introduction to his second book, Stanzas.*

*Stating the obvious: The work must inspire. Emerson says in The American Scholar 'books are for nothing but to inspire'. Agamben says that it is their 'capacity for development', which attracts him to certain thinkers (Durantaye, 2009, p. 9). The sense of one's own potentiality for thought and action comes from what is unsaid – a philosophical element in any work: this element – 'rich in potentiality – is that which, while present, goes unstated in a work and is thereby left for others to read between the lines and formulate in their own' (ibid.).*

*Agamben found his inspiration for The Man without Content in Nietzsche. The opening page reproduces a full page from Nietzsche's Genealogy of Morals. There is a restless, impatient energy to the style of the first half of the essays, which channels the restless, impatient energy of the voices of his subjects. This is substituted by a more tempered, moderate voice in the second half, which focuses on tradition and transmission. In the first half the discussion of the worldless artistic subjectivity is matched by a degree of undecidability as to whether Agamben writes as an artist himself – that is – if he himself speaks as a 'man without content'. This uncertainty then subsides towards the end of the book as he assumes a more 'recognisable' voice – as the philosopher who discusses art as a remedy for the loss of tradition. Here Agamben takes the Heideggerian perspective (and voice) where artists are primed with the ability to 'take original measure of man's dwelling between old and new, past and future, and to recover each time the meaning of his action' (1999a, p. 114). At this point my own enthusiasm has gone, which might be wariness of any discussion of transmission. TRANSMISSION IS DISTRACTION FROM THE TEXTUAL EVENT, IT HIDES LIFE – NEGATIVITY, THE UNAVOWABLE. Ultimately it comes down to*

*my perspective as a reader, determined by direction, use, and the context within which I engage with the text.*

*Agamben's cadence and tenor seems to follow the cadence and tenor of his chosen philosophical guides. He often blends subject and object particularly when he channels authors like Nietzsche and Artaud. (Durantaye points out that the young Agamben 'felt great affinity for such sulphurous artists from the past as Artaud and from the present as Pasolini' (2009, p. 26).) Like Nietzsche and Artaud he is 'radically interested' and enthusiasm is what drives his reading and his writing. It makes an event of his writing, which is reconfigured and recharged each time a new reader engages with the text.*

*I believe the key to capturing an outline of the artist comes with a particular textual approach – in the interweaving of life, text, subject and object – which ultimately opens for potentiality and sovereignty. Agamben fails in this regard – he 'speaks' the exciting radical freedom of this new creature – the artist after the end of art – but is later compelled (by the inertia of his discipline?) to set up a recognisable position for himself and the artist figure to be trapped within – as the new 'guarantor of meaning'. This despite the fact that the figure might already be there all along in its full potential – realised in the text so to speak.*

*'Potential' is the key word here. Agamben singles out the question of language and potentiality in his later writings on the philosophy of language, when he describes language as a modality of potentiality – not as meaningful speech, but 'a voice that, without signifying anything, signifies signification itself' (1999b, p. 42). He later on, according to Prozorov (2007), transfers 'this ontology of language onto the plane of politics as a "model" for the coming community' (p. 119). (I will return to this later.*

*My point is that that this sovereignty (the coming community) is already accessible via language (the artist embodies the coming community) There is no reason to apply a messianic perspective that renders potentiality into melancholic wish-fulfilment.)*

*Just as Agamben fails in *The Man without Content*, Nietzsche failed in different ways – it is part and parcel of the style of thinking, a type of thinking that in a way begins and ends with Nietzsche. Failure, the impossible, is its main attribute, but it finds different expressions with different approaches.*

*The main reason for the failure is the apparent lack of control over the subject matter – the contingency of truth, of life itself. Performativity plays an important role in the attempt to find a form of language that is able to account for this contingency.*

*Nietzsche describes creativity in *The Birth of Tragedy* as a response to life and not in terms of the imposition of meaning upon life. The will is an effect of the immersion in life. Denying the impact of life's forces on the subject, is denying truth. 'Nietzsche holds that moral interpretations of existence which seek to place the subject beyond the forces of life necessarily conceal and falsify this character'. (Jenkins, 1998, p. 213). Famously Nietzsche attacks the separation of actor and act, 'doer' and 'doing', agent and effect in the portrayal of the subject of 'ressentiment' in the *Genealogy of Morals*. Here he argues that Christian ethics in the course of history has favoured a moral separation of actor and act. According to Nietzsche, the so-called subject of 'ressentiment' refers all actions to the standpoint of the one who experiences the consequences. And the one who experiences the consequences is also the one who posits the grammatical fiction of a subject behind every deed. – A move that separates the actor from his act in a way that enables the reactive man to sustain a belief that 'who we are is independent of our style of action' (Villa, 1996, p. 86).*

*Nietzsche says in Ecce Homo 'the truth speaks out of me' (1991, p. 96). In this conception the artist / author channels reality in a performative gesture where identity is displaced to 'become a conduit of reality' (Jenkins, 1998, p. 215). Nietzsche's style of writing is an expression of the participation in life – 'an expression only available to the artist-philosopher', writes Fiona Jenkins (ibid., p. 213). She continues:*

*... it is not an authority that derives from the self-possession of the subject. Rather, it presupposes a kind of loss of self, openness to the experience of life, which is at once the source of the aesthetic insight and exemplifies a state which only art can bring about. The aesthetic subject speaks with "wisdom," but can do so only as a "persona" through whom life itself finds expression. (Ibid.)*

*I do not necessarily agree that only art can bring about this state, but the conscious and self-conscious use of personas is in itself a form of art. Returning to the theme of Agamben channelling Nietzsche in the opening pages of *The Man without Content*: this style of writing seems uneven and irregular because the passion of his chosen guides is communicated via his own passion ('the truth speaks out of me'). The urgency and stridency of Nietzsche and Artaud – the idea of an art that is magical and violently egotist – renders disingenuous any attempt at cloaking the author's voice[s] through insipid objectified discourse, which is the 'language of indifference' that Durantaye refers to in his commentary on Agamben and Walter Benjamin. Benjamin identifies 'indifference' at the heart of modern aesthetics, as he notes on a broader scale that 'the term scholarly study [Wissenschaft] serves above all to conceal a deep-seated and well-vouched-for indifference' (Quoted after Durantaye, 2009, p. 45).*

*Agamben was 28 when Man without Content was published. Incidentally Nietzsche was the same age when his first book The Birth of Tragedy appeared in 1872. This is the work that presented the distinction between Apollonian and Dionysian art. Aaron Ridley notes how the book 'went down badly' at the time: 'As a work in classical philology it is, at best, eccentric; and as an exercise in philosophy it is unfocused, verbose and frequently obscure' (2007, p. 10). Trained as a classical philologist, Nietzsche had confided in a letter a few years prior to its publication that he was increasingly bored with the drabness of his discipline. He hoped to 'find philological material, which could be treated as music' (Nietzsche quoted by Safranski, 2000, p. 51). In his Nietzsche biography Rüdiger Safranski interprets this urge not as the urge to make music the object of study but as the urge to make music himself, 'incidentally not by notes but composed by words' (ibid.).*

*Nietzsche later reflected in 'Attempt at Self-Criticism':*

*Still, the effect of the book proved and proves that it had a knack for seeking our fellow-rhapsodisers and for luring them on to new secret paths and dancing places. What found expression here was anyway – this was admitted with as much curiosity as antipathy – a strange voice, the disciple of a still “unknown God”, one who concealed himself for the time being under the scholar's hood ... Here was a spirit with strange, still nameless needs, a memory bursting with questions, experiences, concealed things after which the name of Dionysus was added as one more question mark. What spoke here – as was admitted, not without suspicion – was something like a mystical, almost maenadic soul that stammered with difficulty, a feat of the will, as in a strange tongue, almost undecided whether it should*

*communicate or conceal itself. It should have sung, this “new soul” – and not spoken! What I had to say then – too bad that I did not dare say it as a poet: perhaps I had the ability ... (1991, p. 6)*

*The Birth of Tragedy might have catapulted Nietzsche out of a career as a classical philologist, but it had profound effect on modern philosophy and its language and boundaries as it brought the issue of language to the fore. Though he later denounced the ‘artists’ metaphysics’ and called it ‘arbitrary, idle, fantastic’ (Nietzsche, 2000, p. 8), it might be said that it was not until then that the loss of past continuity between art (poetry) and philosophy returned as a philosophical problem.*

*This is the theme Agamben explores in Stanzas – Word and Phantasm in Western Culture, which asks why*

*...it is ultimately possible to accept that a novel may never actually recount the story it has promised to tell. But from a critical work one expects results – or at least at the very least, demonstrable theses. (1993, p. xv)*

*In Stanzas, Agamben describes the split between art and philosophy with the same phrasing he used to describe the split between artist and material in The Man without Content 5 years earlier: ‘The scission in question is that between poetry and philosophy, between the poetic word and the word of thought’.(1999a, p. xvi) The ‘self-annihilating nothing’ attributed to artistic subjectivity after the end of art in Man without Content, appears here to have shifted to philosophy:*

*If the formula of “both poet and critic” ..., may once again serve as an exemplary definition of the modern artist, and if criticism today*

*truly identifies with the work of art, it is not because criticism itself is also “creative,” but (if at all) insofar as criticism is also a form of negativity. Criticism is in fact nothing other than the process of its own ironic self-negation: precisely a “self-annihilating nothing,” or a “god that self-destructs,” according to Hegel's prophetic, if ill-willed, definition. (1993, p. xvi)*

*In Stanzas the artist has become a philosopher, or the philosopher has become an artist.*

*This is the logical consequence of the movement begun with Man without Content where art was described as the ‘annihilating entity that traverses all its contents without ever being able to attain a positive work, because it cannot identify any content’ (p. 57). Art exists not in creativity but only in critical gestures. This is where Agamben sees the trajectory of art and criticism, poetry and philosophy, again meet. The creative character of criticism is, according to Durantaye,*

*not the result of criticism becoming more creative but, on the contrary, of artistic creation becoming more critical ... because art itself has renounced nearly all pretense to creativity, criticism has no difficulty identifying with it’. (2009, p. 61)*



***[From the supplement]***

### ***Chelsea opening***

*It is 2010 and I have plenty of opportunities. Opening day in the Chelsea gallery world. I am late. Jogging down 24<sup>th</sup> Street, negotiating the crowds, in and out of Matthew Marks, Andrea Rosen, Silverstein, Boone, Gagosian, trying not to get caught up by art works or elderly ladies who think I might be a service-minded gallery attendant because of my suit. I am on the hunt for free beer and I am late – too late as it is.*

*At Andrea Rosen I bump into Neil Hedger who I have shared some pints with at the Marquise of Granby back in New Cross. He has a piece in the group show (the press blurb reads: ‘The work of Neil Hedger is influenced by the writing of Georges Bataille...’) and I get my hopes up for a secret VIP beer stash. But Neil is all over the place, nervously screening the room for art world heavies. Neil has no time for free beer. He is wearing a short leather jacket. He looks like an artist from London.*

*It is 2010 and I still have plenty of opportunities, but I have given up on the free beer. Sauntering back down 24<sup>th</sup> Street towards the kiosk at the garage on the corner, I am tackled sideways by a tiny bejewelled woman. She manages to apologise profusely while continuing her run towards a double-parked, chauffeur-driven SUV. The street is full of them, SUVs, engines running, with chauffeurs talking absentmindedly into earpieces while waiting for tiny bejewelled women who comes shooting out of the galleries as if they were on a series of dangerous search and recover missions.*

*I get myself four pint-sized Budweisers from the non-artworld garage kiosk attendant and walk back up 24<sup>th</sup> Street looking for Julian Schnabel. I spotted him and Javier Bardem outside Gagosian as I was jogging for free beer earlier. I want to pitch an idea for a reality TV-show.*





***[From the supplement]***

*For Altheimer the profile of the artist as he appears in the flux of life, became a search for himself while theoretically he regressed into idealist, romanticist notions of artistic subjectivity. With this his thesis had developed into part autobiography, part Hegel and Agamben reading Hegel.*

*But at some point it became clear to him that the sovereign voice he was seeking, eluded him – he was much too reverential towards his sources. Only the autobiographical element seemed to carry a promise of something original.*

*Two things then happened in his research, which led him to give up his previous approach –*

- 1 Impatient with Agamben – what he felt to be Agamben’s bland conclusions – he started writing about the ‘real Agamben’ and how the 28 year old Agamben must have been brimming with inspiration and enthusiasm when he first began writing *The Man without Content*. This then led Altheimer to Nietzsche and how Nietzsche’s sole criteria for work is that it must inspire.*
  
- 2 Then he discovered Bataille had a method, which retained the possibility of specific artistic subjectivity, but did not end up in the highly abstract Hegelian negative subjectivity. That is – this might not be so much a method as an anti-method.*

*Instead of doing away with the life of the individual and the individual subject, Bataille establishes what he calls 'inner experience', which is not a closed off inner life but a boundary between inner and outer. – A boundary that registers the individual's actual lived experience. This was again inspired by Nietzsche who sought to create himself in his texts. Nietzsche, according to Alexander Nehamas,*

*'exemplifies through his own writings a way in which one individual may have succeeded in fashioning itself. Also this example ... consists essentially of the specific actions – that is, of the specific writings – that make him up, and which only he could write.'* (Nehamas, 1990, p. 8)

*'Inner Experience' is also the title of Bataille's first book. The book is a document of his state of mind over the period of a year. – A chaotic work made of fragments, journal entries, quotes and notes.*

*These materials were put together during the time of war when Bataille was isolated and bored out of his mind. Bataille trained himself to experience extreme anguish to bring intensity back to life. He was not making war, he was living war.*

*Judging from his reading notes, Altheimer seemed highly energised by the book. This was the first time he had read Bataille beyond the theory of expenditure in *The Accursed Share*. He took to the drama, the tragedy and the playfulness. The collapsing of subject and object brought life to the fore – enthusiasm, inspiration, anguish and torment. And Altheimer recognised Bataille's concept of sovereign laughter as his own – a concept of 'anguished joy' – 'dramatising at the extreme limit' – the laughter is the one recourse that keeps the subject open to the world:*

*From this way of dramatizing—often forced—emerges an element of comedy, of foolishness which turns to laughter. If we hadn't known how to dramatize, we wouldn't know how to laugh but in us laughter is always ready which makes us stream forth into a renewed fusion, breaking us again at the mercy of errors committed in wanting to break ourselves, but without authority this time. (Bataille, 2009, p. 11)*

*This sovereignty is not merely that of liberal individualism taken to its extreme. It is the sovereignty of a subject – as a locus of communication – with highly fluctuating boundaries able to extend to, and include, multiple authors, actors and fields of action. A subject opposed to the 'turning in on itself' – as we are 'whole only outside ourselves'.*



## **Part 2: The foundation of sovereign artistic subjectivity**

The first part left us with a somewhat featureless subjectivity. Via the opposition of artist and spectator a self-transcending subjectivity was posited. There is a note of ambiguity in the persistent use of the adjective 'artistic'. Rather than a positive identification, it was used to distinguish between the spectator and other art related subjectivities. I am not certain at this point whether this subjectivity is exclusive to the art field or whether it has universal qualities, that is, qualities of a general human

nature, which could appear anywhere. Or to rephrase: the idealist, ghost-like subjectivity without content does not appear / is not visible as such anywhere.

### **The artist and sovereignty**

The assertion that the figure of the artist only becomes visible outside aesthetics suggests that it is sovereign, and as such only recognised in the encounter with other sovereignties. This could potentially be a political process – a process of recognition via the political field, which produces identities. It suggests a shifting constellation between the life and the subjectivity of the artist, which enables the ghostly artist figure to quit the pure state of virtuality to become something different, to become something *more* – or indeed something *less*.

The characterisation of the subjectivity without content as that ‘which soars above the contents as over an immense repository of materials that it can evoke or reject at will’ ascribes to the artist a position of sovereignty. The *more*, the excessive, would seem to be an anarchic, nihilistic energy in its uncompromising relentlessness and negativity. Its attributes are unreason, risk-taking, amorality, or hyper-morality (in the sense of beyond good and evil). As stated in the previous chapter, primary is the risk-taking in itself and Rilke was invoked: ‘Works of art are always the product of a risk one has run, of an experience taken to its extreme limit, to the point where man can no longer go on’.

The virtuality in itself, the fact that this subjectivity can appear anywhere, seems to carry a promise of sovereignty. There is a moment when the artist crosses from the domain of art into other zones, mapped or unmapped, when the inscrutability of his or her intentions and the undecidability of his or her actions works to endow this position with degrees of sovereignty – and even more so when this agency returns to

the domain of art. Rather than *artistic* subjectivity, Part 2 will discuss subjectivity in terms of sovereignty, working from the assumption that sovereign subjectivity might be a more pertinent qualification of the figure of the artist because sovereignty could be said to be *closer to the body*, thus both curtailing the idealistic baggage and bringing the artist closer to ‘living reality’. – This to the extent that we might be able to leave behind the term subjectivity altogether and talk of the artist in various degrees of objecthood – from an outright ‘thing’ in the raw, anarchic, unforgiving zone of excessive sovereignty outside all orders, to a partial object in romantic sovereignty, to the softer dimension of a sovereign liberal individual where the subject comes into being as self-same (ipseity).

The chapter tracks the split between the concept of political sovereignty and sovereign subjectivity inaugurated with Georges Bataille’s writings on sovereignty. I attempt to map the sovereign subjectivity, which appears from the remains of political sovereignty, on to the previous chapter’s idealist, unworldly artistic subjectivity. This in order to suggest a figure of the artist, which could be said to emerge in the moment of sovereign decision. Such unconditional subjectivity would appear as an *other* within the restricted economy of aesthetics.

The notion of a double movement, the Derridean concept of auto-immunity – a ‘self-cancelling subject, reaching for sovereignty’ – is for me a first step to frame a new understanding of artistic subjectivity. The chapter ends with a reading of decision in order to arrive at artistic subjectivity as a ‘whoever’ or ‘whatever’ subjectivity. – A subject who is able to say ‘I can’, who is capable of embodying the excess from power’s identity-ascription, retaining the potentiality for being otherwise.

## Sovereign subjectivity

sov•er•eign•ty |säv(ə)rəntē|

*‘in political theory, the ultimate overseer, or authority, in the decision-making process of the state and in the maintenance of order. The concept of sovereignty—one of the most controversial ideas in political science and international law—is closely related to the difficult concepts of state and government and of independence and democracy. Derived from the Latin term *superanus* through the French term *souveraineté*, sovereignty was originally meant to be the equivalent of supreme power. However, in practice it often has departed from this traditional meaning.’ – *Encyclopædia Britannica**

The concept of sovereignty has traditionally been the domain of political theorists, philosophers and instructors in International Relations, who focus on the mechanisms of sovereignty in the external relations between states or the internal relations between government and its people. Conventionally defined as supreme authority within a territory, sovereignty among nations dates from the time of the Peace of Westphalia (1648) when interference in other states’ matters became unacceptable (Leitch, 2007, p. 233). Relations between sovereigns have throughout history been considered anarchic – where ‘the strong do what they can and the weak suffer what they must’, as Thucydides’ put it in *The Melian Dialogue* 2400 years ago.

With the transformation of absolutist sovereignty to popular or national sovereignty in the 18<sup>th</sup> and 19<sup>th</sup> centuries, the concept of sovereignty remained largely unchanged despite the profound changes in the political system. As early as 1576, Jean Bodin

had defined sovereignty to be the ‘absolute and perpetual power of a republic’ (Quoted after Schmitt, 2005, p. 8). In *Political Theology* Carl Schmitt praises Bodin’s foresight, settling the question of power in the state when he defined sovereignty as indivisible (ibid.). Thus legal scholars have discussed the classical notion of sovereignty in terms of international law and the sovereignty of states for more than 400 years.

Because of the fear of death, men will lower their heads when threatened. The sovereignty of the Hobbes’ immortal God is the sovereignty of threat. With no common power to ‘overawe them all’, ‘men would have no pleasure, but on the contrary a great deal of grief’. The instinct of self-preservation, mortality, fear of death, serves to ensure that men respond to the threats of the sovereign.

The sovereignty was the central principle power beyond the reach or comprehension of ordinary people. As Hobbes put it:

*... the multitude so united in one person is called a  
COMMONWEALTH ... This is the generation of that great  
LEVIATHAN, or rather, to speak more reverently, of that mortal god  
to which we owe, under the immortal God, our peace and defence.  
(1991, p. 120)*

### **Generalisation of sovereignty – vertically (from the head down)**

During modern democratic times the onto-theological right of the sovereign passes to the governing body or leader. In *Rogues – two essays on Reason* (2005) Jacques Derrida explores sovereignty etymologically through the prism of the French word for rogue, *voyou*. Derrida suggests the first signs of sovereignty fragmenting with the Duke of Orléans. The monolith of sovereignty, which Louis XI had created by

centralising the state under his 72-year long rule, came apart under the Regency. The debauched lifestyle of the Duke of Orléans was too comprehensible for the ordinary people – it ‘humanised’ (normalised) sovereignty. Contrary to the reign of Louis XIV, the Regency was quite transparent. The regent did not only openly advertise his atheism but also indulged in a highly dissolute lifestyle. Derrida traces *voyou* to ‘*roué*’: ‘A Roué is a delinquent, a kind of voyou’ (Derrida, 2005a, p. 19). And he quotes Saint-Simon’s eyewitness account of goings-on’s at the Palais Royal in Paris where *roué* acquired a new meaning:

*This name was given under the Regency to men without morals, partners in the dissolute life of the Duke of Orleans, thus named because they deserved to be put on the roué, on the wheel ... The obscure, and for the most part blackguard company, which he [the Duke of Orleans] ordinarily frequented in his debaucheries, and which he did not scruple publicly to call his roués, drove away all decent people. (2005a, p. 19)*

For Derrida the libertine roués are the debauched members of a ‘good, decent monarchic society on the road to corruption. They announce ‘in their own way the decadence of the monarchic principle and ... a certain democratisation of sovereignty’. During the regency sovereignty was dislodged from the ‘natural body’ of a single individual, sovereignty was divided up and handed out – first in small doses to the ‘blackguard company’, later rapidly, irrevocably and en bloc passed on to the people by way of the bourgeois revolution.

While the French could celebrate the transition of sovereignty from the body of the king to the ‘great citizen body’ in the rush of revolution in 1789, the metaphor ‘body



politic' lost its constitutive components – the concrete body of the king and the metaphysical representation of the body as an anthropomorphic symbol of the absolutist political system. And so 'body politic' became a dead metaphor.

Similar to the dissolution of classical art through a series of schisms, sovereignty has gone through a process of 'generalisation'. In Hegelian terms this is caused by the scission of politics (state) and sovereignty. This particular subject-object split opens for a *sovereign subjectivity*, which is not understood in relation to a state, nation or collectivity. Bataille took this split to its furthest by declaring 'the subject is for me the sovereign' (quoted after Bennington, 2006, p. 399). Geoffrey Bennington (2006) points out how for Jean Bodin the idea of a sovereign subject would be a contradiction in terms, as for Bodin, 'sovereignty consists in "giving the law to the subjects in general without their consent" without himself being subject to that law' (p. 399). Yet, it is important to keep in mind that even with such a split – a 'democratisation of sovereignty' – sovereignty is indivisible. As Derrida puts it: 'A divisible sovereignty is no longer a sovereignty, a sovereignty worthy of the name, i.e. pure and unconditional'. (2009, I, p. 115) Derrida reads the concept of sovereignty ultimately as a theologico-political history of power where sovereign power and the notion of an indivisible and all-powerful God are always conjoined (Naas, 2008, p. 196).

### **Caveat**

This long, incredible complex historical process can be captured in even fewer words: In *Concrete Comedy* David Robbins includes the figure of the artist as the figure of the Fool in his alternative, shorter (rogueish) version of the 'democratisation of sovereignty':

*Tradition had the Fool serving at the King's pleasure. The Fool's position was vulnerable, childlike, and somewhat pathetic: one word from the King and the fun was over. But this classical power arrangement was obviated and forever altered by the spread of democracy. By decentralizing and dispersing power, democracy spawned many millions of little kings, each of whom possessed at least a measure of say over their own destinies. Included in this wholesale promotion of little kings was the Fool. No longer dependent on the King's favor, the Fool's power became as real as anyone's. That power was a long way from absolute, of course; we are all of us little kings only. As does yours and mine the Fool's power bumps up against the consensus that comprises reality. (2011, p. 276).*

(Robbin's phrase – 'the Fool's power bumps up against consensus' – captures the hypothesis of this thesis in very few words.)

The caveat here is obviously the risk of oversimplification. This account of sovereignty is conceived of as a general transfer of power. Friedrich Balke (2005) claims Derrida's presentation is a purely metaphysical exercise:

*All the historical analyses which Derrida also commences, can thus only confirm what was certain from the very beginning.*

*This means that all metaphysics is grounded on a political imperative that prohibits the sovereignty of the many in favor of the one cause, the one being, the arche (both cause and sovereignty), the one principle and princeps, of the One in the first place. The cause and the principle are representations of the function of the King in the*

*discourse of metaphysics. All that can happen to sovereignty in the narrower political sense is, according to such a metaphysical analysis, to be transferred. (2005, p. 72)*

From the logic of a transfer of power from the ‘One to another’ it follows that nothing and nobody can escape sovereignty – also including its ‘rogueish’, subjective, transgressive attributes. A simplistic idea of the process of sovereignty in the image of ‘from King to Rogue’ possibly serves too well liberal individualist categories of freedom and the ‘robinsonade’ of modernity. And when Bataille declares ‘subject as the sovereign’ it is not to be mistaken for a personalised, anarchist subjectivity.

Bataille writes in *The Accursed Share*:

*Sovereignty has many forms; it is only rarely condensed into a person and even then it is diffuse. The environment of the sovereign partakes of sovereignty, but sovereignty is essentially the refusal to accept the limits... (1991, III, 221)*

### **Caveat continued, other ways to sovereignty – horizontally (spreading it around)**

Although Hobbes sought to institute the sovereign instance vertically – moving the sovereign far beyond the sphere of subjects, approximating a God, his theory implicates a horizontal move on the level of subjects. It is a theoretical flattening that dispenses with the nobility in order to monopolise sovereignty. ‘This more than hundred years before the terror of the French revolution sought to chop off all heads that rose above those of bourgeois crop’, as Peter Sloterdijk (2000, p. 41) writes in an essay on the emergence of modern mass society. To Peter Sloterdijk, describing modern mass politics, Leviathan represents a first attempt to develop the masses as a political subject. The adjunctive politics of the masses is to ensure that all exercise of

power and all legitimate forms of expression are derived from the many. In becoming subject the masses have acquired their own will and history.

The masses are thus introduced on the stage of political theory as a homogenised set of subjects subservient to the modernised sovereignty of the state, pointing towards the convergence of subject, in the sense of submission, and subject in its philosophical sense.

### ***Foucault***

Foucault's approach to sovereignty goes via the technologies of power needed to manage the mass societies. He was highly critical of the concept of sovereignty and called for a 'theoretical regicide' (*Society Must Be Defended*, 2003b). 'The Revolution has to be read as the culmination of the monarchy ... They decapitated the king but they crowned the monarchy' (2003b, p. 232). Dismissive of the juridical aspects of sovereignty, Foucault nestles the question of sovereignty in the notion of biopower. The latter recapitulates sovereign power. Power is regarded not in terms of the juridical system of sovereignty but from the perspective of its functions and strategies. Power shifts from classical sovereignty's disciplining of individual subjects to regulating the populace as mass, a mass 'characterized by overall processes characteristic of birth, death, production, illness and so on' (2003b, p. 66).

Sovereignty is not transferred, passed on from one subject to the next in the manner of 'today's ruler is tomorrow's ruled'.

Biopower does not replace disciplining power of classical sovereignty; rather the axis of discipline works in a constellation with the axis of biopower. The key difference between disciplining power and biopower is that biopower creates life, where disciplining power is external to the subject it acts upon – the patient, prisoner, pupil

still has a sense of self distinct from power (disciplining). While the ascendance of biopower not only puts our lives beyond our reach but also itself, as we are included as part of its rationale and execution. There is no subject position outside biopower. Subjectivity is a construct of power, which means notions such as ‘liberation’ or ‘repression’ are meaningless in Foucault’s conception. ‘Power “produces reality” before it represses’, writes Deleuze in his book on Foucault (1988, p. 29). Consequently Foucault’s theory of power goes against the liberal tradition, which conceives of freedom in positive terms. There is no freedom anterior or interior to the subject – no freedom as positivity that can be either lost or repressed.

Freedom is possible but not in the sense of being free from some exterior power. Rather it is a practice: ‘...practices of freedom are what people try to make of themselves when they experience the existence of freedom in the history that has formed them’, writes John Rajchman in *Truth and Eros* (1991, p. 109).

Friedrich Balke sums up Derrida’s and Foucault’s different approaches in *Derrida and Foucault On Sovereignty*:

*Whereas for Derrida the history of the political can never escape the spell of the sovereign, Foucault tries to excavate that moment in political history where the sovereign may not cease to exist, but forever loses his exemplary position. (2005, p. 81)*

### ***Laughter as a shared attribute of artistic subjectivity and sovereign subjectivity***

But let us take a step back to catch up with the categories of artistic subjectivity. The

aim is here to recast the pure artistic subjectivity as sovereign. This begins with laughter.

In the *Man without Content* Agamben describes how transcendence of the creative-formal principle compelled the artist to attempt to live ‘this principle as a new content in the general decline of all contents’ (p. 54) and ‘to make of the split that inhabits him the fundamental experience’ (p. 55). Crucially here, Agamben finds the key attribute of this paradoxical condition to be *laughter*. Taking romantic irony into account, he suggests with Baudelaire (*Of the Essence of Laughter*) ‘that the artist is artist only on condition of being double and of not ignoring any phenomenon of his double nature’:

*Laughter is precisely the necessary result of this doubling. Caught in his infinite split, the artist is exposed to an extreme threat and ends up resembling Maturin’s character Melmoth, who is condemned never to be able to free himself from the superiority he has acquired through a devilish pact: just like him, the artist ‘is a living contradiction. He has gone outside the fundamental conditions of life; his organs no longer bear his thought’. (Agamben, 1999a, p. 56)*

Laughter is also the key attribute of the sovereign subjectivity, which I wish to develop here. Understood in terms of romantic irony, going ‘outside the fundamental conditions of life’ would be a principle of self-destruction. Agamben writes how Hegel ‘understood that irony, on its destructive course, could not stop with the external world and was bound fatally to turn its negation against itself’. Laughter is then the sole movement, which is left after art ‘negated itself’:

*At the extreme limit of art's destiny, when all the gods fade in the twilight of art's laughter... (1999a, p. 56)*

*...it is in the experience of art that man becomes conscious, in the most radical way, of the event in which Hegel had already seen the most essential trait of unhappy consciousness, the event announced by Nietzsche's madman: 'God is dead'. (1999a, p. 57)*

It is precisely from this point – the death of god – that Georges Bataille, influenced by Nietzsche, develops his conception of sovereignty. His 'a-theology' summed up in *Guilty*: 'God is not humanity's limit-point, though humanity's limit-point is divine. Or put it this way – humanity is divine when experiencing limits'. (1988, p. 105).

Laughter emerges as the key attribute here – of Agamben's (Hegel's) self-annihilating artistic consciousness – as well as of Bataille's sovereign subjectivity and the sovereign figure of the artist, which I propose here: Less the maniacal Nietzschean laughter and more the laughter of a falling sovereign – Dostoyevsky's underground man – but funnier. And a contagious laughter at that – catching, fetching, affecting, infecting laughter – ultimately, what this figure of the artist leaves us with after his or her sovereign spectacle is echoes of laughter.

### **Bataille – two approaches to sovereignty – inner experience vs general economy**

Derrida points to Bataille as a primary source for a sovereign subjectivity and suggests that Bataille offers as much as a 'counterconcept of sovereignty' (2005a, p. 68). On the face of it such a concept could serve almost as a negative to the classical concept of sovereignty. Bataille's most extensive (and 'orderly') writings on sovereignty can be found in *The Accursed Share*. Here Bataille privileges non-productive consumption over production. The accursed share is an excessive and non-

recuperable part of the economy and Bataille discusses economies of exchange in terms of champagne, menstrual blood, corpses, excreta and a host of other exotic objects and abjects,

In *The Accursed Share* Bataille pits a concept of 'virtual sovereignty' against 'classical, recognised sovereignty' (1993, III, p. 230). His history of sovereignty describes a form of archaic sovereignty, which in time has given way to knowledge 'structured and guaranteed by reason'. 'We might believe in the possibility of an ordering of all things, which would exclude risk and caprice and would ground authenticity on nothing more than prudence and the pursuit of usefulness. But what if knowledge, at the first impulse of knowledge, were servile?' (1993, III, p. 225). He suggests that this servility makes us unable to see beyond the useful, 'to envisage the sovereign: beyond the means, an end that would not be subordinate to any other, a sovereign end?' (Ibid., pp. 225-225)

Yet, Bataille's concept of sovereignty is highly elusive. In *The Accursed Share* he declares that 'Sovereignty is NOTHING' (III, p. 430). Benjamin Noys comments how

*... the supposed 'object' of the book slips away from us and is withdrawn from an organised exposition. Bataille both writes and erases sovereignty by making it NOTHING or by making it impossible in an exercise of thought in extreme tension. (2000, p. 73)*

To a degree subjectivity and sovereignty are interchangeable in Bataille's writing. In fact a lot of phrases are interchangeable as he readily changes the words because 'changing words signifies the boredom of using whatever word it should be' (Bataille, 2001, p. 94). This is particularly the case in the trilogy *La Somme athéologique (Inner Experience, On Nietzsche, Guilty)*. These works written during WWII are a kind of



‘enacted sovereignty’ with which he seeks to dissolve the distinction between subject and object. He sought this through a series of so-called ‘sovereign operations’. Large parts consists of fragments and aphorisms, journal entries, quotes and notes – a method which Sylvère Lotringer in his introduction (Bataille, 2004, p. viii) describes as ‘disorderly and a deliberate gamble with madness’. The sovereignty Bataille seeks unfolds as a ‘language of experience’, which constantly pushes the boundaries of language.

The writing in Bataille’s *La Somme athéologique* is intended to inspire, to enthuse and to move the reader to pursue his or her own sovereign operations. Benjamin Noys writes how the tension in Bataille’s thinking makes him tremble ‘because of his desire for a sovereign existence’:

*He wants to produce the impossibility of sovereignty, to make it present in an act that destroys the freedom of sovereignty. Identifying sovereignty with subjectivity does this: The sovereign, epitomising the subject, is the one by whom and for the moment, the miraculous moment, is the ocean into which the stream of labour disappear.*  
(2001, p. 74)

As an act of communication, this sovereign subjectivity is not to be mistaken with an interior principle, but is rather ‘*communicated* from subject to *subject* through a sensible emotional contact...’ (Noys, 2001, p. 74). Bataille thinks of it as ‘contagious subjectivity’ – ‘although his own thought of communication pulls the rug out from under the subject at the same time’ (ibid.). This is a sovereignty of the ‘falling kind’ – sovereignty through dissolution, a shared puncture – a ‘sticky subjectivity passed on in a form of communication modelled as contagion’, writes Martin Crowley in

*Bataille's Tacky Touch* (2004, p. 768). Everyone falls along with the falling sovereign. Benjamin Noys even makes the case to 'identify sovereignty with communication rather than with subjectivity' (2001, p. 74). I find this helpful in order to remove sovereignty from individualising nostalgia. It is a key claim in this thesis that this type of sovereignty must display itself. Indeed the appendix (the supplement) responds inappropriately and 'uncritically' to Bataille with its own sovereign display – as an act of communication and contagious subjectivity. Everything that goes on outside this thesis is an act of falling, and possibly sovereign. But only if it touches the audience.

At this stage it seems that a theory of sovereignty would simultaneously be a theory of the subject. Bataille sought to rehabilitate the inner life of the individual, 'the inner experience which men communally have' (Bataille quoted after Paul Smith: 1995, p. 234). This at a time where every movement of history worked on a macroscale; while Levi-Strauss was laying the basis for future structuralist thought, committed to see the individual as an abstraction between the natural and the cultural. Paul Smith writes concerning Bataille and the 'return of the subject': 'This interior experience acts as the locus for a battle against the agents of systematic thought who turn the individual into "a lie" by establishing him as a legalistic and fixed entity'. (Ibid., p. 234) It is a question of the proper balance between exterior and interior life with which also comes the proper balance between self and other. In terms of sovereignty this interior experience is the dissolution of the thinking subject, willing its own destruction it breaks with consciousness of individuation, which opens for communication.

Halfway between poetry and philosophy Bataille's work stands apart. It contributed uniquely to new conceptions of sovereignty and subjectivity but less in a direct manner than indirectly in the reception of his work. He was relatively ignored in his

lifetime but had considerable influence on Michel Foucault and Jacques Derrida, which I turn to here for their instructively different approaches to the concept of sovereignty and attempt to move this artistic subjectivity beyond Hegel's categories.

***Falling sovereignty: Ipse wounds itself – Sovereignty pitted against itself***

Bataille had a manifest influence on Derrida's thinking of sovereignty and subjectivity. In *Writing and Difference* from 1967 Derrida dedicates a chapter – *From restricted to general Economy* – to a reading of Bataille's displacement of Hegel's philosophical history and particularly to how Bataille reworks Hegel's master-slave dialectic.

This relationship between a restricted and a general economy later returns in Derrida's work as a problematic indissociability between the conditional and the unconditional. A figure for the latter is his idea of the gift whose purity is impossible because it is lost in the moment it is recognised as a transaction. In *Rogues* he examines a similarly problematic and complex interrelationship between sovereignty and 'selfhood', ipseity – with sovereignty guaranteeing and destabilising ipseity at one and the same time.

***Writing and difference – two economies***

In Derrida's reading, sovereignty resists the movement of dialectics. The desired outcome of Hegel's history is the effect and preservation of meaning. The constitution of meaning is the master putting himself at risk but in what Derrida calls an 'economy of life', 'the master must stay alive in order to enjoy what he has won by risking his life' (2001, p. 254). The struggle of the master-slave dialectic cannot lead to death. If one combatant were to die, the other would not get recognition and they would both fail to achieve mastery. In the 'economy of life', the master cannot waste away his life

in extravagant ‘sacrificial effusion’. If he doesn’t retain the life that he exposes to risk, both truth and self are cancelled.

‘For history – that is, meaning – to form a continuous chain, to be woven, the master must *experience his truth*’ (2001, p. 321). And at the end of this process the ‘truth of the independent consciousness is accordingly the consciousness of the bondsman’ (Hegel quoted after Derrida, 2001, p. 322). Bataille’s concept of ‘useless’ self-expenditure – the master’s spectacular consumption without regard to utility – risks the absolute loss of meaning. Hegel called such a ‘nonproductive’ death *abstract negativity*, different from ‘the negation characteristic of consciousness, which cancels in such a way that it preserves and maintains what is sublated (Hegel, *ibid.*). Ultimately in Hegel’s system all negativity is absorbed within knowledge.

### **Non-knowledge**

What the master puts at stake in battle cannot then be his ‘real’ biological life, because dialectics won’t permit his death. This economy of life is the ‘restricted economy’, which Bataille finds ‘laughable’. This when supposed mastery gets to work in order to conserve, circulate and produce meaning.

*Through a ruse of life, that is, of reason, life has thus stayed alive...The independence of self-consciousness becomes laughable at the moment when it liberates itself by enslaving itself, when it starts to work, that is, when it enters into dialectics. Laughter alone exceeds dialectics and the dialectician: it bursts out only on the basis of an absolute renunciation of meaning, an absolute risking of death, what Hegel calls abstract negativity. (Derrida, 2001, p. 323)*

The laughter is what exceeds dialectics. It is what remains after the battle and what resists absorption by knowledge. It is ‘unemployed negativity’, which is Bataille’s term for a negativity that escapes the dialectic. Derrida continues:

*This burst of laughter makes the difference between lordship and sovereignty shine, without showing it however and without saying it...Simultaneously more and less a lordship than lordship, Sovereignty is totally other. (2001, p. 323)*

And so Bataille’s sovereign ‘operations’ – laughter foremost but also poetry, ecstasy – have no place in Hegel’s system because they do not have a relation to knowledge. Derrida quotes from Bataille’s *Inner Experience*: ‘Hegel hastily gets rid of them: he knows no other aim than knowledge. To my eyes, his immense fatigue is linked to his horror of the blind spot’. (2001, p. 324)

The representation of meaning is organised around this blind spot. Death, destruction, sacrifice are all non-recuperable. They constitute ‘so irreversible an expenditure, so radical a negativity... a negativity without reserve that they can no longer be determined as negativity in a process or system’. (2001, p. 327)

### ***Two economies***

These are then the two economies: the restricted economy of purpose, meaning and ends – and a ‘general economy’, which cannot be inscribed in discourse. Nick Mansfield describes this general economy within which the restricted economy ‘is situated and that constantly overflows it toward an inevitable excess and exhaustion’ (*The God who Deconstructs Himself*, 2010, p. 5).

Derrida emphasises that general economy is not to be mistaken for sovereignty itself:

*‘There is no sovereignty itself. Sovereignty dissolves the values of meaning, truth and a grasp-of-the-thing-itself. This is why the discourse that it opens above all is not true, truthful or “sincere”. Sovereignty is the impossible, therefore it is not, it is—Bataille writes this word in italics—this loss’. (2001, p. 342)*

In Derrida’s reading of Bataille both classical sovereignty and sovereign subjectivity are conceptualised on the level of a restricted economy, while their problem is situated on the level of the general economy. Classical sovereignty appears as political order in the restricted economy, while emerging out of the violence of the general economy. Sovereign subjectivity appears in its restricted form as the autonomous self of the individual subject, but – this according to Mansfield (2010, p. 5) – only as an imitation of a sovereign figure, which is capable of living in the wild and dissipating excess of the general economy: ‘This figure, who seems to be able to instantiate the logic of universal force, is the sovereign’ (ibid.).

Derrida’s interpretation of Bataille is significant in two ways.

Firstly, it informs his later writings on the gift, sovereignty, subjectivity and unconditionality. Bataille’s ‘counterconcept of sovereignty’ suggests a logic, which for Derrida becomes as much as a ‘sovereign counter-sovereignty’ – an ‘unconditionality turned against itself’ Mansfield (2010, p. 5). This is the logic of ‘auto-immunity’, which, according to Michael Naas in *Derrida from now on* (2008, p. 128), is first formulated in *The Specters of Marx* as the living ego’s ‘defences for itself and against itself’. The phrase later appears in Rogues in terms of sovereignty, specifically the sovereignty of the *autos* ‘in which the *autos* in general, that is ipseity

or self-identity in general, is open to its undoing' (Naas, 2008, p. 128). Derrida writes in *Rogues*:

*For what I call the autoimmune consists not only in harming or ruining oneself, indeed in destroying one's own protections...but in compromising the self, the autos – and thus ipseity ... Autoimmunity is more or less suicidal, but more seriously still, it threatens always to rob suicide itself of its meaning and supposed integrity. (2005a, p. 45)*

This notion of a double movement – the 'self-cancelling subject, reaching for sovereignty' – is precisely for me a first step to frame a new understanding of artistic subjectivity.

### ***The sovereign as transgressor***

Secondly, Derrida supplies Bataille's concept of sovereignty with a systematic structure to the extent that it appears analogous with Carl Schmitt's classical concept of sovereignty, a point which Sergei Prozorov makes in *Foucault, freedom and sovereignty* (2007, p. 84). In this basic structure the sovereign is a transgressor in relation to itself. The irreducible excess of any order is indispensable for its emergence.

*Sovereign is s/he who is simultaneously inside the space of order as the source of its constitutive principles and outside it as something that can not be subsumed under these principles, a surplus that in relation to the order in question is unfathomable, monstrous and obscene. (Prozorov, 2007, p. 84)*

Yet Prozorov suggests that the ethics in Bataille might possibly be the exact opposite of Schmitt's':

*For Schmitt, to expend without producing or to transgress without establishing would be an indicator of a purely narcissistic attitude of an (a)political romanticism that self-indulgently dreams of being entirely outside the 'system' it condemns'. (2007, p. 84)*

Schmitt's theory is less a theory of subjectivity than a theory of politics, but his concept of sovereignty gives us the contours of a 'flat' subject, which appears ever so briefly in the moment of sovereign decision.

These two movements gives us on the one hand, a subtle understanding of subjectivity, which neither is a reducible to the mere configuration of power (Foucault) or its opposite the contestation of power (early and late Foucault), but partakes in the precarious constructive/deconstructive movement of 'auto-immunity'. And on the other hand via the decision, an opening between the restricted economy to the excess of the general economy that surrounds it.

### ***1<sup>st</sup> movement / Derrida Subjectivity / Auto-immunity***

Of course this subtlety could be attributed to the fact that Derrida is consistently 'having it both ways'. There are a lot of double movements at play here. The notion of a 'self-cancelling subject, reaching for sovereignty' is a double movement of interiority and exteriority.

Derrida's trope of a self-contesting 'auto-immunity' whereby a 'self is itself only by protecting itself against itself and thus attacking itself' (Bennington, 2006, p. 403) –



seems to be a development of Bataille's original double movement of prophetic *inner experience*, which, in the words of Alexander Irwin, is

*nothing other than sacrificial violence taken within and wielded against the self. Internalized violence tears the boundaries of the ego and opens the isolated subject to "communication": the "inhuman joy" – in which subject and object fuse and dissolve in an ecstatic spasm. (2002, p. 151)*

Bataille's model of charismatic and violent authority is a template for power that resists itself, a sovereignty pitted against sovereignty, which in turn gives rise to interiority. Nick Mansfield writes in *The God who Deconstructs Himself*:

*Sovereignty may give rise to subjectivity and be its measure and horizon, but it will always defy and threaten the latter with what it can never quite be. Sovereignty and individuality require one another but only in a relationship of mutual threat.*

*The individual will always fail to live the subjectivity that sovereignty seems to make available. Always aspiring, never achieving, the individual turns away from sovereignty, even though it remains inextricably connected to it. This turning away, according to Derrida, becomes a turning inward, the contriving of interiority. (p. 5)*

We might say that subjective sovereignty in Bataille follows from the intensity of experience as the self persists in the exterior dimension of excess and dissipation of the general economy. This is the modernist sublime. In a spectacle of experiential

dramatising, the subject strives to reach the outside of the restricted economy, which then in turn gives rise to interiority.

Derrida turns this modernist sublime on its head in an affirmative engagement with liberal individualist categories. The ‘generalisation of sovereignty’ reaches the extreme point where every self is sovereign insofar as every person is a master over him- or herself. Central here is his conception of *ipseity* – a concept (according to *Rogues*)

*of sovereign self-determination, of the autonomy of the self, of the ipse, namely, of the one-self that gives itself its own law...By ipseity I thus wish to suggest some ‘I can’, or at the very least the power that gives itself its own law, its force of law, its self-presentation, the sovereign and reappropriating gathering of self. (Derrida, 2005a, pp. 10-11)*

This completes a near ‘full circle of deconstruction’ of Bataille’s counterconcept of sovereignty. Derrida has seemingly moved from Bataille’s transgression of the limits of self to the ‘soft’ subjectivity of the self-mastering, ‘contracting ego’ of liberal individualism. Derrida affirms this in *Without Alibi (Provocation)*:

*All the fundamental axioms of responsibility or decision (ethical, juridical, political) are grounded on the sovereignty of the subject, that is, the intentional auto-determination of the conscious self (which is free, autonomous, active, etc.). (2002a, p. xix)*

This moves freedom into the subject, the freedom to determine the conditions of one’s self-determination. Because of its inherent sovereignty, this subjectivity, which we are

all of (without exception), is always different. It is always outside and as such without identity and positive determination. Prozorov writes (2007, p. 99): ‘Thus, sovereignty is necessarily inscribed into the elementary structure as the non-identitarian condition for any identity whatsoever.’ With this move we are closer to Foucauldian ontology of freedom and what Agamben terms a ‘whatever’ subject, which I will address below.

The modernist sublime of excess is deconstructed by Derrida in a double move as he opens Bataille’s dimension of inner experience to a conception of a conventional, ‘liveable’ sovereign subjectivity. This is Derridean supplement at work as an external surplus, which makes whole something that ‘ought to lack nothing at all in itself’ (Derrida, 1997, p. 145). ‘The condition of possibility of something and simultaneously the condition of *impossibility* of its completeness or closure’ (ibid.). In this formulation Bataillean restricted economy can never be just that – restricted. It is made up as much by the general economy. As Prozorov has it (2007, p. 85): ‘any order is contaminated at its foundation by something heterogenous to it yet essential to its emergence and continuing existence’. The excessive other does not threaten the restricted economy from the outside – via the Derridean supplement the other is understood as always already within. This logic makes a (potential) transgressor of all good citizen-subjects.

The contradiction is allowed to persist beyond dialectics. Possibly by moving the impossibility of the outside back into meaning as with Derrida’s ‘impossible’ distinction between unconditionality (in this context understood as general economy) and sovereignty:

*Deconstruction begins there. It demands a difficult, almost impossible, but indispensable dissociation between unconditionality . . . and sovereignty (law, power, might). Deconstruction is on the side of unconditionality, even where it appears impossible, and not of sovereignty, even where it appears possible. (Derrida in conversation with Elisabeth Roudinesco. Quoted after Vincent Leitch, 2007, pp. 240-241)*

This near-nonsensical reasoning (Vincent Leitch's calls it 'vexing' (ibid.)) might be what remains of Bataille beyond laughter and Hegelian dialectics. It is the endless revolution of double movements in Derrida's writing, which offer no resolution but only aporias and double binds – 'charged with...an internal contradiction, an undecidability, that is, an internal-external, nondialectisable antinomy that risks paralysing and thus calls for the event of the interruptive decision' (Derrida, 2005a, p. 35).

If all good citizens are also transgressors in 'liveable' sovereignty, the mastery of ipse threatens to paralyse (banalise) the movement of the impossible. It threatens to unravel as a phantasm. 'Every form of sovereignty thus appears to be a phantasm, and every phantasm a phantasm of sovereignty...' (Naas, 2008, p. 195). Even 'real' counter-sovereignty, with unlimited, unconditional freedom, risks looking like the sovereign power of another sovereign subject. The 'theologico-political' history of power is a history of changing phantasms: 'From the self to the state to a sovereign God: it appears we are moving up levels on the totem pole (or the divided line) of the phantasm' (ibid., p. 196).

Crucially, according to Michael Naas (ibid., p. 195), ‘...the unconditional is, properly speaking powerless, not a counter-sovereignty with its own power but a weak force that can disrupt the power of any sovereign phantasm, including its own’. And Naas points out how eventually Derrida is brought to shift unconditionality ‘to an event that undoes the power of any kind of subject, even that of a critical or deconstructive subject’ (ibid.). And so unconditionality is shifted to the event of decision.

***2<sup>nd</sup> Movement– Other avenues to Bataille’s outside / Sovereign Indecision /  
Whatever sovereigns***

To get to decision we need to raise the question of a sovereign subjectivity to the highest levels of historical abstraction – political orders. To this purpose political sovereignty and subjective sovereignty are here ‘reunited’ once again – at least in theory. At the end of this move appears the critical figure of a ‘whatever sovereign’ – as suggested previously – almost a ‘flat’ sovereign subject – or a subject ‘beyond subjectivity,’ which appears only in the moment of sovereign decision. Sergei Prozorov suggests in ‘Foucault, Freedom and Sovereignty’ a ‘comeback’ for the sovereign subject as a critical project – particularly through readings of Foucault, Schmitt and Agamben:

*This figure ... reasserting itself at the limit of every political order as a paradigm of the subject of freedom, a being that is irreducible to any positive identity but is rather always ‘beside itself’ with the desire to transgress the limits of this identity.’ (Prozorov, 2007, p. viii)*

### ***Foucault and the outside***

Like Derrida, Foucault was influenced early on by Nietzsche, Bataille and Blanchot.

Foucault acknowledges the influence of Bataille despite having written little on him:

*What struck me and fascinated me about those authors, and what gave them their capital importance for me, was that their problem was not the construction of a system but the construction of a personal experience. At the university, by contrast, I had been trained, educated, driven to master those great philosophical machines called Hegelianism, phenomenology. (Foucault quoted by Nigro, 2005, p. 650)*

As with Derrida, Bataille's distinction of restricted and general economies finds expression in Foucault's thinking though less manifestly. His short text *A Preface to Transgression* from 1963, his so-called 'literary phase' (Freundlieb, 1995, p. 301), takes up Bataille's theme of the limit. In this passage we see very much the logic of the Derridean supplement – a self-immanence carried away by its inherent outside – the plenitude of which it is made of:

*For its part, does transgression not exhaust its nature when it violates the limit, being nothing beyond this point in time? And this point, this curious intersection of beings that do not exist outside it but totally exchange what they are within it – is it not also everything that overflows from it on all sides? It serves as a glorification of what it excludes: the limit opens violently onto the limitless, finds itself suddenly carried away by the content it had rejected and fulfilled by*

*this alien plenitude that invades it to the core of its being. (Foucault, 1998, p. 73)*

Bataille's inner experience similarly finds expression in Foucault's conception of the subject whose interiority is founded as a 'fold of the outside'.

*By denying us the limit of the Limitless, the death of God leads to an experience in which nothing may again announce the exteriority of being, and consequently to an experience that is interior and sovereign. (Foucault, 1998, p. 71)*

The principle of exteriority is a 'wholly other nondialectical outside'. This outside should not be thought of as the immediate outside of an inside. In *The Passion for the Outside* Kas Saghafi (1996, p. 79) suggests that this outside functions 'like what Derrida in *Glas* has called the 'reste, that which remains of the Hegelian system, its remains, its surplus'.

Foucault's early preoccupation with literary themes saw a potential counter-sovereignty founded on contestation. A notion he found in Blanchot (Foucault, 1998b, p. 75), which he calls an 'affirmation that affirms nothing'. Foucault relates contestation to Bataille's 'contagious subjectivity', which he sees giving form to 'an experience that has the power to implicate (and to question) everything without possible respite...' (ibid.). Though Foucault later distanced himself from this notion of self-determination on the part of the subject, he returned to it near the end of his life when he considered the possibilities of subject agency and an 'aesthetics of existence'.

*The outside leads to Carl Schmitt (via Deleuze)*

Bataille's limited economy is comparable to what Foucault in different periods has referred to as 'episteme', 'dispositif' and 'diagram' respectively. Gilles Deleuze's influential reconstruction of Foucault's thought in *Foucault* from 1988 focuses on 'diagram' as a key concept. In his reading of Foucault, the limited and the limitless, the two economies of the restricted and the general, become the diagram and its outside.

Every society is made up by diagrams. Beyond the diagram is the outside. The outside is not simply exteriority. 'Exteriority is still a form. But the outside concerns force: if force is always in relation with other forces, forces necessarily refer to an irreducible outside, which no longer even has any form and is made up of distances that cannot be broken down' (Deleuze, 2004, p. 86).

'The diagram arrests, it "abducts" existence, life. It freezes the field through the affirmation of a complex of power and knowledge that ties together the diagram' (ibid., p. 75). Sergei Prozorov describes in *Foucault, freedom and sovereignty* this abduction as a moment of capture from the flux of human existence. The structure of authority 'sets limits to the infinite possibilities available to a human being and installs an economy of injunctions and prohibitions that fosters certain possibilities and proscribes others' (2007, p. 6).

*The diagram, as the fixed form of a set of relations between forces, never exhausts force, which can enter into other relations and compositions. The diagram stems from the outside but the outside does not merge with any diagram, and continues instead to "draw" new ones. In this way the outside is always an opening on to a future:*



*nothing ends, since nothing has begun, but everything is transformed.*

*(Deleuze, 2004, p. 86)*

A diagram with a specific set of relations of forces (power), along with specific forms (knowledge), stratifies a given historical formation. Deleuze uses ‘disciplinary diagram’ to describe the modern formation that saw disciplinary power replace the ‘old sovereign regime’ with a control that is immanent to the social field. This diagram is ‘channelled through categories of power (actions upon actions) that we can define as imposing some kind of task or producing a useful effect, controlling a population or administering life’ (Deleuze, 2004, p. 84). The diagram of absolutist sovereignty operated through ‘levying (the action of levying on actions or products, the force of levying on forces) and bestowing life or death (‘to take life or let live’, which is very different from administering life)’ (Deleuze, 2004, p. 85). The list of possible diagrams is ‘endless like the possible categories of power’. There is a ‘pastoral’ diagram for the society of goat herders; a ‘Napoleonic’ diagram is mentioned – defined as being ‘an interstratic, intermediary stage between the old sovereign society and the new disciplinary society, which it prefigures’ (ibid.). The diagram is an ordered space; it is a regime of truth that endows lives ‘with stable identities and determinate moral obligations’ (Prozorov: 2007, p. 6).

### ***Carl Schmitt and sovereign decision***

In *Political Theology: Four Chapters on the Concept of Sovereignty* Carl Schmitt confronts a liberal worldview, which he believes seeks to shut out (‘real’) political conflict. He sees a correspondence between theological doctrines, which attempt to banish miracles and divine grace, and the disavowal of sovereignty in liberal theory. His critique is an attempt to restore transcendence to the political – the intensity of

politics as conflict between competing orders – in the face of what he sees as the illusion of self-immanence.

‘Sovereign is he who decides on the exception’ is Schmitt’s well-known definition of sovereignty (2005, p. 5). ‘The sovereign is figured as an autonomous entity, an agent, or at least agency, which has the authority to make decisions’, explains William Rasch in *Sovereignty and its discontents* (2004, p. 26). For Schmitt only the exception is of interest. It is the rupture of exception, rather than normal, everyday politics that proves the presence of the norm. ‘The exception is more interesting than the regular case. The latter proves nothing; the exception proves everything. The exception does not only confirm the rule; the rule as such lives off the exception alone’ (Schmitt, 2005, p. 15). The exception is not based on law as it cannot be founded on what it founds – consequently it ‘emanates from nothingness’.

At the heart of any order is the undecidable decision. What is left from the moment of sovereign decision is an instance of pure force. Inside the diagram there are no real decisions. But the contours of a sovereign practice within a diagram emerge from practices, which sought the repetition of the elementary act of the foundation of the order by individuals ‘abducted’ by the order. This goes even further in the sense that any decision within the established order is essentially sovereign. A real decision – that is – as different from those whose possible outcomes are sanctioned and written before they are manifested (hence not real decisions). Any truly free, real decision could potentially put all order at risk.

The logic of the diagram is to perpetuate itself into all possible futures and all possible pasts. The moment of sovereign decision that gave birth to the new order, the new diagram – as when the people took over government in France – is regarded from

within the diagram as a historical necessity. From within the diagram the structure of such a founding decision is incomprehensible. ‘The sovereign decision remains heterogeneous to the order that it institutes’. (Prozorov, 2007, p. 82) The fact that such decision is even possible is incomprehensible – that there are different orders to choose between.

There is then retroactive revision at work as soon as a decision has been made.

*All revolutionary situations, all revolutionary discourses, on the left or on the right justify the recourse to violence by alleging the founding, in progress or to come, of a new law. As this law to come will in return legitimate, retrospectively, the violence that may offend the sense of justice, its future anterior already justifies it. (Derrida 2002b, p. 269)*

Sovereignty as exception and force is neutralised with the shift to immanent rationality of government and the technologisation of politics.

The liberal order is a diagram – an order, which as such appears non-political. The system, the juridical order, is conceived as a framework, a facilitator of open discussions among disparate groups – the system is an empty frame serving the interest of the people and so it is incontestable. – There is no outside to the liberal order, no new order to wish for. ‘The rule of law invokes reason and calculability in its battles against the arbitrary and potentially despotic whim of an unrestrained sovereign. The legitimacy of the sovereign is thus replaced by a legality that claims to provide its own immanent and unforced legitimacy’ (Rasch, 2004, p. 29). There is no point of decision because there is nothing to decide.

Carl Schmitt uses the metaphor of engineer and machine to describe the new (post-revolutionary) organic order of identity of the ruler and the ruled: ‘The sovereign, who in the deistic view of the world, even if conceived as residing outside of the world, had remained the engineer of the great machine, has been radically pushed aside. The machine now runs by itself’ (Schmitt: 2005, p. 48). The problem of sovereignty seems to disappear in this system. The sovereign has disappeared altogether. Prozorov dubs this logic immanentism:

*Immanentism may be grasped as an attempt to efface every dimension of transcendence, exteriority and difference from human existence, i.e. to recast the social order as a closed universal self-propelling system without an outside. Immanentism posits the fantasy of a social order that lacks nothing, i.e. is characterised by unity, fullness, plenitude, completion, and is therefore logically unbound and unlimited. (2007, p. 83)*

The relation of the sovereign to the diagram is one of transgression. The sovereign is a borderline figure, indispensable to the constitution of the new order, but dispensable to the running of the machine. More so, he must be dispensed with, as he is a reminder that order came about through a decision. Hence the order is depoliticised, the sovereign origin ‘is effaced along with the heterotopic contingency and indeterminacy that it introduces to the system’ (Prozorov, 2007, p. 89). From hereon what is needed is policing not politics; society is a functionalist whole, accommodating functions, places and ways of being. This is Jacques Rancière’s point; politics gives way to police, which determines visibility via the ‘partition of the sensible’ (Rancière, 2010, p. 36).

***A glimpse of a 'whatever being' – (everyman or an artist?)***

Another revolution has brought us back to Bataille via Schmitt's reading of the structure of political sovereignty. Both Bataille and Schmitt understand the sovereign as a transgressor. The decision opens up the restricted economy to the general economy of sovereign excess that surrounds it – the savage outside 'from which the sovereign decision emanates'. The sovereign cannot be a part of the diagram, the order, because his defining attribute is the ability to transgress with impunity. As a consequence the point of authority within a given order cannot coincide with the position of the sovereign. 'The sovereign is not a legitimate monarch or a competent instance but precisely the one who decides in a sovereign way' (Mika Ojakangas quoted after Prozorov, 2007, p. 96). Sovereign decision would bring the transcendence of the outside back into the diagram, the restricted economy. It would throw everything open again and remind us that everything can be different, that in fact we are different as we are all carved out of the potentiality of the outside. Sovereign decision for a moment threatens to release us from abduction, reminding us, with Foucault, 'that people are much freer than they feel' (Foucault quoted after Prozorov, 2007, p. 56).

***Who is the sovereign then? (is this an artist?)***

Within the restricted economy such an agent, the sovereign subject, cannot be reduced to an identity because he embodies its excess. This then is a singularity that cannot be identified – neither universal nor individual – as such suggested by Agamben's use of Levi ben Gershon's expression – a 'whatever being' – 'a singularity insofar as it is whatever singularity' (Agamben, 2007, 1).

The 'whatever' means that the sovereign might be *whoever* has the capacity to institute a state of exception. Not in the sense that it does not matter which, but,

according to Agamben, rather 'being such that it always matters' and he continues, taking the concept into psychoanalytical terrain: 'Whatever being has an original relation to desire' (ibid.). The contours of this sovereign subject seem here to coincide with the figure of moral transcendence, the 'self-annulling' subject we saw in Artaud and Bataille's notion of sainthood as a self-stylisation.

But read via the concept of sovereignty, it is clear that my initial suggestion of a radicalised figure of the artist outside the everyday consolidation of identity – referencing nineteenth century heroic romanticist heritage – is too simple. Firstly, the transgression never appears *outside*, it occurs all the time *inside* as a part of the potentiality of the diagram itself (the material of which is the outside). – It occurs in the repetition of the excessive foundation of the order as with any order [being?] that must continually repeat its 'decision' to be this and not something else. – Thus it occurs in the very excess of the diagram, which is then countered by the attempt of the diagram to reduce the excess to an actual identity. Secondly, it follows that the sovereign position is the subjectivity – again on the inside in the manner of the supplement – which is capable of embodying the excess of the diagram – 'the whoever, whatever subject' capable of retaining the potentiality of the diagram for being otherwise (the other within).

Carl Schmitt recognises a similar logic (somewhat surprisingly considering his 'conservatism') as he sees sovereign decision in Don Quixote's ability to decide 'in favour of what seemed right to him' (John McCormick quoted after Prozorov, 2007, p. 96). The decision is manifested with its repetition; that is, nobody recognises the decision until its repetition. The exemplarity and potential sovereignty comes through repetition. The same way a political order continually repeats its founding decision. The fact that Don Quixote does not give up after the first supposed 'object lesson'

(encountering the rigidity of reality (the diagram)), but instead continues to engage in an endless series of battles makes an example and a sovereign of him. In the same way decision repeated by ‘abducted individuals’ in the diagram (even by the biopolitically engineered) is inherently sovereign.

This is the potentiality of Quixotic politics where the subject is deemed ‘unreal’. In *The Flesh of Words* Rancière sees the exemplarity of Quixote in the way he cuts across accepted ‘space-time’:

*The madness unique to Don Quixote is to break this principle of reality of fiction that the people of good sense who surround him assert. They all recognize a space-time of fiction that has its well marked-out and delimited place in reality...Don Quixote’s madness interrupts this wisdom. (2004, p. 89)*

Prozorov suggests this is why Derrida is wrong to declare Bataille’s reading a counter-concept to that of Schmitt’s. It is rather a ‘hyperbolic valourisation of the sovereign subject that is fully congruent with Schmitt’s own formal decisionism’:

*We might suggest that the two figures are much closer than they commonly appear to be due to the overstatement of the individualistic and romantic narcissism of Bataille’s ‘sovereign operation’ on the one hand and the underestimation of the transgressive dimension in Schmitt’s theory of sovereignty on the other. (Prozorov, 2007, p. 97)*

### ***Setting an example (artists want to be exemplary)***

In *Saints of the impossible* Alexander Irwin describes how Bataille sought to stage

himself as an exemplary being in a 'violent performance' in order to fuse life and writing – 'through practices of self-stylisation, a construction or writing of the self as sacred ... by turning the self into a work, a text, an embodied event of meaning' (2002, p. xvi).

The attraction for artists to be exemplar; to make an example of one's conduct and practice – bracketing the demands of form which in a narrow sense belongs to the aesthetic – and to take it into life is an urge to create singularities in life. To make an example of one's actions has nothing to do with sublimation and the wrapping of idiosyncratic, pathological personal substance in social acceptable forms ('*offering the pleasure of the beautiful artistic form as a lure which seduces us into accepting the otherwise repulsive excessive pleasure of intimate fantasising*' (Žižek, 2006, p. 311)). This process unfolds strictly within the antinomy of individual and universal with the idiosyncratic substance receiving in consecutive steps a social form, which is then called to stand the test of the universal.

The example might be said to be the 'language' of the 'whatever subject' – the medium of this indeterminable agency – neither individual nor universal – brings 'excess' into language and being. Just as the artist exists in a state '...of a permanent duality, the power to be at once oneself and another ... on condition of being double and of not ignoring any phenomenon of his double nature.' (Baudelaire, *Of the Essence of Laughter*, quoted after Agamben, 1999, p. 55). The example, writes Agamben in *The Coming Community*, '...is always beside itself, in the empty space in which its undefinable and unforgettable life unfolds' (2007, p. 10). An example is a thing characteristic of its kind.



*In any context where it exerts its force, the example is characterised by the fact that it holds for all cases of the same type, and, at the same time, it is included among these. It is one singularity among others, which, however, stand for each of them and serves for all. (Agamben, 2007, pp. 8-9)*

It is in language that exemplary being can exist without being tied by identity. It is infinitely potential but at the same time infinitely impotent. *'This life is purely linguistic life. Only life in the word is undefinable and unforgettable'*. But it is *'...the Most Common that cuts off any real community. Hence the impotent omnivalence of whatever being'*. (Agamben, 2007, p. 9)

### ***Madness as decision – no subject, no Quixote***

It is perhaps unfair to criticise Derrida, as Friedrich Balke does, for a lingering 'boundedness' of individuation because of a purported metaphysics of 'firsts' or 'the One' (sovereignty passed on from one to another – beginning with God). Derrida, more than anyone, since *Writing and Difference*, has emphasised the interdependence and the gap between order and excess at stake in Bataille's work as well as the irreducibility of alterity to a pure affirmation of sovereignty against mastery.

But even with Derrida's own terms you could say it is properly valid to suggest his version of ipseity could end up looking a lot like the liberal self-determining subject. Nick Mansfield suggests in *The God who deconstructs Himself* that Derrida's thinking on sovereignty after *In Given Time* takes on a decidedly Levinasian ethical inflection – 'a recasting of Bataille's thinking of the economics of subjectivity'. Which in *Rogues* leads to a 'redeeming of Bataille's sacred violence for the extroverted politics of the Other' (Mansfield, 2010, p. 69). The *undecidable* ends up disrupting Derrida's

own categories because of the non-dialectical interdependence of order and excess.

Nick Mansfield writes:

*The unaccountability and violence of the sovereign who wrenches the individual into the autonomous being it both desires to replicate and longs to spurn will be reimagined in terms of the gift. In other words, sovereignty and the gift will both give rise to possibilities of subjectivity that make ipseity and excess converge in a non-dialectical doubleness. Both rely on, allow, and disrupt both self-identity and chaos, both imagining the non-disjunction of these putative pairings.*  
(2010, 69)

This doubleness makes it near impossible to decide between what promises more – subjectivity or the deconstruction of the subject, power or dissent, freedom or freedom.

*What is revealed is a single complex, an economy, in which openness and closure, positivity and negativity, remain incontrovertibly in relation with one another: There can be no subjectivity without its deconstruction, no power without dissent – in short, no sovereignty without the gift, no sovereignty that is not constitutionally counter-sovereign. (2010, p. 69)*

The impossibility of decision is everywhere because sovereign violence is everywhere. In this unlimited economy of the unconditional, sovereignties are pitted against other sovereignties but without form or shape, and so all are powerless. To distinguish, to decide which is which, requires madness – at least for a moment.

Derrida says in the *Third Aporia (Force of Law)*:

*... the moment of decision always remains a finite moment of urgency and precipitation, since it must not be the consequence or effect of ... theoretical or historical knowledge, of ... reflection or deliberation, since it always marks the interruption of the juridico-, ethico-, or politico-cognitive deliberation that precedes it, that must precede it. The instant of decision is a madness, says Kierkegaard. (Derrida, 2002b, p. 255)*

And in *Sauf le nom*:

*Going where it is possible to go would not be a displacement or a decision, it would be the irresponsible unfolding of a program. The sole decision possible passes through the madness of the undecidable and the impossible... (1995, p. 59)*

Decision does not need the identity of a sovereign maker (of decisions) in the instant when it traverses the impossible, the outside. It does not need the identity even of a ‘whatever’ – a first, an ipse, a beast, a prince, a literary figure. Maybe even not an artist. What it needs is an experience and communication in order to come into existence. It is a bit of Bataillean ‘tacky subjectivity’ (Crowley, 2004, p. 767). It always becomes something else – alterity revolves, turns ‘into’ presence, disappears (sovereignities pitted against sovereignties). What lingers of the outside is a ghostliness: ‘The undecidable remains caught, lodged, at least as a ghost – but an essential ghost – in every decision, in every event of decision’ (Derrida 2002b, p. 253).

What we are left with, caught up in, is experience – the experience of the impossible. – With bits of ‘sticky subject’ left, lingering after the impossible inner experience. An experience of ‘the puncture to which the subject has gained access to’ (Martin Crowley, 2004, p. 767). ‘Scattered around this puncture something of the subject ... remains’. (Ibid.)

### ***Conclusion, qualified***

And in the bigger picture, what lingers, after this grandiose re-unification of political sovereignty and sovereign subjectivity via the logic of decision, is the ultimate generalisation of the concept of sovereignty. In a sense we are left with Bataille’s declaration that sovereignty is ‘NOTHING’ (and also possibly a bit of subject).

It should be clear at this point that I do not expect the figure of the artist to emerge from the unconditional night of negativity (pure creativity beyond material) – from the boundless potentiality of the outside – into the light of whatever restricted economy I could come up with here (relational aesthetics, extra-parliamentary opposition (as art), pataphysics (as art), Wikileaks (as art), terrorism (as art), the American declaration of Independence (as art), the French, Russian revolutions (as art)). This would be entirely within a Hegelian dialectics similar to Boris Groys’s conception of the battle of recognition in the art world where artists contend for the recognition of ‘individual forms and artistic procedures that were not previously considered legitimate’. (Groys, 2008, p. 123).

Furthermore, it does not seem likely that the figure of the artist is prone to find much counter-sovereign agency in the melancholia of Agamben’s ‘omnivalent impotence’ or Bataille’s intent to be exemplar at all times. (Prozorov comments: It is unclear how

a “perpetual decisionism” is tenable in any other form than a hyperbolic and hysterical pseudo-transgression’ (2007, p. 85)).

I acknowledge that the meaningfulness of notions of excess and transgression in the modernist-romanticist conception of sovereignty have been increasingly questioned in contemporary discourses on power. As the sociologist Bulent Diken described at the Manchester seminar on Agamben’s *Man without Content* (Reeve et al., 2005, p. 13):

*The rule, the game in town, has been reversed. Instead of the old-fashioned Henry Ford type of power where one can engage with transgression and tease the Freudian father, so to speak, we have new authorities that provoke people to transgress.*

This is a key point in the writings of both Slavoj Žižek and Agamben albeit argued along different lines. Žižek via Lacan and psychoanalysis asserts that authority has become perverse and orders enjoyment and transgression rather than the obeying of rules. Agamben’s theorisation of the concept of sovereignty brings him to assert that exception has become the rule—that exception has become generalised. According to Ashley Tauchert’s *Against Transgression*. Philippe Sollers talks of the despair of ‘pseudo-transgression where the resulting “liberation” is no more than the mask for a redoubled repression’ (quoted after Tauchert, 2008, p. 60). This explains why he has quite a different take on a possible transgression. Sollers suggests that the only truly transgressive act would be to suspend the suspension – not by transgression but by affirmation of the general state –by reaffirming prohibition – a move he calls *real transgression* (ibid.).

This criticism of the concept of sovereignty understood as transgressive – either through the more of excess or the less of indeterminacy – brings me to propose a

second axis of sovereignty. The first I would call the tragic axis of sovereign subjectivity – which entails the traditional posture of ego contra mundum (Quixote) – a category defined by the Heideggerian being-towards-death, full of tragic heroes, roaming the wide plains in search of meaning after the death of god. The second could be called the comedic axis of sovereign subjectivity – similar to Simon Critchley’s proposition of a ‘comic anti-heroic paradigm’ (Critchley, 1999, p. 221) – a category I imagine peopled by ironists, slap-stick characters and tragic heroes who somehow survived their own death – heroes who lost the romanticist pathos of the final showdown with existence, when they learned that they were in fact immortal; who ended in up in a Hannah-Barbera cartoon universe where death is impossible (living among the beasts outside the city walls). They are the living dead, zombie comedians. As we will see this type of sovereignty is entirely about sovereigns making fools of themselves. This line of ‘falling sovereignty’ ends in rolling waves of thundering laughter (along with the concept of sovereignty, at the very end of its generalisation).



***[From the supplement]***

*From: Andrea Phillips <Andrea.Phillips@gold.ac.uk>*

*Date: Sun, June 17, 2011 at 1:29 PM*

*Subject: RE*

*To: thomas altheimer <vanwoestenburg@gmail.com>*

*“I like the trajectory into the literary figure/fiction as ‘whatever’ sovereign. Of course in lit you can do this, but you also need to take seriously Oldenburg's misplaced wish for his work. In general all artists want to inhabit the same crossed out space as literature figures – they just cant as they have picked the wrong type of materialism.”*

*A*

*Dr Andrea Phillips*

*Director of Research Programmes*

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***[From the supplement]***

*Impotent omnivalence. This is precisely the dilemma and predicament of the man without qualities. Ulrich feels impelled to ‘attack life and master it’ – to live life stylised as literature and recast ordinary experience entirely:*

*And everything that, as time went on, he had called essayism, the sense of possibility, and imaginative in contrast with pedantic*

*precision; his suggestions that history was something one had to invent, that one should live the history of ideas instead of the history of the world, that one should get a grip on whatever cannot quite be realized in practice and should perhaps end up trying to live as if one were a character in a book, a figure with all the inessential elements left out, so that what was left would consolidate itself as some magical entity – all these different versions of his thinking, all in their extreme formulations against reality, had just one thing in common: an unmistakable, ruthless passion to influence reality. (Musil, 1996, p. 646)*

*But Ulrich comes to realise through his failure – a point made by Patrizia McBride in her book on ethics in Musil (2006, pp. 148-149) – that it is impossible to reconcile ordinary experience (the history of the world) and literary experience (the history of ideas) – such that the only option seems to be to write a book about this failure:*

*Gerda had urged him to write a book about it. But he wanted to live without splitting himself into a real and a shadow self ... he would probably have to either write a book or kill himself. (Musil, 1996, p. 722)*

*He realises he would have to become double – to live beside himself. ‘It would allow him to at least inscribe his experience into a fictional horizon of meaning’, but ultimately reaffirm ‘the split between literature and life’. (McBride, 2006, p. 150) The very act of writing, the act of making art, is an acknowledgment of failure. – Firstly, because it constitutes an affirmation of aesthetics as a specific domain of meaning; secondly, because he would become a living contradiction – as the artist, the man*



*without content – he would go ‘...outside the fundamental conditions of life; his organs no longer bear his thoughts’ (Baudelaire quoted after Agamben, 1999, p. 55).*

*Ironically, the only gesture – other than writing – that carries for Ulrich the promise of unity between ordinary experience and art – a promise of a world where art is the horizon encompassing the totality of existence – is the gesture of suicide. Seeking death, either in the flesh of words or in real life, is the closest the artistic subjectivity can get to unity. One gesture continually affirms the split; the other is a radical denial of the split.*

*Ulrich’s programme for a literary existence was as such a failure from the beginning. A man without qualities is exemplary, is the ‘Most Common that cuts off any real community’. Ulrich is caught in-between the two conditions – ordinary experience and the ‘Other Condition’, which is his name for the life in an undivided reality – cancel one out and each dimension loses its distinction. As Ulrich acknowledges:*

*It is ... quite unrealistic to insist upon acting out of the fullness of one’s own personal reality... one must have the courage to live in the midst of moral contradictions. (Musil, 1996, p. 950)*

*Ulrich lives life in an empty space; the empty space also occupied by the example, he is an exemplar, a whatever being:*

*It is neither apathy nor promiscuity nor resignation. These pure singularities communicate only in the empty space of the example, without being tied by any common property, by any identity. They are expropriated of all identity, so as to appropriate belonging itself, the*

*sign ε. Tricksters or fakes, assistants or 'toons, they are the exemplars of the coming community. (Agamben, 2007, p. 11)*

### ***Sovereign impotence***

*Which is why it is quite possibly also the impotence of the thinkers. Writing critically of the state of things, it is too easy to slide into a critical position where the present is criticised from the standpoint of an imagined future Eldorado.*

*Whether it is Agamben's vision of 'coming community' or Derrida's 'democracy to come' – these are yearnings for the transcendental similar to Marx's utopian longing for a time where each can spend a day fishing, hunting and writing poetry. Also similar to Don Quixote's dream-union with Dulcinea; – similar to Ulrich's longing for the Other Condition, the Millennium; or similar to Musil's longing to finish the Man without Qualities.*

*It all plays out within the genre of romance, which Fredric Jameson, reading Northrop Frye, describes as a*

*...wish-fulfilment or utopian fantasy which aims at the transfiguration of the world of everyday life in such a way as to restore the conditions of some lost Eden, or to anticipate a future realm from which the old mortality and imperfections will have been effaced. (Jameson, 1981, p. 91)*

*Northrop Frye takes romance to be the ultimate source and paradigm of all storytelling.*

*Facing the unforgiving iron wall of necessity, the impulse is to indulge in fantasies far removed from any reality. (We should consider Fredric Jameson's – 'to constitute*

*proper aesthetic action, the work must draw the Real into its own texture' (1981, p. 45))*

*This anchors the work in individual wish-fulfilment.*

*This*

*– in the same way Ulrich admits his failure – that he is nurturing the same illusions, the same yearning for unity and totality that is driving the loopy Parallel Action – when he realises that one 'must have the courage to live in the midst of moral contradictions, because that was the price of great achievement' (Musil, 1997, p. 950),*

*– in the same way Don Quixote revealed 'it was all an act'. Admitting that it was lunacy and expressing the wish to be known to posterity as Alonso Quijano,*

*– in the same sobering way Musil had acquired a box with two pistols in case he should finally run out of means to sustain his realised utopia, which was committing most of his life to a work he must have known was impossible to finish.*

*– in the same way Agamben took his notions of the 'man without content' and the 'whatever being' and fleshed out a politics built on the notion of 'homo sacer'. In a sense leaving behind the youthful romantic fancies of Man without Content and titles like Stanzas and the Coming Community for the more 'serious' political philosophical project presented in titles like Homo Sacer, State of Exception. (Doing the respectable thing for his father's sake.)*

*– in the same way Cervantes comes back after 15 years (and the long imprisonment) to write an apocryphal Quixote.*

– in the same way Marx leaves behind the utopian musings (the ‘hunter, poet’ quote is in the *Pariser manuscripts of his youth*) for the grit of *Das Kapital*.

– in the same way Werner Herzog makes *Aguirre and Fitzgerraldo* and ends with documentaries.

– in the same way Rimbaud starts in *synaesthesia* and ends in *monochrome silence*.

– in the same way Ulrich sinks into dreamy reveries with his sister *Agathe*.

– in the same way *Candide* settles down to work his garden.



### ***[From the supplement]***

#### ***Vemund Thoe:***

*Having been deemed a fiction by the court, the fiction of the sovereignty of the individual was revealed as just that, a fiction. With his sovereignty suspended, he literally seems to come apart. It is a legally sanctioned dissolution of his individual sovereignty (as researcher, artist, human being).*

*Judging from his studio notes he appears to lose confidence in the efficaciousness of the concept of competitive sovereignties, and sovereignty as decision and power (even in unreality and delusion as with *Quixote* and the concept of the ‘whatever being’).*

*The text literally (and figuratively) shows how his thinking moves in search of a new footing and we clearly see how *Bataille* gradually arrives on the scene. The object lesson that violently overthrows his entire existence opens up for the ‘personalising’*

*Bataille and the Pascalian mode where 'existence comes before essence'. – This latter exemplified by his use of maturity as a measure for criticism in the final section.*

*This is the turn, where Thomas rejects thinking that is kept separate from the dimension of subjective temporal existence. He turns to follow and trace the impact of life on theory. – Here inaugurated most decisively by his note 'On genre and age [maturing] – romance and melodrama'. Which is followed by the methodology chapter, written in the winter of 2011,*

*There is then a direct correlation between Thomas's loss of the exterior (apparent) sovereignty of liberal individualism and his move towards the sovereignty of inner experience. This will finally lead him to assert and enact a new kind of sovereignty – by embracing the loss of sovereignty caused by the court judgement.*

*At this point, it is apparent that in Thomas's life words have become directly linked to the flesh. We saw how his theorisations on literature and sovereignty literally dissolved along with the dissolution of his individual sovereignty. We have now come to the end of 2011. He is now firmly in thrall to Bataille's Inner Experience. Inspired from this he writes the chapter on methodology.*

*From this we understand that the thesis was not about artistic subjectivity, or – it was a quest to find a sovereign style. That the written thesis is itself a display of sovereignty. Critique of sovereign operations would come in the form of the impact of death and mortality (blown off the chessboard), and the sovereign response is a spectacle – self-stylisation – a response to 'the terror and the visionary confrontation with one's own death' – turning the self into a text, a work.*

*For me – though entertaining – it seems to be a bit of a cop-out as the individualising reaches an extreme where each subject seems locked into its own death trajectory with little chance to reach out or relate to other monads as they move towards their own death. Furthermore, potential witnesses to the spectacle, engaged in a particular project or discipline, might ask what relevance this purported sovereign incursion would have for them – asking why choose this field? Somehow the sovereignty [here understood in the position of non-knowledge] sits in a plummy position outside the big three – truth, aesthetics and ethics – and so does not allow for criticism on the terms of knowledge, beauty or politics. (Which of course is also exactly the point.)*

*Even more so, death and time inoculates sovereign operations against critique.*

*‘There where you would like to grasp your timeless substance, you encounter only a slipping, only the poorly coordinated play of your perishable elements. (Bataille, 2009, p. 94) These are Bataille’s words but it is also precisely Sartre’s criticism: there are ever only change and singular points in time manifested with ‘sovereign discourse’.*

*It is not my job to write Thomas’s thesis, but I will say that I find the sovereign ambition in principle infinitely indefensible and so infinitely criticisable (which again is a cop-out).*

## **Part 3: Sovereign operations**

*‘We’ll stage history like others stage plays.’ — Aguirre in 'Aguirre - the Wrath of God'*

The question then is where and how this sovereign figure of the artist (zombie comedian) appears. With a reading of Bataille's *Method of Meditation*, literature is privileged as materialism for sovereign operations. This is then imagined as a counter-sovereignty across different levels of fictionalisation. From the limited heterogeneity of literature, reduced to communication via the materialism of books, to an extended notion of literature as a horizon of action, as perlocutionary action, and book and fiction as body and blood respectively. This is read against Derrida's conception of sovereignty as phantasm in his final seminar. From this appears the notion of a 'sovereign counter-sovereign' practice operating as a counter-phantasm within the same materialism. We return to the comedian zombies to reveal that not only the concept of sovereignty (as a process of generalisation), but also the thesis and the researcher have been falling all along. At the very end I offer a set of criteria for a sovereign art practice – guidelines for fictionalising rogues (after the end of the artist).

## **Methodology II: Bataille's sovereign operations**

Nietzsche took to heart Diogenes Laertius' epigram 'it was myself which I sought and explored'. It is the kind of philosophy that addresses the present moment as it grounds itself existentially in a way of life. To Nietzsche any philosophy that is not practised beyond the lectern is void: 'so long as philosophers fail to muster the courage to seek a wholly changed way of life and to exhibit it by their own example, they are of no consequence'. (Nietzsche, 1990, pp. 106-107) With this existential dimension appears a style of connectedness that is literary in nature. Nietzsche conceives of himself as a literary character – most prominently in Zarathustra. But this character is not limited to his works; it crosses into the world, as he sees the world itself as an artwork. The

materialism of world and the materialism of writing overlap – in fact they are indistinguishable.

Nietzsche creates himself in his texts. He ‘exemplifies through his own writings one way in which one individual may have succeeded in fashioning itself’, as Alexander Nehamas puts it in *Nietzsche – Life as literature* (1990, p. 8) – An example, yes, but not a model for replication. ‘He consists essentially of the specific actions – that is, of the specific writings – that make him up, and which only he could write’ (ibid.).

Nietzsche, surveying his lifework, comments in *Ecce Homo*: ‘I have many stylistic possibilities – the most multifarious art of style that has ever been at the disposal of one man’. (Nietzsche quoted after Nehamas, 1990, p. 8) Obviously I do not have the same toolbox available as Nietzsche. I write equal to my abilities and shortcomings. But everybody can write (or should) and everybody can write using different masks, which is a key feature of my own work. When it comes to method and the style of such ‘performative writing’, I draw my authority from a tradition that professes a creative character of criticism. This is not original. ‘I am just a follower’, as Karl Kraus said. Foremost I am following Nietzsche, or rather Bataille following Nietzsche.

Bataille saw in Nietzsche a model for consequential language – of ‘writing with blood’ as Stuart Kendall puts it (2001, p. xxi). In the 1930s Bataille was increasingly occupied by the search for a language equal to ‘inner experience’ – a language capable of producing consequences and new experiences. ‘Inner’ is here not to be understood as *internal* but rather as a matter of *intensity*.

I believe the key to capturing an outline of the artist comes with a particular textual approach, a fictionalising approach. The problem of subjectivity is a problem of



method. It is a problem of writing. To make room for a voice of the self in criticism, the writer risks falling prey to idiosyncrasies and the particular to the extent the text becomes all pathology with no social form and so without value to most but the writing self. The self-writing self is like a boat out at sea tossed around by winds – strong winds of inspiration, anguish, enthusiasm, despair.

Foucault goes to San Francisco where he is enthused by the apparent power of self-organising gay communities. He returns to Europe with a new belief in the force of contestation and imagines an ‘aesthetics of existence’ – with individuals empowered to construct their own personal identities and able to free themselves from the constraints of power. Nietzsche reinvents himself through *The Birth of Tragedy*, heavily influenced by the love for his new friend Richard Wagner – so much so that he later feels compelled to disavow its ‘style of decadence’. Bataille spent several spells locked away in the countryside during WWII, overcome with tedium, tormenting himself to negate the intolerable state – guilt, sin – anything will do to work as a palliative to morbidity – in order to make life ‘*very interesting once again*’, as Nietzsche puts it (‘...lively, always lively, sleepless, glowing, charred, exhausted, and yet not tired’ (2006, p. 105)).

‘Method of Meditation’ is the title of Bataille’s methodological reflections related to the writing of *Inner Experience*. The text first appeared in 1946 under the title *Devant un ciel vide* and *Post-Scriptum* 1953 that both were included in Gallimard’s reedition of *Inner Experience* but omitted from the English version.

In *Method of Meditation* the subject is the agent of so-called ‘sovereign operations’. Sovereignty is here described as method and aim, path and destination:

*The movement that founds the sovereign operation is also founded on it. But above all...this operation is the end, it is the path of an experience. (Bataille, 2001, p. 93)*

The method of sovereign operations is elusive. It is often discussed in terms of limits: ‘a being going the furthest that it can’; ‘to go as far as one can go’ (2001, p. 92) – and ‘its teaching is closer to the teachings of the yogis than to that of the professors’ (2001, p. 93). Also Bataille uses different names for it:

*Previously, I designated the sovereign operation under the names of “inner experience” or the “extreme of the possible.” And now I designate it under the name meditation. Changing words signifies the boredom of using whatever word it should be. (2001, p. 94)*

He then goes on to suggest that ‘comic operation’ would be less misleading. These – ‘sovereign operations’, ‘inner experience’, ‘extreme of the possible’, ‘meditation’, ‘comic operation’ – all sum up succinctly both the profile and the method of the artist figure I am looking for here.

Bataille champions literature in *Method* as a natural mode for ‘great squanderings of energy ... through the excessive expenditure of its own forces’ (2001, p. 95). Whereas philosophy is excluded from the ‘sovereign operation’, which is not surprising, considering Bataille’s criticism of the ‘professorial tradition of philosophy’. This criticism echoes Nietzsche’s strident criticism of philology and its suffocation of ‘creative power’. Poetry is superior to philosophy because it is not ‘servile’. According to Bataille, philosophy subordinates knowledge to exterior ends with ‘servility’. Among the needs foreign to knowledge to which it responds are ‘love of

work’, ‘taste for a rigorous honesty’ and the ‘worries of an academic (career, honour, money)’ (2011, p. 86).

Bataille lists poetry among five ‘sovereign behaviours’ on which the sovereign operation is founded. These are (2001, p. 94):

- intoxication;
- erotic effusion;
- laughter;
- sacrificial effusion;
- poetic effusion.

Bataille considers *literature* as the privileged mode for *themes* as a superior form in which the movement of inner experience finds expression. Julia Kristeva discusses Method of Meditation and the choice of literature in *Bataille, Experience and Practice*:

*The transposition of the ‘sovereign operation’ in language demands a literature, not a philosophy or a knowledge; more precisely it demands a literature of themes that is inevitably tragic and comic at the same time. (1995, p. 247)*

On the face of it, one should think a ‘sovereign operation’ would take place beyond discursive systems altogether. This is not so ‘I can become conscious of it’, Bataille writes (2011, p. 97) – It cannot be acquired and it cannot be fabricated, but the sovereign subject is able to represent the experiences of ruptures: ‘his themes evoke a radical heterogeneity’, writes Kristeva and concludes that the subject who is in a position to bring about the ‘sovereign operation’ is someone ‘...who possesses

knowledge (philosophy and science), can expose its themes and confront them with a non-discursive operation' (1995, p. 247).

Kristeva identifies this someone as the 'writer of fiction'. What is at stake in this writing is the body. Not only that of the writing subject, but also the body of discourse. She calls this process 'fiction' and designates with it a possibility of writing in the body of the author, but ceaselessly '...divided into multiple fissures by the eruption of the drive that is not symbolised, that separates and rearticulates logical structures' (1995, p. 249).

And this is ultimately my point in turning to Bataille's method. The process of fiction captures a snapshot of the 'sovereign operations' of the worldless subjectivity of the artist figure.

Thinking the subjectivity of the artist in literary terms we find the self-annihilating negativity in Kristeva's description of poetic language as '...a violent eruption of negativity in discourse, a negativity that denounces all unities and destroys the subject by destroying logic; it sinks into the "night"' (1995, p. 249). The model for this is Antonin Artaud's poetic experience which, according to Kristeva, '...is close to that economy of rejection that is confused with "nature" and its "night": schizophrenia' (1995, p. 252). This is a desire in a void without direction and object, which ultimately communicates nothing. On the other side of this limit – or let's say precisely on this limit is a desire 'that forms the fictive', a negativity '...centred in themes (characters, situation, ideological fragments)' (1995, p. 251).

This suggests that the poetic instance of subjectivity is immaterial, but the fictional theme is not; it meditates upon the 'limit points' of expenditure, of sacrifice, of eroticism leading to utter loss:

*The sovereign subject is one that knows itself as subject to the extent that it knows the Oedipal limit; it doesn't surpass it without postulating it as a limit and not as an end in itself: this is what Bataille's novels demonstrate, novels that are inseparable from his theoretical positions. (1995, p. 251)*

I wish to suggest that this negative subjectivity exists on the limit, which means it touches either side – the immaterial void and the inner experience related to a body. In Bataille's case several – the body of work, the body of his fiction works, and his own body – whose circumstances, caused by the outbreak of the Second World War, turned into the primary stage for his thinking.

Thinking the artist as this limit figure, he is perpetually drawn into silence but using form to send signals similar to the Stephen Dedalus formula in Joyce's *A Portrait of the Artist as a Young Man*:

*I will try to express myself in some mode of life or art as freely as I can and as wholly as I can using for my defence the only arms I allow myself to use – silence, exile, and cunning. (Joyce, 2011, p. 222)*

Life, private life, is used, not as a source feeding traumatic content into artistic manifestations, as is so often seen in contemporary art when artwork is explained as a result of some random condition or event having impacted the artist (car crash, illness, dyslexia, parent's divorce etc etc). To the contrary, the limit subjectivity 'lives in form', using life as material to fill the mould. (As Josef Bierbichler puts it: 'the private is without consequence in the context of art, if isn't used to fill, to plump up the form.' (1998, pp. 77-78))

Kristeva describes Bataille's sovereign operation as a fiction, which creates

*... fissures in a logical authority that ... can lead right to linguistic dislocation, as in the case of Artaud. One can add linguistic subversion to ideological subversion as Joyce has done. (1995, p. 249)*

This is similar to the Joycean subversion, which inflicts a 'multiplicity of personalities' on the world. The writer of this fiction, Kristeva continues, is a

*...subject that cannot be localized; as the subject of reason it is focused, but constantly divided into multiple fissures by the eruption of the drive that is not symbolised, that separates and rearticulates logical structures. (Ibid.)*

At first sight it seems peculiar in this context when Kristeva suggests that there is a limitation to Bataille's experience because it 'does not always touch verbal structure' (1995, p. 249). It seems to be exactly the opposite – unlimited – as the sovereign operation lies in the path of experience and as a result of a so-called non-discursive operation. These operations run along the boundary of discursivity and non-discursivity, allowing for a multiplication of bodies and thus materialisms.

With Bataille the urgency of war addressing the body directly through fear – the bodies of work and the bodies of life pushed together – works to cancel out the divide between different materialisms – this is what opens up for a corporeal literature, a literature of flesh, of literature as an ontological category.

In *Inner Experience* war saturates every page, neither as an abstract or philosophical concern, nor in the form of political analysis, but as an apocalyptic atmosphere, an

imminent threat and an opportunity for meditation. Writes Stuart Kendall: ‘Air raid sirens scream. Restrictions apply. The author must flee approaching armies’. (2007, p. 152)

*In Acéphale, as in Heraclitus, war was a metaphysical principle, and Bataille, in his notebooks, struggled with this principle as a fact. Experience robs ideas of their abstraction. It feeds on ideas, which nevertheless lend life value and structure. To capture this contradiction in prose is a project for a paradoxicalist, and the uneasy oscillation between instance and idea characterizes Bataille’s best writing. In his notebooks and in his meditation he struggled to become a lightning rod of his time, a measure of the moment in all of its tension, chaos and confusion. (Kendall, 2007, p. 152)*

Bataille writes in *Guilty*:

*Sitting on the edge of the bed, facing a window and the night, I practised, determined to become a war zone myself. The urge to sacrifice and the urge to be sacrificed meshed like gears when a drive-shaft starts up and the teeth interlock. (1988, p. 15)*

Stuart Kendall comments:

*With greater circumspection, he observed: ‘Wartime reveals the incompleteness of history ... Knowledge, like history, is incomplete.’ In the war zone, time, knowledge and self pour out in sacrificial offering. Hegel had discovered the end of history in Napoleonic conquest and the culmination of knowledge in his own*

*phenomenology. Bataille, by contrast, made quite the opposite discovery: that experience slips away in the stream of life. (2007, p. 152)*

Pages saturated by war – ‘practising to become a war zone myself’. War is the key. On 5 September 1939, four days after Germany invaded Poland, Bataille writes in his notebook:

*The date I start (September 5, 1939) is no coincidence. I’m starting because of what’s happening, though I don’t want to go into it. I’m writing it down because of being unable not to. From now on I have to respond to impulses of freedom and whims. No more evasions! I have to say things straight out...*

The moment where the subject is swallowed up by the boundless chaos of war is the moment fear isolates the individual to the degree that experience and inner experience is the only reality that counts, the only reality which can be trusted. ‘Alone, wounded, dedicated to his own ruin, a man faces the universe.’ (Bataille, 1988, p. 31) The shift from philosophising, from dealing with war as a metaphysical principle, to war as a fact, exposes the individual to the dimension of life with no mediating categories of reason.

Stuart Kendall writes in his Bataille-biography how

*... Bataille, in his notebooks, struggled with this principle as a fact. Experience robs ideas of their abstraction. It feeds on ideas, which nevertheless lend life value and structure. To capture this contradiction in prose is a project for a paradoxicalist, and the*



*uneasy oscillation between instance and idea characterizes Bataille's best writing. (2007, p. 152)*

The worldless negative subjectivity of the artist exists precisely under conditions of war. Exempt – in a state of exception. War strips the individual of metaphysics and the collective time of society to leave it with experience ‘eating into ideas’. All contracts are suspended under conditions of war.

The artist refuses to partake in collective time and collective projects. And society refuses to let the artist partake in collective time and collective projects. It is a state of war and the artist refuses to account for his war-ravaged inner zone. He does not synchronise his time with that of the collective. He cancels the social contract every time he undertakes a new movement parallel to that of collective time.

To feel compelled to say things straight out, to speak directly, is a result of the push and pull of life in the state of exception – outside the social contract – the push of sovereign life. Life is the dimension of chance, but it is not anything like ‘the poetry of everyday life’ – in the sense of Alan Kaprow’s ‘art as life’. In the ‘inner state of exemption’ the stakes are continuously raised to the extent that, as Bataille writes in *Guilty*, being ‘...conscious of chance lets me see a difficult fate for what it is. And chance wouldn’t stand a chance if it weren’t for sheer craziness’ (Bataille, 1988, p. 11).

The push and pull of life of the artist is not quotidian goings-on – it is not whatever the sensitive artist encounters as part of daily routines – it is rather the resulting waves from acts or a course one has embarked on in non-compromising investigations of self, life, chance and the nature of reality.

## **Sovereign operations I: Fictionalisation -- Sovereign subjects in [and outside] fiction**

### ***Counter-sovereign fiction in the bloodstream of the sovereign body (Foucault)***

*This volume is intended as a first, insufficient attempt to follow in the wake of the project that Robert Musil entrusted to his unfinished novel: a project that, a few years previously, the words of a poet had expressed in the formula 'Whoever seizes the greatest unreality will the shape the greatest reality, (Agamben, 1993 p. xix)*

Seizing unreality is an eminently literary enterprise. The writer indulges in the solitude of writing that gives every license to his fantasy. But the power of Musil's phrase points beyond the ontology of pure literature. The verbs 'seizing', 'shaping' – along with a measure of greatness, attests to a strong perlocutionary ambition, the ambition to effect and affect far beyond the exclusive writer-reader relation [*mon semblable*].

Literature's potency comes from the fact that it is primed to mess with the symbolic constraints of sanctioned reality. Its agency is 'naming' – it identifies the world by names, in the same way the agency of symbolic order ascribes identity. It is very simple – as a creator of worlds the writer knows that everything could be different.

The simple logic – to be literal – to make flesh out of words, to make an example out of life, to live life as exemplary – invites the notion of literature as a form of alternate social ordering. Literature as an art form – as a mode of desire and fantasy – seems infinitely versatile in terms of possibilities, effect and affect, and also infinitely unpredictable in its possible 'outcomes'. As a form it offers an opportunity for the

desiring writer (and the reader as his accomplice, his semblable) to carve out a space for himself in *being*. But it carries the obvious risks of either accommodating purely sterile masturbatory fancies of no consequence outside a restricted desiring economy; or – carrying mass appeal via crass mimetic conformity. Both lead to the same result – either the individual ego gets what it wants and is ‘happy’ with that (you cannot get what you want but what you need), or the mass ego (Das Man) gets what it craves and is happy with that.

Literature competes directly with the diagram as a symbolic order – its potency comes from the fact that it is primed to mess with the symbolic constraints of sanctioned reality. Its agency is ‘naming’ – it identifies its world by names, in the same way the agency of symbolic order ascribes identity. It is very simple – as a creator of worlds the writer knows that everything could be different.

Foucault calls on us to refuse ‘what we are’; ‘to imagine and to build up what we could be’ (1982, 216). This privileges fiction as a sovereign vehicle in the Nietzschean brand of ‘self-writing’ – ‘self-stylisation’ in Bataille. And it is this simple logic – to be literal – to make flesh out of words, to make an example out of life, to live life exemplary’ – that invites the notion of fiction as a form of alternative social ordering. In his piece on Kathy Acker and Foucault, *Sovereignty, Biopolitics and the Uses of Literature*, Alex Houen suggests literature as a ‘self-potentiating’ art form (2008, 78).

Nietzschean self-writing was ethical for Foucault because it involved the relation of self to self and self to others. Self-writing ‘helped the individual to embody an ethical stance in relation to his or her own life. For using these practices is less a matter of

writing *about* one's life than of *constituting* one's life through writing' (Houen, 2008, 82).

Foucault writes:

*The role of writing is to constitute, along with all that reading has constituted, a 'body' ... And this body should be understood not as a body of doctrine but, rather – following an often-evoked metaphor of digestion – as the very body of the one who, by transcribing his readings, has appropriated them and made their truths his own: writing transforms the thing seen or heard 'into tissue and blood' ... It becomes a principle of rational action in the writer himself. (1984, p. 213)*

For Alex Houen the point is to move literature 'closer to the body' (in accordance with Foucault's general epistemological ambition), to picture literature as flesh, as 'tissue and blood'. He does this in order to introduce William Burroughs' notion of the word as a virus. If sovereignty is conceived as a societal body made up of biopower then words, conceived as viruses – as 'units of genetic information' (Houen quoting Burroughs, 1998, p. 79), are able to, if not take over, then at least to enter the system and add to the genetic master code (or detract, scramble, hack, mix – whichever outlook one chooses). For Houen the point for Burroughs 'is that language in general functions as a form of social ordering that contaminates the living potential of individual bodies' (1998, p. 78). But of course I do not want to get caught up (cut up) in a sentimental notion of 'the power art', which sometimes seems to flourish in the creative writing programmes.

(Aside: Kathy Acker is possibly closer to my conception of a sovereign art practice – a self as a site of ‘communication’. But not along a comedic axis of sovereignty, she is not funny (well, she is, but more Bataille-style fun. Her sovereignty is love. She is more like Artaud and like Artaud the totality of her sovereign energy resists parcellation into limited creative writing formulas. And I feel loathe mentioning her in the context of an academic thesis because it does injustice to her memory (and to my passions). So, I will shut up about her and go back into my academic wood cabin of a self (my identity – the ‘house into which you can enter, lock the door, shut the windows forever against all storms’<sup>4</sup>) and leave it to the supplement. Let me just say this though: The fact that I am a reader of Acker’s work, reveals my persona of *the supplement*, who sued an author and publisher because of ‘identity theft’, as a good for nothing jokester.)

A less culture-pessimistic (and less simplistic) view could see such a ‘desiring line’ move along the Freudian axis of sublimation – from the disgustingly pathological at one end to the universally accepted at the other. This movement seems to play out within the immanent plane of order – on a single plane of immanence. Burroughs’ technique of random cut-ups might be conceived as a ‘counter-sovereign’ power but it still plays out inside the logic of biopower. When Foucault moves the question of sovereignty ‘closer to the body’ – calling for ‘theoretical regicide’ and less emphasis on the juridical aspects of sovereignty – the transcendent exception becomes elusive both as a constituting power but also as a transcendent category of infinite virtualities out of which reality is actualised. This is why it should be supplemented by an axis of comedy (as psychosis and neurosis) that introduces the outside, which takes into account the excess of the founding law itself.

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<sup>4</sup> Kathy Acker, *In Memoriam to Identity* (New York, Grove/Atlantic, Inc., 1990), p. 118.

In a way literature understood as ‘virus’ is a traditional motif throughout human history. Plato seems to think the same when he suggests that the thing to do with poets, who arrive at the city gates, is to honour them for their craft and quickly send them on their way with an honorary wreath in hand. The 17<sup>th</sup> century story of *Don Quixote* celebrates the plebeian perception that reading books is no good for one’s sanity (especially romances...). What is dreaded could very well be the *Möglichkeitsinn* essential to the *Man without Qualities* – *the fact that everything could be different*.

19<sup>th</sup> century class mobility added an extra dimension to this theme with books, or ‘scholarly learning’, often indicted by families who lose touch with a favoured son or daughter. In *The Flesh of Words* Rancière lists the modern victims of literature:

*With Cervantes' happy fantasy one must contrast the modern and painful versions of the fable of any person seized by the book and impelled by the will to incarnate it. Don Quixote is then no longer named Pierre Ménard but Véronique Graslin, Madame Bovary, Jude the Obscure or Bouvard and Pécuchet – men and women of the people seized and condemned by passion for the book and the will to live this passion. (Rancière, 2004, p. 92)*

One could argue that young men losing themselves to books caused the demise of tsarist Russia. In the 19<sup>th</sup> century the growing tsarist state machinery demanded more functionaries than the nobility could supply and had to transport commoners upwards via university education – too many, as it were. The surplus – the young, educated men who were not needed by the state – slid back into familiar poverty with time on

their hands to read or write tracts on ‘what must be done’. These dark, brooding, angry characters, we all know so well from Russian literature – with Dostoevsky’s *Devils* as the ultimate catalogue of intellectual nihilism.

The power and potency of education, its impact on society is of course obvious. But there was a time in the 19<sup>th</sup> century (up to WWI) when knowledge, politics and art were a long way from modern differentiation, so that novels could become programmes for action and scientific writings could be read as novels (*The Origin of Species*). Chernyshevsky’s *What is to be done...* Robert Musil’s attempt (in which he failed resoundingly) was exactly to come up with a form of writing that would bridge knowledge, ethics and art via a sense of potentiality – with new openings to past, present and future.

And to emphatically pre-empt the suggestion that this is all just a celebration of ‘the power of story’ in the bland manner of Hollywood and advertising: In *The Politics of Aesthetics* Jacques Rancière emphasises that political statements and literary locutions produce effects in reality. And that

*... it is not a matter of claiming that ‘History’ is only made up of stories that we tell ourselves, but simply that the ‘logic of stories’ and the ability to act as historical agents go together. Politics and art, like forms of knowledge, construct ‘fictions’, that is to say material rearrangements of signs and images, relationships between what is seen and what is said, between what is done and what can be done.*  
(2006, p. 39)

### **Fiction as counter-sovereign phantasm (Derrida)**

Derrida establishes sovereignty firmly in the realm of fantasyland: ‘As regards

humanity at least, sovereignty has only ever run on fantasy'. (Derrida, quoted by Naas, 2008, p. 195). In *Derrida from Now On* Michael Naas explains:

*The phantasm thus tends ... to try to pass off what is always a historically conditioned performative fiction as a constative or objective observation. The power of sovereignty lies precisely in this elision of a fictional origin and its real effects, the elision of a performative fiction (an "as if," a comme ça). Every form of sovereignty thus appears to be a phantasm, and every phantasm a phantasm of sovereignty. (Naas, p. 195)*

We already know the happy fantasy of Don Quixote operates on the same level of formal decisionism as sovereignty of mastery (sovereignty of power). The counter-sovereign perlocutionary ambition of 'literary enactment' is done much more successfully by the sovereignty of mastery as a 'performative violence that institutes in law a fiction or a simulacrum'. (Derrida quoted by Naas, 2008, p. 195). Derrida says in *the Beast and the Sovereign* (8<sup>th</sup> Session, 20 Feb, 2002):

*But there is another reason for my insistence on the fabulous. It is because, as the fables themselves show, political force or power, in laying down the law, in laying down its own law, in appropriating legitimate violence and legitimating its own arbitrary violence, is in essence such that this unleashing and restraining of power passes by way of the fable, in other words, by way of a language that is both fictional and performative ... In the fable, within a narrative that is itself of the simulacrum. Just like the law, like the force of law, which Montaigne and Pascal said is, in essence, fictional. (2009, p. 217)*



This is power as speech-act – the master says ‘I am the strongest, and I will finish you off if you object’ (ibid). The success of this speech relies entirely on the audience accepting the validity of the statement – regardless of any real strength. As such, a statement to the effect that ‘to be successful, one must project an image of success at all times’.

This follows the logic of Hegelian recognition. Sovereignty is a product of the slave.

Derrida references Emile Benveniste:

*...It implies the exercise of power by someone it suffices to designate as himself, ipse. The sovereign ... is he who has the right and the strength to be and be recognised as himself, the same, properly the same as himself. (2009,p. 66)*

The sovereign operation of art would contest the immunity of ipse through the intensity of inner experience. In *Sovereignities in Question*, a collection of Derrida’s writings on Paul Celan, we find Celan’s speech *The Meridian* on Georg Büchner’s story *Lenz*.<sup>5</sup> Celan asserts, citing *Lenz*: ‘Art produces a distance from the I. Art demands a certain distance’ (2005, p. 178).

Lenz is famously ‘upside down’ – wanting to ‘walk on his head’ – (a posture also celebrated by Deleuze & Guattuari in *Anti-Oedipus*). ‘Whoever walks on his head has heaven beneath him as an abyss.’ (Celan, 2005, p. 179). The story describes a person who can neither distinguish himself from, nor connect himself to, an objective world of human experience. This is signalled by the total interpenetration of the vocabulary

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<sup>5</sup> Celan’s acceptance speech for the *Georg Büchner Prize for Literature* in 1960.

of objective reality with that of inner experience in the initial description of Lenz walking in the Vosges (on 20 January):

*A surge swept through his breast at first when the rock seemed to leap away, the grey wood shuddered beneath him, and the mist devoured the shape of things then half revealed their giant limbs; the surge swept through him, he sought for something, as though for lost dreams, but he found nothing. (Büchner, 1993, p. 141)*

On his walks, Lenz is not 'Lenz'. Back in the house of Oberlin, he is again Lenz, an empty void of self, a structural position prescribed by the diagrammatic order – a position he protests in vain as he asks Oberlin not to judge him by his name. But the attempt of Oberlin, the pastor, the master, the princeps, to coax Lenz back into its abode of self-identity (the house of his self); to accept the hierarchical burden of ipseity, the 'One', the order of 'firsts' ('the sovereign as princely person, the monarch or the emperor ... even for citizen subject in the exercise of his sovereign liberty' (Derrida, 2009, p. 67)) – fails miserably. Lenz sinks into insanity and falls out of sight.

Celan suggests the sovereignty of poetry lies in the plenitude of its obscurity and cites Pascal's 'do not reproach us the lack of clarity, because we intend it' (Celan, 2005, p. 179). 'That is, I believe, if not the inherent obscurity of poetry, the obscurity attributed to it for the sake of an encounter – from a great distance or sense of strangeness possibly of its own making'. (Ibid.)

This plenitude in the encounter with poetry institutes a distance between art and self-identity. 'Perhaps the poem assumes its own identity as a result' (ibid., p. 180) and so creating a sovereign singularity that *perhaps* sets the Other free. 'It speaks only in its

own, its own, individual cause' (ibid.). But in its singular plenitude (obscurity), pitting strangeness against strangeness, it is perhaps able to speak on behalf of the strange, and the stranger. – 'To speak in the cause of the strange ... to speak in the cause of an Other – who knows, perhaps in the cause of a wholly other' (ibid.). This would be a counter-sovereignty as ethics with the potential to disrupt the power of the sovereign phantasm by making us aware of the excess out of which the limited economy of the sovereign master is carved.

There is no 'auto' in Lenz – the 'autos' are reserved for the biographies of the master, who powers and posits the fiction of who he is. The master accounts for himself and demands of lesser masters (citizen-subjects) to do the same. But this is meaningless to readers, writers of poetry, who have 'the abyss of heaven below' – poetry divests power of the audience of 'selves', 'firsts' and 'ones'. With no recognition there is no mastery. This is the sovereign operation of Bataille's effusion of poetry: 'through the excessive expenditure of its own forces' – through the disordered images it works to 'annihilate the ensemble of signs' that is the sphere of order (Bataille, 2001, p. 95).

### ***Performative fiction: living deadly via the phantasm***

But then there are other ways to absent ourselves. Throughout the second volume of *The Beast and the Sovereign* seminar, Derrida pursues the theme of the right to death in relation to sovereignty. Derrida's body was at the time involved in its own accelerated pursuit of death. (He had cancer though apparently not diagnosed at the time of writing according to Marian Hobson (2012, p. 444). Thus, while developing his thinking on death, Derrida was engaged in a heightened meta-version of Foucault's singularising formula – 'death that requires of the body a style of its own truth'. Perhaps the death of his friend Maurice Blanchot just before the 7<sup>th</sup> Session on 6 February, 2002, contributed further to the development of the theme.

The classic attribute of political sovereignty is the right of the state to the death of its citizens (capital punishment, war). Citizens are not allowed to make others or themselves disappear. Derrida says in the fifth session: ‘...there is no right to disappearance...the departed ... must on no account disappear without leaving a trace’ (2011, p. 145). And yet precisely because we are dying we are always engaged in disappearing and so already here – in this disappearing act, so to speak – is a potential (counter-sovereign) limit to the sovereignty of power. Without a monopoly on death, the state loses its legitimacy, a point Derrida makes in the very last paragraph of the final session:

*The question, that was the question of the seminar, remains entire:  
namely that of knowing who can die. To whom is this power given or  
denied? Who is capable of death, and through death, of imposing  
failure on the super- or hyper-sovereignty of Walten?*

Who is capable of death without a trace? Animals. Artists? Without the fear of death, there will be nothing to feed the phantasm of the sovereign. The phantasm that makes us believe he is a necessary evil, which we need to ‘overawe us all’ – without which we ‘would have no pleasure, but on the contrary a great deal of grief’. Geoffrey Bennington (2006, 397) tells us in *The Fall of Sovereignty* that the sovereign instant is an instant of death, but an instant that just as well knows nothing of death. Quoting Bataille: ‘If we live sovereignly, the representation of death is impossible, for the present is no longer subject to the demand of the future’. In this living without the fear of death outside the shadow of the future we are like the beast. ‘Whence the profound affinity between the sovereign and the animal, la bête et le souverain’. (Bennington, 2006, p. 400).

Art as a sovereign instant. The artist as beast. – The artist is dying all the time. The work undoing him as we saw in *The Man without Content*. The artist is constantly engaged in the act of disappearing. As Blanchot writes in *After the Fact*:

*Thus, before the work, the writer does not yet exist; after the work, he is no longer there: which means that his existence is open to question - and we call him an 'author'! It would be more correct to call him an 'actor', the ephemeral character who is born and dies each evening in order to make himself extravagantly seen, killed by the performance that makes him visible - that is, without anything of his own or hiding anything in some secret place. (1985, p. 60)*

But the freedom in dying goes much deeper than just morbidity – or rather much higher – as it connects with the phantasm, which we now know is sovereignty. ‘All sovereignties are fictions’ (Michael Naas, *Derrida from Now On*, p. 200) – ‘though not all fictions become sovereign’ (ibid.). Living deadly in terms of the phantasm is not dying but connected to desire.

In *the Beast and the Sovereign* Derrida considers Robinson Crusoe’s fear of being buried or swallowed up alive. Crusoe trembles at the thought and yet Derrida suggests that his terror is his desire speaking, that his greatest fear is the very thing he wants.

*He is afraid of dying a living death, and so he already sees it happening, he is buried or swallowed alive, it’s what he wanted. Shouldn’t have thought of it. Because what’s more, and taking another step in provocation, I dare to claim ... that it really did happen to him. (2011, p. 129)*

Derrida ultimately suggests that there is no separation between fantasmatic content and reality and so we cannot distinguish life and death. ‘Life and death as such are not separable as such’. (2011, p. 117)

*...the difference between the conditional and the indicative, the difference between the conditional, the future, and the present or past indicative are merely temporal modalities, modalizations at the surface of conscious phenomenality or representation that count for little in view of the fantasmatic content that, for its part, happens really did happen...’ (2011, p. 128)*

Ultimately, performative fictionalising as sovereign operation is death in life. As such it is turning the table on sovereign power. It is not the art of fiction that needs to prove that it can be real and have real outcomes. It is sovereign power that needs the distinction. It needs the modalities and categories to establish and account for who is alive and who is dead (and who is who). Living deadly, death in the work, death as in living with no name, as nobody, or death as a living fictional character, all work to subtract from the fantasy of sovereignty.



***[From the supplement]***

***30 June***

*Oh, do I have plans for a great commercial TV show in America. This will shake things up all right. European elitism meets American trash culture. I am trying to recruit intellectuals for a reality show about high-minded foreign intellectuals, who*

*try to sell and produce a TV show about high-minded foreign intellectuals trying to sell and produce a TV show for mainstream TV in America. I get hold of Simon Critchley, Chair of Philosophy at the New School. I figure his Eighties London punk-credentials would make him susceptible to outrageous TV ideas. He agrees to meet in the evening. We are meeting at 8 pm near Critchley's apartment in Boerum Hill in central Brooklyn – a bar called Kiki.*

*Before I leave the flat I Google Critchley. – From which I learn he is a Liverpool fan. I also learn that his American wife is Jamieson Webster, 34, and that she is an authority on Lacan. A Google image search renders one picture – some local Brooklyn paper on neighbourhood recycling schemes. My word, is she good looking – good old, familiar envy fills my whole being. She is the object I want, but will never have. She is much younger than him. Probably a former student of his... God, is she my type – tall, dark-haired, arrogant looking. And a Lacanian to boot! I need a girlfriend...*

*I arrive at a near empty Kiki at 8. Order a glass of white wine at the bar to put a lid on a lingering weekend hangover. I take out a notebook and go over TV ideas:*

*Pitching to networks in LA (HBO, Showtime)*

*Reality TV school ([newyorkrealitytvschool.com](http://newyorkrealitytvschool.com))*

*Guest star intellectuals (Stanley Fish, Bernard Henri-Lévy, Sylvère Lotringer)*

*There is admittedly not much flesh on this. I am disappointed with myself. I am well aware that my concepts are weak. I have already gone through a couple of miserable pitching sessions. [Note that it is worse to pitch to intellectuals than film business people with flea type attention spans. With the business people at least it's short – in*

*an out of the office – but you get a bottle of water. They might listen to you for a nano-second but at least they have nothing to tell you. Time is money. Intellectuals are courteous hosts – like Michael Taussig at Columbia last week – they take their time to make a cup of tea. Like Hollywood agents the pitching window is short. They might give you a couple of minutes, but then they go on to spend the remaining time, rolling out hobbyhorses. After an hour-long lecture, you have forgotten why you came in the first place and need a firm hand to lift you out from among the couch cushions.]*

*Outside smoking, I spot Critchley a block down, ambling along, also smoking. I remind myself again not to mention Tom McCarthy. Somebody told me they are friends. McCarthy once failed an essay of mine back in London. The moron. Then he pulled out of a proposed film project with which I hoped to take my revenge. When he was shortlisted for the Man Booker Prize for ‘C’, I spent my last remaining credit with the higher powers to ask for him not to win. It worked. Thank GOD.*

*Critchley is all summery – casual, pink shirt, bared chest, rolled up sleeves. I am in the usual outfit – the black suit and the desert combat boots. We shake hands. I ask the bartender to document the momentous event and have our picture taken. At the bar I order a third glass of wine – Critchley is having sparkling water – I launch straight away into the pitch and ask him to be one of the stars of our intellectual reality show. He seems courteously excited but expertly deflects my request to suggest ‘fellow Liverpool fan’, Colin Robinson, who is ‘mad’ and would be really into this. (Same as Michael Taussig did when he suggested Cornel West 30 seconds into the pitch).*

*This deflates me and I feel like a total idiot – and drunk. [Do not mention McCarthy!] Critchley asks what football team I support and while I hear him talk about Liverpool,*



*I fantasise about how it would be to live with Jamieson in Boerum Hill. How it would be to edit your own NYTimes column and be a part of the Boerum Hill community and go to the farmer's market on Wednesdays and weekends – hand in hand with Jamieson. In answer to his question about football, I believe I said Millwall FC – to balance the feeling of Brooklyn middle-class perfection with the godforsaken, dystopian landscape surrounding Millwall stadium.*

*A moment of silence follows, which I make the most of by ordering another glass of wine. Followed by another moment of silence broken by me, saying 'so I hear you are a friend of Tom McCarthy's?'*

*Yes, the genie came out of the bottle and I spent the remaining time incoherently ranting about what a small person McCarthy is. I hardly took note when Critchley excused himself and left.*



## **Sovereign operations II: Fictioneering rogues: Living deadly while having fun [though death is no laughing matter]**

*Can someone really laugh to death? (Bataille, Guilty, 1988, p. 101)*

It seems we have entered the highest realms of speculative sovereignty with Derrida's *Beast and the Sovereign*. Along with Blanchot's absentee artist we have come full circle to return to the artist subject as a form of Hegelian abstract negativity. And I am back where I started, reverently relaying philosophers' truths. It seems we will never be able to leave philosophy.

We must switch materialism. We must go all out fictioneering. To leave the realm of speculative sovereignty it seems we need to push the concepts a little beyond their comfort zone. We must make them fall. Or fail. We must make them funny to make them contagious. We must fictionalise to communicate. We, along with the concepts, must fall funnily, while communicating. Falling is communication. Funny is communication.

We simply have to engage in comedy to get past – not only Hegelian dialectics and the philosophers – but also the phantasm of the mastery of self. We have to get past ourselves. Most importantly I have to get past my self (out of my wood cabin).

**[From the supplement:** *I must make an ass of myself. No, not enough, I must make an arsehole of myself. – To become a super anus.*]

With Bataille we know that only laughter will bring us beyond philosophy (dialectics). But what is funny and what is there to laugh about?

**[From the supplement:** *A man goes to Hell and the Devil says, I usually don't do this, but I'll give you your choice of room for eternity. So he takes the man to the first room. All the people are ankle-deep in shit. In the second room all the people are knee-deep in shit. In the third room all the people are waist-deep in shit, and they're drinking coffee. The man says, I guess I'll take the third room. The devil says, OK. Then he turns to the people in the third room and yells, Coffee break's over. Back on your heads. (Tillman, 1998, p. 15)]*

Sartre famously did not think Bataille was funny. In his brutal review of *Inner Experience* from 1943, Sartre finds Bataille's laughter 'bitter and studied'. '...It may be that M. Bataille's laughs a lot when he is alone, but nothing of it passes into his work. He tells us that he laughs, but he doesn't make us laugh'. (2010, p. 260). This is a devastating criticism for Bataille, since for him sovereignty must be funny in order to be contagious. It is not enough to laugh when you are alone. If it is not funny, it is not sovereign. If it does not 'communicate', it is not funny.

Sovereignty is exalted but there is nothing funny about the lone, isolated figure on the summit. So, it seems counterintuitive that sovereignty should have anything to do at all with laughter. *In the Fall of Sovereignty* Geoffrey Bennington (2006, p. 395) writes: 'At the summit, the sovereign is alone, and from the height of that solitude the last thing he does is to amuse himself by talking about sovereignty. He is – sovereign. Anyone talking about him is not at his level, not up to it'.

After a beat, Bennington then suggests: 'Unless, perhaps, sovereignty should fall'.

*Sovereignty, in its failing, is also perhaps disgusting—it doesn't smell good, its odour is maybe an odour of shit or death, the sovereign always a superanus, gaping and horrifying, a solar anus, perhaps,*

*which will lead us later toward Bataille and an experience of sovereignty as impossible, and as general indignity.* (2006, p. 396)

And so the fun begins with falling sovereignty. Any kind – slipping, tripping, stumbling – the sovereignty of fun goes both ways. Both for the one doing the falling and the audience witnessing the falling. For the former it is the experience of falling and for the latter it is the experience of imperiousness, which fills them as they watch others make an ass of themselves (and in this sovereign pride, they themselves become super anuses).

Falling sovereignty is contagious – on one side the falling sovereign who is sovereign in experiencing his limits. ('Man is divine when experiencing limits', says Bataille in *Guilty* (1988, p. 105)) And on the other side the majesty we ourselves are exalted to when we see others falling. Here in Hobbes's classic formulation via Mikkel Borch-Jacobsen (*The laughter of Being*, 1987, p. 749): 'The passion of laughter is nothing else but sudden glory arising from a sudden conception of eminency in ourselves, by comparison with infirmity of others, or with our own formerly.' For Baudelaire too this was the essence of laughter: 'I do not fall; I walk upright ... I would never be so stupid as to miss a sidewalk that ends or a paving-stone that blocks the way'. (Quoted after Borch-Jacobsen, *ibid.*)

The falling is here not only limited to the malicious, superior feeling – the slapstick funny – of watching somebody slip and fall. It is also the tragic laughter of Nietzsche: 'To see tragic natures sink and to be able to laugh at them, despite the profound understanding, the emotion and the sympathy which one feels – that is divine' (quoted after Sartre 2010, p. 260 – a laughter, which Sartre still finds lighter than Bataille's). In *The Laughter of Being* Mikkel Borch-Jacobsen writes how this

divinity is shared through identification, rather than through difference in elevation (one is prostrate, one still standing).

*If it is divine to laugh 'despite the sympathy that one feels' for the one who falls tragically, it means that the laughing god identifies with this other whom he laughs at and is thus all the more divine, in that he laughs at foundering himself along with this other who suffers and who dies. What is divine, in other words, is the fall – and not at all the superiority. (1987, p. 751)*

Sartre finds this all entirely inconsequential if there is no method behind:

*What remains of such an undertaking? First, an undeniable experience. I don't doubt that our author is familiar with certain ineffable states of anguish and torturous joy. I merely note that he fails in his attempt to impart to us the method that would enable us to obtain them in our turn. (2010, p. 285)*

Sartre is presumably right, but then he expects the communication to unfold within the basic ground rules of addresser and addressee with a civil distance between the 'experiencer' and the audience – a gap which leaves both somewhat 'cold'. What is required for Bataille is a somewhat heavy-handed *touch* (as Martin Crowley's notion of Bataille's 'tacky touch' (2004)). This touch cancels the distance between the two to make them one in sovereignty. It is so painfully banal and gloriously pathos-laden and it requires the raising of the cringe factor to an intolerable degree in these times of cool commitment. To make communication excruciating and unbearable once again to the extent that one reaches out to carry the other. The slipping momentum of one makes both trip and fall over – sovereignly...

This collapsing of the distance (not to the I, but between people) also messes with the words, which opens for the sovereign operation of sliding and slipping through language with no particular commitment to the meaning of words (sovereign obscurity) but from the *gravity* of intensity as only criterion. I suspect this is what Geoffrey Bennington means when he suggests that we must make the concept of sovereignty fall. We, fictioneering rogues, must generally shake the words from the tree (like putrefying fruit) to challenge the possibility of meaning transferred from one to another – and ultimately – in the final instance of impossible democracy – do away with ‘firsts’ and the indivisibility of sovereignty. This is precisely the final movement in this long process of the generalisation of the concept of sovereignty – which Bennington reveals was *falling sovereignty* all along.

The smell of rot comes of course (as we already have sensed (in future anterior) from the putrid smell from the falling sovereignty – the rotten (rotting) arsehole – manifested in the supplement to this thesis – but of course also from the living corpse of the researcher of the thesis proper) from the State of Denmark:

*I said that sovereignty is falling or failing. Other words might say more or less the same thing, and the fact that there are these other words would already be a sign of failing. For example, in L'Université sans condition, Jacques Derrida says in passing that 'sovereignty is today in complete decomposition'. 'Decomposition': let's hear in this word at least a whiff of putrefaction, of something rotten, be it in the state of Denmark or any other state, a whiff of a process giving rise to a certain organic degradation, giving off a certain stench, and provoking a certain disgust. (Bennington, 2006, p. 396)*

At the end of this long downwards spiral waits (surprisingly) something positive (ha):  
Democracy of all things (for the first and the last time in this thesis):

*My hypothesis is that it is not by chance that democracy, that other somewhat shapeless monster, should raise its head, or its many heads, where sovereignty fails. (Bennington, ibid.)*

This is then the end of history – at least in the Derridean scheme of things. Finally after all those chopped-off heads – in the French revolution, in Bataille’s *Acéphale* and in Foucault’s ‘theoretical regicide’ – they return in the form of a many-headed monster of democracy:

*Jacques Derrida in *Voyous* recalls Rousseau’s affirmation that a people of gods would govern itself democratically, but that so perfect a government is not suitable for men. And Derrida sees in this plural, a people of gods, the mark of a ‘more than one’ which would already announce something democratic, by affecting God, and thereby the sovereign (who is always in the image of God) with a plurality and multiplicity which would broach the oneness and indivisibility that are permanent features of sovereignty everywhere in the tradition.*

*(Bennington, 2006, p. 396)*

Democracy is ultimately the failure of the concept of sovereignty. Democracy is decomposing sovereignty. (*‘As the principle of auto-immunity of sovereignty, democracy auto-immunises itself in its turn, and this process is endless, for the structure of auto-immunity is also the permanent frustration or interruption of any democratic finality’.* (Bennington, 2006, p. 403)).

On the side of sovereign subjectivity and the figure of the artist, we are left with the decomposing (and so sovereign) zombie artist, trying to strike a funny note. As he fails in this (and maybe this was really the intention all along with Bataillean unfunniness) he attacks his own poetics – the commandment to be funny. The unfunny comedian undercuts and destabilises himself. This is the auto-immunising move that makes the would-be comedian fail and so fall from the summit, making him sovereign. Having delivered the punch-line: there is absolute silence, no laughter – the tumbleweeds roll among the audience. The one remaining attribute of the sovereign artist beyond laughter is then that he is good for nothing.

How to end when we are on such a high? I cannot tell a joke. I could, but it would not be funny. I will instead offer a set of criteria for a sovereign art practice, which I propose to call **ROGUEISM** – guidelines for fictionalising rogues (after the end of the artist):

*[our motto: – on s'engage et puis on voit (napoleon)]*

*all must **act** as if the **revolution** could (and should) break out at any time*

*it must be funny (or endlessly tragic)*

*(but really, **it must be funny**)*

*it must be ruthless (or full of pathos (or both))*

***contradictions** are the rule*

*decadent hedonism*

*or revolutionary austerity — (or both)*

*are equally encouraged*



***the work** must involve a risk*

*all work must contain its own death (dissolution, cancellation)*

***conflicts** are encouraged*

*only intensity (and funny) counts*

*(it follows that) consensus is despised*

*there will be no victims -- everyone a dictator (except if victims are sovereign)*

*there will be no pompous morons (except if the moron is funny)*

*there will be no pretentious morons (except if the moron is funny)*

*there will be no good intentions, only action*

*if the choice is between doing good and a punch-line, the punch-line is what counts*

***never explain***

*no careerist ambition*

*no compromises*

*no moderation, only extremes*



***[From the supplement]***

*Thomas comments in the margin: This is Bataille's greatest sin – he just isn't funny.*

*And then asks himself: Am I funny? But most importantly in the context of a 'return to*

*artistic subjectivity, ' he jotted down this speculation:*

*This is the issue with a proposed theoretical return to artistic subjectivity. Making the real-life experience of the artist the focus we quite possibly end up with the worldless (and useless) romanticist genius at one end of the spectrum – in the centre an action-packed self-involved aristocratism à la Arendt, Nietzsche (regardless of the artist's real social background) – and at the other – at best – a critical figure similar to Bartleby – but on whose frail shoulders a movement cannot be built (in the manner of Hardt & Negri<sup>6</sup>).*

*We could say that his investigation ends here – somewhat disappointingly. At least it is the end of the road for his theorisations. The existential dimension that kicks in with the court ruling takes him places (unknown regions), where we as readers might not be able to follow. I believe this is why he begins the journal (below) with the Hoffmannsthal/Chandos quote. Outside the cushioned categories of liberal individualism, he suffers the full crisis of modernity in the flesh (not in the abstract).*

*This is a crisis that Bataille also suffered (and Hegel and Nietzsche of course but with different responses) – but only when the legal order was suspended with the onset of*

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<sup>6</sup> Thomas is referring to this passage from 'Empire': *The refusal is the beginning of a liberatory politics: This refusal certainly is the beginning of a liberatory politics, but it is only a beginning. The refusal in itself is empty. Bartleby and Michael K may be beautiful souls, but their being in its absolute purity hangs on the edge of an abyss. Their lines of flight from authority are completely solitary, and they continuously tread on the verge of suicide. In political terms, too, refusal in itself (of work, authority, and voluntary servitude) leads only to a kind of social suicide. As Spinoza says, if we simply cut the tyrannical head off the social body, we will be left with the deformed corpse of society. What we need is to create a new social body, which is a project that goes well beyond refusal. Our lines of flight, our exodus must be constituent and create a real alternative. Beyond the simple refusal, or as part of that refusal, we need also to construct a new mode of life and above all a new community. This project leads not toward the naked life of humanity squared, enriched by the collective intelligence and love of the community. Antonio Negri and Michael Hardt, *Empire* (Harvard University Press, 2000), p. 204.*

*the war (Thomas points to the battle at Jena, the Franco-Prussian War, WWII). This is key to the sliding of categories and subjectivities – war suspends everything.*

*Similar to Bataille – Thomas is thrown into non-knowledge and reports from the horizon of a black hole not as an inspired genius (artist), but having been made a critical figure (ambiguous creature – Kierkegaard) by the system [in a sense it was the system that finally turned him into a real artist – not just an artist of choice – as a life style decision and an expression of a particular type of coquetry]. So when his individual sovereignty was suspended by the court he fell into non-knowledge [man without content] from which no coherent language / communication / meaning can come from – no considered philosophical arguments as Sartre asks of Bataille (philosophical argument as ‘the power of proceeding by separate operations’). And so a critique of Thomas in that position is simply not possible because he is firmly inside non-knowledge [he is himself criticism embodied] – and will remain there. And philosophers who seek to apply considered critique all have their sovereignty intact (as legal citizens) – and so stand firmly inside knowledge – and there is no communication possible between the two. Ultimately it is his real-life loss of sovereignty – and thus his turning into a true (naked) sovereign – that makes it possible to answer Sartre’s criticism (although I feel he was sympathetic towards Sartre’s reading).*

*However, I will let Sartre have the last word in the matter – for sheer emphatic forcefulness. Here is the final paragraph of his review of Inner Experience:*

*Rather than with this unusable experience, then we shall concern*

*ourselves more with the man who reveals himself in these pages, with his 'sumptuous, bitter' soul, his pathological pride, his self-disgust, his eroticism, his often magnificent eloquence, his rigorous logic that makes incoherence of his thought, his passion-induced bad faith and his fruitless quest for impossible escape. But literary criticism runs up against its limits here. The rest is a matter for psychoanalysis. (2010, p. 263)*



***Something is rotting in the state of Denmark:***





## Conclusion

What will have been – ‘the future anterior’ – is documented in the supplement. It is the particular end of this artist, conceived of as a ‘falling sovereign’. I should like to think we are also at the end of all artists – imagined as another line of falling sovereignty – thought of as a part of the process of the generalisation of the concept of sovereignty. The ‘artist to come’ would then be a many-headed monster – of multiple identities – living on the threshold of the ‘house of his or her identity’. It is a ‘whatever sovereign’ who is free to be anything. It is a sovereign qua this freedom, but it comes with the attribute of the artistic power of decision. The particular decision and agency that comes from making work, producing. It is a subjectivity that appears out of nothingness alongside the work only to disappear again when the work is recognised, appreciated. ‘The end of the artist’ thus appears as a corrective to remind us that we all – along with everything else – can be different. It is the principle of work, which guarantees this potentiality. If the work (as a manifestation of sovereign decision) did not exist, there would be no potentiality or real difference. And we would be sucked into to the empty immanence of sovereign power, which presently is the liberal order. The artist to the contrary does not need to exist, should not exist, existing only in ‘the madness of decision’ and so guaranteeing sovereign counter-sovereign agency by his or her existence in discontinuity.

It was Agamben's *Man without Content* that inspired this thesis. The 'end of the artist' is 'men and women without content' – the art producers in search of their own a priori. This search is not limited to the artworld – it unfolds in life as ethics (politics), knowledge and also aesthetics. It is, and should be, disruptive across all fields as the empty producers seek their principle outside themselves. Along with the power of decision the producers are privileged agents of stylisation – they speak a formal language, the language of form, and are so capable of producing a distance from the I. The producers and the deciders know how to maintain a balance while walking on their heads. Their sovereignty makes them alien not only to themselves but also within – as the other within.

In the *Man without Content* Agamben documents the end of the artist after the scission between the artist and his material in romanticism. I responded strongly to Agamben's work because the text calls for enthusiasm and inspiration and so must elicit a singular reader's passionate, singular response. The text spoke to me as a producer and told me I had died, that I was embodied negativity, nothingness, a living zombie. This 'particular' addressed me personally and I was compelled to search for the criteria for such an existence outside aesthetics. This is the Nietzschean journey of self-writing after the death of God, making up as you go along (*on s'engage et puis on voir*) – most importantly making, fashioning oneself in the spirit of Foucauldian ethics. This Nietzschean journey is alone guided by the sovereign comedy (laughter), which delivered us from Hegelian dialectics (as the one thing that exceeds dialectics).

The death of god is mirrored in the generalisation of concept of sovereignty from the divine power of one to the masses of democracy. We are all sovereigns now – if not potentially – then in terms of liberal ideology. The artist certainly inherited a form of 'jester sovereignty' as suggested by David Robbins. But we all have to create our own

criteria for our individual performance as we go along. The task is to attach the theology of the ‘sovereignty of one’, the firsts, which still governs our thinking of the individual and society. In this imperfect world I nominate the rogue fictioneering (psychotic) artist to be the avant(derriere)-garde for this challenge. They, more than any, are equipped to drag their feet when the ideology of liberal individualism wants to drag them back into the house of their identity (and shut the blinds).

Reading Bataille’s theory of two economies – a general economy of excess and a restricted economy of purpose, meaning and ends – I privileged a form of sovereign subjectivity, which in Bataille is ‘useless self-expenditure’ understood as ‘inner experience’. In Bataille this has self-sacrificial overtones – in and through excessive acts you offer your self as a site of sovereign communication. A case in point is the self of Antonin Artaud as a site of ‘disinvestment’. Derrida’s concept of ‘auto-immunisation’ was then used to rethink and resituate the abstract artist subjectivity in contemporary theory. Via this concept we learned that we all harbour the potential of excessive sovereignty in the potentially excessive manner in which ipse protects itself by attacking itself. With the double movement of ‘auto-immunity’, I suggested artistic subjectivity as – a ‘self-cancelling subject, reaching for sovereignty’. This artistic subjectivity was read against Schmitt’s and Derrida’s concept of decision and with Agamben proposed as a ‘whatever’ sovereign.

Thirdly, I suggested a series of sovereign operations, which constitute the basis for a sovereign ‘counter-sovereign’ art practice. Via Bataille the materialism of literature as extended concept was privileged for such a practice. Life is used as material to develop artistic manifestations. This materialism was qualified by Derrida’s suggestion of mastery and sovereignty as phantasm. This potentially makes the materialism of literature unbounded because the phantasm of sovereign power is

maintained through speech-acts (as in ‘I am all powerful’), which demand recognition from subjects, which in turn makes up the phantasm of sovereign power.

Finally, I returned to the notion of inner experience and self-ruinous immunity. We learned that a sovereign counter-sovereign art practice proceeds through manufactured spectacles of falling as an instance of phantasm. With Bataille’s notion of laughter as a sovereign operation, I propose a comedic axis of sovereignty; the notion that sovereign subjectivity must fall in order to communicate. It must make an ass of its ‘self’ to get beyond itself. This in turn triggers a contagious laughter – as an act of communication – which implicates the world in the sovereign comedy. At the very end we learned from Geoffrey Bennington that the concept of sovereignty had been falling with us all along.



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### **Film / video**

Alzheimer, Thomas (2012) *Judgement Call, Copenhagen City Court*. Accessed online 29.05.12: <http://twitvid.com/JCM4N>

## Supplement

*This document spans six years of Thomas Altheimer's life up until his disappearance (his 6 years at Goldsmiths). The narrative does not move along a strictly linear timeline but jumps back and forth while the last journal section ends with his disappearance. The New York crisis mode began with the rejection by the Danish Film Council of his application for a 'revenge as film'. I have chosen to include the treatment, as it represents an excellent illustration of how he trips up on his own machinations. It also lays out the story and protagonists, which then plays out in variations in the subsequent material as reality sets in. A dramatic structure replicated across all Altheimer's works, illustrating T.S. Eliot's melancholic acknowledgment in 'The Hollow Men' that between the idea and the act falls the shadow.*

*This compendium consists of journal entries, talks, notes and mail correspondence. True to the extended notion of subject as a 'locus of communication', I have also drawn in other important voices surrounding / adding to / reflecting Altheimer. As Altheimer writes in his notes, he feels, similar to Bataille, that he is practising to become a warzone himself. Creating around him a state of exception as he engages in warfare against reality, against friends as well as enemies – at the same time clearly 'beside himself', decentred and 'out of focus' – except for the 'microlensing' that is supplied by the testimonies of his colleagues. But somewhere behind all the chatter and drama, discernible in the mix of all these voices, is a rising laughter. The Kaufmanesque, Cervantean author's laughter at his own character.*

*As we will see, it all might seem petty and delusional, but as we witness our protagonist fall over, drunk from anguish, self-pity (and whisky), he grabs hold of the stage curtain for support and brings it down with him in his fall. This is the kind of sovereignty that infuriates because it is irrefutable. As exemplified by the Danish theologian who railed against the Danish High Court's decision to hear Altheimer's case. – Because, as he reasons, with this decision the High Court is adopting Altheimer's project.*

*Vemund Thoe, New York 2012*



*My practice has manifested itself in so many ways across multiple media and fields – with multiple authors – that 'my voice' could only be said to make up a minor part in the overall web of the Gesamtkunstwerk. The research has become my practice and vice versa. It has been 'published' – it has 'resonated' – across multiple platforms. I have written much of this, but most is indirect and written by other authors across contexts,*



genres and disciplines. Some is academic writing – in journals, theses, law reviews, student essays. Some is artwork – fiction, poetry – and some comes in the form of newspaper articles. – Intertextuality, yes, but also so much more. I am simply no longer that important as an author to the oeuvre anymore (and this is exactly how it should be, I guess).

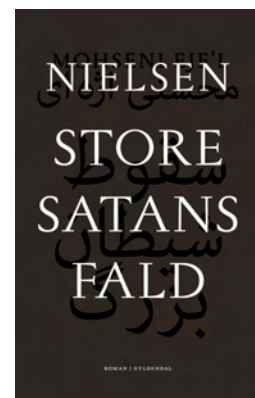
Weaving together theory and life – the singular perspective – is not only a reflection of the work as it weaves together art and life, but it is also a recognition of the fact that this is potentially the only interesting perspective I have to offer.

It is impossible for me to compose a text about my own practice, which could put forward a more profound and well-argued perspective than most other perspectives out there (here particularly within literature and cultural studies in Scandinavia). The ‘purest’ text would be a student essay I wrote at the Department of Political Science at the University of Copenhagen about our month-long live art action journey to Baghdad in 2004 (*The Democracy – Destination: Iraq*). The essay was submitted only a few weeks after our (miraculous) return [and failed most fittingly – considering our action was conceptualised in parallel to that of the action of the Western powers.].<sup>i</sup>

Today, eight years after the improvised journey– with encyclopaedias, anthologies and teaching materials in Scandinavia describing the action as one of the most important examples of ‘political art’ in the noughties – it is not possible for me to come up with a theoretical take that could bring me out ahead of the pack of the much better disciplined and much cleverer commentators in Scandinavian academia.

What is more – the colleague, Nielsen, with whom I went to Iraq, has subsequently published fictionalised accounts of our mutual endeavours in the form of three novels, which have been widely read and celebrated. Especially the account from Iraq – ‘The Suicide Campaign’ (‘Selvmordsaktionen’, Gyldendal, 2005) – earned praise. (In the ‘Oxford Literary Review’ the book is described as ‘one of the most urgent and important Danish books of the new century’.<sup>ii</sup>) For me this has led to encounters with fictional versions of myself with which I in some sense have to ‘compete’ on a metafictional level. These versions work to define me just as much as I define them. This is not unlike the metafictional scene in the second volume of ‘Don Quixote’ when Quixote enters a print shop to find printers proofreading Avellaneda’s apocryphical version of the very same volume that he appears in.

Three novels covering three political expeditions (Iraq, US, Iran – Gyldendal 2005, 2008, 2012):



*The metafictional stakes were raised when the novel 'Suverænen' ('The Sovereign') came out in 2008. This time my colleague had appropriated my life and work and turned it all into a 'documentary fiction'. The book has my picture on the dust jacket. I feature with name and attributes from my life – childhood stories, children and friends – in a fictionalised narrative, with some passages of my own writing – sketches and pictures – all this presented as the author's own invention. It constituted something like a novelistic adaptation of lived life as well as themes that I have worked along for the past 8-10 years – in practice and research – most prominently sovereignty and Don Quixote.*



*His children, Hannah and Peter, feature in 'The Sovereign':*

*Inevitably this would spawn a legal sequel (again in exquisite (anguished) parallel to the aftermath of the invasion of Iraq – with all the post-war inquiries and hearings), adding yet another layer of discourse to the intertextual spectacle. One commentator writes: Where the Democracy project aimed for an actualisation of world history – and could not fail to implode in its own particularism – the fictionalised account of Nielsen and Rasmussen's failed America tour was transposed to a legal sphere of ethical values and judgments.<sup>iii</sup>*

*After two years of written exchanges between legal teams, this culminated in the spring of 2011 with a two-day court hearing in the High Court in Copenhagen. I basically had to go to court and prove that 'I am me' and not somebody else's invention; that I am not fiction. Much of the writing and thought that have gone into this thesis have come about during this time. Much of the lived life, thinking and writing that went into 'Suverænen', is the same lived life, thinking and writing that have gone into this thesis, which is the same lived life, thinking and writing that have gone into the art work and the discourses producing, and feeding into, lawyer's arguments and narratives in the media. It has become a self-resonating perpetuum mobile in which there is no Archimedean position. 'Hyper-intertextuality' we might call it.*

*At this point – weary from the protracted legal battle and endless introspection – I am inclined to admit that there might not only be other and possibly 'better' versions of me; there are also potentially better authors to this thesis. Rampant paranoia and multiple voices make up this textual universe – at least as far as concerns my position in it.*

# Part I: The artist as sovereign [plaintiff]: 2006-2011 – New Cross, New York (Bushwick)

## *THOMAS ALTHEIMER*

*From Wikipedia, the free encyclopedia*

Jump to: [navigation](#), [search](#)

*Thomas Altheimer (born Thomas Skade-Rasmussen Strøbech; 1972) is a Danish conceptual artist, comedian and filmmaker. He is known for a series of projects, which seek to blur the boundaries between art and life.*

*In 2004 he toured Iraq with his "Parallel Action" collective, offering democracy from a box. When this attempt failed he went to the US in October to re-invigorate American democracy in the weeks leading up to the Presidential Election that saw [George W. Bush](#) re-elected.*

*In November the following year, setting out from [Ocho Rios](#) on Jamaica, Altheimer attacked [Guantanamo Bay](#) in a small boat, blasting the American military base with [Beethoven's 3rd Symphony](#) playing on a [ghetto blaster](#).*

*2006 saw a botched attempt at instigating a Democratic revolution in Iran.*

*In 2008 he attempted to launch [Hannah Jefferson](#) as Europe's preferred candidate for president in the US election. The campaign culminated at the [DNC](#) in [Denver](#) 2008 when Altheimer sought to persuade delegates to get behind her. Realising defeat during the final roll call, Altheimer brought a sign that said "Europeans Against Obama" on to the floor. Delegates moved to tear the placard from him and he was subsequently escorted out of the convention by [Lakewood](#) police.*



*Altheimer on the floor of the DNC, Denver 2008*

### **Europe for President**

*The Europe for President campaign was documented in Alzheimer's film Europe for President (2008), which won a World Silver Medal at the New York Festivals. The film was produced by the Austrian Superfilm and co-produced by ZDF, ORF in cooperation with ARTE and RTR.*

### **I Am Fiction**

*Alzheimer has worked for a number of years on a film project called I Am Fiction.*



## **WIKIPEDIA: Childhood**

### **Birth**

*Stalin was born Ioseb Besarionis dze Jughashvili (Georgian: იოსებ ბესარიონის ძე ჯუღაშვილი) in Gori in the Tiflis Governorate of the Russian Empire, to Besarion Jughashvili, a Georgian cobbler who owned his own workshop, and Ketevan Geladze, a Georgian who was born a serf. He was their fourth child; their three previous sons died in infancy.*

### **Early childhood**

*Initially, the Jughashvili family lived normally, but Stalin's father became an alcoholic, which gradually led to his business failing and him becoming violently abusive to his wife and child. As their financial situation grew worse, Stalin's family moved homes at least nine times in Stalin's first ten years of life. The town where Stalin grew up was a violent and lawless place. It had only a small police force and a culture of violence that included gang warfare, organized street brawls and wrestling tournaments. Stalin was frequently involved in brawls with other children.*

*At the age of seven, Stalin fell ill with smallpox and his face was badly scarred by the disease. He later had photographs retouched to make his pockmarks less apparent. Stalin's native tongue was Georgian; he did not start learning Russian until he was eight or nine years old, and he never lost his strong Georgian accent.*



### **Childhood**

*He was born in March 1972 as Thomas Dogel on the isle Funen just across from the Northern German city of Kiel*





*(right next to T Mann's Luebeck) – three months prior to the arrest of the inner circle of RAF's first generation.*

*Born into a petty-bourgeois family, He spent the first three years in the tranquil, sprawling suburbs of Odense. Father is a travelling salesman; his business is front loaders, truck lifts, that sort of thing. Mother is a medical secretary at the local surgical out-patient clinic. The name 'Dogel' was randomly thought up by a grandfather who found the dark-voweled word so compelling that he was certain it would help his bicycle business.*



*He has an older brother, Kristian, born in 1963. The family lived in a detached house built by a distant relative – a building contractor who enjoyed huge success in the beginning of the seventies, as he was able to meet the steep demand of single family housing by using tarpaulin canopies on the building site that enabled construction during winter. Presenting the newlywed couple with very favourable terms of payment, he enabled them to become*

*homeowners ahead of friends and colleagues of similar social standing.*

*His birth came as a surprise to all. It was not on the cards at all. The marriage had been deteriorating for years due to a mix of alcohol and the difficulties of petty-bourgeois family structures to adapt to the new post '68 liberal winds – the freedom and the plethora of new lifestyles. [It later came out that he was a result of a key-party type encounter between his mother and a somewhat random man she projected her longings on – a scene similar to the one in Ang Lee's Ice Storm with Sigourney Weaver's maudlin and miserable key-party fuck in the front-seat of a VW Beetle. The man was eventually located some 25 years later. A paternity case was brought before a judge. In court his mother and this man, blushing and red-faced, recounted their one encounter 26 years earlier – a memory captured for eternity by the city court stenographer.]*

*[Now back to the seventies:] The 'father' is prone to serious drinking binges – mother looks for a quick way out of the increasingly suffocating suburban life. Finally, in 1975, when a suitor offers his services at a regular haunt, she jumps at the chance and quickly divorces. She again takes her maiden name, Strøbech. Thomas surname is changed accordingly.*

*In the following years, she increasingly uses men as stepping-stones to her dreams. They criss-cross the suburbs of Odense along with suitors. In 1980, she meets the love of her life in a late-night dive bar in Odense called the Tin Soldier (named after the HC Andersen fairy tale). The new fiancé is Icelandic. He is known among the locals as 'the pilot' as he prides himself in all-night barstool lectures on his years as a pilot on the American Air Base in Keflavik. He talks Thomas's mother into spending her remaining funds from the sale of the family home on a mortgage for an isolated, disused farmhouse on South Funen. Kristian, now 16, moves out after a fight with the new stepfather.*

*His full name is Martin Max Wilhelm Meyer. He is a paranoiac. With a history of psychiatric*



*hospitalisation, he moves freely across a number of equally valid realities. A tendency, which is enhanced as the family settles on ‘Horne Land’ – a remote countryside on Funen. – They are physically separated from civilisation. Also Meyer’s heavy accent works to enclose them in a state of linguistic exception, separating the quasi-Icelandic family from the locals. According to Freud, in his notes on the Schreber-case, such linguistic separation spells the ideal condition for the development of paranoid traits.*



*From **The particular, the Name & the number**<sup>iv</sup>*

*By Poul Behrendt*

*In this case the name is not only a particular – you even might call it The Particular, as far as there is nobody else in the State of Denmark, or for that matter, in the whole wide world, by the name of Thomas Skade-Rasmussen Strøbech, but the same Thomas Skade-Rasmussen Strøbech. This name, however, is identical with the person playing the part of “Rasmussen” in the Author-In-Court’s former novel, *The Suicide Mission*; identical with the person who is playing that role, too, in parts of *The Sovereign*. In other parts,*

however, Rasmussen is playing the role of himself, having the whole of his name, his private history and circumstances introduced for the first time in the Author-In-Court's authorship. Without this person, his body and one fourth, or maybe half, of his name, there would have been no Mission as such; and no Sovereign possible, without the usage of Rasmussen's full name, as far as the title of the work and its intellectual cornerstone, *The Sovereign*, is the Author-In-Court's theft (or loan?) from Strøbech's thesis in progress.

*Strøbech's status as real-person ... is thus what the Author-In-Court states when he labels Thomas Skade-Rasmussen Strøbech a particular.*

*However, the point is that the concept of the Particular simultaneously signifies all that is inessential, accidental or unimportant. Not only according to Aristotle, but also according to the Author-In-Court, and maybe, too – that's the question – according to Richard Walsh in his *Rhetoric of Fiction*. As defined in *The Oxford English Dictionary*, universals have come to stay, while particulars come and go:*

- *universals can be simultaneously exemplified by different particulars in different places (OED)*

[...]

*Likewise with the use of Strøbech's childhood story from Horne Land. Horne Land, too, is a particular, situated in the South-West of Funen. But according to the Author-In-Court, Horne Land never matters as a particular, on the contrary it is nothing but a representation of 'The land you want to escape'. Such a land just as well might be Odense; and that's what Odense actually was to H.C. Andersen as well as to the Author-In Court himself. In brief, Horne Land is a Universal. It is nothing but Generality.*



## ***Intricate Role-plays***

*Morgenbladet (Norway): 3 October 2008*

*By Bjarne Riiser Gundersen*

*We could start with a joke about how many Danish performance artists are needed to screw in a light bulb, but the joke would not be able to measure up to reality. The latest developments in the identity games of the Danish avantgarde are so complex that even the subtlest sally would seem tame.*

### ***Flesh and blood***

*It begins, as some will recall, with the author Claus Beck-Nielsen, who allegedly departed this life in 2001. Since then his work continues with the art factory *Das Beckwerk* under the leadership of a certain 'Nielsen'.*

*The latest product to come off the assembly line is *Suverænen*, a novel published in Denmark to mixed (but mostly good) reviews last week. The book depicts a trip to the U.S. to fight for democracy – reports from which have previously appeared here in*

*Morgenbladet* - with the eager idealist Rasmussen as the main character and driving force. Travel companion Nielsen serves as chronicler.

On the cover is a picture of Rasmussen, which caused the Danish newspaper *Information* to go on a hunt for the person behind the fictional character. This led them to a man named Thomas Altheimer, who previously appeared in the guise of several other identities (scoring plenty of avantgarde points!). He was first known as Thomas Strøbech when he carried out some stunts aimed at Danish immigration policy. Later Strøbech was hired by *Das Beckwerk*, where he has played the role of Rasmussen on travels to Iraq the United States and Iran (the first is depicted in the novel *the Suicide Action*). Today he no longer has contact with Nielsen.



**The Danish newspaper *Information* sought to track down the lead character in a book: "Who is he, this Rasmussen? Is it possible to contact him? Speak to him about his role in the book? Yes, in fact it is possible. And the character is outraged that somebody else is telling his story.**

### **Megalomaniac**

After some time Strøbech changed his name to Thomas Herzen, a performance activist who in 2005, among other things, attempted to invade the American Guantanamo installation from a motorboat. Some years later the same man shows up as Thomas Altheimer. This character is currently in Vienna, where he is finishing a film project as part of an art education at Goldsmiths College in London.

As far as we can tell Altheimer acknowledges that the Rasmussen identity is a partially fictional role he agreed to play. However, when told about Nielsen's new book, he protests, claiming that the depiction is too close to his real life. 'It is sickening to have someone else tell my story', he says to *Information*.

Nielsen's response was that Altheimer is suffering from 'qualified megalomania'. For such a type any outside account of their story appears as aggression. Even so, the book was necessary, Nielsen asserts.

The story gets an unexpected twist when Altheimer announces that he is considering suing Nielsen for identity theft. 'My whole person, including childhood memories, has been put into book form. It is going too far'. Nielsen says he cannot respond to the statement before he has consulted a lawyer. But then Nielsen / *Das Beckwerk* and Altheimer / Rasmussen / Strøbech / Herzen are probably enjoying themselves, sitting at a pub laughing their heads off over the fact that somebody sat down at the keyboard to re-tell this story.



From: thomas altheimer [vanwoestenburg@gmail.com](mailto:vanwoestenburg@gmail.com)

Date: Thu, 7 Feb 2011 10:19:45 GMT -05:00

To: Chris Kraus [ckraus@sonic.net](mailto:ckraus@sonic.net)

Re: Quixote



*Dear Chris - we met recently in LA. I'm the fictional character who is taking his author to court - I came with Veronica, visiting from NY.*

*I'm doing a film about the conflict - as an attempt to reclaim power over my own narrative. I'm currently in NY looking for publishers / editors who would be willing to have me pitch a book idea as a film scene. I would be filming on two small cameras - the method is quite informal and improvised.*

*Would be great if you had some ideas.*

*All best,*

*Thomas*

*From: Chris Kraus [ckraus@sonic.net](mailto:ckraus@sonic.net)  
Date: Wed, 8 Feb 2011 16:14:06 -0800  
To: thomas altheimer [vanwoestenburg@gmail.com](mailto:vanwoestenburg@gmail.com)  
Subject: Re: Quixote*

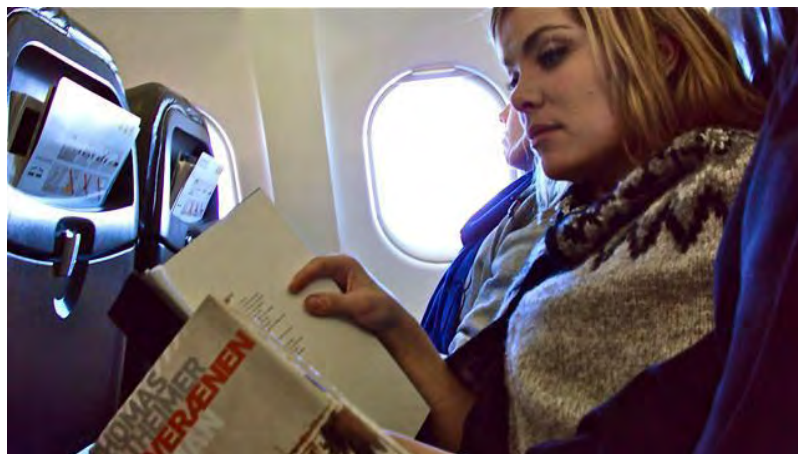
*hi Thomas,*

*I remember you and your quest! Semiotexte would be perfect except we're in LA, not NY. Not sure who you might ask there ... but you might want to try Richard Nash, formerly the publisher of Soft Skull, now he has a new company. He is: [rnash@rnash.com](mailto:rnash@rnash.com)*

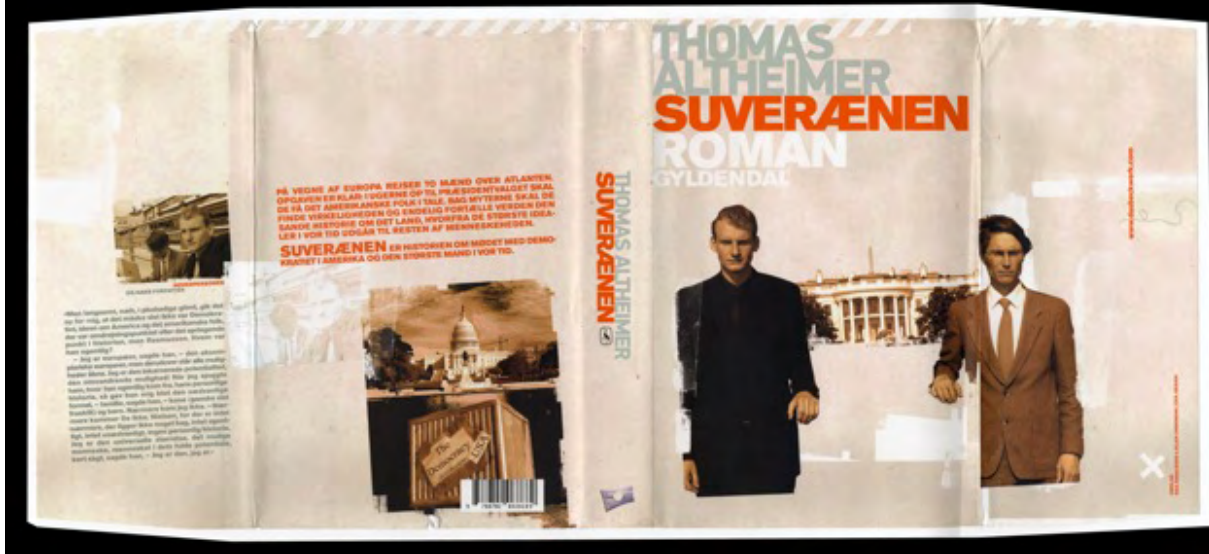
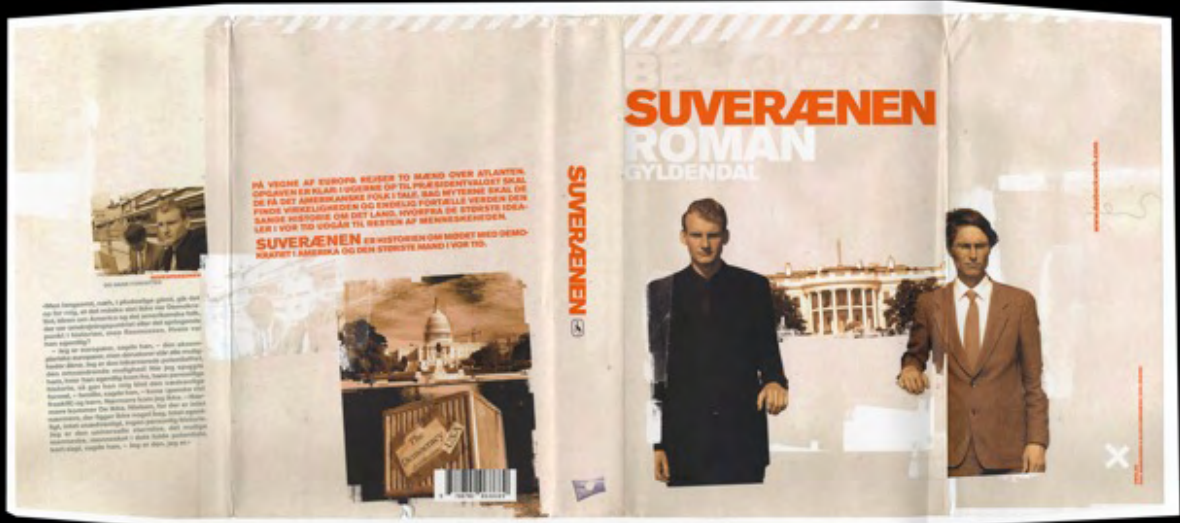
*Good luck with it, and please say hello to Veronica.*

*all best,*

*Chris*



*Thomas and Agathe return to NY to sell a book*



From: Richard Eoin Nash [rnash@rnash.com](mailto:rnash@rnash.com)  
Date: Thu, 10 Feb 2011 16:17:37 -0500  
To: thomas altheimer [vanwoestenburg@gmail.com](mailto:vanwoestenburg@gmail.com)  
Subject: Re: Quixote

Hi Thomas

I could do Tuesday morning in midtown Manhattan somewhere, say 10am?



From: Leo Dawkins [vanwoestenburg@gmail.com](mailto:vanwoestenburg@gmail.com)  
Date: Thu, 13 Feb 2011 10:19:45 GMT -05:00  
To: [eva@leonhardt-hoier.dk](mailto:eva@leonhardt-hoier.dk)  
Re: The Sovereign

Hi Eva – I'm with Richard Nash's Red Lemonade / Cursor in New York. I recently met a young man from Denmark who discussed a book I believe is called 'The Sovereign'. He claimed he is the model for the lead character. I was intrigued by the story and wanted to see if it might be possible to get a sample from you. I understand that you represent the author.

Thanks,

Leo D

From: Anneli Høier [anneli@leonhardt-hoier.dk](mailto:anneli@leonhardt-hoier.dk)  
Date: Thu, 15 Feb 2011 11:44:53 GMT +0200  
To: [vanwoestenburg@gmail.com](mailto:vanwoestenburg@gmail.com)  
Cc: Eva Haagerup [eva@leonhardt-hoier.dk](mailto:eva@leonhardt-hoier.dk)  
Subject: THE SOVEREIGN

Dear Leo,  
thank you for your e-mail which my colleague Eva passed on to me.

Yes, we do indeed represent the author of the Danish novel *SUVERÆNEN* (THE SOVEREIGN), which was published under the author's name *Das Beckwerk*, to give you an impression, I attach our presentation in English which includes excerpts from reviews as well as details of the book and a reader's report in English.

I shall look forward to hearing your thoughts.

All best

Anneli

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[www.leonhardt-hoier.dk](http://www.leonhardt-hoier.dk)  
VAT No. DK 18 35 76 90

***Suverænen***  
***(The Sovereign)***

*Gyldendal, September 2008.*

*- A Don Quijote for the new Millennium -*

*The Sovereign is the story about two Danish Europeans who sets [sic] out on a heroic journey to the new world of America to close the mental gap that has opened between the two continents. As representatives of the dying, old Europe they want to stage a dialogue with the American President and, not least, his people.*

*The two men are Nielsen & Rasmussen, or rather Rasmussen & Nielsen. Rasmussen – “the greatest man of our times” and his assistant, the average and simple citizen, Nielsen, whose job is to document the dialogues between Europeans and Americans and, even more important: to write down every single golden word that slips off the tongue of his master.*

*Rasmussen is the ideal of the Universal Man, a human Utopia, the incarnation of European knowledge and the dreams of America. As a visionary he always already knows what he is going to find, he is a walking lecture, the incarnation of human possibilities.*

*Nielsen is nothing but the servant, the secretary of his master. But as the one who records everything, he also becomes the author of the story. And slowly the tale of Utopia Realized and the Universal Man turns into a tragedy. Page by page his hero is stripped of all his illusions, the dream of America turns into a quotidian nightmare, and the master himself implodes into the unspeakable personal story of his life.*

*The Sovereign is a novel about the gap between ideals and reality, between the great dreams and hopes of man and the everyday disappointment. The aim is to travel behind the myths and discover the real America and thus be able to tell the true story about the land from where the most powerful ideas in our times are being exported to all corners of the globe. But the result is a hilariously funny - and in the end the more touching - story about two men and their clash of civilisations, personalities and hopes.*

***Rights sold:*** Norway: Oktober; Sweden: Kabusa Böcker



## Thomas Altheimer: Talk at Konstfack, Stockholm 2007

*Vemund Thoe: This was Altheimer's first public discussion of the use of him as a character in literature. It was two years after the publication of Nielsen's first book, *The Suicide Action*. His character was called 'Rasmussen' and veiled in the manner of a roman à clef. This was different from the method later used in *The Sovereign* (at the time yet to be written).*

### ***Empty Man, Full Man – on Sovereignty and Fictionality***

*I do not know much about literature but I have experience as literature – that is – as a character in a novel – 'The Suicide Action' by Nielsen – a novel that I understand is widely read in Scandinavia – about our excursion to Iraq and the attempt to democratise that country in 2004.*

*At the time I played the role of 'Rasmussen'. – A figure portrayed as equally petty and heroic in Nielsen's book – at least that was the impression I got from the passages I managed to get through. It was my first experience as a literary character.*

*As a hysteric it is unpleasant to be submitted to another person's narrative. As a hysteric you demand to be the master of the narrative. But then – to say something as a literary figure; from the position of a literary character – is, I believe, a fine and strong point of enunciation. This is mostly because it is incumbent on real people always to explain, motivate and communicate their disposition. It is expected that one's disposition be on par with one's actions, so to speak.*

*But even if I would have wanted to, I do not speak here as a literary figure. For this to be the case there would have had to be a plot, a point to it all. Instead I am talking here as an empty man. – A human being who exists in the space between the stories. A man who might come to appear in Nielsen's next book - and if so presumably under a different name - but again, this is not something I can influence. It is entirely up to Nielsen. And good riddance – or at least this is what my therapist tells me.*

*But to come to the point of the matter. A matter described by the organisers of this conference as such:*

*'We would of course be happy to have you speak as the 'man behind' several successful and widely discussed activist projects; their content etc, but it would maybe be more interesting if you could talk about how you, unlike others, managed not to get caught up in that role. – Also maybe to address the underlying identity project, if such a project exists'.*

*An impromptu analysis of this 'offer' renders the following: I am given the choice between talking as a 'man behind something' – or as a person who has avoided the position of the 'man behind'. A further close reading renders a valorisation where 'man behind' is somebody who succeeds in getting publicity and success – what is more, the*



*success is achieved with so-called 'activist projects' – that is to say, real actions in the real world.*

*But then the other man is deemed to be 'more interesting'. He is interesting because he has avoided – unlike others – getting trapped in a role. There is also talk of an 'identity project'.*

*What is more, I see the difference between the two given with the opposition of 'secular vs spiritual' as well as 'practice vs theory'. Tracing the taxonomic chains further out, we get on the secular axis words like action, success and real – that are opposite to the axis of non-action, failure and unreal.*

*This opposition is reinforced by the overall antinomy man behind and the opposite, which can't be said to be anyone or anything really – the opposite which isn't behind anything and so not in any way successful – we might call it empty man – empty and yet still qualified by an identity project.*

*The difference between the two voices is that one is fictional and the other is real. Ironically, it is the fictional voice which has impact. It is the literary figures rather who are successful with actions in the real world; while the real voice has less of an impact. The real voice is ever more unreal – like a blank slate, fixed in a reality without meaning and form. It is the literary characters that deftly navigate reality. They are the worldly and the practical, while the real people are spiritual, theoretical and unreal.*

*Now the man, or rather the men, behind the successful projects I've been involved in are all fictional characters with different names. They are all – unlike the unreal voice that I embody here – characterised by being tied to a plot and a literary, symbolic or political mandate. On the journey around Iraq my figure 'Rasmussen' acted on behalf of a democratic mandate, which was manifested by our box with 'The Democracy'.*

*Another popular character is 'Thomas Herzen', who, together with 'Thomas Alzheimer', has acted on a European mandate on several occasions – most notably the attack by boat on Guantanamo Bay. With each new plot a name is written on the blank slate of the empty (real) man and a new story begins.*

*But how is it that the literary characters are able to have great effect – while the real people have hardly any? How is it that the literary figures are so successful while the genuine, real people err so emphatically?*

*All the characters I have embodied over the years respond to the world in a very literal manner. They are all rather inflexible and formal – rather dense in fact. With a symbolic mandate in the pocket (or in the box) they believe firmly in their cause, in the role written for them, and the genre they operate in.*

*It is, in the manner of Flaubert's two clerks Bouvard and Pécuchet, an encyclopaedic exercise where we work our way through all concepts from A to Z and plunge into the world – one day as standard bearer for 'Democracy' and the next for 'Pedagogy'. Always putting your life at risk because you are almost never on par with reality. Where others see reality, we see signs and symbols.*

*It is to some extent also a fundamentalist exercise because you stick strictly to the letter. The letter's arrival in reality then opens up, not only for political fundamentalism, but also – if you are disciplined enough – for a degree of sovereignty.*

*The sovereignty comes from a kind of two-dimensional literalness. The kind of mindlessness embodied by the likes of Bouvard and Pecuchet or Don Quixote. The method for us is to launch fictional characters whose goals and trajectory in life is set out in a concept, which details a series of specific steps. They arrive in reality the same way Mohammed Atta arrived in America or Captain Ahab, setting out to sea. Because the characters are fictional and act on the basis of a schematic design, they can afford not to 'listen to reason' – be it with regard to their own survival or to social conventions. They are able to ignore necessity in a sort of reverse Odysseus – not having to plug their ears if they should travel past the Island of the Sirens.*

*Of course this is not all new – there have been plenty of crazy people throughout history, who can't listen to reason. In real life these would usually end up as Alfred Döblin's Franz Biberkopf in a mental institution, or fade away in prison as Herman Melville's Bartleby, the Scrivener. Biberkopf has his arm torn off him in 'Berlin Alexanderplatz', and yet charges on towards disaster like a stubborn bull. And Bartleby – Bartleby prefers nothing and eventually becomes nothing.*

*The novelty of our time is the manner in which sovereignty is assigned the individual, when states declare war against individuals. Rather than locking them up for further mental examination, such individuals are given an unprecedented position of power. Their reasoning is recognised as concrete and real, however crazy it might seem. This development is a radical opening of the world. Any fiction, 'Parallel Action', any work of art or religious imperative carries real, ontological consequences because it is not met by sovereign indifference. The result is a 'liquid sovereignty' – a resource any can muster and embody in a representational move until a competitor overthrows him.*

*This allows for a wonderful, dizzyingly open world, a free-for-all, where success is not dependent on real, objective power, or in the appeal to collective common sense. Instead it comes down to the spectacle of success that one is able to project. The motto for our times is that of estate agent Buddy Kane in 'American Beauty': 'In order to be successful, one must project an image of success at all times.'*

*But let us return to the 'empty man', the 'inbetween man' – the one with the identity project who avoided getting trapped in a role.*

*The man is empty as he is forced to navigate a system whose coordinates he did not set himself. He is a passive, non-acting human being who wastes away in formlessness – in 'reality' – not part of any story. The representational systems that govern reality are designed to encourage this passivity. Representation is orderly while actions are disruptive. Representation is indirect and action direct. Representation is repetition and action a new beginning.*

*There are several ways to circumvent the representative systems – terrorism, revolution and, yes, also art (believe it or not). – Art in the sense of fiction, which is then transposed onto reality. Take, for example, Don Quixote, who simultaneously authors and enacts his own fiction, his own romance. Most who encounter Quixote as he makes his way across the Spanish plains have fun at his expense. Now, he would probably have been taken more seriously if he had less 'romantic power' and more 'objective power' – as if he were carrying a nuclear bomb in the saddlebag.*

*Had this been the case, he would have been what Thomas Friedman has called a 'super-empowered fanatic'. But obviously Don Quixote's problem was that he was not 'super-'*

*but rather 'under-'empowered. – Indeed his whole project hinged on anger at the development in military technology and the following asymmetry between sword and gunpowder. This too was our problem in Iraq. – And it is a persistent problem for the characters I have embodied over the years.*

*'Under-empowered fanatics' is probably an apt term to describe our methodology. It has more than a tinge of protestant mortification to it. This too seems to be the one quality, which has provoked our 'audience' the most. There is nothing more arrogant than idiots without weapons, who purport to risk life and limb on behalf of humanity. Yes, it provokes me too.*

*We hope to embody sovereignty, but have not yet come up with the proper formula – the right mix of romantic and objective power ('the alchemy of sovereignty'). Except for the kind of sovereignty that comes from throwing yourself into the world as a fictional character – death defying and blind to objective reality.*

*In this we also see the slight distinction between Bouvard & Pecuchet in Iraq: Nielsen, the author, and 'Rasmussen', the character. Nielsen is the protestant who appeals to compassion and empathy as he openly shows his vulnerability – exacting his pound of flesh till there is no more. (But make no mistake – there is no weakness in Nielsen – there is nothing but calculation. He seeks power through the spectacle of the fragile.) And what about Rasmussen? Rasmussen does not appeal to anything. He is a fragile man of power who refuses to admit failure and weakness. For Rasmussen it is all about the spectacle of power.*

*This difference was well illustrated with their fight in the hotel in Basra, which is described in the book. Rasmussen thought it wise to follow their guide's recommendation to arm 'The Democracy'. Nielsen was against. But then a compromise was reached in the proud tradition of Scandinavian consensual democracy: they would acquire a gun on the condition that they get a permit from the 'Coalition Provisional Authority' (they ultimately failed and had to travel unarmed to Baghdad).*

*The misfortune of the unarmed, under-empowered fanatics is power's indifference towards them. Only the super-empowered fanatics, as Saint Paul or Osama Bin Laden have the ability to get the attention of power. They have superior organisational skills. The former lack organisation and so their projects ultimately founder on the spectacular clash of ego contra mundum. Their predicament is that what others perceive as necessity they see as chance. And so Goethe cautions us in 'Wilhelm Meister's Apprenticeship':*

*'Woe to him who, from youth on, is prone to find arbitrariness in necessity and ascribes a certain reasonableness to chance and accepts this religiously. For that amounts to denying one's rational self and giving free play to one's feelings'.*

*And so it becomes a story of individual desire clashing with that of the collective – collective desire – a desire, which might be said to be the very stuff of reality. Melancholy and lyricism are mostly the outcome of such clashes. And the greatest impact these melancholy zealots can hope for is to be invited to recite their poetry in art spaces, on TV or in newspapers.*

*But then this is something in itself – seen from the perspective of 'empty man'. For the melancholy zealots cannot be said to have any real problems. They are not afraid to die, and they are not looking for love or meaning in life. Their only problem is an enormous*



*ambition. They wish to save the world, democratise the world, emancipate humankind here and now and nothing less will do.*

*And so we return to the question of success and failure. In my little analysis of your invitation for me to come here, I connected the real, empty man with failure, and the fictional, sovereign man with success. This is actually quite wrong – the fictional characters all fail spectacularly when they try to act in real life. What they are able to do is to go far, really far, in their attempt to realise their more or less utopian fantasies. This is the strength of Don Quixote, which was recognised by a Castilian, who calls out to him as the knight is passing by:*

*‘The devil take Don Quixote of La Mancha! How did you get this far without dying from all the beatings you’ve received? You’re a madman and if you were a madman in private, behind the doors of your madness, it wouldn’t be so bad, but you have the attribute of turning everyone who deals with you or talks to you into madmen and fools too; if you don’t believe me, just look at these gentlemen who are accompanying you. Return, fool, to your house, and look after your estate, your wife, and your children, and stop this nonsense that is rotting your brain and ruining your mind’. (867)*

*It was the same threat the U.S. camp commander at Guantanamo Bay, Admiral Harris, recognised in his inmates: ‘They’re intelligent. They are creative. They are dedicated. They have no respect for life, either ours or their own’. - The Admiral made the statement when three prisoners committed suicide by hanging. Harris concluded: ‘This was not an act of desperation, but an act of asymmetric warfare committed against us’.*

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*At this point it seems I have managed to shift the operational signs to the extent that fictional man is now seen as a failure and empty man a success. If I continue like this I will no doubt before long end up making the reverse claim.*

*I believe these contradictions follow shifts in the boundaries of sovereignty and concomitant shifts in society’s symbolic order – particularly the distinction between inner and outer.*

*Understood politically, the boundary between inner and outer is fundamental. The state is the outer boundary of a political community, a nation, a people. All that goes on beyond is anarchy. According to the Greek historian Thucydides, it is the space ‘where the strong do what they can and the weak suffer what they must’.*

*But if the boundary between inner and outer begins to shift, opening for sovereign actors in the soft interior of a state – actors who follow all sorts of unhinged calls to action – it gets increasingly difficult to police, to define and sanction one ethical code, one coherent political order, one objective reality.*

*And so we see extensive political investment in institutions that work to verify and sanction reality. We see a steady growth of art museums – with the hope that the more peculiar art is accumulated inside, the more real and unambiguous the reality becomes outside.*

*But if cracks are beginning to show in the symbolic order along with a shift in the distinction of inner / outer, then this movement will certainly run counter to institutional mobilisation. Values and signs are relativised and we end up with a situation where one*

*man sees arbitrariness, where another sees necessity. – Where one man sees success and another sees failure; one sees fiction, where another sees reality – one sees politics where another sees art. In this situation there would be less of a distinction between the super- and under-empowered – making it a free-for-all for the Jesuses, the Quixotes, the Bartlebys, the Niensens and the Rasmussens.*

*While such a world appears truly wondrous to us, the predicament of the empty man is again clear to us. Because of such role-play, blank in-between spaces – the gaps inbetween new and old stories and actions – are inevitable. This is the cost of experimenting with representation, identity and sovereignty.*

*And so we return to the person speaking here. The cursory taxonomical exercise, which I did in the beginning of this presentation, was of course a misreading of the invitation to the seminar. The ‘man behind’ and the man with the identity project, who avoided getting caught in a role, is of course one and the same man.*

*It is ultimately all just a play of masks – a consummate hysterical condition – a condition where one oscillates between fullness and void to make time pass, to avoid boredom, to avoid having to explain oneself, to avoid having to take a stand, and most of all to avoid having to bring one’s disposition on par with one’s actions.*



*Kojève's own response was more serene, but it was no less radical: since the serious business of human struggle, labour, time, and philosophy was in principle complete, man henceforth had nothing further to do except to while away his time at play. In either case, the lesson was the same: the human future was empty. Though it belonged to the past, the future was also expunged from the past which no longer had any need of it; suddenly the future had become philosophically impossible.<sup>v</sup>*



**Vemund Thoe:** *Passages from the Konstfack-presentation were later used to counter Alzheimer’s libel claim (it was published in Den Blå Port, a literary journal in Copenhagen, and used as evidence by the defence). The claim was based on the ascription of terrorist sympathies to his character ‘Thomas Skade-Rasmussen Strøbech’ in The Sovereign. The particular passage dealt with his character’s thoughts on the scandal related to the Abu Ghraib abuse photos:*

*The seventeen Arab media artists – who, on 11 September 2001, in a flash and with great formal precision took control over and crashed four passenger jets – had shown the way. And now, he thought, barely three years later, the U.S. government's popular mandate, its private soldiers, the American people's representatives – by their successful media operation at Abu Ghraib prison in Baghdad – an event in record time - and without the slightest publicity budget! he thought, without the least use of spin doctors and lobbyists! – now they had signalled to over six billion people across the globe – that twenty-first century politics was not conducted in the context of war, but in the context of*

Art.<sup>vi</sup>

The counsel put particular emphasis on this paragraph, which was read out in court:

*And I would much prefer to be super-empowered as Bin Laden – obviously a Western, enlightened version with style and European urbanity – perhaps some version of The Red Army Faction’s elegant Gudrun Ensslin.*

At that point the court made no distinctions between the various authors Thomas van Brunt, Thomas Altheimer, Thomas Herzen – they were all perceived to be one and the same real person.



### **From *Artistic freedom of expression vs. the right to privacy***

*Modkraft.dk (Copenhagen), 1 March 2011*

*By Linda Petersen<sup>vii</sup>*

*The defence counsel asked whether he had discussed The Suicide Action with Helge Bille Nielsen. When Thomas Skade-Rasmussen Strøbech replied that they had not, he asked whether it had been their agreement that each of them would be free to use material from the travels in their respective projects. Here the counsel pointed out that Thomas Skade-Rasmussen Strøbech had himself used material from the Iraq trip for an academic essay.*

*Thomas Skade-Rasmussen Strøbech explained, however, that he had failed the specific essay and the essay that eventually passed was about something else.*

*The lawyer then asked Thomas Skade-Rasmussen for clarification in relation to a passage in a text he had written in Den Blå Port. However Thomas Skade-Rasmussen Strøbech refused, saying it served no purpose to discuss a poetic text with a jurist.*

*The lawyer asked whether it was true that he, like Helge Bille Nielsen, had played with his identity. Thomas Skade-Rasmussen Strøbech denied this, stating he had always made a clear distinction between his private life and his fictional characters. He confirmed, however, that he in relation to his projects had used fictitious names such as Thomas Altheimer, Thomas van Brunt and Thomas Herzen. And added that he had also used the first name Walter [Walter Benjamin].*

*[...]*

*Thomas Skade-Rasmussen Strøbech also noted that the audience in the trial probably was his biggest audience ever.*



### ***Danish Lawsuit Against October Publishing***



*A Danish filmmaker and artist is suing the publishing house October. – The case is similar to the case between Seierstad and the bookseller in Kabul, said Thomas S.-R. Strøbech.*

By Kaja Korsvold, Aftenposten (Norway), 11 January, 2010

*The Danish Thomas Skade-Rasmussen Strøbech was in Oslo Monday to speak with his Norwegian lawyer Per Danielsen. The filmmaker and performance artist will go to court against the publisher in October, which published the Danish Claus Beck-Nielsen's novel *The Sovereign in Norwegian* in 2009.*

*Strøbech is the lead character in *The Sovereign*. Intimate details from his private life are revealed and the title is a reference to his tendency to arrogance during the travels the two artists undertook.*

*The Sovereign is already the subject of litigation in Denmark. The case is due in the Eastern High Court, which corresponds to the Norwegian Court of Appeal.*

*– The story of my life has been taken over by another. I find it disconcerting that this story will go around the world, says Thomas S.-R. Strøbech. He believes that the ruling against Seierstad for violation of privacy with the *The Bookseller of Kabul* gives him a good chance to be heard.*

*– An argument against Seierstad was that she described thoughts of people as if it were their own. I was also attributed thoughts.*

*– You are yourself an artist, but still you believe that your former friend has crossed a line?*

*– I do not see this book as fiction. And I find it offensive that others tell my story without conferring with me, says Strøbech.*

***Dismisses wrongdoing***

*Claus Beck-Nielsen, who also goes by the name Das Beckwerk, plans to use the Danish trial as part of his own art project. Thomas S.-R. Strøbech denies that his case is just a performance and that he should be abusing the legal system.*

*– I use the legal system as one is supposed to. In relation to Claus Beck-Nielsen, he fears the consequences for his own authorship. If I win, he will no longer be free to write in such a manner.*

***Danish outcome important***

*Lawyer Per Danielsen, who also represented bookseller Shah. M. Rais in the case against Seierstad, confirms that he represents the Dane.*

*– I am engaged to consider a lawsuit.*

*– The matter will be up for a Danish court next year. Will the outcome be of importance for the Norwegian edition of the book?*

*– Danish and Norwegian law are very similar when it comes to defamation and privacy.*

*– Do you also see similarities between Strøbech’s case and the bookseller against Seierstad?*

*– A cursory look says there are things to build on. But I have yet to deal with it in detail, says Danielsen.*

*It was not possible to get a comment from October’s managing director Geir Berdahl yesterday.*



**THOMAS ALTHEIMER: Film Treatment –  
*Death to the Author, 2010***

DATE / 29-03-2010  
REF / JH  
JOURNAL / 2010-56-286

*Zentropa Entertainments26 Ltd  
2650 Hvidovre*

*Att.: Carsten Holst*

*Regarding **Death to the Author***

*Dear Thomas Altheimer, Tom McCarthy & Carsten Holst,*

*Thank you for your application to the Film Council Talent Film Scheme,  
which we received on 29-03-2010.*

*The project has been forwarded for consideration by the artistic  
directors Jacob Kirstein Høgel and Kim Leona, as well as producer  
Nanna Mailand Mercado.*

*The processing time is currently around 4 weeks. You will hear from us  
no later than 20-05-2010.*

*Sincerely,*

*Nikoline Riget*

*Project coordinator – Talent Development*



***Death to the author***

*An act of revenge – by Thomas Altheimer*

*Producer: Carsten Holst / Zentropa (DK)*

***Prologue***

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/ MANAGEMENT & ADMINISTRATION

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CVR-NR. 56-85-83-18

*A Barry Lyndonesque panorama scene: we see a gun duel between antagonists Altheimer and Nielsen in a meadow on the outskirts of Copenhagen. The roles of the principals are played by actors. Taking up positions as seconds are the real Altheimer and the real Nielsen. The scene is overlaid with baroque music with near inaudible voices interrupted by a few beats of silence till the sound of gunshots rings out.*



*Altheimer[actor] falls to the ground.*

*Fingers tapping on a computer keyboard. Paragraph on screen reads: Altheimer sinks to the ground.*

*Altheimer [the real] is in Austria to complete a film project. He's walking the aisles of a supermarket listening to an audio book on his Ipod: 'Remainder' by British author Tom McCarthy. A book about identity, a book about a man who seeks to reassure himself of the genuineness of his existence.*

*Altheimer arrives at the offices of the Viennese production company. Veronica, trusted friend and collaborator, looks out from behind a separating wall. She's on the phone: 'In fact here he is. He just walked in. Just a moment. – Altheimer, a journalist from Denmark is on the line for you.'*

*Altheimer takes the call: 'Hi. This is Anton Geist from the newspaper Information. I wanted to know how you feel about your lead role in the new book by Nielsen.'*  
*Altheimer: 'How did you get hold of this number?' Geist: 'Well, yes, it did take me considerable time to dig out somebody who knew of your whereabouts.'*  
*Altheimer: 'By Nielsen, you say?' 'Yes, it came out this week,' says Geist. 'And I am the protagonist?'*  
*'Yes, your picture is on the cover and it made me curious to find out whether there is a real person behind the fiction. – Nielsen maintains that you're not real.'*

*A courier delivers a package with a copy of Nielsen's book at the offices in Vienna.*

*On his bed at the hotel Altheimer opens the envelope and starts reading.*





*Nicholas and Alzheimer*

*Nicholas, Alzheimer's good friend and patron from London, is visiting Vienna. The two friends are coming out from a performance at the Vienna Opera. They discuss the book. Nicholas thinks Alzheimer should take legal action. 'Get compensation. Get the book recalled. There has to be a limit. He is using you with impunity. Draw a line in the sand. If you don't, the only identity left for you, is the one controlled and written by Nielsen. You'll feel even more alienated, you'll grow even more distant from your*

*children. You need to reclaim your life.'*

*Alzheimer has an epiphany. He gets the idea to approach McCarthy – his London nemesis. Tom McCarthy is the man to help him reclaim control over his own narrative. 'Also, in fact, I figure he still owes me after failing my essay some years back.'*

*He calls his ex-wife in Copenhagen to let her know that he's coming to Denmark. They arrange for him to pick up his daughter Hannah straight from the airport at the after-school centre.*

*Alzheimer is on the flight to Copenhagen. Again he's listening to McCarthy's audiobook on his Ipod.*

*Cut to a TV interview with Tom McCarthy. They discuss 'Remainder' and the protagonist's attempt to become real, to penetrate reality.*



*Tom McCarthy on Channel 7*

***META-NARRATIVE: THE CONCEPT SPACE [WHITE ABSTRACT SPACE à la American Splendor]:*** *Veronica is on the phone in the background. She's trying to reach Tom McCarthy. Alzheimer [the real] is in the foreground with his therapist Gerard*



*Chevalier. They are sitting in two chairs in a clichéd therapist set-up. Alzheimer explains how he and Veronica are working on a fictionalisation of the story – that they are trying to get conceptual assistance from Tom McCarthy. Gerard warns against turning everything into a game and so maintaining a life of split personalities. ‘You are only one person – one person – and you must act responsibly and take on problems as they come – for your own sake and for the sake of your children.’*



*Scene from American Splendor. Real-life models, actors in the background*

## ***PART I [FICTION]***

*An anonymous documentarist approaches Alzheimer’s house in Copenhagen. He’s greeted at the gate by Alzheimer’s children, Peter and Hannah. They go on to give a tour of house and garden. Hannah is open and extrovert. Peter keeps out of sight in the background. She opens the door to a big, beautiful light room, explaining how dad used to live here before he went away. ‘Now someone else lives here.’ She goes on to show a small, cluttered closet-sized room with a mattress: ‘This is where dad stays when he visits.’*

*Alzheimer [played by an actor] is queuing at the passport control in Copenhagen Airport. As he steps up to the counter, the border control officer seemingly ignores him. He doesn’t see him. Impatiently, the officer signals to the person behind Alzheimer to come forward. Alzheimer proceeds past the counter without showing his passport.*

*Alzheimer walks past airport shops – [voice-over with the backstory from the prologue]. In the window of a bookshop he spots Nielsen’s book on display – there are several copies, all with his picture. He goes to flip through a copy. A woman next to him seems to be reading the book. She does not take note of Alzheimer and his staring. He seems invisible.*

*[Continued voice-over] He exits an inner-city tube station, passing a building-site structure with a row of posters with his picture – advertisement for the book. Alzheimer seems invisible in the crowds. He collides with a pedestrian who’s confounded upon*



*turning to see who hit him, seeing nobody.*

*[Continued voice-over] Alzheimer picks up Hannah at the after-school centre. The staff doesn't take note of him.*

*They're in the street. Hannah points at a row of posters, asking 'that's you, dad?' Alzheimer starts: 'Well, no, but yes...' and then gives up momentarily.*

*THE CONCEPT SPACE: Same scene as before. Now Veronica is in the foreground with Alzheimer and the therapist in the background. Veronica is on the phone. 'I'm trying to get hold of Tom McCarthy,' she says. 'Are you his agent? No -- just a friend?' She explains about the book and Nielsen's use of Alzheimer, also that they've just learned that Nielsen is rehearsing a play with actors playing the roles of Alzheimer and Nielsen.*



*Stage set at Art Centre Nikolaj, Copenhagen 2006 (The State of Emergency, Iraq)*

*The rehearsals are under way at Nikolaj (Copenhagen art space): the real Alzheimer and Nielsen are working on their roles as the duelling Alzheimer and Nielsen (similar to the Lyndonesque scene at the beginning). Nielsen [played by an actor] is in the first row, in discussion with the Swedish stage manager Agathe, who is also his wife. They embrace and seem very happy as a couple.*

*Alzheimer [actor] arrives at the theatre whose marquee carries a huge banner with his picture. He asks the secretary in the foyer if he could get to see Nielsen. She doesn't acknowledge his presence. Just then Agathe comes out of a set of doors leading to the auditorium. Alzheimer walks over and enters the auditorium.*

*The anonymous documentarist (grainy camera) follows Alzheimer [actor] around the auditorium. Nielsen [actor] is at work directing the real Alzheimer and Nielsen. Alzheimer [actor] is invisible to all except the camera (and Agathe as it turns out). Agathe enters with a little girl – Nielsen's daughter, who goes to embrace her father. Abruptly Agathe takes note of Alzheimer [actor], looking at him seemingly surprised.*

*Only she is able to see him.*



**Actors Thomas Mørk, Joen Højerslev, Özlem Saglanmark as Nielsen, Alzheimer & Adnan, the Iraqi would-be president respectively**

*On stage Alzheimer [the real] doubles over and falls to the floor as shots ring out.*



**Johannes Riis, the most powerful figure in Danish publishing.**

*Nielsen [actor] peeps through an open door at the offices of his publishing house. A journalist is interviewing Johannes Riis, Nielsen's publisher. Riis breaks off the interview and signals to Nielsen to come in. They discuss his next book. The third in the series featuring Alzheimer. Riis asks about Alzheimer. Nielsen maintains that Alzheimer is purely an invention of his.*

*A flashback to the scene in the hotel in Vienna where Alzheimer [the real] is reading the book featuring himself. He reads about his divorce and the parting from his children.*

*THE CONCEPT SPACE: Alzheimer [the real] is in his therapist's chair [Veronica still in the background on the phone trying to get hold of Tom McCarthy]: Alzheimer discusses the purpose of the film – that he intends to get back at Nielsen with the film. He talks of sweet revenge. How he lost his life to the fictions of Nielsen, like the soul of a Native American that is taken hostage by a camera.*

*Opening night at the theatre. Again the duelling scene: Alzheimer [the real] falls to the floor when the shots ring out. Curtain. Thunderous applause. Publisher Johannes Riis is in the first row next to two of his biggest author celebrities, Suzanne Broegger and Carsten Jensen.*

*The grainy documentary camera captures Alzheimer standing behind the first row on the stairs. He is not applauding.*

*The documentarist is interviewing Alzheimer's ex-wife Madeleine outside her house – a couple of blocks down from Alzheimer's house. Hannah is in the background. Madeleine explains how Alzheimer became ephemeral, gradually disappearing out of their lives when he started working with Nielsen. 'Then they embarked on their travels. Coming home, he seemed strangely absentminded, vacant. Especially after that headless trip to*



*Iraq, which Nielsen wrote about in “The Suicide Action”. – And then, one day, he was gone.’*



*Celebrity author Suzanne Broegger is giving a speech at the Danish Authors Association. Nielsen is awarded a prize for his book. ‘The Sovereign, possibly Nielsen’s greatest work, deserves our recognition and admiration.’ Applause. Johannes Riis and Nielsen is in the audience. The grainy documentary captures Alzheimer [actor]. He is next to them. He is not applauding.*

*Nielsen and the Queen of Denmark (Suzanne Broegger)*

*Again flashback to the scene in the hotel in Vienna. Alzheimer [the real] is on the bed with the book. He is reading a longwinded, drunken monologue, which segues to*

*a ‘real’ scene:*

*Alzheimer [actor] is drunk at a bar in Copenhagen. He’s on his own, sharing a biggish table with some people. He is rambling. First addressing a person next to him – no response, he tries with someone across from him. No luck. So, it turns into a monologue. The monologue as written in the book. Nielsen’s wife Agathe enters with a friend. They sit at a table near Alzheimer’s. The friend goes to the loo. Agathe gets up and goes to Alzheimer, whispering something inaudible in his ear.*

*Again back at the Viennese hotel: Alzheimer [real] reads: He’s in the street, tearing down posters from a building site fence.*

*Alzheimer [actor] is in the street at nighttime. He’s tearing down posters from a building site fence.*

*Cut to the tapping hands and the cursor on the screen. It reads: He trips on the curbstone and falls, groaning heavily to the ground.*

*Alzheimer [actor] trips on the curb.*

## ***PART II [DOCUMENTARY]***

*Alzheimer [actor] awakens, returning to reality ever so slowly with a serious hangover. He’s fully dressed on the mattress in the small room (which Hannah showed in an earlier scene). He manages to get himself in an upright position – feels pain, touching his forehead to discover a wound.*



Nielsen, Johannes Riis, defence counsel M. D. Petersen

Veronica, Alzheimer

*Ruling at the High Court. All connected to the case are gathered in the viewing gallery. Alzheimer loses the lawsuit and he is ordered to cover his opponent's expenses. The instant the verdict is heard, Alzheimer disappears. He is invisible again. Cut to the grainy documentary camera, which again captures Alzheimer. He is shaken, shocked. He gets up and walks out into the street. The lawyer turns around to talk to Alzheimer, but he is gone...*

### ***PART III [FICTION]***

*The room imperceptibly morphs into the CONCEPT SPACE, mirroring the beginning of PART II. Though this time there's no Alzheimer on the mattress in the background. Instead his real daughter, Hannah, is sitting on her own with a teddy bear.*

*THE CONCEPT SPACE: Veronica and the actors are at the table, a crisis session. The back wall, above Hannah, is printed with red, blood-dripping letters: REVENGE. A man appears in a door opening (just a frame in the white, abstract space). Veronica gets up and asks 'are you...?' And Tom McCarthy says: 'Hi, I'm Tom McCarthy.'*

*THE CONCEPT SPACE: Tom McCarthy is at the back briefing the actors. He then takes them to the door opening, sending them from the concept space into the space of the fiction (they leave through the door frame).*

*The remainder of the film has a voice-over with TOM MCCARTHY'S story:*

*Alzheimer [actor] is on a bench in a park. In the distance he sees Agathe, Nielsen and their daughter strolling among trees.*

*Johannes Riis in his office. Nielsen [actor] comes in. They have an excruciatingly embarrassing conversation. Riis is full of disbelief: 'So, once again just to get it straight: You helped paying for the lawsuit against us and yourself!?' He then angrily threatens: 'You are dead in Denmark!'*

*Nielsen [actor] tries to explain himself at a TV news programme. It doesn't go well and he falls silent in embarrassment.*

*The court case has been referred from the High Court to the Supreme Court. Nielsen [actor] is paralysed when he hears the verdict: a year in prison – no probation. Furthermore: the book is to be recalled and Altheimer is awarded a compensation of 1 million pounds. Altheimer [actor] is overjoyed, hugging his lawyer.*



**Agathe**

*Altheimer's children, Hannah and Peter (all actors) run to him on the stairs of the court. They all embrace.*

*In a street in Copenhagen, Altheimer [actor] is watching Nielsen [actor] coming out of a tenant building across the street. When Nielsen is out of sight, Altheimer crosses the street to call at a door phone.*

*3 floors up Agathe opens the door. Altheimer [actor] and Agathe embrace passionately in the stairwell.*

### **1 year later**

*Looking like a bum, a scrawny Nielsen exits an inner-city tube station, passing a building-site structure with a row of posters with his picture – advertisement for the film DEATH TO THE AUTHOR. He seems invisible in the crowds. He collides with a pedestrian who's confounded upon turning to see who hit him, seeing nobody.*

*At a film festival Altheimer [the real] is on stage at a cinema to introduce his film to the audience. Altheimer thanks the audience. Thunderous applause. The grainy documentary camera captures Nielsen [actor] standing on the stairs. He is not applauding.*

*Agathe and Altheimer [the real] walking down a Copenhagen street, looking very happy, hand in hand, along with three happy children: Hannah and Peter and Nielsen's daughter.*

*In an adjacent street, the scrawny, bum-like Nielsen tries to get into a men's shelter.*

*Close-up on a paragraph in a filmscript: 'Nielsen seeks refuge at a men's shelter.'  
Followed by: 'FIN'*

NIELSEN SE  
ter.

FIN





*THE CONCEPT SPACE: Champagne, balloons and serpentines. Agathe, Tom McCarthy, Veronica, Suzanne Broegger, the actors, Nicholas are all there. Alzheimer is giving a speech (similar to the speech at the celebration in Vienna).*

*Fade out white.*

*Fade in. Fingers tapping on a keyboard. Screen reads:*

*A ceremonious quietness settles on the meadow. When the shots ring out, the sound travels with an otherworldly delay, ever so slowly – bouncing from tree to tree. Alzheimer falls to the ground, as a piece of sackcloth, as if he had no spine – like a puppet.*



*Fade out*

**FIN**



DATE / 14-05-2010  
REF / JH  
JOURNAL / 2010-56-286

Zentropa Entertainments26 Ltd  
Copenhagen

Att.: Carsten Holst

Regarding *Death to the Author*

*Dear Thomas Altheimer, Tom McCarthy & Carsten Holst,*

*Thank you for your application for 'Death to the Author'. The project is a docu-fiction of Altheimer, who sees his own person used in his former colleague's artwork. He takes revenge and the story ends with the demise of his colleague and Altheimer earning accolades with a film (this project).*

*The project is an interweaving of documentary and fiction elegantly makes use of the actual events, which spurred the project in the first place. There are many good devices, which extends and develops the fundamental uncertainties – such as Altheimer's invisibility in the first part. I understand the clear message of revenge as a motive for the film, this is perhaps why I am disappointed by the rather tame end when glory changes hands. The spoils are external, while the inner dimension – the right to his own life – in Nielsen's case, is never at risk as it has been for Altheimer in Nielsen's works.*

*You use a great many cinematic devices to obtain the relatively simple revenge. These would be interesting if they had an inherent documentary riskiness but as fiction they risk coming off as mere window-dressing. That Altheimer is fictional in Denmark is without a doubt interesting, but more thought than felt. Yet it seems as though there is a clear plan in the use of storylines. There are distinct fiction and documentary elements, which are broken several times. Aside from the Altheimer-fiction, it seems as if all roles should be played by the real models and that it is mostly pragmatic considerations, which requires the use of actors.*

*My assessment is that the project is (was) too complex and therefore is not obvious as a recipient of film funding. It is probably too demanding for the director to be inside the story, to tell it while encapsulating it into a fiction and also using it as revenge at the same time. There are always interesting projects around Thomas, but not all are film-worthy.*

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*Best regards,*

*Jacob Høgel  
Artistic Director  
New Danish Screen*



*----- Message*

*From: Tom McCarthy <tom@envoi.demon.co.uk>*

*Date: Tue, 18 May 2010 20:06:49 +0100*

*To: thomas altheimer <vap03ts@gold.ac.uk>*

*Subject: Re: death to the author*

*Hi Thomas,*

*I'm no longer sure I can participate in this. Since Remainder's being turned into a film by Film4, all cinematic dealings with the book are contracted to them. I don't think you need it at that meta-level anyway: the idea of someone trying to assert their own reality isn't exclusively mine, and can be found in a number of other literary or other cultural instances. I've been spread so thin the last year, I feel like really concentrating on my own work for 2010, so want to sit down and start the new book. Also, I think your film will be stronger if it's really all come from you, rather than relying on another whole work. But I really wish you the very best with it, and will certainly look at the finished product with great interest.*

*All best, and good to see you the other month,*

*Tom*





**Bo Kristian Holm –Dr. theol. Reader at the Department of Theology, University of Aarhus. Vice-president at the Luther-Academy in Ratzeburg, Germany. Assisting vicar at Skelager Church.**

Blog post, Denmark 18 March, 2011<sup>viii</sup>:

## ***The self-dissolving showdown with authority***

*[...] It is only too natural to wonder whether this whole process is not just another part of a gesamtkunstwerk. These doubts have not yet been dispelled, but the moment the High Court has made its decision, it really does not matter. At that moment, the boundary between art and legal reality has been transgressed. Whether the new legal reality is provoked or not – no longer matters. The legal system has by then adopted the project.*

*The trial is in itself an indication of a consistent pattern. The majority of modern culture has created its identity through confrontation with authority. But we are at a point where there are only very few authorities left. Power has lost authority.*

*Anyone can now become a politician. So, they are treated accordingly. Teachers have lost authority. The church has lost authority. In turn, the need for authority confrontation has extended from left to right. This is new. We see this with the efforts to create an atheistic movement. It has support among many conservatives. That the confrontation with the authority of religion is relatively limited is due to the fact that there is not much left of the church's authority in the real world. This is why the fresh countermovement to religion is as much about man's need for authority confrontation as it is about religion.*

*For the authority confrontation to be consistent, there is really little more than one authority left, namely oneself. It is therefore quite consistent that the showdown with authority finally turns to the individual. The trial is the culmination of a process which over time has challenged the individual's privacy. Today we all demand the right to know everything about everyone. Omniscience is no longer reserved for the divine, but is perceived almost as a fundamental right. But the individual's need for authority confrontation ultimately clashes with and challenges individual self-determination. The consistent confrontation with authority must naturally lead to a dissolution of the self. It is literally self-dissolving.*

*The High Court has now taken over the project. But the legal system's authority is not seriously challenged – yet.*



# Part II, continued: Friends and enemies – Thomas in New York (Bushwick) after his film revenge was rejected – Nicholas, Veronica – performance in London



## *Meeting the Patron*

*Information (Copenhagen), May 24, 2010*

*By Anton Geist*

*The British financier Nicholas Berwin covers the lawyer's bills in Danish artist Thomas Skade-Rasmussen Strøbech's lawsuit against publisher Gyldendal and the author, who calls himself 'a representative' of the 'art factory' 'Das Beckwerk'. 10 years ago – at the height of his career as a financial counsellor – Nicholas Berwin retired to commit himself to the part of life he most cherishes: art. Since then he has patronised five young talents, one of whom is Thomas Strøbech – or should we say Thomas Alzheimer? – the name he currently goes by in the UK.*

*'The sight of Nielsen and Alzheimer intrigued me; they seemed to me to be very interesting people,' tells Nicholas Berwin, describing first meeting the two Danish artists on a plane from London to New York. – In fact the very journey that is documented in the novel 'The Sovereign' in which Thomas Strøbech unwillingly has the lead role.*

*'They described to me how they had carried The Democracy in a box through Iraq and now intended to bring it back to democracy's homeland. I found it to be a fascinating project,' says Nicholas Berwin, who already then sensed a growing divide between the two artists. 'I was mostly talking with Alzheimer. They had tired of each other's company so I exchanged seats with Nielsen. We talked for 7 hours straight. This was how we got to know each other'.*

### ***A part of the project***

*Nicholas Berwin serves tea. He tells me how, after Eton, he was educated in philosophy and German literature at Oxford. The job in the financial sector came after.*

*'It seems to me that this whole case is connected with the momentum of Thomas' overall art project. To see this momentum develop under the conditions of a juridical procedure adds weight to his project. Which is why it goes beyond a mere personal grievance,' tells Nicholas Berwin, who has helped fund several of Thomas Strøbech's art projects. – Projects that are all centred on experimental play with the notion of identity.*

*But at the same time there are certainly real issues at stake. 'It constitutes identity theft and an appropriation of Thomas' stake in the mutual art project when Nielsen claims owner- and authorship. It is very ungenerous towards someone who has been your artistic collaborator. This is why I find it right that Thomas decided to defend his integrity and not let himself be co-opted for Nielsen's own artistic project.'*

*'I'm not sure whether Thomas feels particularly aggrieved. He is probably to some extent flattered to be the subject of a novel and have his portrait printed on posters all over Copenhagen. But his wish not to let Nielsen get away with his theft is not a part of the art project. It is at the heart of the juridical case. Which is why it is important to emphasise that this is not a waste of the court's time. There are certainly important principles at stake.'*



----- Message

*From: thomas altheimer <vap03ts@gold.ac.uk>*

*Date: Sun, 14 June 2010 11:30:05 +0200*

*To: Nicholas Berwin <nberwin@me.com>*

*Conversation: How are you??*

*Subject: Re: How are you??*

*Well -- apart from Tom McCarthy pulling out of the project, drowning in a mountain of lawyer's fees and discovering a huge lump on one testicle last week, I guess, I'm well.*

*This thing is getting very painful and I'm on strong, ludicrously expensive antibiotics and painkillers. I'm seeing the doctor again Tuesday the week after next. He will then decide whether to send me for scan and tests.*

*The doc is in a walk-in centre -- spent 4 hours in the waiting room. Worried about whether the diagnosis and treatment is right. He didn't exactly shower me with attention. If it's not, it might get worse and get to an unspeakable point where I need operation.*

*In other news -- I'm now letting a room in Bushwick, east of Williamsburg.*

*From one perspective it couldn't get much worse -- from another this isn't so bad -- difficult to explain -- call it the literary perspective -- I feel comfort in being on my own and am not communicating with anyone -- I guess a serious illness makes for a kind of enhanced, heightened narcissism -- I'm re-reading Musil and this gives me pleasure. I finally appreciate the Moosbrugger chapter.*



----- Message

From: Nicholas Berwin <nberwin@me.com>

Date: Wed, 16 Jun 2010 20:01:16 +0100

To: Thomas Alzheimer <vap03ts@gold.ac.uk>

Subject: Re: How are you feeling?

Dear Thomas

*I wish I knew how to drag you from the darkness to some light - meaning in your case taking charge of your life so that something like the August guillotine will not happen.*

*You can rest assured of my brotherly love for you. The reason you feel uncomfortable asking for funds for the court case is that you know what the answer will be - it's not because you have dropped off my map! I'm sure you will find a way to get the lawyer to stay involved.*

*I still think you should get proper medical care for what seems a complex medical problem. But thank goodness you have been taken to a real doctor.*

*You don't need to be worried about sharing your misery - I just fear though that it has to get even worse for you to decide to take control and climb out of it. I am sorry I am not physically closer to give some nearby support - but I will do what I can to help at long-distance.*

Love

N xx



*18 June: Alzheimer with Jorge Valero Briceño, Venezuelan Deputy Foreign Minister for North America and Multilateral Affairs and the Permanent Representative for Venezuela to the United Nations.*



*I was fuckwarded a mail from my attorney. He threatens to quit, if I do not pony up the further \$5000 that we 'agreed' upon. The two-day court hearing is just two months off. Fuck me. I am living off the very last credit on my mastercard and now this. The TV show is nowhere near happening. I had put my faith in Schnabel, who responded positively to my pitch but the subsequent trip out to Schnabel's house in Montauk two days later came to nothing. He had some emergency situation to attend to at one of his studios in the city and left me poolside with his twins. I ended up 'babysitting' the better part of an hour until his wife, Olatz, showed up signalling that it was time for me to leave. I headed back to the city.*

*I try to get in touch with Nicholas.*

*It is a very poor connection – he is on the Eurostar on the way to Île de Ré with his new playmate, Laurent Mueller, the Alsatian designer. After Île de Ré they are heading for Provence to scout property for an artist retreat. Laurent talked him into this new plan. Nicholas has promised to commit the funds from the sale of his Warhol '86 Self-Portrait. He gripes about the appraiser's presale estimate of £8 million. I ask him for the £3500 towards my lawyer but the signal breaks up constantly and there is a bit of reciprocal, back and forth calling, but he manages to convey ever so politely that I have seen the end of his patronage. He then goes into chit-chat about Peter and Amy and how nice it was of them to invite Laurent along to their house on Île. The signal breaks up once again. Nicholas rings back. I do not answer.*

*WHAT TO DO?!*

*In my desperation I consider making an art council art piece of the court case. If I could land a deal with an art space somewhere on this planet for a piece related to the story, I would be eligible for project funding. I dismiss the idea off-hand. I was too lazy to bother with submitting the required budget and evaluation for the last project. Now I am in their black book and I cannot be bothered discussing receipts with a bureaucrat. Anyway they are all stuffed away in plastic bags in a basement some 4000 miles away [the receipts, not the bureaucrats].*

*Meanwhile I get an email from my bête noire who boasts about being invited by Louisiana [the gallery, not the state] to conduct an artist talk with Sophie Calle. Fuck me. And I am pitching TV shows in America. I am losing it. I am only contributing to his rising fame. It is a complicated chess game and I am losing. And he insults me, calling me a Lebenskünstler. There is no greater insult by our shared standards. Oh, yes – there was the one time when he suggested that I apply for a job as a news anchor.*



*FUCK*



*My lawyer has quit. I have now gone through 3 lawyers. The two-day high court hearing with a panel of five judges is due in less than two months and I have no representation. I do what I always do when I get desperate: go boozing. It is the one thing I can do really well. So DO NOT CALL ME A NO-SKILL ARTIST.*

*I succeed in my mission at Lucien on First Avenue and East Houston. Two bottles of Syrah put me in the mood to chat up the two ladies next to me. From Pittsburgh they are. – Students at the nearby New York Beauty School. After some intense flirting with Allison, the one closest to my own age, the bartender decides to intervene and moves to whisk the girls out and into a taxi. He turns out to be Allison’s boyfriend. Sobering.*

*I leave half a bottle behind and go to a coffee shop up the road to send some drunk-emails. I write Nicholas that he has ruined my life and then send a couple of maudlin messages to old girlfriends. A reply later ticks in from Nicholas:*

*‘I am sorry it is so painful. I would not have said no, unless I thought that dropping the case and the very self-referential stories around it would give you the space to conceive and create much stronger work. I am confident you will grow to see this, but a loss is*



*always very painful at the time, even if it makes you stronger later. Off to Austria tomorrow to see Christoph then night train to Rome mid-week to meet up with Mario and Barbara.'*

*Fuck. What an idiot. This lawsuit is the best piece I have done in years. Self-referential, my arse. I leave, cursing all the way through Tompkins Park, past the bench behind which Julian Schnabel had Jeffrey Wright jump out of a cardboard box as Basquiat. I refuel at the liquor store and pass out at home.*



*'Five!' exclaimed K., astonished at this number, 'Five lawyers besides this one?' The businessman nodded. 'I'm even negotiating with a sixth one.' 'But why do you need so many lawyers?' asked K. 'I need all of them,' said the businessman. 'Would you mind explaining that to me?' asked K. 'I'd be glad to,' said the businessman. 'Most of all, I don't want to lose my case, well that's obvious. So that means I mustn't neglect anything that might be of use to me; even if there's very little hope of a particular thing being of any use I can't just throw it away. So everything I have I've put to use in my case.'*<sup>ix</sup>



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**From Artistic freedom of expression vs. the right to privacy**

*Modkraft.dk (Copenhagen), 1 March 2011*

*By Linda Petersen<sup>x</sup>*

**A long process**

*Due to several obstacles and deferrals the case has been almost two years in the*



making.

*Initially Das Beckwerk refused to accept a writ against Claus Beck-Nielsen on the grounds that they had no employee by that name. The plaintiff's former lawyer was then obliged to consult the National Register, before he again could submit a writ now addressed to Helge Bille Nielsen.*

*In its response, Das Beckwerk rejected that Helge Bille Nielsen was to be considered the responsible author in legal terms, despite the cover of the book that shows a picture of Thomas Skade-Rasmussen Strøbech and Helge Bille Nielsen along with the text, the protagonist and his author.*

*Then the case was referred from the lower Copenhagen City Court to the High Court after the defendants successfully argued that the case was of fundamental importance and needed to be dealt with accordingly.*

*This again led to increased legal costs, including the requirement to pay a larger deposit, which forced Thomas Skade-Rasmussen Strøbech to change lawyer no less than three times.*

*And finally, the case was deferred as the presiding judge on short notice chose to push back the trial date – originally scheduled for 8-9 September 2010 to January 2011 (a time when neither he nor the plaintiff's lawyer had the opportunity to be present).*

*The High Court then had to not only appoint a new presiding judge, Thomas Skade-Rasmussen Strøbech was also forced to find a new (and fourth) lawyer.*



On 02 Jul, 2010 at 11:19 PM, [yap03ts@gold.ac.uk](mailto:yap03ts@gold.ac.uk) wrote:

Dear Nicholas,

*When I was facing this issue and considering how to creatively – ‘self-referentially’ – respond to it, was it not you who persuaded me to go on with a lawsuit?*

*I may be facing lost, but you, my dear friend, are turning your back on me.*

*Yes, I hear Rome is very crowded at this time of the year. I am sure you will find a way to bypass that.*



On 02 Jul, 2010, at 03:46 PM, [nberwin@btconnect.com](mailto:nberwin@btconnect.com) wrote:

*Fascinating how recollections differ. I do remember being intrigued by the case in its early stages but I also remember having my arm sorely twisted to fund it and complaining that it can't*

*be worth throwing money down lawyers throats for uncertain publicity, uncertain outcome and the potential of a tiny award even if you 'win'. I also remember being bemused by the complexity of the scenario you sent in to the Danish Film Council based on the case.*

*I'm sorry you feel I am turning my back. I might have been tempted after all the vitriol you have poured out in recent days but I understand your inner pain and want to do what I can to help. At the moment we have different perceptions of what that involves. I am confident the perceptions will merge in time. You know well my view that in your case your talents are dragged down by your pain not lit up by it. Recognising the need to take your life into your own hands and release the pain will allow your creativity to blossom. And allow you to be able to give rather than just to take.*

*With love*

*Nicholas x*

*Sent from my BlackBerry® wireless device*



*I manage to dig myself into a deep depression on the mattress surrounded by bottles and books. I am incapable of reading. I can only listen – to audiobooks, switching between the Man without Qualities read by Wolfram Berger – all 62 hours and 40 minutes of it – and Geoff Dyer's Out of Sheer Rage – about his failed attempt at writing a D.H. Lawrence biography. The book is one long journal of procrastination.*

*'I'm lying in my bed five flights up and my day which nothing interrupts is like a clock face without hands. Just as a thing that has long been lost is found one morning back safe and sound where it belongs and looking almost newer than it did at the time it went missing just as if someone had been taking care of it--: so here and here on my blanket lie things that were lost in my childhood and are now like new. All my lost fears are here once more. <sup>xi</sup>*

*I have been here for a couple of days. No contact with the outside world but now the phone has started ringing. The past hour incessantly. Must be Veronica who worries that I might have died – the decomposing corpse threatening the real estate value of her walk-up. If I do not respond she will come through that door anytime now. I try to call her – but too late. I hear a rustle of keys at the front door.*

*Veronica makes me take a shower and pack a bag for the country. She takes me upstate to an artist residency she is running at Pine Plains near Bard. I am griping and bitching most of the way and it is driving her insane. We stop for gas in a tiny town. It is baking hot. While V is inside paying the clerk, I wander around the parking lot. Lawnmowers can be heard all around. 'Is that your white pick-up truck?' An old man is calling from across the lot. He takes some steps in my direction and calls again: 'Is that your white pick-up truck?' Oh, do I wish I was the driver of a white pick-up truck, but I have to disappoint him: 'No, I am not the owner. I'm not from around here.' He turns and shuffles off.*



*Subject: Re:*  
*From: "thomas altheimer" <vap03ts@gold.ac.uk>*  
*Date: Sat, July 3, 2010 7:34 pm*  
*To: nberwin@btconnect.com*

---

*well -- to be honest it was not my recollection -- i had run out of vitriol and Veronica wanted to partake, so she wrote that last mail.*

*I'm up in Pine Plains, New York, at the artist residency. Yesterday we hiked to the top of a rock with a clear view of the Berkshires and Massachusetts. It is very beautiful and has a de-vitriolising effect on me. I was locked up in my room in Brooklyn, refusing to answer calls when Veronica decided to intervene. She came to pull me out my bed -- put me in her car and drive me up here.*

*I've been offered a spot at the residency for the month of August that I'm considering to take for the sake of my mental health -- downside is that it includes farm work and kitchen duty -- that's almost impossible for me to imagine. Well it is. But, but maybe a new human being might emerge.*

*Back to my court case: I understand your doubts about the artistic merits of a film about the lawsuit. But the suit in itself is a great art piece.*

*Of course, at this point I don't expect anything from you any longer. I'm so groggy from the internal argument I've had with you for the past week that I feel numb - can't get worse. I have this whooping sound I make every time I get too deep into stating my case to you in my mind. Veronica finds it disquieting -- but it helps me to keep a point -- a peg -- in reality outside myself on which to hang my existential coat.*

*Got to go -- Veronica wants me to go gather eggs in the chicken coop.*

*T*



*----- Message*

***From:*** Nicholas Berwin <nberwin@me.com>  
***Date:*** Mon, 03 Jul 2010 01:42:34 -0700 (PDT)  
***To:*** Thomas Altheimer <vap03ts@gold.ac.uk>  
***Subject:*** Re: Re:

*i am so glad you have a protector in US. And that you feel calmer up on the mountaintop. August in the countryside sounds a great idea. Laurent is also determined that our artist retreat should have a chicken-coop...*

*I didnt quite realise but we are at a diet hotel....and Christoph arrives shortly - he really needs the opposite of portion control.....*

*No wireless here, so using reception computer - hence brevity...*

*Give my love to Veronica. Would love to get more details on the retreat - is there a website or a PDF brochure?*

*Continue your revitalisation*  
N xxx



*Subject: Re: Re:*  
*From: "thomas altheimer" <vap03ts@gold.ac.uk>*  
*Date: Tue, July 3, 2010 11:12 pm*  
*To: "Nicholas Berwin" <nberwin@me.com>*

---

*It is unbelievably nice here. I haven't seen nature like this for a very long time. Attached a pic from yesterday – Veronica at Buttercup preserve.*



***Vemund Thoe:***

*Veronica first met Altheimer in London some years back as she went to study curating at the Royal College of Art. One warm summer evening a friend took her along to a small art space in Hackney that hosted a programme of performances – on the bill was a rare art scene appearance by Altheimer.*

*It was a melodramatic spectacle, which ended with him rushing out of the gallery space followed by a loud gunshot and a waft of gun smoke. (The audience was left with a film*

*playing Mozart's Piano Concert no 21 and a still image of Kasimir Malevitch's 'Black Square'. For a moment there was a feeling in the audience that he had really gone ahead and shot himself and one exclaimed 'oh, blast, now my weekend is ruined!' But he was still very much alive when the art space owner found him smoking and pacing in the gallery's backyard.*

*They met later that evening in a bar at Broadway Market where Veronica ridiculed Alzheimer for his 'middle-aged bathos'. Her bitchiness was immediately appealing to him. He tried to defend himself, explaining how it was the enactment in the art context that made it pathetic. He described to her how the first part of the project, which was the actual, real attempt to make a revolution in Iran, was the 'real' suicide attempt, how this was entirely unpathetic in the sense that it took place on the stage of history and not the stage of the urban, privileged middle class. Later that night in the kitchen at Veronica's pad, pre-coital with gin and tonic, he seemed to regress – ever more maudlin and sentimental to the point where he got teary-eyed, talking about not knowing what to expect from life, that he felt stuck on a plateau with no horizon, the Existence Phase, he called it. Veronica could not care less. She decommissioned the G&T and shoved him out the door – there was to be No Sex Tonight – skipping straight from pre- to post- with nothing in between. As she closed the door behind him, Veronica thought she would never see him again.*



## **24 March 2007: Text from Alzheimer's performance at Alma Enterprises, 1 Vyner Street:**

### ***The world is a book!!! [Little people wrestling the world]***

*There are few reasons to get out of bed in the morning. Actually there is just one. That it makes a difference.*

*The most immediate push out of bed is the push of necessity, the push for survival.*

*The next instance further up in the hierarchy of needs is the promise of love, either to love or to be loved. We're not sure whether that's a pull or a push.*

*Highest up in the thin air we find a combination of factors like*

*immortality*

*greatness*

*power*

*power for the sake of power*

----

*Obviously these three orders –  
necessity  
romantic love  
and  
immortality  
greatness  
and power  
– correspond to the order of class*

*For the lower classes it is the question of bare survival, nowadays of course together with the need for entertainment*

*For the middle-class it is romantic love, although not always manifest in the middle-class way of life, but then they wallow in it in books, film or in the subconscious.*

*In the third order it gets a bit murky as we have the aristocracy who's in it for greatness and immortality – and also a bit of power as well – but then you have alongside, the upper classes – bankers and merchants -- who get out of bed in the morning because of, because of – well – I guess we have to admit that we do not know why bankers and merchants get out of bed.*

---

*Outside these three modes of getting out of bed – there is the less acknowledged promise of suicide. It works rather through a pull than a push -- pulling a person out of bed rather than pushing. Suicide is a promise for sophisticated people who do not necessarily intend to kill themselves but rather feel themselves led through life by its gentle pull. As always the German language puts it in far more appealing terms – ‘Der Freitod’, ‘Freitod’ – literally ‘free death’ – which unlike the word ‘suicide’ carries a brave, even heroic connotation.*

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*The Austrian author Thomas Bernhard has a passage about this in his book ‘The Child’. It goes something like this:*

*‘Suicide was one of the words I was most familiar with. I became acquainted with it in my earliest childhood from the talk of my grandfather. I have experience in the use of this word. There would be no conversation, no word of instruction, which was not followed by the observation that suicide is the most valuable of human possessions. To be able to kill yourself of your own accord, at a moment of your own choosing. He had himself all through his life thought about this. It was his most passionate field of speculation. A speculation that I myself took over from him. ‘At any time, whenever we want,’ said my grandfather, ‘are we free to commit suicide, even in the most aesthetic manner.’ ‘To be able to clear away, to make one’s*

*way out of the dust,' he said, 'is the only truly marvellous thought'.  
(1981, 23)*

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*Anyway – so these are four important factors in getting out of bed. Or to shift the imagery slightly – these are the four important factors involved in the act of stepping out into the world – food, sex, power and suicide.*

*In aesthetic terms I believe that food, sex and power are all on the side of what we could call – practical realism – we find on the other side – suicide – der Freitod – on the side of freedom.*

*We heard the grandfather in Bernhard's text describe suicide as an aesthetic act. I follow this in my belief that being on the threshold of suicide, or the will towards death, brings an aesthetic principle into the world. The will towards death is the will towards form, and the will towards form is living life as if it was an act of writing.*

*The will towards form is embracing the French poet Stephane Mallarmé and his poetical maxim that everyone and everything that occurs in the world must one day arrive into the book. But also Don DeLillo's more dystopian declaration in 'White Noise' that nothing has happened before it has been consumed. Quote: Everything seeks its own heightened version; nothing happens until it's consumed. Unquote. (DeLillo 1991, 43–4)*

*In the same book we are also told that plots tend to move 'deathwards'. That we engineer death each time we make a plot.*

*Engineering death each time we make a plot*

*In DeLillo's 'Mao 2', George Haddad, the intellectual terrorist, further speculates that the plotters of the future are the terrorists – not the writers. – That terrorists have taken over from the writers the task of challenging the media and their monopoly on deciding reality.*

*Now, what I want is with Mallarmé to declare the world a book, with Mallarmé to attempt to sing the totality of being, to live the totality of song. Thinking the world as book we fuse the writer with his characters and send them into the world as suicidal, fictional terrorists who don't fear anything as they enact mortifying plots; their own plot, a plot that is written and enacted simultaneously and is thus already pure form, and thus death. Death in the letter. The two-dimensional letter wreaks havoc on the three-dimensional world by way of plot.*

*– In this way – to use an expression of James Joyce – a multiplicity of personalities is inflicted on the world; unmasking reality as a façade, a fiction.*

*I was in my bed in Whitechapel, reading Tolstoy's Anna Karenina in the miserable surroundings of a tiny room.*

*I felt the pull of hunger, but the pull was so weak and the cover so heavy I found myself unable to move. With no foothold in the world, clutching on to the slightest railing in the world of fiction, immortality was a faint promise, greatness reserved for heroes of the past, and power a cliché reserved for the majority.*

*It eventually took the sweet and gentle pull of suicide to get me out from under the sheets, cross the room, navigating milk cartons, empty bottles of schnapps, ashtrays and dirty socks, and sit me down in front of the laptop to write our selves into the world book, to be a part of a plot, to end up in a book, to die in a book, to live in a book, the world book.*

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*[Cue: I take the box from the plinth with me to sit down up against the wall. Also bringing the chess knight to play with]*

*[Film]*

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*It is all about surrendering your self, soul and mind in an active, committed wrestling with the world. With the broad avenues of ideologies and mass mobilization shut – this is the only way for little people, individuals, to write world history.*

*[Cue: I put the box back on the plinth. Leaving behind the chess knight] [Bladerunner quote]*

*Enacting and writing stories is not only a parallel fiction to the official, certified narratives – it also disrupts the tendency to think society as machine. This is a type of mindlessness, which renders the world more manageable. With our own fictions we carve out a piece of reality to play with in a sovereign manner. We suspend the continuity of our lives to discover new paths, new dead ends, new territories. This is the suicidal gesture. As with each new decisive turn we leave something behind. A symptom, a self, a name.*

*We invest our flesh in the words of a narrative that treats its author and its protagonist with the utmost recklessness. A word scribbled on our skin –*

*– and we see Don Quixote on his horse after having been dragged across the plains of Spain in a simultaneous gesture of writing and acting in his own romance – we see his yellowing frame – the skin like parchment – ‘dry, tall, thin, his jaws kissing each other inside his mouth’ (456). Words scribbled all over the parchment of his skin.*

*By enacting our own fictions, we enter the world as tricksters. Tricksters are the cultural models of the daring, creative and highly mobile individuals, who cunningly navigate boundaries in the name of chaos. Our models are such as Loki of Norse mythology or Reynard the Fox of the fable. For us tricksters, the world is a zone of emergency, a perpetual state at degree zero. We navigate this zone as the knight of the chessboard. Like the character Springer in Thomas Pynchon’s Gravity’s Rainbow. Springer – which is German for knight, the chessman – whose natural element is Germany in the hour of zero, who thrives in environments of complete dissolution. Springer – The Knight who leaps perpetually across the chessboard of the Zone.*

*In this hour, the zero hour, everything is possible and nothing is predictable. The story you invent and enact becomes reality and goes off in a certain direction – a new world then emerges within the life span of this new narrative. But after a while we suddenly change course, dissolving what we have created as we get bored, heading off in a new*



*direction to found new worlds, and author new fictions until a sudden and violent death blows us off the chessboard.*

*By staking, investing our own flesh in fictions, we add an existential element not easily repudiated through reference to common sense, utility or reality – there is a sincerity in the active suspension of our selves, in the expenditure of our flesh – at the end of each chapter or plot we leave something behind. In this way we make reality impossible, we sabotage the machine. Paving the way for a true engagement with world, life and history.*

*The black cube is then to be seen as the emblem of the zero hour, the hour where everything is possible, a state of complete freedom, a state where we know no limits and no hindrances.*

*And we see truth emerge from the black cube.*

*[Cue: picking up the chess knight ---- Last bit of film goes on]*

*[I go back to the cube with the knight]*

*[I take off the lid as Mozart begins. Leave the knight on the lid and leave]*

*[Lights out 5 seconds after I've gone out. I shoot myself.]*

**FIN**

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**Material from the accompanying FILM:**

*BRYANT: Stop the fuck right where you are! [Deckard freezes at the hard tone.]*

*BRYANT: You know the score, pal. When you're not a cop, you're little people.*

*DECKARD: Forgot there for a minute about the little people. No choices I guess.*

*BRYANT: No choice, pal.*

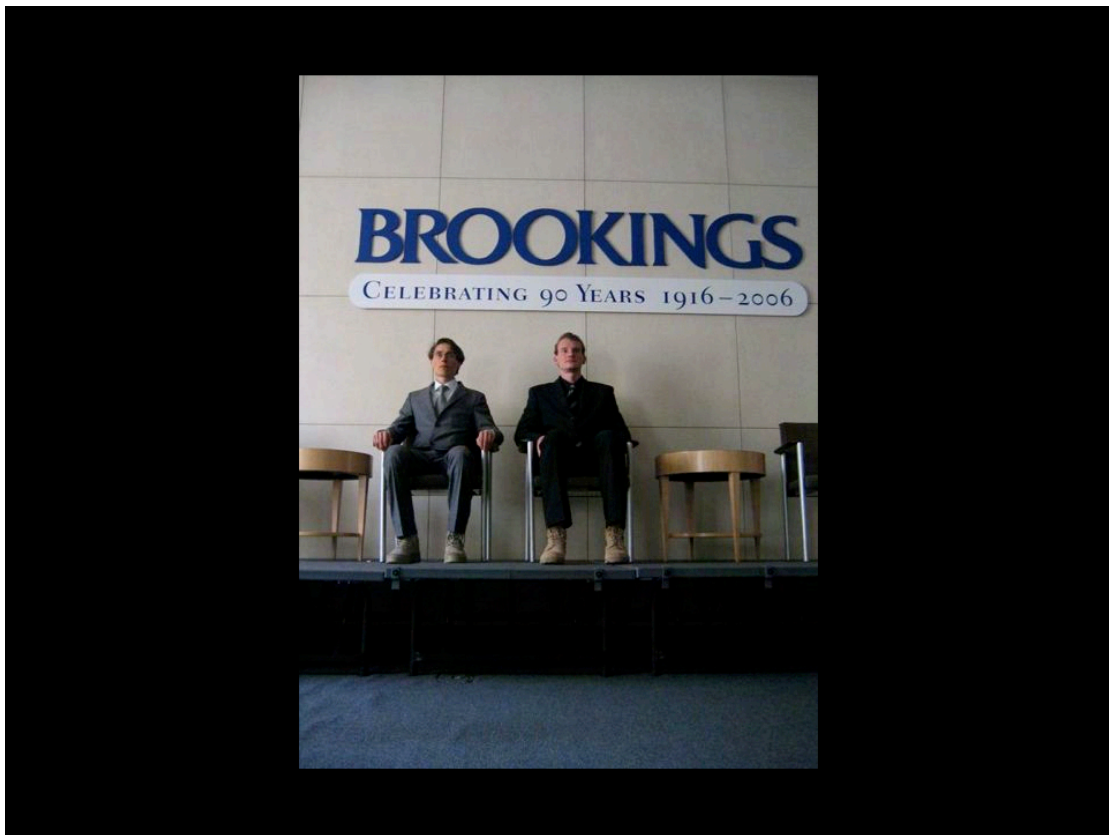
**Text on title cards in film (James Der Derian):**

*spy fiction can*

*be played and re-played for mass consumption as a simulation of war in which states compete, interests clash, and spy counters spy, all in significant fun... In the confusion and complexity of international relations, the realm of the spy becomes a discursive space where realism and fantasy interact, and seemingly intractable problems are imaginatively and playfully resolved. Popular fictional accounts of espionage have borrowed heavily from real life, while real spies have not only*

*consumed vast amounts of spy fiction, but are known to have also modelled themselves on fictional characters. Spy culture glamorizes the alienated world of realpolitik, and its popularity crossed all classes in the cold war period: even U.S. presidents helped to allay their fears of nuclear annihilation and national insecurity by reading spy fiction: John Kennedy reportedly was a fan of Ian Fleming's James Bond and Ronald Reagan enjoyed Tom Clancy novels.*

*While the sovereignty of the nation or community can be inscribed upon the dead body of an ethnic or racial other, and the authority of local strongmen is manifested by their punishment of deviants or 'outsiders', the other of the state is always a murky, secretive, and ubiquitous world of the traitor, the spy and the gangster.<sup>xii</sup>*



***This was the plot I came up with [engineering death]:***

*Two European artists travel to Washington, DC with the intention to co-opt the American plans for Iran and use this plan as a blueprint for their own large-scale art happening in Iran. To their surprise, they find themselves co-opted as agents for the US. They are sent to Iran via Dubai to gather intelligence and to identify possible partners to the US Government. Inside Iran they hire a local film photographer, a driver and an interpreter, travelling through Iran under the pretence of wanting to engage in an intercultural dialogue. Acting beyond their American mandate they seek to instigate a democratic revolution, attempting to mobilise the Iranian people for a new 'Movement', a re-enactment of the collective movement that caused the overthrow of the Shah in the '79 revolution. The Iranian regime discovers the real intentions of the Europeans and*

*the two are sent to the infamous 'Evin' prison. In the meantime Washington realises that their European partners had been triple dealing them all along and sends orders for their assassination to the American embassy in Dubai. Concurrently, an Iranian court denounces the two as agents for 'The Great Satan' and issues a death sentence. As they await hanging, their fate has the world media spellbound. Because of their accelerating prominence, the Iranian President decides to pay them a visit. The Europeans succeed in winning over his sympathy as they explain that their role as secret agents was a cover for the intention to hijack the American plan. The president pardons the two and they are soon after released. As they walk to the car of the interpreter an American sniper shoots the two from a nearby roof terrace. In parallel events it turns out that the new movement has taken roots and spread throughout Iran. Different from the events in '79, 'The Movement' not only causes the downfall of the Iranian regime but spreads to all corners of the globe.*



*Hollywood. Script-consulting at Big-Time Productions*



*Consulting policy institutes in Washington, DC*



*State Department. Meeting at the Office for Public Diplomacy and Public Affairs*





*Shiraz, Iran*



*Outside the Natanz nuclear processing facility*



*Revolution Square, Tehran*

Art and politics

## Danish duo plans Iranian revolution

*Parallel Action will travel to the Middle East this autumn*

LONDON. They failed to oust US military forces from Guantanamo Bay by assaulting them with Beethoven's Third Symphony (*The Art Newspaper*, January 2006, p32) but, undaunted, the Danish artists' group Parallel Action is turning its sights on Iran, with the aim of instigating another cultural revolution.

Headed by Thomas Altheimer, a former actor, and a colleague who goes by the name of Nielsen, the duo has received funding from the Danish Arts Council to travel to Iran this October. There they plan to "engage in conversations and debates" with other artists, students, clerics and activists.

The group says it plans to spark a "Second Iranian Revolution" using the secret contents of a metal box, previously used in a similar project in Iraq during the lead-up to the elections in January 2004. There, the box was meant to hold "Democracy", but its new contents will only be revealed when the box is opened in the

streets of Tehran.

The project is the result of a series of discussions in March in Washington, DC, at think tanks and diplomatic organisations such as the Carnegie Endowment for International Peace, the Brookings Institute, and the Washington Institute for Near East Policy, followed by meetings with government officials from the National Security Council and the State Department. Altheimer and Nielsen vowed to suspend future attacks on Guantanamo and "take care of Iran", if the US would pledge to shut down its detention facilities in Cuba.

"This bargain seems to show some results now," says Altheimer, referring to comments made to the press last month by the US State Department spokesman Sean McCormack that "at some point in the future, we'd like nothing better than to close down Guantanamo".

If his particular brand of art



Parallel Action at Brookings, the oldest think-tank in the US

diplomacy does not work, Altheimer is prepared to return to combat. He is showing footage of his sonic assault on Guantanamo in "Arsenal": an exhibition on "sound as weapon", which opens this month at Alma Enterprises in London. He will also be giving

a talk on the mission and hopes to enlist volunteers and sponsors for a second skirmish around Christmas, should it prove necessary.

**Helen Stoilas**

□ "Arsenal" is showing at Alma Enterprises, 23 June to 30 July, 1 Vyner Street, London ☎+44 (0)79 1365 3910



# 18-19 JANUARY 2011 – MORGENBLADET’S ACCOUNT OF THE TRIAL:



## *A Character sues his author*

*Morgenbladet (Norway), 28 January 2011  
By Anders Breivik Bisgaard in Copenhagen*

### *Can you make a literary figure of unwitting real-life persons with impunity?*

*Had the fight between Helge Bille Nielsen and Thomas Skade-Rasmussen Strøbech been fought in a boxing ring, there had been little doubt about the outcome. The small, lean Bille Nielsen, impeccably attired in a black suit with a fountain pen in one breast pocket, white shirt, black pullover and tie, with hair combed straight back with a good portion of gel, would have been swept over by a single stroke from Strøbech - tall and powerful, with a Viking-like charisma, carrot-colored hair, broad nose, a little restless energy, for the occasion wearing a black suit and shirt with no tie, with a pair of tall, tan coloured combat boots sticking out of dress pants.*

*The battle, however, takes place in a courtroom, with the opportunities and limitations this entails. Early on Wednesday 19 January, the main hall in the Eastern High Court, Copenhagen, is full of people who want to watch this strange scene: A main character in a novel that sues his writer to prove that he really exists.*



*In the Italian playwright Luigi Pirandello's play 'Six characters in search of an author' from 1922, six people enter the stage and demand to have their story told. Here the plot is reversed: one person wants to erase a story that is told about him. Cameras go, snapping photos, court sketch artists are trying to catch the two opposing characters.*



**Collusion?** Danish media have already asked the question whether this is all an act of collusion, a pact signed earlier to meet in court. Regardless, the legal system takes the matter seriously: Two days are set



aside. The stage is set for a case that can be of great significance, no matter what the outcome will be. If Strøbech wins, it can put severe limitations on the use of real people in literature and limit the liberty of Karl Ove Knausgård<sup>xiii</sup> and other authors who blend fact and fiction. If Bille Nielsen wins, it will increase the latitude of writers.

[...]

**Abused.** Strøbech is also an artist. In court documents, he is listed with an address in London, where he, by his own account, works with 'film and art'. He also operates under several pseudonyms, including Thomas

Altheimer and Thomas van Brunt. Yet he claims that he has gone to court against Bille Nielsen to regain the rights to his own history, and to prove that he is a living human being, not just a literary figure. When asked whether the whole issue is collusion, he counters that it is not, and thinks to back this up by saying 'there is too much at stake for him' and that he has already spent 150.000 Danish kroner on the matter. The case has been deferred several times since it first was up two years ago, and bypassed lower courts, referred directly to the Eastern High Court because of its fundamental importance. Meanwhile Strøbech is up to his fourth lawyer.

*In other words, the important question in this story is: Do we believe in Thomas Skade-Rasmussen Strøbech and his hurt feelings, having been made a literary figure against his will?*

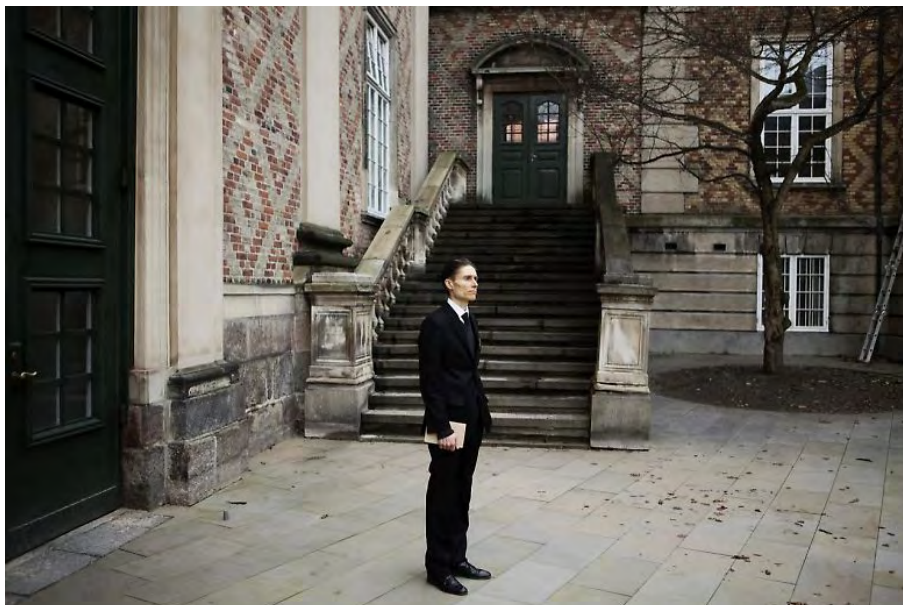
*The first thing to prove for Strøbech's lawyer, Karl Henrik Nielsen – as redheaded as his client – is that it is actually Helge Bille Nielsen who has written Suverænen. Bille Nielsen does not deny having written '98 percent of the book', but claims he has done so on behalf of Das Beckwerk, which is the rightful author. On that basis Bille Nielsen wants the entire case dismissed.*

*Then, thinking he has supplied sufficient proof that Bille Nielsen is the author, the plaintiff's lawyer lists the charges: Bille Nielsen has published information that was not previously public about the street Strøbech lived on ('Otto Busses Vej'), the names of his children ('Peter and Hannah'), and the fact that he is divorced. Furthermore he has*

attributed to Strøbech – or Rasmussen, which he names him on page 27 as he undergoes a transformation into a sort of superhero-like figure – racial slurs like ‘nigger’ and ‘Uncle Tom’s Cabin on wheels’ and statements of sympathy for the terrorist movement Rote Armee Fraktion. In addition, Bille Nielsen has improperly used several photos of Strøbech – most blatantly the large portrait photo on the cover of the book, which ended up on billboards all over town. ‘I was very surprised. And angry’, says Strøbech about his reaction when his daughter called him up and told him about the posters.

**Chaotic scenes.** Now is the turn of Bille Nielsen’s defence counsel, Martin Dahl Pedersen. He asks about Strøbech’s artistic pseudonyms. ‘How do I know you are not playing a role now?’ He asks. ‘How do I know you are not also?’ counters Strøbech. Earlier he asserts that he is not playing a role as ‘I act under my official name, Thomas Strøbech’. The lawyer then asks him why he did not react the first time he was used as a character in the *Suicide Action* (Norwegian 2007). Strøbech said that he had been disconcerted by its form and had disagreed with the book’s title, which he thought went against the point of their project.

Still, after the book was published Strøbech went along on the trip to the U.S. in the fall of 2004, but he ‘began then to suspect Nielsen’s character and what he is capable of’, he explains. Then come some chaotic scenes in the courtroom when the defence wants to show some videos Strøbech has posted on Twitter. The court has no display equipment, and it is decided to take a break while judges, lawyers and all able to find room stand hunched over a laptop. The point being that Strøbech’s children appear in the films – but without having asked them for permission beforehand. In addition, a video where Strøbech goes to visit a doctor is shown. You see people sitting in a waiting room. ‘You did not ask if they wanted to be in the film?’ asks the defence counsel. ‘No’, admits Strøbech, but claims there is a big difference – the videos were posted by ‘Thomas van Brunt’ and watched by no more than ten people, he argues.



### **Novel**

Now it is Helge Bille Nielsen’s turn to be questioned by his own counsel. He states that he has been employed by Das Beckwerk since 2004 or 2005, and that the political project behind the trips to Iraq, Afghanistan, the U.S. and Iran was to ‘get the “Ordinary Citizen” to take part in the writing of world history’. He wrote *Suverænen* as

*an employee of Das Beckwerk. Bille Nielsen also describes his own role in Suverænen – in which Rasmussen is described as a heroic Don Quixote, while Nielsen play a role more like that of Don Quixote's helper Sancho Panza. Nielsen is a 'self-effacing, humble guy who admires Rasmussen', Bille Nielsen explains.*

*'Why is this fiction?' the counsel asks. 'Firstly, because it says 'novel' on the cover', answers Nielsen. In addition, he believes it is made obvious by the language: 'Already on the first page, we see that sentences are excessively long. Any editor of nonfiction would say that this does not convey the theme well enough', he said. Strøbech sits at the edge of his seat behind Nielsen and listens to what he says. 'Why could the main character not be called Rasmussen already from page 1?' asks the defence counsel, and Bille Nielsen explains that the whole point is the transformation from an ordinary person into a 'suveræn'. He claims that he and Strøbech always agreed that they could use the shared material 'fairly freely', 'each in our own way', and pointed out that Strøbech has posted material on his website.*

*Plaintiff's counsel then asks Bille Nielsen if he wrote the book without telling Strøbech about it? 'Yes, that is correct'. Could he not have used a different name such as Hans Hansen? 'No, the whole point is that he is based in reality', replies Bille Nielsen.*

*[...]*

***A stunt.** The presiding judge adjourns the court for the day. I go over to Strøbech and ask him if he is satisfied with the first day in court.*

*– 'It went well. I am confident that I will win', he says.*

*– 'Why is this so important to you?'*

*– Because I realise that Claus Beck-Nielsen intends me to be a part of his oeuvre. I suspect there will be more books about me from him until I have clearly indicated a limit.*

*One can get a sense that this is collusion?*

*– It is not, but it is the intention that the media will interpret this as a stunt, because I want as much press attention as possible surrounding the case. I want to write my own story. At present the truth about me is outside my self, and for someone like me, who already has a tendency to paranoia, it leaves me anxious.*

*Another thought that frightens him is this: What if he was run over by a car today, and his children were going to try to get to know their father after he was dead? If so, Bille Nielsen's version would be the only account that is written about him.*

*Strøbech says he'll pursue this matter until he wins, even if it means the Supreme Court and possibly the European Court of Human Rights. We sentimentalise on behalf of art and artists far too easily, he said.*

*– 'Art is part of the community. It should be held accountable'.*



**A sore point.** While Strøbech is clearly uncomfortable when the camera is directed at him, Bille Nielsen constantly freezes in strange positions and produces gestures that emphasise his hollowed out look when the lens is focusing. A team of students from the University of Copenhagen are there to make a documentary about him and other students are also present. A philosophy student I spoke with told me over lunch that she at first thought that the whole trial was staged. But then she had been at a meeting at the Copenhagen Art Academy where Strøbech had appeared and presented his personal trauma associated with having been a literary character. 'Maybe it's really about something as simple as the desire to be loved', she said.

– 'I believe in his hurt feelings, but he is also very adept at using them to create performance,' says Helge Bille Nielsen – who is still in the courtroom – about his former partner.

He explains that the two have never been friends, something that Strøbech will also later come to confirm. Unbelievable as this may sound, they have, according to both, addressed each other as 'vous' and not 'tu' on all their trips together. Bille Nielsen thinks they have been 'each other's enemy' and believes the lawsuit also has something to do with the fact that he, with his books, has gained an artistic edge over Strøbech. 'It's like when the U.S. and the Soviet played hockey matches during the Cold War – you always knew that behind this spectacle was a third world war.' This is an attempt by Strøbech to catch up with him again – a suggestion supported by the fact that Strøbech is also making a film, partly based on footage from the trial. Bille Nielsen still believes that the novel has touched some sore points with Strøbech.

- 'It's megalomania, no one other than him is allowed to tell his story,' he said.

**Gentlemen.** We go out into the cold Danish winter, and Bille Nielsen pulls a black knitted hat over his head. A rubber band around one pant leg has been sitting there all day, to prevent trousers getting tangled in the bicycle chain. We go to his bike. Bille Nielsen says he feels no bad conscience towards Strøbech, whom he believes is not your everyman.



- *'We have both done away with the boundary between life and art. I mean, come on, be a little generous! If we allow this, we end up in a situation like the Mohammed cartoon crisis, where somebody seeks to shut others up out of paranoia. We should allow everybody in a generous world to speak as long as it is done respectfully.'*

- *'Do you do this in your book?'*

- *'I'm not revealing any sensitive information. It may also be that it seems hurtful that everything is so pedestrian. – That there isn't something special that is revealed.'*

- *'You exchanged a few words after the court adjourned today. What was said?'*

- *'It was very strange. It was a sort of a gentleman-like gesture to each other. "You did fine." "Now, you did fine too. But you hesitated somewhat during questioning?" "Yes, but this was because the lawyer wanted a precise answer" ...'*

## **Day Two**



*On the second day in the high court we are relegated to a much smaller hall. It gets narrower and narrower, and finally we sit like herrings in a barrel. Strøbech is early. Today he is bringing his ex-wife and son. 'Peter is very interested', he says, and his son in his early teens smiles shyly. Is this an attempt to prove he is a real person? Literature Professor Poul Behrendt, University of Copenhagen – who with his book 'The Double Contract' is the foremost expert in the field – is also noticeably present in the small hall - he smiles behind round glasses and discusses with the court attendant if there are legal provisions that prevents putting in more chairs. Helge Bille Nielsen arrives. The two antennas sticking up from the gel combed haircut make him look even more peculiar than the day before, like a street urchin who never grew up. Along with publisher Riis, they study his caricature in the newspaper Politiken from the day before. The artist has furnished both him and Strøbech with the same pointed nose. The judge arrives and we all stand.*

**Could have asked.** Plaintiff's counsel hangs up his sealskin jacket and proceeds to present his oral argument. The style is assertive, bordering on the indignant. First, he insists that it is Bille Nielsen who has written the book. On the back cover is a picture of 'Rasmussen and Nielsen' – the caption reads 'The protagonist and his author'. The counsel claims that this is not at all a question about artistic expression and 'lofty human rights' but about 'well known Danish statutes like violation of the Marketing Act and the right to own name and image'. 'This is not a book of major importance for society,' he argues, 'but entertainment'. The lawyer claims Strøbech was not a public figure before the book was published, and that the information, which appears in the book, was not publicly known. Then he goes through several cases he thinks are relevant for comparison. One of them is the Princess Caroline of Monaco case, where German courts were admonished for violating human rights because they would not prohibit publication of private photos of Princess Caroline of Monaco. 'The Hight Court can use exactly the same arguments in this case,' he claims. He also highlights the Seierstad ruling from Norway. Here Seierstad was convicted because she had no basis for what she suggested were Suraya Rais' thoughts and feelings about why she got married. She had not asked, says the lawyer, and suggests the same applies here: 'Why did Bille Nielsen not just ask Strøbech if it was okay with him to be made the main character in the novel? Norway is a country with which we compare ourselves. Why should the case be decided differently here than in our neighbouring countries?' And he repeats the claims of the plaintiff: All copies of *Suverænen* shall be withdrawn from the market and destroyed – 'the same thing happens at customs if a batch of fake Gucci sunglasses arrives from China' – and demands a compensation payment of 90,000 Kroner.

**Pedestrian facts.** Bille Nielsen's defence counsel begins his argument by claiming that the proper defendant is not Nielsen, but *Das Beckwerk*, which according to him is an independent legal entity and the author of *Suverænen*. Then he argues that the two artists collaborated and have used shared material, each in their own manner, and that they both experiment with their identities. This is an important issue for the artistic freedom, he argues, and points to rulings from cases, which he believes can be compared to this. One is the case where the Swiss artist Josef Felix Müller depicted Mother Teresa, Jörg Haider and other famous people in sexual positions. Art lost in Swiss courts, but won in the European Court of Human Rights. There is rightly a restriction of freedom of speech in the Convention on Human Rights, the counsel pointed out, but this required a 'pressing social need' before this could be called upon. Strong expressions in the arts must be tolerated, even if they offend and shock people.

Strøbech takes up a pen and begins to draw on his own image on the cover of *Suverænen*. The copy is well worn, with yellow, orange, pink and green post-it notes sticking out. Bille Nielsen's attorney speaks slowly and confidently, with both hands behind his back. He argues, like publisher Riis, that there is a big difference between the Seierstad ruling and this case. Seierstad's book purported to be factual, and she produced 'true' representations from an omniscient perspective. *Suverænen* is a novel. The defence counsel does not mean that the rulings his opposite number has referred to are relevant to the case. The information made public is pedestrian, he says. 'It just says that the plaintiff lives on Otto Busses Vej. It doesn't even mention which number.' 'Plaintiff and defendant both blend fact and fiction and play identity games. The plaintiff must then stomach more than others.'

It's so quiet in the room that we can hear steps from the floor above. Strøbech's gaze is slightly flickering. 'According to the plaintiff, he uses the name 'Thomas Strøbech' when

he is not playing a role. But in 2008 a journalist called him and he responded, 'Hello, this is Thomas Altheimer.' In other words, the name he used at the time *Suverænen* was published.' Strøbech is massaging his temples with his thumbs and looks to the ceiling. 'It would be disastrous for Danish literature if there is a conviction,' concludes the defence.

**To Norway.** In the lunch break I meet Strøbech outside the courthouse where he is standing with a cigarette. I ask if he will take the case to Norway too, since it recently became known that he was planning a lawsuit against October, which released the Norwegian edition of *Suverænen*. 'We'll see how it goes here first,' he says, but suggests that it is the plan. He was in Norway weeks in advance and spoke with lawyer Per Danielsen, who also conducted the case against Seierstad, but does not know if it's him he's going to use.

We go back into the courtroom again. The plaintiff's counsel and the defence are allowed to briefly comment on what the other has said and then it's all over. 'The sentence will be handed down in eight weeks, on 17 March at 12.30,' said the judge and adjourned the session.



**Rivalry.** I get hold of Strøbech and ask him about something I have been wondering about: Why he did not respond when he appeared as lead character already in *The Suicide Action*?

– 'The *Suicide Action* was more true to our project. In *Suverænen* he has made a laughing stock of me,' he explains.

Yet, is it so simple, that this is all about broken trust and wounded pride?

I ask about the documentary film made about him on his initiative. It's a 'counter-narrative', he says.

– 'Now my truth is beyond me. With the film I wish to create a new frame outside the frame. It is a sophisticated form of chess,' he explains.

In other words, this is after all primarily about artistic rivalry?

*Strøbech is on the way out of the hall, but is stopped by the gaze of Bille Nielsen, who stands in the middle of the room with the smile of the dueller. Again some words are to be exchanged between the two.*

- *'See you on 17 March,' says Bille Nielsen.*
- *'Yes, on my birthday!' Strøbech responds.*
- *'You just revealed your birthday in the public domain,' Nielsen replies.*
- *'You will hear from my lawyer next,' he adds sarcastically, before Strøbech says 'bye' and disappears out the door.*

*abb@morgenbladet.no*



## **Headlines 17 March, 2011:**

*Artist loses case about identity theft (Berlingske)*

*Author wins case against own character (Danmarks Radio)*

*Fiction wins, reality loses (Kunstkritikk)*

*Now Gyldendal owns my life (Information)*

*1-0 to the artistic freedom of speech (Modkraft)*

*Art wins out over reality (Helsingborgs Dagblad)*

*Literaturklage: Kein Fall "Esra" in Dänemark (Die Welt)*

*Gericht in Dänemark bestätigt literarische Freiheit (Deutschland Radio)*

*»Verunglimpfte« Romanfigur bekam nicht Recht (Nordschleswiger)*







From *Weekendavisen* (12, 2011): 'I am fiction, the High Court a construction and justice an illusion...that must be my conclusion.' Wordplay below: 'Thomas accidentally ["skade"] called himself Rasmussen'



## Part III: The year between lawsuits, 2011-2012

### [Entre-deux-jugements]



## The artist as subject: spring, summer 2011 – fragments (attempt at chapter 2)

*Vemund Thoe: These fragments are the beginning of a second chapter that was to follow the upgrade chapter. It was 'written' in 2011 in our studio in Brixton in the months following the court judgement. Having witnessed his work routine in the studio, I understand why there is so little... Instead of writing, Thomas would be pacing up and down the floor, or he would be out on the parapet, smoking at the rusty iron balustrade.*



## ***Literature and exemplarity (SUBJECTIVITY, INNER EXPERIENCE)***

*Andrea Phillips feedback on 27 June, 2011:*

*'I like the trajectory into the literary figure/fiction as 'whatever' sovereign. Of course in lit you can do this, but you also need to take seriously Oldenburg's misplaced wish for his work. In general all artists want to inhabit the same crossed out space as literature figures – they just cant as they have picked the wrong type of materialism.'*

It might seem facile to conceive of a concept of sovereignty based on a model of literary figures that exist within the deictic world of a text. XXXXX

*The cobbler's suicide with The Sorrows of Young Werther in his pocket.*

*Propaganda by deed.*

But it is necessary to set out with the model of a whole human being as conceived by Musil as a 'man without qualities' then to invert the materialism to suggest ways where the potentiality of literature, the Möglichkeitssinn, could be imagined to connect to the ontological in ways different than literature understood as medium for messages. First by the model of the artist / author (the self-stylising type), then the model of the reader.

*(‘What are made available by writing and reading are not messages or representations, but passions. What the proletarian has to steal from the literature is the secret of a “mysterious and formidable chagrin.” It is the sort of pain that he lacks, the misfortune that he ignores by definition: the misfortune of having no occupation, of not being fit or equipped for any specific place in society, which was embodied at the time of romanticism by literary characters such as Werther, René, or Oberman. What literature endows the workers with is not the awareness of their condition. It is the passion that can make them break their condition, because it is the passion that their condition forbade. (MEHR EMOTION. RAISING THE CRINGE FACTOR.) Literature does not “do” politics by providing messages or framing representations. It “does” by triggering passions, which means new forms of balance (or imbalance) between an occupation and the sensory “equipment” fitting it. This politics is not the politics of the writers. Goethe, Chateaubriand, or Senancour, who invented those characters, were certainly not concerned with the aim of arousing such “passions” among the laborers. It is the politics of literature – that is, the politics of that art of writing – which has broken the rules that made definite forms of feeling and expression fit definite characters or subject matters. It is through this upheaval of the poetic hierarchy that literature contributed to the constitution of a new form of sensory experience, the aesthetic experience, where the emblems of power, the decorations of the palaces, and the icons of faith lost their function and destination an were relocated in new locations – new material and symbolical forms of distribution of the sensible – called museums or art histories.’ – 278-279)<sup>xiv</sup>*

the constitution of aesthetic subjectivity.

look at the living author,

sovereignty of intensity and drama that exists somewhere between the materialism of text and lived life

Georges Bataille writes books with his life: 'It was only with my life that I wrote the Nietzsche book that I had planned – a book in which I intended to pose and resolve intimate problems of morality. Only my life, only its ludicrous resources, only these made a quest for the grail of chance possible for me.'<sup>xv</sup>

'One must grasp the meaning from the inside. They are not logically demonstrable. One must live experience. It is not easily accessible and, viewed from the outside by intelligence, it would even be necessary to see in it a sum of distinct operations, some intellectual, others aesthetic, yet others moral, and the whole problem must be taken up again. It is only from within, lived to the point of terror, that it appears to unify that which discursive thought must separate.' It should<sup>xvi</sup>

Only an extended concept of literature --

Into the millennium – the other condition --- inner experience.

In this chapter I return to the question of artist subjectivity weaving the threads of sovereignty into the tapestry. The key concept uniting --

It is literature as the register of exemplarity, potentiality – the 'Möglichkeitssinn' of Robert Musil. Dispensing with the old materialism.

The precursor here is surrealist literature. The dimension I would call literary performance. Dispensing with the materialism, embracing a materialism befitting 'The Man without Content' – Hegel's 'end of art' is the end of one kind of materialism and the advent of another – art as literature. It is an extended concept of literature.

There are two kinds: bad, escapist literature and aggressive, sovereign literature – enacted in the text and in the world – leaving traces in necessity/History. Maudlin sentimentalism is the flipside of the sovereign literature and belongs to the escapist register.

The sentimentalism, romanticism

The self-pity of Alzheimer's condition --- throwing oneself from the summit. After the exterior sovereignty comes the inner sovereignty that does not breed the fake 'humanising' shadow that followed the exterior sovereign actions in Iraq and Guantanamo (look at how soft and middle class even we are).

Questi

sovereign

The uniqueness of inner experience appears with modernity when death became the lyrical core of man. The force that, according to Foucault, singularises us from within (death that requires of our body 'a style of its own truth.'<sup>xvii</sup>) Ironically, it is then the withdrawal of meaning, the death of god, that enables the individual to approximate exemplarity (as a sacred figure) by establishing an aesthetic relation with his living self, turning existence into an aesthetic phenomenon. Georges Bataille suggests that it is the terror and the visionary confrontation with one's own death that supplies the power fuelling the experience.

‘One reaches the states of ecstasy or of rapture only by dramatizing existence in general.’ (Inner Experience, 10)

The moment the drama reaches us we attain authority, which again causes the drama. This is the sovereign moment of decision – ‘the dramatisation has a key in the form of an uncontested (deciding) element, of a value such that without it there can exist no drama, but indifference.’ (10)

The drama, the passions, affects man and with that he attains authority, again, a value, a deciding element that creates drama. ‘If we didn’t know how to dramatise, we would not be able to leave ourselves. We would live isolated and turned in on ourselves ... in such a case we lose ourselves, we forget ourselves and communicate with an elusive beyond.’ (11)

I suggest that sovereignty is approximated in communication when lived life merges with the materialism of art.

The Man without Content

The Man without Qualities

Universal Man

Sylvère Lotringer<sup>xviii</sup> relates how Jean Hippolyte and Jean-Paul Sartre responded to Bataille’s presentation of *On Nietzsche* to a gathering of philosophers in March 1944. On the occasion Bataille had changed the title of the chapter *Summit and Decline* to *Discussion on Sin*: ‘Why sin? Hippolyte asked, noting a Christian ambiguity in Bataille’s speech. When you talk about sin, Sartre charged, I have the feeling that you mean something entirely different. Bataille recognized flatly that he used the notion of sin simply “because it refers to a condition experienced with a great intensity.” “That changes everything!” Sartre exclaimed.’

Surely, Bataille threw sin into the equation for effect – not only in theory but also in the situation, presenting to a gathering of esteemed philosophers some of whom were Christians. ‘Whatever works’

*WHATEVER WORKS!*

The year before this encounter, Sartre reviewed Bataille’s *Inner Experience*. He was exasperated with the ‘tortured syntax’ and ‘discontinuous fragments’.<sup>xix</sup>

The exemplary artist is nothing without the intensity, the passion lit in the reader. [Is this the Hegelian Master/Slave dialectic?]

What is that sovereignty that filled the cobbler who killed himself as if he was Werther?

‘Why do I know more than other people? Why, in general, am I so clever?’ – asks Nietzsche in the aptly named chapter *Why am I so clever* in *Ecce Homo*. By itself *Ecce Homo* is an exemplary exercise in self-stylisation in which Nietzsche lays out how he became who he is and presents his life as work of art – a fully achieved one at that.

In *Ecce Homo* Nietzsche turns the tables on necessity to embrace it: ‘My formula for greatness in man is amor fati: that a man should wish to have nothing altered, either in the future, the past, or for all eternity. Not only must he endure necessity, and on no

account conceal it - all idealism is falsehood in the face of necessity – but he must love it. . . .’

The emphasis on communication signals that Bataillean self-stylisation is not a contracting ego, which seeks to limit itself to that over which it holds sway (xxxx<sup>xx</sup>).

It is writing as contemplation and as such an inner experience. It is *‘nothing other than sacrificial violence taken within and wielded against the self. Internalized violence tears the boundaries of the ego and opens the isolated subject to “communication”’: the “inhuman joy” – in which subject and object fuse and dissolve in an ecstatic spasm*<sup>xxi</sup>

**It starts with The Man without Content, homo sacer, saints, sovereigns – but falls back into liberal individualism  
but what is a sovereign artist?**

**[So if I go from saints to my own conception of a decadent, individualist strategy?]**

By making oneself exemplary, aesthetic action is manifested in life and body.

The writer emulates the naming of the sovereign (is that countersovereign?)

**By abolishing the juridical aspects of sovereignty Foucault loses the transcendent potentiality in Schmittian decisionism and exception and slips into individual, emancipatory transgression.**

Focusing on the excessive aspects of the law itself gives us [GIVES US WHAT?]



## **Part IV: The artist as whatever [defendant]: Journal from winter, spring 2012 – Brixton and Copenhagen – Thomas moves towards the final implosion**





*'You were in Vienna when the assassination took place?'*

*[...]*

*'In any case, even if there'd been a war, it would have mirrored what was going on in my head.'*

*'But how could war mirror anything inside your head? A war would have made you happy?'*

*'Why not?'*

*'So you think war could lead to revolution?'*

*'I'm talking about war, not about what it could lead to.'*<sup>xxii</sup>



**7 January 2012** [*The day I start is no coincidence*]. A bailiff came to my door some days ago to serve a writ from the Copenhagen City Court. And so –

### ***The farce of 'Suverænen' continues***

*Information (Copenhagen), 6 January 2012*

*By Rasmus Bo Sorensen*

*In a plea to the Copenhagen City Court artist Thomas Skade-Rasmussen Strøbech refuses to pay his bank debt, arguing that he no longer exists. He claims he lost his identity when the High Court last year acquitted the author Helge Bille Nielsen for having 'stolen' his life.*



*Thomas Skade-Rasmussen Strøbech refuses to pay his bank debt, arguing that he no longer exists. Photo: Jens Astrup / Scanpix*

*'Now Gyldendal owns my life', said the visibly upset Thomas Skade-Rasmussen Strøbech in March last year, shortly after receiving the High Court ruling in one of the most controversial and fundamental literary cases in Danish legal history.*

*The ruling states, in broad strokes, that authors are allowed to use the lives of others in novels without asking for permission. Which is why the author Helge Bille Nielsen and publisher*

*Gyldendal was on the side of the law when in 2008 they published the novel 'The Sovereign' that includes pictures and detailed information about Thomas Skade-Rasmussen Strøbech, used without his consent and against his will.*

***Another man's invention***

*In part because of the large costs of legal fees, Strøbech has been in serious financial trouble - but in a plea to the City Court he now refuses to pay the bank debt, which Danske Bank has sued him for, on the grounds that the debt was not incurred by him, but by the fictional 'Thomas Skade-Rasmussen Strøbech', which the court has determined is Helge Bille Nielsen's invention.*

*'When the High Court in its ruling of 17 March 2011 decided that Thomas Skade-Rasmussen Strøbech is fictional and merely invented by the author Helge Bille Nielsen, any action must refer to the author and his publisher Gyldendal', writes Strøbech in his defence. He continues:*

*'The Thomas, who is writing here, cannot be held responsible for acts that his lost identity has committed. This is the logical consequence of the ruling by the Eastern High Court.'*

*With his plea he included a summary of the High Court ruling and an article on the matter from Dagbladet Information titled 'Now Gyldendal owns my life.' He also suggests that the writ instead is forwarded to Helge Bille Nielsen and Gyldendal as the 'responsible owners of the copyright to "Thomas Skade-Rasmussen Strøbech"'.*

*Strøbech has now given up his name and signs the letter simply: 'Thomas'.*

*[This article has 21 comments]*



***8 January***

*The philosophers are alive when they are at war [or surrounded by war]. Meaning, language and categories shift and slide in the state of exception. Everything opens up. The battle of Jena is Hegels's world-historical moment. Wittgenstein writing Tractatus in the trenches of WWI. Nietzsche writing Birth of Tragedy...*

*War suspends every plan.*

*In my younger days, I rushed through the world looking for a universal moment – something bigger than me. Attempting to challenge sovereign power and by this – to embody a sovereign power. But all these actions in the Middle East and elsewhere came to nothing. I was never overtaken by a bigger headlessness, which I hoped for – the headlessness of war – a Jünger-type *Stahlgewitter* – the headlessness of my own death (which was very close and very literal [headlessness, that is] in Iraq in 2004) – and then the self-written death in the supportive roles as the expendable *Rosenkrantz* and *Guldenstern* in the attempted revolution in Iran. (Not to forget the more 'successful' headlessness of giving myself up to Nielsen's writings and projections.)*

*When war refused to come to me, I declared war on myself. As apparent from Nielsen's clear-eyed assertion:*

*He is a wandering state of emergency; the destruction of Carthage...he has been constantly and with great, almost artistic consequence, been calling upon himself - his career, as an academic, as an artist, his family life etc. etc. - throughout the last decade.<sup>xxiii</sup>*



*My case, in short, is this: I have lost completely the ability to think or to speak of anything coherently.*

*It might appear a well-designed plan of divine Providence that my mind should fall from such a state of inflated arrogance into this extreme of despondency and feebleness which is now the permanent condition of my inner self. Such religious ideas, however, have no power over me: they belong to the cobwebs through which my thoughts dart out into the void, while the thoughts of so many others are caught there and come to rest. To me the mysteries of faith have been condensed into a lofty allegory which arches itself over the fields of my life like a radiant rainbow, ever remote, ever prepared to recede should it occur to me to rush toward it and wrap myself into the folds of its mantle.*

*But, my dear friend, worldly ideas also evade me in a like manner. How shall I try to describe to you these strange spiritual torments, this rebounding of the fruit-branches above my outstretched hands, this recession of the murmuring stream from my thirsting lips?*

*I repeat: I have lost completely the ability to think or to speak of anything coherently.<sup>xxiv</sup>*



*When he honours the laws of the land and the god's sworn right / high indeed is his city; but stateless the man / who dares to dwell with dishonour. Not by my fire, never to share my thoughts, who does these things.<sup>xxv</sup>*



***Altheimerean détournement.*** *The subject who is in a position to bring about the 'sovereign operation' is someone who possesses knowledge (philosophy and science), can expose its themes and confront them with a non-discursive operation.<sup>xxvi</sup>*





---

PLAINTIFF's COUNTERPLEA (Danske Bank):

*It is maintained:*

- *That the defendant is the right person.*
- *That the defendant has had several meetings with plaintiff's staff.*
- *That the defendant has signed a credit contract.*
- *That the defendant used the account for expenses.*
- *That the defendant's case against Gyldendal and the writer Helge Bille Nielsen is irrelevant to the plaintiff.*
- *That the defendant should be referred to the police if he believes that his identity has been misused.*



----- Message

**From:** Richard Walsh <richard.walsh@york.ac.uk>

**Date:** Mon, 23 Jan 2012 12:40:57 -0000

**To:** 'thomas altheimer' <vanwoestenburg@gmail.com>

**Subject:** RE: Mr Walsh

Thomas,

*Thanks for your message, and apologies for the delay in responding (I have been wrapping up my stay in Aarhus, and am now back in York). I found Poul Behrendt's presentation of the court case fascinating, and I assume his declared view that the trial verdict was wrong is of particular interest to you. I think I agree, in that it appears to have been motivated by an effort to police the boundaries of a concept of fictionality that I think is wrong-headed and unsustainable. I should say that my own background is as a narrative theorist coming from a literary perspective, and I'm not entirely familiar with the contemporary state of play in the artistic discourse with which you are both engaged; the stakes with regard to identity and its social/institutional construction, for instance, and the play between the language and politics of "democracy," are intriguing issues, but my own take is driven primarily by my perspective on fictionality as a discursive, rhetorical and pragmatic phenomenon, rather than an ontological one (the work that sets out this perspective has been published as *The Rhetoric of Fictionality*). My sense is that your project of [sic] depends upon using the mismatch between these two concepts of the fictional, but also upon taking a fictive rhetoric into domains in which its use is ambiguous or problematic (under oath, for instance) – that is to say, participating in a general*

*contemporary cultural destabilization, or defamiliarization, of the pragmatics of fictionality (its paratextual and contextual markers, its relation to veridical discourse). These are interesting issues. I hope to continue working with them, and may well find myself drawn further into these questions over the next few years. In the meantime, I hope your own work is progressing well.*

*All the best,*

*Richard*



***Dr Richard Walsh verifying identity via passport at the seminar 'Challenging Fiction' 9 December, 2011 at Aarhus University***



25 January

*Interview Transcript: Radio 24/7 (Copenhagen)*



*[Music playing – fades out]*

*Host: That was the Emmy the Great and Tim Wheeler with Zombie Christmas. Now I am visited by one artist here in the studio. But you have three identities. One identity lives in New York and is called Thomas van Brunt. Welcome to you.*

*Thomas: Thank you.*

*And your second identity lives in London and is called Thomas Alzheimer. Welcome to you.*

*Thomas: Thank you.*

*And your third identity is right now in 'AK24/7' and lives here in Copenhagen. And, as far as I understand it, is just called Thomas. Welcome also to you.*

*Thomas: Thank you.*

*Let's begin with Thomas van Brunt in New York. You live in New York and you have started a TV show called Van Brunt Crisis TV. What is it about?*

*Thomas: Yes, eh, Crisis TV started because of Van Brunt's ambition. He went to the U.S. to be famous and that's very ambitious, so then you go from one crisis to another. This lifestyle is a permanent state of emergency, which requires a sort of meta-like approach and TV is ideal for this.*

*Host: What are these crises?*

*Thomas: Well, van Brunt was looking to land a deal for a reality show on American television. Preferably HBO. Eh, so he goes around to pitch TV shows. And in the process sets himself up for disaster because he thinks he can hit the jackpot instantly. When he first went to the United States he only had 5000 dollars on him. Well, not exactly 'on' him. They were on his credit card, now, eh, which is now gone. When you set out under such financial limitations it follows that you set yourself up for disaster again and again of course. Because it does take a little longer than you might think to set yourself up in a new life.*

*Host: But you talk about Thomas van Brunt in the third person? 'He did.' Is is not you?*

*Thomas: Well, the whole thing, eh, to be honest, I constantly lose track of who's who and who's co-ordinating in relation to the body and personalities. In particular if you meet people from the past, from a different context, who use the name they recall from when you first met. For example, I made a film in Vienna under a different name; and then it gets difficult when I'm in Austria and I think my name is Thomas van Brunt when they all call me Thomas Altheimer – which is one of the other personalities*

*Host: Yes, and let's just ask Thomas Altheimer, as far as I understand, you live in London. What are you doing there?*

*Thomas: Eh, I should first say that I'm sitting here wearing the Altheimer costume on top of the other two. I'm wearing three layers and the outer layer is Altheimer's costume, which is a suit jacket and the middle layer is my Thomas-uniform, which is very casual; a hooded sweatshirt that I got as a present from my family. And the innermost layer is this shirt, which I wear in New York. It is very smart and youthful.*

*Host: So you wear different outfits for different identities?*

*Thomas: Sometimes. It helps me. For example when you asked me to come here with all three: I have never before been in a room with all three identities, so to help myself I thought I should put on three layers to help me think that now they are all here in the same room. They never tried this before. They have never tried to explain, eh, never tried to talk while the other two are listening. I actually don't know whether they are on speaking terms with each other. [Laughter, host]  
But I guess we'll find out now.*



Message

**From:** thomas altheimer <vanwoestenburg@gmail.com>

**Date:** Tue, 25 Jan 2012 07:47:14 +0100

**To:** Richard Walsh <richard.walsh@york.ac.uk>

**Conversation:** Mr Walsh

**Subject:** Re: Mr Walsh

*Dear Richard – thanks for your thoughtful response.*

*I'm going out on a limb here but please indulge me (I'm considering to call the thesis *Après moi, le déluge*):*

*In December, hours before a flight out of London, I went online to see whether Senate House Library had a copy of your book. They did – on the way to Heathrow I jumped off the Tube at Tottenham Court Road to get it. As I went looking in the English section on the fifth floor with “YUR Wal” scribbled on the back of a crumpled receipt, I was drawn to a cover that turned out to be Wyndham Lewis’s *The Apes of God*. Just as I stopped to have a closer look, this woman went past and turned down the aisle I was headed towards. Of course it turned out that this person went to get your book, your book of all books. It was near closing time and the floor was practically empty but for this aisle and she left with your book of all books.*

*I ended up taking out the *Apes of God* instead. I’m not certain what this all means but I know as soon as coincidences becomes connections they multiply to constitute a field of signification that carries the seed of potentiality. I have not yet pursued these connections though it could be said that I’m doing it this moment as I’m writing you. Lewis saw his satire as an exercise in ‘externalist art’ – paying attention, as he put it, to the ‘outside of people’. ‘Satire is in reality nothing else but the truth.’ (Now I’m also thinking of Beckwerk’s book featuring me, which is clearly a satire). Could it not be said that this is an example of a connection, of a communication between interior and exterior that carries the promise of a literary ontology, pointing beyond a limited discursive, pragmatic understanding of ‘fictionality’?*

*Anyway, I ended up having to lug around Lewis’s heavy tome (a different kind of consequence of externalist literature?) – and shove it into to the already challenged cabin carry-on foyles bag, stuffed with christmas presents.*

*I won’t try to make more points referring to your book title as I haven’t read it yet but I feel of course drawn to it because my antagonist felt compelled to perform for your ears only. In a sense it is unfair to draw people into a ‘theatre of the real’ – and then it’s only because of a heightened degree of self-consciousness that it feels wrong. In your case there is the possible risk of you having to revise the ‘non-ontological’ position should your work end up triggering moves and countermoves by writers and artists in the materialism of ‘real reality’.*

*As for me, I seem to have already long ago crossed into the materialism of literature – and seen from here it seems impossible to “escape” – the court case might be viewed as an attempt, not to escape, but at least to probe the boundaries of the ‘cage.’*

*All the best,*

*Thomas*



## **FROM THE DEFENDANT’S REJOINDER:**

### **1.1. Re Counterplea Section 1: ‘The defendant is the right person’**

*I can inform you that the defendant is not the right person, referring to the previous plea, the supporting documentation as well as the new Appendix D, E and F, which are discussed in Section 1.3 below. These all concern the High Court ruling of 17 March 2011 that denied Thomas Skade-Rasmussen Strøbech copyright to his life and passed the intellectual property rights on to the publishing house Gyldendal Ltd and its author Helge Bille Nielsen. All matters concerning Thomas Skade-Rasmussen Strøbech are thus referred to Gyldendal Ltd and Helge Bille Nielsen.*



*I'm back my Mann(ohne Eigenschaften)hole:*

*'And yet there had been something true in his blurting out that he regretted the way he had lived his life. He sometimes longed to be wholly involved in events as in a wrestling match, even if they were meaningless or criminal, as long as they were valid, absolute, without the everlasting tentativeness they have when a person is superior to his experiences. – 'Something an end in itself, authentic,' Ulrich thought.<sup>xxvii</sup>*



----- Message

From: <circadm@catalogue.ulrls.lon.ac.uk>

Reply-To: <shl.circulation@london.ac.uk>

Date: Tue, 14 Feb 2012 06:00:29 GMT

To: <vanwoestenburg@gmail.com>

Subject: Your loans from Senate House Library are overdue

14-02-12 06:00AM

Senate House Library, University of London

Senate House, Malet St

London WC1E 7HU

Tel: 020 7862 8500

THOMAS STROBECH

56 WATNEY STREET

FLAT 32 HANNAH BUILDINGS

LONDON

E1 2QU

*SHL Overdue notice*

*The following book(s) are overdue. Please return or renew them immediately. Fines of 30p per day are charged on overdue books.*

*Renew at <http://catalogue.urls.lon.ac.uk/patroninfo> or email "shl.userservices@london.ac.uk" or by phone at the number above.*

<i>AUTHOR: Bataille, Georges,</i>	<i>AUTHOR: Daugherty, Tracy.</i>
<i>The unfinished system of nonknowledge</i>	<i>Hiding man : a biography of Donald Barthelme</i>
<i>CALL NO: XTT B291E 2001</i>	<i>CALL NO: YTQ B269a Dau</i>
<i>BARCODE: 191567196X</i>	<i>BARCODE: 1917830958</i>
<i>FRENCH 5th Floor (3) DUE: 13-02-12</i>	<i>U.S. STUDIES 6th Floo DUE: 13-02-12</i>
<i>DATE CHECKED OUT: 25-10-11 05:45PM</i>	<i>DATE CHECKED OUT: 25-10-11 05:46PM</i>

*AUTHOR: Bataille, Georges,*  
*TITLE: On Nietzsche*  
*CALL NO: AE N54a Bat*  
*BARCODE: 1917109120*  
*PHILOSOPHY 6th Floor DUE: 13-02-12*  
*DATE CHECKED OUT: 14-12-11 08:44PM*

*AUTHOR: Kendall, Stuart.*  
*TITLE: Georges Bataille*  
*CALL NO: XTT B291a Ken*  
*BARCODE: 1917543116*  
*FRENCH 5th Floor (3) DUE: 13-02-12*  
*DATE CHECKED OUT: 25-10-11 08:51PM*

*----- End of Message*



## **18 February**

*Agathe goes on to tell me how lucky I am – that it is all easier for me – ‘because you made an artwork of yourself’. And this assertion fills me with dread and gloom because I realise she could be right. Using oneself as one’s only experimental subject; as the basis of all projects makes for highly mobile material, but the overall shape of the work is repetitive and immobile. Working with life as material, there are no leaps possible – (like switching from spot painting to shark and formaldehyde). It is incremental – one thing after another – history (something happened to man) – the only possible rupture the travelling or the changing of names. (Or in Artaud’s case measuring out the leaps in the number of hospitalisations.)*

*I regret that I have rendered myself immobile. I am a thing (‘...if his inexplicable individuality could only appear to him as a certain given quality, then he would be rid of himself.’<sup>xxviii</sup>). It was different earlier when I was not an object – when I was emerging, when I could be anything – then I could still move. The ONE that I was could be several things at once. Now that I am MANY I can only be one thing. The MANY is a symptom of only being one thing. As I become a thing – I realise there can only be this one thing – one particular trajectory (with one particular set of attributes?). The irony is here that once one seeks to impose form on life – artistic or fictional – life becomes less open. In this way it becomes a sort of pre-emption of death by introducing death (form) into lived life. A palliative to morbidity – like asceticism, which – as Sylvère Lotringer writes – ‘...is a desperate struggle against death, against boredom and exhaustion, an attempt to counter “the persistent morbidity of civilized man” by taking away from active forces a part of their restorative power.’<sup>xxix</sup>*



### **FROM THE DEFENDANT’S REJOINDER:**

*1.3. – Regarding Counterplea Section 5: The defendant’s case against Gyldendal and the writer Helge Bille Nielsen is irrelevant to the plaintiff.*

*It is held that the defendant’s case against Gyldendal Ltd and Helge Bille Nielsen is not irrelevant to the plaintiff.*

*The Eastern High Court ruling of 17 March 2011 undermines the legal status of the individual to an extent that threatens the legal validity of all contracts. Here especially agreements made between individuals on the one hand and businesses on the other. It is presumed that the plaintiff’s own business practices rest on the assumption of secure, verifiable identities. But with the ruling by the Eastern High Court of 17 March 2011 – which gives its blessing to the identity theft committed by the commercial corporation Gyldendal Ltd and Helge Bille Nielsen – the balance has tipped in favour of companies and institutions in a manner that undermines the social contract.*



*The ruling of 17 March 2011 suspends a particular individual's identity, tied to a concrete body, and passes it on as an immaterial right to the commercial corporation Gyldendal Ltd and Helge Bille Nielsen. This sets a precedent where companies are allowed predatory commercial exploitation of individuals. Without guarantees for basic human rights, the individual is left nameless, defenceless and naked outside the social contract. This is a space where the strong do what they can and the weak suffer what they must, in the words of Thucydides.*

*This is the reality for the particular individual Thomas Skade-Rasmussen Strøbech – as a consequence of the particular ruling by the Eastern High Court – and will certainly – in light of the new precedent – become a reality for many individuals in the future.*



### **3 March**

*These are the desperate notes, projects and observations of an untrained outsider whose conflict with moral legislation lends a kind of semi-formed authority to his pronouncements. Like a person who sends officious or incomprehensible letters to the editor of a local newspaper, expecting engagement or dialogue on their own terms, Alzheimer's actions exist in the singular world of their own sealed vision.<sup>xxx</sup>*



### **5 March 2012**

*10 years ago somebody came up to me at a private view and told me I look exactly like this Dutch artist whose name I didn't recognise. It was not my initial identification. I couldn't help it. Somebody else pegged me. This happens to me all the time (weak sense of self?). So, naturally I dived into Bas Jan Ader's work. And of course it appeals to me – for a number of reasons. First the trivial: I look like him (identification); his work is very frail and feminine (identification); he's an exile artist (identification); he's dead (like me).*

*A couple of years later I felt compelled to go to Los Angeles to walk the same walk Ader did some 35 years earlier. Ader's walk was documented in 18 photos taken by his wife, Mary Sue Ader (*One Night in Los Angeles*, 1973).*

*My friend Dennis came along to play the role of Mary Sue Ader – to take pictures. I was exalted – all the preparation and effort to go for a walk on the other side of the planet combined with the sci-fi desolate quality of the LA freeway landscape after dark made for a highly intense experience. Of course it was never about the pictures – it wasn't about the art – it was about the literal identification with Bas Jan Ader. I became a woman that night. I am a woman. I was a woman. I am becoming woman.*

*THE STORY OF MY LIFE*

LOGLINE: MAN MUST BECOME WOMAN IN ORDER TO BECOME BETTER MAN -  
-- [HANG ON, THAT'S TOOTSIE...]

[‘Nonetheless, I don’t want my inclination to make fun of myself or act comic to lead readers astray’.<sup>xxxii</sup>]



## 6 March

*Walking* – the walks are getting longer and longer – 15-20 miles. I get near delirious on the leg out. I walk briskly in straight aggressive lines – like a territorial army. I AM A WARZONE. Gradually ennui hits me – when I feel the pull of gravity – reality – that it is time to make my way back. The way back is reluctant – meandering in spirals. I deliberately try to get lost, having to manipulate my otherwise accurate inner compass.

‘A man goes to Hell and the Devil says, I usually don’t do this, but I’ll give you your choice of room for eternity. So he takes the man to the first room. All the people are ankle-deep in shit. In the second room all the people are knee-deep in shit. In the third room all the people are waist-deep in shit, and they’re drinking coffee. The man says, I guess I’ll take the third room. The devil says, OK. Then he turns to the people in the third room and yells, Coffee break’s over’. Back on your heads.<sup>xxxii</sup>

‘On s’engage et puis on voit’ [Napoleon].

I’m writing, happy that some occasion has afforded me satisfaction. Again I imagine an approach – a possible life – without pre-given notions’.<sup>xxxiii</sup>



*Thomas Altheimer's film depicts such worn cliches that they almost make the rest of the show seem stimulating. The supposed blurring of the boundaries between art and life is all too reminiscent of generic Surrealism. Nearly 2 hours of continuously running video by this filmmaker provide more narrative context than any of the photos in the show yet still grow tiresome very quickly.*

*The film falters because it is based on the assumption that art's primary purpose is to articulate an artist's identity. Art as self-expression went out in the 1950s, even though this show tries to deny it.*

*Only Hannah Jefferson's etchings of frontispieces for imaginary books acknowledge the problems of using art as a means of self-definition. Her suite of nine prints insists that you can't judge a book by its cover and that getting involved with art alters identities more than it shores up stereotypes.*

*Myopic and opportunistic, this conservative exhibition contends that the artist is more important than the work he makes. I champion the separate categories of art and life if that's what it takes to eliminate odious self-expression.<sup>xxxiv</sup>*

DAVID PAGEL



*And we end up with the seemingly unbridgeable divide between the pooled sovereignty of the community and the sovereignty of the individual. The weapons of choice in this battle are always for the community: brute force – and for the individual: suicidal perseverance. Bartleyb. Byartleby. Artleby.*



*Agamben is a FAKE. MY GOD. Like all philosophers (who think about art, in aesthetics?).*



*Sophie Calle is a fake but in a good way.*



*What you see is the birth of a hybrid species, the artist – removed from crime through weakness of will and fear of society, though not yet ready for the insane asylum, and oddly extending his antennae in both directions.<sup>xxxv</sup>*



## **7 March**

*We have to go further.*

*I am sick and tired of art, artists and the artworld. It was a colossal mistake on my part to let myself be pushed into this field. I would much rather lead an army like George Washington, or Lafayette – if not found a nation. I have read my Plutarch. Had these been wartimes, the virtues, which today are only tolerated within the field of art, would have been in urgent demand and would have led to my swift promotion and great secular success.*



*From: vemund thoe [vemundzthoe@gmail.com](mailto:vemundzthoe@gmail.com)*

*Date: Thu, 08 Mar 2012 13:32:52 +0100*

*To: Tom McCarthy [tom@tommcc.co.uk](mailto:tom@tommcc.co.uk)*

*Conversation: Thomas Altheimer*

*Subject: Thomas Altheimer*

*Dear Tom McCarthy – I am a PhD student at Goldsmiths in London. I am facing the daunting and highly unusual task of helping to complete another man's PhD thesis. My colleague Thomas Altheimer was recently committed to Ladywell – a psychiatric facility at Lewisham Hospital.*

*It's been difficult for him for some time now. I personally think it was the Goldsmiths Art Department, forcing him to leave his studio at Goldsmiths that pushed him over the edge.*

*Thomas is due to submit his thesis this summer and though he is suffering at the moment, the doctor in charge is confident that he'll be fine once he gets the lithium dosage right.*

*The thesis is a compilation of diary entries and documents related to his artistic practice throughout the years of study at Goldsmiths. As I'm working my way through the material I see your name mentioned quite a few times. There are even pictures and newspaper clippings. There is praise for your novel *Remainder* but also rant-like commentary about how '*Remainder* is a rip-off' and 'if it wasn't for Simon Critchley's patronage, he would have been nowhere.'*

*Why do you think that is? Was he a part of your International Necronautical Society? Or do you know him from somewhere else? Do you know him through Critchley? I'd*

*appreciate any clues as I'm trying to structure the material with my own commentary. I honestly don't think it PhD thesis worthy but there might be an art publication hidden in this.*

*Thanks and all the best,*

*Vemund Thoe*



*----- Message*

*On Thu, Mar 8, 2012 at 1:41 PM, Tom McCarthy <tom@tommcc.co.uk> wrote:*

*Dear Vemund Thoe,*

*Sorry to hear Thomas Altheimer is having difficulties. In response to your questions: he was on a course I taught a long time ago at the London Consortium. He later approached me to ask if I'd participate in a film he was making that turned vaguely around a reading of 'Remainder'; I declined, but wished him well with his project. That's it.*

*All best,*

*Tom McCarthy*

*----- End of Message*



*----- Message*

**From:** *Veronica Kavass <veronica.kavass@gmail.com>*

**Date:** *Mon, 12 Mar 2012 08:57:59 -0500*

**To:** *vemund thoe <vemundzthoe@gmail.com>*

**Subject:** *Re: Thomas Altheimer*

Hi,


*So is this real...T is at the psychiatric facility? Who are you and how did you get involved?*

*I could be of assistance. If this is in fact real....do you skype?*

Best,

V

----- End of Message



**Art**

- [Staff Details](#)

Home > Departments > Academic departments > Art > Research > Research Students > Thoe, Vemund

### Vemund Thoe

**Position held:**  
Research Student

**Phone:**  
+44 (0)20 7919 7671

**Email:**  
[vthoe](mailto:vthoe@gold.ac.uk) (@gold.ac.uk)

### Academic qualifications

2006 - Mphil/Phd, Goldsmiths College, London.  
2005-06 Master of Fine Art, Central St. Martins College of Art and Design  
2003-05 Bachelor of Arts, National Academy of Fine, Oslo  
2002-03 Trondheim Academy of Fine Arts, Norway



### **13 March**

*I remember Vemund from the postgraduate induction days in September 2006. He liked drinking. He didn't like New Cross. He had a membership at the college gym. I remember passing by the gym, looking up at its row of windows on the first floor and seeing him on one of the treadmills. After a couple of months this young Norwegian blonde girl appeared at his side at seminars. He didn't say much. She even less. Then one day they were gone. I asked around and eventually found out he had gone back to Oslo and got engaged.*

*Finally Vemund's thesis is written. Vemund is the zone – the free zone outside action. In the middle of the complete human disaster that is Thomas, Vemund is the soaring, madly laughing clown who takes nothing seriously. Vemund is the empty human being.*

*'Without any guile I'm saying, I feel grateful to those whose serious attitudes and life lived at the edge of death define me as an empty human being and dreamer... Fundamentally, an entire human being is simply a being in whom transcendence is abolished, from whom there's no separating anything now. An entire human being is partly a clown, partly God, partly crazy ... and is transparence'.<sup>xxxvi</sup>*



**CONVERSATION**<sup>xxxvii</sup>

SC: *Sophie Calle*

TA: *Thomas Altheimer*

---

SC: *Hello. Sophie! (They shake hands)*

TA: *Please take a seat.*

SC: *Thank you.*

TA: *There is coffee for you.*

SC: *Hello! (Sophie Calle is smiling and nodding her head at someone outside the frame of the camera)*

SC: *So. I wanted to see you because yesterday by coincidence, I spoke about a project I have, and I was told that a man with no name, or a lot of different names, had the same idea here. But it doesn't bother me because ideas are around.*

TA: *... and all ideas are different.*

SC: *... also it reminded me of when I became an artist for the first time, it was in '79.*

*I started to follow people in the streets because I didn't know what to do with my life. I thought that by following people I didn't know, they would find a reason, an energy, a destination, because I didn't have my own desire or destination.*

*So I started to follow people to see where they were going, and I started to write about them. Shadowing them. Being behind them.*

*As soon as I started to talk about this to art world people, they said that it had been done already. And that Vito Acconci, an Italian/American artist, had been following people. I don't know if it was a way for them to tell me to stop, because it was already done or...? But it was my first real gesture as an artist. When I started to follow people, it was not for art but because I was lost. It was medium-consciously for art, because I didn't know what I was doing with it. My first real professional gesture was to go to New York to meet Vito Acconci. I told him what I was doing and he gave me his benediction, and he said that it had no relation with what he was doing. In the way that he was following people into a geographic space, there was no feeling involved. For me it was about being behind someone and to have emotions going in only one direction. He told me that there was no relation at all between the two works and that I could go on. That's maybe why I come to see you and ask for your benediction.*

SC: *Can you tell me what you are going to do...?*

TA: *Yes*



SC: *Maybe it's also a way for me ... or to see that I don't do the same..*

TA: *But you can do exactly the same.*

SC: *Maybe I do exactly the same... exactly. I would like to understand it. So, you have many names?*

TA: *Yes*

SC: *Do you travel...?*

TA: *Yes, I do.*

SC: *Do you still have a passport?*

TA: *Yes. But...*

SC: *...what does it say?*

TA: *It says... Well, for some years I tried to be allowed to have no name in my passport. After five years I had to give up and then I just took the name that was on the door of my apartment, when I moved in.*

SC: *Can you change name on your passport...*

TA: *Yes. So in my passport I now have a picture of Andy Warhol and then I have this name that was on my door.*

SC: *But this is allowed? Can you...*

TA: *It's possible to change your name.*

SC: *Really...*

TA: *Yes.*

SC: *This is Danish...?*

TA: *No, I think you can also in France.... Can't you change your name?*

SC: *No, you can change your name if you are named Hitler and if it makes trouble in your life. But you cannot change your name if your name is not...*

TA: *Is not Hitler...? (laughing)*

SC: *I mean, if your name is not...? I gave you an example.*

TA: *Well, I made up a story. I made up a very emotional story.*

SC: *... If you are called Dr. Hitler I am sure you are allowed to change your name. But you changed your name to the name that was on the door...*

TA: *Yes, and it has been there since 1929. It had nothing to do with me and people only use it when I am at the hospital or crossing a border.*

SC: *Ok.*

TA: *Then they use that name and it's very strange for me. .*

SC: *It's a fantasy of my mine. I think I just like to control everything in my life. I am a control freak, I think. I want to organise it as if it is my wedding. I tried to get married in 2000 and it was a very complex wedding. I tried to get married because the Man was going away for a few years to China, and I knew it would be finished.*

TA: *So you had a fantastic wedding and then no trouble?*

SC: *I wanted to have a wedding, which was a way for me to say 'okay, it's over'. I would never get married to somebody that loves me, ever.*

TA: *No...?*

SC: *No. I don't like weddings. I like weddings if they are desperate.*

TA: *I tried it once, and it was a very successful wedding. But afterwards it was not a success.*

SC: *I like desperate weddings and happy funerals.*

*I knew the guy wouldn't and I was right, so I decided to organise our wedding so I was waiting on the tarmac of the airport the day he would leave for China. I worked on it for a year. I went to the airport authorities and to the mayors'. You know, there are four different mayors around, because Roissy is a very big place. But I found the mayor and I the got permission for 500 people to go through customs, just for the wedding, and then come back. I found musicians - I mean, I organised something extremely elaborate.*

TA: *And then he didn't show up?*

SC: *He showed up, but then the Concord crashed, so it was not the best moment to do a party like that. It was cancelled and we didn't get married.*

*I went with my wedding dress - I had bought a very beautiful red wedding dress because he was going to China. So, I went with him to the airport in my wedding dress and said goodbye and that was the end.*

TA: *But the most important thing, you know, in that situation, nothing is nice.*

TA: *I've never been on that kind of things. I don't like that when something happens, people start invent the story backwards ... like you know, that's because you did this and that. Then you can't do anything, because you have to take care of that. That it won't haunt you or hit you, so to speak.*

*I want to do this. So I have to have the courage to do it. Also like you. You don't...*

SC: *I don't care about what happens... I mean a little. When I wanted to be married, it was a play against the dice.*

TA: *But they wouldn't play with you.*

SC: *So they didn't play with me.*

TA: *Oh, ok -- [Someone signals to him] – Well, I am afraid our time is up. Thank you, Sophie.*

SC: No, thank you!



----- Message

**From:** Veronica Kavass <veronica.kavass@gmail.com>

**Date:** Mon, 14 Mar 2012 21:53:07 -0400

**To:** vemund thoe <vemundzthoe@gmail.com>

**Subject:** Re: Thomas Altheimer

Vemund,

*I've taken a moment to search around the internet to see if you were one of Thomas' new incarnations. It seems as though you are your own person.*

*With that established...*

*I don't know what is going on, but how do I find out more about what has happened.*

*I am writing as one of his friends. He falls off the map now and then. But I would like to check to see if it is serious enough for me to go to England (I am in the States).*

Best,

Veronica

----- End of Message



----- Message

**From:** Veronica Kavass <veronica.kavass@gmail.com>

**Date:** Mon, 15 Mar 2012 23:42:34 -0400

**To:** vemund thoe <vemundzthoe@gmail.com>

**Subject:** Re: Thomas Altheimer

*Being with Thomas, means being willing to become subject matter because there is no separation between his work and his life. His art is how he invents his life. It was a choice I had to make – to give up control.*

Best,

Veronica



**16 march 2012**

*It is just after midnight. I'm turning 40. YEAH.*

*Meanwhile, here's a picture of Tom McCarthy:*



**18 March**

*Last night I dreamt I was in court to defend the argument that I don't exist. I'm in a hurry – it's morning – first I have to take Hannah to school. – In the rush I drop her off at the wrong school – I feel remorse and think that this is wrong, that it won't work. But then it did. Hannah assured me, she'd been to this school a few times before. 'It's ok, dad.'*

*Surprisingly the court building is a farmhouse surrounded by green pastures and white wooden fencing. The judge is an elderly man who lives there with his family. They take me into their home and care for me. I'm offered a meal and a couch to take a nap. I spend the better part of the day without talking about the case. It feels really good - like being a part of the family. Later the judge and I discuss my 'absurd position'. He emphasises the impossibility of it all while stressing the fact that he appreciates the argument and sympathises with my cause.*

*Some time passes. It's evening and dark outside when the judge appears in the room I'm in to tell me that the matter has been resolved. Someone offered to pay my debt and the case goes away without a trace. Even the court's costs of 70,000 for a day's proceedings are covered.*

*As I leave the farm a feeling of guilt overwhelms me. – I realise the potential scandal in this – that the court lets me walk away scot-free. And I feel guilty because I intend to*

*boast about how I got away with this hoax – just for the provocation. – And this would of course hurt the nice judge and his family.*



*'And I want those I love also to undergo – to go under also'.<sup>xxxviii</sup>*



***GUILTY [Sovereign Laughter]***

*IN which it is revealed that Nielsen COLLUDED IN THE LAWSUIT – THAT HE COVERED A PORTION OF ALTHEIMER'S LEGAL FEES – THAT IT WAS ALL MANIPULATION; THEATRE AFTER ALL [Spitefully Altheimer waves a transaction print from his bank. Proof that Nielsen transferred money to Altheimer's account]*

31. oktober 2008

Reg.nr. 3164  
Konto 4700185907  
Kontoen føres i danske kroner

Side 3 af 4

**Danske 24/7 - udskrift nr. 311**  
**IBAN: DK65 3000 4700 1859 07**

Bogført dato	Rente- dato		Indsat + Hævet -	Indestående + Gæld -
21.10	17.10	VDK GBP 100,00 <b>VISA-transaktion</b> <b>GBP 100,00</b> <b>ROYAL BANK UK /</b> <b>TESCO KING HA</b> <b>STORBRITANNIEN</b> <b>Handelsdato: 17/10/2008</b>	971,07 -	142.095,56 -
21.10	17.10	GBUDBVISA <b>VISA-transaktion</b> <b>GBP 100,00</b> <b>ROYAL BANK UK /</b> <b>TESCO KING HA</b> <b>STORBRITANNIEN</b> <b>Handelsdato: 17/10/2008</b>	30,00 -	142.125,56 -
21.10	21.10	Gebyrer ifølge nota	175,00 -	142.300,56 -
24.10	23.10	001 DSB Københavns Luf	125,00 -	142.425,56 -
24.10	23.10	Steff's Place3+4+5 92806	26,00 -	142.451,56 -
24.10	24.10	Automatudb. 3124-71 7252	200,00 -	142.651,56 -
27.10	24.10	VDK GBP 32,00 <b>VISA-transaktion</b> <b>GBP 32,00</b> <b>HEATHROW RAIL LINK</b> <b>PADDINGTON AT</b> <b>STORBRITANNIEN</b> <b>Handelsdato: 23/10/2008</b>	304,44 -	142.956,00 -
27.10	24.10	Q8 SERVICE 48841	136,95 -	143.092,95 -
28.10	27.10	Elgiganten Fisketo 89695	75,00 -	143.167,95 -
28.10	27.10	Juicemania A/S 31841	90,00 -	143.257,95 -
28.10	27.10	Fisketorvet Føtex 30710	302,11 -	143.560,06 -
28.10	27.10	Hennes & Mauritz A 16206	79,75 -	143.639,81 -
28.10	27.10	EB Games 66003	229,00 -	143.868,81 -
28.10	27.10	Ambassadeur 46236	45,00 -	143.913,81 -
29.10	28.10	DSB København AUT 52968	372,00 -	144.285,81 -
29.10	30.10	Kundekort 3318 0315	2.000,00 +	142.285,81 -
30.10	29.10	VDK USD 52,05 <b>VISA-transaktion</b> <b>USD 52,05</b> <b>TMobile*HotSpot</b> <b>800-981-8563</b> <b>USA</b> <b>Handelsdato: 28/10/2008</b>	314,43 -	142.600,24 -
31.10	31.10	Nielsen, Helge Bille	30.000,00 +	112.600,24 -

8510 ES1100801006846 BVCA8D1E0304



### 19 March

*I'm torturing myself. I've taped Tom McCarthy's picture on the wall above my desk. I fear this obsession will do me no good. It's also starting to affect Simon Critchley as he's right next to McCarthy on my Bordieuean social map. I just went through Simon Critchley's page on Wikipedia. It says he occasionally collaborates with Jamieson – of course he does. ['Critchley also frequently collaborates with his wife, the American psychoanalyst Jamieson Webster'] Who do I occasionally collaborate with? Mickey Mouse. My therapist Gerard. The Senate House librarian who keeps charging fines to my HSBC debit card. Jarvis Cocker who's sitting at a table in Foyles right in front of me signing his poetry? Yes. No. Right. None of the above. Anyway, I'm not lining up to get Cocker's signature along with the hundred or so dedicated fans. I'm just browsing the literary biography section right next to his table – picking out *Hidden Man* – on Donald Barthelme, trying to act as if this is all normal (hiding).*



**Jamieson Webster**

*Ok, so I'm not at Foyles. I'm still sitting at the laptop trying not to notice the photo of Tom McCarthy that I myself put up on the wall. So maybe this is all protestant baggage. All white walls except for a portrait of the archenemy – the Pope. Who in this case is not Nielsen but Tom McCarthy who did nothing but fail my essay at the London Consortium in 2005.*

*Is there such a thing as a healthy obsession?*



*There is no taking hostages in contemporary art. But if you have – taken hostages – say, if you lock up the audience in the playhouse [like Nord-Ost, the Dubrovka Theatre!?!] – they will hate what is put before them with a vengeance. The audience resents anything that puts a demand on them; anything that is forced upon them. This is why Simon Critchley's 'ethics of discomfort' will never work:*

*So much of what is produced in the art world is contained and obsessively ordered and polite. I'd like to argue for an ethics of discomfort that would be immoral in terms of socially established ethics but deeply ethical in another way.*





*Artists are harmless. All that Van Gogh dreamt about was to have a nice time with Gauguin in Arles and to cook for him. The art critic prefers art that doesn't take him hostage. This was Artaud's failing. He wanted to make his audience suffer. He wanted to create a prison of art. He literally wanted to lock the door to the playhouse and throw away the key.*

*Which reminds me:*



*A picture from our visit to the Fine Arts Academy in Baghdad, January 2004. During classes students were locked up in the building. (Newly liberated students shutting themselves in just for the camera). Poignant.*





**20 March**

**9 days to court.** *Agathe was visiting today. I have sought to avoid it for fear of what she could trigger in my unruly head. I know nothing worse than meeting a person on the other side of a lived utopia. It is pure death. Nothing to add, nothing to subtract. No alterations, no potential – just fact. History.*

*Max wanted me to film, so I had to ask her to come anyway. I told her she could come on the condition that I film. She agreed – but then when she arrived, she told me to put away the cameras – which of course just led to me switching on all available devices out of sight. We had a very honest exchange, which unfortunately for me felt less so from fear that she would spot the cameras. As always – the height of true honesty, the nakedness – but then also the duplicity. The two are twinned in this (my) life – not one without the other. Revealing all, I cover all...*

*Agathe has gone down her path – we had maybe a week together in New York where everything was open. Now, the door is closed. Life is a door that opens and closes – there are many closed doors to look back on – the open doors are few – in fact there is always just one – but it is always there – and we should appreciate this.*



**Copenhagen City Court**  
*The Courthouse, Nytorv 25  
1450 Copenhagen K*

21 March 2012

**REGARDING CASES BS 99-6459/2011 & FS F7-27245/2011**

*Yet another summons has arrived on the address 12 Otto Busses Vej, addressed to ‘Thomas Skade-Rasmussen Strøbech’ from DANSKE BANK LTD. There are now two pending cases against ‘Thomas Skade-Rasmussen Strøbech’ brought before the City Court by the same plaintiff, DANSKE BANK LTD. I have previously explained that the defendant is not the appropriate person and have repeatedly referred to GYLDENDAL LTD and Helge Bille Nielsen.*

*I write here to ensure that the City Court is aware that it is currently running ‘Thomas Skade-Rasmussen Strøbech’ through the machine twice on behalf of DANSKE BANK LTD. Now, I acknowledge that the judicial system is an excellent medium for institutions in their dealings with individuals, but I can’t imagine that the City Court is letting DANSKE BANK LTD’s OFFICE FOR CORPORATE DEBT COLLECTION run parallel cases against the same defendant.*

*If this indeed proves to be the case, then regarding case FS F7-27245/2011 – I wish to refer to my response of 4 January in connection with the case number BS 99-6459/2011. I obviously cannot know whether the plaintiff, DANSKE BANK LTD, will respond the same way in the new case number FS F7-27245/2011, but if they do, then I refer to DANSKE BANK LTD's counterplea of 19 January in case number BS 99-6459/2011 and my rejoinder of 15 February and the final statement of claim of 29 February – also in case number BS 99-6459/2011 – all from the current year.*

*Should the City Court still wish to process the two cases in parallel, I offer to photocopy my response of 4 January in case number BS 99-6459/2011 and post this to the court as this will be the template for my response in the new case number FS F7-27245/2011. The City Court could also copy the response of 4 January in case number BS 99-6459/2011 and send it internally on to the office dealing with the parallel case number FS F7-27245/2011.*

*In case of additional questions, the City Court is free to contact me.*

*Sincerely,*

*Thomas*



*'Do you want to lose the trial? Do you realise what that would mean? That would mean you would be simply destroyed. And that everyone you know would be pulled down with you or at the very least humiliated, disgraced right down to the ground ... pull yourself together. The way you're so indifferent about it, it's driving me mad. Looking at you I can almost believe that old saying: 'Having a trial like that means losing a trial like that'.<sup>xxxix</sup>*



**22 March**

**7 days to court.**

*[What if the judge knew about the defendant's impotence? Would it seem redeeming? Would the defendant seem less like the arsehole everyone perceives him to be?]*

*The panel of three judges didn't know about his impotence last time he was in court – a little over a year ago – as plaintiff. He was presumably just an arsehole with no redeeming quality, so he lost the case. The judges didn't know about the plaintiff's impotence and yet the footage from his ultrasound session in New York was a part of the defence counsel's evidence. They found the film on the plaintiff's twitter feed and submitted it as proof that he would have no qualms about transgressing codes of privacy and exposing intimacies to the public gaze.*

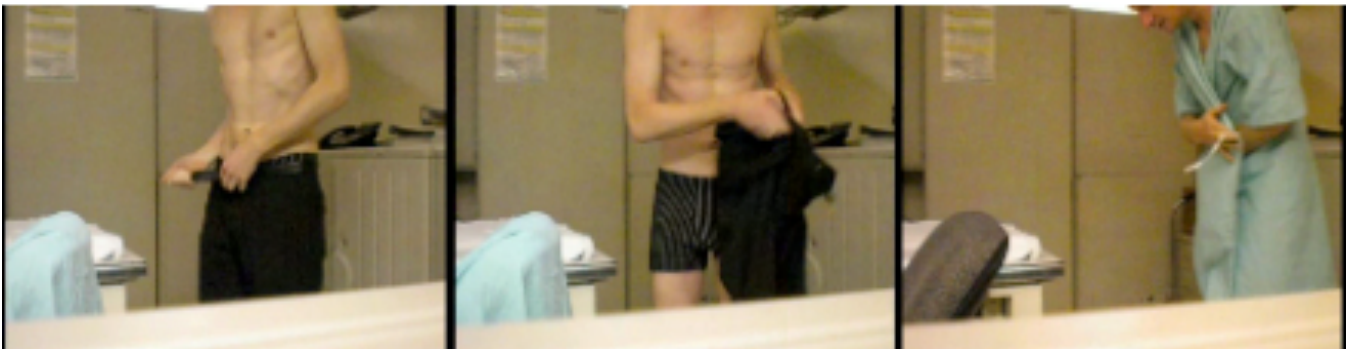
*Due to technical limitations the judges on the bench had to move close to each other to watch the film on a laptop provided by the plaintiff's lawyer. As they were watching – the room was hushed – it was very quiet for a full 15 minutes – only the muffled audio from the laptop speakers could be heard. The faces of the judges were lit by the ghostly glow of the screen – everyone else – defendant, plaintiff, lawyers, journalists and a sizeable audience had nothing to do but silently contemplate this dull spectacle. After a while quiet music came out of the laptop and for a moment there was a transcendent quality to the atmosphere in the courtroom. In the end broken by the sound of knocking on a door and a bit of barely audible dialogue:*

*Doctor: 'Can I come in?'*

*Plaintiff: 'Is it like this? Does this go in the front?'*

*Doctor: 'Yes, open to back.'*

*[The plaintiff has difficulties putting on the hospital gown]*



*Under oath – when asked about the footage and what he was treated for (the questioner knowing full well what it was for, due to the accompanying 'tweet') – the plaintiff committed perjury when he answered: 'It was my knee. I picked up an injury playing football.' The counsel repeated slowly: 'A football injury it was?' Hmm, I see.' – Presumably considering whether to call it or not.*

*The counsel decided to let it slide – which meant that neither the judges nor the court audience learned about the plaintiff's impotence, which might have saved his lawsuit, had they known that the footage shown of the plaintiff undressing, getting naked and putting on the green hospital gown was not because of a sports injury but because of impotence.*



*The Court called a recess to let witnesses watch the plaintiff's hospital film.  
The court audience is lining up behind.*

*PERJURY IT WAS.*

*I want myself to be impotent. I refuse to be dragged through life and across the globe by  
vacuous desire. Impotence is sovereign.*

*But then:*

*'Only sovereign being knows ecstasy, if ecstasy isn't accorded by god! [...] Man is his  
own law as he confronts the sight of his own nakedness. Confronting God, the mystic  
took on the attitude of a subject. If you confront existence, you have the attitude of a  
sovereign'.<sup>xi</sup>*



*'How many performance artists does it take to screw in a lightbulb? I don't know. I left  
early'.<sup>xli</sup> (How many Scandinavian performance artists?)*



### ***Aphanisis***

*'– aphanisis, disappearance. Ernest Jones, who invented it, mistook it for something  
rather absurd, the fear of seeing desire disappear. Now, **aphanisis** is to be situated in a  
more radical way at the level at which the subject manifests himself in this movement of  
disappearance that I have described as lethal. In a quite different way, I have called this  
movement the **fading** of the subject'.<sup>xlii</sup>*



*'Whereas modernism believed the artist's life held all the magic keys to reading works of art, neoconceptualism has cooled this off and corporatized it. The artist's own biography doesn't matter much at all. What life? The blander the better. The life experience of the artist, if channelled into the artwork, can only impede art's neocorporate, neoconceptual purpose. It is the biography of the institution that we want to read'*<sup>xliii</sup>.



**24 March**

*5 days to court. I've started reading – no listening to McCarthy's C (downloaded a pirated copy --- I'm not going to buy the damned thing). The one that was shortlisted for the Booker Prize. I don't know why I do these things to myself.*



*Flaubert's Dictionary of Received Ideas (Bouvard & Pecuchet):*

*'ARTISTS – All triflers ... Often invited to dine in town'.*



----- Message

**From:** thomas altheimer <vanwoestenburg@gmail.com>

**Date:** Sat, 25 March 2012 15:16:15 +0200

**To:** Richard Walsh <richard.walsh@york.ac.uk>

**Conversation:** ruling making its way into EU law

**Subject:** ruling making its way into EU law

*Dear Richard --- I'm making my way into EU law – the court case is discussed in a paper on the 'Protection of Fundamental Rights Post-Lisbon': [http://www.fide2012.eu/index.php?doc\\_id=95](http://www.fide2012.eu/index.php?doc_id=95)*

*Some fine phrases: 'The plaintiff was himself entangled in an avant-garde sub-culture' and the matter-of-factly: 'the book regarded a failed attempt to democratise the United States' -- wouldn't you say that these absurdities are a symptom of legal écriture (or legal emplotment) attempting to do away with the particular origins of the case – this in the service of generality -- ideally to sever the connection between generality and the particular altogether.*

*The book's fictional premise 'a failed attempt to democratise the United States' – is taken as read and drawn back (the attempt did take place) into reality in order to justify the court's*

*judgement of the book as of 'societal interest' – this in order, in purely legal terms, to justify the sacrificing of one right (freedom of speech) for another (right to privacy).*

*Also with the 'entanglement'-phrase – I'm deprived of my ability to construct plots and made purely passive. Maybe the demand of legal écriture is that I fit the role of victimised plaintiff – reassigning the ability to plot (the active role – to construct a narrative) to the legal author, the speaker of legalese. This again perhaps reflecting the fear on the side of the law that the particular origins of the clash of legal principles could be an agreed upon plot by authors of fiction in a different sphere (speakers of a different language, different rules of emplotment, so to speak, where the legal professionals are the passive ones). And should the latter be the case – then it would be a fiction to the second degree.*

Thomas

----- Message



*'Desire was this same corpse which opened its eyes and knowing itself to be dead climbed awkwardly back up into his mouth like an animal swallowed alive. Feelings occupied him, then devoured him. He was pressed in every part of his flesh by a thousand of hands which were only his own hand. A mortal anguish beat against his heart. Around his body, he knew that his thought, mingled with the night, kept watch. He knew with terrible certainty that it, too, was looking for a way to enter into him. Against his lips, in his mouth, it was forcing its way toward the monstrous union. Beneath his eyelids, it created a necessary sight. At the same time it was furiously destroying the face it kissed. Prodigious cities, ruined fortresses disappeared. The stones were tossed outside. The trees were transplanted. Hands and corpses were taken away. Alone, the body of Thomas remained, deprived of its senses. And thought, having entered him again, exchanged contact with void'.<sup>xliv</sup>*



**26 March**

**3 days to court.** *There is a letter from Inland Revenue:*

***SIGN AND ACKNOWLEDGE YOUR DEBT TO INLAND REVENUE AND AVOID THE BAILIFF***

*You have a debt to Inland Revenue, which will shortly expire. You must sign the attached ACKNOWLEDGMENT OF DEBT to avoid the bailiff.*

*Here we go again.*



*'I call Idealism the forming of reality according to ideas (and I would call following successful ideas until the next stage of realisation is achieved only idealism in the*

second degree). Therefore, when life does not live up to a system of ideals, I am not able to see much idealism in them. One should finally realise that it is not that life fails to conform to ideals out of disobedience, as in school, but rather that the mistake must lie with the ideals'.<sup>xlv</sup>



## 28 March

**1 day to court.** *I am the sovereign (the empty zone of art? But with reality (temporal)). I soar above it all – laughing madly. I can be all that Agamben cannot be. Like Nietzsche who*

*'...affirms absence of goals as well as the author's complete lack of a plan. Considered from the standpoint of action, Nietzsche's work amounts to failure (one of the most indefensible!) and his life amounts to nothing – like the life of anyone who tries to put these writings into practice ... I want to be clear on this: not a word of Nietzsche's work can be understood without experiencing that dazzling dissolution into totality, without living it out'.<sup>xlvi</sup>*

*Thomas Altheimer as depicted in this text is almost nothing. He is nothing. He hardly says anything. He has nothing to say. Everyone around him says what he is, making him the empty centre of the text, the discourse. He fails because he tries to live (though he died a long time ago). He is Socrates. Nielsen is Plato. Which is why he is dead. He died a long time ago.*



*'I can't remember how I found my way through so many yards. It was evening and I'd become lost in an unfamiliar neighbourhood. I walked in one direction up boulevards that had wall after wall and when I could see no end to them I walked back down in the opposite direction as far as some square or other. There I began to walk along one street and passed other streets that I'd never seen before, and still more of them. Sometimes electric trams with their lights too bright raced up raced past amid a harsh clanging of bells. But their destination signs carried names I didn't know. I didn't know what city I was in or whether I lived hereabouts, or what I had to do so that I wouldn't have to do any more walking'.<sup>xlvii</sup>*



## 29 March

**4 AM.** *I'm due in court in five hours – at 9.30. I'm charging all the batteries for cameras and sound recorders. Meeting my producer at 9 at a café nearby the courthouse to be taped up with a hidden microphone.*



*5 AM. I sit down to write a speech for the court:*

*Esteemed Court,*

*I am not Thomas Skade-Rasmussen Strøbech and so not the correct defendant. All I wish for is really just to be left alone. I do not understand why society always wants me to stand accountable for another man's actions – to stand accountable for Thomas Skade-Rasmussen Strøbech's actions – this when society by its ruling in the Eastern High Court in March, 2011 determined that Thomas Skade-Rasmussen Strøbech is fiction and another man's invention – this when society has determined that the commercial corporation Gyldendal Ltd may well print advertising posters with Thomas Skade-Rasmussen Strøbech's picture and make money from selling books by Helge Bille Nielsen, who not only tells fabricated stories about Thomas Skade-Rasmussen Strøbech's life, but includes Thomas Skade-Rasmussen Strøbech's own pictures, texts and life story in his books. Thomas Skade-Rasmussen Strøbech's own pictures, texts and life story – released as another man's invention – as Helge Bille Nielsen's and the commercial corporation Gyldendal Ltd's invention and property.*

*In 2011 the Eastern High Court decided to let the 'artistic' freedom of speech take precedence over basic human rights, and to allow freedom of speech to supersede common decency and the protocols of Article 8 of the European Convention on Human Rights. With this judgement society decided that companies are allowed to exploit private, intimate details – to let businesses exploit the property of people – their material, pictures and texts without proper attribution or remuneration. Therefore the company Gyldendal Ltd was well within its rights to put up advertising posters in the streets of Copenhagen with Thomas Skade-Rasmussen Strøbech's picture without informing Thomas Skade-Rasmussen Strøbech in advance. Therefore the company Gyldendal Ltd was well within its rights when it printed the book, 'The Sovereign' – with its breach of privacy, libel and commercial use of Thomas Skade-Rasmussen Strøbech's picture – along with his own texts as well as fictionalised accounts of Thomas Skade-Rasmussen Strøbech's life and family - without informing Thomas Skade-Rasmussen Strøbech in advance.*

*After having struggled for the right to his own identity and history for several years – it was all over for the real Thomas Skade-Rasmussen Strøbech when the High Court announced its judgement in March 2011. Experts in the field agree that the High Court's reasoning is very clear – underlining practices in the current regime – and that an appeal to the Supreme Court would be lost in advance.*

*With this, society has sacrificed fundamental personal rights for the freedom of speech. And society has especially sacrificed the concrete individual Thomas Skade-Rasmussen Strøbech – a necessary sacrifice – maybe even a natural sacrifice. But with this, society and its court must deal with the consequences of its own sacrifice – the outcome – which here is a man without identity, a non-citizen – and thus an individual pushed beyond the laws of the country – a man with no name and rights – a man who then cannot be called to account in any court of law – and so also a man who in some sense is sovereign.*

*Today, I am the man without qualities and I say with Herman Melville's Bartleby – I would prefer not to. And I prefer in this context not to be called to account for another man's deeds.*





*29 March*

*8 AM – 1 hour to court. A message ticks in from my therapist:*

*From: Gerard Chevalier <gerard10@mac.com>*

*Date: Thu, 29 Mar 2012 07:53:13 +0100*

*To: thomas altheimer <vanwoestenburg@gmail.com>*

*Subject: Re: latest court spectacle*

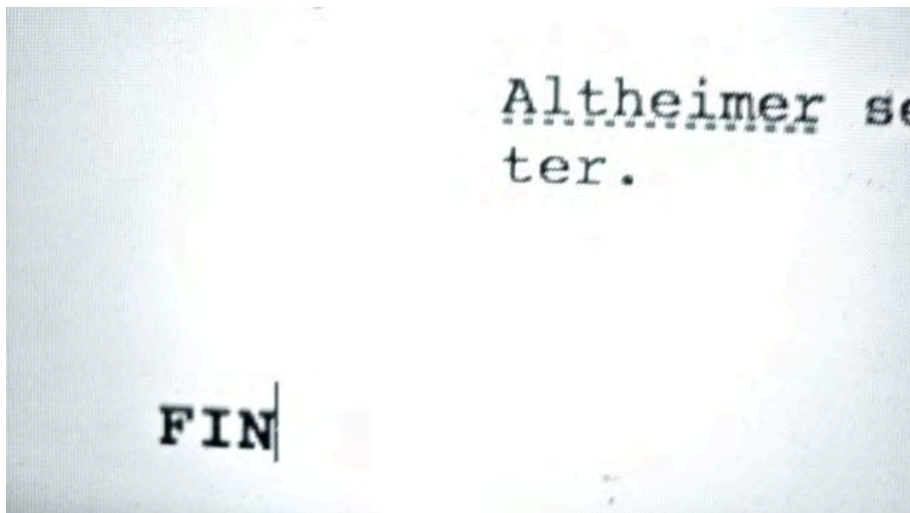
*All my support, Gerard*

*Sent from my iPhone*



*Agathe can feel the vibrations of her phone through her bag and when she leaves the theatre, she sees that Thomas has called. She calls him but instead of his sometimes uncertain-sounding telephone voice, there's a man saying he's a policeman and that Thomas has been arrested for being drunk and disorderly at Stansted Airport. Her first thought is that this is a prank but she quickly realises that it's not and asks if he's ok and*

where he is and what happened and many other questions of a practical nature. She asks if she can speak to him. The policeman tells her that Thomas can hardly hold himself up and is in a cage in the back of the police van and will be held overnight unless someone comes for him. Agathe tells the policeman she's not the right person to ask for help.



## Coda: Second court case – ruling read over the phone

### *A Fictional Character in the Dock*

*Thomas no longer uses the surname Skade-Rasmussen Strøbech. Following a ruling in the High Court last year, the name belongs to a fictitious person acting in Nielsen's novels. This was what he tried to explain Danske Bank and the Copenhagen City Court yesterday.*



*Photo: Jakob Dall*

*Thomas claims that he is no longer Thomas Skade-Rasmussen Strøbech due to a High Court ruling*

***By Pauline Bendsen***

*30. March 2012*

---

*It is really about 197,721 Danish Kroner. This is how much Thomas Skade-Rasmussen Strøbech owes Danske Bank. The bank wants a ruling in support of their claim. Thomas wants the City court to acknowledge that he is no longer Thomas Skade-Rasmussen Strøbech and thus not the proper defendant. He just wants to be left alone.*

*In the small courtroom 3 in the City court a handful of spectators are gathered to witness the main proceedings in the case. Danske Bank is represented by lawyer Saeed D. Khanlo. He is dressed in a suit with case documents neatly arranged in plastic folders laid out in front of him. Thomas Skade-Rasmussen Strøbech arrives a few minutes late – without a lawyer – and hurries to put his arsenal of annexes on the table:*

*piles of transcripts, newspaper articles and novels by Nielsen and Dostoyevsky. And a camera.*

*'Before we begin the proceedings, I will just ask you: Are you filming with that camera? It is not allowed', notes Judge Stine Andersen.*

*No more reality-based fiction is to be spun in the case of Thomas Skade-Rasmussen Strøbech.*

### ***A Defendant called Thomas***

*It all began when Nielsen published the novel *The Sovereign* in 2008, which carried pictures and detailed information about Thomas Skade-Rasmussen Strøbech – without his consent. Thomas Skade-Rasmussen Strøbech took Nielsen and his publisher Gyldendal to court. Thomas Skade-Rasmussen Strøbech lost the case in the High Court, and was subsequently beset by financial problems due to the sizeable legal fees.*

*Danske Bank's attorney begins his presentation with the one fact that the adversaries seem to agree on: 'We agree that the defendant is named Thomas. But from there it seems somewhat unclear what the defendant is actually asserting'.*

*The lawyer refers to email correspondence and conversations between the defendant and his bank adviser, and he uses the defendant's identification to adduce that the 'defendant is the proper person'.*

*Thomas uses a different kind of reasoning. He references last year's High Court ruling, which found *The Sovereign* to be a fictional work.*

*'The copyright to Thomas Skade-Rasmussen Strøbech belongs to Gyldendal Ltd and Nielsen. This is not just my absurd claim but a legal reality established by the High Court last year. Therefore I cannot answer for Thomas Skade-Rasmussen Strøbech's actions.'*

*But the lawyer does not appreciate this interpretation of the High Court's ruling.*

*'It's regrettable if the defendant feels that he has been deprived of his identity. But I must emphasise that the High Court has never said that Thomas Skade-Rasmussen Strøbech no longer exists as a physical person.' He then goes on to address a question to Thomas:*

*'Now I would like to hear from you if you are able to remember anything from before the ruling in the High Court last March? Do you remember spending the money?'*

*'What I am trying to explain here is that I cannot speak for Thomas Skade-Rasmussen Strøbech', he responded despairingly.*

### ***Bartleby***

*'Today, I am the man without qualities, and I say with Herman Melville's *Bartleby*: 'I prefer not to.' In this context I prefer not to have to answer for another man's deeds', says Thomas, instead referring to Nielsen and Gyldendal A/S as the proper defendants.*

*After the proceedings, Thomas describes what he learned after going through two court cases.*

*'What you realise is that the individual is so radically alone with his truth.'*

*Today's hearing was a clash of cultures.*

*'I wasn't sure whether to bring Bartleby into my final statement. Do you think the judge knows who Bartleby is? Well, now she has it in writing. There is always google...'*

*– What do you expect from the ruling on 27 April?*

*'I expect that justice will be done', says Thomas and elaborates:*

*'This is a problem, which the court itself has created, and a problem only the court can resolve.'*

*- Do you intend to make art out of this case?*

*'Everything is art ... I don't really subscribe to distinctions between art and life.'*



## **Transcript – Call to Copenhagen City Court [Ruling read over the phone], 27 April 2012:<sup>xlviii</sup>**

*[EXT]*

*Thomas sits on the edge of a grave in a cemetery; behind him a prison wall looms over him. He fiddles with papers, mobile phone.*

*He then makes a call:*

*[Beep]*

*'Copenhagen City Court. You have the following options. To speak to a member of staff, press 1. Bailiff's Court, press 2. For Bankruptcy Court, paternity cases and the Notarial Office. ' [Beep]*

*'This is the switchboard.'*

*'Yes, hello. I'm calling to hear the result of a judgement.'*

*'In which department?'*

*'First Section.'*

*'Here you go.'*

*'This is the Secretariat. Lone speaking.'*

*'Yes, hello, I'm calling to hear the result of a judgement passed today.'*

*'Do you have a case number?'*

*'Yes, B S three A twelve twenty-two seventy-seven slash twenty twelve.'*

*'Danske Bank against Thomas Strøbech?'*

*'Yes. And there is also a second case number. There are two cases in total.'*

*'Yes, just a minute. I'll just get...'*

*'Is it ninety-nine sixty-four fifty-nine slash twenty eleven B S?'*

*'Yes.'*

*'Just a moment, please...'*

*'Right. There we are.'*

*'It is the judgement of this Court ... that the defendant Thomas Skade-Rasmussen Strøbech must within fourteen days pay one hundred forty thousand, nine hundred fifty two kroner and ninety seven ører – including a process interest of one hundred thirty nine kroner and forty three ører from when the case was first raised – and fifty two thousand seven hundred sixty eight kroner and forty three ører – including process interest – to the plaintiff Danske Bank Ltd, as well as the trial costs of thirty thousand three hundred and fifty kroner.'*

*'Well, eh, thank for this.'*

*'You're welcome.'*

*'Right, thank you.'*

*'Bye.'*

*'Bye.'*



## **Epilogue: Goldsmiths**

----- Message

*From: andrea phillips <[andrea.phillips@gold.ac.uk](mailto:andrea.phillips@gold.ac.uk)>  
Date: Thu, 24 May 2012 16:25:57 +0100 (BST)  
To: vemund thoe <[vemundzthoe@gmail.com](mailto:vemundzthoe@gmail.com)>  
Cc: <[vanwoestenburg@gmail.com](mailto:vanwoestenburg@gmail.com)>, [s.malik@gold.ac.uk](mailto:s.malik@gold.ac.uk)  
Subject: Re: thesis*

Hi Thomas,

*I'm finding this rather tiresome. I'm happy to support you developing a thesis that plays with nom de plume etc etc., but I am not prepared to defend it at exam board (as I will have to do inevitably) unless you explain clearly your strategy and framework. As you know, you are on the border of being dismissed unless you have that conversation with me (or Suhail if you prefer) and produce a substantial piece of well-organised text within the next month.*

Best, A

On Thu, May 24, 2012 4:15 pm, vemund thoe wrote:

> Hi – I edited a lot so I might ask you not to read the documents I sent you last week.

>

----- End of Message



----- Message

*From: thomas strøbech <vanwoestenburg@gmail.com>  
Date: Fri, 25 May 2012 14:15:08 +0200  
To: andrea phillips <andrea.phillips@gold.ac.uk>  
Cc: <s.malik@gold.ac.uk>, vemund thoe <vemundzthoe@gmail.com>  
Subject: Re: thesis*

*Ok, Ill be Strøbech then.*

*Andrea, I do understand that you would find the work tiresome if all you see is nothing but a play with 'nom de plumes'.*

*One of the several reasons that Strøbech has gone is that he is right now wanted by Danish police. This is in part a consequence of the work -- attempting to act and speak as a Bartleby in a Danish court room -- certainly a climax -- a coming together of ten years of work and study.*

*I emphasise: I spoke as Bartleby not as a performance in an art gallery -- but in a courtroom --*

*I'm wanted by the police. I am broke. I live underground. My family don't understand anything. Very few people do.*

*All this work will come to nothing if it is not allowed to pass in the shape of a thesis. This framework is essential for me.*

*If you give the compendium the time it needs you will understand why it all fits together perfectly -- I do not believe you will ever see such a perfect blend of theory and practice, life, theory and art in a practice-based art phd. This will be even clearer in the juxtaposition of the film as the practice element and the compendium as the written element.*



*Last year we agreed on the plan that I would assemble a compendium and then you would help me supply the introductory key for the reader – I hope you are still willing to do this but then you need to give the work the attention it needs -- and then I believe, I hope you might not dismiss it as a mere 'play with nom de plumes'.*

*Then you might ask -- why would Bartleby need a PhD? And yes, you are right he doesn't. He needs to get punished and he will be punished. He will get what he deserves. And he is getting it. Every day.*

*But then he craves the understanding -- because he doesn't have the luxury of a recognisable artworld artist brand over time (which would automatically void his claim to be Bartleby) -- he is wholly dependent on the context of art academia.*

*I hope you will be patient with me and that I have your support — I'd really appreciate a token to that effect. It would mean the world to me as you and Suhail are the only audience for my work.*

*-- if not -- well then yes, this work will not stand and I'm perfectly dismissible.*

Thomas



*'I'm not Stiller! – Day after day, ever since I was put into this prison, I have been saying it, swearing it, asking for whisky, and refusing to make any other statement. For experience has taught me that without whisky I'm not myself, I'm open to all sorts of good influences and liable to play the part they want me to play, although it's not me at all ... .<sup>xlix</sup>*

*I am not Thomas. But I am prepared to act the part [as I am out of whisky]. It is not the first time I have been obliged to be Thomas. I know the part well. This voice, this persona, is also the persona, which will appear in the institutional context of the viva.*

---

<sup>i</sup> The title of the essay was *The Democracy – Destination: Iraq - On the road with Slavoj Žižek*. It was failed by a university lecturer with no sense of humour (yet another). The essay was later discussed during the trial (also the fact that it was failed). This is all similar to when Tom McCarthy failed my essay at the London Consortium (in the vaguely defined course *Intellectuals, Curators and Museums*)



---

about our meetings with neoconservatives and White House officials, written a week upon my return to London from Washington, DC (the journey later depicted in *The Sovereign*).

<sup>ii</sup> Henrik Skov Nielsen, *Colonized Thinking*, in: 'Oxford Literary Review', 2006, Vol. 28, p. 126.

<sup>iii</sup> Eivind Slettebø, *Unntakstilstanden, eller kunsten etter demokratiet*, accessed online on 23.07.12: <http://www.trondheimkunsthall.com/news/unntakstilstanden-eller-kunsten-etter-demokratiet>

<sup>iv</sup> Poul Behrendt, 'The Particular, the Name & the Number', unpublished paper presented at the conference *The Challenge of Fiction*, University of Aarhus, December 9, 2011.

<sup>v</sup> Leslie Hill, *Bataille, Klossowski, Blanchot: Writing at the Limit* (Oxford University Press, 2001), pp. 12-13.

<sup>vi</sup> Thomas Altheimer, *Suverænen* (Copenhagen: Gyldendal, 2008), p. 23.

<sup>vii</sup> Accessed online, 22.05.12: <http://www.modkraft.dk/node/14723>

<sup>viii</sup> Accessed online, 12.08.12: <http://boholmsblog.eftertanke.dk/2011/03/18/det-selvopløsende-autoritetsoppgør/>

<sup>ix</sup> Franz Kafka, *Der Prozess* [1925], (Frankfurt am Main: Fischer Verlag, 1960), p. 208. [Idris Parry's translation.]

<sup>x</sup> Accessed online, 22.05.12: <http://www.modkraft.dk/node/14723>

<sup>xi</sup> Rainer Maria Rilke, *Die Aufzeichnungen des Malte Laurids Brigge* (Teddington: Echo Library, 2006), p. 52. [William Needham's translation.]

<sup>xii</sup> The text is from James Der Derian. In Der Derian, J. and Shapiro, M.J. (eds) 'International/Intertextual Relations: Postmodern Readings of World Politics' (Lexington, MA: Lexington Books, 1989), pp. 163-164.

<sup>xiii</sup> Karl Ove Knausgård is a Norwegian writer known for using his life as material for his books.

<sup>xiv</sup> Rancière, *Flesh of words*, pp. 278-279.

<sup>xv</sup> Bataille, *On Nietzsche*, p. xxiii.

<sup>xvi</sup> Bataille, *Inner Experience*, p. 8.

<sup>xvii</sup> I'm guessing this is from Foucault's *The Birth of the Clinic*.

<sup>xviii</sup> Lotringer, *Introduction*, in Bataille, 'On Nietzsche', p. xi.

<sup>xix</sup> The review is discussed below.

<sup>xx</sup> I'm not sure whether this is a quote, VT.

<sup>xxi</sup> As far as I can tell this is a quote from Alexander Irwin, *Saints Of The Impossible: Bataille, Weil, And The Politics Of The Sacred* (Minneapolis: University of Minnesota Press, 2002, p. 151) [Irwin in turn quotes from Guilty].

<sup>xxii</sup> Georges Bataille, *Blue of Noon* [1957], tr. Harry Mathews (London, New York: Marion Boyars, 1998), pp. 42-43.

<sup>xxiii</sup> This quote is from a mail correspondence between Nielsen and Veronica that took place over a few weeks in the summer of 2010. If the lecteur wishes to obtain a confidential PDF copy of the exchange, then send a request to [vemundzthoe@gmail.com](mailto:vemundzthoe@gmail.com)

<sup>xxiv</sup> Hugo von Hofmannsthal, *The Letter of Lord Chandos* [1902], in 'The Whole Difference: Selected Writings of Hugo von Hofmannsthal', tr. Tania and James Stern (Princeton University Press, 2008), pp. 70-71.

<sup>xxv</sup> Sophocles, *Antigone*. [Translated by Elizabeth Wyckoff]

<sup>xxvi</sup> Kristeva, *On Bataille*, p. 248.

<sup>xxvii</sup> Robert Musil, *MwQ*, Vol II, p. 467.

<sup>xxviii</sup> Sartre, *A New Mystic*, p. 284.

<sup>xxix</sup> Lotringer, *Introduction*, in Bataille, 'On Nietzsche', p. xii.

<sup>xxx</sup> From Michael Bracewell, *Jesus Doesn't Want Me for a Sunbeam* in: 'Frieze', issue 25, Nov-Dec 1995. [Slightly modified.] Accessed on 23.05.12 by me:

[http://www.frieze.com/issue/article/jesus\\_doesnt\\_want\\_me\\_for\\_a\\_sunbeam](http://www.frieze.com/issue/article/jesus_doesnt_want_me_for_a_sunbeam)

<sup>xxxi</sup> Bataille, *On Nietzsche*, p. xxiii.

<sup>xxxii</sup> Lynne Tillman, *No lease on life* (San Diego, New York, London: Harcourt Brace & Company, 1998), p. 15.

<sup>xxxiii</sup> Bataille, *Guilty*, p. 18.

<sup>xxxiv</sup> David Pagel, *Los Angeles Times*, 1996. 8 August. [Slightly modified, VT]

<sup>xxxv</sup> Nietzsche quoted by Bataille, *On Nietzsche*, p. 37.

<sup>xxxvi</sup> Bataille, *On Nietzsche*, p. xxvi.

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- xxxvii *This seems to be a modified version of a transcript found on <http://www.funusimaginarium.com/?side=funusdialogues/7-sophie-calle>. Accessed on 12 September 2012. Thomas would want us to believe that he had this conversation. In fact I believe he did.*
- xxxviii *Bataille, On Nietzsche, p. xix.*
- xxxix *Kafka, Der Prozess, p. 77.*
- xl *Bataille, Guilty, p. 41.*
- xli *Old joke, I guess, but also Lynne Tillman's from No Lease On Life, p. 32.*
- xlii *Jacques Lacan, The Four Fundamental Concepts of Psycho-Analysis, tr. Alan Sheridan (London: Karnac, 2004), pp. 207-208.*
- xliiii *Kraus, Video Green, p. 21.*
- xliv *Maurice Blanchot, Thomas the Obscure, tr. Robert Lambertson (Barrytown, NY: Station Hill Press, 1988), p. 16.*
- xlv *Robert Musil, Precision and Soul: Essays and Addresses, tr. Burton Pike & David S. Luft (Chicago: University of Chicago Press, 1995), p. 113.*
- xlvi *Bataille, On Nietzsche, p. xxxi f.*
- xlvii *Rilke, Die Aufzeichnungen des Malte Laurids Brigge, p. 31.*
- xlviii *Video documentation is on: <http://twitvid.com/JCM4N>*
- xlix *Frisch, Stiller, p. 9.*