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UN/DOMESTICATED FEMINISM

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Clues

A few months ago, Italian public television's main network, directed at a generalist audience and used to "educate" Italian families by blending political moderatism, mediocre entertainment and edifying tales, broadcast a drama series titled "From Father to Daughter".¹ Emphatically announced as the first ever feminist TV drama and scripted by two female screenwriters themselves no strangers to feminism, it does not escape the golden rule of Italian television series: it is the micro-story of a family that the incursions of 'macro-history' upset only momentarily, ending up reconfirming the immutable family rules bar a few adjustments to the changing times. In our case, the micro-story spans the late 1950s and the late 1980s: a time when, in 'macro-history', the economic boom, the '68 Movement and Feminism, and the dawn of the image society followed in quick succession. The plot centres upon a patriarchal father-husband-master, surrounded by an unhappy wife, three restless and rebellious daughters, and a son who is as inadequate as he was wished for; in the end, by committing suicide, he destroys the narcissistic investment his father made in him at his sisters' expense. Seventies' Feminism –small groups gathering at home, demonstrations for abortion rights, self-awareness about sexuality– is the turning point of the story: it underlines the difference between the previous world of silent female suffering, and the later world inhabited by young women who gain speech and self-awareness,

1. *Di padre in figlia*, by Cristina Comencini, screenplay by Francesca Marciano, Giulia Calenda, Valia Santella, RAI, 2017.

discover female solidarity, and have a contagious effect on their mothers and daughters. This turning point, however, lasts just a moment: it modernizes customs, seeps into the mentality, but quickly disappears from the social scene without entering the political one. And it radiates these women's lives with different effects, all tameable and tamed: the emancipation of the firstborn, who challenges her father for years but eventually saves his company from bankruptcy; the transgression of the second, who ventures into the glittered world of the cover girl but then returns redeemed to her husband; the punk disenchantment of the third, who moves to another continent searching for a future but ends up finding only the traces of her mother's hidden past. The final image –the name of the family's brand, "Franza and Son", which becomes "Franza Sisters"– renders the fairy tale moral: kissed by the feminist revolution, the three daughters put the scraps of their hard-won freedom at the service of their family's restoration. As if that were not enough, this moral is multiplied and reinforced by the images flowing beneath the end-credits, depicting the pantheon of outstanding women who since the post-war period have put their emancipation at the service of the Republic. The fleeting moment of the revolution which wanted to break down barriers between the personal and the political is thus entirely absorbed into an edifying female *bildungsroman*, coinciding with the building of the Nation.

Second clue. A few months ago again, and not by chance coinciding with the rise of the worldwide feminist movement "NiUnaMenos", a "not easily identifiable strange media object"² appears on the web: the Facebook page of "Freeda", a name obtained by the crisis between the name of Frida Kahlo, the artist-symbol of female autonomy, and the word dearest to feminism, freedom. Presenting itself as "the first Italian new generation medium targeting millennial women," and operating only with instant articles and short videos posted on Facebook and Instagram, this start-up reaches nearly a million followers in just six months. As for its contents, a quick scroll is sufficient: they range from the story of the first date of two young lesbians, to the coming out of boys and girls; from teenagers interviewed on their dreams, to Kate Winslet urging us to believe in ourselves; from beauty icons with a talent for selling their own image, to every woman's right to have sex as she likes. Among this phantasmagoria, however, there is one sole message: "You can do it and you must do it, you are free to wish anything and to fulfill every wish". We are in the midst of the neoliberal seizure of female desire and freedom; and the boundary between an autonomous and a trapped subjectivity,

2. Arya Stark, *Ecco cosa c'è dietro Freeda*, 2017, available at: <https://www.dinamopress.it/news/ecco-cosa-c-e-dietro-freeda/>.

between the desire of being and the consumption of the object, between freedom and self-entrepreneurship is really very subtle, if not indistinguishable. However, the Freeda operation becomes more decipherable when it turns out that the start-up is run not by a group of millennial girls, but a company with 31 employees, funded by a corporation whose top management includes descendants of the two most powerful families of Italian capitalism, Berlusconi and Agnelli, who have clearly sniffed out the deal³. As the editor herself explains, Freeda is nothing but a device designed to gather millennials' data to sell on to the brands which are interested in this huge market; feminist content is needed simply to feed the "conversations" of the millennials, which will be processed for commercial purposes.⁴ This goes to show, once again, that women and feminism are the chosen object of investment of a capitalism that sucks value directly from life, language, intimacy, bending the lexicon of women's freedom to the language of the market and to the ethics of self-improvement.

Feminist theory has nothing to lose and much to gain from close interaction with the languages of pop culture and the new media. Not just for the obvious reason –which cannot be stressed enough– that without an insight into these powerful agencies of discursive production, any theorizing on the construction of gender and on the processes of subjectivation is incomplete. But also, in our case, for the specific reason that precisely the media and popular culture are the main arena where the *dispositifs* for the domestication of feminism which we would like to investigate in this issue of *Soft Power* are deployed: the arena, more properly, where women are called upon not so much to endure those *dispositifs*, but to *perform* them, becoming at once actresses –strictly speaking– of their own domestication.⁵ In fact the two clues I have just described clearly exemplify the contradiction, or double bind even, in which both women and feminism seem to be caught in contemporary Western societies: for women, the contradiction between their increased leading role in the public life and the increasing commands to perform the system's imperatives; for feminism, the contradiction between its inclusion and its blurring in public discourse. While feminism never ceases to show a vital and creative charge that is renewed, with different questions and languages, from generation to generation –as proved by recent events like the aforementioned NiUnaMenos, the Women's March on Washington after the election of Trump, the long wave of female rebellion against sexual harassment that sparked the Weinstein scandal–, it is surrounded

3. Ibid.

4. Daria Bernardoni, speech at the 47° Conference of Young Entrepreneurs of Confindustria "That's the New Economy, baby!"; Rapallo, June 2017.

5. See Rosalind Gill, *Gender and the Media*, Polity Press, Cambridge, 2007.

by both a mannered recognition and a complacent disavowal, where mentions of “the only successful revolution of the Twentieth century” mingle with constant attempts to trim its political insurgency and to reduce it to a quiet process for the betterment of society (as in our first clue), or to a bold testimonial of the magnificent destiny of the market and of female self-empowerment (as in the second clue).

I have recently spoken, facing this double bind, of a sort of spectralization of feminism, through which it is constantly evoked and haunted by the public discourse.⁶ A spectralization, nevertheless, which finds fertile ground in what we might see as the spectral quality of feminism itself: namely, in its elusiveness, its resistance to representation, its irreducibility to the traditional political lexicon, its recurring temporality, so “out of joint” compared to the supposed straight line of the modern political one. A “movement” –strictly speaking– of subjectivity, which shows up where it occurs and occurs where it is not foreseen; an affirmation of difference that fractures identities; a political construction of an unfounded, contingent, unstable, plural “we”: feminism is a recurring event that appears and disappears, does not respond to calls, renews itself without crystallizing; an opening that cannot be confined to a definition; a gamble for freedom with no programmatic platforms and no certain results; a common name always open to resignification and always subject to its own internal controversies. It is precisely those fundamental and unassailable traits of feminism that expose it to undue appropriations, disfigured duplications (neoconservative, neoliberal, moralist, legalist feminisms, and so on), instrumental references. Herein lies the political problem: how to relaunch this original, insurrectional nucleus, while detecting and dodging the strategies for its domestication.

Footprints

This is –it must be said– an age-old matter. Although it has become central to the theoretical debate about the relationship between feminism and neoliberalism, the risk of domestication has been threatening the feminist revolution since the beginning, as a tireless *doppelgänger* aimed at dismissing it as a physiological factor of modernization or at bringing it back to the frameworks of the liberal and the Marxist revolutions, annexing women to them “as an aggregate or a consequence” –to quote Carla Lonzi who

6. See mine “Spettri del femminismo”, in *Diotima, Femminismo fuori sesto. Un movimento che non può fermarsi*, Liguori, Napoli, 2017, pp. 23-31. I would like to thank Marianna Esposito for her generous reading of that essay (cfr. her “Espectralización del feminismo y el nuevo espíritu del capitalismo”, pp. 29-44).

immediately saw the danger.⁷ This attempted assimilation of women –let us remember it on the fiftieth anniversary of the 1968 movement, which will undoubtedly raise the issue again– starts therefore also and primarily within that antagonistic field which women, by separating themselves publicly from men’s politics, had torn open with a *cut* that would never heal.⁸ And it is precisely that anxious need to reduce the deep asymmetry between feminism and the 1968 movement which formed the template for the subsequent moves to domesticate women’s insurgency. Not a cut but a contribution, not an affirmation of difference but a claim for parity: looking back half a century later, such a reiterated misunderstanding rather appears as a persistent and defensive, conscious and unconscious attempt to contain the *unheimlich* profile of the feminist event, by bringing it back to the realm of the already seen and the foreseeable. In Hannah Arendt’s terms, a classic way to extinguish a revolution driven by freedom, on the paths of a progress pre-determined and pre-written by necessity.⁹ Which implies in turn –according to Arendt as well as Lonzi– the reduction of a political insurgency to a social issue, and the institutionalization of the experience of freedom into the legal syntax of rights: namely, the two drifts to which Arendt ascribes the decline of the modern revolutions, and which reappear when feminism is assimilated to the Marxist frame or to the liberal one, with the result of labelling women as just one of several exploited social groups in the former case, or as halved citizens waiting for a definitive recognition of legal equality in the latter.

Both of the twentieth century’s revolutionary main traditions thus appear unable to take up the ontological and political challenge launched by the feminist “unpredictable subject”¹⁰. So that its “differential” profile –anti-identitarian, relational, non-sovereign, desiring, irreducible to Oedipal subjectivation¹¹– is entrapped in an alleged gender identity, struggling for the recognition of equality and rights; its *political* essence –the appearance in the public space of the contingent and ungrounded “we”, the symbolic meaning of the feminist cut, the innovative value of relational practices– is dissolved into the traditional representation of the “female question” as a social question; finally, its demand to expand the political space to traditionally non-political matters –sexuality,

7. Carla Lonzi, *Sputiamo su Hegel*, Scritti di Rivolta Femminile, Roma 1973, p. 23 (new edition ed. by Maria Luisa Boccia et al., Milano, 2013).

8. By the term “cut” the Italian lexicon of sexual difference means the separation of women from men at the origin of feminism and its consequences on the configuration of the public sphere. But it means also the symbolic exodus from the political and theoretical “main tradition”, an exodus that continues over time beyond the inaugural –and soon given up– practice of female “separatism”.

9. See Hannah Arendt, *On Revolution*, The Viking Press, New York, 1963.

10. Carla Lonzi, *Sputiamo su Hegel*, p. 60.

11. See mine “Soggetto dell’inconscio, inconscio della politica. Una traccia”, in *Filosofia politica*, Il Mulino, Bologna, 2012, 1, pp. 25-37.

reproduction, the mental structures of the social bond, the link between socio-political order and symbolic order— is left unanswered.

In other words, the domestication of feminism consists initially of an attempt to bring the “unpredictable subject” back into the ranks of modern political anthropology, whereas that subject moves beyond the modern order, without coinciding with its postmodernist dissolution and fragmentation.¹² It is hardly surprising, therefore, that in this kind of domestication both the liberal and the Marxist frame have played their part, as two different articulations of modern politics which share the same anthropological structure. Nevertheless, there are some substantial differences between the two frames, concerning the way that each of them considers sexual difference, female desire and female freedom. Within the liberal vocabulary, sexual difference disappears into the status of the neutral individual, unless it reappears as a gendered particularity to be counted in the distribution of powers, resources and rights; desire is out of the picture, except as a desire for institutional and legal recognition. Within the (neo)Marxist lexicon, which over time has been enriched with considerable Foucaultian and Deleuzian inputs, differences are de-sexualized and aligned as components of the revolutionary multitude and its desire for subversion, while gender is treated as a reason of discrimination alongside class and race —so that women are again considered from the perspective of social oppression rather than that of the exercise of political freedom.¹³

Overturnings

Paradoxically, it is in fact the neoliberal lexicon that has proven most capable of approaching the feminist discourse: not to uphold it, of course, but to nullify its subversive potential by overturning its sense. Unlike the Marxist and the liberal traditions, neo-liberal rationality does not attempt to bring the sexed subject back to the pre-existing political anthropology, but plays on the same ontological-political ground of feminism the trump card of a new order, centered on a revolution of subjectivity and a redefined notion of freedom: and it is precisely this common ground, or rather, tangent plane, that makes the game closer and more insidious. As in the case of feminism,

12. On this position of the subject of sexual difference between —and beyond— the modern logic of identity and the post-modern logic of fragmentation, see mine *Libertà precaria*, in Tristana Dini and Stefania Tarantino (eds.), *Femminismo e neoliberalismo*, Natan edizioni, Benevento, 2014, pp. 50-65; Marianna Esposito, “Espectralización del feminismo y el nuevo espíritu del capitalismo”.

13. I am referring here mainly, but not only, to M. Hardt and A. Negri, *Multitudine*, The Penguin Press, New York, NY, 2004.

a “new subject”¹⁴ emerges as the basis of a new form of governmentality whose maxim is “economics is the method, the objective is to change souls”¹⁵ and in which subjectivity must be mobilized as a whole, body and mind, rationality and unconscious, will and desire: not, as in feminism, to transform the system, but to strengthen it. Unlike the feminist “unpredictable subject”, which comes to light collectively and driven by an explosive desire for existential and political freedom, the neoliberal creature is a hyper-individualistic subject, molded to conform with the dominant imperatives and disciplined to perform them through the exercise of a freedom reframed as the ruling social norm. And yet this subject shares with the former, crucially, the landscape of ruins in which both are born.

Neoliberal rationality establishes itself on a *crisis* of the social, political, and symbolic order—the crisis of the social compromise between the national State, Fordist capitalism and the class conflict; the crisis of the patriarchal authority, of Oedipal subjectivation, of the law-desire dialectic—already influenced by feminist *critique*, which late twentieth-century politics is unable to grasp and which “the new way of the world” tries to instrumentalize for the construction of the new order. The recruitment of both women and feminism becomes a crucial pawn for an acephalous “government of self-government” which rules not against but through liberties, adopts the proliferation of differences as its own logic, aims at the subject of desire and no longer at the rational subject of the modern social contract.

It truly resembles the scenario, dreaded by Nancy Fraser, of some perverse and subterranean elective affinities between feminism and neo-liberalism¹⁶. Instead, it is a new *dispositif* of domesticating. One that overturns the political freedom gained by feminism into women’s freedom of choice among the opportunities available on the market; directs desire towards production and consumption; monetizes and exploits the female qualities of care, relationality, flexibility and multitasking without abandoning the old forms of discrimination against them on the labor market; bends the feminist values of self-determination and self-awareness to the performative ethics of the ‘choice biography’, self-entrepreneurship and a self-worth which considers the body as capital. Last but not least, this *dispositif* orients post-Oedipal subjectivations towards a new, post-patriarchal phallogocentrism, where the master-signifier is the economic code and the performance-pleasure imperative replaces the law-desire

14. See P. Dardot and C. Laval, *The New Way of the World: on Neoliberal Society*, Verso, London, 2017, pp. 255-299.

15. According to Margaret Thatcher’s famous definition, in her Interview for *Sunday Times*, June 1, 1981.

16. Nancy Fraser, *Fortunes of Feminism: From State-Managed Capitalism to Neoliberal Crisis*, Verso, London, 2013.

dialectic¹⁷. Within this framework, according to the neoliberal rationale, women become the addressees of a new sexual contract, no longer based, like the modern one, on their exclusion and oppression, but rather on their inclusion and their “free” adherence to the imperatives of self-improvement and competition, often sealed by the masquerade of a hyper-femininity that is as artificially constructed as it is naturalized in the public discourse¹⁸.

Therefore, in feminism neoliberalism finds neither an accomplice nor a handmaiden, as Nancy Fraser fears, but rather a privileged target, a sort of antagonistic twin whose political potential has to be quenched by translating –and betraying– it into the economic code. However, the distinction (at least conceptual, as in fact there is often an overlap, as we shall see right away) between the modern domestication *dispositif*–based on the exclusion and the oppression of women (as an entire gender)– and the neoliberal one, based on their inclusion (as individuals) and their even partial liberty –is crucial, for it explains the seductive hold that the “new sexual contract” has on women, as well as the undeniable increase of their presence and centrality in contemporary societies. The difference between the two *dispositifs*, moreover, radically changes the topography and strategies of feminist conflicts, compared to the times of earlier feminism. If back then the point was how to leverage women’s historical extraneousness from the social contract, today the point is rather to become aware of their inclusion in it, leveraging surpluses, frictions, resistances and potential rebellions of female freedom *versus* the apparatus that tries to capture it.

Most of the contributions to this issue of *Soft Power* highlight this subtle, but decisive boundary between capture and surplus of female freedom, between neoliberal saturation and feminist cut, between women’s subjugation and subjectivation. On the ontological level, Marianna Esposito goes back to the asymmetry between the relational logic of the subject of sexual difference and the Deleuzian logic of the multiple, before focusing on the gap between the feminist critique of the universal and the proliferation of social and gender differences which can be captured by neoliberal governmentality. On the matter of production and reproduction, Andrea Righi discloses the gendered structure that lies behind neoliberal digitality, and refers to the categories of relationality and maternal authority conceived by Italian feminism as a key-insight for defying

17. For the definition of a post-patriarchal fallologocentrism cfr. mine *Il Trucco. Sessualità e biopolitica nella fine di Berlusconi*, Ediesse, Roma, 2014. For the economic code as a new kind of master-signifier see Laura Bazzicalupo, “Neoliberalismo e soggettivazioni femminili”, in Tristana Dini and Stefania Tarantino, *Femminismo e neoliberalismo*, pp. 35-48. For the performance-pleasure imperative see P. Dardot and C. Laval, *New Wave of the World. On Neoliberal Society*, Verso, London, 2017
 18. See A. McRobbie, *The Aftermath of Feminism, Gender, Culture and Social Change*, Sage, London, 2009, pp. 54 ff..

the individualistic fetishism of communicative capitalism. Tristana Dini focuses on the gap between neoliberal exploitation and the feminist resignification of care, while Carla Faralli, Valeria Giordano, Stefania Tarantino, Carlotta Cossutta, Clelia Castellano write in turn about the rift between the juridical/biopolitical/biotechnological capture and the feminist resignification of maternity. Other contributions show how the neoliberal apparatus of women's inclusion –in keeping with a governmentality that mixes different strategies, tools and temporalities– reclassifies the liberal-democratic language of equality and rights, combining it with a neo-traditionalist rhetoric. This happens in the Italian Parliament, where the political sign of sexual difference is eclipsed by the increase in the number of women elected, and where the latter adopt moralistic and victimizing gender politics for the “other” women while using self-empowering strategies for themselves (Maria Luisa Boccia). And this happens on the geopolitical scene too (Debora Spini), where women's rights and gender equality become instrumental slogans used to defend Western civilization against the Islamic threat, dividing Western women, who are considered free by definition, from Muslim ones, by definition weak, victims and incapable of any agency. One more reason to relaunch the feminist critique of law and rights to meet today's challenges, as suggested by Lucia Re's essay.

Theories

We, therefore, propose an approach to the problem of the domestication of feminism which is partially but significantly different from Nancy Fraser's, not only in how it considers the “elective affinities” between feminism and neoliberalism, but also in how it looks at the past and the future of feminism, as well as at its theoretical maps. As it is well-known, Fraser divides the story of feminism into three “acts”, corresponding to three different phases of capitalism. In the first phase (Sixties and Seventies: State-regulated Fordist capitalism), Fraser claims that feminism contributed successfully to the radical left-wing struggle against the system, contesting capitalism's androcentric and statist traits with a view to achieving a radical social change. In the second phase (from the 1980s on: deregulated, neoliberal and post-Fordist capitalism), feminism –crucially, both gender-centered feminism and sexual difference-centered feminism– would have instead given up that anti-system ambition. It would have abandoned the previous struggles for redistribution in favor of struggles for recognition, and adopted a “culturalist” politics of identity compatible with neo-liberal directives, which willingly tolerate cultural differences (or pluralism of identities,

which is in my mind the same thing) in order to have a free hand on economic inequalities: hence Fraser's suspicion of an affinity, and even some "complicity", between feminism and neoliberalism. Thus, the aim of the feminism of the third phase (henceforth: post-Westphalian capitalism) should be, Fraser argues, to rediscover its original anti-system vocation, recombining the struggles for redistribution, recognition and representation, breaking the "spurious links" between the feminist criticism of Fordist androcentrism and the post-Fordist use of female labor, and cooperating toward the growth of a post-national form of democracy¹⁹.

While undoubtedly commendable for touching upon some blind spots of (especially Anglophone) feminist theory, to which I will return shortly, Fraser's scheme sounds not convincing, because of its premises even before its conclusions. First, her historicist reading of feminism's parabola does not suit a movement characterized by a discontinuous and recurring trajectory, made of jumps, latencies and overlaps rather than consistent, sequential phases. It seems rather indebted to the gradual timeline underlying the Marxist and leftist account of social emancipation, to which Fraser, in fact, *naturaliter* ascribes the women's movement. Once again we're presented here with a vision of feminism as a contribution to, rather than a cut into the antagonistic front; and again, such a vision is unable to fathom that cut as an opening, a generative matrix of a theoretical-political field which is more –and differently– multifaceted than the strictly anti-capitalist one. However understandable and appreciable the auspices that feminism regain its critique of capitalism might be today (see also, in this direction, Silvia Niccolai's essay, which outlines a disputable anti-capitalistic convergence between 1970s Marxist feminism and Italian feminism of sexual difference vs. gender-centered feminism), it should not be forgotten that feminism's main reason is the struggle against patriarchy and phallogocentrism, and that patriarchy and phallogocentrism *do not* coincide with capitalism, despite the fact that they are historically intertwined, as are the struggles against them. It is precisely this non-coincidence that has required feminism to widen its field of critique and transformation to the personal sphere, the microphysics of power, the subjectivation processes, a redefined materiality, the relation between socio-political order and the symbolic order: a set of issues that constitutes the political surplus of the feminist position compared to the strictly anti-capitalist one.

On the other hand, neoliberalism *does not* coincide with capitalism either: rather, it re-shapes the latter according to its own *political* reasoning, which models not only

19. See Nancy Fraser, *Fortunes of Feminism*.

production, markets and economic policies, but also the government and the governed, democratic institutions and forms of life, the social bond and the individual psyche, within a legislative framework paradoxically centered on freedom, self-government, self-empowerment²⁰. It is therefore at the level of this double political surplus, as we have already seen, that similarities and distances, affinities and conflicts between feminism and neoliberalism must be considered. And it is at the level of this political surplus, which revolves around the sense of freedom, and not only at the level of the social justice claimed by Fraser, that we can evaluate the fifty-year-long parabola of feminism, the fate of its insurrectional nucleus, its theoretical and political impasses –maybe departing from the maps of feminist theory outlined by the Anglophone international mainstream.

In this perspective, the role-played in this issue of *Soft Power* by Linda Zerilli's *Feminism and the Abyss of Freedom*²¹ –which is discussed by Fuster, Guaraldo, and Possenti, and also largely inspires Fina Birulès's enlightening essay– is hardly surprising. Zerilli too speaks of a “lost treasure” of the feminist revolution: but referring precisely, as we have done so far, to the political surplus of a revolution that has been able to lean over the “abyss” of a freedom with no foundations nor guarantees. And she too, like Fraser, traces within the various “waves” of feminist theory the risks of a loss of that insurrectional thrust: but following a very different track.

Starting from the political stalemate in which the flourishing theoretical Anglophone debate has been mired since the 1990s (the so-called feminist “third wave”), Zerilli questions the centrality of the two frames –the social frame and the subject frame– underlying the two main dilemmas which have continued to trouble feminist theory: that is, how to conceive the constitution of the feminist “we”, on one hand with respect to the problem of women's heterogeneity, and on the other to the problem of the subject's formation. As for the first dilemma, the repeated claim of the differences among women *versus* the alleged –and largely fantasized– homogeneity of second-wave feminism has led, as is well-known, to even the term “women” being questioned as a unifying category, without however reaching a convincing political articulation of such heterogeneity. As for the second dilemma, the deep Foucauldian investigations of the processes of subjectivation failed to resolve the drama which traps the agency of the subject into repeating the very norms by which the latter is constituted. In both cases, a political paralysis ensues, which Zerilli traces back to the lack, both in the social and the subject frame, of

20. See Laura Bazzicalupo, *Neoliberalismo e soggettivazioni femminili*.

21. Linda Zerilli, *Feminism and the Abyss of Freedom*, The University of Chicago Press, Chicago and London, 2005.

a political concept of freedom. The first frame in fact implies the reduction of feminism to a social issue, of women to a social group –no matter if culturally constructed instead of naturally given–, of freedom as subordinate to social justice, as already discussed in this work. The subject frame, in turn, conceives freedom as the liberation of the subject from its normative constraints, rather than –in Arendtian terms– as a world-building relational practice, based on the opening and creative power of speech and action in the plurality of the public space. Both frames, finally, remain indebted to the notion of identity, despite challenging it, as well as to the notion of agency as an attribute of a sovereign subject, therefore conceiving politics as a matter of “the what” and the “I will”, rather than the Arendtian “who” and “I can”, of a non-sovereign subject.²²

Crucially, Zerilli thus evades the “redistribution-recognition” dilemma, which is notoriously central to Fraser’s work, accusing both the struggles for redistribution (ascribable to the social frame) and the struggles for recognition (ascribable to the subject frame) of the same political deficit. Finally, to support her reasoning, she introduces as a “disturbing example” for the US debate the Italian feminism of sexual difference, freeing it from the suspicions of essentialism that envelop it, and restating it for what it is: a feminism centred on women’s political freedom and not on the claim for rights and social justice, in which the “we” takes shape contingently through free and public relationships among women; sexual difference is not the name of a given identity but an open signifier; differences among women are politicized through appropriate practices; female authorization matters more than institutional recognition, and the gamble for freedom –never guaranteed, and as such “abyssal”– is played out both on the table of subjective modification and on the table of the world construction and the exercise of judgment.²³

Beyond its tribute to the Italian feminism of sexual difference within an academic milieu that has often misunderstood it, Zerilli’s reasoning offers some strategic suggestions of method for both the Anglophone and the Italian debate –which too often borrows the former’s controversies, tics and impasses, along with its frames. Adopting a political –in the sense that we have tried to clarify– and freedom-centred criterion for feminism firstly entails keeping the conflict between feminism and neoliberalism on its own ground, which concerns, as we have seen, the sense of (female) freedom, as well as the attempt to preserve the autonomy of the Political from the pervasiveness of the

22. *Ibid.*, pp. 1-30.

23. *Ibid.*, pp. 67-91.

Social.²⁴ But it also entails –and contributes to– a new approach to reconsider several theoretical-political controversies based on a chain of (often bogus) oppositions –redistribution/recognition, differences/identity, sexual difference/gender(s), essentialism/constructivism, and so on–, by ordering them according to their political intentions and outcomes as well as to the epistemic coherence of their premises. Examples of this are the above-mentioned contribution by Fina Birulés, who questions the political implications of the current reconfiguration of sex and gender conflicts in the generation that is approaching feminism from a polemically “post-feminist” position; and the essay by Lorenzo Bernini, who retraces a controversy about the politics of recognition within queer theory showing the risks of de-sexualization of politics and de-politicization of sexuality that the latter faces, and warning against the outcome of a schizophrenic split between the subject of politics and the subject of sexuality.

Knowledge

The conflict on the sense of freedom also pervades –last but not least– the sites of production of feminist thought. The proliferation of women/gender/queer studies acknowledged by universities and courted by editorial catalogues is another symptom of the aforementioned passage from a regime of annihilating exclusion to a regime of conditional inclusion of women and feminism –in this case, a disciplined and disciplinary inclusion into the academic circuits and the mainstream cultural industry. In the essay that closes the first section of this issue, Chiara Zamboni explains how feminist theory –which for decades has transformed the humanities by keeping the link between thought and experience alive, opening channels between academia and feminist autonomous cultural centres, bringing the practice of relationships into research and teaching– is now put to the test by a governance that reinforces disciplinary boundaries, blocks exchanges between universities and the outside world, dissolves elective relationships into competition, efficiency, and evaluation. This is not without consequences for the contents of feminist theory: it risks falling prey to an apparatus which, in exchange for curricular recognition, requires it to adapt to standardized criteria of evaluation, or to go back to disciplinary borders, or to become itself a conventional academic canon. Whereas feminist theory’s force of impact, its capacity to protrude on the unthought

24. On the pervasiveness of the Social in the neoliberal governmentality see Laura Bazzicalupo, *Neoliberalismo e soggettivazioni femminili* and Chiara Zamboni, *Un movimento che si scrive passo passo*, in Diotima, *Femminismo fuori sesto*, pp. 5-21.

and the unsaid, is necessarily linked to its autonomy, its ability –again– to make a cut –the *tabula rasa* suggested by Carla Lonzi²⁵– in the knowledge, authors, and canons inherited from the mainstream tradition, to its desire to build female genealogies oriented more by female authorization than by academic authority.

The political cut from which feminism originates is the same cut that sharpens its thought; the generation of words that it produces is also a generation of ideas; the unpredictable subject of sexual difference is also the unforeseen element of its theory. The same gamble for freedom moves and renews them both. To this generation, this opening onto the unpredictable, this gamble we hope to give with this issue of *Soft Power* one more boost.

25. Carla Lonzi, *Primati dell'intuizione nella tabula rasa della cultura*, in M. Grazia Chinese et al., *È già politica*, Scritti di Rivolta Femminile, Milano, 1977, pp. 65-66.

*In this volume some quotes show the names of the authors for extended request of Diotima group.

*It is communicated that for a mere full material error the number 7 of *Soft Power* has been improperly defined Volumen 5 n. 1, instead of Volumen 4 n. 1 and the number 6 of *Soft Power* has been improperly defined Volumen 4 n.2 instead of Volumen 3 n.2 (Editor's note).

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ESPECTRALIZACIÓN DEL FEMINISMO Y EL NUEVO ESPÍRITU DEL CAPITALISMO

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SPECTRALIZATION OF FEMINISM AND THE NEW SPIRIT OF CAPITALISM

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Resumen

Este ensayo analiza la relación afirmativa movilizada tanto por el pensamiento feminista como por la racionalidad neoliberal con relación a un estatuto heterogéneo del sujeto irreductible al jurídico basado en el paradigma moderno. En ambos casos, el ejercicio de la libertad se perfila como la experiencia de una subjetividad deseante que rechaza las dinámicas que trascienden la lógica sacrificial del Uno soberano y rechaza

las instancias de simbolización impuestas por el orden patriarcal en nombre de su propia diferencia. A esta altura se halla la divergencia y, al mismo tiempo, el interés por la confrontación entre las instancias políticas del feminismo y las autoempresariales del neoliberalismo: allí donde se da la discrepancia entre el corte simbólico de la diferencia sexual y la instancia creativa de las diferencias capturadas por el mercado, entre la matriz relacional de la libertad feminista y el estímulo individualizante del *autoperformance*.

Palabras clave

Feminismo, neoliberalismo, diferencia sexual, libertad femenina, autoempresarialidad.

Abstract

The essay analyses the affirmative link mobilized both by feminist thinking and by neoliberal rationality in relation to a heterogeneous statute of the irreducible subject to the legal one founded by the modern paradigm. In both cases, the exercise of freedom is outlined, in fact, as the experience of a desiring subjectivity that rejects the dynamics of transcendence in the sacrificial logic of the sovereign One and rejects the instances of symbolization imposed by the patriarchal order in the name of its own singular difference. At this height is the gap and, at the same time, the interest of the confrontation between the political instances of feminism and those self-entrepreneurial of neoliberalism: it's there where it is based the gap between the symbolic cut of the sexual difference and the creative instance of differences captured by the market, between the relational matrix of feminist freedom and the individualizing push to self-performance.

Keywords

Feminism, neoliberalism, sexual difference, female freedom, self-entrepreneurship.

1. Introducción

En un reciente ensayo publicado en el último libro de Diotima¹, Ida Dominijanni profundiza en un aspecto significativo hasta ahora desatendido por la discusión relativa a la relación entre feminismo y neoliberalismo². Partiendo de un argumento ya bastante aceptado por todos, según el cual el feminismo se halla dentro de las “revoluciones que han engrandecido el siglo XX”³, Dominijanni muestra cómo detrás de este reconocimiento se esconde, en realidad, la sombra de una reserva que “lo convierte en sospechoso, o por lo menos problemático, siempre lindante con su revés, es decir, con un complacido desconocimiento⁴”. Para definir la realidad efectual de este doble paso –en el que se confunden al mismo tiempo reconocimiento y negación, identificación y rechazo, aceptación y eliminación–, la autora habla de una ‘espectralización del feminismo’, y con esta expresión se refiere al “cortejo de fantasmas –proyecciones imaginarias, tergiversaciones irresolubles, falsas atribuciones, asombrosas imputaciones⁵– que invadirían la evocación del feminismo en el imaginario contemporáneo, devolviéndole de esa manera una representación morbosa, borrosa, vaciada de sentido. El feminismo desaparecería, sería derrocado o por lo menos sería el cómplice de un paritarismo de género políticamente correcto y exento de antagonismo político.

Por otra parte, es notorio que, en el debate público actual, se le reconoce a la experiencia feminista el mérito histórico de haber desmantelado el sistema patriarcal de las sociedades fordistas posbélicas pero, al mismo tiempo, se le atribuye también la responsabilidad de una grave derrota por la pérdida del espíritu revolucionario movilizado durante los años setenta. En la misma reflexión feminista contemporánea⁶, no faltan ejercicios de autocrítica en los que se constata, con respuestas e interpretaciones divergentes, el arredramiento sufrido por el movimiento de las mujeres frente al viraje neoliberal de los años ochenta, en cuyo imaginario social se enmarcarían las solicitudes

1. Cfr. Diotima, *Femminismo fuori sesto. Un movimento che non può fermarsi*, Liguori, Napoli, 2017. Edición Kindle.

2. Cfr. A. Bocchetti, I. Dominijanni, B. Pomerazi, B. Sarasini, “Speculum, Otto punti sugli Spettri di Colonia”, en *Internazionale*, 3 de febrero de 2016, disponible en <https://www.internazionale.it/opinione/bocchetti-dominijanni-pomeranzi-sarasini/2016/02/03/speculum-altro-uomo-spettri-colonia>.

3. I. Dominijanni, “Spettri del femminismo”, en *Femminismo fuori sesto. Un movimento che non può fermarsi*.

4. Ibid.

5. Ibid.

6. Cfr. W. Brown, “Feminism Unbound”, en Ead., *Edgework: Critical Essays on Knowledge and Politics*, Princeton University Press, Princeton, p. 109.

feministas revolucionarias. Por lo que atañe a lo anterior, es muy interesante la reciente posición –controvertida y muy debatida también en Italia⁷– de la teórica feminista estadounidense Nancy Fraser respecto de la apropiación por parte del discurso neoliberal de las más radicales críticas feministas al modelo patriarcal fordista. Al acusar de esa apropiación a las políticas feministas de la ‘segunda ola’ que, en su opinión, tuvieron la culpa de haber desplazado el campo del conflicto del principio de la redistribución a aquel del reconocimiento, Fraser afirma que el feminismo ha perdido la originaria fuerza insurreccional, estrechando una ‘alianza peligrosa’⁸ con el neoliberalismo. Totalmente diferente de la visión historicista propuesta por Nancy Fraser, pero dispuesta –como esta– a interrogar críticamente el presente, a interceptar sus puntos oscuros y paradojas, es la reflexión de Wendy Brown sobre la relación actual entre feminismo, revolución y política. Evocando el espíritu revolucionario del feminismo de la ‘segunda ola’, Brown habla de manera explícita de una pérdida –*a loss*–, de una muerte, del punto final de la promesa revolucionaria del siglo XX de la que cabe elaborar definitivamente el duelo, para poder dirigir el estado de melancolía y victimización que apenas al presente hacia un posible horizonte futuro, para inaugurar formas inéditas de acción política y una visión posidentitaria y posrevolucionaria del feminismo desequilibrada “más allá del sexo y del género”⁹.

Con base en estas premisas, se puede afirmar que, si hoy día se llama ‘revolución’ al movimiento feminista, se hace limitando su alcance a una realidad anacrónica inclinada hacia el pasado y que, por ende, se puede evocar o volver a evocar hoy. Es por esto que Domini-janni da en el blanco, recurriendo en su análisis a la materialidad del ‘espectro’: el *revenant*, el muerto que regresa del pasado y que amenaza con volver a aparecer en un a-venir del presente del que habla Jacques Derrida en *Spectres de Marx* a propósito del comunismo, de Marx y de su herencia. Tal y como afirman Derrida y Brown, el espíritu regresa bajo la forma de *revenant*, al mismo tiempo es la figura de un muerto que regresa y de un fantasma cuyo esperado regreso se repite una y otra vez¹⁰. Siguiendo las huellas filosóficas de Derrida y sirviéndose de la ayuda del psicoanálisis por lo que atañe a la narración fantasmagórica, en efecto Dominijanni evidencia que la noción de espectralidad es una clave importante

7. S. Tarantino, T. Dini, (eds.), *Femminismo e neoliberalismo. Libertà femminile versus imprenditoria di sé*, Natan Edizioni, Benevento, 2014.

8. Cfr. N. Fraser, “How feminism became capitalism’s handmaiden - and how to reclaim it”, en *The Guardian*, 14 de octubre de 2013, disponible en <https://www.theguardian.com/commentisfree/2013/oct/14/feminism-capitalist-handmaiden-neoliberal>. Cfr. N. Fraser, *Fortunes of Feminism. From State-Managed Capitalism to Neoliberal Crisis*, Verso, London, 2013.

9. Cfr. W. Brown, “Feminism Unbound”, p. 115.

10. J. Derrida, *Spectres de Marx. L’État de la dette, le travail du deuil et la nouvelle Internationale*, Éditions Galilée, Paris, 1993, p. 18.

para comprender los efectos del poder producidos por la tentativa de domesticación del feminismo contemporáneo por obra de las retóricas neoliberales. De hecho, el espectro es lo que regresa como removido y, como tal, persiste en la temporalidad del presente fastidiando su autosuficiencia¹¹. Así las cosas, el feminismo radical –considerado desaparecido o neutralizado en el marco idealizante del imaginario neoliberalista¹²– es lo removido que sigue manifestándose como pregunta inesperada, como palabra imprevista, como exigencia indeterminada, como síntoma de un deseo que no se deja detener por el orden vigente, como pista de una cuestión que –como ha afirmado Judith Butler a propósito de la exigencia permanente de interrogación impuesta por la diferencia sexual– no puede exponerse totalmente, que fastidia la gramática de la misma enunciación¹³.

Por esto, la toma de palabra feminista hoy aparece borrosa, pero no totalmente silenciada¹⁴. Justo cuando se afirma, dando la palabra a una necesidad de libertad que excede el principio jurídico de la reivindicación y la norma empresarial de la autorrealización, esta genera un efecto imprevisto que interrumpe la continuidad del presente –los efectos neoliberales de “naturalización de los poderes económicos”¹⁵– porque hace emerger el núcleo de sentido de la radicalidad feminista espectralizado por el neoliberalismo: el excedente de la libertad femenina¹⁶, la libertad política de las mujeres. Es este el campo de batalla en el que se jugó y sigue jugándose la lucha entre revolución neoliberal y revolución feminista, cuyo resultado paradójico se halla precisamente en la sutil afinidad que interpela a las dos experiencias para que se confronten. Es la lucha hegemónica para darle significado a la libertad en el horizonte cultural posmoderno –libertad política/feminista *versus* libertad neoliberal– la que explica las razones de la espectralización del feminismo contemporáneo por obra del ‘nuevo espíritu del capitalismo’. Inspirándose en el trabajo de Max Weber¹⁷, para Luc Boltanski y Ève Chiapello “esta expresión –‘el espíritu del capitalismo’– es la estructura que justifica adecuadamente las formas concretas asumidas por la acumulación del capital en un período específico¹⁸”.

11. Cfr. J. Derrida, *Ghostly Demarcations*, ed. by M. Sprinker, Verso, London-New York, 1999.

12. Cfr. L. Bazzicalupo, *L'immaginario della crisi e lo spettro del cambiamento: falso movimento*, en L. Bazzicalupo, A. Tucci (eds.), *Il grande crollo. È possibile un governo della crisi economica?* Mimesis, Milano, 2010.

13. J. Butler, “The End of Sexual Difference?”, en Ead., *Undoing Gender*, Routledge, New York-London, 2004, p. 178.

14. Sobre la irrupción de la palabra femenina en la escena pública y sobre la capacidad de descubrimiento del cuadro fantasmático producido por el imaginario de la sexualidad insertado en el escenario berlusconiano cfr. I. Dominijanni, *Il trucco. Sessualità e biopolitica nella fine di Berlusconi*, Ediesse, Roma, 2014.

15. L. Bazzicalupo, “Governmentalità neoliberal e nuove soggettivazioni”, en A. Arienzo (ed.), *Governance, governabilità e legittimazione democratica*, Editoriale Scientifica, Napoli, 2016, p. 43.

16. Cfr. I. Dominijanni, “L'eccedenza della libertà femminile”, en Ead., *Motivi della libertà*, Franco Angeli, Milano, 2001, pp. 47-87.

17. Cfr. M. Weber, *Die protestantische Ethik und der Geist des Kapitalismus*, Anaconda, Verlag, Köln, 2009.

18. Cfr. L. Boltanski, È. Chiapello, *Le nouvel esprit du capitalisme*, Tel Gallimard, Paris, 2011, p. 59.

es decir, las transformaciones de la producción asimiladas por los actores sociales a través de dispositivos útiles al proceso de acumulación en una determinada fase histórica. La hipótesis desarrollada por Boltanski y Chiapello es que la estructura que justifica el *nuevo* espíritu del capitalismo –que remonta a la movilización de Mayo de 1968 y sigue el proceso institucional relacionado con la forma jurídica del contrato salarial– encuentra su móvil de adaptación en lo que, paradójicamente, se le opone, es decir, en el conjunto de los valores a nombre de los cuales el “segundo espíritu” se pone en duda a partir de finales de los años sesenta: la autonomía, la creatividad, la autenticidad y la autogestión. De hecho, según cuenta Weber, las contestaciones que el capitalismo tuvo que afrontar a finales de los años sesenta y durante los setenta produjeron una transformación de su funcionamiento y de sus dispositivos generada tanto por una respuesta directa a la crítica con el objetivo de pacificarla, reconociendo su validez, como por las tentativas de transformaciones dirigidas a huir de esta sin proporcionar respuestas¹⁹. Este es un punto crucial para el presente análisis. Según Boltanski y Chiapello, el capitalismo fordista planificado por el Estado buscaría su renovación en la crítica dirigida a su propia estructura jerárquico-sacrificial, en virtud de la “indiferencia normativa²⁰” que caracteriza al proceso productivo. Así las cosas, a raíz de la crisis que atropella el aparato de acumulación gestionado por el Estado, la crítica antirepresentativa se convertiría en el mismo motor de la nueva normatividad capitalista, en el operador de transformación para el funcionamiento del capitalismo neoliberal como sistema institucional: de estructura jerárquica adquirida por el Estado a red flexible de iniciativas promovidas por el autogobierno de los sujetos y por su libre involucramiento en la empresa.

Es aquí que se inserta –en la particular afinidad que va instaurándose durante los años setenta entre el proceso de transformación del modelo de desarrollo capitalista y la crítica radical basada en la deconstrucción del Estado, de la identidad jurídica y de la representación institucional– una de las claves necesarias para enfocar la cuestión que estamos analizando, es decir, la transcripción neoliberal de la libertad feminista como libertad autoempresarial.

En el reciente ensayo *Crítica sin criterio, sin juicio ni ley*, Laura Bazzicalupo aclara de manera muy detallada el problema filosófico y político relativo a la paradoja de un horizonte crítico radical que desemboca en una configuración vencedora de los poderes. La crítica del *logos* y el triunfo de las diferencias ‘ganan’ y, con las mejores intenciones libertarias o anárquicas, están de acuerdo con la actuación perversa que realiza su

19. *Ibid.*, p. 259.

20. *Ibid.*, p. 71.

revolución neoliberal²¹. Analizando pormenorizadamente los estudios de los más reconocidos exponentes de este horizonte epistémico basado en la deconstrucción de la identidad –Gilles Deleuze, Jacques Derrida, Michel Foucault–, Bazzicalupo profundiza en la “arriesgada afinidad”²² que, hacia mitad de los años sesenta, se cruza con la nueva práctica crítica y el capitalismo neoliberal. Emerge una dinámica compleja, que implica la superposición de tiempos y regímenes discursivos²³, en virtud de la cual los mecanismos de *pacificación* del conflicto social y las tentativas de *soslayamiento* de las críticas anticapitalistas –ya recordados por Boltanski y Chiapello a propósito del “nuevo espíritu del capitalismo”– se insertan en “una crítica sin criterio de referencia, sin neutralidad de juicio, sin ley universal”²⁴. En este importante pasaje –relativo al *deslizamiento* impreso al orden simbólico por la lógica afirmativa del simulacro²⁵, es decir, por diferencias desvinculadas de la primacía ontológica de la identidad– se halla el eje necesario para entender el viraje neoliberal que, de teoría económica, se levanta en forma de racionalidad política²⁶. A diferencia de la estructura jurídica de la soberanía moderna que fundamenta el estatuto del sujeto en la base normativa de una voluntad trascendente, la gubernamentalidad neoliberal se dispone como una racionalidad estratégica, inmanente a sí misma, desvinculada de la primacía universal de la Ley, útil para el acuerdo entre las partes sociales y para la resolución de los problemas. En virtud de esta capacidad de adaptación a la finalidad del objeto gobernado, esta es capaz de volver a transcribir las solicitudes políticas de la libertad femenina en los términos económicos de una libertad empresarial, en provecho de un discurso estratégico dirigido a la inserción de las diferencias –de género y sexualidad– en la red de los mecanismos organizativos producidos por el capitalismo contemporáneo.

El objetivo de este ensayo es profundizar en el nexo afirmativo movilizado tanto por la revolución feminista como por la revolución neoliberal con relación a un estatuto del sujeto irreductible al jurídico fundado por el paradigma moderno. En efecto, en ambos casos, el ejercicio de la libertad se perfila como la experiencia de una subjetividad que rechaza las dinámicas de trascendencia en la lógica sacrificial del Uno soberano y refuta las instancias de simbolización impuestas por el orden patriarcal. Además, a nombre de

21. L. Bazzicalupo, “Critica senza criterio, senza giudizio né legge”, en *Filosofia Politica*, 3, Il Mulino, Bologna, 2016, p. 489.

22. *Ibid.*, p. 499.

23. *Cfr. Ibid.*, p. 489.

24. *Ibid.*, p. 488.

25. *Cfr. G. Deleuze, Logique du sens*, Les Éditions de Minuit, Paris, 1969.

26. *Cfr. W. Brown, “Neoliberalism and the end of liberal democracy”*, en Ead., *Edgework: Critical Essays in Knowledge and Politics*, Princeton, 2005. *Cfr. L. Bazzicalupo, “Governamentalità: pratiche e concetti”*, en *Materiali per una storia della cultura giuridica*, 2, Il Mulino, Bologna, 2013.

la propia diferencia, reivindica la afirmación de sí como expresión de una subjetividad libre, auténtica, deseante, creativa, desatada del vínculo simbólico de identificaciones opresivas y de modelos de comportamiento prescritos desde el exterior. A esta altura se da la divergencia y, al mismo tiempo, el interés de la confrontación entre las necesidades políticas del feminismo de la diferencia y las autoempresariales del neoliberalismo: allí donde se da la discrepancia entre el corte simbólico de la diferencia sexual y la proliferación de desigualdades capturadas por la gubernamentalidad relacional de la libertad feminista y el estímulo individualizante a la interpretación de sí.

2. Lógica del simulacro en el gobierno neoliberal de la sexualidad

Por todo esto, para comprender el núcleo de ambivalencia que caracteriza la relación entre feminismo y neoliberalismo respecto de la cuestión de la libertad femenina, es necesario profundizar en el contramovimiento descrito por Laura Bazzicalupo a propósito de la estrategia de captura promovida por la gubernamentalidad neoliberal, junto con el movimiento de liberación de las diferencias que estalló a finales de los años sesenta. En la operatividad de este paso estratégico –útil para la inclusión selectiva de individuos que tienen conocimientos sobre el autogobierno en el orden del mercado–, se halla la clave necesaria para ubicar la complejidad de la realidad contemporánea en el actual proceso de crisis y transformación de la política que atañe tanto a la representación moderna del sujeto soberano como al imaginario neoliberal de empoderamiento del sujeto económico como empresario de sí mismo. De hecho, dentro de los efectos de ese proceso cabe recordar la neutralización del antagonismo político, el redimensionamiento progresivo del espacio público²⁷ y la domesticación de un feminismo bajo la forma inclusivo-paritaria del género en el orden neoliberal-progresista, a favor de un *agency* cada vez más dirigido a la privatización de los derechos y a la individualización de las formas de vida.

Así las cosas, cabe interesarse críticamente por el problema político propuesto por Nancy Fraser, acerca de la introyección neoliberal de las críticas feministas al modelo patriarcal fordista, enfocando la cuestión en el radicalismo deconstruccionista, en el que el estatuto ontológico de la diferencia experimenta una rotación de perspectiva respecto de la concepción del sujeto elaborada por el igualitarismo moderno. En un pasaje de

27. Cfr. L. Duggan, *The Twilight of Equality. Neoliberalism, Cultural Politics, and the Attack on Democracy*, Beacon Press, Boston, 2003.

Difference et répétition sobre el desafío filosófico para la instauración de un proyecto de inmanencia, Gilles Deleuze sostiene que quiere pensar en la diferencia en sí y en la relación del diferente con el diferente, con independencia de las formas de la representación que los encauzan a lo Mismo y los hacen pasar por lo negativo²⁸. Es decir, Deleuze individúa la puesta en juego relativa a un pensamiento capaz de afirmar la diferencia en sí misma, en su propia especificidad y concreción, *independientemente de las formas de la representación* que la ordenan sobre la base del criterio del Mismo y del Similar. Por lo tanto, se trata de acceder a un horizonte teórico-práctico radicalmente alternativo al jurídico fundamentado en la estructura significativa del orden y en la lógica dualista de la representación, un horizonte afirmativo que abra las puertas del pensamiento a una ontología de la inmanencia en la que sea posible volcar el platonismo de la Idea y de la imagen²⁹, hacer remontar los simulacros, afirmar sus derechos entre los íconos y las reproducciones³⁰, para acceder a lo no-filosófico o a lo pre-filosófico que se inserta en el centro mismo de la filosofía³¹, fuera de las jaulas ontológicas de la contradicción y de lo negativo que clasifican las diferencias sobre la base del orden normativo de la trascendencia. Allí donde el criterio de la representación implica que la diferencia se entienda como una especificación de lo universal³² –“lo que debe ser especificado en el interior del concepto, sin salir de este”–, el nivel de inmanencia altera el nexo normativo entre concepto y experiencia, insertando el concepto mismo “en el orden de lo viviente”³³, de lo corpóreo y de lo sensible. La diferencia emerge como una variación intensiva, un excedente con una concatenación lógica, una “potencia positiva que niega tanto el original como la copia, tanto el modelo como la reproducción”³⁴. Esto implica una secuela fundamental desde el punto de vista político: el cambio de la lógica identitaria a una lógica diferencial que impone al discurso público una inédita semántica experiencial³⁵ y, al mismo tiempo, se abre a una dimensión performativa y constructivista de las diferencias de género. Se afirma una nueva ontología del sujeto –individual y colectivo:

28. G. Deleuze, *Difference et répétition*, PUF, Paris, 1968, pp. 1-2. “Nous voulons penser la différence en elle-même, et le rapport du différent avec le différent, indépendamment des formes de la représentation qui les ramènent au Même et les font passer par le négatif”.

29. Cfr. G. Deleuze, *Logique du sens*, p. 231.

30. *Ibid.*, p. 230.

31. Cfr. G. Deleuze, F. Guattari, *Qu'est-ce que la philosophie ?*, Les Éditions de Minuit, Paris, 2005.

32. Cfr. M. Foucault, “Theatrum philosophicum”, en *Id.*, *Dit et écrits*, vol. I, Gallimard, Paris, 1994, pp. 75-99.

33. A. Badiou, *L'aventure de la philosophie française: Depuis les années 1960*, La Fabrique, Paris, 2012 en L. Bazzicalupo, “Attualità politica di Deleuze”, en *Etica & Politica/Ethics & Politics*, 3, XVIII, 2016, Edizioni Università di Trieste, p. 146.

34. Cfr. G. Deleuze, *Logique du sens*, p. 302: “Le simulacre n'est pas une copie dégradée, il recèle une puissance une copie dégradée, il recèle une puissance positive qui ni *l'original et la copie, et le modèle et la reproduction*”.

35. I. Dominijanni, “Soggetto dell'inconscio, inconscio della politica. Una traccia”, en *Filosofia Politica*, 1, Il Mulino, Bologna, 2012, p. 27.

esto se basa en el rechazo de la homogeneidad estandarizada del individuo moderno en nombre de una subjetividad heterogénea que se manifiesta en la experimentación de un deseo entendido como “proceso revolucionario inmanente³⁶”, potencia de vida liberada de la sumisión a la ley y a la falta. En este residuo transmitido por la filosofía de Deleuze a la estructura significativa de lo simbólico se halla el eje en el que se anida la “arriesgada afinidad³⁷” con el nivel neoliberal de las subjetivaciones. Con el desplazamiento impuesto por el enfoque deconstruccionista a la estructura simbólica de la racionalidad moderna se abre el camino a la proliferación de identidades nomádicas, múltiples, creativas, separadas de la cadena significativa del Orden edípico-patriarcal. Sin embargo, al mismo tiempo, se configura el resorte para la captura biopolítica de sujetos estimulados para diferenciarse –precisamente a través de la creatividad, la autenticidad, la autorrealización³⁸– dentro del orden del mercado.

Por lo tanto, el encuentro de la ambivalencia entre las instancias libertarias de la revolución feminista y las autoempresariales de la racionalidad neoliberal se debe buscar en el nexo profundo entre biopolítica y sexualidad entretejido por el neoliberalismo como lógica de gobierno dirigida a la formación de los sujetos y de sus deseos. Tal y como lo recuerda Michel Foucault en las clases de 1978, la gubernamentalidad implica una modalidad pastoral del poder que remite a la “conducta de las almas” –“el regimen animarum”³⁹– que, desde el origen cristiano, se estructura en técnicas que implican el gobierno de sí y de los demás. En la guía de los sujetos a la adhesión espontánea a un modelo veritativo –el hecho de hacerse empresa autónoma de sí mismo–, la tecnología del sí neoliberal revela en su interior “huellas de guía pastoral”.

Por lo tanto, este modelo empresarial produce un efecto inclusivo que neutraliza el conflicto, obstaculizando la aparición del cambio político: corrompe la instancia subversiva del feminismo e impide la formación antagónica de las subjetividades emergentes, decide su incorporación en el orden vigente y explica la domesticación de los estímulos libertarios a los dispositivos de valorización capitalista. Piénsese en las políticas empresariales de valorización de las diferencias: por ejemplo, la técnica de *pinkwashing empresarial* que consiste en “crear y dar publicidad a una imagen de la empresa favorable a la diversidad de la que se espera una renta gracias a las ventas⁴⁰”. Piénsese también en

36. Cfr. G. Deleuze, C. Parnet, *Dialogues*, Flammarion, Paris, 2008.

37. L. Bazzicalupo, “Critica senza criterio, senza giudizio né legge”, p. 499.

38. Cfr. B. C. Han, *Die Austreibung des Anderen*, S. Fisher Verlag, Frankfurt am Main, 2016.

39. Cfr. M. Foucault, *Sécurité, Territoire, Population. Cours au Collège de France, 1977-1978*, Seuil-Gallimard, Paris, 2004, p. 196.

40. R. Busarello, “Diversity management, pinkwashing aziendale e omo-liberismo”, en F. Zappino (ed.), *Il genere tra neoliberalismo e neo fondamentalismo*, ombre corte, Verona, 2016, p. 74.

las técnicas de *diversity management* en las que el proceso directivo de inclusión de las diferencias –de género y sexualidad– se desarrolla para crear un valor añadido para la empresa; Cristina Morini escribe que:

El reconocimiento y la inserción son la gramática principal [...]. Los ejes del asedio contemporáneo del capital con respecto a las mujeres, a los jóvenes, a las subjetividades LGBT cruzan retóricas como la valorización, la condición, la participación y la informalidad, la creatividad, la autoactivación, la autonomía, la responsabilidad, el cuidado⁴¹.

El eje del problema se halla en el aspecto biopolítico de la gubernamentalidad neoliberal en el que, paradójicamente, juega un papel fundamental el uso estratégico de la ‘naturaleza’ como eje de las reivindicaciones desarrolladas por los movimientos LGBT en el ámbito de las políticas de reconocimiento de las llamadas uniones civiles. “La diversidad es la verdadera condición natural de todos los seres vivientes y, por lo tanto, es lo que nos acerca más allá de toda etiqueta o pertenencia⁴²”. Eso es lo que se lee en el documento político que convoca la manifestación romana del *Human Pride* de 2015, organizado por las asociaciones italianas Arcigay y Arcilesbica. La diversidad humana, entendida como *la verdadera condición natural de todos los seres vivientes*, se convierte en el eje argumentativo de un discurso público que produce un efecto paradójico de heterogeneidad y, al mismo tiempo, de homologación de las vidas, si se considera la matriz constructora de un movimiento que ha luchado por años contra la naturalización del sexo y de los cuerpos. Este efecto paradójico consiste en la “re-naturalización de la diferencia sexual⁴³”, en su fragmentación identitaria dentro del dispositivo neoliberal de gobierno que utiliza la diversidad humana como una fuente de valorización de la empresa, un “potencial de la organización”⁴⁴. La ‘naturaleza’ se convierte en el marco que incluye todas las posibles diferencias humanas que gozarían de igual legitimación en la definición de humanidad: la clave para expresar la autenticidad de un sujeto entendido como potencia de vida, singularidad viviente. Al movilizar políticas de reconocimiento relacionadas con el pluralismo de los géneros, esta gramática de la reivindicación

41. C. Morini, “Femminismo e neoliberalismo. Italian Theory femminista e vite precarie”, en F. Zappino (ed.), *Il genere tra neoliberalismo e neofondamentalismo*, p. 143.

42. *Onda pride 2015*, Documento político, disponible en <http://ondapride.it/ilmanifesto.it/>. Citado en E. Bellé, C. Peroni, E. Rapetti, *La natura del gender*, en F. Zappino (ed.), *Il genere tra neoliberalismo e neofondamentalismo*, p. 41.

43. I. Dominijanni, “Spettri del femminismo”, edición Kindle, pos. 571.

44. R. Busarello, “Diversity management, pinkwashing aziendale e omo-liberismo”, p. 75.

libertaria resulta ser útil al orden del mercado, a su promesa de reconocimiento y a su técnica de inclusión selectiva que biologiza lo humano y naturaliza lo viviente. A diferencia de la política de la diferencia sexual, que critica lo simbólico patriarcal a partir del rechazo feminista de la inclusión paritaria y del corte simbólico de un orden ya no presente en la identidad, sino en la diferencia como alteridad constitutiva –otro de sí que se experimenta en la relación–, en este caso la reivindicación de la libertad se vuelve a relacionar con un proceso de universalización de las diferencias que implica una estrategia de individualización y normalización biopolítica.

Por lo tanto, la clave de la bóveda de la contigüidad entre feminismo y neoliberalismo se detecta en la ontología del deseo emergente de la práctica deconstruccionista que el “nuevo espíritu del capitalismo” ha englobado al servicio de la lógica de mercado. En efecto, en el discurso neoliberal, el orden acéfalo mella al patriarcado como orden simbólico en el que se fundamenta el pacto de civilización, aunque no lo subvierte como criterio de sentido, tal y como le ocurre al Sujeto imprevisto feminista, a través de la puesta en juego de una diferencia sexual entendida como “antagonismo fundamental”⁴⁵, pues como corte simbólico de lo universal masculino experimentado a través de las prácticas de relaciones entre mujeres y el rechazo de la ley paterna. En cambio, la racionalidad neoliberal sostiene el régimen patriarcal como estructura arcaica de poder y, al mismo tiempo, debilita sus bases ideológicas, vacía sus instancias de mando, pervierte sus contenidos legitimantes. Esto ocurre sin poner en tela de juicio el criterio de sentido referente al orden masculino. De esa manera, el orden vigente incluye y, al mismo tiempo, neutraliza la posibilidad de cambio, reproduciendo una diversidad del Igual⁴⁶ exenta de diferencia política.

3. El corte simbólico de la diferencia sexual

Así las cosas, la cuestión de la diferencia se perfila como la articulación de la relación entre feminismo y neoliberalismo. El estatuto ontológico de la diferencia decide el significado hegemónico de lo universal en el interior de los dos discursos. Es el punto central de esta reflexión. Por lo tanto, se trata de profundizar sobre todo en la sutil contigüidad y, al mismo tiempo, en la distancia que existe entre el pensamiento feminista y la racionalidad neoliberal a la luz del análisis que se acaba de desarrollar.

45. Cfr. S. Žižek, “Da Capo senza Fine”, en J. Butler, E. Laclau, S. Žižek, *Contingency, Hegemony, Universality: Contemporary Dialogues on the Left*, Verso, London, 2000, pp. 213-262. Cfr. L. Bazzicalupo, “Prefazione all’edizione italiana”, en J. Butler, E. Laclau, S. Žižek, *Dialoghi sulla sinistra*, al cuidado de L. Bazzicalupo, Laterza, Roma-Bari, 2010, p. XXII.

46. Cfr. B. C. Han, *Die Austreibung des Anderen*, S. Fisher Verlag, Frankfurt am Main, 2016.

Antes de avanzar, se vuelve al análisis de la diferencia –nomádica, anárquica, libertaria– en la que se basa la relación entre inmanencia y biopolítica cruzada por el deconstruccionismo. El eje del problema es que, si la lógica deleuziana del simulacro libera el deseo de las identificaciones opresivas en el constante movimiento de desterritorialización y de liberación del deseo de la ley, entonces la singularidad deseante corre el riesgo de ser constantemente capturada por la promesa de libertad del neoliberalismo y de sus mecanismos biopolíticos de control. En efecto, el nivel de inmanencia expresa una estructura modal, intensiva, no esencialista de la diferencia que, siendo puro simulacro, resiste a la simbolización, a la jerarquización del poder a través de constantes líneas de escape, es decir, a través del desplazamiento continuo de los modelos preestablecidos de orden, forma y representación. En virtud de esta articulación discursiva sustraída al control de la ley, la lógica de la inmanencia corre el riesgo de ser capturada por la gubernamentalidad neoliberal por ser racionalidad que produce subjetivaciones capaces de autogobierno. De hecho, esta última sabe transmitir el control a través de “la disposición subjetiva de cada uno y de todos”⁴⁷, es decir, por medio de la formación de sujetos creativos, autónomos, auténticos; según Han capaces de definirse solo por medio de sí mismos⁴⁸, libres de manifestar su propia autenticidad fuera del imperativo de la ley, sin remitir a una autoridad y a modelos predeterminados de expresión. El dato que destaca en las actuales subjetivaciones permite conocer esta paradoja: en la ampliación progresiva de los derechos civiles y sexuales y en el proceso de inclusión selectiva de las nuevas subjetividades de género dentro del sistema de valorización, se registra una impotencia difundida frente al cambio, un estado de conformidad política y de indiferenciación social que impide afirmar el conflicto del que deriva la posibilidad de lo nuevo⁴⁹. Allí donde fracasa la ley como orden simbólico que impone prohibiciones, prescripciones y modelos de comportamiento, se afirma la competición generalizada como ley interior del sujeto, obligación hacia sí mismo al *performance*, a la prestación exitosa y a la empresarialidad de sí.

En ese momento se insertará la búsqueda feminista de la diferencia sexual y, en particular, la crítica al universal masculino hecha por el feminismo como cuestión filosófico-política a la altura del presente. En efecto, el enfoque puesto por esa crítica atañe a un sentido libre de la diferencia que sobrepasa el horizonte deconstructivista por una

47. L. Bazzicalupo, “Governamentalità neoliberale e nuove soggettivazioni”, en A. Arienzo (ed.), *Governance, governabilità e legittimazione democratica*, p. 44.

48. Cfr. B. C. Han, *Die Austreibung des Anderen*.

49. Cfr. H. Arendt, *Vita activa. The Human Condition*, University Press, Chicago, 1958.

específica serie de motivos. Dentro de estos, el primero concierne al corte⁵⁰ simbólico del pensamiento que no convierte la diferencia sexual en una “especificación femenina de lo universal⁵¹”, en la valorización de una especificidad de género que atañe al estatus femenino para la inserción económica o el reconocimiento social, sino más bien en “la significación histórica *libre*⁵²” de la diferencia entre los sexos. Esto implica ponerse en juego a sí mismas, a su propia subjetividad sexuada, en una práctica libre y no predefinida por relaciones como manera de ser del pensamiento y de la vida⁵³. De ahí se deriva la apuesta feminista para la puesta en juego de un pensamiento que aspira a un principio de trascendencia irreducible a lo masculino universal: es un principio de placer y de realidad que no encuentra su propio contenido simbólico en el estatuto identitario del sujeto, sino más bien en el relacional de la diferencia que constituye a cada ser humano a través de la relación con el otro⁵⁴.

Esta manera de afirmar la necesidad de libertad femenina –más allá de la emancipación y de la reivindicación de género– es expresada con radicalidad teórica por el pensamiento italiano de la diferencia sexual:

La igualdad es un principio jurídico: el denominador común presente en cada ser humano al cual hacer justicia. La diferencia es un principio existencial que atañe a las maneras del ser humano, a las peculiaridades de sus experiencias, de sus finalidades, de sus aperturas, de su sentido de la existencia en una situación específica y en la situación eventual. Aquella entre mujer y hombre es la diferencia fundamental de la humanidad⁵⁵.

En su *Manifiesto di Rivolta femminile*, Carla Lonzi emplea estas palabras para hablar de la diferencia sexual como principio existencial, condición simbólica y material irreductible a la forma jurídica de la representación⁵⁶. Parecería ser el punto apical de encuentro con la filosofía afirmativa de las diferencias: la lógica deleuziana del simulacro que enraiza la normatividad del concepto en el orden de lo viviente, de lo corpóreo, de

50. I. Dominijanni, “Libertà precaria”, en S. Tarantino, T. Dini (eds.), *Femminismo e neoliberalismo*, p. 52.

51. Cfr. M. L. Boccia, *La differenza politica. Donne e cittadinanza*, Il Saggiatore, Milano, 2002, p. 14: “Del discurso de la diferencia sexual solo se habla tras haber cortado el enredo entre reivindicación de la igualdad y valorización de la especificidad femenina”.

52. L. Muraro, “Oltre l’uguaglianza”, en Diotima, *Oltre l’uguaglianza. Le radici femminili dell’autorità*, Liguori, Napoli, 1995, p. 107.

53. M. L. Boccia, *Con Carla Lonzi. La mia opera è la mia vita*, Ediesse, Roma, p. 93.

54. Cfr. Diotima, *Il pensiero della differenza sessuale*, La Tartaruga, Milano, 2003.

55. C. Lonzi, *Sputiamo su Hegel e altri scritti*, p. 14.

56. Cfr. M. L. Boccia, *Con Carla Lonzi. La mia opera è la mia vita*, p. 19.

lo sensible. En cambio, precisamente a partir de este enunciado, la búsqueda feminista de libertad política se separa de la biopolítica afirmativa de Deleuze. La distinción entre el horizonte de pensamiento trazado por Lonzi y el deleuziano de las singularidades múltiples se ubica, en efecto, en lo radical de la posición feminista que considera a la diferencia sexual como un excedente⁵⁷, irreductible tanto al significante y a las oposiciones simbólicas (inclusiones/exclusiones)⁵⁸ en los que se basa como a su traducción ilimitada en una serie de posibilidades diferenciales. En efecto, según Diana Sartori, para el pensamiento feminista la diferencia sexual es “significante y condición de significación⁵⁹” y, al mismo tiempo, “límite de la significación⁶⁰”. A esta altura se halla el corte realizado por el feminismo con respecto al deconstruccionismo de las diferencias y a la ontología neoliberal. Esto significa el encuentro con una experiencia –mejor dicho, con el efecto de una experiencia⁶¹– no plenamente simbolizable, que resiste a toda forma de totalización porque –como afirma Diana Sartori– entra en un orden de datos irreductibles que el mismo orden simbólico debe asumir como límite⁶². En este límite irreductible, condicionado por *hechos concretos* –experiencias y deseos– que no se dejan traducir completamente por lo que a la palabra, mediación y representación se refiere, se inserta el corte simbólico de la diferencia sexual. En otras palabras, se manifiesta la fragilidad de una condición situada en el cruce entre necesidad y libertad, entre mediación e inmediato, marcada al mismo tiempo por la dependencia –vivir en el mundo con relación al otro– y, al mismo tiempo, por la apertura de sentido y por la experiencia de libertad que la suposición de esta condición dada cada vez puede imprevisiblemente ofrecer a cada cual.

Este límite, de forma aproximada y tal vez imprecisa, se configura como un corte, un corte de naturaleza simbólica y quizás, *sic et simpliciter*, el corte simbólico de cada pensamiento: existe un límite que hay que aceptar para lograr pensar, porque

57. I. Dominijanni, *Libertà precaria*, pp. 52-53.

58. Cfr. S. Žižek, “Class Struggle or Postmodernism? Yes, please!”, en J. Butler, E. Laclau, S. Žižek, *Contingency, Hegemony, Universality*, p. 111.

59. D. Sartori, “Noi che non siamo indifferenti”, *Per amore del mondo, La differenza che fa il sesso*, 13, 2015, p. 3, cfr. www.diotimafilosofe.it.

60. *Ibid.*

61. Cfr. L. Muraro, *Il non pensiero della differenza sessuale*, p. 8, disponible en <http://siba-ese.unisalento.it/index.php/segni-compr/article/viewFile/i18285368a20n57p8/3750>: “Recientemente, he empezado a plantearme la idea del ‘nopensamiento de la diferencia sexual’ como el resultado de una experiencia que finalmente resulte sin mediación posible, como la presencia de un real que nos induce a pensar, pero sin dejarnos pensar, porque el nexo entre inmediato y mediación –el centro de toda experiencia– está inmerso en lo que somos pero sin que nosotros nos demos cuenta”.

62. D. Sartori, “Noi che non siamo indifferenti”, p. 3.

la mediación tiene un límite, y este límite, a cuyas alturas no puedo llegar ni renunciar, tiene que ver con el hecho de una ineliminable asimetría entre los sexos⁶³.

Luisa Muraro enfoca de esa manera la discusión de la diferencia con el otro –y la diferencia entre los sexos– como la puesta en juego de un pensamiento de lo real que no se deja representar, pero solo experimentar a través de la realización de la relación con el otro. Allí donde el inmanentismo prevé la afirmación de múltiples diferencias que, abriéndose al encadenamiento infinito del deseo, acaban provocando el juego perpetuo de las sustituciones⁶⁴, útil al mercado, al régimen individualístico-privatístico del orden vigente, el principio de trascendencia exigido por el feminismo, como límite constitutivo de la mediación, condición de posibilidad y de imposibilidad, lleva al antagonismo, es decir, a la diferencia política, porque reconoce que la diferencia entre los sexos no solo no se puede identificar *a priori*⁶⁵, sino que se conoce a través de una praxis en la que se conoce el límite, el vacío, la ajenidad que el otro lleva al centro de la relación.

Es por eso que, al referirse a la “práctica ideológica de la *desidentificación del sujeto*”⁶⁶ del papel social que juega, Slavoj Žižek afirma que, en su opinión, “similar comportamiento autoprobante, lejos de amenazar al régimen ideológico predominante, es lo que lo hace vivible”⁶⁷. De esa manera, él admite que la práctica deconstructiva del diferencialismo –la performatividad del género a través del juego ilimitado y contingente de “identidades múltiples y dinámicas– de hecho tiende a transgredir la coerción del espacio social al que nuestra existencia está sometida (y, por consiguiente, a zafarnos de este de forma falsa)⁶⁸”. Esto influye mucho en las subjetivaciones políticas: a raíz del régimen actual de indiferenciación, el feminismo es capaz de poner en tela de juicio el principio masculino que impone las normas sociales al orden vigente, a través de la llamada genealógica concreta a una manera de actuar en la que se da diferencia política, puesto que la alteridad subyacente no se puede conocer a través de un gesto de liberación individual –la contradicción performativa de sí–, sino a través de la puesta en juego de sí en una práctica de relación indecible como *manera de ser del pensamiento y manera de ser de la vida*.

Traducción del italiano de M. Colucciello

63. L. Muraro, *Il non pensiero della differenza sessuale*, p. 8.

64. Cfr. S. Žižek, “Class Struggle or Postmodernism? Yes, please!”, p. 103.

65. F. Collin, *Le différend des sexes. De Platon à la parité*, Éditions Pleins Feux, Paris, 1999.

66. Cfr. S. Žižek, “Class Struggle or Postmodernism? Yes, please!”, p. 103.

67. *Ibid.*

68. *Ibid.*

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UNA REVOLUCIÓN SIN MODELO

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A REVOLUTION WITH NO MODEL

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Resumen

El artículo toma como hilo conductor las reflexiones de L. Zerilli y F. Collin para dar cuenta de una experiencia política que puso el acento en la praxis y en la libertad políticas, el feminismo insurreccional de la década de los años setenta, único movimiento revolucionario que no ha apoyado su reivindicación sobre un modelo previo. Asimismo, se interroga si, a diferencia de aquel feminismo, que centró el problema de la libertad en el marco de una reconsideración de la comunidad, del mundo común, una parte del posfeminismo lo ha trasladado a la preocupación por la Identidad y el Sujeto.

Palabras clave

Feminismo insurreccional, revolución, libertad política, mundo común, diferencia sexual.

Abstract

The main thread of this paper centers on L. Zerilli's and F. Collin's analyses of the insurrectional women's movement of the 1970s, an experience which stressed political praxis and freedom, and the only revolutionary movement which has not based its demands on any prior model. Also, we ask whether, in contrast with this wave of feminism, which situated the problem of freedom within a rethinking of the community and our common world, a part of post-feminism has shifted its focus instead to a concern with identity and the subject.

Keywords

Insurrectional women's movement, revolution, political freedom, common world, sexual difference.

I

Con la expresión “una revolución sin modelo” queremos hacer eco de las palabras utilizadas por Françoise Collin para referirse al feminismo insurreccional de la década de los años setenta, del cual fue una importante protagonista. Dedicamos esta primera parte del artículo a caracterizar algunos aspectos de una experiencia política que puso todo el acento en la praxis y en la libertad. Aquel feminismo fue más allá del legado de los ideales ilustrados y de los modernos movimientos revolucionarios: politizó ciertas dimensiones que, hasta el momento, se consideraban pertenecientes a la vida privada, cuestionó la jerarquía y la oposición binaria de los sexos y pensó la diferencia y la heterogeneidad en todos los ámbitos.

En los últimos años, se ha repetido con insistencia que la revolución triunfante y no cruenta del siglo XX ha sido la de las mujeres, y en efecto ha habido cambios importantísimos que van desde la denuncia de la ciencia androcéntrica hasta la consecución del derecho a la libertad sexual, desde la incorporación de las mujeres en prácticamente todos los niveles del mundo laboral y de la cultura hasta su presencia lúdica en la calle, desde los cambios en las costumbres al aumento de la presencia femenina en las cúpulas del poder económico, institucional y político¹. Incluso se ha hablado del “final del patriarcado” para aludir al hecho de que la supuesta superioridad masculina es real solo mientras las mujeres acepten considerarse inferiores². Ahora bien, esto no nos debe hacer olvidar que resta camino por recorrer y que no solo el escenario de las relaciones de poder político y económico ha cambiado³, sino que el final de una tradición “no significa de manera necesaria que los conceptos tradicionales hayan perdido su poder sobre la mente de los hombres; por el contrario, a veces parece que este poder de las nociones y categorías desgastadas se vuelve más tiránico a medida que la tradición pierde su fuerza vital”⁴.

Estas transformaciones en la vida de las mujeres son el resultado de muchos factores y momentos históricos de lucha feminista, pero lo son especialmente de lo que conocemos como el feminismo de la segunda ola. El feminismo contemporáneo es en buena parte fruto

1. Véase, por ejemplo, la descripción que una mujer, nacida en 1969, hace de la “revolución feminista” en V. Despentes, *Teoría King Kong*, Melusina, Madrid, 2007, pp. 16-17.

2. “El final del patriarcado (ha ocurrido y no por casualidad)”, en *Sottosopra Rosso*, enero 1996, editado por Pròleg, Barcelona, La llibreria de les Dones, 1996.

3. Ida Dominijanni habla a este respecto de una nueva “constelación del poder, de la libertad y de la sexualidad que desplaza a hombres y mujeres en un tablero más complejo que el dicotómico víctima-opresor de la economía patriarcal y a una nueva configuración del conflicto entre los sexos”, I. Dominijanni, *Il trucco. Sessualità e biopolitica nella fine di Berlusconi*, Ediesse, Roma, 2014, p. 206.

4. H. Arendt, “La tradición y la época moderna” en *Entre el pasado y el futuro*, Barcelona, Península, 2003, p. 46.

de una generación que, por así decirlo, descubrió la experiencia de la política, que conoció el poder y el entusiasmo que nace de tomar de manera concertada la iniciativa en la vida pública. Se trató de una generación valiente y con una gran voluntad de acción y una remarcable confianza en la posibilidad de rediseñar el espacio común. De hecho, fue una revuelta creativa que aspiró a responder a los acontecimientos y a dar lugar a nuevas formas de relación y de discurso, pero sin recurrir a texto sagrado alguno, de manera que se manifestó como una práctica, como un actuar sin modelo. De hecho, *El segundo sexo* de Simone de Beauvoir no es en modo alguno el equivalente de los textos teóricos del marxismo ni tampoco es asimilable a un decálogo, como subrayó Françoise Collin: “el movimiento feminista es el único movimiento revolucionario que no apoya su reivindicación sobre un modelo previo y que no se puede pensar en términos de reapropiación o de retorno”⁵.

En efecto, más que una representación de un modelo de sociedad futura, había una voluntad de ponerse en juego continuamente y de correr el riesgo de la acción, de modo que no fue fácilmente reductible a fórmula o a bandera⁶. Esta característica, ajena a los movimientos revolucionarios modernos, se tradujo en numerosas líneas de acción, en muchos feminismos o tendencias, a menudo en conflicto entre sí. Así, pues, en la práctica, el movimiento de las mujeres supuso el reconocimiento de facto de la pluralidad, del desacuerdo enriquecedor; trabajaba en la transformación mediante un intercambio colectivo de las singularidades.

Es así que el feminismo de la segunda ola ha sido una práctica compleja y no reducible a unidad, pero en sus páginas centrales se hallaba la consciencia de que para llegar a la libertad femenina no basta con obtener los derechos: había que iniciar una nueva reflexión en torno a lo político, a lo común. De hecho, su aspiración no consistía en colocar una pieza excluida en un tablero ya dado, ya existente, no se trataba de poner en la agenda política la “cuestión de las mujeres”, sino que eran las mujeres quienes cuestionaban⁷. De aquí que el movimiento no se limitara a la simple pretensión de reparar una injusticia histórica, combinó la resistencia a la opresión y la desigualdad junto con otras prácticas y con un pensamiento crítico que apuntaba a la necesidad de reconsiderar la comunidad y de interrogarse alrededor de la pregunta: ¿en qué condiciones todavía es posible un mundo común?

5. F. Collin, “Le féminisme et la crise du moderne”, en *Anthologie québécoise, 1977-2000*, Montréal, éditions du remue-ménage, 2014, p. 112. Véase también Id., “Penser/agir, la différence des sexes. entre insurrection et institution avec et autour de Françoise Collin”, en *Transmissio(s) féministe(s)*, 1, 2010-2011, pp. 6-15, p. 9.

6. Ibid., p. 10.

7. A. Rich, *Sobre mentiras, secretos y silencios*, Barcelona, Icaria, 1983, p. 27.

Más que un movimiento reivindicativo, el feminismo de la década de los setenta fue una explosión de libertad. Así, una de sus características más imaginativas no fue un nuevo discurso teórico, sino la práctica separatista⁸. El desencadenante de este gesto de separación fue la vivencia de una incomodidad profunda y una creciente extrañeza hacia los lenguajes, las prácticas y los proyectos compartidos hasta aquel momento con los hombres y no solo la condición de discriminación injusta de las mujeres. Como si la revolución y la política de izquierda de los años sesenta, con respecto a la relación entre los sexos, no hubiera comportado ninguna modificación de la mitología, de la gramática dada, sino que la hubiera reafirmado, de modo que podemos leer el separatismo como un éxodo del léxico político acreditado.

Las primeras mujeres que se reunieron en los denominados grupos de autoconsciencia provenían de una experiencia de participación en primera persona en la política y la cultura de los hombres. Ciertamente eran años de gran fermento político, y el gesto de ruptura fue algo imprevisto que causó una notable sorpresa entre sus compañeros. Ellas habían constatado que, liberada de la servitud de su destino anatómico y declarada igual en derechos con los hombres, una mujer no devenía libre sino superflua, sustituible por cualquier otra mujer.

La contribución fundamental del movimiento de las mujeres de aquel momento es la de haber fundado un espacio real y simbólico de encuentros e intercambio entre ellas que implicó una suerte de secesión de la esfera de lo político como condición de su participación⁹. Ciertamente, la práctica separatista, como después la describieron las mujeres de la Librería de Milán, respondía a la voluntad de encontrar, en el espejo y en el intercambio con otras mujeres, las palabras para decir lo femenino –más allá de la caracterización que lo entiende solo en términos de carencia– y para reconocer el mundo como propio, partiendo de la propia experiencia. Se trataba de una decisión, de una práctica, que levantaba acta del hecho de que la libertad femenina no viene dada de manera automática al cambiar las condiciones legales o económicas, de que no todo malestar es producto de la discriminación y que quizás no toda diferencia es fruto de una desigualdad por superar. El movimiento feminista del último cuarto del siglo XX es y ha sido, en algunos momentos, expresión de lo que Collin denominó praxis: una política abierta, hecha de muchos inicios y sin un fin predeterminado; un movimiento que emergió de la voluntad y de la capacidad de inaugurar, de irrumpir, para dar

8. L. Muraro, "L'enjeu du féminisme", *La Revue Nouvelle, Bruxelles*, 11, 2004, p. 52; Ead., "Partire da sé e non farsi trovare", en Diotima, *La sapienza di partire da sé*, Liguori, Napoles, 1996.

9. F. Collin, "De l'échange des femmes à l'échange entre femmes", *Per amore del mondo*, 7, 2008, disponible en http://www.diotimafilosofe.it/wp-content/uploads/2016/06/7-PADM_2.3.pdf.

aparición y visibilidad a lo que antes permanecía oculto y, por ello, tuvo que ser creativo, tuvo que recurrir a prácticas imaginativas con el fin de ensanchar y retejer los límites de nuestro mundo común.

II

Podemos distinguir entre la libertad política y la igualdad de derechos: no nacemos iguales, nos tornamos iguales gracias a nuestra determinación, guiada por el principio de la justicia, de garantizarnos mutuamente derechos iguales. Pero esto no significa la supresión de la pluralidad ni de la diferencia, ya que igualdad y homogeneidad en política no son sinónimas. De hecho, las leyes señalan, marcan, por así decirlo, el espacio donde podemos aparecer y decir quiénes somos en nuestra irreductible singularidad. De esta manera, las leyes son las condiciones previas de lo político, crean el espacio público, el marco donde es posible la acción con sentido y, por tanto, la libertad y las diversas calidades de relación.

Gracias a las luchas feministas se ha ido desarrollando una práctica de la política que va más allá de la concepción estrecha que solo considera políticas las relaciones traducibles al modelo de relación de igualdad. Ciertamente las mujeres hemos luchado por nuestra emancipación, hemos reclamado un equilibrio en todos los ámbitos entre hombres y mujeres, hemos luchado por nuestro “derecho a tener derechos”, por nuestra independencia económica, en definitiva, por nuestra autonomía; pero, en esta lucha, ha ido emergiendo una política entendida como la posibilidad de hacer habitable un mundo común, concebido como espacio de relación. Un espacio que se constituye y amplía en la medida en que promueve redes de relación con diferentes intensidades y cualidades. Así pues, hemos entendido, por ejemplo, que la autonomía se gana a través del reconocimiento del lado luminoso de la dependencia¹⁰.

En el vocabulario político dominante y en las diversas formas de individualismo contemporáneo, el hecho de haber obviado toda relación que se defina en términos de jerarquía o de obediencia ha comportado la deslegitimación de una amplia gama de formas de vínculo. Con ello queremos señalar que utilizar como único modelo de relación el de la igualdad parece dejarnos con una única posibilidad: considerar como injusta o ilegítima cualquier relación que, desde el punto de vista lógico, sea de carácter

10. Como nos recordaba J. Butler (*Des hacer el género*, Paidós, Barcelona, 2006) sabemos que la dependencia y la vulnerabilidad son la condición con la cual nacemos y vivimos.

asimétrico o irreflexivo. De manera que podríamos decir que, al forzar a encajar todos los vínculos en un único modelo de relación, por una parte, se empobrece el espacio interhumano y, por otra, se deja sin articulación, sin palabras que den sentido a una serie de vínculos o lazos, que no desaparecen por el simple hecho de no ser mencionados¹¹.

Cabe decir, usando palabras de Arendt, que la libertad política es el espacio que hay entre los seres humanos. Dado que solo a través de la posibilidad de que nuestras palabras y acciones se inserten en un espacio común y se tornen visibles o audibles, nos distinguimos unos de los otros. Es en este punto que podemos comenzar a percibir que la libertad no se confunde con la igualdad; y es lo mismo que recordar que la posibilidad de una vida pública compartida no es idéntica a una ciudadanía homogénea. Arendt entendía la política como juego de acciones, de resistencias, como conjunto de relaciones plurales que solo en el momento en que se realiza define el papel y la identidad temporal de los y las agentes¹². En este sentido es posible dar contenido a una noción de comunidad política en términos de distancia y no de proximidad, ni de homogeneidad: la comunidad es lo que relaciona a los humanos en la modalidad de la diferencia¹³.

Lo que acabamos de decir lo podemos leer, y así lo hizo Linda Zerilli, como una invitación a dejar de considerar la política como un simple medio para resolver los problemas sociales o como una herramienta para reivindicar en la escena pública todo lo objetivo que se deposita en la identidad de los sujetos¹⁴. Por este motivo Zerilli propuso –con un fuerte talante arendtiano e influida por el pensamiento italiano de la diferencia– trasladar el problema de la libertad fuera del encuadramiento fijado en el sujeto para centrarlo en el mundo en el que inesperadamente hemos nacido y en el que actuamos.

Partir del *factum* de la pluralidad, y no entenderlo de antemano como un problema para resolver, sino como un presupuesto fundamental de la política significa aceptar que al actuar nos hallamos siempre entre, y en relación con, los demás, de modo que no podemos controlar los efectos de nuestra acción ni su significado. Dado que la acción se caracteriza por llevar la simiente de lo ilimitado, al caer en una red de relaciones y referencias ya existentes, llega siempre más allá, pone en relación y en movimiento más de lo que quien actúa podía prever. La acción siempre establece relaciones y, por ello, tiende a

11. Véase, por ejemplo, el artículo de Luisa Muraro “Sobre la autoridad femenina”, en F. Birulés (ed.), *El género de la memoria*, Pamiela, Pamplona, 1996.

12. S. Forti, *I nuovi demoni*, Feltrinelli, Milán, 2012, p. 139.

13. R. Esposito, *Communitas. Origen destino de la comunidad*, Amorrortu, Buenos Aires, 2003, pp. 137 y ss.

14. L. Zerilli, *El feminismo y el abismo de la libertad*, Fondo de Cultura Económica, Buenos Aires, 2008.

forzar los límites, lo cual conlleva que nadie es nunca solo agente, sino que siempre y al mismo tiempo es también paciente.

Con ello sugerimos que, ante cualquier situación nueva o conflictiva, hemos de resistir a la tentación de considerar que recurrir al derecho debería agotar totalmente el problema y, con frecuencia, el propio feminismo ha olvidado que siempre hay algo que excede la justicia. Ser consciente de que no todo se reduce a una cuestión de igualdad o de justicia distributiva es una manera de recordar que no todo dolor es fruto de una desigualdad o de una injusticia y que la libertad femenina no nos es dada de forma automática al conseguir la igualdad de derechos. La libertad vive de prácticas políticas o muere, pues no es una conquista garantizada sino un acontecimiento inaugural¹⁵.

A pesar de que el feminismo insurreccional de los años setenta puede caracterizarse como una revolución creativa inesperada que puso la praxis en el centro, la herencia de aquella ruptura se presenta con frecuencia entrelazada con una actitud característica del espíritu de los movimientos modernos de emancipación, para la cual parece necesario articular un discurso teórico, una teoría, que nos asegure la posibilidad de transformar el mundo. En otros términos, según esta tradición emancipacionista, para ser eficaces, las prácticas o las acciones transformadoras deberían ser deducibles de una teoría capaz de iluminar todos los casos particulares y de proporcionar los conceptos fundamentales útiles para liberarnos de nuestra ciega adhesión a las convenciones sociales vigentes. Esta tradición moderna la podemos adivinar en el ansia de hallar fundamentos teóricos que garanticen el conocimiento, que apoyen toda crítica racional y de los que sea posible inferir la acción política.

Linda Zerilli nos propone otro acercamiento, centrándose en lo que antes hemos denominado gramática o mitología. Esta autora se basa en la obra de Wittgenstein y en su consideración de que ciertas proposiciones o juicios se hallan en la base de nuestro discurso y sirven de sostén al resto de proposiciones, pero que no son el resultado de investigación empírica alguna, a pesar de parecerlo: son el trasfondo sobre el cual distinguimos lo verdadero de lo falso, son precisamente el fundamento de la investigación empírica. De manera que hay proposiciones de nuestro lenguaje que están asentadas de una manera tan firme que no nos resultan cuestionables. Es decir, las preguntas para formular nuestras dudas descansan sobre el hecho de que algunas proposiciones están fuera de duda; son, por así decirlo, los ejes sobre los cuales giran aquellas¹⁶, de manera que cualquier pregunta o respuesta que nos propongamos formular ha de construirse

15. I. Dominijanni, *Il trucco*, p. 44.

16. L. Wittgenstein, *Sobre la certeza*, Gredos, Madrid, 2009, p. 341.

teniendo como premisa la validez de estas proposiciones. Como es sabido, Wittgenstein llega a decir que estas proposiciones privilegiadas podrían pertenecer a una especie de mitología, y las compara con el lecho del río que permite que fluyan las proposiciones empíricas.

Zerilli nos recuerda que buena parte de nuestra concepción del mundo está constituida por una mitología, por proposiciones que no pueden ser justificadas y de las cuales no podemos dudar; habría, pues, un fundamento irreflexivo en toda crítica. Reconocer el carácter irreflexivo del fundamento no nos debe ocultar que las creencias no fundamentadas pueden ser enormemente complejas y que se caracterizan por su capacidad de eludir nuestras prácticas de refutación y verificación. Con ello, lo que Zerilli nos está diciendo es que la certeza es un hacer y no un saber. Así, pues, no se trata de que alguien nos impida dudar de algo, simplemente en circunstancias normales no lo hacemos.

Y aquí la caracterización wittgensteiniana de la gramática puede aclarar un poco más este punto: “La gramática indica la clase de objetos que las cosas son”¹⁷, es decir, la gramática constituye nuestra manera de representar, nos dice qué es una descripción inteligible de la realidad y, por tanto, no está sujeta a refutación empírica. La gramática establecería, pues, los límites de lo que se puede decir, pero no lo haría a través de grandes teorías, sino de pequeños actos y prácticas cotidianas y ordinarias: “Verdadero y falso es lo que los hombres ‘dicen’; y los hombres concuerdan en el ‘lenguaje’. Ésta no es una concordancia de opiniones, sino de formas de vida”¹⁸.

En la medida en que las reglas gramaticales constituyen el significado y que, por tanto, no responden a ningún significado, son arbitrarias –no son razonables ni irracionales¹⁹–. Por ejemplo, cuando hacemos objeciones al sistema de los dos sexos deberíamos ser capaces de afectar con nuestras impugnaciones este tejido, digamos, irreflexivo que trasluce no tanto un acuerdo en las opiniones sino en las formas de vida. Este acuerdo, sin embargo, no es racional, no lo hemos firmado, así como tampoco es natural, si por natural entendemos lo determinado y determinante de nuestros criterios: se trata de un acuerdo de la comunidad en cuestiones de hecho. Todo ello nos hace conscientes de que por medio de la fuerza de los argumentos, por rigurosos que sean, no es fácil desaprobar ni combatir esta mitología, ya que la “gramática” es previa a cualquier práctica de justificación²⁰.

17. L. Wittgenstein, *Investigaciones Filosóficas*, Gredos, Madrid, 2009, p. 373.

18. *Ibid.*, p. 241.

19. L. Wittgenstein, *Gramática Filosófica*, X, UNAM, México, 1992, p. 133.

20. “El lecho del río, a pesar de ser la condición para que el agua pueda circular, no está fijo, puede desplazarse”, dice Wittgenstein en *Sobre la certeza*, p. 96.

Aunque no esté fundamentada, una mitología es estable, y por ello Zerilli subraya que es más fácil adoptar una nueva mitología (con explicaciones igualmente universales) que afinar o ajustar la antigua (hacerla más sensible al caso particular), de modo que quizás no tenemos más remedio que aprender a vivir con lo que no es claro. Y por esta razón, reclamar otra gramática de la diferencia sexual, como ha hecho el feminismo, es intentar una nueva manera de ver, pero esto no quiere decir que con la nueva gramática queden mejor simbolizadas las mujeres o la esencia de lo real, ya que nuestra exigencia se sitúa en el nivel de la acción y de la imaginación y no en el de la teoría o del conocimiento.

III

Las feministas de los años setenta pusieron todo el énfasis en la posibilidad de decir “no” a las formas de feminidad vigente heredadas de la tradición androcéntrica y en la decisión de ocuparse ellas mismas de nuevas maneras de decir “lo femenino”. En la actualidad muchas posfeministas dicen “sí” a la pornografía, a la prostitución y a tomar el papel de una feminidad exaltada, frente a lo que consideran el conservadurismo o puritanismo de la caracterización de lo femenino heredada de aquel feminismo. Además, parecen haber decidido ocuparse ellas mismas de nuevas formas de decir “lo masculino”. En esta tercera parte nos detenemos en esta cuestión: ¿qué indica todo esto?

Nos limitaremos a hacer algunas anotaciones vinculadas a la cuestión que acabamos de introducir, pero antes quisieramos señalar que para encarar el fenómeno debemos tener presentes algunas de las transformaciones que se han dado en las tres últimas décadas: en primer lugar, el acceso activo de las mujeres como colectivo a lo erótico, un cambio que parece haber ido acompañado de la desacralización o de la tecnificación del erotismo; en segundo lugar, la modificación del ámbito del parentesco –y, en especial, de la maternidad– que se ha visto sobrepasado y desbordado con una eficacia impresionante por los avances técnico-científicos. Además, en tercer lugar, en cuanto a su fuerza y a su capacidad de innovación y de visibilidad, el tejido asociativo feminista ha disminuido y, en algunas de sus variantes y ubicaciones, el discurso feminista ha dejado de ser revolucionario y se ha ido institucionalizando. Así, de un tiempo para acá, se habla de que el feminismo se ha civilizado, que ha sido domesticado, que aquel movimiento reivindicativo protagonista o heredero de los proyectos progresistas de emancipación del siglo XIX y de los movimientos de insurrección del XX se ha convertido poco

a poco en una especie de feminismo de Estado; de modo que, como a menudo hacen las instituciones, parece tratar de funcionar con el ideal de un espacio común homogéneo donde cada persona se podría intercambiar por otra, como si lo político solo se redujera al lenguaje de la estadística, de las cifras. Por otra parte, el sistema de partidos y de elecciones en que se encuentra inmerso el feminismo institucional, a pesar de que tal vez representa los intereses de la ciudadanía, no la convierte en partícipe del mundo público, sino que más bien la ha expulsado y esto lleva a que la nueva generación se sienta poco atraída por lo que considera el resultado del “viejo” feminismo²¹. Finalmente, con la reconciliación entre una parte del movimiento feminista y las instituciones, parece que directa o indirectamente se le reconozca al Estado –una institución de origen patriarcal– el poder de regular la representación normal de la sexualidad y del género.

Estos cambios han comparecido al mismo tiempo que los discursos que enfatizan en el lugar central que, en el feminismo, debería ocupar el cuestionamiento a la heteronormatividad, que ponen el acento en la desnaturalización del género y promueven un pensamiento crítico y un activismo que no excluyan a nadie por motivos de género, raza o clase. Este énfasis indica que nos encontramos ante una propuesta de atención a todas las diferencias –sin privilegiar ninguna, ni siquiera la diferencia sexual– o de una tentativa de estar en todas partes, de no dejar de lado ninguna diferencia, y de subvertir el conformismo normalizador del movimiento feminista reconciliado con las organizaciones nacionales e internacionales y de las luchas gais y lésbicas que han perseguido fundamentalmente la estabilidad a través de la reivindicación del derecho al matrimonio, para situarse más allá de estas identidades que se han ido convirtiendo en “respetables”, “conservadoras”. Todo ello es inseparable del hecho de que, ya desde finales de los ochenta, el sujeto político del feminismo, “las mujeres”, se ha visto cuestionado porque, a pesar de querer representar a todas las mujeres, ha resultado muy semejante a una universalización de las mujeres blancas, occidentales y heterosexuales, y por haber obviado su historicidad²².

Desde hace tiempo, y como si estuvieran ligados a algunas de estas transformaciones, proliferan prefijos como *pos-*, *des-*, *trans-*, *re-*..., que parecen, en primer lugar, indicar la expectativa de una transición hacia un nuevo paradigma en todos los órdenes de

21. Cuando hablamos de nueva generación no lo hacemos porque consideremos que su juventud sea la fuente de la mirada auténtica y libre, sino porque es su primera experiencia en el mundo de la participación política, pues, como dice Arendt, utilizando las palabras de S. Spender, lo que para nosotros son “problemas” se trata de cuestiones, “construidas en la carne y en la sangre de los jóvenes” (*Sobre la violencia*, Alianza, Madrid, 2005, p. 29).

22. D. Riley, *Am I that Name? Feminism and the Category of “Women”* in *History*, Londres, Macmillan, 1988; J. W. Scott, *The Fantasy of Feminist History*, Duke University Press, Durham-Londres, 2011, p. 53.

la experiencia, hacia otra era; y, en segundo lugar, poner de manifiesto la constatación reiterada de que estos tiempos nuevos no acaban de llegar, de manera que después de cada frustración, hay que inventar una nueva fórmula²³. Y cabe observar que, en este contexto, *des-* no alude solo a la negación, sino a menudo a una inversión del significado; *trans-* indica un cambio de forma; *pos-* no solo expresa un sentimiento de epígono, sino también una especie de ruptura con obvias dificultades de autodenominarse, o que *re-* indica iterar, diferir, pero entre sus diversos significados está también el de intensidad o exceso (por supuesto también resistencia, rechazo), así se habla de reinventar, reescribir, de rearticular, de resignificar, de representar. Y conjuntamente con la proliferación de prefijos, detectamos el uso constante de barras, por ejemplo in/visibilidad o sex/textual, que dejan transparentar una tentativa, y a la vez una dificultad, de evitar el lenguaje que tenemos a mano. Quizás todos estos prefijos y barras en la escritura son como huellas, como sitios de inscripción de la subjetividad.

Detrás de lo que acabamos de comentar, podemos entrever el hecho de que, a pesar de las transformaciones de la vida de las mujeres en el ámbito legal y social, la libertad femenina o el anhelado cambio en el simbólico dominante no se ha dado o está siendo cancelado. Quizás a más de treinta años del gesto del feminismo separatista, hay que levantar acta de que aún hay mucho por hacer en este campo y que aquel intento de encontrar las palabras para decir “lo femenino” –más allá, como decíamos, de la caracterización tradicional que lo entiende solo en términos de carencia o de exceso– se ha atascado y no consigue desencallarse. Desde aquí, podemos entender tanto las actuales críticas o la preocupación de algunas que participaron en el movimiento de los setenta ante los giros “pos” de las nuevas generaciones que no prosiguen la senda que ellas abrieron, pues no continúan la lucha por la libertad femenina, como también ante este nuevo giro que, ahora, parte de la revolución de los géneros y que se puede leer en las proclamas relativas a la importancia política de “expropiar los códigos de la masculinidad”²⁴.

De entrada, podríamos decir que las de la antigua generación parecen no tomar en consideración que nadie tiene el don de prever cuál será la suerte de su legado; además, posiblemente hace falta emprender un análisis crítico del camino recorrido hasta el momento, no tanto para desdecirse, sino para detectar cuáles son hoy los obstáculos que dificultan la libertad y la independencia simbólica de las mujeres. Las

23. J. L. Pardo, “La vieja historia de los nuevos tiempos (o algunas reflexiones sobre la fenomenología del tiempo como propedéutica para la filosofía de la historia)” en F. Birulés, A. Gómez Ramos, C. Roldán (eds.), *Vivir para pensar. Ensayos en homenaje a Manuel Cruz*, Barcelona, Herder, 2012, p. 123.

24. B. Preciado, “Entrevista”, en *La Vanguardia*, 1 de abril 2008.

de la nueva generación, en un intento de modificar el espacio común –que parece permanecer intacto a pesar de las cuotas de representación de las diversas diferencias que en la actualidad encontramos en los distintos contextos públicos–, hacen apuestas de manera entusiasta por autoexcluirse del mercado de la “chica formal” y por ocupar “lo masculino” y, en el mismo gesto, rehúyen de la identidad de víctimas y practican formas de resistencia no en la línea de la reivindicación y la queja, sino a través de un reforzamiento lúdico de los estereotipos. Después de haber renunciado a la feminidad aprendida, estos pasos hacia la “ocupación” de lo masculino o hacia una juguetona y exaltada parodia de los estereotipos de género podrían entenderse también como indicios de lo que decíamos: a menudo ser mujer se convierte una y otra vez en una particularidad engorrosa, que nos sentimos continuamente obligadas a justificar, a olvidar o a hacer olvidar. Sin embargo, es imposible parodiar de manera convincente una posición con la que no tengamos vínculo alguno, hace falta una cierta capacidad de identificarse, de modo que la parodia está doblemente codificada en términos políticos: legítima y a la vez subvierte lo que es parodiado, es un extraño tipo de transgresión autorizada que no garantiza la liberación total ni grandes cambios planificados; aunque en algunas de sus formas puede tener un importante papel en la subversión de los modelos dominantes.

Este feminismo “borderline” ha hecho aparecer una forma imprevista de subversión que quiere modificar las condiciones de la vida de las mujeres, atendiendo a la construcción y a la performatividad de la masculinidad y que subraya enfáticamente la violencia machista que soportan tanto las mujeres como los grupos minorizados o excluidos. Se trata de la insubordinación de aquellas que no quieren continuar manteniendo “un perfil bajo” sino quizás dinamitarlo todo, y que se preguntan cuánto tiempo necesitaremos esperar la emancipación masculina. Con esta interrogación sobre la masculinidad quizá se está completando el análisis beauvoriano del estatuto del “segundo sexo”, recordando que “no se nace hombre –*vir* y no homo–, “se llega a ser”. Como hemos dicho, con la introducción de la categoría de “género” parece como si se pudieran subsanar los límites de algunos análisis feministas y a la vez ir más allá del tan denostado binarismo²⁵. La aspiración es considerar todas las diferencias y escapar de las formas heteropatriarcales normalizadoras en tanto que excluyen o dicen qué vidas son social y culturalmente “no vivibles”, abyectas.

25. Así, podemos leer los gestos de apropiación de la masculinidad como intentos de impedir que ellos crean que tienen la posesión de ella.

En el fondo de cualquier debate sobre la abyección de las mujeres y del lenguaje en que se expresa, no es extraño que emerja con rapidez la cuestión de la pornografía y de la prostitución. Así, por ejemplo, Beatriz Preciado afirmaba en 2007:

Este nuevo feminismo posporno, punk y transcultural nos enseña que la mejor protección contra la violencia de género no es la prohibición de la prostitución sino la toma del poder económico y político de las mujeres y de las minorías migrantes. Del mismo modo, el mejor antídoto contra la pornografía dominante no es la censura, sino la producción de representaciones alternativas de la sexualidad, hechas desde miradas divergentes de la mirada normativa. Así, el objetivo de estos proyectos feministas no sería tanto liberar a las mujeres o conseguir su igualdad legal como dismantelar los dispositivos políticos que producen las diferencias de clase, de raza, de género y de sexualidad haciendo así del feminismo una plataforma artística y política de invención de un futuro común²⁶.

De manera que, aun partiendo del hecho de que afirmar la abyección no significa necesariamente rendirse a las condiciones ideológicas o materiales que la hacen posible, estas feministas parecen sugerir que dedicarse a la pornografía o prostituirse no sería tanto hacer “un trabajo como cualquier otro” –como a menudo se ha criticado a quienes defienden la regulación de la prostitución–, sino situarse en un lugar y en una práctica de resistencia.

En estos momentos, encontramos mujeres jóvenes y muchas artistas que transparentan con sus palabras y obras un deseo de constituir por sí mismas la escenografía de la abyección, de habitar los márgenes, de abandonar los lugares ideológicos conocidos, de formar parte de la comunidad de expatriadas²⁷. Así como vemos en las formas de autodenominarse –“maricas, marimachas, travelos, putas, bolleras, petardas, chaperos, *gender fuckers*, osas, invertidas, viciosas, precarias... que sobrevivimos en los márgenes del género, de la clase, de las geografías de lo normal, de las alcantarillas del sexo”²⁸– tentativas de reapropiación o resignificación de los insultos. Se trata de desafiar desde los márgenes las formas de normalización y, de esta manera, la autora del interesante

26. B. Preciado, “Mujeres en los márgenes”, en *El País*, 13 de enero 2007. Para conocer el debate sobre la pornografía en el feminismo, véase el conjunto de artículos editados en 2000 por Drucilla Cornell en *Feminism & Pornography*, Oxford University Press, New York, 2007; D. Juliano, *La prostitución: El espejo oscuro*, Barcelona, Icaria, 2002.

27. Véase F. Collin, “La salida de la inocencia” en Id., *Praxis de la diferencia. Liberación y libertad*, Icaria, Barcelona, 2006, p. 165.

28. I. Ziga, “Dra. Ziga”, en *Parole de Queer*, 15 de abril-15 de julio 2009, disponible en http://paroledequeer.blogspot.com.es/2012_02_01_archive.html.

Devenir perra, Itziar Ziga, se caracterizaba a sí misma como un “tamagotchi”: su vida se alarga con las insurgencias cotidianas²⁹.

El estridente revuelo de este giro que recrimina al feminismo heredero de los años setenta su integración en el marco político-constitucional nos lleva a pensar que no solo nos encontramos ante una decisión de atender a todas las diferencias excluidas y de poner en primer plano lo monstruoso y lo abyecto para desactivar las formas machistas de relación violenta, sino también frente a una nueva apuesta por la indiferencia de los sexos, o por la provocadora “mezcla de los sexos”, que socialmente genera un cierto desasosiego ya que apunta a una especie de desorden simbólico. Así pues, entendida como ideal utópico, la indiferencia de los sexos, la mezcla de los sexos, puede ser un buen lugar desde el cual criticar o cuestionar las insuficiencias y carencias de nuestro tiempo.

Sin duda, estos diversos movimientos no solo son fruto de una sostenida crítica al feminismo, sino que, como hemos visto, responden también a los cambios que ha experimentado el mundo en las últimas décadas y que tienen relevancia ética o política.

Por otra parte, y como ya hemos visto, detrás de estas apuestas por atender a todas las diferencias, existe la voluntad de escapar de las normas de lo masculino y de lo femenino en tanto que asignaciones sociales y sexuales, lo que implica que nos encontramos ante un desafío respecto de lo que hemos de entender como lo humano: se pretende una revolución a escala ontológica. Ahora bien, si atendemos a las diversas intervenciones y proclamas, nos damos cuenta de que esta subversión de la norma parece que se puede realizar a través de una paradójica búsqueda de la identidad sexual, ya que se juega entre la definición de una sexualidad y la indeterminación sexual, entre la construcción positiva del sujeto y su provocadora deconstrucción; de manera que en estas prácticas la cuestión central sería nuevamente la relativa a la identidad (criticada o periférica) del sujeto³⁰.

Y si el núcleo remite a la identidad, entonces quizá sería bueno preguntarnos, además, si el gesto va más allá de una justificada aspiración a la libertad individual de las diversas subjetividades –en especial, las consideradas a menudo invivibles, para usar la expresión de Butler³¹–, y si apunta hacia alguna consideración relativa ya no al sujeto, sino al mundo, a la libertad política. De hecho, en el contexto de estos movimientos con frecuencia da la impresión de que se maneja una noción de poder limitada, parece que se entiende solo como aquello que hace cumplir la norma y que se nos plantean formas

29. I. Ziga, *Devenir perra*, Melusina, Barcelona, 2009, p. 73.

30. G. Fraisse, *À côté du genre. Un vade-mecum, Le Bord de l'Eau*, Lormont, 2010, p. 461.

31. J. Butler, *Cuerpos que importan: sobre los límites materiales y discursivos del sexo*, Paidós, Barcelona, 2003, pp. 19-20.

de resistencia en una sociedad de individuos atomizados, como la actual. Esto nos puede llevar a formular preguntas como: ¿hasta qué punto es suficiente limitarse a concebir la cuestión desde un punto de vista estético, performativo o meramente de libertad individual? ¿La exclusión de la ontología puede convertirse de manera inmediata en un punto común de resistencia? ¿Detrás de esta feminidad paródica o exaltada de las formas de feminidad aprendida hay solo una voluntad de subversión o también un proyecto político? ¿Es suficiente con declarar que, a día de hoy, ya podemos levar el ancla del género?³² En todas las épocas ha habido mujeres que han sabido transgredir el lugar que tenían asignado y acceder en singular a la libertad sin esperar la liberación colectiva; los interrogantes que acabamos de enumerar apuntan a una cuestión actual: la pregunta es si, en este caso, hay algo más que la voluntad de ocupar un lugar; si existe la posibilidad o la decisión sin garantía de ampliar o reconfigurar el espacio público y visible.

En otros términos, en un momento como el actual en el que el centro, aunque fragmentado y disperso, continúa siendo centro, ¿basta con sustituir un supuesto núcleo normalizador por sus fragmentos en los márgenes? En sus páginas centrales, este pos-feminismo parece moverse en una relación ambivalente y pragmática con los poderes establecidos, entre el sí y el no, entre el desafío al *statu quo* y los márgenes a la moda bien recibidos en los museos de arte contemporáneo, entre la crítica a las estructuras institucionales y la subvención. Quizás todo lo que hemos visto apunta de nuevo a la carencia, tanto en el feminismo heredero de los años setenta como en el “borderline” o “pos”, de una atención a la libertad política, ya que hoy –conscientes de que simplificamos– a unas las encontramos centradas en la mujer como cuestión social y a las otras en la elección de heroínas de tipo no tradicional y desafiantes.

32. F. Collin decía, en una entrevista, que desconfiaba de la cancelación prematura de la frontera de los sexos, de una supuesta “indiferencia” que beneficiaría a la posición dominante (F. Rochefort, D. Haase-Dubosc, “Entretien avec Françoise Collin. Philosophe et intellectuelle féministe” en *CLIO, Histoire, femmes et sociétés*, 13, 2001, pp. 195-210).

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THE FORECLOSURE OF THE DRIVE

Queer Theories, Gender, Sex, and the Politics of Recognition

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Abstract

Following Leo Bersani and Lee Edelman, one might say that, by insisting on sexual minorities' quest for social recognition, Judith Butler's theory of gender performativity runs the risk of desexualizing sexuality. On the other hand, so-called antisocial queer theory, and Edelman in particular, could be held responsible for depoliticizing queer politics, by depriving its subject of political agency. Aim of this article is to mediate between these two positions in queer theory on the level of a theory of the subject, by means of Teresa de Lauretis' understanding of the concept of the drive.

Keywords

Queer theory, antisocial theory, politics and psychoanalysis.

Resumen

Siguiendo a Leo Bersani y a Lee Edelman, se podría sostener que, insistiendo en la búsqueda de reconocimiento social por parte de las minorías sexuales, la teoría de la performatividad de género de Judith Butler corre el riesgo de dessexualizar la sexualidad. Por otro lado, las así llamadas teorías *queer* antisociales, en particular las de Edelman, podrían ser consideradas como responsables de despolitizar la política *queer*, privando a su sujeto de la capacidad de actuar políticamente. El propósito de este artículo es mediar entre estas dos posiciones de la teoría *queer* sobre el plano de una teoría del sujeto, utilizando la interpretación que Teresa de Lauertis provee acerca del concepto de pulsión.

Palabras clave

Teoría *queer*, teoría antisocial, política y psicoanálisis.

Since 1990, when *Gender Trouble*¹ was published, Judith Butler's theory of gender performativity has permanently reshaped the contours of feminism, and because of the way it challenges the subject of feminist politics, it constitutes today an unavoidable term for comparison also for sexual difference thought. Anyway, aim of this article is not to reconstruct the debate of the past thirty years or so around Butler's theory, nor it is to side either with Butler's queer feminism or with sexual difference feminism. Nor it is to assess whether Butler has contributed either to radicalize or to domesticate feminism. I will leave the task of these assessments to others; for my part, I am going to situate Butler's thought not so much within debates in feminism and gender studies, as within sexuality studies and queer theories. Her intervention in the latter fields has raised questions that are partly similar to, but also largely different from, those that emerge in the former arena.

Often considered as one of the founding texts of queer theories, *Gender Trouble* has contributed to the rediscovery of psychoanalysis within critical sexuality studies, after Foucault's attempt to depart from Reich's and Marcuse's Freudian-Marxism, and from the theories of sexual revolution it gave rise to. However, important critiques of Butler's works have been voiced exactly by other queer theorists who have played, like her, a crucial role in reviving psychoanalysis. In particular, some of them held Butler's theory of gender performativity responsible for saturating the sexual subject with politics, and for turning queer politics into a liberally-inspired claim for recognition. Drawing on Laplanche and Lacan, especially gay scholars such as Leo Bersani and Lee Edelman have reacted to Butler's notoriety by restaging the category of the drive –that is, “sex as such”, not as gender identity– to the very core of queer theories. Teresa de Lauretis, instead, interestingly attempted to mediate the subject consumed by the drive, as conceived of by these authors, and the subject shaped by biopolitical gender norms, as theorized by Butler.

In this article, I am going to account for this debate through the concept of foreclosure, which Butler adopts in her critique of Freud's and Lacan's heterosexism. Before delving into the issue at stake, I will define such concept and, concomitantly, illustrate the role I attach to the use of psychoanalysis in queer theories, and in theory in general.

1. Not just a metaphor: According to Freud's well-known definition, psychoanalysis is meant to treat neurosis, as it is able to interpret the conflicting demands of the

1. J. Butler, *Gender Trouble: Feminism and the Subversion of Identity*, Routledge, London-New York, 1990, second edition, 1999.

ego that are at stake therein. Yet, it becomes helpless when confronted with psychosis, which cannot be deciphered because the relationship between the subject and the world is compromised. To understand the causes of psychosis and turn it into the object of psychoanalysis, Lacan draws on the concepts developed by Freud and builds up his own theory of psychosis. As Lacan points out in his 1956 seminar, while Freud deploys the term “Verdrängung” to refer to the psychic process leading to neurosis, commonly translated as “repression”, in the Wolfman case the word he uses to describe the path to neurosis is “Verwerfung”, which Lacan translates as “forclusion”, French for “foreclosure”.² Characteristic feature of neurotic repression is, for Lacan, the return of the repressed object. What is repressed comes back in the form of an enigmatic symbol to disturb the psychic life of the subject,³ though with no consequences on its relationship with reality. With psychosis, instead, foreclosed traumas, desires and drives are blanked out to such an extent that the subject cannot recognize them as their own. Hence, they move not to the symbolic order, Lacan argues, but to the Real, and they return to the subject “from the outside”, that is, in the form of oppressive hallucinations that sink the subject into an “abyss” and provoke a “rupture”, or break, in its relationship with reality.⁴

In these pages, I will use the word “foreclosure” metaphorically, yet not quite so. In my understanding, Butler has employed the same usage. In her latest book, there is a much clearer interest in political philosophy than in psychoanalysis. The latter is crucial, instead, to *Gender Trouble, Bodies that Matter*⁵ and *The Psychic Life of Power*.⁶ There, Butler borrows conceptual tools from psychoanalysis to point out its complicity with what she names “heterosexual matrix”. In particular, she argues that Freud’s and Lacan’s theories on the incest taboo and the Oedipus complex are marked by the radical erasure of homosexual desire, which she refers to in terms of “foreclosure”. Through a similar kind of argument, I hold that Butler’s theory of gender performativity is also marked by a foreclosure: that of the sexual drive. Additionally, as much as the theory

2. In the Wolfman case (“Aus der Geschichte einer infantilen Neurose”, in *Sammlung kleiner Schriften zur Neurosenlehre*, 4, 1918), as the title (*From the History of an Infantile Neurosis*) reads, Freud relates the story of a neurotic. Subsequent literature, however, tends to conceive it as an instance of psychosis, on the basis of further testimonies on the analysand Sergej Costantinovič Pankëev, who was not healed by the psychoanalytic treatment, as Freud erroneously contends.

3. “What comes under the effect of repression returns, for repression and the return of the repressed are two sides of the same coin. The repressed is always there, expressed in a perfectly articulate manner in symptoms and a host of other phenomena” (J. Lacan, *The Seminar of Jacques Lacan, Book III, The Psychoses 1955-1966*, Routledge, London-New York, 1993, p. 12).

4. “Whatever is refused in the symbolic order, in the sense of *Verwerfung*, reappears in the real. [...] There is an abyss here, a temporal submersion, a rupture in experience. [...] The essential distinction is this –the origin of the neurotic repressed is not situated at the same level of history in the symbolic as that of the repressed involved in psychosis, even if there exists the closets of relations between their contents”, *ibid.*, p. 13.

5. J. Butler, *Bodies that Matter: On the Discursive Limits of “Sex”*, Routledge, London-New York, 1993.

6. J. Butler, *The Psychic Life of Power: Theories in Subjection*, Stanford University Press, Stanford, 1997.

of gender performativity can be interpreted as the return of the foreclosed heterosexual desire to haunt psychoanalysis, Bersani's and Edelman's so-called antisocial theories can be equally interpreted as the return of the foreclosed drive to haunt queer theory. A metaphor indeed, yet not quite so. Mine is a methodological choice too, aimed at understanding the subject of queer theories (and of theory in general) not only as rational, but also as emotional, sentimental, affective, and sexual: a subject whose theoretical production is involved in psychophysical processes.

2. *The foreclosure of homosexual desire*: The story I am about to tell unfolds dialectically, from one critique to another. It begins with the critique addressed by Lacan to Freud. Next to his deployment of Freudian categories to conceptualize a theory of psychosis that Freud never thought of, Lacan revisits the Oedipus complex in order to claim that the feminine and masculine positions do not directly proceed from biological differences between female and male bodies, but belong to the symbolic order. Judith Butler follows Lacan on this point, but raises two fundamental objections to both Freud and Lacan. First, Butler claims that the accounts of incest prohibition developed by the two psychoanalysts entail a foreclosure of homosexual desire. In *Gender Trouble*, Butler illustrates Freud's conception of primary bisexuality as a common trait of all human beings. As she recounts, in *The Ego and the Id*⁷ Freud depicts primary bisexuality as including two coexisting heterosexual desires, thereby radically denying the very existence of homosexual desire. Additionally, she reminds us that homosexual desire, in Freud, is the negative outcome of the Oedipus complex, originating from the melancholic identification with the parent of the opposite sex, invested with love and subsequently lost. Consequently, Butler asserts that, following Freud, one shall admit that heterosexual desire is not the "normal" outcome of the Oedipus complex (as the Freudian view would hold), but it results from the melancholic identification with the parent of one's own sex, who is also invested with love and subsequently lost. Freud does not come as far as this conclusion precisely because of the foreclosure of homosexual desire. Such foreclosure constitutes, therefore, the implicit assumption of his theory of incest prohibition.

In her later *Bodies that Matter*, Butler discusses Lacan's *The Mirror Stage as Formative of the Function of the I*⁸ and *The Signification of the Phallus*,⁹ where the French

7. S. Freud, *Das Ich und das Es*, Internationaler Psycho-analytischer Verlag, Leipzig-Wien-Zürich, 1923.

8. J. Lacan, *Le stade du miroir comme formateur de la fonction du Je telle qu'elle nous est révélée dans l'expérience psychanalytique*, Presses Universitaires de France, Paris, 1949.

9. J. Lacan, "La signification du phallus" (1958), in Id. *Écrits*, Les Éditions du Seuil, Paris, 1966.

psychoanalyst distances himself from Freud. Sexual identification, in Freud, is the immediate result of either the presence or the absence of the penis, and corresponds to one's desire for the parent of her or his own sex. Lacan, instead, argues that corporeal morphology is imaginary, sex is a symbolic position, and the Oedipus complex is brought about by the need to regain the fusional relationship with the mother. This need makes little boys and girls long for what their father has and their mother lacks, namely, the phallus, conceived of as the privileged signifier of the Law.¹⁰ Because of their penis, boys identify themselves as carriers of the phallus and acquire male identity, while girls, lacking the penis, identify themselves as the phallus itself, thereby acquiring female identity. According to Butler, this theory of sexual identification is also marked by the foreclosure of homosexuality, because Lacan makes room for two sexual positions only: either to carry or to be the phallus. Such positions correspond, respectively, to the male and female roles in the heterosexual relation, and exclude all other relationships of the subject to the phallus, as those which might be possible in homosexuality.

Additionally –this is the second fundamental critique addressed by Butler to the psychoanalytical canon– the privileging of the phallus as the signifier of the Law and its structural identification with the penis lead Lacan to reify a contingent product of the imaginary, and stabilize the phallus by inscribing it within the symbolic realm. In other words, Butler argues that Lacan does not conceive of the symbolic order as, actually, a social and political order, which does not transcend culture because it is itself cultural. In line with Foucault's genealogical method, she interprets those identities associated with sexual binarism not as unchanging realities, but as contingent effects of a biopolitical apparatus. Thus, Butler counters both Freud and Lacan with a highly counterintuitive thesis: that gender difference is not so much the product of a cultural elaboration of bodily differences or symbolic positions, as a set of biopolitical norms that shape bodily differences, symbolic positions and gender identities. Drawing on Adrienne Rich's concept of compulsory heterosexuality, Butler calls this set of norms "heterosexual matrix". To her, the foreclosure of homosexuality in Freud and Lacan is rooted in the binary and heterosexist apparatus of power, which regulates sexuality in our societies and is strengthened by both authors.

3. *The foreclosure of the sexual drive*: In her dialogue with Ernesto Laclau and Slavoj Žižek included in *Contingency, Hegemony, Universality*, Butler clarifies that, in her view,

10. According to Lacan, the phallus, as privileged signifier, originates the subject's ability to signify.

foreclosure is not just a psychic mechanism producing psychosis, but also a political one producing the subject by means of radical exclusions: “a way in which variable social prohibitions work”.¹¹ In *The Psychic Life of Power*, she claims: “A repressed desire might once have lived apart from its prohibition, but [a] foreclosed desire is rigorously barred, constituting the subject through a certain kind of preemptive loss”.¹²

In these texts, such preemptive loss is that of homosexual desire, and Butler’s main interest is to account for the subject who emerges within the heterosexual matrix. But one might question whether her understanding of sexuality under the categories of gender and desire runs the risk to enact another fundamental foreclosure. In *Homos*, Leo Bersani implicitly objects to Butler what, in *Is the Rectum a Grave?*,¹³ he explicitly objects to Foucault, namely, the desexualisation of sexuality operated by its politicization, that is, by the translation of sexual identity and desire into a dialectics of power (norms) and resistance, which in Butler is mostly conceived as a struggle for recognition¹⁴. According to Bersani, Foucault and Butler overlook a fundamental component of sexuality, which psychoanalysis terms “the drive” (“Trieb” in German, “pulsion” in French). Indeed, the subject of the foreclosed homosexual desire as conceptualized by Butler is one that aims to displace the heterosexual matrix: they challenge the normative system that foreclosed them, in order to change the system and find inclusion in it. Although Butler, following Emmanuel Lévinas,¹⁵ theorizes the ethical primacy of the other over the self, similarly to the Foucauldian subject who resists the *dispositif* of sexuality, the Butlerian subject committed to the subversion of gender roles is ultimately activated by an individualistic quest for pleasure – a quest for cultural and physical survival, for a liveable life, for societal recognition, and for full belonging to the human community.

11. J. Butler, E. Laclau, S. Žižek *Contingency, Hegemony, Universality: Contemporary Dialogues on the Left*, Verso, London-New York, 2000, p. 149.

12. J. Butler, *The Psychic Life of Power*, p. 23.

13. L. Bersani, 2010, “Is the Rectum a Grave?”, in *October*, 43, 1987; second edition in Id., *Is the Rectum a Grave? And Other Essays*, The University of Chicago Press, Chicago-London, 2010.

14. “But if the kind of investigation I have in mind brings us up against some politically unpleasant facts, we may discover, within the very ambiguities of being gay, a path of resistance far more threatening to dominant social orders than vestimentary blurrings of sexual difference and possibly subversive separations of sex from gender”. “I referred earlier to an important project in recent queer theories, especially as formulated by Judith Butler: that of citing heterosexual (and heterosexist) norms in ways that mark their weakness in them – ways that will at once expose all the discursive sites of homophobia and recast certain values and institutions like the family as, this time around, authentically caring and enabling communities. Genet can perhaps contribute to the critical rigor of this project by providing a perversely alien perspective”, L. Bersani, *Homos*, Harvard University Press, Cambridge (Mass.)-London, 1996, pp. 76 and 152.

15. E. Lévinas, *Totalité et Infini*, Martinus Nijhoff, La Haye, 1961; Id. *Autrement qu’être ou au-delà de l’essence*, Martinus Nijhoff, La Haye, 1974.

Instead, in the wake of Freud's *Three Essays on Sexual Theory*,¹⁶ and of Laplanche's interpretation particularly,¹⁷ Bersani contends that the sexual subject is governed by a drive that segregates them from human society. This produces a perverted pleasure, which undermines both the instinct of procreation and that of self-preservation. Therefore, the sexual drive comes to coincide with the death drive—the latter understood not as the search for physical pain and suicidal tendencies, but mainly as an enjoyment produced by the symbolic dissolution of identity, by self-shattering, and by the erasure of the boundaries that separate the subject and the world. That is to say, the subject governed by the drive does not seek pleasure or societal recognition. On the contrary, they are masochist and caught up in a drive that makes them drip with a kind of *jouissance* far beyond the pleasure principle.

For Bersani, but also for Edelman, who reinterprets Bersani's thought within a Lacanian framework in *No Future*,¹⁸ the drive is what most sharply defines both straight and queer sexual experiences. However, within the heterosexist symbolic order—the only one available, for both Lacan and Edelman—the negativity of the drive is transferred onto homosexual intercourse only, which cannot be rescued by reproductive ends. This way, heterosexual sex is invested with the political meaning of perpetuating society and the human species, hence is perceived as “natural”, whereas homosexual sex constitutes a threat to meaning itself because of its infertility, and as such becomes “unnatural”, “abnormal”. Following Julia Kristeva,¹⁹ Butler would say “abject”; and Butler would partake in the struggle of sexual minorities for the recognition of their gender identity and affective relationships, and for the re-definition of kinship. In *Antigone's Claim*,²⁰ for instance, she turns Antigone into the symbol of sexual minorities' aspirations to become intelligible as humans and subvert the heterosexual matrix. In *No Future*, Edelman engages in polemics with Butler on this, and urges queer subjects to stay outside signification and intelligibility. He invites them to keep occupying the dark space of negativity as they always did, with no hope that any form of social recognition, and laws on same-sex marriage, surrogacy and adoption suffice to do away with it:

So Antigone may well depart from her tomb at the end of Butler's argument, returning to life in the political sphere from which she was excluded, but she does so while

16. S. Freud, *Drei Abhandlungen zur Sexualtheorie*, Deuticke, Leipzig-Wien, 1905.

17. J. Laplanche, *Vie et mort en psychanalyse*, Flammarion, Paris, 1970; Id., *La révolution copernicienne inachevée (Travaux 1967-1992)*, Aubier, Paris, 1992.

18. L. Edelman, *No Future: Queer Theories and the Death Drive*, Duke University Press, Durham-London, 2004.

19. J. Kristeva, *Pouvoirs de l'horreur: Essai sur l'abjection*, Édition du Seuil, Paris, 1980.

20. J. Butler, *Antigone's Claim: Kinship between Life and Death*, Columbia University Press, New York, 2000.

preserving the tomb itself as the burial place for whatever *continues* to insist outside of meaning, immune to intelligibility now or in any future yet to come. She emerges from her tomb, that is, only to claim, for those condemned to unlivable lives on account of unintelligible loves. [...] Ironically, Butler's reading thus buries Antigone once more –or buries in her the *sinthomosexual* [the queer] who refuses intelligibility's mandate and the correlative economy that regulates what is "legitimate and recognizable."²¹

Since the beginning, Butler herself was well aware that an understanding of political action as the claiming of rights is limited. In her latest work, *Notes Toward a Performative Theory of Assembly*²², she contrasts the juridical sovereignty of the state with street politics, that is, with the corporeal politics of assembly. Nevertheless, according to Bersani and Edelman, despite her focus on vulnerability and her will to challenge the heterosexual matrix, the reason why her understanding of political agency as struggle for recognition forecloses the drive lies in her partial incapacity to take distance from a liberal framework. Within this framework, the subject is ultimately pushed by the quest for utility and personal pleasure –quite similarly to the individual theorized in contractualism, who sets up sovereign power to live in peace and prosperity. However, Bersani's and Edelman's attempts to rethink the subject through the concept of drive challenge the conceptualization of political action within the liberal framework which, willing or not, shapes our understanding of the political. Edelman, indeed, does not complement his polemics against Butler's theory of recognition with an alternative, and abandons queer subjects to their own negativity and solitude, which prevent them from political action.

6. *A neurotic theory of the subject*: One might say, with a metaphor (but not just a metaphor), that Butler's critique of Freud and Lacan returns the foreclosed homosexual desire to psychoanalysis. Similarly, the so-called antisocial turn in queer theory inaugurated by Edelman's book returns the foreclosed drive to queer theories. And while Foucault's and Butler's politicization of sexuality runs the risk to desexualize sexuality, antisocial theories, and Edelman in particular, are liable to depoliticize queer politics by depriving its subject of political agency. In Edelman, the uncanny force of the foreclosed drive comes back, but it makes queer subjects incapable of political action, thereby haunting the possibility of queer politics itself. What lesson shall we draw from this sequential series of critiques? Are we to give in to the psychotic (or better, schizophrenic)

21. L. Edelman, *No Future*, p. 105.

22. J. Butler, *Notes Toward a Performative Theory of Assembly*, Harvard University Press, Cambridge-London, 2015.

split between the subject of politics and the subject of sexuality? Maybe a different conclusion is possible, at least on the terrain of a theory of the subject: a neurotic solution, so to say, where the drive is not foreclosed but repressed, hence returns to the subject and disturbs, but does not impede, political action. In partial disagreement with both Bersani and Edelman, I would like to make the following point: that it is possible to reinstate sex as the core of queer theories without necessarily dismissing the constructivist paradigm initiated by Foucault's research on sexuality and later developed by Butler's research on gender performativity. It is therefore not my task to partake in the struggle of antisociality against relationality and recognition, of the apolitical *jouissance* of the drive against the political subversion of gender roles. In my opinion, it is much more interesting to detect the points these different politico-philosophical stances have in common than to focus on their frictions, which make the contrast too simplistic.²³

An interesting attempt to keep the Freudian concept of the drive and the Foucauldian category of biopolitics together is carried out, for instance, by Teresa de Lauretis. In *Freud's Drive*,²⁴ de Lauretis explains that, in Laplanche's and Bersani's interpretation of Freud, the sexual drive does not coincide with the sexual instinct, for it is a perversion of it. Indeed, in his *Three Essays*, Freud contends that, despite surfacing at an early stage, sexual drives do not emerge directly from the infant's biological needs, as from the arousal that the infant experiences while being fed, washed and touched by caregivers.²⁵ The drive does not originate from the body, Laplanche and de Lauretis conclude, but "sticks onto" the bodily surface, thereby configuring an intermediate region between the inside and the outside, the somatic and the psychic. This region does not properly belong to the subject: the subject rather loses itself through it into the other and the world. Whereas Bersani and Edelman confront psychoanalysis with Foucault's constructivism, de Lauretis argues that precisely in this middle region do psychoanalysis and constructivism meet. Indeed, the subject's exposure to the manipulation of the other is the condition of possibility, not only for the installation of the drive, but also for the production of biopolitical identities.

23. L. Bernini, *Apocalissi queer: Elementi di teoria antisociale*, Edizioni ETS, Pisa, 2013; Id., *Le teorie queer: Un'introduzione*, Mimesis, Milano-Udine, 2017.

24. T. D. Lauretis, *Freud's Drive: Psychoanalysis, Literature and Film*, Palgrave Macmillan, Basingstoke, 2008.

25. To provide an example: according to Freud, "sucking with delight" is a masturbatory activity of the infant, which reactivates the arousal of the oral area initially stimulated by the mother's breast and/or bottle. The oral drive, therefore, leans onto the feeding instinct, not on that sexual instinct which Freud deems "natural". To him, the latter surfaces only in puberty and aims at the heterosexual coitus for procreative purposes; but it does not erase once and for all other perverse (hence non-productive) drives.

7. *Being fair with Foucault*: In the wake of de Lauretis, my claim is that Bersani has pointed too hastily to Foucault, in his *Homos*, as the one responsible to desexualize constructivist queer theories' understanding of sexuality²⁶. For Bersani, Foucault was unable to conceptualize the disturbing obscenity of the drive when he came to reject the use of psychoanalysis in political theory. But actually, in *The Will to Knowledge*²⁷ Foucault did not criticize Reich and Marcuse's Freudo-Marxism²⁸ for its disturbing obscenity; on the contrary, he held this theory responsible for using psychoanalysis in order to provide an over-reassuring understanding of power and desire: to promise a final liberation of the human from negativity and their complete subsumption into the social order²⁹ (or into humanity, as Butler would say). Elsewhere, Foucault himself shows that psychoanalysis can be used differently. In *The History of Madness*,³⁰ he invites to "be fair with Freud", and to recognize his pivotal contribution to the dialogue over the obscure and apocalyptic "unreasoning" that positivist psychology has been trying to silence. Additionally, in *The Order of Things*, Foucault considers (Lacanian) psychoanalysis an ally when he carries out an archaeological critique of the modern dream to turn "man" into an object for science. Psychoanalysis, he holds, is not a general theory about the human, but an investigation of its external boundaries. It is not a human science, therefore, but a counter-science that dissolves the human into that "region where death prowls, where thought is extinguished, where the promise of the origin interminably recedes"³¹. In contrast with Bersani, my claim is that these passages from Foucault are telling of Foucault's very exploration of the region theorized by de Lauretis as the region of the drive. In this region, subjects are exposed to the intervention, not only of the powers that shape their identities, but also of the drives that make their identities explode with excitement. In this region, sexual minorities have been relegated to for a long

26. Foucault's constructivist theory of sexuality constitutes the background not only of Butler's theory of gender performativity, but also –to make just other three examples– of Jasbir Puar's research on homonationalism (*Terrorist Assemblages: Homonationalism in Queer Times*, Duke University Press, Durham-London, 2007), Joseph A. Massad's research on gay imperialism (*Desiring Arabs*, The University of Chicago Press, Chicago, 2007), Paul Preciado's research on farmacopornographic regime (P. B. Preciado, *Testo Yonqui*, Espasa Calpe, Madrid, 2008; B. Preciado, *Pornotopía: Arquitectura y sexualidad en "Playboy" durante la guerra fría*, Editorial Anagrama, Barcelona, 2010).

27. M. Foucault, *La Volonté de savoir: Histoire de la sexualité I*, Gallimard, Paris, 1976.

28. W. Reich, *Die Sexualität im Kulturkampf*, Sexpol Verlag, Kopenhagen, 1936; H. Marcuse, *Eros and Civilization*, Vintage Books, New York, 1955; Id., *One Dimensional Man*, Routledge, London, 1964.

29. Foucault contrasts a repressive conception of power that he attributes to Reich and Marcuse, with a productive conception of power. According to the latter, power constitutes the subject as well as their own sexual identity –therefore, the subject cannot get rid of power once and for all. This is the constructivist hypothesis that Butler herself borrowed, and has inspired many subsequent queer reflections.

30. M. Foucault, *Folie et déraison: Histoire de la folie à l'âge classique*, Plon, Paris, 1961.

31. M. Foucault, *Les Mots et le choses: Une archéologie des sciences humaines*, Gallimard, Paris, 1966; English translation, *The Order of Things: An Archaeology of the Human Sciences*, Vintage Books Edition, New York, 1994, p. 382.

time, and from there they have never been ultimately rescued, either by equal marriage and social recognition or by neoliberal hyper-hedonism. There, the corpse of Antigone still lies, but not as far from the political sphere as one might deduce from Edelman's polemics against Butler.

In *Homos*, Bersani himself, while tracing back the origin of the sexual drive to "the biologically dysfunctional process of maturation in human beings", seems to suggest that the *jouissance* connected to the drive does not threaten the affiliation of the subject to the political sphere "from the outside", for it is a psychic process, if not "internal", at least "liminal" to politics itself:

Overwhelmed by stimuli in excess of the ego structures capable of resisting or binding them, the infant may survive that imbalance only by finding it exciting. So the masochistic thrill of being invaded by a world we have not yet learned to master might be an inherited disposition, the result of an evolutionary conquest. This, in any case, is what Freud appears to be moving toward as a definition of the *sexual*: an aptitude for the defeat of power by pleasure, the human subject's potential for *jouissance* in which the subject is momentarily undone.³²

The *sexual*, therefore, is bound to go back to politics in spite of all our efforts to do away with it. As Adriana Cavarero has recently reminded us drawing from the thought of sexual difference, every human comes to the world unarmed, defenseless, and totally dependent on the "inclination" of the other (traditionally their mother) upon them.³³ This original exposure to the other's care, power and eventually violence, is what endows biopolitics (or more precisely, the biopolitical apparatus that Foucault calls *dispositif* of sexuality) with the capacity to discipline the subject's gender identity according to historically determined criteria for normalization that guide caregivers. Hence, this original exposure makes possible a collective action geared toward the subversion of the normative system from which subjects emerged. Additionally, it enables the displacement of the symbolic order which, *pace* Lacan and Edelman, is contingent, as Butler rightly contends. The sexual drive, as it is interpreted by psychoanalysis, represents the obscene double of maternal care, and as such it is perversely involved in all the above mentioned biopolitical processes. Certainly one cannot claim for a social and juridical recognition of it, but queer thinkers and movements should at least acknowledge its presence at the borders of the political sphere, as what is repressed and returns to disturb the access of the sexual subject to the social order. Bersani and Edelman are right in

32. L. Bersani, *Homos*, p. 100.

33. A. Cavarero, *Inclinazioni: Critica della rettitudine*, Raffaello Cortina Editore, Milano, 2014.

claiming that the drive is antisocial; but at the same time the drive is enmeshed with the social, and interferes with the biopolitical production of sexual subjects whose struggle for recognition cannot but lead to misrecognitions –whose belonging to the human community cannot but be unfull. “Sex as such” is, and simultaneously is not, a political factor.³⁴ It is one of the causes of the discontents of society, one might say once again in Freudian terms.³⁵ But this does not imply that the subject is irredeemably split between sexuality and politics: the foreclosure of the drive is rather an outcome of the paranoid liberal attempt to domesticate humans by isolating them from the relationships to the others on whom they depend –both for their survival and for their *jouissance*.

34. S. Žižek, *For They Know Not What They Do: Enjoyment as a Political Factor*, Verso, London-New York, 2007.

35. S. Freud, *Das Unbehagen in der Kultur*, Internationaler Psychoanalytischer Verlag, Leipzig-Wien-Zürich, 1929.

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UNA PRESENCIA QUE DA IGUAL

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A PRESENCE THAT DOES NOT MAKE A DIFFERENCE

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Resumen

A partir del análisis del Parlamento elegido en las elecciones de 2013, el que más presencia femenina tiene en la historia republicana, este ensayo examina la transición de un régimen de exclusión a un régimen de inclusión de las mujeres en las instituciones representativas, lo que evidencia la paradoja de una aumentada presencia femenina que borra la “diferencia política” creada por el feminismo. El nuevo protagonismo femenino en la escena política y mediática *mainstream* se aleja de la genealogía feminista y, al mismo tiempo, se acoge a la ética de la autoempresarialidad, a retóricas victimistas y moralistas y a la imagen tradicional de la femineidad como subrogado identitario.

Palabras clave

Presencia femenina, diferencia política, feminismo, autoempresarialidad, subrogado identitario.

Abstract

This essay, analyzing the Parliament elected in the 2013 elections –which is the most “pink” in the history of Italian republic– explains the transition from a situation of exclusion to a situation of women’s inclusion in representative Institutions, but also highlights a paradox: female presence has increased, but the “political difference” created by Feminism has been eliminated. The new female presence in the mainstream political and media scene moves away from the feminist genealogy, and uses –at the same time– an ethics of self-entrepreneurship, victimistic and moralist rhetorics, and the traditional image of femininity seen as identity surrogate.

Keywords

Female presence, political difference, feminism, self-entrepreneurship, identity surrogate.

En 2013, con ocasión de las últimas elecciones para renovar el Parlamento italiano, fue publicado un texto político muy significativo, firmado por Lia Cigarini, Giordana Masotto y Lea Melandri¹. Por primera vez, tres feministas autorizadas pronuncian un ‘sí’ político y público para la elección de mujeres. Ese ‘sí’ no está dirigido solo a apoyar a las candidatas como mujeres, sino que también implica la propuesta de construir con las elegidas una relación política “que esté a la altura de la radicalidad del feminismo”. “Algo más y algo diferente de un mandato de representación [...], una práctica política común con las elegidas cuyo objetivo y finalidad sea crear un tipo de juicio autónomo e inédito, basado en la experiencia de las mujeres y de sus relaciones, en la política institucional y en la democracia hoy”.

Por consiguiente, ese ‘sí’ está condicionado por algunos ‘no’: por las leyes de género, “fácil y peligrosa salida”; por leyes sobre la sexualidad, por leyes antidiscriminatorias porque las mujeres “no quieren justamente que se les trate de débiles y víctimas”. Y también se precisa que “la Constitución bien empleada permite toda acción legal antidiscriminatoria”. Más en general, el ‘no’ se dirige al doble y convergente gesto de la inclusión: pulir la imagen de una política desprestigiada, valerse del recurso de competencias femeninas, apoyando el orden masculino que, cada día más, necesita ser ayudado.

Si el desafío quiere estar a la altura de la radicalidad feminista, “la puesta en juego hoy es el discurso sobre la democracia” para modificarla “sustancialmente”, siguiendo la libertad femenina, lo que se traduce en una ciudadanía diferente y el reconocimiento de sujetos interdependientes. Así que el texto habla de una democracia no limitada al sistema político institucional y no reducida al poder en la relación con la sociedad; una democracia impregnada por prácticas políticas que se intercambian entre sí tanto en los lugares de la experiencia como en los de la representación y de la decisión, para modificar las formas de vida, las relaciones, las subjetividades. Es coherente con la afirmación *Primum vivere*, que fue el eje del encuentro feminista que se desarrolló en Paestum en 2012², dejando por sentada la convicción de que “condición necesaria para reconsiderar la democracia” es el “intercambio con otras/os hasta encontrar su propia singularidad”³. En efecto, la cita de Paestum es el contexto político del cual parte este texto, porque –tal

1. L. Cigarini, G. Masotto, L. Melandri, “Un Si e tre no”, in *Via Dogana*, 104, marzo de 2013, disponible en <https://primadittuttolibere.wordpress.com/2013/03/07/un-si-e-tre-no/#more-1288>.

2. Del 5 al 7 de octubre de 2012, el feminismo de la diferencia se reunió en Paestum para relanzar la radicalidad de su apuesta política. El encuentro se organizaba tras un período de intensa movilización femenina contra el “régimen de sexualidad” berlusconiano, una movilización, pues, que había reactivado las divergencias entre el feminismo de la diferencia y el feminismo de la paridad.

3. “*Primum vivere* anche nella crisi: la rivoluzione necessaria. La sfida femminista nel cuore della politica”: documento de convocatoria al encuentro de Paestum del 5, 6 y 7 de octubre de 2012.

y como justamente afirman las autoras al comienzo— el “hecho concreto” es que “habrá muchas más mujeres en el Parlamento” y que “lo lograrán siguiendo un fuerte movimiento de las mujeres que ha llegado a ser muy importante y que se ha impuesto a los partidos”⁴. Una señal de esta influencia es la misma candidatura de algunas feministas.

Hemos profundizado en este texto porque, si lo releemos hoy, nos permite entender qué tipo de discontinuidad se ha dado y cuáles son las líneas de quiebre o confrontación que, en la actualidad, marcan la relación entre el movimiento feminista, plural y compuesto, y la esfera político-institucional, caracterizada por la presencia femenina.

Partimos del “hecho” anunciado por Cigarini, Masotto y Melandri de un elevado número de mujeres en el Parlamento que, el 24 y el 25 febrero de 2013, se convirtió en realidad, porque se dio el mayor número de mujeres elegidas en la historia republicana: 197 diputadas sobre 630, 93 senadoras sobre 320 (el 30 % del total). Sin lugar a dudas, esto depende de la gran resonancia del feminismo y del difundido protagonismo femenino que produjo. Sin embargo, falta el reconocimiento explícito de esta raíz. Por el contrario, la mayoría de las recién elegidas prescinde o se aparta de eso de forma consciente, aunque enseguida se llegue a la elección de Laura Boldrini a la Presidencia de la Cámara de los Diputados. Y el objetivo de la cantidad desemboca también en la composición del Gobierno, que alcanza la paridad en aquel presidido por Renzi, con mujeres que dirigen ministerios no tradicionalmente ‘femeninos’, como Maria Elena Boschi en el Ministerio de Reformas Institucionales y Roberta Pinotti en el de la Defensa. También dos mujeres, la ministra Boschi y la senadora Anna Finocchiaro, presidenta de la Comisión de Negocios Constitucionales, se ocupan de la compleja y difícil labor de las reformas constitucionales. Aunque no se ha desfondado el techo de cristal —desfonde que, en una política muy personal y verticalizada significaría una mujer “jefa” del poder político—, parecerían resultados importantes para aquella parte de la política de las mujeres que ha tendido al reequilibrio numérico y al acceso al poder.

Ahí va “una mirada atónita en la escena parlamentaria”. No solo no se ha aceptado el desafío del feminismo más radical, sino que aquella escena decepciona la expectativa —para algunas la certeza— de que muchas mujeres en el Parlamento y en el Gobierno influirían en las elecciones políticas y en la calidad de la democracia. “¿Todo desmentido por la realidad? ¿Todo acabado miserablemente?”, se preguntan Isabella Peretti y Vittoria Tola al charlar con algunas parlamentarias del *Partito Democratico* y de *Sinistra Italiana*⁵.

4. L. Cigarini, G. Masotto, L. Melandri, “Un Si e tre no”, in *Via Dogana*.

5. I. Peretti, V. Tola, “La scomparsa della differenza nella politica istituzionale”, en B. Mapelli (ed.), *L'androgino tra noi*,

No se está discutiendo la presencia en sí, sino “la desaparición de la diferencia”. En efecto, el Parlamento con mayor presencia femenina de la historia republicana parece ser “el menos marcado por una diferencia femenina reconocible”⁶. Es interesante ver cómo Peretti y Tola formulan su pregunta: “Si la política hoy día no puede prescindir del recurso femenino, nos preguntamos si, a su vez, las parlamentarias [...] expresan su propia subjetividad o comparten una mera inclusión paritaria, una valorización desexuada de sus capacidades”⁷, es decir, a pesar de poseer la fuerza del número, las mujeres no llevan la *diferencia política* en la política institucional⁸, ni como visible y reconocida subjetividad diferente, ni como política diferente, antes en las prácticas que en los contenidos.

Regresando al texto del que partimos, lejos de ser discutido, es el orden masculino constituido el que saca provecho de esa presencia femenina, de manera y con finalidades diferentes. Tampoco es una confirmación la ausencia de conflictos de las mujeres elegidas con el líder de referencia que encarna aquel orden, logrando legitimación y confirmación.

Por lo demás, lo de la complicidad con los hombres es un rasgo recurrente en la complicada relación de las mujeres con la esfera pública, basada en el estímulo constante a participar. Tal y como había previsto lúcidamente Carla Lonzi, la inclusión es el camino que el hombre le indica a la mujer en la actualidad. El hombre está listo para poner a disposición de ella toda esquina de su mundo, porque necesita que ella “se remonte continuamente a él para la evaluación del sí”. “El honor es grande, la ocasión es única” y, por su parte, la mujer espera superar la “condición de dependencia a través de un fiel aprendizaje de la cultura masculina”⁹. Pero en esta fidelidad se halla el engaño, que no hace otra cosa sino confirmar al hombre.

Sin embargo, la complicidad puede transformarse en desafío, si se elige poner en juego la diferencia, tal y como se ha propuesto en el texto “Un sí y tres no”. No es una alternativa abstracta o retórica. En la una u otra opción se han construido experiencias

Ediesse, Roma, 2015, p. 155.

6. I. Dominijanni, *Il trucco. Sessualità e biopolitica nella fine di Berlusconi*, Ediesse, Roma, 2014, p. 225.

7. I. Peretti, V. Tola, “La scomparsa della differenza nella politica istituzionale”.

8. *Diferencia política* es la palabra clave empleada por Isabella Peretti y Vittoria Tola, para indicar la calidad de la presencia femenina de la que quieren buscar las señales o las razones de su falta. Es una definición tomada de nuestro libro (M. L. Boccia, *La differenza politica. Donne e cittadinanza*, Il Saggiatore, Milano, 2002) donde intentamos reconstruir las diferentes concepciones y prácticas de la política en el feminismo –y cómo han influido en la política institucional– respecto de tres ejes fundamentales: diferencia sexual, igualdad e identidad de género. La “paridad” –término que se ha popularizado en los últimos tiempos– es una versión moderada de la igualdad, y de su combinación con la identidad. De hecho, pocas políticas de género y políticas de paridad andan por el mismo camino. Hablaremos de eso en este artículo.

9. C. Lonzi, “Significato dell'autocoscienza nei gruppi femministi”, en C. Lonzi, *Sputiamo su Hegel e altri scritti*, et al., Milano, 2010, p. 116.

significativas a lo largo de los años. Me limito a recordar mi experiencia como senadora del partido *Rifondazione Comunista* en la XVI legislatura. Con otras parlamentarias, construimos un lugar político –*La diferencia en juego*– con importantes intercambios entre prácticas institucionales y prácticas feministas, representando y comunicándolo en un sitio en internet, y dando prueba de sus logros en una publicación a finales de la legislatura¹⁰. No fue la única experiencia de ese tipo.

En la época de la inclusión, cambia el interés por la política institucional, y también el sentido y la perspectiva. Para muchas es la meta alcanzada y que hay que consolidar, adquiriendo mayor poder. Para muchas otras –y compartimos esta idea– es necesario desplazar el conflicto hacia la política. Y eso abre nuevos conflictos entre feminismos –en plural–, entre esta pluralidad y el protagonismo de las mujeres en la política institucional; es decir, ya no es –si nunca lo ha sido– un problema de relación entre el movimiento feminista, sujeto político externo y extraño, y el sistema político-institucional.

Precisamente el conflicto, representado y puesto en práctica por los sujetos, debe ser eliminado de la política hoy día, tal vez en la facción de izquierda más que en la de derecha, más entre mujeres y hombres que en otras figuras sociales. En el régimen gubernamental, cabe neutralizar el conflicto, domesticarlo y absorberlo.

Esto implica una novedad relevante para la inclusión femenina. Respecto de la más notoria línea de demarcación y roce entre política de la diferencia y política de la paridad, se trata de comprometer a mujeres para normalizar el inconveniente de una libre y autónoma subjetividad sexuada que ha irrumpido en la historia y ha desbaratado el orden simbólico, social y político.

En este involucramiento se destaca la identificación en una generación común, como rasgo político distintivo con clara prevalencia en la subjetividad sexuada. “Nosotros somos la generación que está cambiando la manera de hacer política”, ha declarado Maria Elena Boschi¹¹. Es un cambio que, en el ámbito de la “política de género” “funciona aún mejor: la mitad de los ministros [son mujeres] y [hay] muchos nombramientos de mujeres en la dirección de los organismos públicos... una mujer es nuestra vicesecretaria, cosa nunca antes vista en la historia del partido”. Ha anotado justamente Sofia Ventura que las parlamentarias y ministras del *Partito Democratico* de Renzi representan “las guardas y las madrinas del cuento del líder”¹². No se limitan a repetirlo, lo reproducen y

10. Coordinación de las parlamentarias de Rifondazione Comunista - Sinistra Europea, *Differenza in gioco, in un gioco troppo breve*, Centro duplicazione del Senato, 2008.

11. P. Jacobbi, “Sogno un compagno e tre figli”, entrevista a Maria Elena Boschi en *Vanity Fair*, abril de 2014.

12. S. Ventura, *Renzi & Co. Il racconto dell'era nuova*, Rubbettino, Soveria Mannelli, 2015, p. 188.

lo personifican, es decir, interpretan las necesarias versiones y representaciones femeninas, de cuya finalidad ya hemos hablado.

Según Ida Dominijanni, un “disciplinado moderantismo paritario” caracteriza a la imagen y la actividad de las mujeres en la política institucional: queremos subrayar que el moderantismo fundamenta esta política, mientras que la paridad lo especifica en femenino –una versión actualizada de la tradicional “cuestión femenina”, término empleado a propósito por Maria Elena Boschi como inconsciente mentís del cuento de la *rottamazione*–. Dominijanni determina tres puntos: “lucha contra el feminicidio, denuncia (también penal) del sexismo (de los comportamientos y del lenguaje, sin diferencia entre ellos), solicitud de garantías de elegibilidad en la nueva ley electoral”¹³. Más que una reconfiguración de derechos, típica de las políticas de emancipación, el conjunto de los tres puntos se caracteriza por la reducción de temáticas y, sobre todo, por aspirar más a la reglamentación (administrativa o penal) de las instancias que se quieren acoger, en lugar de los derechos subjetivos. La premisa común y unitaria es la condición de mujer víctima y discriminada, cuyo rescate reside en recetas en las que se mezclan moralismo y justicialismo, sin recaer nunca en la crítica a la sexualidad masculina y a las relaciones que las unen al ejercicio del poder y de la violencia. Dominijanni destaca justamente que es la versión femenina del paradigma neoliberal y neoliberalista, que ha llegado a ser hegemónico y difundido.

Consideramos que la definición “moderantismo paritario” resume bien las evaluaciones de las parlamentarias entrevistadas por Peretti y Tola en el libro citado. Emma Fattorini y Michela Marzano hablan de “normalidad” (“también en buen sentido”, precisa Fattorini), subrayando la discontinuidad (para Marzano, “memoria cortada”) entre el feminismo y mujeres “jóvenes y bonitas” que ejercen el poder con aplomo y viven la diferencia “simplemente como un hecho concreto sobre el cual no es necesario reflexionar, así como sobre el mundo”¹⁴. También Valeria Fedeli reflexiona sobre la discontinuidad con el feminismo, para mujeres que han llegado a la política sin confrontarse con la pertenencia de género, es más, a veces la han negado. A pesar de no querer adoptar “estilos y lenguajes masculinos”, viven su ser mujeres “casi como un dato biológico, previsto, de ahí que sea imposible trabajar privilegiando la mirada de género sobre el mundo”¹⁵.

13. I. Dominijanni, *Il trucco. Sessualità e biopolitica nella fine di Berlusconi*, p. 226.

14. I. Peretti, V. Tola, *La scomparsa della differenza nella politica istituzionale*, pp. 167-181.

15. *Ibid.*, p. 170.

Pia Locatelli evidencia otro aspecto crucial y transversal a las leyes objeto del trabajo parlamentario: prostitución, trata, violencia sexual, prevalencia de paternalismo, a nombre de la tutela de las mujeres víctimas y de la autodeterminación femenina. Y define “grave” el hecho de que de una posición, tomada por hombres “convencidos de desempeñar ‘justamente’ el papel de protectores”, se encarguen las mujeres¹⁶. En realidad, notaremos que eso corresponde a una precisa construcción de la relación con “las mujeres”, que adopta políticas de género totalmente similares a una estructura política predefinida. Locatelli es consciente de que sigue existiendo un conflicto entre los sexos y de que “no es una de las muchas diversidades”, pero también observa que, en el “Parlamento rosa” no se ve: “hay un silencio a veces atronador sobre temas y políticas que podrían mejorar nuestra democracia”. Cuando a la orden del día no se habla específicamente de lo femenino, “la presencia femenina tan numerosa se pierde”¹⁷.

Dentro de las jóvenes parlamentarias –muchas de ellas son elegidas por primera vez–, la palabra feminismo es desusada, casi no se emplea y no existe en los libros. Más bien vaga como *espectro* para evocar, para sacar una legitimación, desde un doble punto de vista: realizar por fin sus razones de la única manera posible –paridad, derechos, libertad de elección dentro de las miles de luces del mercado– y quitarle el fundamento: “ha sido y ya no es”. La diferencia sexual no es otra cosa respecto del género, y este último se multiplica en diferencias corpóreas y lingüísticas, sexuales y culturales¹⁸. Tal y como nota Dominijanni, los dos espectros convergen en un único resultado político: neutralizar la radicalidad del feminismo, convirtiéndola en reivindicaciones compatibles en contenidos y modalidades. Marisa Nicchi lo define eficazmente “una actitud de salida lateral” que desvía su historia y sentido, “como si el feminismo fuera la desdicha de lo femenino”, y no –lo que realmente fue– una política y un pensamiento generado por el deseo político de poner punto final a la miseria simbólica y existencial de las mujeres¹⁹. Este vuelco es posible porque falta la práctica de relaciones entre mujeres. En efecto, en la práctica se construye “un nivel de juicio autónomo e inédito”, empleando las palabras del texto “Un sí y tres no”. Nicchi nota que, frente a la falta de aquella práctica, quedan las filiaciones político-partidistas, con sus lógicas de poder, y la competición entre mujeres sustituye a las relaciones, vividas como autonomía e intercambio. Según

16. Ibid., p. 177.

17. Ibid., p. 180.

18. I. Dominijanni, “Spettri del femminismo”, en Diotima, *Femminismo fuori sesto*, Liguori, Napoli, 2017, pp. 25-27.

19. Sobre este tema: Diotima, *Il pensiero della differenza*, La tartaruga, Milano, 1987; C. Zamboni, “Ordine simbolico e ordine sociale”, en Diotima, *Oltre l’uguaglianza*, Liguori, Napoli, 1995; M. L. Boccia, *Con Carla Lonzi. La mia opera è la mia vita*, Ediesse, Roma, 2014.

Elettra Deiana, “el hecho de convertirse en parte cómplice y funcional de la parte política de referencia, en realidad, hoy día es el auténtico rasgo distintivo de las mujeres en política”²⁰.

De este cuadro, emerge una fuerte tendencia femenina a alejarse claramente del feminismo. Adquiere rasgos posfeministas, afeministas, patentemente antifeministas, pero se mueve en un mismo entorno. Estamos convencidas de que, de forma inconsciente, en el fondo necesitamos eliminar la herencia del feminismo, para no sentirnos en deuda. Entonces, ¿funciona –también en este caso como variante femenina– el imperativo de la autoempresarialidad que sella el pacto de una generación sin padres y, por consiguiente, sin madres? Pero no hay ninguna simetría entre las dos genealogías, tanto en el plan simbólico como en el histórico-político. La remoción impide reconocer que la inclusión es la respuesta a aquel movimiento de libertad y afirmación de sí, y es gracias a la política puesta en práctica por el feminismo que hoy día hay un protagonismo femenino difundido, capaz de ocupar los espacios de oportunidad y de poder que se han abierto. Así que la inclusión no es una consecuencia, inscrita y prevista, de los mecanismos objetivos de funcionamiento del sistema.

Más que de “desaparición de la diferencia sexual como diferencia política, deberíamos hablar de eclipse. De hecho, aquella diferencia no deja de obrar²¹, pero queda oculta, en la esfera pública, por la reconfiguración, persistente y diversificada, de lo femenino. Anna Simone habla de “captura [de la diferencia] en una serie de dispositivos que la vacían o aspiran a vaciarla de su efecto originario feminista, indócil”²². De ahí que se produzca una “sistemática tergiversación por parte de la política institucional”²³: la búsqueda del valor de la diferencia se transforma en paridad; el deseo de libertad en aspiración al poder; el hecho de haber desprestigiado a lo masculino en feminización y en versión actualizada de la complicidad.

Lo que se malinterpreta y, por ende, se domestica es la diferencia sexual que, al mismo tiempo, es raíz primaria y movimiento en acción de la política feminista. En efecto, la diferencia política actúa como deconstrucción, nunca definitivamente realizada, de la identidad, sin disolverse nunca en las múltiples diferencias. Por el contrario, lo femenino –reformulación constante de una identidad de las mujeres, como variante

20. I. Peretti, V. Tola, *La scomparsa della differenza nella politica istituzionale*, p. 164.

21. Piénsese en el movimiento transnacional “Ni una menos”, sobre el cual se discute mucho, también en las redes sociales, y es un movimiento que se ocupa sobre todo de la autonomía y la radicalidad política, y del cruce entre diferencia y diferencias en la construcción de la subjetividad. Cfr. también I. Dominijanni, “Spettri del femminismo”, en *Diotima, Femminismo fuori sesto*, y A. Azzaro (ed.), “Di cosa parliamo quando parliamo di politica?”, en *Leggendaria*, 121, 2017.

22. A. Simone en I. Peretti, V. Tola, *La scomparsa della differenza nella politica istituzionale*, p. 198.

23. I. Strazzeri, *Post-patriarcato, l'agonia di un ordine simbolico*, Aracne, Roma, 2014, p. 49.

“específica” de lo humano— se inscribe en el orden dado, y puede combinarse tanto con el paradigma del neutro-universal como con el del pluralismo sociológico²⁴ (con paz, sea dicho, de las frecuentes lecturas sobre la sustancial coincidencia de diferencia sexual e identidad femenina, y sobre la prevalencia de uno u otro término, dependiendo de los contextos sociopolíticos o de las “escuelas de pensamiento”).

Es importante partir de esta distinción para entender que, por lo que a la inclusión se refiere, no se trata de considerar marginal o insignificante la presencia femenina, sino más bien de volverla compatible, de normalizarla, en el doble sentido de homologarla a las normas vigentes y de considerarla “normal”. Y es más fácil entender cuál es la imagen femenina protagonizada por las mujeres en la “escena política”. No empleamos por casualidad esa definición que ha llegado a ser muy usual. En efecto, hoy más que antes, mujeres y hombres *encarnan* la política, es decir, deben representarla antes en el cuerpo que en los contenidos y en las funciones. En aquella escena, participan en la representación mediática y en la producción del imaginario.

Sepultado en la época berlusconiana, el antiguo —y falso— estereotipo de la emancipación, desexualizada y descorporeizada; cerrado el paréntesis de la “penitencia” moral, en nombre de la *dignidad*, femenina y de la nación²⁵, maternidad y belleza vuelven a ser las claves de bóveda del “estilo femenino”, también en política. Por lo que a la belleza se refiere, ha sido muy discutida la reivindicación de la diputada del *Partito Democratico* Alessia Moretti alrededor de una manera de hacer política *lady like*, un estilo particular²⁶. Muchas son las imágenes de la maternidad y los discursos relacionados con esta de mujeres políticas orgullosas de su embarazo, como las ministras Marianna Madia y Rita Lorenzoni, Giorgia Meloni, etc. Es un caso aparte Carme Chacón, ministra de la Defensa española, entre las tropas, vestida de camisa blanca, con una mano en la cadera para sostener el peso del embarazo.

Juntas o separadas, aquellas imágenes se sirven de los recursos —desde siempre considerados más auténticos— de las mujeres, pero no ofrecen solo una confirmación tranquilizadora, dirigida primero a los hombres, de que una mujer es antes que todo un cuerpo. También en este caso nos hallamos en el ámbito de la captura/tergiversación

24. Sobre este argumento, véase M. L. Boccia, *La differenza politica. Donne e cittadinanza*, Il Saggiatore, Milano, 2002.

25. Nos remitimos a I. Dominijanni, *Il trucco. Sessualità e biopolitica nella fine di Berlusconi*, no solo para una interpretación de los acontecimientos y de las lecturas teórico-políticas, sino también para la trama del discurso que se construye sobre estas, y que es muy importante para las cuestiones de las que intentamos ocuparnos en este artículo. Sobre la “dignidad”, cfr. también Snoq, www.senonoraquando.eu, 30 de enero de 2011; M. L. Boccia, I. Dominijanni, T. Pitch, B. Pomeranzi, G. Zuffa, *Sesso e politica nel postpatriarcato*, disponible en www.ilmanifesto.it/archivi/donne-e-potere/.

26. A. Moretti, videoentrevista en el *Corriere Tv*, 18 de noviembre de 2014. El debate ha tenido lugar en las redes sociales.

del feminismo, y de la herencia, eliminada, en la que se sienta. Es una acción femenina –¿demasiado femenina?– para decir que, hoy día, una mujer se siente y se presenta, “más mujer que hombre”²⁷, aunque esté dominada por la ambición, busque el poder y sea exitosa.

En la época en la que los escándalos sexuales forman parte de la información cotidiana, la imagen del personaje público siempre es también adopción e interpretación de una imagen sexual. La *performance* de una hiperfeminidad, hecha con tacones y silicona, atractiva y disponible debe tranquilizar a mujeres y hombres –supuestos “normales”, es decir, que no participan en el cambio de prácticas y deseos sexuales– y promover el modelo normativo de la heterosexualidad no solo en las relaciones privadas, sexuales, sino también en las públicas, sociales, económicas y políticas.

En el prisma de las máscaras y en el mercado de consumo no faltan imágenes más transgresivas que remiten más explícitamente al sexo: de la imagen seductora al cuerpo ostentado, hasta llegar al juego erótico. No hay reglas rígidas o límites insuperables. La única regla es el gusto, que es diferente del consenso, en equilibrio constante entre identificación y distancia. Lo importante es captar la atención y provocar la pregunta: “¿qué quiere la imagen de mí?”²⁸. En otras palabras, lo más importante es participar en la fábrica del imaginario, convertirse posiblemente en un personaje *pop*, potenciando de esa manera sus propios recursos políticos. Está claro que siempre hay una diferencia entre la imagen y la mujer, con su existencia concreta que la encarna. De la misma manera, hay tensión, y no coincidencia, entre la representación subjetiva y la social; la una influye en la otra y viceversa²⁹.

Hay otro ámbito en el cual la política institucional desempeña un papel crucial en la representación de la mujer, y la imagen de la víctima se halla en el centro de las políticas y del discurso público que las motiva. Tanto como víctimas de violencia como de discriminación, la condición social de las mujeres italianas parece ser la de la opresión, sustancialmente invariada. También en este caso el dispositivo identitario se enfrenta al movimiento de la diferencia. En efecto, no se trata de negar los hechos –de los feminicidios a las desigualdades económico-sociales y de poder– entre mujeres y hombres, sino

27. *Più donne che uomini* es el título –tomado de una novela de Ivy Compton-Burnett– de una importante entrega en *Sottosopra*, enero de 1983. En el texto se inspira la política de la *Libreria delle donne* de Milán.

28. Empleamos la expresión de A. Gribaudo, G. Zapperi, *Lo schermo del potere. Femminismo e regime della visibilità*, ombre corte, Verona, 2012, p. 17. Según las autoras, es la clave de bóveda de la representación, entre real e imaginario, entre representación social y representación subjetiva.

29. *Ibid.*, p. 16.

más bien de preguntarnos si la representación de las mujeres como grupo social homogéneo explica la realidad, de la que aquellos hechos forman parte de manera relevante, sin duda. Hay que preguntarnos si al darle a la mujer el estatus de víctima se considera el cambio ocurrido entre los sexos. Por ejemplo, ¿tiene sentido aquella situación, cada vez más frecuente, en la cual la autonomía y la fuerza de una mujer provocan la violencia de un hombre que, por el contrario, anda en la red de la crisis de la identidad masculina? ¿A ese cambio le corresponden las políticas de tutela de la víctima, recurriendo mucho a lo penal, en una lógica más basada en la seguridad que en el reconocimiento de la subjetividad, en el cuidado de las relaciones, en la valorización de la red de prácticas sobre la violencia? ¿O más bien dependen del funcionamiento interno de la política?

La univocidad de esta imagen parece estar en contraste con la de la mujer dispuesta a cualquier cosa en el mercado del sexo, no víctima sino empresaria de sí misma, libre a la hora de elegir si y cómo disponer de su propio cuerpo. Es la versión neoliberal y neoliberalista de la libertad que capturaría y homologaría otra vez el estímulo feminista a la libertad. Las dos imágenes se cruzan en el cuerpo, objeto del que disponer, en el intercambio entre individuos, reglamentado por el derecho, con contrato o con ley. Lo que las separa y las contrapone es la legitimidad de quien dispone de estas y, claro está, es una distinción muy relevante.

Sin embargo, detrás y además del contraste hay algo más, y es la imposibilidad de reducir el cuerpo a objeto, diferente y separado de quien lo encarna y, por consiguiente, la libertad a un acto de disponibilidad sobre este. Entre cuerpo-objeto y subjetividad sexuados no hay línea clara de demarcación. Más bien es el confin en el que se coloca el conflicto entre el regreso –con formas diferentes– de la más antigua raíz de la opresión patriarcal –la matriz posesiva de la sexualidad masculina– y la apertura de espacios para la libertad femenina, unos espacios que pueden ser empleados en las diferentes relaciones sexuales, no solo en las supuestas “libres”. Incluso en el intercambio sexo-poder-dinero puede abrirse una tensión entre la subjetividad de la mujer y la objetivación de su cuerpo.

Aquí hay un punto de quiebre entre el feminismo y la concepción moderna de la política, del sujeto, de las relaciones humanas, particulares y públicas. Pero no aparece nada de eso en la representación de la escena política.

Es una escena en la que las mujeres aparecen en dos posiciones, divididas por la línea de la representación política que cruza también la representación simbólica. Por un lado, están las mujeres que representan el género, saben expresarse y tienen visibilidad; por otro lado, están las mujeres que lo sufren, enjauladas como están en la imagen y en

la condición –invariada e invariable– de oprimidas, dependientes, despojadas antes que todo de la subjetividad y la libertad. En esta escena, como muchos estudiosos afirman, la revolución feminista está inevitablemente fuera de lugar “se pasa de la raya”. El suceso y el sujeto imprevisto siguen siendo, esto es, no pre-vistos³⁰.

Traducción del italiano de M. Colucciello

30. Cfr. sobre el “fuera”: Diotima, *Il pensiero della differenza*, C. Lonzi habla de sujeto imprevisto en *Sputiamo su Hegel e altri scritti*, p. 47. Sin embargo, ese concepto es muy recurrente en el feminismo italiano de la diferencia.

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A CALL TO LOYALTY: WOMEN'S BODIES, PLAYGROUNDS AND BATTLEFIELDS

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Abstract

The article aims at analysing how the use of “feminist” arguments by xenophobic, right –wing and populist discourses– constitutes a specific form of neutralisation of feminism. In European public discourse, women’s freedom is becoming a pawn in a political game that has nothing to do with women themselves. Women’s bodies –possessed, re-appropriated, impregnated, covered and uncovered– become battlefields for the “identity conflicts” of late modernity. On the other hand, the aspiration to autonomy, re-narrated in late capitalism in terms of freedom to consume, causes women bodies, exposed, spectacularised, commodified, to become the playgrounds of neo-liberal order (Fraser, 2009). Some trends in contemporary feminism reflect this mimetic version of freedom, thus contributing to make feminist critique suitable to the spirit of new capitalism and easily manipulated by xenophobic, right-wing populist discourses.

Keywords

Gender, difference, xenophobia, neoliberal order.

Resumen

Este artículo muestra cómo los argumentos feministas utilizados por discursos de derecha populistas y xenofóbicos contribuyen a la neutralización del feminismo en el discurso público europeo, la libertad de la mujer se invoca para fines que tienen poco que ver con ellas mismas. El cuerpo de la mujer se queda exterior y ajeno a la esfera moderna de la autonomía y sigue siendo una posesión: poseído, reapropiado, cubierto y expuesto, se convierte en campo de batalla para los conflictos identitarios de la modernidad tardía. Por otro lado, la aspiración a la autonomía, transformada en deseo de consumo, causa que se convierta en un espectáculo y en una mercancía, es decir, en un patio de recreo del orden neoliberal. Ciertas tendencias en el feminismo contemporáneo reflejan esta versión mimética de la libertad, haciendo al feminismo vulnerable al nuevo espíritu del capitalismo (Fraser, 2009) y a los discursos populistas y xenófobos de la derecha.

Palabras clave

Género, diferencia, xenofobia, orden neoliberal.

Introduction: The call to loyalty

We are at war: after Paris, Bruxelles, Manchester this sentence is becoming increasingly familiar in the European context. Populist and right wing movements make constant use of a war vocabulary, and not only in the case of terrorist attacks. The imagery of invasion, occupation, resistance is used in reaction to immigration flows in general and more specifically to represent the refugee crisis; and as all those involved in such processes are almost invariably (although incorrectly) associated with Islam, this vocabulary assumes the character of a call to arms against Islam. The war vocabulary is not a prerogative of the far right, as testified, to quote but one example by the speech of the former French President Hollande on November 17, 2016. Women and their bodies seem to be a primary target of this conflict. Our eyes are full of images of violence against women, amplified, repeated, spectacularised. We all have vivid in our memory famous cover of *Times*: “This is what happens if we leave Afghanistan”, the images of girls kidnapped by Boko Haram in chains, and the horror of Yazidi women reduced into sexual slavery by Daesh. We saw images of women going through a double-lined tunnel of aggressive men –dark men– in Köln.

These images match with an apparent victory of feminism worldwide. “One of the effects of globalization has been a new visibility of women issues on the world stage.”¹ Summed up in the slogan “women’s rights are human rights”, gender equality appears as a core value of Western modernity, a kind of new common sense that has presented “going to war for women as a plausible program.”² Abu Lughod provides the very appropriate definition of ‘international’ to this version of feminism, which in fact embraces a view of women’s rights as to be obtained by extension from a centre to a periphery, a conquest celebrated first of all in the West, to be exported to the rest of the world, borne by the wings of globalisation in the name of ‘global’ solidarity. This international feminism is now well-established in the “global market of ideas”³ as it is very well exemplified by Theresa May’s t-shirt.

A situation of war –such as the current humanitarian crisis is depicted– requires a call to loyalty. Questions such as “where are the feminists?”, “why are feminists not speaking up?” recur more and more frequently in the European scenario. Feminists are

1. A. Jacqui Alexander, C. Talpade Mohanti, *Feminist Genealogies, Colonial Legacies, Democratic Futures*, Taylor and Francis, Abingdon, 1996, p. 494.

2. L. Abu Lughod, *Do Muslim Women Need Saving*, Harvard University Press, Cambridge (Mass.), 2013.

3. A. Jacqui Alexander, C. Talpade Mohanti, *Feminist Genealogies, Colonial Legacies, Democratic Futures*, p. 494.

constantly required to take sides, to speak up (“what do you feminists say about, crimes of honour, about arranged marriages, marital rape, genital mutilation?”), or to show their solidarity and ‘help’ other women.

A particularly brutal version of this call to loyalty is that developed by right wing and populist movements by appropriating feminist arguments as a tool in their xenophobic and nationalistic political strategy. The well-mannered version –voiced by more moderate political forces, such as mainstream ‘liberals’ (those in a French context would be called “républicains”) and by international feminism, is no less penetrating for being softer. In this context, women’s bodies are turned into the battlefields, where political conflicts are fought, or into playgrounds, where games are enacted that do not really have to do with women’s freedom.

This essay identifies both forms of this call to loyalty –the overt manipulation operated by far right movements as well as the identification of women’s freedom with Western modernity– as a leading to a domestication of feminism. First of all, both minimise the potential of feminism as a form of critique, and furthermore they substantially reduce the spaces to create networks of dialogue and solidarity among women. The refusal to participate in this game constitutes a first and most immediate form of resistance; but a more needed work for feminist theory is a renewed engagement to critically assess the ambiguities of modernity, and of the place of women’s subjectivity within it, in order to explore the chances open for feminism as a form of critique. This work may provide the ground to explore new grounds for women freedom that may escape the risk of a crypto-colonial normativism.

Bellum of whom against whom

Fears, insecurity, anxieties are common features of Western societies in this time of crisis of late modernity. In a scenario where Western democracies find it hard to maintain their promises, the narrative of the clash of civilizations and of the war against modernity provides a comforting explicative framework, that spares the painful confrontation with the undesired, unforeseen consequences of modernity. The refusal to engage with the complexity of the present is the breeding ground where right-wing, xenophobic movements thrive, in an only apparent opposition with the globalising impulses of late modern capitalism. Women’s status, their rights, and their freedom, have become a pivotal element in this narrative of modernity under attack.

Just as Aisha's once beautiful and now devastated face was used to justify the military presence in Afghanistan,⁴ Köln –and other similar episodes– are constantly invoked as a ground for political choices that have nothing to do with women self-determination, from anti-immigration to Euroskepticism to reaffirmation of populist sovereignty. As mentioned in the introductory remarks, a state of war requires loyalty: feminism is summoned to defend the 'conquests' of women from distinct and apparently opposed sides. Right-wing, xenophobic and populist movements co-opt feminism in order to reinforce nationalism, demonstrate the impossibility of integrating 'aliens'; their effort of domestication is evident as they operate a kind of political blackmail in the name of a feminist agenda. The other form of domestication of feminism is much harder to read, as it is embedded in a series of political discourses that aim at the inclusion of women from 'other cultures' into the home and fortress of women's liberty –the West. By identifying Western modernity as the point of origin (as well as the final destination) of women's freedom this softer call to loyalty undermines the potential of feminism as a form of critique.

Both deploy mechanisms of othering well-known to postcolonial literature. The construction of the 'Muslim woman' –as all immigrant women are supposed to be– follows the script used to construct the 'third world' woman.⁵ The image of a weak, oppressed victim matches that of aggressive masculinity, that rolls into one refugees, asylum seekers, or first and second generation immigrants. The *garçons des banlieues* are the epitome of this spectre. The imaginary of war, attack and resistance necessarily evokes rape. The references to sexual violence are a recurring feature in political communication, as a way of expressing deep-set anguishes and anxieties. American president Trump makes extensive use of the language of rape to justify protectionist policies. America is described as being 'raped', either by China aggressive trade or by the TTP. Nigel Farage has described Sweden as a "rape capital" because of a large number of refugees admitted. As the refugee crisis is described as an "invasion", rape becomes the ultimate fear-causing card that can be played by a xenophobic discourse aimed at reinforcing an image of the closely-knit community. In the aftermath of Köln, a most

4. R. L. Riley, *Depicting the Veil. Transnational Sexism and the War on Terror*, Zed Books, London, 2013.

5. G. C. Spivak, *A Critique of Postcolonial Reason: Toward a History of the Vanishing Present*, Harvard University Press, Cambridge (Mass.), 1999; C. Talpade Mohanty, "Under Western Eyes: Feminist Scholarship and Colonial Discourses" in *Feminist Review*, 30, November 1988, pp 61-88; "Under Western Eyes Revisited: Feminist Solidarity through Anticapitalist Struggles", in *Signs: Journal of Women in Culture and Society*, vol. 28, 2, 2002, pp. 459-535. See also J. W. Scott, *The Politics of the Veil*, Princeton University Press, Princeton, 2007, and E. Said, *The Myth of the Clash of Civilization*, Media Education Foundation, Northampton, 1993.

popular Italian anchorman invited guests of his talk show to debate whether “our women should be afraid of the gangs of immigrants.”⁶

The annihilation of all differences, always a crucial component of the colonial script, and is punctually reproduced here. The Muslim woman is defined solely by her religion, which determines the whole dimension of ‘culture’; Muslim women are all alike, as regardless if they come from Pakistan or Saudi Arabia, Bosnia or Indonesia they all belong to the fictional entity of “Islamland.”⁷ No autonomous agency is open for the Muslim woman –is simply a victim of her ‘culture’, and therefore presented to Western women as the epitome of all that ‘we are not’; she becomes a “marker of community’s place.”⁸ By xenophobic movements, the image of victimised, oppressed –veiled– women is used as a memento to rally consensus: this is what happens if we lower the guard. This ‘other woman’ also becomes a recipient of compassion, as she is definitely in need of being rescued. Her defence becomes a justification in international conflicts as well as a tassel in domestic political games. Just as Bibi Aisha’s once beautiful and now devastated face was waved as a flag to justify the military presence in Afghanistan, the dark myth of Islamland “anoints the call to arms for women with transparent goodness [and] enables those who advocate for women right to accrue moral capital.”⁹

In both cases, sexuality and the use of the body are indicated as marking features of Western civilisation: as phrased by Norris and Inglehardt, “the real clash of civilization is not about democracy is about sex”, or at least seems to be “more bout eros than demos.”¹⁰ Western societies have undergone a process of ‘democratisation’ of sexuality, whereby sexual norms are no longer determined by nature but are on the contrary perceived as the result of historicised political processes.¹¹ This politicisation of formerly private issues, undoubtedly one of the greatest achievements of post World War II feminism, is now deeply entangled with Eurocentric biases and becomes a very useful tassel in the process of othering.¹² ‘Sexual Democracy’ becomes the identity marker between ‘us’ and ‘them’, and is consequently indicated as the main target of the war against the West. However, these

6. The night of Cologne is a turning point: see A. Bocchetti, I. Dominijanni, B. Pomeranzi, B. Sarrasini, “Speculum. L’altro uomo. Otto punti sugli spettri di Colonia”, in *Internazionale*, February 3, 2016, available at <http://www.internazionale.it/opinione/bocchetti-dominijanni-pomeranzi-sarasini/2016/02/03/speculum-altro-uomo-spettri-colonia> (accessed May 31, 2017).

7. L. Abu Lughod, *Do Muslim Women Need Saving*, p. 69.

8. S. Razack, *Casting Out. The Eviction of Muslims from Western Law and Politics*, University of Toronto Press, Toronto, 2007, p. 103.

9. L. Abu Lughod, *Do Muslim Women Need Saving*, p. 69; R. L. Riley, *Depicting the Veil*.

10. R. Inglehart, P. Norris, “The True Clash of Civilization”, in *Foreign Policy*, 135, 2003, pp. 64-65.

11. E. Fassin, “La démocratie sexuelle et le conflit des civilisations”, in *Multitudes*, 26, 2006, p. 126.

12. L. Sabsay, *The Political Imaginary of Sexual Freedom. Subjectivity and Power in the New Sexual Democratic Turn*, Palgrave-Macmillan, Basingstoke, 2016, p. 97.

debates about sexual democracy are drastically different from the struggles to affirm that the personal is political, as they are essentially instrumental and hetero-directed. Women's bodies are brought the centre of public debates to be turned into the locus of discussions on identity, right, values, to re-affirm a colonial ('Manichean') view of the world where "women's bodies remain the terrain on which men sought to articulate their desires and fears."¹³ The *vexata quaestio* of what Butler defines as "sartorial politics of the public sphere"¹⁴ is a typical example of how the management of women's bodies becomes one of the key criteria to separate 'us' from 'them': whilst authorities of all kinds still bury women behind cloths, on a French beach policemen tried to force women to unveil themselves.

France appears as a very good point to observe the combination of apparently contradicting phenomena: on the one hand, the immediate and evident the cooption of feminism by far right that Farris¹⁵ brands as *femonationalism*,¹⁶ and on the other, a matching mechanism of re-appropriation of a more marked neoliberal character, which makes extensive use progressive, cosmopolitan and inclusive arguments. In fact, xenophobic and ultra-nationalist populism have literally "hijacked" gender,¹⁷ even more than they did with religion, by impressing a drastic turn to their reservoir of political vocabulary. Traditionally, right and far-right political forces had a very clear-cut discourse on gender, as they presented themselves as defenders of 'old school' values and iron-cast definitions of masculinity and femininity. The galaxy of xenophobic populism instead has demonstrated a great capacity of integrating feminist agendas in their identity politics discourse. With a most skilful operation of table turning, they tend to present themselves as the real defenders of gender equality and of women's 'conquests.' As a strategy to reinforce a 'us and them' dichotomy *femonationalism* sets up feminist claims versus 'multiculturalism', meaning by this the supine acceptance of any kind of form of life. In this sense, 'cultures' are articulated monolithic, extra-historical and un-mutable systems of beliefs, and women as deprived of any negotiating capacity and autonomous agency.

The Front National of Marine Le Pen is an almost ideal-typical case, as it combines many characteristic elements. In her efforts to make the FN more presentable, Le Pen has included in her program many elements inherited from the historical feminist struggles, and has even flirted with gay rights, to the point of justifying a definition of

13. S. Razack *Casting Out. The Eviction of Muslims from Western Law and Politics*, p. 103.

14. J. Butler, *Notes Towards a Performative Theory of Assembly*, Harvard University Press, Cambridge (Mass.), 2015, p. 82.

15. S. R. Farris, *In the Name of Women's Rights: The Rise of Femonationalism*, Duke University Press, Durham, 2017.

16. Farris does not limit femonationalism to populism.

17. I am borrowing this expression from the title of N. Marzouki, D. McDonnell, O. Roy (eds.), *Saving the People How populists have Hijacked religion*, Hurst & Company, London, 2016. For a general definition of populism, see at least C. Mudde, *Populist Radical Right Parties in Europe*, Cambridge University Press, Cambridge, 2007.

“homonationalism.” Particularly interesting is how Le Pen juggles with different components of French identity, creatively positioning women equality into a wider picture that reconciles the defence of secularism with the appeal to Christian roots: an interesting rendering of French identity which erases all conflicts. Although in the best style of third millennium populism¹⁸ this combination of Christianity and Secularism is not entirely new, as it was already part of Sarkozy’s rhetorical arsenal.¹⁹ In her cooptation work, Le Pen capitalizes upon the heritage of that process of institutionalisation undergone by feminist fights which has been defined as *Féminisme d’État*. As shown by Sylvie Tissot, feminist claims have been integrated by the State, and are now part of a top ‘top-down’ dynamic, reinforcing a construction of identity that racialises feminism by associating gender equality, sexual democracy and so on to an ethnicist version of French identity. Feminist arguments are thus becoming a powerful legitimizing factor which makes racism more respectable.²⁰ State feminism however is not the sole province of the right, but has become a part of a wider representation of republican identity, where the condition of women is the criterion to measure integration, membership, inclusion. I cite the words of a more ‘presentable’ politician, Sarkozy: “To every martyred woman in the world, I want to say that France offers a protection by making it possible for her to become French”, as in France *la femme est libre depuis toujours*.²¹

The call to loyalty is not only repeated but powerfully revived in the more inclusive and cosmopolitan version, which results in the appeal to solidarity and sisterhood. Whilst right wing *femonationalism* plays openly the game of setting up feminism against multiculturalism, the liberal, or neoliberal, project of emancipation follows a more sophisticated strategy. The ‘other woman’ is waiting to become the receiving end of integration policies²² that will ‘emancipate’ her. Women are recognised agency insofar as they will be able to leave their ‘cultures’²³ and learn how to be free by imitation. The ‘liberal’ project of integration rests evidently on a beautified image of the West:

18. F. Scrinzi, A ‘New’ National Front? *Gender, Religion, Secularism and the French Populist Radical Right*, in A. Petö, M. Köttig, R. Bitzan (eds.), *Gender, Religion, Secularism and the “Newness” of Marine Le Pen’s Party, Gender, and Far Right Politics in Europe*, Aldershot, Ashgate, 2014, pp. 127-140.

19. E. Fassin, “National Identities and Transnational Intimacies: Sexual Democracy and the Politics of Immigration in Europe”, in *Public Culture*, 22, 2010, pp. 507 and ff.

20. S. Tyssot, “Bilan d’un féminisme d’État”, in *Plein droit*, 75, 2007, p. 16.

21. Quoted in E. Fassin, “National Identities and Transnational Intimacies”, p. 511.

22. K. Steiner, “Pitied Women, Aggressive Men. Images of Muslims” in *Swedish Christian and Secular News Discourse* in M. Kottling, R. Bitzan, A. Petö (eds.), *Gender and Far Right Politics in Europe*, pp. 253-270.

23. See Moller Okin and her famous essay *Is Multiculturalism bad for women?*, in S. Moller Okin, J. Cohen, M. Howard, M. C. Nussbaum (eds.), *Is Multiculturalism Bad for Women?*, Princeton University Press, Princeton, 1999. Okin’s way of posing the question is determined by that conception of modernity as Westernization and of a view of cultures as carved in marble, a perspective that Benhabib defined as reification of culture (S. Benhabib, *The Claims of Culture: Equality and Diversity in the Global Era*, Princeton University Press, Princeton 2002).

Western society and well-integrated immigrants are granted a monopoly on liberal and human values. The implication is that the West does not include in itself any illiberal values, whether chastity, religious moralism, intolerance, racism, incarceration, sexism, economic exploitation, or inequality.²⁴

And as a view of 'culture' as all that is out of the West²⁵ whilst Western modernity is associated with both individual autonomy and potentially universal values. Only within Western modernity women have the chance to develop reflexive capacities and autonomous agency: "They' have cultural traditions; 'I' have moral values."²⁶

Battlefield or playgrounds: in either case, periphery

In both cases –the obvious red-neckish discourse of right wing populism or the more well-bred version of *femocrats*– the call to loyalty assumes there is an 'elsewhere' where we (Westerners) shall do something.²⁷ In other terms, the appeal to loyalty rests on the assumption that modernity is the home of women's freedom and that there is an 'outside' that is non-modern or anti-modern; in turn this view assumes that modernity equals West, and that modernisation is a process that stems from a centre towards a periphery. Adopting the alternative paradigm of a multiplicity of modernities and of a variety of modernisation processes as a lens of observation, helps re-arranging the terms of the question and avoiding over-simplified polarisations²⁸. That modernity originated in the West does not mean that it is now one and the same thing with 'Western culture' (admitting, for the sake of argument, the existence of one such thing). Albeit Western patterns "enjoy historic preference and continue to be the point of reference for others" should not be considered as the one and only authentic form of modernity,²⁹ which rather manifests itself in a multifarious array of versions. This perspective makes better sense of the so-called revival of religion, even in its extreme, manifestations. Religious radicalism is not pre-modern (traditional); in spite of the extensive use of an

24. L. Abu Lughod, *Do Muslim Women Need Saving*, p. 125.

25. AbuLughod attributes such an identification also to Okin, p. 32.

26. A. Phillips, *Multiculturalism without Culture*, Princeton University Press, Princeton, 2007, p. 32.

27. L. Abu Lughod, *Do Muslim Women Need Saving*.

28. S. Eisenstadt, "Multiple Modernities. A paradigm of cultural and social evaluation", in *Protosociology*, 24, 2007, pp. 20 - 203.

29. S. N. Eisenstadt, *Fundamentalism, Sectarianism, and Revolution: The Jacobin Dimension of Modernity*, Cambridge University Press, Cambridge, 2000, p. 3.

anti-modern vocabulary is quintessentially modern, exactly for the emphasis on the active, reflexive reappropriation of religious identity –which would not be possible without modern authenticity– and of its ‘Jacobin’ confidence in the possibility of constructing a political community over new foundations.³⁰

The following step is to investigate the positioning of women and women’s subjectivity within political modernity, so as to bring up to light the contradictions and the ambiguities. The renewed fight over women’s bodies, alternatively the playgrounds or battlefields shows how ambiguous modernity has been and still is, in its relationship with women. Both battlefields and playgrounds, however, are always located at the periphery of the city, neither of them being the centre of the polis: and in fact women have been, and to a certain extent still are, alien in the political space of Western modernity.

Feminist theory has provided a number of paradigms that reconstruct how it was not only in the ancient polis that the feminine body had to remain outside of the walls, or be buried alive,³¹ and that the simultaneous exclusion and appropriation of Women’s bodies is constitutive to Western modernity: this literature is so vast as well as well-known as to make it superfluous to be discussed in detail.³² It will suffice here to remind that the foundational event of modern politics, the political covenant, is exclusively a men’s affair: a pact establishing a fraternal order which decrees equality and autonomy for men whilst simultaneously confirming their domination over women.³³

Perhaps more helpful for this reflection to recall how women have not been only the victims of manifest exclusion or the object of explicit forms of constraining, but also the target of the ‘soft’ but irresistible power of seduction of modernity. Words such as freedom, autonomy, individualization, exercise a mighty yet soft power of attraction on women’s subjectivity: the attraction of a forbidden land. For a long time women have been excluded from the magic circle of political autonomy because of their being ‘different’ from men; and again, the difference is linked to their body. The identity marker of man is the capacity of exercising moral autonomy, which results from keeping the dark, magmatic dimension of passions that originate from the body under control through the exercise of rationality. This capacity of moral self-government is also the passport for political autonomy: men can claim political freedom and autonomous agency because they are capable of *control and domination* over themselves. The self-government

30. Ibid.

31. A. Cavarero, *Corpo in figure: filosofia e politica della corporeità*, Feltrinelli, Milano, 1995, p. 20.

32. The first and obvious reference is to the seminal work by C. Pateman, *The Sexual Contract*, Stanford University Press, Stanford, 1988.

33. A. Cavarero, *Corpo in figure*, p. 209; C. Pateman, *The Sexual Contract*.

of the modern rational individual mirrors and reflects the sovereignty of the political body, *artificial man* and *mortal god*. The one shapes the other, as the freedom of the political agent of modernity is grounded in the capacity to exercise upon oneself the same kind of domination, mastership, sovereignty that characterises the modern political community.

Women being identified essentially with their bodies, and with the dimension of passions that are its product, are irredeemably alien with this space of self-government. The obligation to *prove* that women could exercise such self-domination has been a constant stumbling stone on the way of early feminism. In order to prove to be eligible into the sphere of light and public, and to 'deserve' the freedom of the modern individual, the female subject had to shed and recant all that was distinctively feminine. The woman who may aspire to be considered 'subject' and 'agent' is a woman that has relinquished her body in order to demonstrate the capacity for self-domination and self-government: and the sacrifice of 'passions' and sexuality is a crucial passage. Authors such as Wollstonecraft or John Stuart Mill provide abundant evidence of this more or less explicit 'trade-off', whereby women have been allowed to bring their intellectual/rational part into the public sphere, although at the cost of leaving the 'physical' part behind.³⁴ Women have been required to operate a series of self-inflicted amputations,³⁵ so as to school themselves in all those moral capacities that could permit them to become 'as good as man' and consequently to be granted admission into the sphere of modern politics. The feminine subject, trapped in a mirror-like game of recognition and mis-recognition shaped itself in a mimetic relationship with the masculine. Democracy responded to their requests for admittance with a series of waves of inclusions, that allowed their entrance into the public domain, but that left interiorised structures of domination mostly untouched.³⁶

The body has never been truly re-appropriated by women: confined outside of the public sphere, continues to be someone else's property. This explains permanence of violence in 'modernised' contexts –such as the case of domestic violence, as well as of greatest episodes of mass violence against women, from the India Pakistan partition to Rwanda or –to look closer in time and space– Bosnia. Violence against women is not

34. G. C. Spivak, *A Critique of Postcolonial Reason*, Harvard University Press, Cambridge, 1999.

35. I take this expression from E. Pulcini, *Il potere di unire. Femminile, desiderio, cura*, Bollati Boringhieri, Torino, 2003, here used in a slightly different sense.

36. Habermas listed gender equality as one of a series of struggle for recognition, whereby women were 'included' in the structures of the democratic state. Habermas' theory has been the object of a long series of critiques by Fraser, Young, Benhabib, and many others.

the residue of a pre-modern condition or a sudden gush of anti-modernity: it is integral to modernity, as it permits putting things ‘back in place’, reaffirming the masculine domination over women’s bodies which has never been eradicated –on the contrary, re-affirmed– by the modern political covenant. Most specifically, female bodies are identified with the nation –which gives flesh and blood to the political contract, which explains why rape is such a pivotal instrument in the construction of collective identities, either as an obsession, a threat, or a war tool.³⁷

A crucial passage in the development of a mimetic feminine self occurs with the reshaping of the notion of autonomy into that of self –ownership which accompanied the affirmation of modern capitalism. The capacity of autonomy (both moral and political) translates into a notion of self-ownership. This shift becomes evident with the affirmation of a liberal model of subject functional to the needs of the ever-expanding capitalist market. The dimension of property (self-ownership) becomes an integral component of individual freedom. The free agent of the contractualist political theory is now represented chiefly as ‘owner of himself’, and as such able to buy, sell and rent, in a word, of disposing of his property as he deems appropriate. The transition towards a post-Fordist model displays all the potential of the neoliberal government rationality, where the economic logic permeates and shapes all forms of interaction.³⁸ Postindustrial, consumption based capitalism is clad in much brighter colours than its predecessor, and is correspondingly much more elusive in its forms of domination. As the marking feature of the new spirit of capitalism,³⁹ is the capacity to metabolise different forms of critique, feminism, who had strived to demonstrate its potential as a form of critique⁴⁰ is confronted with a new set of challenges, initially the risk of providing neoliberal capitalism with an impressive toolkit.⁴¹ The sirens’ song –freedom– changes of tune, in a context where the aspiration to autonomy is re-narrated essentially in terms of those capacities that permit individuals to participate in the great fair of consumption based-capitalism, that keeps open the trap of mimesis with the masculine. The list could be long and would deserve a careful and thorough analysis; nonetheless, there is a distinct specificity in the mechanism of reappropriation of women’s bodies typical of the neoliberal order; here the point is to analyse how the use of women’s bodies

37. M. C. Nussbaum, “Body of the Nation. Why Women Were Mutilated in Gujarat”, in *Boston Review*, Jun 1, 2004, available at <http://bostonreview.net/martha-nussbaum-women-mutilated-gujarat>.

38. L. Bazzicalupo, *Il governo delle vite. Biopolitica ed economia*, Laterza, Roma-Bari, 2006.

39. L. Boltanski, *Le nouvel esprit du capitalisme*, Gallimard, Paris, 1999.

40. S. Benhabib, D. Cornell (eds.), *Feminism As Critique: On the Politics of Gender*, University Of Minnesota Press, Minneapolis, 1987.

41. N. Fraser, “Feminism, Capitalism and the Cunning of History”, in *The New Left Review*, 56, 2009, pp. 97 and ff.

–playgrounds or battlefields– becomes a tool in the domestication of feminism through the call to loyalty. Women bodies do not necessarily have to be turned into battlefields, as they may become playgrounds; do not have to be colonised –they should become available of their own volition. Freedom of desire becomes an interiorised imperative instead of a ground of conquest; the other side of the coin of sexual democracy is the imperative of pleasure. Not only sexuality,⁴² but more in general the use of the body becomes a major showcase for the re-appropriation of feminism by neoliberal order. As noted by Riley,⁴³ women are targeted simultaneously by the demands of nationalism and the imperatives of global capitalism: beyond *lois fouldarières* of various kind there is not only fear,⁴⁴ but an imperative of visibility and of availability.

Beyond *Rumspringa*

Refusing the shallow ‘sisterhood’ of those who want to ‘save’ Muslim –or in general the project of constructing meaningful networks of solidarity across cultural borders? Can feminists in the first world engage in meaningful discussions –even to the point of mutual critique of forms of life– without falling into the dangers of falling into a naïf, moralistic kind of normativism⁴⁵ –whilst nonetheless reclaiming that “Feminists *do* need to make normative judgments and to offer emancipatory alternatives. We are not for ‘anything goes’”.⁴⁶

42. As noted by M. Esposito, “La libertà femminile nel passaggio dalla governamentalità biopolitica alla governamentalità liberale”, in T. Dini, S. Tarantino (eds.), *Femminismo e neoliberalismo. Libertà femminile versus imprenditoria di sé e precarietà*, Natan edizioni, Benevento, 2014.

43. R. L. Riley, “Women and War: Militarism, Bodies and the Practice of Gender” in *Sociology Compass*, 2, 2008, pp. 1192 and ff.

44. A. Badiou, “Derrière la Loi fouldarière, la peur”, in *Le Monde*, February 21, 2004, available at http://www.lemonde.fr/archives/article/2004/02/21/derriere-la-loi-fouldariere-la-peur-par-alain-badiou_353904_1819218.html#hcoKKF-F7yOMK1yyJ.99.

45. This question moves Rahel Jaeggy in her work *Critique of Forms of Life, Forms of Life as Instances of Problem-solving*, available at <http://cef.pucp.edu.pe/wp-content/uploads/2014/08/Rahel-Jaeggy-Critique-of-Forms-of-Life-Brasil-2013.pdf>. Jaeggy suggests taking the quality of the transformative dynamics which are present in each form of life, assessing whether or not they may cause “blockages of experience (Erfahrungsblockaden)” that prevent individuals from developing internal criticism and re-discuss the adherence to the norms of a given community. See also R. Jaeggy, *Kritik von Lebensformen*, Suhrkamp Verlag, Berlin, 2014.

46. N. Fraser, “Feminism, Capitalism and the Cunning of History”, p. 116. See also N. Fraser, *Fortunes of Feminism: From State-Managed Capitalism to Neoliberal Crisis*, Verso, London-New York, 2013. N. Fraser, L. Nicholson, “Social Criticism without Philosophy: An Encounter between Feminism and Postmodernism”, in *Theory, Culture & Society*, 5, 1988, pp. 373-394; L. Nicholson, S. Benhabib, J. Butler, D. Cornell, N. Fraser, *Feminist Contentions. A Philosophical Exchange*, Routledge, London-New York, 1995.

The first answer is that of Bartleby politics, “I prefer not”: refusing to comply with what Žižek calls the *Rumspringa*,⁴⁷ in other words abstaining from “all the forms of resisting which help the system to reproduce itself by ensuring our participation in it.”⁴⁸ The colonial mechanism of othering previously explored make it possible to think of a somewhere where we can do something, as in the words of Abu Lughod quoted before: in this sense, a refusal to be caught in the game of the call to loyalty allows first of all to identify and safeguard a free space. “The truly difficult thing is to step back, to withdraw. Those in power often prefer even a ‘critical’ participation, a dialogue, to silence –just to engage us in ‘dialogue’, to make sure our ominous passivity is broken.”⁴⁹ Escaping the *Rumspringa* sounds enticing –especially in this time of late capitalism that has demonstrated to possess such excellent capacity of domesticating feminism. Answering ‘no’ is a first move towards the assumption of a critical position.⁵⁰ However, this is not the only possible path; rather it is a first step that may lead to further commitments.

Both right-wing *femonationalism* and mainstream ‘international’ feminism turn away from structural analysis, from the need to engage with the analysis of late capitalism: this is, as Fraser indicated, the crucial step for reclaiming of all those feminist claims reappropriated by late capitalism. The first item on the to-do list of Western feminism is, therefore, to regain the immanent dimension of critique, digging its roots in a “robust, updated sense of social totality” and reconnecting with the critique of capitalism.⁵¹ Adopting a genuine postcolonial, intersectional perspective allows to fall into the trap of identifying ‘feminism’ with the ‘values’ of a given society, and of the call to a shallow sisterhood hides the agency of non-Western women by eradicating their differences, and demonstrate the possibility to differentiate between a contextual understanding as cultures as framework that provide meaning and an essentialist, a-historical communalism.⁵² To conclude with the words of Mohanty and Alexander: “In place of relativism, this critical application of feminist praxis in global contexts would substitute responsibility accountability, engagement, and solidarity.”⁵³ Given these conditions, feminism not only maintains but strengthens its potential as a form of immanent critique, that responds to the ‘call of the present’ and makes a genuine quest of autonomy possible.

47. Žižek refers to the practice of Amish communities of allowing young adults to test life outside of their communities.

48. S. Žižek, *The Parallax View*, MIT Press, Cambridge (Mass.), 2006, p. 282.

49. S. Žižek, *Violence: Six Sideways Reflections*, Picador, New York, 2008, p. 190.

50. E. Donaggio, *Direi di no. Desideri di migliori libertà*, Feltrinelli, Milano, 2016.

51. N. Fraser, “Feminism, Capitalism and the Cunning of History”.

52. A. Phillips, *Multiculturalism without Culture*.

53. A. Jacqui Alexander, C. Talpade Mohanti, *Feminist Genealogies, Colonial Legacies, Democratic Futures*, p. XIX.

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FEMINISM(S) AND THE LAW. OLD LEGACIES AND NEW CHALLENGES

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Abstract

In the ongoing debate on the health of feminism, some authors accuse “second wave” feminists, especially European “feminists of difference”, of having weakened feminist claims by abandoning the emancipatory inspiration of “first wave” feminism. “Second wave” feminists are also accused of overlooking the importance of the law. If we delve deeper, however, their perspective on law appears to represent one of their most important legacies. Abandoning it in favor of an acritical enthusiasm for liberal gender mainstreaming or a gendered “politics of identity” would be a mistake. Today’s feminists should instead work to adapt this legacy to contemporary challenges.

Keywords

Feminism, feminist legal theory, neoliberalism, women.

Resumen

En el debate en curso sobre la “salud” del feminismo, algunos autores acusan a las(os) feministas de la “segunda ola”, especialmente a las(os) “feministas de la diferencia”, de haber debilitado los reclamos feministas al abandonar la inspiración emancipadora de la “primera ola”. Las(os) feministas de la “segunda ola” también son acusadas(os) de ignorar la importancia del derecho. Sin embargo, si se profundiza en ello, su perspectiva sobre el derecho parece representar uno de sus más importantes legados. Abandonarlo en favor de un entusiasmo acrítico por la corriente principal liberal de género o una “política de identidad” de género sería un error. Las(os) feministas de hoy en día deberían trabajar para adaptar este legado a los desafíos contemporáneos.

Palabras clave

Feminismo, teoría legal feminista, neoliberalismo, mujeres.

Introduction

In the ongoing debate about the health of contemporary feminism¹, four main positions stand out:

1. Some scholars denounce the way conservative and neoliberal policies have targeted and sought to dismantle the achievements women made at the end of the 20th century. As part of this position, we can distinguish two main approaches to interpreting this turn. On the one hand, authors such as Susan Faludi argue that we are facing a backlash in which conservative policies deliberately attack women in order to restore the previous patriarchal gender regime². On the other hand, theorists such as Angela McRobbie observe that neoliberal forces are trying to impose a “new sexual contract”, different from the previous patriarchal contract³, through apparently “progressive” policies. In McRobbie’s view, the new “career girl” in the affluent West and her counterpart, the “global girl” factory worker in developing countries, are constructed as “subjects of capacity” by a political discourse and popular culture aimed at suppressing the radicalism of 20th century feminist movements. Through this new sexual contract, neoliberalism obliterates formal politics and civic society, granting priority to economic life⁴.

2. Many scholars have rejected this dark scenario, however, declaring, as did Sylvia Walby in *The Future of Feminism*, that “feminism is alive and vibrant” even though it is less visible than before⁵. According to this perspective, it now “engages with power and with government” and comprises “a very wide range of activities designed to reduce gender inequality” developed at local, national and transnational levels⁶.

1. For a concise analysis of some aspects of this debate, see B. Casalini, “Neoliberalismo e femminismi”, in *Jura gentium*, 12, 1, 2015, pp. 31-65.

2. S. Faludi, *Backlash. The Undeclared War Against American Women*, Crown Publishing Group, New York, 1991.

3. For a discussion of the notion of “sexual contract”, see C. Pateman, *The Sexual Contract*, Stanford University Press, Stanford (Ca.), 1988.

4. A. McRobbie, “Top Girls? Young women and the post-feminist sexual contract”, in *Cultural Studies*, 21, 4-5, 2007, pp. 718-737. There are multiple different ways of defining neoliberalism. I use it here in the sense clarified by Laura Bazzicalupo: “Neoliberalism is a political rationality, a form of government practiced through self-government”. It “implies an anthropology, a way of conceiving time and the subject, and also an ontology: and it subordinates these conceptual coordinates to the goal of governing and social organizing”. At the same time, government can no longer be identified “with the political project of the state. Rather, it is conceived as a network of reciprocal influences, of unstable and unequal powers, which find a *point de capiton* (in Lacan’s lexicon), a master signifier [...] in the generalization of the economic code”, L. Bazzicalupo, “Neoliberalismo e soggettivazioni femminili”, in T. Dini, S. Tarantino (eds.), *Femminismo e neoliberalismo. Libertà femminile versus imprenditoria di sé e precarietà*, Natan Edizioni, Benevento, 2014, pp. 38-39 (translated from Italian).

5. S. Walby, “Introduction”, in S. Walby, *The Future of Feminism*, Polity Press, Cambridge, Malden, 2011, Kindle edition.

6. *Ibid.*

3. The third position is similar to the first, but the scholars championing this interpretation develop it in more depth to accuse feminism of having brought about its own failure. Their main argument is that feminist claims aided the development of the new financial capitalism. Gender experts working for governments and international institutions such as the United Nations, International Monetary Fund and World Bank contributed, albeit not always intentionally, to this result⁷. Far from representing the “future of feminism”, these “femocrats” issued by the global elite led to the defeat of the feminist movement. They helped to eradicate radical feminist claims in the West and developing countries, substituting the emancipatory inspiration of first wave feminism⁸ with top-down policies of gender mainstreaming aimed at reinforcing neoliberal globalization.

Nancy Fraser has granted this position particular authority through the analysis she developed in *Fortunes of Feminism*, in which she describes the history of late 20th century’s feminism as a drama in three acts. In Act One, radical feminism acted in alliance with other progressive forces to struggle for a profound transformation of Western androcentric societies. In Act Two, American and European feminists abandoned the struggle for redistribution and shifted their attention to cultural politics, making demands for identity policies designed to recognize women’s “sexual difference”. In Act Three, still unfolding, feminism should return to its original radicalism, recovering its “insurrectionary spirit, while deepening its signature insights: its structural critique of capitalism’s androcentrism, its systematic analysis of male domination, and its gender-sensitive revisions of democracy and justice”⁹.

In Fraser’s opinion, in Act Two feminism was plunged into crisis: “cultural feminists”¹⁰ and “deconstructionists”¹¹ failed to understand the consequences of the choice they had made. While trying to continue “the earlier project of expanding the political

7. H. Eisenstein, “A Dangerous Liaison? Feminism and Corporate Globalization”, in *Science and Society*, 69, 3, 2005, pp. 487-518, and H. Eisenstein, *Feminism Seduced. How Global Elites use women’s labor and ideas to exploit the world*, Paradigm Publisher, Boulder, London, 2009.

8. As we know, the history of feminism can be represented as a succession of three “waves”: the first by so-called “feminism of equality,” which demanded equal treatment for women and men (“liberal feminism” and “socialist feminism” are both part of the first wave); the second by European “feminism of difference” (“cultural feminism” in the US) and the “radical feminism” of the 1970’s and 1980’s, both of which denounced the epistemic violence of patriarchy (while the “feminism of difference” and “cultural feminism” stressed the need to rediscover the value of “sexual difference”, “radical feminism” shed light on the existence of a male domain, based on a systematic oppression of women by men); and the third and current wave, in which we might identify a “neo-feminism” in which feminist claims meet the neoliberal anthropology, in conceiving of women’s empowerment as a result of the free play of the market, and a “postmodern” and “queer feminism” aimed at deconstructing both male and female gender identity.

9. N. Fraser, “Prologue to a Drama in Three Acts”, in N. Fraser, *Fortunes of Feminism. From state-managed capitalism to neoliberal crisis*, Verso, London, 2013, Kindle edition.

10. Fraser puts American “cultural feminists” and European “feminists of difference” in the same category.

11. Fraser uses this term mainly to refer to French second wave feminism, especially Julia Kristeva, inspired by the work of Lacan and Derrida.

agenda beyond the confines of class redistribution”¹², broadening and radicalizing the concept of justice, they ended up subordinating social struggles to cultural struggles, hence facilitating the rise of the neoliberal regime¹³. Although Fraser acknowledges the good intentions of cultural and deconstructionist feminists, she advises contemporary feminists to follow “a third path between Scylla and Charybdis”, joining “other emancipatory movements in integrating our fundamental interest in non-domination with protectionists’ legitimate concerns for social security, without neglecting the importance of negative liberty, usually associated with liberalism”¹⁴.

4. In contrast with Fraser’s analysis, some scholars argue that we are facing “a domestication of feminism” since women have failed to take up the radical challenge represented by the “discovery” of “women’s freedom” on the part of cultural feminists and, most of all, European –especially Italian– “feminists of difference”¹⁵. This feminist tradition did not focus, as Fraser has asserted, on identity policies. Instead, it developed a new politics based on relational action, a politics embodied in women’s experiences and anchored in practices, in which practice is not understood as “theory’s younger sister”, as “a means subordinate to an end” or as “the concrete verification of an abstract ideal”¹⁶. From this point of view, rather, practice “is [...] a *cut* in the established social-symbolic order, a cut that opens a space in which it is possible to publicly act and speak of what is repressed, forbidden or disavowed”¹⁷. For these authors and activists who proudly assert their affiliation with “feminism of difference”, there was no “cultural turn” in second wave feminism. “Feminism of difference” revealed the deep structures of reality. It did not build any “unholy alliance” with neoliberalism¹⁸; rather, it spread an awareness of the strategies adopted by neoliberal forces and the way they act first and foremost at the symbolic level. It showed that no progress could be achieved without working on the structures of knowledge, language and communication¹⁹.

12. N. Fraser, “Prologue to a Drama in Three Acts”.

13. See N. Fraser, *Fortunes of Feminism*, chapters 5 and 6.

14. N. Fraser, “Prologue to a Drama in Three Acts”.

15. On the Italian “Pensiero della differenza”, see Diotima, *Il pensiero della differenza sessuale*, La Tartaruga, Milano, 1987.

16. I. Dominijanni, “Venus’s Strabismus. Looking at the Crisis of Politics from the Politics of Difference”, in *Iris*, 2, 3, Firenze University Press, Firenze, 2010, p. 171.

17. *Ibid.*

18. N. Fraser, “Prologue to a Drama in Three Acts”.

19. This argument was developed in T. Dini, S. Tarantino (eds.), *Femminismo e neoliberalismo*. However, the different essays published in the volume admit that the neoliberal anthropology, based on a form of self-entrepreneurship that invests in the body and personal desires, has deeply challenged the feminist “discovery” of women’s freedom.

Some feminists defending this fourth position level severe criticisms at those asking for gender equality and balance in gender representation²⁰. They, therefore, appear to many contemporary activists and scholars to be defending a sectarian idea of feminism based on separatism and a refusal of public engagement. This critique has been exacerbated by the historical datum that many “feminists of difference” are part of a specific generation of women born at the end of World War II, the so-called baby-boomers. White, European, intellectuals, most of them benefited from the social struggles that led to the establishment of the welfare state and the women’s inclusion in the labor force in the second half of the 20th century. Consequently, they are now accused of being “spoiled” and indifferent to the social claims of younger generations who find themselves overwhelmed by the advent of the neoliberal “performance society”²¹.

In the following pages, I focus on the legal domain in order to reveal the partiality of the first three positions outlined above and the need to adjust the fourth to meet contemporary challenges. The first three positions seem to be driven by the need to develop a single causal explanation for current social processes, with inevitably inadequate outcomes. Neoliberalism is constantly evolving and repositioning itself; hence, we need to interpret neoliberal power in Foucauldian terms²², focusing on the relationship between power and knowledge instead of looking for a scapegoat. At the same time, it would be useless to seek “the definitive solution” by rejecting all alternative paths. A better strategy would consist in taking into consideration all the knowledge, experiences and forms of resilience that the different traditions of feminism have been developing over the centuries. We need all these tools as well as a willingness to construct large-scale, temporary alliances between women activists and scholars worldwide if we want to reinforce the only resistance feminist movements can mount against the devastating effects of neoliberal policies worldwide: that is, the persistent struggle Michel Foucault associated with the “practice of freedom”²³. In carrying out this task, the legacy of the “feminism of difference”, its attention to practice, relational freedom and symbolic order, represents a highly important resource.

20. See for example L. Cigarini, *La politica del desiderio*, Nuova Pratiche Editrice, Parma, 1995.

21. See F. Chicchi, A. Simone, *La società della prestazione*, Ediesse, Roma, 2017.

22. See in particular M. Foucault, *Surveiller et punir. Naissance de la prison*, Gallimard, Paris, 1975; M. Foucault, *Histoire de la sexualité*, Gallimard, Paris, 1976-1984; M. Foucault, *Les mots et les choses. Une archéologie des sciences humaines*, Gallimard, Paris, 1966, and M. Foucault, *Microfisica del potere. Interventi politici*, Einaudi, Torino, 1977.

23. See M. Foucault, “Le souci de soi”, in M. Foucault, *Histoire de la sexualité*. In this case, I refer to Heller’s interpretation of the notions of power and resistance in Foucault (K. J. Heller, “Power, Subjectification and Resistance in Foucault”, in *SubStance*, 25, 1, University of Wisconsin Press, 1996, p. 78-110).

“Women’s human rights”: a feminist achievement

The 20th century concluded with what many regarded as a significant victory for women’s movements at a global level: “women’s human rights” were officially recognized at the Fourth World Conference of the United Nations on women’s rights held in Beijing in 1995. This was the first time that international law, having long ignored gender differences, was called upon to recognize them fully, not only in terms of prohibiting sex discrimination –already included in the 1948 Universal Declaration of Human Rights²⁴ and reinforced by the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) –or as a mere gendered specification of universal human rights. Beijing marked the implicit acceptance of an assertion central to feminist movements: that the human rights system developed primarily by men had ignored women’s experiences, neglecting many of the areas in which women’s rights are most frequently violated. In particular, this system was based on the historical dichotomy between the public and private spheres, focusing on violations committed in the public sphere –mostly by state actors– and overlooking violations in the “private” sphere, particularly the domestic domain, such as familial abuse and sexual violence.

First at the 1993 Vienna Conference and later in Beijing, the discussion went beyond the necessity of focusing the international agenda on “women’s issues” and participants decided to grant importance to gender difference, focusing on women’s roles, empowerment and living conditions; they also stressed the need to shed light on the various forms of women oppression that had previously been overlooked, framed as a form of widespread social *habitus*. Several assemblies and meetings of NGOs and feminist movements from different parts of the world, particularly South America and Africa, prepared and accompanied the two conferences, exerting considerable pressure on the development of the agenda: “activists at the 1993 United Nations World Conference on Human Rights in Vienna proclaimed that it was no longer enough that existing human rights mechanisms merely be extended to women”²⁵. Women’s rights were to be understood thereafter as human rights and gender-based abuses as human rights abuses, an understanding that cracked open previous categories to transform prevailing concepts of human rights²⁶.

24. Universal Declaration of Human Rights, art. 2.

25. J. Peters, A. Wolper, “Introduction”, in J. Peters, A. Wolper (eds.), *Women’s rights human rights. International feminist perspectives*, Routledge, New York, London, 1995, p. 3. See also E. Friedman, “Women’s Human Rights: The emergence of a movement”, in J. Peters, A. Wolper (eds.), *Women’s rights human rights*, cit., pp. 18-35.

26. See J. Peters, A. Wolper, “Introduction”, in J. Peters, A. Wolper (eds.), *Women’s rights human rights*, pp. 1-8.

Thanks to this shift, feminists were able to grant initial visibility to the most frequent violations of women's rights and frame them as human rights violations, making it possible, for example, to compare forced prostitution to slavery, rape and women battery to a form of sexual terrorism that might take the shape of torture, and husbands confining their wives to the home to imprisonment²⁷. The aim was not only to make manifest gender-based violations; however, it was also to include the gender perspective at every level of the UN, within every committee, convention and assembly²⁸. Indeed, one outcome of the Beijing conference was the approach that has been defined as “gender mainstreaming”, that is, governments and other institutional actors committing to “promoting an active and visible policy of mainstreaming a gender perspective in all policies and programmes so that, before decisions are taken, an analysis is made of the effects on women and men, respectively”²⁹.

This important achievement can be seen as the result of discussions, feminist, plural and often critical, involving multiple currents³⁰. Additionally, although this final result was achieved thanks to the work of an international institution, namely the United Nations, it was the third world critique of international law and insistence on diversity that prepared the ground³¹. This clearly does not mean that the human rights law system has changed definitively, nor that it has shed its specifically male character once and for all. Despite the breadth of the debate within the UN and among NGOs at the end of the 20th century, the international approach to gender issues –consecrated by the Beijing Declaration and Platform for Action– is still aimed at achieving equality between men and women, potentially including the use of positive initiatives which are often modelled after those designed for minority groups in pluralist societies. The standard in pursuing formal (and, in some cases, substantial) equality continues to be male for the most part.

The focus on equality remains central, primarily because it could be considered women's original approach to law and rights; indeed, it is the pursuit of equality that has wagered most heavily on legal reforms to improve the condition of women by rebalancing the relations between genders. In this sense, first wave feminism coincided with liberal feminism, centred on a notion of equality understood predominantly as sameness.

27. See C. Bunch, “Transforming Human Rights from a Feminist Perspective”, in J. Peters, A. Wolper (eds.), *Women's rights human rights*, pp. 11-17, in particular, pp. 15-16.

28. See E. Friedman, “Women's Human Rights”, in particular, p. 31.

29. Beijing Platform for Action, p. 202.

30. The Beijing Declaration appears to recognize this legacy by stating that the governments participating in the Fourth World Conference on Women acknowledged “the voices of all women everywhere” and took note of “the diversity of women and their roles and circumstances, honouring the women who paved the way” (Beijing Declaration, art. 4).

31. See E. Stamatopoulou, “Women's Rights and the United Nations”, in J. Peters, A. Wolper (eds.), *Women's rights human rights*, pp. 36-48, in particular, p. 39.

The centrality of equality is also consistent with the other main tradition of first wave feminism, the socialist thread whose legacy continues to shape many international policies and, even more so, European projects of gender mainstreaming based on the “equal opportunity” paradigm. While the Beijing Declaration and Platform for Action adopted a definition of gender mainstreaming that is quite broad, both the United Nations Economic and Social Council (ECOSOC) and the European Union subsequently developed approaches clearly geared towards achieving equality. However, this concept of equality is understood as substantial rather than merely formal³².

In the EU the 1997 Treaty of Amsterdam institutionalized gender mainstreaming as “an effective political strategy aimed at systematically achieving equal opportunities in all EU policies”³³. At the same time, however, it can also be understood in a broader sense as a principle that:

Addresses in depth the matter of promoting women by raising the issue of a fairer allocation of resources and responsibilities, underlining the need to change general conditions, roles and/or gender relations, in an effort to change the structural conditions that generate forms of discrimination and imbalance; integrating the pursuit of equality in all actions³⁴.

Especially when referencing the experiences of women and the need for structural change, this approach appears to have been influenced by another important twentieth-century current of feminism, namely radical feminism aimed at challenging women’s oppression and their position of subordination to men in the power relations underlying the hetero-patriarchal system³⁵. The late 20th century “rupture” in the system of human rights law bears an important trace of this tradition in that it aims at uncovering violations of women’s human rights that were not previously considered such and adopts the principle that “the law should support freedom from systematic subordination because of sex rather than freedom to be treated without regard to sex”³⁶.

32. See ECOSOC, *Report of the Economic and Social Council for 1997*, Economic and Social Council, New York, 1997, p. 27.

33. F. Rescigno, “Il gender mainstreaming europeo e l’approccio internazionale alla questione della parità di genere”, in F. Rescigno (ed.), *Percorsi di eguaglianza*, Giappichelli, Torino, 2016, p. 197. Translated from Italian.

34. *Ibid.*, p. 199.

35. The concept of “hetero-patriarchy” refers to a system of social organization based not only on men oppressing women, but also on the imposition of “compulsory heterosexuality” as a social norm that often coincides with legal norms (see M. Wittig, *The Straight Mind and Other Essays*, Beacon Press, Boston, 1992).

36. H. Charlesworth, “What are “Women’s International Human Rights”?”, in D. Otto (ed.), *Gender Issues and Human Rights*, Elgar, Cheltenham, Northampton, 2013, vol. 1, p. 67.

It is undoubtedly more difficult to recognize in human rights law the move to acknowledge the centrality of women's social and economic rights. Third world women's movements in Vienna and Beijing clearly expressed the need to broaden the sphere of human rights law to include these rights, underlining that women's human rights were particularly at risk due to the fact that women bear "a disproportionate burden of the costs of economic globalization"³⁷, as they are "likely to be required to pick up the burden of caring for sick, homeless, or mentally ill family or community members when the state divests itself of those responsibilities"³⁸. The Beijing Declaration and Platform for Action focuses on interventions aimed at empowering women's social and economic positions through multiple measures including education. It is clear, however, that these rights are not highly effective in the contemporary setting characterised by unprecedented levels of social inequality and the transformation of nation-states into global economic actors³⁹.

In the political and juridical lexicon of international institutions and the human rights protection system, therefore, even in reference to women what prevails is an individualistic approach and emphasis on civil and political rights, both offspring of the liberal tradition, at the expense of economic and social rights. Furthermore, there is a persistent focus on equality between men and women, which, while taking into consideration substantial profiles, continues to be based on the male standard. Lastly, we must confront the problematic character of human rights universalism, shaped by its ethnocentric origins, as well as the still-insufficient attention paid to the different conditions women face in different parts of the world, beyond the intentions outlined in Vienna and Beijing. These goals should not be considered definitive, therefore, nor should we be too quick to celebrate them, viewing gender mainstreaming as the only form through which contemporary feminism can express itself⁴⁰. At the same time, however, we must keep in mind that this result was achieved through a process that cannot be dismissed as *top-down*, given that it involved important feminist groups representing different traditions of thought.

37. A. Orford, "Contesting Globalization: a Feminist Perspective on the Future of Human Rights", in D. Otto (ed.), *Gender Issues and Human Rights*, p. 785.

38. *Ibid.*

39. This was recognized by the United Nations in the Report published by UN Women in 2015 where they make an assessment of the Beijing Platform for Action twenty years after its approval: "In recent years, progress on gender equality has been held back by forces in the global political and economic landscapes that have been particularly hard to mitigate or combat. Persistent conflicts, the global financial and economic crises, volatile food and energy prices, and climate change have intensified inequalities and vulnerability, and have had specific and almost universally negative impacts on women and girls" (UN Women, *Summary Report. The Beijing Declaration and Platform for Action turns 20*, New York, March, 2015, p. 6).

40. See S. Walby, *The Future of Feminism*.

A fissure has been created in the international juridical system and we can make out the beginning of a transformation, its traces visible not only in the Programme for Action adopted in Vienna and in the Beijing Declaration and Platform for Action, but also in the way some International Conventions such as CEDAW have evolved their interpretive frameworks, in the work of international committees and agencies and in some subsequent regional Conventions. The Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) is an example of this evolution: entering into force in 2014, it adopted a holistic approach to gender-based violence that entails taking into account cultural, social and economic aspects as well. After all, violence against women more than any other issue highlights the need to revise the categories of human rights law, representing as it does “an entry point for broadening and reconceptualizing the women’s human rights agenda”⁴¹.

Not surprisingly, the discontinuity produced by the Beijing Conference did not go unnoticed by feminist thinkers who are highly critical of the emphasis on juridical reforms typical of first wave feminism and a part of the North American radical tradition. In the highly controversial text *È accaduto non per caso*, published in January 1996, some of the main Italian exponents of the “feminism of difference” gathered in the Libreria delle Donne in Milan were driven by the Beijing Conference to announce what they interpreted as the “end of patriarchy”:

Following the Cairo Conference (1994)⁴², the Huairou Forum⁴³ and the correlated Beijing Conference (1995), it has become clear that the end of patriarchy is involving all the countries of the world, a world that is affected, almost suddenly and simultaneously, by enormous changes, including the end of patriarchy⁴⁴.

And they continue:

During the Huairou Forum, women’s NGOs gathered and spoke of ‘new feminism’. This is a good expression for defining the vast network of international and inter-continental relations that has actually existed since the beginning of feminism but which, in Huairou (and before, in Cairo) showed itself more capable of overcoming

41. E. Friedman, “Women’s Human Rights”, p. 21.

42. International Conference on population and development organized by the United Nations Population Fund (UNFPA).

43. In 1995 the Forum of NGOs was held in Huairou, 50 km from Beijing, concomitantly to the UN Conference.

44. Libreria delle donne, “È accaduto non per caso”, in *sottosopra rosso*, gennaio, 1996, available at <http://www.librierialledonne.it/pubblicazioni/e-accaduto-non-per-caso-sottosopra-gennaio-1996/>. Translated from Italian.

disagreements and chasms stemming from (predominantly male) history, such as between former colonial countries and formerly colonized ones⁴⁵.

The Libreria delle donne does not celebrate the consecration of “women’s human rights” in official documents, however. They argue that:

It would be wrong to describe as new feminism the aim of making women more widely present in the government of the world in the name of female difference rather than equality with men. The feminist approach has never exclusively (nor predominantly, as far as Italy is concerned) been directed at confronting the male condition; rather, it focuses on women’s difference in the broad sense, a difference that has been achieved, step by step, by engaging in relations between women and not through legislation⁴⁶.

Therefore, what Italian difference feminists appear to value is the way feminist movements have been speaking out at a global level and the web of relationships that has been woven over time, made manifest in Huairou and Beijing. They instead condemn “the languages of denunciation, claims-making and complaint typical of those who take on the various identities domination offers: that of the victim, of the victims’ female defender and of the female claimant of universal rights”. In Huairou and Beijing, in the middle of a “babel”, the voice of an extraordinary event was heard, “an event that hallmarked human history. A voice speaking a common language, a universal language, that owed little or nothing to the alleged universalism of rights (which is, in fact, an invention of the West) and a great deal to the primacy that was effectively granted to relations between women”⁴⁷.

Hence, the late 20th century “rupture” has involved the convergence of very different and even opposing perspectives. As mentioned above, the struggle to gain recognition for “women’s human rights”, encompassing groups of women from different parts of the world with different skill sets, also reveals the importance of European difference feminism and North American “cultural feminism”. Moreover, despite the scepticism expressed by the Libreria delle donne, the Beijing emphasis on women’s human rights that paves the way for making local, regional and international claims is not

45. Ibid.

46. Ibid.

47. Ibid.

incompatible with a “difference” oriented approach. Indeed, as I will show, although this approach rejects the idea that women need to seek recognition through law, it has developed a considerable interest in the “practice of the trial”.

Viewed more than twenty years later, in announcing the end of patriarchy, *È accaduto non per caso* appears inspired by blind enthusiasm. It seems to be a feminist version of many texts from that same period written primarily by liberal authors, ready at the threshold of the new millennium to celebrate this “new era”. The human rights legal system and its global policies of gender mainstreaming, instead, have continued to develop and seem to respond to the strategic need of feminist movements –and, more and more, LGBTQI movements as well– to use the global *koinè* of human rights language to: make themselves politically visible, weave transnational alliances and seek access to legal human rights protection in order to make up for the failure of politics to represent collective and individual claims and respond to the crisis of constitutional states and the welfare state.

It appears difficult to deny that, in a world overturned by processes of globalization, in which the modern features of democracy and the welfare state have gone missing, women must continue to struggle for their rights while invoking a language as controversial and full of ambiguities as that of women’s human rights. That is, they cannot ignore what Catharine Mackinnon has defined the consciousness and legitimacy-conferring power of law⁴⁸ despite being aware of the serious limits of this approach.

Gaya Chakavroti Spivak has described the Beijing Conference as “a theatre” in which white women from the global North co-opted and selected activists from the South to represent a union between North and South that was, in reality, simply an act of imperialism⁴⁹. According to Spivak, it is not possible to separate the work the United Nations carries out in the sector of human rights and development from the management of international politics and conflicts shaped by consolidated North American hegemony. The United Nations, in Spivak’s view, is what Danilo Zolo has defined as a form of cosmopolitical government aimed at maintaining the balance of power established after World War II⁵⁰. Within this framework, the women’s movements that participate in the United Nations conferences go along with the charade. What occurs in these conventions has no impact on the lives of women in the global South⁵¹. This is a radical political criticism that

48. C. A. MacKinnon, *Toward a Feminist Theory of the State*, Harvard University Press, Cambridge (Ma.), 1989, p. XIII.

49. G. C. Spivak, “‘Woman’ as Theatre. United Nations Conference on Women, Beijing 1995”, in *Radical Philosophy*, 75, 1996, pp. 1-4.

50. D. Zolo, *Cosmopolis. Prospects for World Government*, Polity Press, Cambridge, 1997.

51. G. C. Spivak, “‘Woman’ as Theatre. United Nations Conference on Women”, p. 4.

certainly hits the mark in denouncing the directions “elitist feminism” can take. In my opinion, however, Spivak loses sight of the way law functions as a social practice⁵², including at the international level, and of the importance of juridical language as a tool that individuals, groups, NGOs can deploy through political and jurisdictional claims.

To criticize the role the United Nations has played in managing international politics during the past decades does not necessarily mean rejecting a normative body that is a product of multiple contributions, a body that can be resignified from case to case depending on how individuals and social groups reappropriate it. It is an important fact that human rights law has become more open to a gendered perspective and more inclusive of difference. Human rights are, nowadays, the language of global claims-making. It is the result of a dialectic between dynamism and codification. It has been used *ex parte principis* to justify humanitarian wars, but it is also used *ex parte populi*⁵³ on a daily basis to denounce violence and exploitation against human beings throughout the globe.

As Hillary Charlesworth has declared, “while the acquisition of rights is by no means the only solution for the worldwide domination of women by men, it is an important tactic in the international arena”⁵⁴. The “rights discourse offers a recognized vocabulary to frame political and social wrongs”⁵⁵. This does not imply that all is well. Difference feminism’s critical considerations can thus shed light on how we might overcome the limits of both the liberal perspective regarding human rights and the demanding –and sometimes punitive⁵⁶– posture of a segment of radical feminism, from North America in particular. This consideration is highly valuable at the present moment at both international and national levels in order to ensure that women’s rights not be used as either a hegemonic tool or a discursive construction for strengthening the neoliberal order.

Second wave feminism and the law

Feminist scholars of the second wave –especially European “feminists of difference” and American “cultural feminists”– harshly criticized feminist struggles aimed at

52. See F. Viola, *Il diritto come pratica sociale*, Jaca Book, Milano, 1990. See also E. Santoro, *Diritto e diritti: lo Stato di diritto nell'era della globalizzazione*, Giappichelli, Torino, 2008.

53. See N. Bobbio, *L'età dei diritti*, (1990), Torino, Einaudi, 1997.

54. H. Charlesworth, “What are “Women’s International Human Rights”?”, p. 61.

55. *Ibid.*

56. Tamar Pitch uses the term “punitive feminism” to define “the increasing number of requests made by women’s movements that clearly refer to feminism to introduce new crimes in the name of safeguarding women’s integrity and dignity” (T. Pitch, “Editoriale”, in *Studi sulla questione criminale*, 2, 2016, p. 7. Translated from Italian).

achieving gender equality through law. The Italian feminist Lia Cigarini, a member of the Libreria delle donne of Milan, for instance, stated that the law of codes could be considered the extreme abstraction of the law of the father; hence, “women should not propose the adoption of any bill”⁵⁷. The radical feminist Carla Lonzi took a similar position⁵⁸. These intellectuals and activists disapproved of Italian women’s movements’ pursuing legal reforms –such as the right to abortion– considering the law a means through which the state secures its dominion over women’s bodies. Most of them did not support the law criminalizing rape or the measures aimed at balancing gender representation in politics and the labor market; they asserted that “women’s freedom” flourished in the legislative vacuum, not further legal regulations. Many critics, therefore, viewed their positions as inspired by a distrust of the law that reveals a more general distrust of the “public sphere”. From this perspective, by criticizing the dichotomy between the public and private dimensions and the gendered features of liberal legal systems these second wave feminists ended up rejecting political engagement and preferring separatism to politics.

Examining this issue in more depth, however, we must concede that, in different ways and from different positions, second wave feminists did engage in feminist legal theory. They did not refuse the law, nor did they oppose every legal reform; rather, they sought to avoid the neutralization of women’s autonomy and “women’s freedom” brought about by state intervention. They engaged in efforts to identify the features of a “feminine law”⁵⁹ and “feminist jurisprudence”⁶⁰ and set themselves the task of deconstructing the legal lexicon and traditional legal tools while rejecting any form of “grand theory”⁶¹. The overall aim of this work was to insert women’s experiences and practices into the heart of legal discourse.

Contextuality, subjectivism and a focus on differences are common to many second wave feminist approaches to law, approaches which are based on “the desirability of the concrete”⁶². This is the method of authors such as Robin West, Ann Scales, Frances Olsen, who can be identified with Feminist Legal Studies, but it is also shared by many Italian “feminists of difference”⁶³. Their goal has been to reveal the male-specific

57. L. Cigarini, “Lo stupro simbolico”, in L. Cigarini, *La politica del desiderio*, p. 85. Translated from Italian.

58. C. Lonzi, *Sputiamo su Hegel e altri scritti*, et al., Milano, 2010.

59. See L. Cigarini, “Fonte e principi di un nuovo diritto”, in L. Cigarini, *La politica del desiderio*, pp. 109-117.

60. See for instance the works of Ann Scales and Catharine MacKinnon.

61. M. Fineman, “Introduction”, in M. Fineman, N. Sweet Thomadsen (eds.), *At the Boundaries of Law. Feminism and Legal Theory*, Routledge, New York, 1991, p. XIII.

62. *Ibid.*, p. XI.

63. See Libreria delle donne di Milano, *Non credere di avere dei diritti. La generazione della libertà femminile nell’idea e nelle vicende di un gruppo di donne*, Rosenberg & Sellier, Torino, (1987), 1998.

character of the legal order⁶⁴, pointing out that women were “included in pieces within the legal system”⁶⁵ and can only be protected by the law as long as there is no outbreak of conflict between genders. When such conflict does emerge, as often happens in the familial sphere, the labor market or cases of gender-based violence, women immediately perceive that the law is protecting them in a patronizing way aimed at controlling their bodies, restricting their freedom and reaffirming gender stereotypes⁶⁶. Consequently, second wave feminism, and especially the “feminism of difference”, engaged in legal theory and legal politics in an effort to develop a new “law for two”⁶⁷, considering women’s difference a universal signifier and approaching women’s law as a field capable of producing “universal mediations and universal rules that are valid for both women and men”⁶⁸. From this perspective, women’s freedom to occupy public space takes priority over legal rights. These feminists did not refuse public engagement; rather, they sought to break down the boundaries between the home and the *agora* and asserted that women’s freedom flourishes in the interactions that women are able to create and sexualize, e.g. within consciousness-raising groups, in schools and universities and in the social services provided by the welfare state. Through these relationships, it is possible for women’s freedom to make its way into the domain of law.

We can thus say that second wave feminists criticized a positivist conception of the law and adopted –albeit not always explicitly– the perspective and method of legal realism. According to this point of view, “No law can grant value to women’s sexuality if this value is not socially recognized”⁶⁹. Women lawyers and jurists must, therefore, focus on the “law in action” in order to open space for “women’s difference” in the practices of institutions of all kinds, including courts. To this end, these feminists paid particular attention to the trial, viewing it as a “space” in which women might speak up and their voices are heard thanks to mediation by female lawyers, judges, and social workers⁷⁰. Viewed in this way, the trial represented an opportunity to carve out a space for women’s singularities. “Feminists of difference” did not refuse the law and interactions with institutions *tout court*; rather, they warned women against delegating to law the work of pursuing liberation that could be carried out only within concrete social relations.

64. See C. Smart, “The Woman of Legal Discourse”, in *Social and Legal Studies*, 1, 1992, pp. 29-44.

65. L. Cigarini, “Fonte e principi di un nuovo diritto”, pp. 109-110.

66. *Ibid.*

67. See T. Pitch, *Un diritto per due*, Il Saggiatore, Milano, 1998.

68. L. Cigarini, “Fonte e principi di un nuovo diritto”, p. 112.

69. Libreria delle donne di Milano, *Non credere di avere dei diritti*, cit., p. 71. Translated from Italian.

70. For a discussion of the “practice of trial” today, see I. Boiano, *Femminismo e processo penale*, Ediesse, Roma, 2015.

A special attention for case law can be found also in the work of radical feminists such as Catharine MacKinnon. Indeed, MacKinnon stressed the importance of litigation and trials for combating women's oppression, arguing that women's voices could finally be heard in the courtroom with the help of female lawyers and activists. Moreover, both "feminists of difference" and radical feminists recognized the symbolic value of the law⁷¹ and engaged in an analysis of legal language, focusing on the ways it contributes to constructing the category of "woman"⁷². These two schools of the second wave thought sought to generate a new "legal consciousness"⁷³. Moreover, they did not treat morality and the law as two separate systems⁷⁴ nor did they divide the analysis of the law from the politics of law⁷⁵, instead of employing an explicitly political stance as their point of departure. In evaluating the work these feminist scholars carried out, we must keep in mind that changing social *habitus* is a gradual and long-term process, especially in a setting where the law has legitimized and institutionalized this *habitus*.

Conclusion

Neoliberalism tends to reduce women's freedom to the freedom of consumerist choice⁷⁶. As Foucault clearly showed, its governmentality is, in fact, based on freedom⁷⁷. It invests in a narcissistic promotion of the "individual", who is expected to use his/her own body and sexuality as a form of "human capital"⁷⁸. Within this framework, rights are conceptualized as the assets that comprise an individual's personal "portfolio". Neoliberalism draws on the feminist notion of subjectivity to assert the central role-played by desire. The notion of desire it emphasizes, however, is reified⁷⁹; it is in sharp contrast with the "politics of desire" developed by "feminism of difference", a politics understood in Arendt's terms as "vita activa"⁸⁰ in which desire is conceived

71. See for example the works of Cigarini and MacKinnon. I suggested that MacKinnon's thought has more points in common with the "feminism of difference" that it is usually recognized in L. Re, "Lo stereotipo della 'differenza sessuale'. Analisi di un fraintendimento in Catharine A. MacKinnon", in Th. Casadei (ed.), *Donne, diritto, diritti. Prospettive del giusfemminismo*, Giappichelli, Torino, 2015, pp. 77-94. See also T. Pitch, "La lettura femminista", in T. Pitch, *I diritti fondamentali: differenze culturali, disuguaglianze sociali, differenza sessuale*, Giappichelli, Torino, 2004, pp. 61-108.

72. See for example F. E. Olsen (ed), *Feminist Legal Theory*, Dartmouth, Aldershot, Singapore, Sydney, 1995.

73. A. Ross, *On law and Justice*, Stevens, London, 1958.

74. See T. Pitch, "La lettura femminista".

75. See A. Ross, *On law and Justice*.

76. See B. Casalini, "Neoliberalismo e femminismi".

77. See M. Foucault, *Sécurité, territoire, population. Cours au Collège de France. 1977-1978*, Gallimard-Seuil, Paris, 2004.

78. See S. Tarantino, "Introduzione", in T. Dini, S. Tarantino (eds), *Femminismo e neoliberalismo*, p. 16.

79. See F. Chicchi, A. Simone, *La società della prestazione*.

80. See L. Cigarini, *La politica del desiderio*.

of as a vital and “dissident” force. This latter form of politics is the one through which we can act today, enlarging its horizons in order to reshape the law through a bottom-up approach capable of including the different experiences of women worldwide. This inclusion cannot be attained, once for all, through a “politics of identity”⁸¹; it can only be achieved through an incessant work of resignifying the law within a community of interpreters that has by now become global.

Second wave feminism taught us to reshape the universal categories of politics and law from the point of view of “sexual difference”, “in a direction which is the opposite of the universal built through exclusion (or abstraction)”⁸². It allows us to conceptualize a “universality of multiplicity”⁸³, seeing as “sexual difference” must not be interpreted in essentialist terms, but rather emerges from a necessarily plural experience that remains open to multiplicity, without reducing itself to fragmentation⁸⁴.

To use Elena Pulcini’s image, we still need the handbag⁸⁵ of second wave feminism to travel the (global) world, but all women should be able to take part in this trip. Chandra Talpade Mohanty, who has harshly criticized “Western feminism”, acknowledges that we have an “urgent political necessity [...] of forming strategic coalitions across class, race, and national boundaries”⁸⁶. Hence, “Sisterhood cannot be assumed on the basis of gender; it must be forged in concrete, historical and political practice and analysis”⁸⁷. Women cannot be understood as a single political subject and the law is not monolithic. The need to build networks and employ more flexibly the tools forged in modern times –including the law– is more evident today than ever before. Feminism is necessarily plural and auto-reflexive, and we must keep in mind that it is always in progress: indeed, it is a “permanent revolution”⁸⁸.

81. See M. Fineman, “The vulnerable subject and the responsive state”, in *Emory Law Journal*, 60, 2, Public Law & Legal Theory Research Paper Series, Research Paper, n. 10-130.

82. I. Trujillo, “Universalità, realismo e diritti. Su alcuni contributi del femminismo alla filosofia del diritto”, in *Rivista di filosofia del diritto*, 2, 2, 2013, p. 370.

83. T. Pitch, “La lettura femminista”, in T. Pitch, *I diritti fondamentali*, pp. 108-140.

84. I. Dominijanni, “Libertà precaria”, in T. Dini, S. Tarantino (eds.), *Femminismo e neoliberalismo*, pp. 50-64, in particular p. 55.

85. E. Pulcini, “Luci e ombre di una rivoluzione permanente. Sessant’anni dopo il voto alle donne”, in *Iride*, 49, 3, 2006, pp. 455-466.

86. C. T. Mohanty, “Under Western Eyes: Feminist Scholarship and Colonial Discourses”, in *Boundary 2*, 12, 3, 1984, p. 334.

87. *Ibid.*, p. 339.

88. E. Pulcini, “Luci e ombre di una rivoluzione permanente”.

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IF WOMAN BECOMES A METAPHOR FOR DEATH

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Abstract

‘Domestication’ is the turning of feminism into a discourse which, rather than challenging and transforming the existing status quo, and particularly the capitalistic mode of production and the whole of practices and ideologies connected to this latter, serves as its support. Why and with what results, such a turning towards Domestication has taken place? This article contributes to this largely debated issue by proposing to think that the domestication of feminism is linked to the domination of ‘Gender’ as an analytical and political tool.

Keywords

Domestication, feminism, gender, capitalism.

Resumen

La domesticación es el giro del feminismo en un discurso que, en lugar de desafiar y transformar el *statu quo* existente, y particularmente el modo de producción capitalista y el conjunto de las prácticas e ideologías conectadas a este último, sirve como su apoyo. ¿Por qué y con qué resultados ha tenido lugar un giro hacia la domesticación?

Este artículo contribuye a este tema ampliamente debatido al proponer pensar que la domesticación del feminismo está vinculada a la dominación del “género” como una herramienta analítica y política.

Palabras clave

Domesticación, feminismo, género, capitalismo.

1. 'Domesticated' feminism: roots and outcomes

Domestic is the dog: not only a friendly inhabitant but the fiercest defender of the master's house, very aggressive in case of need. Accordingly, 'domestication' is the turning of feminism into a discourse which, instead of challenging and transforming the existing status quo, and particularly the capitalistic mode of production and the whole of practices and ideologies connected to this latter, serves as its support.

However, nor the whole of feminism is 'domesticated', neither is 'domestication' its destiny or fate. In its history, however, feminism has borne as well the creative mark of un-domestication, which means a profound and constant critique of the status quo. Why then, and with what results, such a turning towards domestication has taken place? To this largely debated issue, these pages modestly contribute by proposing to think that the domestication of feminism is linked to the domination of gender as an analytical and political tool. Thinking like so implies that the bifurcation between domesticated and 'un-domesticable' feminism(s) corresponds to two conflicting ways of interpreting the relationship between the 'Female' and the 'Natural'. And explains why domestication results in a violent attack against the idea that being a woman is a valuable and positive chance for humans.

Due to the link between the female body –maternal, fertile– and reproduction, the relationship between Women and Nature is constitutively inherent to the capitalist structuring of our social world. Furthermore, it is –I contend– at the core of the fork between unpolitical, domesticated feminism, on the one hand, and undomesticable political feminism(s), on the other hand. The former, raising the shield of gender neutrality against the idea itself that humans are differently sexed beings, have aimed to hinder, conceal and extinguish the subversive force of the discourse about nature.¹ 'Gender' is indeed nothing but the stipulation –typically postmodern in its theoretical premises– according to which anything which has to do with the 'female nature' is nothing but a 'social construct' that, being by definition stigmatizing, stereotyping and conservative, must be destroyed in the name of a progress called 'gender neutrality'.

1. As a jurist, I am interested in the parallel between the trajectory of feminism as discourse against Nature and the disappearance of the references to Nature in the juridical discourse. As the Italian philosopher of law Giuseppe Capograssi once wrote "if 'Nature' is the victim of modernity, and of the correspondent rational and formalistic understandings of law, it is because that word has historically played as the argumentative and imaginative tool bridging the ideas of personal liberty and societal autonomy" (G. Capograssi, "Incertezze sull'individuo", 1951, reprinted in G. Capograssi, *La vita etica*, Bompiani, Milano, 2008, p. 508).

The constitutive/divisive question between political and un-political feminism(s) is indeed: does sexual difference exist? Is it worth speaking of it, defending it, using as an analytical, political tool? Is it a question that implies another one: does human nature exist? Is it worth speaking of it, defending it, using it as analytical, political, philosophical tool? Here resides the difference between the two feminisms. Whereas the focus on gender has reduced feminism into an unpolitical, neutralizing, consent-building discourse of women on women only, political feminism(s) have contested the notion of gender in name of the awareness that speaking about women, and from a female perspective, is speaking about the whole humanity, and that the ban on ‘the female nature’ was the forerunner for a complete ban against the idea of human nature itself.

The concept of gender, which consists into refusing the idea of a ‘female’ nature, is a complex device that produces two connected effects: on the one hand, it operates as a transliteration for refusing the idea of ‘human’ nature; on the other hand, it operates as a barrier against the possibility of reading what happens to women in universal terms, as something linked to what happens on a general scale and useful to explain this latter. On the one hand, indeed, assuming that the female nature has nothing good, must be fought against, means saying that human nature has nothing good, must be canceled (in the name of progress). On the other hand, if such a horrible message has gone unnoticed, it is thanks the fact that no one values the female nature, nor is capable to think that what happens to women happens to everyone. That is a result of the triumph of the lesson of gender.

Domesticated feminism is not humble. It is brutal and wild. Under the polite appearance of a politically correct, academically recognized, socially useful, rational and meaningful doctrine, it has meant –and realized– the most violent assault against women that history has ever known. It is an assault, I repeat, that targets human nature itself, paradoxically demonstrating the exactness of political feminism(s)’s assumptions: that what happens to, or it is said about, women, has universal implications.

2. Women, the human, and the turbine of capitalism

These are of course gigantic themes that I cannot approach with completeness, neither I will try to. I will confine my discourse to some quick notes from the feminist debate of the years spanning the late decades of the last century and to a couple of conclusive remarks, which I hope could be useful for further debate.

Given that the time on which my notes refer is one when ‘capitalism’ was still the word used to describe a determined system of production and correspondent ideologies and practices, I will make often use, in the following, of the word ‘capitalism’. Nonetheless, I feel the need to say expressly that I am using that word as referring to a regime of exploitation, violence, and abuse that, becoming today’s ‘technocratic-neoliberalism’, has demonstrated the truthfulness of Marcuse’s famous assimilation of capitalism to any form of totalitarianism and the topicality either of the analysis and discourses developed forty years ago by the Feminist Marxist thinkers to whose work I will refer.²

In other words, I assume ‘capitalism’ as label for violence and abuse on humans, on their nature, on nature; as synonymous for a system of government that aspires to the control of human nature and which finds its most veritable synthesis not in big factories, industrialization or stock markets, but in the concentration camp. Such a deadly reality was made possible by the destructive alliance between technological development and a form of reason which only valuing ‘rationality’ brings straight to the ‘rational management’ of the human being and its forms of life, which is, to the reduction of the human to an object, or a number.

With the communicative force which is unique to poetry, the Russian-Juif writer Vasilij Grossman has shown at the very core of the extermination camp there was nothing but the last breakthrough, for the times, of technological progress: the industrial hydraulic turbine.

Its apparent simplicity and modest dimensions notwithstanding, [the Responsible explained] the industrial hydraulic turbine is an unprecedented concentrate of strength, mass and speed: in its whirlpools the geologic potency of water transforms into labour. That complex was built on the principle of the turbine. It transformed life and all the forms of energies connected to it into inorganic substance. The new turbine was appointed to defeat the power of mental and nervous strengths, of breath, of earth, of muscles and of blood. The new unit pooled within itself the principle of the turbine, of the slaughterhouse and of the incinerator. The whole into the plainest architectural forms³.

2. On violence as constitutive of capitalism see widely S. Federici, *Calibano e la strega*, Mimesis, Milano-Udine, 2015, p. 14.
3. V. Grossman, *Vita e destino*, Adelphi, Milano, 2008, p. 450. (English versions of textes published in Italian provided in this chapter are mine) (Author’s Note).

It is within this constellation that the question has to be posed, on how and why, and with what effects, it has become customary, and since a long time now, to represent women's emancipation, and freedom, as coincidental with overcoming the 'natural destiny' that –so it is often said– binds women to maternity and care, excluding them from (or disadvantaging them in) the workplace and the public sphere. Under the 'plain forms' of a progressive narrative that invites women to abandon their nature and join the market, it is the principle of the turbine that operates, which incessantly turns life to profit.

The whole of narratives and disciplines which concerns women and their body are exemplary and strategical to the triumph of the deepest aspiration of capitalism, the 'rational management' of the human being. Through women, natural things, acts, and relations (such as, for women, to have children and to care), are pictured as things that can be and that must be controlled, managed and dominated –either transformed into profit-making activities or exploited by these latter– if one does not want to be overwhelmed, if one aims to succeed in life, and behave responsibly.⁴ Women, and particularly the women's body, have been, and are, the terrain for an uninterrupted, huge plea for the need to control, direct, plan and subdue the Nature, the Natural, and the human nature.

This exemplary, pedagogic and disciplining character of the themes concerning women has emerged since the dawn of capitalism and it has never ceased to be strategic to its survival.

3. Constructing women's natural destiny. Capitalism at hunt on women for the appropriation of nature (and of the human nature)

The rhetoric according to which women must be freed from a 'natural destiny', that anchors them to maternity and care, conceals an intriguing circumstance: such a 'natural destiny' has been a 'construct' built by capitalism since its nascent phase, that of the 'original accumulation' of sixteenth-century Europe.

4. See recently what Barbara Duden, with reference to contemporary medicine transforming into a global management of human life, observes about the pivotal role, in this process, of the relation of women with their bodies, real "emblem of a de-personification of the lived experience in the whole society". "Feminist categories relating to the body (self-determination, choice, control, decision, personal responsibility) encourage, support and confirm, *in the name of an alleged emancipation from the biological destiny*, the modifications, oriented to the control of their body (contraception, fertilization, aging, etc.) that women undergo in the attempt of being consistent with the system" (Italics mine). (B. Duden, "L'epoca della schizo-percezione", in A. Buttarelli, F. Giardini, *Il pensiero dell'esperienza*, Baldini Castoldi Dalai editore, Milano, 2008, p. 133).

On this point focused Federici and Fortunati's *The Great Caliban*⁵, an example of feminist thought –which has from then on become rare– which has not feared to link women and nature, being conscious that this association is the fundamental dialectical and critical leverage against capitalism and its material and symbolic implications.

Federici and Fortunati see in the 'Witch Hunt' the founding moment of modern capitalism. Due to the enormous surplus that reproduction produces (the work-force), the appropriation of reproduction is the fundamental requirement for the establishment of the capitalist model in Europe. The reduction of reproduction at the level of one 'natural' activity and therefore freely exploitable is, in their analysis, the key to the 'original accumulation'.

With eloquence, Federici and Fortunati say that it is inherent to capitalism "try to break the barriers of nature", and primarily "the barriers of the body." The systematic "struggle of capitalism against the status naturalis" is the direct expression of its "rationalistic logic and of the infinite will of power that nourishes it."

The persecution against witchcraft becomes hunt on women by the identification, still prevalent in the '500, between women and Mother Nature. For a long tradition, women, by virtue of their reproductive powers, were considered to be the largest depositories of the secrets of Nature, which in its turn was often represented in the Renaissance with the image of a woman. The woman is attacked as a witch because it is nature in her, her own generating force, that has to become object of control and exploitation⁶.

If capitalism began with restructuring reproduction, which was characterized as an "organized and strictly defined production process",⁷ it was because, since its very beginning, it has known that "control over human nature is the indispensable premise of control over Nature."

In order to "stream them both in productivity channels", the conquest of the feminine body was decisive: "the woman's body is taken on as a natural machine for the production of workforce."

5. S. Federici, L. Fortunati, *Il Grande Calibano*, Franco Angeli, Milano, 1984.

6. S. Federici, "La Caccia alle Streghe", in S. Federici, L. Fortunati, *Il Grande Calibano*, pp. 62 and ff., p. 71. From Federici's chapter are taken the quotations that precede and follow if not differently marked.

7. C. Fortunati, "Sesso come valore d'uso per il valore", in S. Federici, L. Fortunati, *Il Grande Calibano*, pp. 102 and ff., pp. 180-186. In this sense, think also to the establishment of marriage as an exclusive domain of admitted sexual practices (marriage as "production chain of reproduction"); or to the criminalization of non-procreative sexuality such as homosexuality. Federici and Fortunati help us to understand that capitalism begins by killing the idea that relations between men and women can exist, without having a productive purpose (children) (*ibid.*, p. 121). Step by step, this will mean killing the idea itself of human relations which are and end in themselves, and the idea that the human life is an end in itself.

Important to say, Federici and Fortunati are fully aware that capitalism is not only a mode of production: it is a form of reason tending to transform every component of life in a merely quantitative fact, subject to a logic of management.

This point is crucial to understand the symbolical functioning of modern and contemporary relation with nature and its connections with the feminine: a relation made of material exploitation and symbolical devaluation.

4. Capitalism as a sexually neuter mechanism

Federici and Fortunati's point is that the link between women and reproduction is undeniably natural in the sense of incontrovertible and existing by nature, or spontaneously.

It is with capitalism, through and in force of it, that this bond transforms, becoming the symbol and the essence of what we mean by nature: everything which is un-rational and subject to exploitation; everything which is inferior, worthless (devalued) and, therefore, can and must be rationally managed in order to make value.

From the early capitalism onwards, the relationship with Nature is thereby constructed in dualistic terms: a) as a relation of power, which is the relation with the Nature of those who exploit it (the winners, the superiors); or b) as a relation of identification, which is the condition of those who are exploited as if they were Nature (the inferiors, the losers).

Federici and Fortunati, however, stress that, even if it is true that nascent capitalism placed women on the side of exploited 'Natural' activities and subjects, capitalism is not interested in whether are men or women who fill the position (a) or (b).

What is the key to capitalism is instead a sexually neuter mechanism made of two elements? Firstly, continuously constructing and reconstructing a series of activities and experiences as belonging to the sphere of the nature and of the natural, which are doomed by definition to the expropriation (naturalization). Secondly, continuously constructing and reconstructing the 'worker', independently from her/his sex. The worker is neither male nor female, it is whoever freely owns his/her work-force and can sell it on the market.

This double mechanism is what is perpetual in capitalism, and perpetual is also the method through which it functions. Of this method the story of the original accumulation and the Witch Hunt are exemplary.

At that time, actually, the naturalization of reproduction was realized by expropriating women from the knowledge and skills they previously possessed and practiced because of their relationship with nature and with their nature (with their reproductive body). Anti-contraceptive and abortive practices; sex for non-procreative purposes; knowledge of medicinal remedies; participation in public life as healers, midwives, alchemists, all these things were banned, together with the plurality and diversity inherent to femininity (and to humanity).⁸

In other terms, capitalism originates and perpetuates by excluding the idea itself that the Nature, intended as 'Environment' as well as 'human nature', and the relation with it are sources of competence and of personal and societal autonomy. Women are attacked as the expression of a "relation with nature" that capitalism considers dysfunctional and dangerous to its purposes.

The labor that women put into the production of life is not interpreted as a mindful interaction of a human being with Nature; it is depicted as an act of Nature itself, which produces plants and animals without having the control on these processes. The definition of women's interaction with Nature as an act of the Nature itself has wide consequences, between what is hidden in the concept of Nature distorted in a biological sense is a relation of power: the dominion of the human (male) on nature (Female).⁹

Then, it is true that capitalism creates the difference between the sexes, made up of the power of man (who, waged, can pay for the consumption of sex) and woman's subordination (who, without wages, sells sex / reproductive work). But it is not true that the difference between the sexes (as the difference between societal and economic roles) is inherent to capitalism. Capitalism is only interested that the dualistic relation of

8. Federici stresses that "the Witch" has to be understood (and was fought against) as the material and symbolic embodiment of an entire world of female subjectivities, that capitalism has intended to destroy (because it targets plurality and diversity in themselves): the heretical, the healer, the disobedient wife, the woman who dared to live alone, the woman head of the family, the priestess who poisoned the food of the master and spurred the slaves to revolt (see S. Federici, "La Caccia alle Streghe"). Whilst the gender discourse wielded by domesticated feminism indulges in accusing of 'essentialism' all those feminist discourses that claim in favor of sexual difference, it was capitalism to construct the one-dimensional-woman (whose nature is subordination). It was capitalism to build the idea that to be women (to be human) means to be a determined something. Political feminism(s) that denounce gender as a companion of capitalistic oppression, do aspire to the re-emerging of the female (of the human) as plural and diverse (thereby alive). Accuses of essentialism instrumentally directed against every discourse pointing at defending and valuing the sexual difference want to conceal that reducing the human into standardized types is a capitalistic aim, certainly not a feminist one.

9. Von Werlohf et al., *Freuen, die Letzte Kolonie*, Reinbeck b. H., 1983, p. 165, quoted, with the Italics, by I. Praetorius, *L'economia è cura. La riscoperta dell'ovvio*, IOD Edizioni, Casalnuovo di Napoli, 2016, p. 41.

exploitation of Nature is not only preserved, but also continuously expanded, because its survival depends on the perpetuation of that relation.

5. Is (my) Nature the cause of my Subordination?

The concealment of this point is at the basis of those ideologies and practices of women's 'emancipation', which, adopting Gender as an analytical key, have interpreted the dichotomy between production and reproduction as a 'sexed' one, where women are doomed to the lower level and men to the superior. According to these ideologies and practices, thereby, 'getting freedom' has, for women, only one meaning: rising from the inferior level to the superior, abandoning activities labelled as 'female' and thus 'inferior.' In this attitude, which has confirmed the 'hierarchical' relation between production and reproduction, or between 'culture' and 'nature', as one necessary and ineluctable, consists the alliance between liberal and emancipatory feminism, committed to gender neutrality, and the aspirations of neoliberal contemporary capitalism, that speaking about women tells everyone its lesson: your nature is worthless, let us abandon it and join those who know how to make value of it.

As Carole Pateman puts it:

Feminists who plead for the elimination of Nature, of biology and of sex in favour of the 'individual' play the game of modern Patriarchy and join themselves to a far much larger and furious attack against Nature which comes from the inside and the outside either of civil societies. Nature is not only women, but also, for example, the earth, the indigenous people, the descendants of Slaves. To suppose that the patriarchal recall to nature and natural sexual difference implies that theories and institution of Patriarchy derive from what is given by Nature (by physiology, biology, sex) means to remain within the patriarchal boundaries.¹⁰

Capitalism is patriarchy, Pateman argues, and patriarchy is capitalism: thereby, to pretend that women are oppressed by patriarchy (by male power) is useful to capitalism, because it distracts women and men from the awareness of their common subordination to capitalism.

10. C. Pateman, *The Sexual Contract*, Stanford University Press, Stanford, 1988, p. 226.

The ideology of parity conceals that capitalism presupposes an idea of freedom well distinct from sexual relationships and with no connection with sexual identity, with femininity and masculinity.¹¹ The same idea of freedom, Pateman stresses, which has been adopted by Marxist socialism and by (gender neutrality oriented) feminism as well.

On this basis, Pateman criticizes the idea of gender, which, when used to assert that women position in society is not dictated by Nature, biology or sex, but is a societal and political invention supports capitalism, because it ends up in telling women that, if they want to be free, they must abandon the relation of identification with the exploited nature and to undertake the relation of exploitation of the nature.

Pateman's criticism against gender stems from the consciousness that it is not the relation of women with Nature (and motherhood in particular), which originates the subordination of women, but the political interpretation that they receive by patriarchal-capitalism (and that women accept). Or, to put it differently, that neither motherhood nor the connected caring activities as such do subordinate women, but the historical changing constructions and reconstructions that these activities and relations receive as a consequence of the capitalistic aim to exploit them.

Of course, Pateman does not deny that it exists a continuous construction (societal, political, even psychic, which is to say interiorized) of sexes and of their relationships, a construction which functionalizes them to the needs of the status quo. Where is then the difference between Pateman's point of view and the idea of gender, which would seem to say the same thing?

The difference is here: the idea of gender thinks that the sexual difference in itself is a construct, and that in a really free and just society, the sexual difference should be irrelevant. (It is 'Just' only the society that constructs the sexual difference as void).

Pateman (and Federici and Fortunati as well)¹² invites us to think the contrary: only by recognizing the sexual difference as politically relevant and full of sense a more Just and Free society could arise, because it is only by giving value to what is devalued by the patriarchal-capitalism (the sexual difference) that capitalism and patriarchy can be subverted. (It can be just only the Society that recognizes the sexual difference as a value).

11. Ibid.

12. One could not find in Federici and Fortunati's work a critique to Gender so explicitly exposed as Pateman's. There is actually more: a wide criticism towards the Foucault's reflection on power, accused to be at the origin of the disentanglement of the studies on sexuality from the critique to capitalism (S. Federici, C. Fortunati, *Il Grande Calibano*, pp. 139, 149, 171-2, 193). The influence of Foucault's thought on the gender discourse, the turn to queer included, is unequivocal (see exemplarily G. Rubin, "The Traffic on Women", in R. Reiter (ed.), *Toward an Anthropology of Women*, Monthly Review Press, New York, 1975) but of course impossible to analysed in these short pages.

‘Gender’ –the concept that says: ‘sexual difference is constructed’– is for this reason the dividing line between political un-domesticable feminism and un-political feminism(s): gender militates against any political re-interpretation of the female experience. Not surprisingly, the critique against gender is the common denominator of different feminisms –from the materialistic, Marxist feminism of authors like Federici to those Feminist movements which have pointed on the ‘symbolical’, as the Italian feminist wave known as ‘The Difference Thought’; all have in common the assumption that is by not denying, but only re-signifying their nature, by taking it on with love and making of it a resource, that women can find freedom, and thereby putting freedom in the entire world. Political feminisms of all kind oppose to gender because they perceive that at the very end, gender means that, all the human experience being a societal construct, freedom simply does not exist and human life is a void case in the hands of the Rulers that manipulate it through their policies and in view of their purpose.

If it is true that all political feminism(s) opposes to gender, it is worth remembering today, when the injustice and violence of the modes of production manifest themselves openly, Federici-Fortunati and Pateman’s position, which recommend us never to forget that the construction of the sexual difference is a specific product of capitalism, interested in ‘devaluing’ reproduction and care –the ‘female’ spheres– in order to exploit them even better and even more. Only this understanding makes it possible to oppose to the capitalistic aspiration towards making the sexual difference invisible, and to perceive the political, subversive significance of this latter. Or, to using Silvia Federici’s words, one should never forget that ‘woman’ is not a construct which designates a certain natural being or her ‘essence’, but a construct that designates a particular form of exploitation. Assuming a ‘feminist’ point of view in this frame means “to make visible the hidden structure of domination and exploitation”¹³: they consist in conceiving as ‘natural’ everything is doomed to be freely exploited.

Unpolitical, neutered domesticated usage of gender has the purpose of talking about the condition of women, their subalternity to men, without criticizing the context and particularly the mode of production. Gender thereby creates and re-creates its own targets (from sexism to heteronormativity) which are as many ‘imaginary enemies’ whose function is to hide and protect the substantial causes of inequality and injustice, which are represented by capitalism which labels as natural everything it wants to live off it.

13. S. Federici, *Calibano e la Strega*, p. 21.

This is reflected by gender policies and parity programs, which, as the German theologian and feminist Ina Praetorius observes, propose the idea that integrating women (and others formerly excluded or discriminated groups) into the superior level (exploitation) is the answer to injustice and inequality, while, and just by doing so, they reproduce and strengthen the condition, which is the origin of injustice and inequality consists, the exploitation of the nature and of the human nature.¹⁴

6. If woman becomes a metaphor for death

Jumping from a forty years old debate to nowadays, one can recognize that the triumph of gender analysis has had at least two momentous effects, which resolve into one: women being let alone and devalued today, as they have never been before.

Let us think, to start with, to this: telling the history that women are subordinated in that they are the victims of a gendered role that segregate them in the reproductive sphere, too near to nature, Gender has fed the illusion that it is sufficient not to recognize oneself within the sexual binarism, or within ‘heteronomy’, in order to make oneself immune from exploitation or alienation. Spreading the mantra that the enemy of human freedom is sexism, not capitalism, gender has performed as the best ideology in support of the status quo, also by generating the queer subject, which sermonizes against the sexed body and experience as a resource of liberty, autonomy and self-empowerment, thus matching the needs of today’s capitalism. Only the anti-historical, crystallized lesson of gender cannot see that today the reproductive activity of women as such, is no longer in the first line among the things that capitalism aims to appropriate of; neither it is the essence of what capitalism today expropriate. Neoliberalism today strives to take possession “of the ‘life’ itself, of ‘vital activities’ and lifetime. Reproduction is no longer the merely heterosexual, biological regeneration of the species, but rather the entire cycle of activities generating the human for the market and the social world.”¹⁵ By re-telling the history that it is a matter of women if they are subordinated, that it is a fault of sexual binarism is there is injustice in the world, the Queer subject is a useful tool to make everybody forget, firstly, that the original divide between reproduction and production today identifies “the human in its cycle of vital activities which becomes the

14. I. Praetorius, *L'economia è cura. La riscoperta dell'ovvio*, p. 66.

15. F. Giardini, A. Simone, “The Reproductive Paradigm”, online paper, 2015, available at <https://www.viewpointmag.com/2015/10/31/reproduction-as-paradigm-elements-for-a-feminist-political-economy/>.

object of 'rational' management of social problems" in view of pure calculation of maximization of profit and reduction of losses; and, secondly, that the dynamics of exploitation "concern all the subjects." We experience in our everyday life that the 'reproductive paradigm' goes far beyond the heterosexual framework and menaces "as all of us, lives depending on the relations and necessities of material conditions and on the means for affirming a dignified life." The queer subject is there to deny this and to repeat that it is only a matter of women if they are oppressed and that oppression, in itself, has nothing to do with the system of production, as if subordination was inscribed in bodies, instead than in the activities they perform and that are bled white by capitalism.¹⁶

A second momentous achievement of Gender is to have reduced Femininity to one only field: that of violence against women. The sole case in which one is today allowed (and actually: encouraged) to speak of a female specificity without being accused of essentialism is death. In a world where it is prohibited to speak of Motherhood as female experience, women cannot be associated with anything good, positive, vital (like generation, life); they can be nominated only in association with the deadly paradigm of violence, and even a sexed word has been coined for the purpose, femicide.

In a seminal study of 1992, Martha A. Fineman affirmed that the true discrimination that women undergo consists in the systematic exclusion of female experience from the legal, political, and public discourse in the name of the ideal of gender neutrality, the preferred companion of market oriented liberalism.¹⁷ The disappearance of the Mother and Motherhood substituted with the neutral expressions of parents and parental, was felt by Fineman as the erection of a desert of loneliness all around what women do experience in their concrete life. As a matter of fact, the only ones, amongst human beings, that not only were born from a female body, but can reproduce the same opera of the Mother are also the only ones to whose specificity are denied respect and recognition. Motherhood can never be depicted as a field of freedom, or, if it is, it is only in the terms of the freedom of entering the market. With the advent of surrogacy, motherhood has become an experience cut into two pieces: on the one front, there is the 'valued' motherhood, which is making children for some who want them. This is a 'valued' activity. People pay for it, or the reward is moral (when surrogate motherhood is praised as a love gift).

16. Google making colossal profits on the data that people exchange by sending each other's emails or sharing the socials (which is to say by doing what humans do by definition: communicating each with the other) shows explicitly enough that in no way the issue of subordination/exploitation can today, less than ever, be attached to sexual orientation or sexual difference as such.

17. M. A. Fineman, "The Neutered Mother", in *University of Miami Law Review*, 46, 1992, pp. 653 and ff.

On the other front there is the ‘naturalized’, devalued and depreciated experience of giving birth ‘spontaneously’.

Whilst a ‘surrogate mother’ is to be praised, because provides profitable ‘maternity value’, a ‘natural mother’ is on her way to get hunted. Modern witches –who does not understand that?– are all those who provoke expenditures on public budgets and do nothing ‘productive.’

The woman is a dead metaphor; to associate women with nature, justice, or knowledge, or care is now ‘stigmatizing.’ Being a woman does not denote anything, that, at the most, a high statistical risk of violent death. Then, one understands why queer theories fascinate many young women: they offer them the illusion of being rescued from the saddest destiny than a human being can imagine, that of being a woman.

Domesticated feminism, with rationality and perseverance, has defused the only bomb, which could break the chains that enslave humanity: the fondness of women for their nature.

Is not that Violence?

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WOMEN'S NEW SERVITUDES IN THE AGE OF FREEDOM OF CHOICE

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Abstract

The neoliberal order is imposing epochal transformations on the conceptions of subjectivity and legal and political institutions. Moreover, it is severely undermining the relevance of several principles that are fundamental for law in general and for women's rights in particular. Indeed, the neoliberal ideology seems to redefine the principle of freedom, reducing it to mere freedom of choice, and to dismantle the principle of equality in favour of a return to the regime of inequality (legal, political and economic). In this essay, I propose reopening the discussion on women's freedom and its genealogy in order to understand the thread of continuity that still keeps women mostly in a condition of servitude, which is seemingly being reinforced in the context of neoliberalism.

Keywords

Women's freedom, emancipation, rights, servitude, neoliberalism, freedom of choice.

Resumen

El orden neoliberal está imponiendo grandes transformaciones en las concepciones de subjetividad y en las instituciones legales y políticas. Sobre todo, está socavando la importancia de varios principios que son fundamentales para el derecho en general y

para los derechos de las mujeres en particular. En efecto, la ideología neoliberal parece redefinir el principio de libertad, reduciéndolo a una simple libertad de elección y desmantelando el principio de igualdad a favor de un regreso a un régimen de desigualdad (legal, política y económica). En este ensayo, propongo reabrir la discusión sobre la libertad de las mujeres y su genealogía para comprender el hilo de continuidad que aún mantiene a las mujeres en una condición de servidumbre, lo que aparentemente se refuerza en el contexto del neoliberalismo.

Palabras clave

Libertad de las mujeres, emancipación, derechos, servidumbre, neoliberalismo, libertad de elección.

1. The origins of women's legal and political freedom¹

The affirmation of rights in the Declarations of 1776 and 1789 brought to the fore two major issues, which fuelled and animated public and legal debate in the subsequent years and in turn soon gave rise to two very important demands ones that were fundamental for the construction of the political communities and societies to come: the abolition of slavery² and the end of women's servitude.³ In both cases, the central focus obviously lay on the attribution (to slaves and women) of fundamental rights, starting from rights to freedom.

There are numerous records attesting to the fact that such moral, political, ideological, and theoretical battles were often conducted simultaneously by people who were engaged on both fronts: those who declared to be in favour of one often supported the other and vice versa. Among the pioneers of women's rights, we need only think of Olympe de Gouges⁴, the Grimké sisters⁵, the feminists of Seneca Falls⁶, Emmeline Pankhurst⁷, and so on.

The interplay between the two debates and the two battles necessarily originated from the notions expressed, precisely, in the Declarations of Rights, whereby the principle of *equality* among human beings was affirmed for the first time in history, drawing

1. A previous (and partial) version of this essay was published in: O. Giolo, "Sulla libertà delle donne", in *La società degli individui*, 58, 2017, pp. 11-21. The quoted passages from Italian texts have been translated into English by the author.

2. On the slavery and the birth of the abolitionist movement, see: M. Sinha, *The Slave's Cause: A History of Abolition*, Yale University Press, New Haven, 2016; S. Drescher, *Abolition: A History of Slavery and Antislavery*, Cambridge University Press, Cambridge, 2009; T. McNeese, *The Abolitionist Movement: Ending Slavery*, Chelsea House Pub, New York, 2007. See also the recent publication: Th. Casadei, *Il rovescio dei diritti umani. Razza, discriminazione, schiavitù*, Derive Approdi, Roma, 2016, p. 73.

3. On the emergence of the debate on women's rights, see generally: E. Flexner, E. Fitzpatrick, *Century of Struggle: The Woman's Rights Movement in the United States*, Belknap Press, Cambridge, 1996; K. Kish Sklar, *Women's Rights Emerges within the Anti-Slavery Movement, 1830-1870: A Brief History with Documents*, Bedford/St. Martin's, 2000; L. J. Rupp, *Worlds of Women: The Making of an International Women's Movement*, Princeton University Press, Princeton, 1997. See also: A. Facchi, *Breve storia dei diritti umani. Dai diritti dell'uomo ai diritti delle donne*, Il Mulino, Bologna, 2013, p. 62.

4. Author of the play *Zamore and Mirza*. See also: O. De Gouges, *L'esclavage des Noirs ou l'heureux naufrage (1792)*, L'Harmattan, Paris, 2014.

5. Regarding their contribution see in particular: S. Grimké, A. Grimké, *On Slavery and Abolitionism: Essays and Letters*, Penguin Classics, New York, 2015.

6. See, for example, the biography of Lucretia Mott, who, like the other women who promoted the Seneca Falls Convention, was very active in the abolitionist movement. In this regard, see the well-known book: S. G. McMillen, *Seneca Falls and the Origins of the Women's Rights Movements*, Oxford University Press, New York, 2008.

7. What Emmeline Pankhurst wrote about her childhood and the abolitionist activism of her parents, who also supported the recognition of women's rights, is highly interesting: "Young as I was—I could not have been older than five years—I knew perfectly well the meaning of the words slavery and emancipation. From infancy I had been accustomed to hear pro and con discussions of slavery and the American Civil War. [...] Most of those who formed the circle of our family friends were opposed to slavery, and my father, Robert Goulden, was always a most ardent abolitionist" (E. Pankhurst, *My Own History*, Eveleigh Nash, London, 1914, p. 9).

attention to the conspicuous fact that there were, at that time, two large categories of people denied rights: slaves and women⁸.

Vis-à-vis both of these “classes” of subjects, therefore, the demands put forward regarded first of all the recognition of *freedom*⁹, the latter being understood as a condition, a *status*¹⁰ to be attributed to all persons, not only some of them, precisely by virtue of the principle of equality.

In the following centuries as well, the recognition of *rights to freedom* was an essential step toward achieving *emancipation* both for slaves and for women.

In this regard, it is worth highlighting the fact that the term *emancipation* was used in abolitionist and feminist literature in reference to an initial condition “shared” by slaves and women: a condition of subjection (individual) and oppression (collective) under male proprietary domination¹¹. However, as categories of subjection/oppression, slavery regarded men and women indistinctly, whereas that of women obviously regarded exclusively persons of the female sex. This difference would prove to be fundamental and lead to very different outcomes for the two “original” demands for freedom: conceived together, but quickly “separated at birth” because of “gender issues”.

2. Freedom and emancipation: two destinies for two genders

The developments that took place in relation to the demands for the abolition of slavery are well-known.¹² In a short time, numerous states adopted *ad hoc* laws, which

8. On the affirmation of the principles of freedom and equality in the Declarations of the late eighteenth century, see generally: N. Bobbio, *Letà dei diritti*, Einaudi, Torino, 1990, p. 89. Obviously, it was not only these two “classes” of people (slaves and women) who were actually excluded from rights: in the following centuries, thanks to the reflections promoted by critical legal and political theories, it became evident that the law operated in a discriminatory manner against any people who did not fit the “model” of a political and legal actor (Christian, heterosexual, able-bodied, wealthy, white, settled) implicitly assumed in the declarations of rights. On this point, I refer the reader to: M. G. Bernardini, O. Giolo, “Il parametro mobile. Note sul rapporto tra eguaglianza e differenza”, in *Filosofia politica*, 3, Il Mulino, Bologna, 2014, pp. 505-522.

9. There is obviously an infinity of literature on the subject of “freedom”. In this essay the word “freedom” is used in its “original” sense, or, as noted by Mauro Barberis: “the original and archetypal meaning of freedom –the one to which, through causal links [...] all the others are connected– it is thus freedom as a status” (M. Barberis, *Libertà*, Il Mulino, Bologna, 1999, p. 22). See also: E. Diciotti, “Limiti ragionevoli delle libertà: un quadro concettuale”, in *Ragion Pratica*, 20, June 2003, pp. 111-148. It is useful to note what Barberis highlights in regard to the fact that “the opposition between freedom and slavery, which originated in a domestic realm, was subsequently transferred into the political one” (ibid., p. 41): a similar dynamic also characterises the history of discrimination against women, so much so that the feminist critique is well-known to recognise the domestic space as the original place of oppression.

10. M. Barberis, *Libertà*, p. 22.

11. D. Losurdo, *La lotta di classe. Una storia politica e filosofica*, Laterza, Rome-Bari, 2013, p. 19. See also what Carole Pateman argues in her *The Sexual Contract*, Stanford University Press, Stanford, 1998.

12. In this case as well there is a large abundance of Italian and international literature. By way of example, for an overview of this subject, see: G. Heuman, T. Burnand (eds.), *The Routledge History of Slavery*, Routledge, London-New York, 2012; M.

banned the slavery and, alongside the legal recognition of this prohibition, a highly important cultural change imposed itself, which transformed the very issue of slavery into a legal, ethical and political taboo.

In fact, although many segregationist practices endured for a long time –and continued to be authorised and legitimised, not only vis-à-vis blacks but also Jews, Roma, disabled persons, homosexuals and so forth–, slavery was increasingly viewed as the ultimate limit on individual (legal) freedom. Moreover, as is well-known, the absolute prohibition of slavery also implied the denial of the possibility of self-enslavement: so much so that, with respect to the possibility of choosing to become slaves, although the radical liberal anti-paternalistic current has cyclically resurrected the issue¹³, in no country has the ban against slavery ever been called into question. On the contrary, in recent decades attention has rightly been focused on “new slavery”¹⁴, resulting from mostly economic transformations that have impacted vast areas of the world.

As a consequence, once an end was brought to slavery, the subjective legal scope of “power”,¹⁵ understood as “domination”,¹⁶ was generally also greatly reduced: today it can be exercised up to that unbreachable limit beyond which one person would have another at his full *disposal*¹⁷. Similarly, the individual condition of “liability”¹⁸ today

Fioravanti, “Il lato oscuro del moderno. Diritti dell’uomo, schiavitù ed emancipazione tra storia e storiografia”, in *Quaderni fiorentini per la storia del pensiero giuridico moderno*, 42, 2013, pp. 9-41; see also T. Casadei, S. Mattarelli (eds.), *Il senso della Repubblica. Schiavitù*, Franco Angeli, Milano, 2009.

13. For an overview of paternalism and anti-paternalism in the Italian debate, I refer the reader to E. Diciotti, “Preferenze, autonomia e paternalismo”, in *Ragion Pratica*, 24, June 2005, pp. 99-118; and G. Maniaci, “Proibizionismo e antipaternalismo giuridico”, in *Ragion pratica*, 1, 2014, pp. 205-232.

14. Concerning the so-called “new slavery”, I refer the reader to the fundamental text by K. Bales, *Disposable People: New Slavery in the Global Economy*, University of California, CA, 2012. As regards the Italian debate in particular: E. Santoro, “La regolamentazione dell’immigrazione come questione sociale: dalla cittadinanza inclusiva al neoschiavismo”, in E. Santoro, *Diritto come questione sociale*, Giappichelli, Torino, 2010; B. Casalini, “Migrazioni femminili, controllo dei confini e nuove schiavitù”, in *Ragion pratica*, 35, December 2010, pp. 455-468; Th. Casadei, “La schiavitù dei contemporanei”, in *Ragion pratica*, 2, 2010, pp. 333-344.

15. Drawing on the “legal conceptions” of Wesley Hohfeld, we could, in fact qualify, the legal position of a subject who made slaves of others as “power”. Indeed, Hohfeld himself argued that “power” should be understood as the capacity to interfere in the legal sphere of others, that is, to dispose of others: this is exactly what happened in the master-slave relationship, as the latter was at the full legal disposal of the former. See W. N. Hohfeld, *Fundamental Legal Conceptions as Applied in Judicial Reasoning* (1917), Ashgate, Dartmouth, 2001, p. 12.

16. Legal language and legal theory do not yet seem to have grasped what was suggested in the realm of political philosophy, in different periods, by Max Weber and Hannah Arendt on the distinction between *power* and *domination*, with reference in particular to subjective conditions. See: M. Weber, *Gesamtausgabe*, Mohr Siebeck, Heidelberg, 1989 and H. Arendt, *On Violence*, Harcourt, New York, 1970, p. 39.

17. It may be useful to consider, by way of example, the international legal definition of slavery adopted in 1926 by the League of Nations, according to which slavery is “the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised”; on this point see: Th. Casadei, “Bioetica, diritto, politica: corpo e forme della schiavitù”, in Th. Casadei, S. Mattarelli (eds.) *Il senso della Repubblica. Schiavitù*, pp. 67-89, on p. 74.

18. The qualification of the condition of a person reduced to slavery refers to the situation corresponding to power, or “liability”, which seems to express the actual condition of a slave better than other “negative” subjective positions (“no-right”

encounters the same limit, beyond which it would be tantamount, precisely, to mere slavery.

The demands for women's rights, by contrast, as well as the emancipation of women from the condition of servitude –this, too, is a well-known story– led to developments that were completely different from those leading to the abolition of slavery.

Firstly, it is interesting to note the widespread use in the literature –from the very beginning– of the term “servitude” with reference to women's condition¹⁹. The adoption of this term made it possible to indicate the subjection of all women, without any distinction between those who were formally in a condition of “slavery” or of “freedom”, thus underscoring the fact that, irrespective of whether they were in situation or the other, women were in any case in a state of “servitude”. For women who were formally free, therefore, the term “freedom” took on a profoundly different meaning compared to when the same word was used in reference to a male individual. In actual fact, “free women” did not exist at the end of the 18th century: they were all in a condition of “servitude”. For this reason, in the past, for all women, there had actually been an overlap between the condition of slavery and that of servitude, which, if one analysed the facts and the legal aspects, could be differentiated only on the basis of some “nuances” (varying over time and in manner and place) mainly related to the methods used to keep women who were not slaves in a condition of servitude²⁰. Significant in this regard is the argument of John Stuart Mill, according to whom the main difference between the rule of men over women and the rule over slaves (and thus women slaves) was that it was accepted “voluntarily”²¹. According to Mill, in fact, male dominance was not founded exclusively on force, but rather on consent: “Men do not want solely the obedience of

and “duty”). On “liability”, again see: W. N. Hohfeld, *Fundamental Legal Conceptions as Applied in Judicial reasoning*, pp. 12. 19. The concepts of “servitude” and “slavery” are moreover “semantically contiguous”: “the translatability of the terms servitude and slavery is widely attested, both from a legal standpoint, where the boundaries between the two concepts have often been blurred, and in the tradition of political thought [...] The semantic contiguity between servitude and slavery is more relevant when the terms are used for analytical and descriptive purposes. In this case, as soon as we go beyond the narrow sense in which it designates the feudal system of serfdom, servitude generally means a particular condition of dependency: particular in that it is absolute, and absolute since it is such as to infringe on the autonomy of a person or a community at a profound level. It is at this level that servitude (*servitude*) and slavery (*esclavage*) can be taken as synonyms” (G. Paoletti, “Servi volontari o schiavi contenti? Il problema della servitù volontaria da la Boétie a Berlin”, in *Ragion pratica*, 35, December 2010, pp. 393-408, on pp. 395-398).

20. If, indeed, “self-ownership” can be considered a useful criterion for distinguishing between servitude and slavery (in that it generally exists in the former and is always absent in the latter), in actual fact this distinguishing criterion does not seem to work when we are referring, precisely, to the condition of women: after slavery was abolished, and thus (all) women became owners of themselves, they nonetheless remained “at the disposal” of those who continued to “possess” them (a term also used with a sexual connotation, with the aim of affirming the possession of the female body) by virtue of being a male individual (father, brother, husband, son, and so on).

21. J. S. Mill, “The Subjection of Women (1869)”, vol. XXI, in J. S. Mill, *Collected Works of John Stuart Mills*, Routledge and Kegan Paul, London, 1963-1991, III ed., pp. 256-340.

women, they want their sentiments. All men, except the most brutish, desire to have, in the woman most nearly connected with them, not a forced slave but a willing one, not a slave merely, but a favourite²².

Secondly, the calls for women's rights obtained no results for over a century: indeed, it was not until long after the abolition of slavery that women were granted recognition of a fundamental right, the right to vote, between the end of the nineteenth century and the early years of the twentieth century²³. And with respect to women's access to rights, real progress was only achieved in the middle of the twentieth century, thanks to all the legal reforms promoted and then adopted in different countries at different times²⁴.

The result of this different "timing" in the fulfillment of demands was that although all men and women were freed from slavery, in reality all women long remained in a condition of "servitude/slavery", being "originally" deprived of fundamental rights and freedoms.

We could thus go so far as to argue that the abolition of slavery did not regard all people at all, but only human beings of the male sex²⁵, while women were long kept in a legal condition that was not openly qualified as slavery, but in actual fact fell within the definition of slavery: not only because of the total absence of freedom and thus of rights, but also and above all in light of the "subjection" that had long characterised their legal condition, with the consequent typical subjection of the female body as an *object* at the *disposal* of male individuals²⁶.

22. J. S. Mill, "The Subjection of Women (1869)", pp. 89-90. Mill continues by affirming that: "The masters of all other slaves rely, for maintaining obedience, on fear; either fear of themselves, or religious fears. The masters of women wanted more than simple obedience, and they turned the whole force of education to effect their purpose. All women are brought up from the very earliest years in the belief that their ideal of character is the very opposite to that of men; not self will, and government by self-control, but submission, and yielding to the control of other" (Mill, *ibid.*, p. 271). Compare what Antonella Besussi has written in regard to the particular nature of "patriarchal domination", which consists in "sentimentalising the obedience of women, effectively confusing the coercive aspect and the consensual aspect of their subordination, in order to arrive at what we might call *voluntary slavery*" (A. Besussi, "La libertà di andarsene. Autonomia delle donne e patriarcato", in *Ragion pratica*, 23, December 2004, p. 436).

23. As we all know, women were granted the right to vote in different periods: in some countries women were first able to exercise voting rights between the end of the 19th century and the beginning of the 20th century (respectively in New Zealand, in England and Denmark) while in others women's suffrage was introduced after World War II (for example in Italy) or even as late as the 1970s (like in Switzerland); in some countries, still today women either cannot vote or only vote at the local level (we need only consider the case of Saudi Arabia).

24. In fact, in many countries it was not until the second half of the 20th century that legal systems underwent major reform in order to implement the principle of equality between the sexes: on this point, I refer the reader once again to A. Facchi, *Breve storia dei diritti umani. Dai diritti dell'uomo ai diritti delle donne*, p. 133.

25. As Carla Lonzi has written: "We asked for equality in the 18th century and Olympe de Gouges was guillotined for her *Declaration of the Rights of Women*. Women's demand for equality with men in respect of rights historically coincides with the affirmation of the equality among men" (C. Lonzi, *Sputiamo su Hegel*, et al., Milano, 2010, p.13).

26. See, for example, what was highlighted by Maria Virgilio in her essay dedicated to analysing the female figure in the Rocco Code, the Italian Criminal Code: a woman was/is represented as an "object" at her husband's disposal and a person subject to the authority of others (see: M. Virgilio, "La donna nel Codice Rocco", in T. Pitch, *Diritto e rovescio. Studi sulle donne e il controllo sociale*, ESI, Napoli, 1987, pp. 39-75, p. 45).

An immediate objection to this brief reconstruction could be that in actual fact it was not only women who remained in a condition of legal and political subjection after the abolition of slavery: Afro-Americans, Jews, homosexuals, and the disabled are only some of the classes of individuals who continue to experience a limitation of rights. However, it can be easily noted that, unlike these other categories of people, or rather, cutting across these categories, for a long time after slavery was abolished women remained in a condition not of limitation, but rather one marked by a total absence of fundamental rights and freedoms. Therefore, notwithstanding the persistence of some major, dramatic segregationist and discriminatory practices, the abolition of slavery seems to have originally benefited *all* men, without including women.

And still today, this original defect of the abolition of slavery seems to represent a sort of “original sin” in the present ethical, political and legal frameworks, since they have been shown incapable of fully recognising women’s freedom, and thus of attributing full legal and political subjectivity to women, as well as eliminating every discrimination that reiterates, now like then, the “subjection” of women and their bodies to the power of others (men).

3. The (very slow) emancipation: (sexist) slavery-like practices and (neo-) liberal rhetoric

Women’s liberation from the condition of slavery was thus slow and progressive, not only in factual terms but also on a purely political-philosophical and legal-theoretical level, because the legal and political subjectivity of women took shape and gained substance slowly and progressively.

For this reason, numerous questions can inevitably still be raised today: so when were women actually *freed* from slavery? Or rather: have women really been emancipated from the condition of servitude? That is, are women *free*?

The question posed by Catharine Mackinnon (“are women human?”²⁷) finds echoes in other similar questions and the assonance hardly seems unreasonable, given that slavery itself received ethical and political legitimisation precisely in the affirmed existence of different hierarchies of human beings²⁸. In the present context, therefore, the most

27. C. MacKinnon, *Are Women Human? And Other International Dialogues*, Harvard University Press, Boston, 2006. See also the collection of essays by C. A. MacKinnon edited by A. Besussi and A. Facchi: *Le donne sono umane?*, Laterza, Roma-Bari, 2012.

28. “It is possible to affirm, therefore, that slavery can be identified in every case in which there is an attempt to convert the

relevant question seems to regard the analysis of the current essence of women's freedom in view of their acquisition of fundamental rights, the aim being to understand the reasons for the persistence, whether latent or manifest, of practices and realms (above all political and legal) which maintain or reaffirm men's power of disposal of women and their bodies.

Are there in fact practices and institutions still in place today which reflect that original power of disposal? Do rules, legal arrangements and practices deriving from the former condition of servitude still exist?

Such questions appear even more significant if we consider that the abolition of slavery resulted in the illegitimacy of slavery-like practices and a constant attention to the re-emergence of forms and methods of para-slavery or neo-slavery. Emblematic in this regard are the issues related to human trafficking, which in the literature and from a legal (legislative and jurisprudential) standpoint are easily linked to the problem of slavery and its continuous and possible new manifestations²⁹.

However, the same has not happened in the case of women. The slavery-like practices typically conceived for women –practices of sexist origin, hence sexist practices– endured for a long time after the abolition of slavery: from brothels to forced marriages, to honour killings, to control over sexuality and so forth. Only in much more recent times, starting from the second half of the twentieth century in particular, and certainly not until after the acquisition of fundamental rights, such gendered practices have been progressively eliminated, thanks, inevitably, to the cultural change that the presence of women on the public scene has brought with it.

The abolition of many sexist norms and the banning of some sexist practices were thus obtained very slowly: indeed, an international convention condemning violence against women, which corresponds to the original and total (male) power of disposal of the body –life, integrity, and death– of women, was not adopted until 2011.³⁰

This undeniable graduality and the abrupt reversals that women's rights continue to experience and confront can thus be viewed not as accidents, or temporary setbacks, but rather as clear signals of the precarious and partial nature of women's freedom still

domino theory into an 'ontology of dependency'; human beings are hierarchised by means of a rigidly binary scheme: there are the strong and the weak, the free or servants, the pure or impure, by *nature* or as a result of *naturalisation* processes" (Th. Casadei, *Il rovescio dei diritti umani*, p. 80). See also: P. G. Solinas, *La dipendenza. Antropologia delle relazioni di dominio*, Argo, Lecce, 2005.

29. There is ample literature on this subject, see: J. Allain, *Slavery in International law: of Human Exploitation and Trafficking*, Nijhoff, Leiden-Boston, 2013; S. Forlati, *La lotta alla tratta di esseri umani fra dimensione internazionale e ordinamento interno*, Jovene, Napoli, 2013; S. Scarpa, *Trafficking in Human Beings: Modern Slavery*, Oxford University Press, Oxford, 2007. 30. P. Parolari, "La violenza contro le donne come questione (trans)culturale. Osservazioni sulla Convenzione di Istanbul", in *Diritto e Questioni pubbliche*, 14, 2014, pp. 859-890.

today. In short, the delays and difficulties seem to represent the outcome or inevitable residual manifestations of the original status of servitude, today poorly identified or unrecognised.

Now, by placing the subject of women's freedom –as a *status* (and not *only* a list of rights)– back at the centre of legal and political reflection, we might more clearly perceive that the process of women's *emancipation* (from servitude, subjection, oppression) has not yet concluded. From this different perspective we could reflect in a new way about the many gendered slavery-like practices that continue to survive and maintain women in a latent, unrecognised, precisely, but constant condition of servitude/slavery.

We might also recognise the dual deception that presently underlies the persistence of such practices.

The first deception regards the fact that not all women today find themselves in a condition of servitude, but only those who live in a condition of subjection due to the sexist practices, sometimes legally sanctioned or tolerated, they are still victims of. In fact, thanks to the process (albeit partial) of emancipation that has taken place up to now, thanks to legal reforms and the recognition of rights, and women's entry into the political and job worlds, oppression is experienced by women in a highly differentiated manner. The diversification of existential experiences, which are presently much less “serial” than they used to be³¹, is obviously the result of complex dynamics involving the cultural, religious, economic, and ideological variables –just to name a few– which characterise different social contexts. This distinction among the conditions experienced by women proves highly effective on a rhetorical and political level³², because it prevents many of them from recognising that they are not fully emancipated individuals and conveys the impression that, in actual fact, women are by now *all* free and emancipated.

The second deception concerns the usability of the typically liberal argument of “choice”, which, as already highlighted, has become totally pointless in respect of slavery –given that today no one can choose to reduce himself or herself to such a condition– but is still very powerful when it comes to sexist practices, above all within the framework of the new neoliberal order, as I shall explain shortly³³, so much so that it has given rise to a new approach toward women's rights, so-called *choice feminism*³⁴. As is well-known,

31. On the heterodesignated seriality of women's lives, see, among others, D. Morondo Taramundi, “Emancipazione e libertà femminile nel tempo del post-femminismo”, in O. Giolo, L. Re (eds.), *La soggettività politica delle donne. Proposte per un lessico critico*, Aracne, Roma, 2014.

32. On this point I refer the reader to: O. Giolo, “Il giusfemminismo e il dilemma del confronto tra le culture”, in Th. Casadei, *Donne, diritto, diritti. Prospettive del giusfemminismo*, Giappichelli, Torino, 2015.

33. See below.

34. For an overview of the debate on this subject, see in particular B. Casalini, “Rappresentazioni della femminilità, post

according to this latter current every woman should be granted *freedom of choice* in deciding what is or is not legitimate for herself and her body, without any paternalistic interference on the part of the law and politicians³⁵. From this perspective, therefore, the more we can choose freely, the freer we will be; and we can choose anything, even to subject ourselves to or engage in practices (originally) associated with slavery.

In my view, however, this reliance on the “choice” argument clearly attests to the existence of that “separation” which originally occurred between slaves’ and women’s demands for freedom. If indeed in the case of slavery it has become wholly useless and cannot justify voluntary self-enslavement, in the case of women it continues to allow sexist, slavery-like practices to be cyclically re-legitimised, thereby frustrating the demands for emancipation.

So it is that, on the one hand, slavery-like practices that were once systematically imposed on *all* women to keep them in servitude (such as, for example, control over sexuality and reproduction, domestic servitude and so on) end up not being perceived any longer as enslaving solely because now they affect only *some* women (but still many in actual fact³⁶). On the other hand, the free choice rhetoric seems paradoxically to highlight the legal unsustainability of such practices precisely in light of the principles of freedom and equality: therefore, they end up being regarded as legitimate only when they are relegated to the “private” sphere of individual choices, tied to conceptions of well-being and pleasure, rather than justice³⁷.

This also explains the daily qualification of many sexist practices as “moral issues”³⁸, instead of what they really are: issues of freedom, equality and power, and thus tied not to a conception of what is good or ethical, but rather to *original distributions of the power to dispose of another’s body*, resulting from an “original” condition of subjection imposed on women. Never thoroughly understood and still not entirely transcended.

femminismo e sessismo”, in *Iride*, 62, Il Mulino, Bologna, 2011, pp. 43-60.

35. For a critical interpretation of so-called, see the essays contained in *Perspectives on Politics*, issue 8, 1, 2010: J. Kirkpatrick, “Introduction: Selling out? Solidarity and Choice in the American Feminist Movement, Symposium: Women’s Choices and the Future of Feminism”, pp. 241-245; L. J. Marso, “Feminism’s Quest for Common Desires”, pp. 263-269; M. Ferguson, “Choice Feminism and the Fear of Politics”, pp. 247-253, C. Snyder-Hall, “Third-Wave Feminism and the Defense of Choice”, pp. 255-261; N. Hirshmann, “Choosing Betrayal”, pp. 271-278.

36. For a general insight into women’s condition on a global level it is interesting to consult the annual report published by UN-Women, in: <http://www2.unwomen.org/-/media/annual%20report/attachments/sections/library/un-women-annual-report-2015-2016-en.pdf?v=1&d=20160629T203016>; see also the *Global gender gap report*, drawn up on a yearly basis by the World Economic Forum, in <http://reports.weforum.org/global-gender-gap-report-2016/the-global-gender-gap-report-2016/>.

37. L. Gianformaggio, “Soggettività politica delle donne: strategie contro”, in L. Gianformaggio, *Filosofia e critica del diritto*, Giappichelli, Torino, 1995, p. 171.

38. C. MacKinnon, “Not a Moral Issue” (1983), in EAD., *Feminism Unmodified. Discourses on Life and Law*, Harvard University Press, Cambridge, 1987, pp. 146-162.

4. Women's freedom in the era of neoliberalism: an unresolved issue

The present-day approach to the issue of women's freedom thus appears highly problematic in a context in which freedom, in general, has undergone a major resignification as a result of neoliberal ideology. As Wendy Brown and Nancy Fraser have highlighted in their work³⁹, neoliberalism, far from being circumscribed to the economic sphere, has been strongly impacting the legal and political frameworks of constitutional democracies and has ended up acting directly on contemporary lifestyles/ways of life, as well as sharply twisting the notion of legal and political subjectivity⁴⁰. These transformations have prompted extensive upheavals in both the public and private realms⁴¹: we need only think of the progressive "depoliticisation" of the subject in favour of an increasing, all-encompassing marketization which has invaded all spheres of life and of the personality. A contemporary individual appears as someone who is competitive and precarious, who tends to monetise his or her existence and to evaluate every aspect of his or her life in economic terms⁴². The result, as Brown points out, is a profound undermining of the principles of *freedom* and *equality*, which are transformed into demands for freedom in making (market) choices and the acceptance of inequalities (which are inevitable and a natural consequence of market dynamics).

In actual fact, *freedom* and *equality* are two principles underpinning feminist thought: as observed at the beginning of this essay, the origins of feminist legal theory lie precisely in the affirmation of these two fundamental principles of law and politics⁴³.

39. At the beginning of his book *Undoing the Demos*, Brown writes: "Neoliberalism, a peculiar form of reason that configures all aspects of existence in economic terms, is quietly undoing basic elements of democracy. These elements include vocabularies, principles of justice, political cultures, habits of citizenship, practices of rule, and above all, democratic imaginaries" (W. Brown, *Undoing the Demos. Neoliberalism's Stealth Revolution*, Zone Books, New York, 2015, p. 17). Cf. N. Fraser, *Fortunes of Feminism: From State-Managed Capitalism to Neoliberal Crisis*, Verso Books, New York, 2013; and EAD, "Oltre l'ambivalenza: la nuova sfida del femminismo", in *Scienza & Politica per una storia delle dottrine*, 54, 2016, pp. 87-102.

40. A great deal of literature in both the fields of political philosophy and legal philosophy addresses the issue of the major present-day redefinition of legal and political power, as the very birth of the journal *Soft Power* demonstrates. By way of example, as regards the complexification of contemporary law, with the associated multiplication and simultaneous breaking down of the centres of power, see B. Pastore, *Interpreti e fonti*, Cedam, Padova, 2015 and ID, "Soft Law y la teoría de las fuentes del derecho", in *Soft Power. Revista euro-americana de teoría y historia de la política y del derecho*, 1, 2014, pp. 75-89. For insights into the transformation of power, see L. Bazzicalupo, *Politica, identità, potere. Il lessico politico alla prova della globalizzazione*, Giappichelli, Torino, 2004.

41. See the assessment of S. Petrucciani, "Forme del potere nella globalizzazione", in *La Cultura*, 1, April 2016, pp. 163-170. Cfr. W. Brown, *Undoing the Demos*, p. 28.

42. Luciano Gallino writes that, in recent times, the main objective has become to "maximise and accumulate, in the form of capital together with power, the value that can be extracted from the largest number of human beings": the new form of "extraction of value" indeed "tends to embrace every moment and every aspect of existence" (L. Gallino, *Finanzcapitalismo. La civiltà del denaro in crisi*, Einaudi, Torino, 2011, p. 5).

43. In this regard see C. Arruzza, L. Cirillo, *Storia delle storie del femminismo*, Alegre, Roma, 2017. On the same point, I also

An ideological perspective that is clearly in contradiction with freedom and equality –as in the case, precisely, of neoliberalism– will thus be in stark contrast with feminist thought, which draws lifeblood from these ideals.

In this regard, the arguments advanced by Nancy Fraser, which have triggered so much debate concerning a dangerous complicity between feminism and neoliberalism, seem to be particularly significant⁴⁴, above all in light of what was stated earlier in relation to the (still) precarious women's freedom.

Fraser maintains that contemporary feminism converges dangerously on several positions of neoliberalism. A part of feminist critique and feminist legal theory seems in fact not to have understood that the free choice argument is today brutally exploited by neoliberal ideology, which in the name of a false idea of freedom re-proposes a “masculinist romance of the free, unencumbered, self-fashioning individual”⁴⁵ with the consequent superseding of principles and constraints whose relevance and aims were very clear up to a short while ago⁴⁶.

Freedom and equality, after all, were principles espoused precisely, on the one hand, as limits to arbitrary power and against slavery, exploitation, servitude, and oppression; and on the other hand, against the possibility of disposing of oneself and one's rights in the name of need⁴⁷. The rights ensuing from these two fundamental principles are non-disposable for this reason: because neither those who dominate nor those who are dominated can decide to dispose of them in the name of a maximum gain or survival⁴⁸.

refer the reader to O. Giolo, “Oltre la critica. Appunti per una contemporanea teoria femminista del diritto”, in *Diritto & Questioni pubbliche*, 15, 2, 2015, pp. 63-82.

44. Cf. N. Fraser, *Fortunes of Feminism: From State-Managed Capitalism to Neoliberal Crisis*, and Ead., “Oltre l'ambivalenza: la nuova sfida del femminismo”, H. Eisenstein also expressed herself along the same lines in “A Dangerous Liaison? Feminism and Corporative Globalization”, in *Science and Society*, 69, 3, 2005, pp. 487-518. For a reconstruction of the debate, see B. Casalini, “Neoliberalismo e femminismo”, in *Jura Gentium. Rivista di filosofia del diritto internazionale e della politica globale*, vol. XII, 2015, pp. 31-65.

45. N. Fraser, “Oltre l'ambivalenza: la nuova sfida del femminismo”, p. 98.

46. Michel Foucault's considerations concerning the new forms of power which is exerted only on “free individuals” are well-known; see M. Foucault, *Dits et écrits II*, 1976-1988, Gallimard, Paris, 2001. Regarding the new subjectification/ subjection mechanisms, see also L. Bazzicalupo, *Dispositivi e soggettivazioni*, Milano, Mimesis, 2013; E. Stimilli “La fiducia nel mercato. Una interpretazione ‘religiosa’ del neoliberalismo a partire da Weber, Benjamin e Foucault”, in *Filosofia politica*, 1, January 2016, pp. 123-140; S. Chignola, S. Mezzadra, “Fuori dalla pura politica. Laboratori globali della soggettività”, in *Filosofia politica*, 1, April 2012, pp. 65-81.

47. It is worth mentioning what Weber wrote regarding the features of modern capitalism: among the presuppositions of his affirmation the author included *free labour*, i.e. persons must be present who are not only legally in the position, but economically compelled to sell their labour in the market. M. Weber, *General economic history*, Dover Publications, New York, 2013. (Trad. it., last chapter: M. Weber, *Le origini del capitalismo moderno*, Roma, Donzelli, 2009, p. 17).

48. In this regard see L. Ferrajoli, *I diritti fondamentali. Un dibattito teorico*, Laterza, Roma-Bari, 2001, p. 15, and Id., *Principia Juris. Teoria del diritto*, 1, Laterza, Roma-Bari, 2007, p. 762. These are obviously arguments that meet with the dissent of anti-paternalists. For an overview see E. Diciotti, “Preferenze, autonomia e paternalismo”, in *Ragion Pratica*, 24, June 2005, pp. 99-118.

At present, such arguments are completely overturned by the dominant rhetoric in the name of individual self-determination and self-designation, thus resulting in a total absence of reflection on the actual meaning of decision-making autonomy (which precisely feminist thought, together with other critical legal theories, including disability studies, contributed to redefining from the perspective of “relational autonomy”⁴⁹), which is never the fruit of exclusively individual processes.

Neoliberalism has thus changed the meaning of the term “freedom”, reducing it to “free choice without limits”: from this perspective, every option becomes practicable and usable, and legally enforceable to boot. In this sense, neoliberalism seems to represent the profound expression of a radical anti-paternalism, the same, as it were, which seems to inspire some aspects of so-called *choice feminism*⁵⁰. In fact, the latter appears to reinforce the neoliberal approach and indeed provides further arguments to support it insofar as it contributes to “renaming” and “resignifying” slavery-like practices traditionally associated with patriarchal control of women’s bodies⁵¹. *Choice feminism* legitimises the commodification of sexuality and reproduction exclusively on grounds of autonomy in individual choices⁵², evading any in-depth examination of the complicated relationship between law, rights, body, sexuality, power and market, and refraining from raising any questions about the still problematic and precarious women’s freedom⁵³.

In truth, what feminism inclined towards neoliberalism seems above all to underestimate is the fact that such autonomy in making choices has to be exercised, precisely,

49. Concerning this valuable elaboration of feminist legal theory in collaboration with the *disability studies* current, see M. G. Bernardini, *Disabilità, giustizia, diritto. Itinerari tra filosofia del diritto e Disability Studies*, Torino, Giappichelli, 2016.

50. Fraser maintains that one affinity between contemporary feminism and neoliberal ideology regards the critique of authority: male and paternalistic in the feminist view, and an obstacle to capitalist expansion in the neoliberal view. According to Fraser, by reinforcing each other, they have both greatly undermined the social consciousness which prioritises social solidarity (N. Fraser, “Oltre l’ambivalenza: la nuova sfida del femminismo”, p. 100).

51. We need only consider prostitution, which has been renamed “sex work”, and surrogate motherhood, which has become “gestational carriage”.

52. M. Cooper, C. Waldby, *Clinical Labour: Tissue Donors and Research Subjects in the Global Bioeconomy*, Duke University Press Books, Durham, 2014. With reference to current processes of marketisation, use is generally made of the term *commodification*, which indicates the dislocation of the human person from the sphere of indisposability to that of free individual disposability. Cf. M. J. Radin and M. Sunder, “The Subject and Object of Commodification”, in M. M. Ertman, J. C. Williams (eds.), *Rethinking Commodification: Cases and Readings in Law and Culture*, New York University Press, New York-London, 2005, pp. 8-29.

53. The reference is obviously above all to the issues of prostitution and surrogate motherhood. In this regard, some feminists talk about a veritable “expropriation” of female sexuality by neoliberalism, an expropriation that become industrialised and globalised (see: A. Ferrand, “La ‘liberation sexuelle’ est un guerre économique d’occupation”, in *Genre, Sexualité & Société*, 3, printemps, 2010).

olpwithin the space of the market, thus obeying two neoliberal dogmas: generalised marketisation of every sphere of human life, on the one hand, and self-regulation of the market, as the foremost realm of free exchange and free determination, on the other.

Feminist legal theory, by contrast, presently has a fundamental task: to challenge precisely these two assumptions and emphasise the possibility of *removing* personal and public life as much as possible *from the market*, continuing to unveil the profoundly class-based, racist and sexist nature of the market itself, always obedient to (and wholly compatible with) segregationist and discriminatory logics, as well as practices based on domination, exploitation and oppression.

Otherwise, as Fraser writes, we will do nothing but replace patriarchal domination with neoliberal domination⁵⁴.

Moreover, the thread of continuity between these two forms of domination lies precisely in the continuity of sexist practices and servitude, which, now as in the past, rely on the same mechanisms (and the same methods) of subjection and exploitation of the female body. Consequently, feminist legal theory must necessarily also address the issue of women's bodies and the present legal-political-economic rules in light of neoliberal ideology, in order to be able to understand to what degree the neoliberal liturgy of the "free individual" is undermining several epochal conquests of women in respect not only of equality and rights but above all in respect of freedom.

If women were once again to be considered a *commodity*⁵⁵, no longer as an *object* at the *disposal of the traditional patriarchy*, but as a *product* at the *disposal of the market and the neoliberal patriarchy*, the result would not change much: neither as far as the condition of freedom and prospects for emancipation are concerned, nor in relation to an enhancement of legal protections.

The most likely outcome would rather be a significant setback in the legal and political conquests of the last two centuries, precisely in respect of *equality* and *freedom*.

54. N. Fraser, "Oltre l'ambivalenza: la nuova sfida del femminismo", p. 100.

55. Regarding the current processes of transformation of labour into a commodity, I will mention what Umberto Romagnoli writes: "In fact, the present-day re-commodification of labour is undoubtedly a more serious transgression than the one that started the whole process, because it undermines the foundation of constitutional democracies where the principle that 'labour is not a commodity', inscribed in the genetic code of the Geneva-based organisation which is the guardian of international labour law, results in a whole variety of rules that demand a scope of application" (U. Romagnoli, "Momenti di storia della cultura giuridica del lavoro", in *Lavoro e diritto*, 1, 2016, pp. 3-15, p. 10). On the "dismantlement of labour law as the agenda of neoliberal ideology", see also L. Ferrajoli, *La democrazia attraverso i diritti*, Roma-Bari, Laterza, 2013, p. 157.

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THE *MAMMOLETTA-MAMMET* COMPLEX AND THE SEXED TRUTH OF NEOLIBERAL DIGITALITY

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EL COMPLEJO *MAMMOLETTA-* *MAMMETY* LA VERDAD SEXUAL DE LA DIGITALIDAD NEOLIBERAL

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Abstract

In this essay, I lay out a critique of neoliberal digitality from the vantage point of the thought of sexual difference. I consider the ways in which crowdworking platforms such as the Mechanical Turk micromanage digital living labor thus generating surplus value in the form of piece-work labor, rent, and increased scalability of the system. I then provide a discussion of the genealogy of Mechanical Turk demonstrating its clear sexed origins –what I identify as the mammet complex– as well as its relations to the sphere of

reproduction. This forms the basis for a reconsideration of the potential for opposition that lurks in this model that I assemble by recapitulating key insights in Luisa Muraro's considerations on what she calls the maternal continuum through a reading of Walter Benjamin.

Keywords

Digitality, platform capitalism, sexual difference, temporality.

Resumen

En este ensayo se plantea una crítica a la digitalidad neoliberal desde el punto de vista del pensamiento de la diferencia sexual. Se consideran las formas en que las plataformas de trabajo colectivo como Mechanical Turk micro administran el trabajo digital en vivo para generar una plusvalía en la forma de trabajo por encargo, renta y escalabilidad incrementada del sistema. Luego se presenta una discusión sobre la genealogía de Mechanical Turk que demuestra sus claros orígenes sexuales –lo que se identifica como el complejo *mammet*–, así como sus relaciones con la esfera de la reproducción. Esto forma la base para una reconsideración del potencial de oposición acechante en este modelo, que se reúnen recapitulando ideas clave en las consideraciones de Luisa Muraro sobre lo que ella llama el continuo materno a través de una lectura de Walter Benjamin.

Palabras clave

Digitalidad, capitalismo de plataforma, diferencia sexual, temporalidad.

Toni Negri has recently reminded us that while the “new impact by the digital machine on the producer occurs under the rule of capital, the former not only surrenders value to fixed capital” but, as immaterial labor, it “also connects to the digital machine and is able to blend with it insofar as this connection occurs within the immaterial flux of cognitive labor”¹. And yet, Negri continues, because cognitive labor inherently opposes domination, “capital must then raise the intensity of command putting into place operations of extraction of value that are increasingly more violent and arbitrary”². In the United States, it is hard to predict how much re-appropriation of fixed capital is currently at-hand for the massive army of reserve labor that emerged from the 2008 financial crisis. It may be true, as Negri argues, that “the emancipative conditions of living labor increasingly invest and occupy the spaces and the function of fixed capital”³. Yet, I suspect that what stands in the way of a foreseeable reappropriation is not only an issue of organization but also a subtle array of domesticating devices that bridle and micromanage immaterial labor. In what follows, I intend to analyze the organization of work deployed through platform capitalism and disclose the gendered truth that lies behind neoliberal digitality. The structure and ideology of the Amazon crowdworking platform Mechanical Turk (from now on MTurk) is a prime example of current transformation in neoliberalism that increasingly turned to more despotic tools of control. I am interested in providing a critique and overcoming of this form of production by looking also at its historical breadth, particularly what I call neo-archaisms. To do so, I will also consider Walter Benjamin’s definition of this model as a philosophical construct connecting it to the hidden sexed truth of digital labor.

A Sexed MTurk and the Neo-archaisms of the Gig Economy

In 2005, Amazon CEO, Jeff Bezos went public with a project he had personally conceived and supervised. MTurk was a new revolutionary platform whose corporate purpose was explained by Bezos as follows: “normally, a human makes a request of a computer, and the computer does the computation of the task,” with online marketplaces instead, “artificial artificial intelligences like Mechanical Turk invert all that. The

1. T. Negri, “Appropriazione del capitale fisso: una metafora?,” in *Euronomade*, 2017, available at <http://www.euronomade.info/?p=8936>. (Here on translations from Italian are mine unless otherwise indicated).

2. *Ibid.*

3. *Ibid.*

computer has a task that is easy for a human but extraordinarily hard for the computer. So instead of calling a computer service to perform the function, it calls a human”⁴. In effect, with Amazon being the biggest online marketplace seller of goods –and thus also of the labor they incorporated– Bezos’ brilliant intuition was that it could also profit from selling workforce, and thus living labor.

In neoliberal parlance, MTurk represents the first viable electronic experiment in what business culture calls an innovative and dynamic mode of generating revenue streams by spurring entrepreneurship and capitalizing on technological automation tools. This digital space where work is traded and sold is organized and managed according to the principles of what is called the Lean Platform. “Lean” here means that all that is not fixed capital, in other words, software, must be minimized and ideally eliminated completely. The Lean Platform Corporation’s mission is to “reduce their ownership of assets to a minimum and [...] profit by reducing costs as much as possible”⁵. More specifically, MTurk is a:

Microworking system which enables elementary tasks to be performed by a huge number of people (typically called “Turkers”) on-line. Ideally, these tasks are meant to be solved by computers, but they still remain out of computational reach (for instance, the translation of an English sentence into Urdu).⁶

All these curatorial actions, digital manipulations, and services are called HITS (Human Intelligence Tasks) and are not only former white collar labor. The market for trading online and real-world interactions is rapidly expanding and many others collective platforms are now providing a variety of offerings: “Thumbtack, for professional projects; Postmates, for delivery; Handy, for housework; Dogvacay, for pets; and countless others.”⁷ Crowdworking is, in fact, moving deep into a vast area of cognitive and non-cognitive labor, creating a business community “where contractors are [...] paid by the task: a cut of every ride from Uber, of every rental from Airbnb, of every task fulfilled on Mechanical Turk.”⁸ What all these services have in

4. J. Pontin, “Artificial Intelligence, With Help From the Humans”, in *The New York Times*, 2007, available at <http://www.nytimes.com/2007/03/25/business/yourmoney/25Stream.htm>.

5. N. Srnicek, *Platform Capitalism*, Polity Press, Cambridge, 2017, pp. 49-50.

6. K. Fort, G. Adda, K. Bretonnel Cohen, “Amazon Mechanical Turk: Gold Mine or Coal Mine?”, in *Computational Linguistics*, 2, Barcelona, 2011, p. 414.

7. N. Heller, “Is the Gig Economy Working?”, in *The New Yorker*, 2017, available at <http://www.newyorker.com/magazine/2017/05/15/is-the-gig-economy-working>.

8. N. Srnicek, *Platform Capitalism*, p. 77.

common is that they aim at collecting a variety of performances organized and micromanaged via one single digital system. In so doing, they do not only replace the hardcore production of services but rather they capitalize on the informational and the network effect they generate. The more people join the community and create traffic the higher the value of the company.

The particular ideological assumption of this form of labor can be found in the buzzword used to describe the new type of employment plentifully available for millennials under Platform Capitalism: The Gig Economy. The particular artistic provenience of the term “gig” –musicians often refer to their shows or performance as gigs– recapitulates all the neoliberal assumptions that transformed the status of labor from wage-labor under Fordism to human capital under post-Fordism. Some of its bright and more optimistic aspects are simply borrowing from the usual tag words of the neoliberal discourse: inventiveness, self-affirmation, and most importantly the idea of flexibility peppered by the dream of open-ended and cooperative work.

More prosaically, the sharing and collective labor typical of the Gig Economy is instead closely connected to long-standing processes of feminization of labor, which places emphasis on the many opportunities to deploy your social, cognitive, and emotional skills, while taking advantage of part-time employment and remote work that enable women to continue engaging in their most notable (and unremunerated) activity: the work of reproduction. A 2010 study on the composition of the digital workforce discovered that “almost 70% of mechanical Turkers were women” and that “women provide the behind the scenes labor that is mystified as the work of computers, unglamorous work transformed into apparent algorithmic perfection.”⁹ In this context, multitasking and flexibility enter into a particular relationship with other standard feminine virtues: abnegation, resourcefulness, meticulousness, and versatility, which are, incidentally, all key features of feminine surplus labor. Thus it should not be surprising the particular gendering of work that emerges when looking beyond the utopian image of what Bezos called the “Artificial Intelligences” marketplace. As Shawn Wen explains:

Relying on data from mechanical Turkers, computers have dramatically improved in recent years at facial recognition, translation, and transcription. These were tasks previously thought to be impossible for computers to complete accurately.

9. S. Wen, “The Lady Vanishes”, in *The New Inquiry*, 2014, available at <https://thenewinquiry.com/the-ladies-vanish/>.

Which means that mechanical Turkers (mostly women) teach computers to do what engineers (mostly men) cannot on their own program computers to do.¹⁰

The ideologies of neoliberal digitality enforce on us a shiny vision of techno-professionalism but the old industrial economy too praised the zealous diligence of women typists, secretaries and other sorts of data collectors. They too were early types of immaterial laborers at a time when “computing was thought of as women’s work and computers were assumed to be female.”¹¹ And the product of their work was also subject to the theft of wage labor. Online marketplaces lodge the same old truth, the extraction of surplus value which is now enhanced by a specific form of expropriation: the mining of collective intelligence which is stored and operationalized via proprietary adaptive learning software.

Beyond the usual neoliberal narrative of individual growth and freedom, the moralizing tone that accompanies these discursive practices should not be forgotten. Just like the debt economy is built on guilt and the ethical “work on the self” that the debtor must carry out at the personal level, the notion of participating in the *sharing* of ideas, information, skills, interests, discoveries represents another and equally pressing moral obligation.¹² It is, in other words, another form of implicit commitment, only perhaps more pleasing and auspicious than its counterpart. In this sense, the sharing economy becomes a necessary counterbalancing mechanism. The lightness of its gesture cleans it of any hardship projecting the image of a smooth, generous life free of the looming sense of endless expiation that, instead, mobilizes the debt economy. But the participation into the sharing of everything that exists too follows the logic of the expected deed, which carries with it the eerie sense of a sanction for any irresponsible shortcoming; that too is driven by a sacrificial economy of commitment and endless restitution. Endless valorization and employability demand continuous repayment: more interest payments, more HITS, more visibility on social media.

When it comes to the working environment, Lean Platforms look quite different from the frivolous account of the wonderful accomplishments of neoliberalism. The specific tools used to improve and ensure service quality and customers satisfaction bear

10. Ibid.

11. D. Skinner, “The Age of Female Computers”, in *The New Atlantis*, 12, 2006, available at <http://www.thenewatlantis.com/publications/the-age-of-female-computers>. See also F. Kittler, *Gramophone, Film, Typewriter*, Stanford University Press, Stanford, 1999, pp. 193-217.

12. M. Lazzarato, *The Making of the Indebted Man: An Essay on the Neoliberal Condition*, Semiotext(e), Los Angeles, 2012, p. 33, translation by J. D. Jordan.

testimony to how the so-called free creativity spurred by these business models is not so free in the end. Compared to digital platforms, Fordist enterprises were not effective in closing the loops between production and the information that it generated so that “their way of operating was to produce a good in a factory where most of the information was lost, then to sell it, and never to learn anything about the customer.”¹³ In terms of labor, Taylorist tools of control were thus a top-down mechanism that reigned in workers’ autonomy. Today, autonomy is presumably encouraged only in so far as is inflexibly commanded by productivity. Micromanagement operates through numerical evaluations that users internalize as moral injunctions. By introducing constant feedback and rating of performances, the worker is now locked into a system of automated measurements based on some proprietary algorithm that determines the fate of the worker’s next revenue. Benchmarking is the new electronic shape of the despotic foreman, only one that is increasingly more lethal in its scorings, which are also easily accessible and, thus, may be held up to public ridicule. What remains completely hidden, instead, is the scalability of the software magnified in its digital capabilities by the daily drudgery of living labor. This is a tale of two economies. The presumed independence and the digital worker’s performance are flaunted through colorful diagrams. Visibility here is associated with immediate public scrutiny and the proper accountability for the worker’s labor. On the other hand, the enormous expropriation of collective intelligence that comes from that labor is shrouded in mystery: the algebraic secret of algorithms.

The numerical despotism of the platform, the moralist sanctions of the sharing economy, the theft of the collective intelligence, and the share/fee digital workers pay to the platform proprietor are perhaps coated by the narrative of creativity and technological expansion –and at least, in the first two cases, they may be fully interiorized as self-discipline– but they are also showing premodern tyrannical features that appear to be more than simple incongruences in the system. The archaic face of hypermodernity is a counterintuitive phenomenon only for those who look at neoliberal digitality from the point of view of the final product or from that of the value aggregated qua internet traffic and digital footprints. When taking into account the perspective of labor, in fact, one clearly sees how the unregulated, cooperative but precarious labor carried out under the Gig Economy is simply a return to a practice that had already been consolidated at the dawn of industrial civilization. Take for instance the case of Goethe’s so-called *mystery of Naples*. Contrary to the common belief of a generalized idleness of Neapolitans, the

13. N. Srnicek, *Platform Capitalism*, p. 42.

city's parasitic hierarchy propelled, in fact, the extreme industriousness and continuous workings of vast segments of the lower class. Unveiling the conundrum, Antonio Gramsci recalls the old Neapolitan proverb "where a horse shits a hundred sparrows feed."¹⁴ Beyond the coolness of the Gig Economy, one finds a similar preindustrial exploitation typical of the servile condition where the particular parasitic organization of work forces a multitude of people to engage in various degrees of surplus labor.

The relations of production of our glamorous digital world solicit further investigations in the direction of their mottled temporality. In the case of the MTurk, for instance, the platform ingeniously accomplishes two coveted dreams. First: it limits investments to fixed capital to the highest degree possible, by drastically cutting all remuneration to piece-work labor. Piece-work labor, in turn, reduces production costs and simultaneously expands the capacity and value of fixed capital, that is to say, it advances the software's analytical capacity. Second, similarly to a sharecropping model, it extracts value in the form of rent. By capitalizing on its established hierarchy, the platform takes the position of the rentier, who parasitically profits by demanding a share from what its subjects produce. In effect, the Turkers represent a type of worker that encapsulates three major historical forms of domination: similarly to the Fordist worker the Turker is exploited in terms of surplus value; like the agrarian laborer s/he has to pay a fee to work; while as digital user s/he is robbed of the added-value generated by using and improving the platform. Consider the case of Uber. The driver is a piece worker for the individual employer who hires a specific manpower, that is to say, the customer who needs a lift. But, simultaneously, the driver is also a sharecropper for the Uber platform owner who demands a cut in the revenue generated. Finally, to the extent that Uber drivers constantly invent new methods and strategies to maximize their work output, the corporate platform grows in its analytical capacity of calculation, prediction, and execution. After all, it is no secret that self-driving cars are the next step the corporation is ready to implement in the foreseeable future.

The archaic features of this form of labor can hardly be domesticated by the rhetoric of being-your-own boss, the flexibility of the working schedule, and the almost total compulsion to work typical of modern-day supreme belief in productivity. And already whiffs of conflict begin to emerge as the unionization of Uber drivers in the State of Oregon attests.¹⁵ But there is another ancestral element of unruliness that the MTurk

14. A. Gramsci, *Selections from the Prison Notebooks*, International Publishers, New York, 2003, p. 283, translated by Q. Hoare and G. N. Smith.

15. See for instance, D. Z. Morris, "Judge Upholds Uber Drivers' Union Rule in Seattle", in *Fortune Tech*, 2017, available at <http://fortune.com/2017/03/18/uber-union-rule-seattle/>.

model reveals. In the remaining part of this essay, I want to discuss the temporal component of the Mechanical Turk as a philosophical construct by relating it to the issue of living labor and its sexed truth. In this case, temporality has significant philosophical and political relevance.

Other Mechanical Turks: Zoltar and Benjamin's Chess Player

The particular exotic flavor of the MTurk directly recalls the image of a popular comedy of the late 1980s directed by Penny Marshall, *Big*, which starred Tom Hanks. In it, Josh Baskin is a twelve-year-old boy in love with an older girl who ignores him because of the age gap. A fortune-teller machine fashioned as an East-Asian magician called Zoltar Speaks grants him his wish to grow up. Suddenly a thirty-year-old man, Josh is forced to enter the brave world of New York City where he makes a career in the toy industry. Predicting the success story of Silicon Valley kids turning their passion into moneymaking machines, the plot replays the old trope of rejuvenation. The character impersonated by Tom Hanks, who eyes at a typical 1980s yuppie, is softened by the grace and idealism of his true twelve-year-old self. The wish that Zoltar grants Josh splits the character in two. Josh's exterior body is merely a medium to gain access to his true potential: his pristine creativity. The target here is unlocking childhood's magic so that it can be put to use and valorized to create goods to be sold to an increasing population of never-aging young adults. A proliferation of the mechanical colonizes the film. It originates from the magic of Zoltar which turns Josh in another veritable machine-maker. Thereby an interesting parallel arises with MTurk. As Moshe Z. Marvit notices the symbolism of Zoltar-MTurk goes far back in time. It is clearly connected to the "chess-playing machine commissioned by the Empress Maria Theresa of Austria in the early days of the Industrial Revolution," a "device that fit perfectly into the creeping belief –replete with excitement and anxiety– that mechanical labor (and maybe mechanical minds) could replace human labor and agency."¹⁶ What is at stake here is, thus, a technology that enables the tapping into some form of living force, which is original and fantastic in nature.

I mention this film because *Big* raises particular personal memories –when the film was released I was about the same age as Josh. And now when I pick up Walter

16. M. Z. Marvit, "How Crowdworkers Became the Ghosts in the Digital Machine", in *The Nation*, 2014, available at <https://www.thenation.com/article/how-crowdworkers-became-ghosts-digital-machine/>.

Benjamin's *Theses on the Concept of History*, particularly its opening paragraph, this rather dull Hollywood product keeps coming back to my mind. I thought it was due to one of those basic associative mechanisms that enable your mind to grasp a concept by preliminary placing it in a familiar context, despite how useless and perhaps mistaken that original reference is. Yet, as I consider Benjamin's writing, this lingering presence does not dissipate but rather becomes more intensively captivating. I begin, in fact, to see that something, perhaps a kernel of truth in my recollection, connects Zoltar to MTurk to Benjamin's *Theses*. Here is how Benjamin famously opens his work:

The story is told of an automaton constructed in such a way that it could play a winning game of chess, answering each move of an opponent with a countermove. A puppet in Turkish attire and with a hookah in its mouth sat before a chessboard placed on a large table. A system of mirrors created the illusion that this table was transparent from all sides. Actually, a little hunchback who was an expert chess player sat inside and guided the puppet's hand by means of strings. One can imagine a philosophical counterpart to this device. The puppet called 'historical materialism' is to win all the time. It can easily be a match for anyone if it enlists the services of theology, which today, as we know, is wizened and has to keep out of sight¹⁷.

The little hunchback is a recurrent theme in Benjamin's autobiographical recollections. In this specific case, the hunchback represents Marxism. Theology, on the other hand, does not stand for official religion but rather it illustrates a form of weak messianic power. Scholars have associated this popular figure of German folklore with Benjamin's more famous theoretical figure: the Angel of History. And although the latter is typologically a figure of history, while the former belongs to the biographical dimension, a close association of the two is plausible.¹⁸ In my case, the reverberations between Benjamin's mechanical chess player, MTurk and Zoltar may have to do with a particular auroral moment in life: the beginning of adolescence where growth and transformation take an unavoidable corporeal and cognitive meaning. Adolescence was also a period in which I distinctively recall immersing myself in a sense of being that constantly ripped apart routine. It was a time when the automatisms of life were jammed by illuminations, which

17. W. Benjamin, *On the Concept of History*, Thesis I, 1940, available at <https://www.marxists.org/reference/archive/benjamin/1940/history.htm>, translated by D. Redmon.

18. See V. Nelson, "Walter Benjamin and the Two Angels", in *Raritan*, 3, 2016, pp. 1-14.

I could not quite grapple with. These revelatory moments forced me to lend an ear to a sense of *becoming* that appeared and immediately *retreated* before I could seize it.

I feel that the hidden link between Benjamin's automaton and its filmic representation resides in this insight into becoming. Perhaps I can better lay it out via a parallel. In Benjamin, the scientific study and possible emancipation of living labor is naturally Marxism, and the hunchback is the anti-normative and *subtractive* force of his infancy which held the promise of salvation.¹⁹ Zoltar's magic, in turn, gestured toward the unleashing of the potential of transformation. In the stereotyped aesthetics of the 1980s, that unleashing was already coded as the utilitarian spirit of neoliberalism. But Zoltar's ragged special powers hold in reserve a morphogenetic force which is still not subsumed by mechanisms of capture –the confused and insecure look of Tom Hanks during the course of the film bears testimony to this unpredictable living element.

On the other hand, the energy that moves the Mechanical Turk and platform capitalism, in general, is also living labor. This means that when we talk about the neoliberal use of digital crowdworking something visceral emerges that has to do with life. The temporality of this emergence is far from linear, for it does not follow the progressive direction that we customarily attribute to it. Present, past, and future seem interconnected. After all, the contemporaneity of the non-contemporaneous is a characteristic of capitalism and the three figures of historical exploitation that converge in the digital worker illustrate it well. But there is a temporal element that Benjamin discusses, which is radically different from the neo-archaisms I discussed, that is important to unearth. Platform Capitalism neutralizes difference by inserting it into metrics of control that funnel living potential into mechanisms of valorization. This axiomatic is usually the result of a restructuring that responds to failed attempts to upset power. I cannot help to notice that digital platforms and HITS look like *perversions* of experimentations typical of anti-globalization movements. Think of common reciprocity-based work trading system such as Time Banks that flourished at the turn of the last century. While services were exchanged, the computing capability of the platform probably increased too but not at the expense of the users.

In addition to the organizational problem at stake, which obviously involves also the issue of ownership of the platform, we need to consider the return to a morphogenetic moment of passage and perhaps to a childlike dimension of life. In order to unpack the socio-symbolic complex that underlies the hybrid figure of Zoltar and Benjamin's Chess

19. R. K. Salinari, "Walter Benjamin e l'omino con la gobba", in *Tysm. Philosophy and Social Criticism*, 2013, available at <http://tysm.org/author/admin/>.

Player –half-automaton and half-human, half-divine and half-mortal, half-modern and half-archaic– we need to look further back into the history and origin of the Mechanical automaton.

The *Mammoletta-Mammet* Complex

While discussing the intricacies of medieval theology, Jonathan Gil Harris brilliantly elucidated the complex temporal problem I just cited:

The Mechanical Turk, in its various medieval and (post-)modern iterations, is the exemplar of the post-human; Islam comes historically after Christianity, and its mechanical avatars replace humans and human labor. Yet the Mechanical Turk is also the exemplar of the pre-human, inasmuch as it is typologically left behind by the dwarves and contracted laborers who consolingly usurp its miraculous or messianic agency²⁰.

Harris continues his inquiry by describing the etymological reasons for this comparison, which he finds most clearly in “English Renaissance drama”, where words like Mawmet “or ‘maumet’ or ‘mammet’ was a common term for a doll, puppet, or mechanical homunculus”. These terms are all derived from “the proper name ‘Mohamet,’ or Mohammed” which “was first used in medieval England to designate the Prophet of Islam”²¹. Harris also traces back the Shakespearean use of this word to works like *Romeo and Juliet* (1597), where “Capulet calls his daughter, who has refused his choice of husband [...] A whining mammet”²². An interesting trope emerges –although Harris disputes its etymology– that, as in the gendered labor of the M-Turk, implies again the feminine living dimension. The *mammet* seems to have embodied the young woman who does not want to follow the father’s arrangements for marriage. She is thus another case of those “little women who have not yet acquired full life or maturity”, but who “are also, in their illicit desires, artificial puppets, straying from the course of true desire”²³. Much earlier in his *Stanze per la Giostra* (1478), Poliziano had begun to use

20. J. G. Harris, “Mechanical Turks, Mammet Tricks and Messianic Time”, in *Postmedieval: a journal of medieval cultural studies*, 1, Palgrave Macmillan, UK, 2010, pp. 82.

21. J. G. Harris, “Mechanical Turks, Mammet Tricks and Messianic Time”, pp. 82- 83.

22. J. G. Harris, “Mechanical Turks”, p. 82.

23. *Ibid.*

the Italian term *mammoletta*, which originally was another name for violets, to indicate chaste virgins, in other words, figures that have still not been incorporated by, and may perhaps even evade, patriarchal power. *Mammolette* thus potentially refuse life, naturally intended as the masculine appropriation of the feminine gift of life. Strictly speaking, Harris concludes, “what links all these instances of stage-mammets—whether transgressive females or irreligious idols—is their stigmatization as false images that are lifeless or mechanistic”²⁴.

As noted, there is a temporal element here that links the Mechanical Turk to Benjamin’s philosophical construct. The *mammoletta* with its stigmas of immaturity points to a threshold figure for the patriarchal order. The whining little doll is the prize of a conquest that is within reach, the anticipation of the latter only adds to her appeal. As she does not subdue to male authority, however, she exposes her truth: a being that is thought of as a thing, which cannot be turned into a property, a prey that cannot be fully seized. Evading the masculine grip, the *mammoletta* resists being internalized into patriarchy thus falling outside accepted symbolic positions. The commonplace stigmatization of the old virgin, as a matter of fact, perfectly explains what’s at stake with her symbolism. As Simone de Beauvoir writes “turned away from her destination, the old maid becomes an eccentric object, as troubling as the incommunicable thinking of a madman” for “virgins that men have not subjugated, old women who have escaped their power, are more easily looked upon as witches than other women”²⁵. Hence, this figure ensues fear and a feeling of revulsion. Misogynist and racial markings converge here. As Harris writes, “the female fetishist-mammet and the blasphemous fetish-mammet conjoin temporally: they are stigmatized as backward, undeveloped and immature; they cannot partake of the living Word, the truth and logos, of the Christian future”²⁶.

What is constructed as a regressive, lifeless and outside of history points thus to the trans-historical biopolitical complex of production, which in the case of the woman equals to the prescribed natural (and private) dimension of reproduction. Similarly, the heretic position of the Muslim world identifies the political-religious Other thus projecting on its technology the dark shadow of witchcraft, just like the eccentric, recalcitrant woman is associated with the devil’s spell. Being outside the righteous path of the Christian law and its teleological course, the *mammoletta*-mammet symbolically occupies thus a pre-historical or post-historical dimension. It is either a zone that escapes

24. Ibid.

25. S. de Beauvoir, *The Second Sex*, Vintage Books, New York, 2010, p. 209.

26. J. G. Harris, “Mechanical Turks”, p. 84.

patriarchal control and is thus prior to Christian truth or simultaneously it points to a temporal beyond, it is successive as it indicates a form of authority that is irresponsible and indifferent to true religious redemption.

This is the judgment passed by Christian Western thought. The case of Benjamin is different. I believe it is possible to read the chess player philosophical construct by looking at how Benjamin assumes the *mammoletta*-mammet eccentricity in a positive light. In the wake of the Molotov-Ribbentrop Pact, Benjamin sought to imagine a *future* at a time when the latter seemed utterly impossible. His idea of history thus radically disrupts the naively linear progressive one that defined Bourgeois mentality and its barbaric inflection concocted by the Nazi regime. This is not the place to engage the complex problem of Benjamin's messianism. But it is perhaps worth directing our attention to the theoretical importance that Benjamin poses on the biographical dimension of infancy. As Victoria Nelson writes, it is here that we gain a "vantage point outside time and place", and it is here also that "we can finally grasp the particularities of linear history, because comprehending the past doesn't mean understanding 'what really happened', Benjamin says, but 'seize[ing] hold of a memory as it flashes up in a moment of danger'"²⁷.

The little hunchback embodies this radical deviation from a progressive development of history because its inner motive is to change reality by reconnecting us to the flux and magmatic nature of life, to something, in other words, that runs deeper than present capitalist configurations. How is it possible that the future of the utopian reflects the past? Discussing the concept of temporal plurality in Marxism, Vittorio Morfino recalls Nietzsche's insistence on the *untimely*. Morfino writes "that which is not actual is also not contemporaneous only when compared to our inauthentic contemporaneity", which means that "in the non-actual resides, in fact, a contemporaneity that is deeper and more profound"²⁸. The archaic element of our hypermodern world is not so much the chronological old but the regressive constrains that repress, administer, and exploit life. The neo-archaic is what blocks the emergence of a life that is more truly ours, and whose originary, immanent strength is certainly ancestral and yet still present to us. A post-human life, that might be more fully human perhaps, if with that term we indicate a life that we have not lived yet because of the prolonged endurance of human exploitation. To reverse Bezos' slogan we should not implement Artificial Artificial Intelligences but Human Artificial Intelligences. That is to say, we should not artificialize the artificial

27. V. Nelson, "Walter Benjamin and the Two Angels", p. 12.

28. V. Morfino, "Sul non contemporaneo: Marx, Bloch, Althusser", in *Bollettino Filosofico*, 27, 2011-2012, p. 413.

via human exploitation, but rather liberate human labor through artificial capacities. Today, we can interpret the hunchback as the mechanism that through subtractions and disruptions pulls the strings of the automaton (technology) to move in a direction that explodes the “homogenous and empty time” constructed by capitalism.²⁹

This means that the hunchback must turn back to infancy, looking at the temporality of the *mammoletta*-mammet complex. The hunchback suspends the time of infinite growth of progress opening the possibility to look beyond it. The hunchback is just another name for the “child’s divinatory relation to the world of things, a relation in which discovery and assimilation are predicated on mimetic immersion”³⁰. Again a similar insistence on the non-actual emerges, one that insists on immaturity and eccentricity against the prescribed path of performance and valorization. The point here is not to simply negate the current state of affairs. A direct denial of the latter does not undermine the system’s efficacy because it is still entangled in the very mechanism of control it wants to break away. With the *mammoletta*-mammet complex, we name something different: a refusal that affirms a *different* life form. I believe Luisa Muraro clarified this point when discussing what lies beyond the interdiction of the mother-daughter continuum. In her work on the symbolic order of the mother, she argues that “children are capable of transforming a state of need into a veritable laboratory for transforming and knowing themselves and the world”³¹. The maternal continuum in which they partake is a world-forming experience that is based on reciprocity and not on ownership nor, for that matter, on the teleology of value. Muraro further explicates this point when she states:

It is the experience of a subject in relation to the matrix of life, a subject that is distinguishable from the matrix but *not from its relation with her*. It is therefore not, properly speaking, a relationship between two. It is a relationship of being with being, that is how I propose to think (of) it. But it is a dynamic relationship, neither tautological nor self-reflexive, which I believe can be properly conceived according to the relationship of being-part-of.³²

29. W. Benjamin *On the Concept of History*, Thesis XIV, available at http://members.efn.org/~dredmond/Theses_on_History.PDF.

30. N. Heller, “Is the Gig Economy Working?”, *The New Yorker*, p. 18. Available at <https://www.newyorker.com/magazine/2017/05/15/is-the-gig-economy-working>.

31. L. Muraro, *L'ordine simbolico della madre*, Editori Riuniti, Roma, 1991, p. 38, unpublished translation by Mark Epstein.

32. *Ibid.*, p. 41.

As a relation that suspends the frantic accrue-ment of capital and participates in the flux of life, this continuum sketches the contours of a cooperation that is different from the principles of neoliberal digitality. It alludes to an agency that defies the predominant individualist fetishism of communicative capitalism –where “we are told, repeatedly, that we are unique and special, that no one can speak for us, that we have to do it all ourselves– for it thrives on a relationality that it is not subject to despotic hierarchies but that acknowledges asymmetries based on authority and not power³³. This life form does not accept the blackmail of a mindset ruled by HITS, with its notion of self-reliance, and the productivist ethos typical of digital crowdsourcing. It also challenges neoliberal teleology providing an open-ended form of life that is based on the difference. Consequently, it ignores the utilitarian call to valorize the totality of experience because its relationality is already a form of communal experience, and thus, possibly, of creative work as well. These are obviously only theoretical aspects of a different relationality and this form of sociality is not void of conflicts and discrepancies. But these insights may function as a guide for a political organization that eventually would lead to a reappropriation of fixed capital without falling into the many ruses of neoliberal domesticating power.

33. J. Dean, “Not Us, Me”, *The New Left Review*, 2017, available at <http://www.versobooks.com/blogs/2970-not-us-me>.

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A GUINEA FOR THE UNIVERSITY OF CULTURED WOMEN'S DAUGHTERS

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Abstract

Starting from the peculiarity of feminist theory, which consists in keeping the link between thought and material life, which cannot be identified with *Gender Studies*, the text analyzes the contradictory position it finds itself in within a University that has been profoundly transformed by neoliberal governance. It then goes on to comment on possible practices of change in University life in relation to the new practices of power based on assessment and competition.

Keywords

University, women, feminism, governance.

Resumen

El texto pretende, en primer lugar, considerar las teorías feministas como las teorías que mantienen el vínculo entre el pensamiento y la vida material a partir de la diferencia sexual. En segundo lugar, se propone valorar la posición contradictoria en la que se

encuentra dentro de una universidad que ha sido transformada en el sentido neoliberal. Por último, pone en discusión la cuestión sobre cuáles son las posiciones políticas feministas en relación con la vida universitaria.

Palabras clave

Universidad, mujeres, feminismo, gobernanza.

Feminist theories

In 1937 –when there were several colleges for women in England but a University such as Cambridge refused to admit women as fully-fledged members with total rights– in *Three Guineas* Virginia Woolf formulated her desire for a good University culture for women referring to a culture that did not simply integrate women into University in order to offer them the same culture as men. Moreover, she wanted university teachers to be chosen from among those who are good at living as well as thinking¹, and she referred to the daughters not so much of cultured women –as in the title– but rather of cultured men. Almost a century later, I will try to look at the University where I work through the eyes of Virginia Woolf. Would she approve of it? I think that she would be pleased about some things and not so pleased about others. She would probably be really happy that, these days, women who are the daughters of cultured women now study at European universities. These mothers are not cultured in the specialist or professional sense, but they are in a wider sense of the word since they are part of a symbolic horizon that, for several decades now, women have been drawing, thanks to the influence of feminism. Nowadays, female University students primarily ask their mothers to listen and give an opinion of the work that they need to present at University and usually only hand it to the teachers after doing so. It is a female genealogy by which daughters trust in their mothers' judgment for texts on history, philosophy, literature and so on. My students have actually confided in me about it. Not all of them, but most. Really a lot of them. An entire procession.

Nevertheless, the University culture that the daughters of cultured women participate in is not what Virginia Woolf would have wanted. She had very clear ideas: “The old education taught in old colleges does not generate particular respect for freedom nor particular hate for war”². She, therefore, imagined a new culture for colleges attended by women. She listed various disciplines, medicine, mathematics, music, art, literature and so on, and after compiling this list that she added that ways needed to be invented to keep the mind and body together and that teachers should be selected from among those that are good at living as well as thinking. I look around our universities where women have been integrated into traditional subjects and I ask myself: have things turned out how Virginia Woolf would have wanted? They have and they have

1. Virginia Woolf, *Three guineas*, Mariner Books, New York, 1961; Italian translation by A. Bottini: V. Woolf, *Le tre ghinee*, La Tartaruga, Milano, 1975, p. 58.

2. Ibid.

not. The disciplines are those she listed but it is rather more difficult and uncertain that they keep the mind and body, life and thought, together. I will come to the point that I want to focus on. In reality, there has been a serious attempt to keep material life and thought together within the university and it is linked to practices of women who are committed to giving space to feminist theories. This attempt has occurred mainly in the humanities area and has had, and still has, a history behind it in fields like the historical study of women, female philosophy, political theory, some areas of sociological, artistic and economical research. Here I will refer to the experience that I have at the Italian University and in humanities. However, I know of similar experiences in other European countries, and in North and South America from texts and testimonies. The roots are wherever the feminist movement was, in its various forms, and which has continued to spread as of the 1970s.

Feminist theories, therefore, represent an attempt to keep life and thought together in the University. This meant involving University subjects, transforming them from the inside. It is a forty-year-old attempt with ups and downs. The aim of my argument is to see what is currently happening between the practices, which express these feminist theories, and the *governance* methods applied to European universities, and to the Italian university in particular.

Before doing so, however, I would bring into focus what feminist theory actually means and how within it, life in its materiality enters into the circle with thought. Feminist theories, in terms of a series of texts, essays, articles and books based on the political context of the women's movement, are the expression of a thought that is profoundly linked to life form modification, to the drives of material life and to existential political practices. It is true that each individual scholar and every research group involved in such thought has brought the canon of their own discipline up for discussion again to show that there is much more that cannot be compared to traditional canons and to put the statute back into play, but it is also true that, what united them, is a mutual impulse. I refer to the desire to operate a "speaking" rather than "spoken" subjectivity. The construction of a discourse in which each person is personally implicated and stops feeling alien to what has already been said.

For all these reasons, a feminist theory is decidedly different to any scientific theory which does not need to refer to material life and to a collective transformation movement. The practices of feminist thought are, by lifestyle and political root, on another incommensurable plane compared to *Gender Studies* and *Gender Mainstreaming*, which are classed as specialized studies for which professional training is available and which are,

consequently, recognized by the academic world with the consequence that they are included alongside other specialist studies.³

However, it is exactly for this reason that feminist-rooted thought is so demanding since it involves everything in life, and yet this very fact of it including everything in life is what makes it so fascinating. In this respect, I remember that passage by Hannah Arendt found in the transcription of an interview given to the German television in 1964: "I don't believe that any thought process can exist without personal experiences. All thought is meditation (*Nachdenken*), thinking as a consequence of an experience"⁴. Well, personal experiences relate to what happens in the world. Subjective experience provides the necessary access to thought and therefore allows us to say something real in the world without having to rely on what has already been said and codified. In Arendt's opinion, there are many practices of thought and it is no coincidence that she includes, among the very important ones, literature, poetry, and storytelling in general, which she does not consider as a specialist practice but as a language that knows how to restore the complexity and ambiguity of experience.

The same goes for feminist thought. If it were recognized as specific, sectorial, a discipline among other disciplines, it would lose its impulse to opening up to something unexpected within the discipline itself. An impulse generated by the complex relationship with material life, betting on the fact of acting as leverage for new hermeneutics.

This situation creates a contradiction that structures feminist theories. I will go back to the terms of the question. On the one hand, the feminist thought does not want to become a specific discipline like *Gender Studies* because it would only be a branch of knowledge from other branches and would then lose its transformative power in our form of life. On the other, however, it has contaminated disciplinary contexts. In fact, it was female historians, philosophers, anthropologists, literary women, and so on, who showed that in the core of their own disciplines, there is something essential that the traditional canon is not able to express. In this way, the feminist thought is contemporarily inside and outside a structured discipline. Inside in that these university women have shown love for the discipline and excess in relation to its traditional form, sure of being able to convince women and men they come into contact with of the truth in their

3. On the difference between feminist theories, and "Gender Studies" and "Gender Mainstreaming", see: Michael Hirsh, "Rivalutazione di tutti i valori. La prassi futura della teoria femminista", in S. Tarantino (eds.), *La teoria non è un ombrello. Dieci anni di AdATeoriaFemminista 2006-2016*, Orthotes, Salerno, 2016, pp. 229-231. On feminist theories, see also: "Una teoria non è un ombrello", pp. 17-26.

4. Hannah Arendt, "Was Bleibt? Es bleibt die Muttersprache", in A. Reif (Hrsg.), *Gespräche mit Hannah Arendt*, München, 1964, pp. 13-32.

discourse and therefore transforming historical, philosophical, literary studies, and so on. Outside too, however, because in no way do they want to reduce this excess to a mere learning alongside another learning. This is a contradiction that creates a constantly uneasy situation, given the impossibility of structurally stabilizing it into a learning. For this reason, it is very often interpreted as a crisis of feminism rather than as a contradiction. But it is actually quite the opposite of a crisis. Let's say that it is exactly this specific contribution that feminist thought can offer the University, that is, by putting theory and material life into contact through its learnings. At the end of the day, that is exactly what Virginia Woolf wanted –a university culture where women could be in sympathy with themselves: where teachers are good at living as well as thinking.

It is not an easy situation, however. It implies convincing even those who have not had any practice of this type of the truth gained from women's thinking. This is done through discourses and by interlacing relations.

Relations as a constituent element of a feminist theory

When it is said that feminism is mainly a question of relations, this is very often interpreted as something that is certainly important but not essential. In fact, it is common knowledge that women have more talent for relations. They are able to keep going even in difficult contexts through their capacity to mediate, speak, create friendly situations, play things down, and take care of others. It is not immediately clear that there is a necessary link between developing theories, that are related to material life, and the intertwinement of relations.

A theory originates from a question that we find ourselves faced with and which we did not invent. We cannot go around it and it makes us feel uneasy. It needs to be a good question, that is, a question that is really worth facing. In other words, one that regards something experienced, something we and others have suffered personally and which does not have words to express it. What we can do is understand well what surrounds this question, where it springs from and which figures of discourse we can offer so that we are not blocked by it and left constantly going painfully around it. Consequently, new roads must be taken in order to overcome the block and illuminate the experience so that it can be directed towards a certain transformative direction.

To explain better, I will give the example of the theory of female-based authority. The female community of Diotima philosophers, with whom I collaborate, wrote about

it in two books. The first *Oltre l'uguaglianza. Le radici femminili dell'autorità* (Beyond equality. The female roots of authority) and the second, *Potere e politica non sono la stessa cosa* (Power and politics are not the same thing). Luisa Muraro wrote more recently about it in *L'autorità*⁵. This thought on authority links so many apparently dissimilar and disconnected aspects: the profound disorder in relationships between women when governed by patriarchy; the need for an employable linguistic figure between women and between women and men; the feeling of non-freedom that the figure of power brings with it; dependence on the mother, and so on. These elements, together with others, draw a picture in which the feeling of suffering, unease for certain conditions of existence and satisfying experiences all intertwine, but do not have a recognizable linguistic expression. In this context, the figure of female authority nominates a precise experience and, by formulating it into a language where none previously existed, transforms the language together with all the elements connected to the question. What was not available as a possibility earlier, can now be experimented.

One thinks about starting from oneself –making implicit reference to one's own experience– and at the same time acknowledging a common feeling earned through precise relationships and by listening to the others. Those who work at the university like me not only have other women to refer to, such as other university teachers, but also many other women outside the university who contribute to providing the framework to important questions to be pondered together, each in their own way. The symbolic weave of relationships inside and out of the university is therefore vital and necessary. One characteristic of Italian feminism seems to be precious in this sense, if compared, for example, to French feminism. In Italy, that thought processing is not limited to universities but also takes place in other important places, such as women's bookshops, journal editorial staff, associations, and so on. This has created a livelier, freer and more complex connection modality.

The dark lens of governance

A real turning point was imposed on European universities initially by the Bologna Declaration (1999), which aimed at standardizing university studies in the various nations, and then by the Lisbon Agenda (2000), which suggested that universities should

5. Diotima (eds.), *Oltre l'uguaglianza. Le radici femminili dell'autorità*, Liguori, Napoli, 1995; Diotima (eds.), *Potere e politica non sono la stessa cosa*, Liguori, Napoli, 2009; Luisa Muraro, *Autorità*, Rosenberg & Sellier, Torino, 2013.

become authentic businesses and managed as such, needs to be dealt with. This transformed the basic organization of universities directing them towards the principle of managerial efficiency instead of the principle of legitimacy that had sustained them up until that moment. This European reform was taken on board in Italy following the government guidelines published in 2008 and then more substantially with the Gelmini reform in 2010.

It should be said immediately that the feminist movement has never been particularly keen on the traditional university based on the principle of legitimacy. It is the principle by which the legitimacy of internal hierarchical power is guaranteed as indisputable from the power of the state⁶. Moreover, the feminist movement saw these hierarchies as an expression of patriarchy: all the re-examination work by feminist theories concerning the internal canon of University disciplines has gone hand in hand with, and made use of, criticism towards hierarchies seen as an expression of patriarchy.

However, for some years now, that is, since the Gelmini reform was first put into action, certain points of reference in feminist thought within the University have come profoundly under discussion. Doubts have emerged in terms of disciplinary overlapping and the idea of a thinking beyond that of the discipline, in the in-out movement between the University and outside the University, only allowed for exchanges with companies or organizations that behave according to the principle of economic productivity, and in relationships seen as a driving force for material, symbolic and affective thinking. Relationships, based on exchange, comparison, respect, and even conflict, have been replaced by relationships governed within a set plan that intentionally generates structural competition between teachers and professors, who are all subject to the same efficiency assessment regime. All this has created an impasse in women with a feminist background. We are surrounded by fog. We need to clear the fog a little in order to continue a political practice with awareness.

A few texts have helped me to understand the fundamental lines of what is happening and these include: *Governance senza governo: un paradigma della crisi* by Massimo De Carolis⁷; *Governabilità* by Sandro Chignola (even though the end of essay cynically suggests exodus)⁸; and a text by Laura Bazzicalupo which can be found in *Femminismo e Neoliberalismo*, edited by Tristana Dini and Stefania Tarantino, although the entire

6. On going from a University founded on legitimacy to a University founded on managerial efficiency, see Laura Maran, *Economia e management dell'Università. La governance interna tra efficienza e legittimazione*, Franco Angeli, Milano, 2010.

7. Cfr. Massimo De Carolis, "Governance senza governo. Un paradigma della crisi", in *Aut Aut*, 363, Il Saggiatore, Milano, 2014.

8. Cfr. Sandro Chignola, "Governabilità", in F. Zappino, L. Coccoli, M. Tabacchini (eds.), *Genealogie del presente. Lessico politico per tempi interessanti*, Mimesis, Milano, 2014, pp. 113-123.

book is actually on this topic⁹. In particular, Laura Bazzicalupo insists on differentiating neoliberalism from capitalism and describes neoliberalism as a political strategy that has its own rationality that implies “an anthropology, a way of thinking about time and subject, even an ontology: and it subordinates these conceptual coordinates to a government objective” of reality¹⁰. This differentiation between a political plan and an economic one places the accent on political gesture, that is, the historical transformation of forms of participation in the *polis*, imposed by neoliberalism, that conceals the political meaning of its strategy, as if it were a natural reality to be obeyed. This underlining of the political character of neocapitalism incites us to pay equally political attention to the moves that we can make on the university chessboard. We can, in fact, see University as a chessboard on which new forms of post-patriarchal power make extremely precise chess moves, while we are playing draughts on the same chessboard¹¹. The feminist movement has taught that, in the political exchange, everything depends on the nominations and practices put into play. We are, thus, very careful of the nomination moves and practice activations of those in power as well as our own.

For this reason, I will pause on some strategic nominations of those who are moving the chess pieces. A small but highly significant move is: the teaching and non-teaching university staff office has been re-named as the human resources office. We, both men and women, have become a resource alongside other company resources. We are a variable of the complexity of resources available to the company managed as a business. In line with the fact that, in the biotechnological market, human life has become a variable of the rest of biological life¹². It is, therefore, one of the many aspects of biological life just as culture workers are one of the many aspects of the company. It is two steps of the same alienation of the human to a thing. This trend towards the impersonal, which has guided feminism in recent years, should in any case be earned through the human¹³. And so, by playing with draught pieces on the university chessboard, the move to criticize alienating nominations should surely be used by bringing the reality in which we live to authentic nominations. Not always, of course, but at the right moment and when the others are listening.

9. Cfr. Laura Bazzicalupo, “Neoliberalismo e soggettivazioni femminili”, in T. Dini, S. Tarantino (eds.), *Femminismo e Neoliberalismo. Libertà femminile versus imprenditoria di sé e precarietà*, Natan edizioni, Benevento, 2014.

10. *Ibid.*, p. 38.

11. I spoke about University in C. Zamboni, “Il gioco delle dame e degli scacchi”, in A. M. Piussi, R. Arnaus (eds.), *L'Università fertile*, Rosenberg&Sellier, Torino, 2011, pp. 57-62.

12. On this point, read Alessandra Allegrini, “Vita senza esseri umani, tecnoscienza senza differenza”, in Diotima (eds.), *Femminismo fuori sesto. Un movimento che non può fermarsi*, Liguori, Napoli, 2017.

13. On gaining the impersonal going through all the implications of human existence, read Gloria Zanardo, *Un'apertura di infinito nel finito. Lettura dell'impersonale di Simone Weil*, Mimesis, Milano, 2017.

A second move is in the word participation. *Governance* is the strategy by which sovereign power is replaced by a fluid, more local and apparently more democratic decentralization of decisions where everyone is obliged to become part of a structure made up of a large variety of commissions, in which decisions are to be made on many managerial aspects of the university, even though these decisions never actually affect the general framework established by the ministry. This creates a mechanism of involvement in decisions to be taken within restricted grids, which causes us to lose sight of the fact that, in this way, we are involved in a general framework about which we cannot decide anything. Participation is strongly requested and, in some departments, is even obligatory. In some limited fields of competence, unjust actions have sometimes been compulsory. It happened to me regarding the distribution of incentive funds in 2014 at my university where it was decided to give incentives to 50% of teachers rather than all the teaching body. Establishing in advance a statistical selection factor on a whole group that, *a priori*, draws a line between those who are above that line and those beneath it, is deeply unfair. It is as if a decision was made to fail 50% of the class before even seeing the results, whatever the effective progress of the class might be. Several of us wrote a letter of protest. A small move, which was answered with a very significant move on the symbolic level: the workers suffer from this situation, ways need to be found so that they suffer less. In other words, the letter was translated into a psychological problem of personal suffering and a lack of adaptation rather than keeping to obvious injustice. The new psychology of work asks for ways to reduce the suffering of company workers. This is how the new ambiguous and anonymous power makes its nomination and re-nomination move on the chessboard. And in fact, the protest letter move was very fragile.

Obviously, we need to go back to what just and unjust mean, in the understanding that each of us needs a judgment about our own research and didactic work in order to transform, grow and compare within a research community. But instead, the assessment practice was proposed in the terms that I have described. Assessment of the quality of company products and the subsequent certifications and accreditations are what the neoliberalist methods entrust to the state. All this is done through agencies. The agencies are separate bodies where assessments and made and accreditations given.

This is exactly the area of maximum dispute between those moving the chess pieces and those moving the draughts, or rather, between the strategy of anonymous *governance* and all the feminist culture that considers living relationships as the foundation of human civilization. Because it is exactly on relationships that the entire game is played, and in assessment, relationships are deleted due to the fact that the assessors

are anonymous and anonymity is generally the criteria for an entire series of decisions regarding the quality rather than the culture of a cultural product. Anonymity has been welcomed by some as the recourse against the ropes of power within the university, as authentic democracy, but in reality, it is the key point of a new symbolic mechanism of human resource management. Research work must be made visible to the eyes of the assessors who are, however, invisible. Their names are literally not known. It is almost like the Panopticon, the circular prison designed by Bentham in which the prisoner is observed by a single watchman in the centre of the building without the inmates being able to tell whether or not they are being watched¹⁴.

In the strategy of *governance* all teachers can become assessors, they only have to accept the application that the ministry regularly sends them. This means that there is no statutory difference between assessors and the assessed. Everyone can even be an assessor at the same time. We are sometimes obliged to do this. It would appear that hierarchy has disappeared and that everyone has been given the power, but instead, an insuperable bridge has been created between the managerial regulations wanted by the ministry and the “culture workers”¹⁵. Relationships between workers then become wary and competitive, which increases the strength of the move on the chessboard. But in regard to this, I can see that the draught piece moves are becoming very cautious. It seems that there is a widespread need, especially, but not only, in the women, to be very careful about relationships and make them as direct and intelligent as possible. In this way the draught move is not so much a direct counterattack against the chess move, but rather move indirect, thus making relationships strong and authentic. Giving them time, intuition, and trust.

It seems to me that male teachers are finding it more difficult from some viewpoints and less so from others. In these last decades, the end of the patriarchal university –after the 1968 movement– had left room for what we could call a university of brothers, allowing greater play to democratic men who offered their sisters equality with them¹⁶. The new University wanted by the European ruling class, which had decided on and imposed the business model, the manager, human capital and objective assessment of product quality for certification purposes, has created a model of ambiguous, fluid, and

14. The analysis that Foucault made of the Panopticon, placing it alongside the concept of discipline in Michael Foucault, *Surveiller et punir. Naissance de la prison*, Gallimard, Paris, 1975.

15. One can read about University teachers reduced to talking beings and about desire for objects to be assessed and on the subjection produced by assessment in the interesting essay by Lacanian psychoanalyst: Jean Cleaud Milner, *Cours traité politique: Tome I, La politique des choses*, Editions Verdier, Paris, 2014. Milner, like Bazzicalupo, also observes that these mechanisms do not belong to the inclined plane of things but are instead the result of political choices.

16. On the democracy of brothers that have replaced the father, see Antoinette Fouque, *Les sexes sont deux*, Gallimard, Paris, 1995.

anonymous power, deleting the democratic space in which male teachers had a reasonably happy representation of themselves. From another viewpoint, male teachers would seem to be less in difficulty because they are more used to looking for cracks in even the most unfavourable rules, like the current ones, in order to adopt them since the male position in terms of rules is to keep a competent distance, a trait that most women, who either refuse the rules or identify themselves with them, do not have. When, however, men only try to find ways to adopt rules that would seem unfavourable at a first glance, they lose sight of the meaning of the overall picture in which they are operating.

It is well to remember that judgment has never been denied in the feminist movement. In fact, there has been much debate around the theme of judgment and the idea that the right judgment is necessary within the university, and not only there, has been greatly defended¹⁷. Let's rather say that one of the biggest questions in women's politics is the risk of slipping from the desire for judgement on what we do, to the desire of self-recognition as a person. The line between one aspect and the other is extremely thin but politically important. A symbolically unprocessed dependence on the maternal is certainly at work in the painful desire for recognition¹⁸. Instead, the request for a judgment goes hand in hand with the circulation of female authority. But the two aspects are extremely close.

In the heart of the present

Any real change happens in the heart of the present when we understand that its possibilities are different, broader and rather more unexpected than we believed. Reality brings with it a multitude of visions that we make happen with our words and actions. The reality of the dominant symbolic is one of the possible visions with the advantage of the power of regulations that produce behaviors. In a feminist perspective, a university is a place of organic relationships that extends much further than the limits surrounded by the dominant symbolic and is also much more unpredictable. As I have tried to explain, relationships are those ties that feed the creation of political practices

17. On the political and theoretical value of the request for recognition by women and other women –and the complexity of this experience–, read Luisa Muraro, “La domanda di riconoscimento”, in Marisa Forcina (eds.), *Nelle controriforme del potere. Generazioni al lavoro*, Milella editrice, Lecce, 2012.

18. For this position, see: Luisa Muraro and Pier Aldo Rovatti, *Lettere dall'Università*, Filema, Napoli, 1996; L. Muraro, *Al mercato della felicità. La forza irrinunciabile del desiderio*, Mondadori, Milano, 2009, pp. 70-72; Anna Maria Piussi, Remei Arnaud (eds.), *L'Università fertile*, Rosenberg & Sellier, Torino, 2011.

and theories. Relationships are the formation, the cradle of thought and politics. This is true for everyone, men and women alike. What characterizes feminist thought is having explicitly recognized it. No feminist theory can be conceived independently without a vital exchange with other women, and, as we have seen, this makes it essential to take into account the thought of women both inside and outside the university.

So, at this moment in time, this exchange both inside and outside the University, needs to grow. While there is considerable confusion in the university due to the managerial imprint that it has been given, outside the University, on the other hand, new experiences, linked directly and indirectly to feminism, are getting into motion. I am referring, in Italy, to the conscious presence of young women involved in politics concerning communal assets and ecology and to movements connected to the protest against violence suffered by women at the hands of men. It is for this reason that teachers with a feminist foundation know that this exchange needs to be well taken care of. It is, in fact, essential to remember that women's thought does not identify itself with University but rather passes transversally through it.

Overturning this perspective, one might say that University is one of several places of feminist thought. Moreover, it is a place that, at this moment, requires particular political attention. Because, while we women are committed to a culture that includes material existence and the desire that intertwines with it, we also need to continue to create this culture in the universities, in our way, but still bearing in mind what the University is and trying not to imagine "how it should be". Only in this way can we remain faithful to Virginia Woolf's desire to generate a University that keeps mind and body together with teachers that are good at living as well as thinking.

The text that I have written so far has a certain imprint: a precise angle of thought. But there are other angles. What positions are emerging about the university on the part of women with a feminist background? Rather than emerging, a European and Italian position of equal opportunities in the university is slipping back on the symbolic plane. This trend is in syntony with the democracy that brothers offer sisters: they offer equal working opportunities, which needs help from particular state laws. The more the university shifts towards a business organization, the more the concept itself of opportunities for women, which must be the same as those for men and must be guaranteed by the state, seems to be more marginal in this new symbolic order that implies competition rather than guarantees. At the moment, the two regimes –that of the democracy of brothers and that of governance– still cohabit, but, in the University in particular, the company-managerial regime, founded on

cultural product competition, definitely has the edge. This leads to the sensation of a decline in equal opportunity politics.

Some feminist women now affirm that University can no longer be renewed in the way that Virginia Woolf wanted and that, therefore, it should be left to drift like a boat from which it would be better to disembark. At the basis of this position is the idea that women are able to establish other institutions where culture circulates freely and where thought is alive. It is an extreme position that invites women not to offer their energy to an alienating, apparently neutral, organization that is, however, marked by a masculine style of objectifying relationships between people. The road to take is the one towards a free female initiative for knowledge and culture, but outside of the University, thus creating autonomous cultural centres.

Another possible position would be to use the University for other purposes than those inside the institution. Adopt it, that is, in order to have funding and participation in projects generated outside the University. I am thinking, for example, of the idea of involving the University in integration programmes with migrant women. This is a project that requires research work on narrations, on the relationship between maternal language and other languages, on affective links between women and men, and implicates reflection on the incidence of myth, religion and so on. The University would become a partner in a women's initiative that regards other women. In this sense, a different contest from that of University would be placed at the centre.

I could describe a further position, such as that which, by authoritatively putting itself at the centre of University life, invites elaborating an indifference towards power without translating it into indifference towards politics. *The advantage* is that this feeling of indifference towards power creates a shift in energy, which otherwise would be entrapped by impositions. The more women inside the University free themselves of the imaginary of power, the more they can turn their attention to experimenting measures of university life following criteria that they feel and have experienced. One could refer to the fable of *The King's New Clothes* by Hans Christian Andersen: the King is naked, but only one young boy in the crowd reveals the truth. In other words, the King is not covered by the imaginary that power gives. The King is still the king of course, but his power at this point is restricted merely to the effective field of action without the extra power that comes from the imaginary¹⁹.

This position is not to be confused with the practice of "interior emigration" that Hannah Arendt criticized in *L'umanità in tempi bui* and which consisted of withdrawing

19. Simone Weil spotlighted the question of the relationship between imaginary and power in the terms expressed in "L'illade ou le poème de la force", in S. Weil, *La source grecque*, Gallimard, Paris, 1953.

into a private space during particularly difficult moments. "Interior emigration" is not only restricting oneself to the field of very few private relationships, allowing the public dimension to carry on, come what may, but also refusing the nominations that are given, as well as living not so much there, where one is, but fantastically in the world "as it was" or "how it should be".²⁰ This is a very strong temptation in the University which creates a defensive indifference towards regulations that are perceived as very distant from the effective experience of one's own profession.

Removing oneself from the imaginary of power that this position proposes leads to releasing political thought of reality in unprecedented forms. It goes hand in hand with entering into public debate and identifying figures of authority in context.

I will conclude with a note on the above-mentioned position of thought, which I largely agree with except for some points. I am convinced, as a part of feminists sustain, that criticizing power leads to being drawn into it.²¹ But there is a plaintive way and a clear way of looking at a reality. I believe that understanding the symbolic strategies of the regulations imposed upon the University does not lead so much to a power-dependent and drawn in criticism but to a vision of things as they are and not as they should be. It is an attention exercise that reduces and restricts the imaginary of power. In this direction, it is fundamental to listen to personal feelings because they mark the imprint given by reality. Not only must we interpret how things are arranged due to the dominant symbolic effect, but also the feelings of the soul.

The effects of this practice of paying clear attention are always unexpected and transformative. In the case of what is now happening, the clear awareness of the tendency of University regulations to replace relationships with formal relationships, to induce competition, to anonymous assessment, leads to the desire to make conscious relationships and to ask oneself about what creating thought with students and teachers is and which innovative practices we can promote to give body to the desire to think together. And all this as a political and public fact. Françoise Dolto expresses it very clearly: a creative and unexpected desire can only be generated by telling the truth about what one is experiencing. Otherwise, the desire becomes a prisoner of plaintive suffering for reality as it is²². Telling the truth about what we are experiencing is the first step to discovering what visions emerge from the heart of the present.

20. See Hannah Arendt, *On Humanity in Dark Times. Thoughts about Lessing*, Harcourt Brace, New York, 1968.

21. See Assumpta Bassas Vila and Laura Mercader, "Dalla critica alla creatività: indizi di un'Università nuova", in A. M. Piussi, R. Arnaus (eds.), *L'Università fertile*, Rosenberg & Sellier, Torino, 2011, pp. 75-80.

22. In this sense, refer to: Françoise Dolto, *Tout est langage*, Vertiges du Nord/Carrere, Paris, 1987, pp. 117-118, as well as other texts by her on this theme, and Françoise Dolto, *Le cas Dominique*, Éditions du Seuil, Paris, 1985, pp. 189-220.

FOCUS ON

PRODUCING MOTHERING AND REPRODUCTION

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MEDICALLY ASSISTED PROCREATION: EMERGING PROBLEMS IN ITALY

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Abstract

In Italy, medically assisted procreation is governed by Law 40/2004. The said law has been subject to several changes over the past ten years, which have redesigned the face of it so as to make it an example of re-writing a legal text. Even today, many problems still need to be seen to that require a rethinking of the family model, parenthood, and the existence of a right to procreative freedom. The various currents of feminism have welcomed the advent of new reproductive technologies differently. Intended to broaden women's rights, these new technologies have also opened up new forms of subjection and exploitation.

Keywords

Medically assisted procreation, new technologies, exploitation.

Resumen

En Italia la procreación médicamente asistida se rige por la Ley 40 de 2004. Esta ley ha sido sujeto de múltiples cambios en los últimos diez años, que han rediseñado su

apariencia hasta convertirla en una especie de referente de cómo se reescribe un texto legal. Incluso, hoy en día, muchos problemas deben ser vistos como un replanteamiento del modelo familiar, la paternidad y la existencia de un derecho a la libertad procreativa. Diferentes corrientes del feminismo han acogido el advenimiento de nuevas tecnologías reproductivas de manera diversa, ya que, si bien supuestamente fueron creadas para ampliar los derechos de las mujeres, también han dado lugar a nuevas formas de explotación y sometimiento.

Palabras clave

Procreación asistida, nuevas tecnologías, explotación, maternidad subrogada, libertad procreativa.

1. As is well-known, medically assisted procreation is a relatively recent practice: the first experiments date back to the late 1960s, but only in 1978 the first artificially inseminated child, Louise Brown, was born in England.¹

There has been no legislation in Italy for a long time: the difficulty of regulating this practice from a purely legal point of view, besides its ideological aspects, arises from the multiple problems stemming from the proliferation of subjects involved in the reproductive process. Subjects that bring a potential conflict of interest between them (biological parents, the embryo, the future child, any sperm or egg donors, doctors). This gap in legislation was overdue for over twenty years and only in 2004 did Law 40 come about (the “Medically Assisted Reproductive Law”), and finally passed by the Chamber after five hours of debate, with 277 votes in favor, 222 against, and 3 abstentions.

The very rigid system of the law, with a strong repression, caused more problems, and just a year later, in April 2005, the referendum campaign aimed at declaring the unconstitutionality of the entire law was started. However, the Constitutional Court² rejected the overall referendum on the basis of the assertion that Law 40 must be considered constitutionally necessary, as it provides the first organic regulation ensuring a minimum level of protection for a number of situations of significant constitutional interest. Furthermore, it contained four partial referendums on the most controversial points of the law, such as the possibility of access to medically assisted procreation not only by sterile couples but also to those with genetically transmissible pathologies, the limits to experimental research and the prohibition of heterologous fertilization. On June 12th and 13th, 2005, a referendum was held and failed due to lack of quorum.³

Law 40 has been subject to several changes over the past ten years or so, which have redesigned the face of it so as to make it an example of re-writing a legal text.⁴

In the initial formulation, it was severely detrimental to women’s health: a “bad bad law”, as it was defined⁵, reducing the woman’s body to a mere container of the conceived, sacrificing her right to health (I refer in particular to Article 14 banning the production of more than three embryos and the consequent obligation of a single and simultaneous implant) and Article 13 (on the prohibition of pre-implantation).

1. Cfr. C. Flamigni, *La procreazione assistita. Fertilità e sterilità tra medicina e considerazioni bioetiche*, Il Mulino, Bologna, 2011.

2. Cost, 13/01/2015 no. 45, in the *Gazzetta Ufficiale* 02/02/2005 no. 5.

3. Cfr. M. Ainis (ed.), *I referendum sulla fecondazione assistita*, Giuffrè, Milano, 2005.

4. Cfr. G. Ferrando, “La riscrittura costituzionale e giurisprudenziale della legge sulla procreazione assistita”, in *Famiglia e diritto*, 5, 2011; C. Flamigni and N. Mori, *La fecondazione assistita dopo dieci anni di Legge 40: Meglio ricominciare da capo!*, Ananke, Torino, 2014.

5. Cfr. M. Virgilio and M. R. Marella, “Una cattiva legge cattiva”, in *Un’appropriazione indebita: L’uso del corpo della donna nella nuova legge sulla procreazione medicalmente assistita*, Baldini & Castoldi, Milano, 2004.

The articles of the failed referendum were then brought before the Constitutional Court. By ruling 151 of the 8th May 2009⁶, the Court declared the constitutional illegality of Article 14, stating that the provision of the law is in contravention of article 32 of the Constitution, as it affects the right to women's health. If the first attempt at implantation is unsuccessful then a second painful and invasive ovarian stimulation is required, aimed at the formation of new embryos for a second implant. The Court also notes the unreasonableness of Article 14, which provides for the same treatment for all women without taking into account the specific situations which must be assessed case by case in the medical/patient relationship. The Court, therefore, reiterated the principle underlined in Article 14, namely banning the creation of a number of embryos exceeding the necessary level, but considered it reasonable to entrust the physician with a case-by-case determination of how many embryos to produce and implant in relation to the individual women's health conditions.

Subsequently, with two sentences in 2015, no. 96 of the 5th June 2015⁷ and no. 229 of 11th November 2015⁸ respectively, the Court accepted, with the former, that fertile couples carrying genetic diseases could access medically assisted procreation (the previous Article 1 only allowed this to couples suffering from infertility or sterility) and, secondly, the selection of embryos if they were suffering from serious transmissible diseases, i.e. pathologies that meet the severity criteria for abortion in virtue of Law 194 of 1978 ("Rules for the Social Protection of Maternity and Voluntary Termination of Pregnancy"). The Court has once again intended to protect the health of women who would otherwise have to resort to abortion after the implant: in fact, if the law allows for the voluntary termination of pregnancy in order to prevent compromising the psycho-physical integrity of a woman by the prospect of generating a severely ill child, it seems unreasonable to impose the implantation of an embryo with a serious anomaly on a woman, and then force her to abort it.

The European Court of Human Rights in Strasbourg pronounced on the case of *Costa and Pavan c. Italy* (August 28th, 2012)⁹ and noted the inconsistency of Italian law, which offers stronger protection to the embryo than to the fetus when it bans couples carrying genetic diseases to access medically assisted procreation and to select embryos carrying no disease, but then allows for abortion once a pregnancy begins with a fetus bearing that illness.

6. In G.U. 13/05/2009 no. 19.

7. In G.U. 10/06/2015 no. 23.

8. In G.U. 18/11/2015 no. 46.

9. Appeal no. 54270/10.

2. In 2014, with judgment no. 162 of the 9th April¹⁰, the Constitutional Court also ruled that medically assisted procreation of a heterologous type was unlawful¹¹ (provided for in Article 4, paragraph 3, of Law 40). It should be noted that in Italy since the late 1970s, when medically assisted procreation spread, until 2004 (the year in which Law 40 came into force) heterologous fertilization was practiced, but regulated by ministerial decrees. One particular decree was the Degan of 1985, which provided that the donor had to be anonymous and that the donation was to be made without payment. From 2004 to 2014 the ban then came into place.

The ruling of the Constitutional Court of 2014 was preceded by an intervention by the European Court of Human Rights in Strasbourg¹², which in 2010 condemned Austria for the absolute ban –provided by the law of that country as was the case in Italy too– of the donation of eggs, as it was considered incompatible with the principles laid down in the ECHR (European Convention on Human Rights of 1950) in article 8 on respect for the right to private and family life and article 14 on the principle of equality.

In February 2011, the Grand Chamber in Strasbourg reformulated this decision, believing that the prohibition by Austrian law did not go beyond the margin of appreciation granted to the European states. In particular, it stated that this ban was an expression of a non-censurable balance between the right to parenthood and the need to preserve certainty in family relationships, with particular reference to the possible conflict between genetic mother and biological mother, and the interest of the individual to know their genetic origins.

In 2014, the Italian Constitutional Court based the declaration of illegitimacy of medically assisted heterologous procreation on the following points:

-The Constitution includes fundamental and general freedom of self-determination (Articles 2, 3, and 31), AND the choice to become a parent and to form a family is one of these expressions. In particular, Article 31 gives the Republic the task of facilitating the formation of families by means of economic and other measures. Law 40 is to be seen as follows: it is explicitly intended to “remove the causes of infertility or sterility”. But heterologist prohibition is to be considered unreasonable in light of the purpose of the law itself, as it prevents completely sterile subjects accessing medically assisted procreation

10. In G. U. 18/06/2014 no. 26. Cfr. M. D’Amico, M. P. Costantini (eds.), *L’illegittimità costituzionale del divieto di fecondazione eterologa: Analisi critica e materiali*, FrancoAngeli, Milano, 2014.

11. As the renowned gynecologist Carlo Flamigni emphasized on several occasions, the term “heterologous” makes it possible to think of reproductive meetings between subjects of different species. From the scientific point of view, it would be more appropriate to define it as “exogamic reproduction”, i.e. with eggs from total strangers.

12. Sentence dated 1st April 2010, S. e H. c. Austria, appeal no. 57813/2000.

techniques to form a family that needs donor eggs. In other words, irrelevance lies in the fact that the law guarantees access to assisted medical procreation to those who are ill but denies it to those with more serious illnesses.

-In addition, the Constitution guarantees the right to health (Art. 32), traditionally being psychophysical well-being. The inability to form a family with children can adversely affect the health of the couple.

Once the freedom of self-determination in family matters (Articles 2, 3 and 31) and the right to a couple's health (Art. 32) have been clarified, the Court states that, in order to impose prohibitions or limitations on the rights of persons, then equivalent rank rights that would be lost need to be individuated. In the case of heterologic fertilization, what are the interests/rights that would be damaged? Possible traumas from non-natural parenting and the possible compression of the right of the offspring to know his or her genetic origins. But such profiles, referring to possible situations that have not been demonstrated, are not as such as to prevail over the above-mentioned rights (self-determination and health).

Therefore, the rules prohibiting heterologous fertilization lead to a disparity of treatment: at first glance, with reference to the severity of the dysfunction of the couple and, under another profile, with reference to economic abilities. Those with economic means may resort to treatment abroad where medically assisted heterosexual procreation is a permitted practice.¹³

In light of all this, the Court ruled that the prohibition of heterology was unethical for unreasonable disproportion, as "the censured rules do not respect the least possible sacrifice of other constitutionally protected interests and values and instead make a clear and irreversible injury to some of the them" (self-determination and health).

As a result of this ruling, some have found a regulatory vacuum and, therefore, the need for new intervention by the legislator. However, the Court itself pointed out, in the final part of the judgment, that there is no vacuum, since Law 40 acknowledges the legitimacy of medically assisted heterosexual procreation in many countries, it had already provided for Article 9 to regulate the state of the child's birth: "Whenever medically assisted heterosexual procreation techniques are used, the spouse or cohabitant whose consent can only be obtained by means of concluding acts cannot exercise the act of rejecting the paternity"; that "the mother of a baby resulting from the application of medically assisted procreation techniques cannot declare the will not to be named";

13. See, in particular, A. Borini, C. Flamigni, *Fecondazione e(s)terologa*, L'Asino d'oro, Roma, 2012.

that “in the case of heterologous techniques, the egg donor does not acquire any parental legal relationship with the baby and cannot claim any right or obligation to do so”.

So, in the opinion of the Court, there is no gap in the subjective requirements of the provisions of Article 5: “access to medically assisted procreation techniques may be granted to married or cohabiting heterosexual adults of a potentially fertile age, who are both living”.

Lastly, there is no problem with regard to authorized structures, which remain those provided for in Articles 10 and 11, that is to say, public and private facilities authorized by the regions and registered in a special register.

Finally, we call upon:

-The Legislative Decree no. 191, “Implementation of the Directive 2004/23/EC on the definition of quality and safety standards for the donation, procurement, control, processing, conserving, storage and distribution of human tissues and cells” with reference to the gratuity and willingness of the donations; the modalities of consent; the anonymity of the donor; health care; etc.

-The law of no. 184 dated May 4, 1983, regarding adoptions, and amendments made by Legislative Decree 154 of 2013, with particular reference to the issue of genetic identity.

3. On July 1, 2015, the Ministry of Health, in the light of technical-scientific developments and judgments of the Constitutional Court, issued a decree updating the guidelines of Law 40 and substituting those of 2008, largely inspired by the document of State-region conference approved in September 2014, following the judgment of the Constitutional Court.¹⁴

With reference to the heterology, it is to be pointed out that the donation must be anonymous in the sense that it should not be possible for the donor to trace the receiving pair and vice versa. Furthermore, it must be free of charge, with the exclusion of the reimbursement of expenses. It has been highlighted that it is not possible to choose the phenotypic characteristics of the donor in order to avoid unlawful eugenic selections but that the medically assisted procreation centre should reasonably ensure the compatibility of the donor’s main features with those of the receiving pair, so as to avoid that the child’s appearance is not too dissimilar to that of the parents.

14. Newsletter no. 2557 dated 8th September 2014, available at www.regioni.it.

The problems of implementing the heterologous discipline in Italy are still numerous, beginning with the number of male donors and especially female ones (in this regard an adequate information campaign is lacking), which makes it necessary to import eggs from abroad.

Two years after the ruling of the Constitutional Court, the Italian Fertility Society (SIFE) issued some very worrying data: there were just a dozen female donors (against the 500/600 that would be needed each year), one hundred or so female donors through *eggsharing*, i.e. women in treatment for medically assisted procreation who give part of their oocytes. One of the reasons for these numbers is to be found in the fact that, as has been said, the donation in Italy is entirely free, whereas in other countries it is an entirely different story (e.g. in Spain where a law provides for a fee of about 1000 euros). This creates a clear controversy: paid donation is forbidden, but oocytes can be obtained from other countries at a price.¹⁵

Only since this year (March 2017) the heterology services have been included in the National Health Service's LEA (Essential Support Levels), which should avoid large territorial differences concerning the possibility of access and reimbursement and the continuation of the so-called procreative tourism, both from region to region (until March only in three regions –Tuscany, Emilia-Romagna, and Friuli– access was operational with redeemability), as well as towards foreign countries.

Besides these practical problems, I would like to emphasize three open questions of great bioethical importance.

The first question concerns Article 13 (still in force) of Law 40, which prohibits any experimentation on human embryos, except for therapeutic and diagnostic purposes aimed at protecting the health and the development of the embryo itself. The prohibition also affects the cryo-preserved supernumerary embryos produced before the entry into force of Law 40 and after the Constitutional Court ruling of 2009, which eliminated the limit of three embryos to be produced and implanted. Consequently, even the latter cannot be donated for research. The provision of Article 13 has been the subject of judgment before the European Court of Human Rights (Case Parrillo c. Italy, 27 August 2015)¹⁶. Adelina Parrillo, in 2002, before Law 40 entered into force, along with her companion Stefano Rolla, had decided to access medically assisted procreation techniques in order to produce embryos to be implanted at a later date.

15. For an in-depth discussion of this aspect, see: N. J. Kenney, M. L. McGowan, "Egg Donation Compensation: Ethical and Legal Challenges", in *Medicolegal and Bioethics*, 4, 2014, pp. 15-24; A. Curtis, "Giving Til' It Hurts: Egg Donation and the Costs of Altruism", in *Feminist Formations*, 22, 2, 2010, pp. 80-100.

16. Appeal no. 46470/2011.

However, in 2003 she lost her companion who was killed in Nassiriya, and the widow gave up on the idea of transferring the embryos, but expressed the desire to donate them to scientific research. Her request was refused by the healthcare facility where the embryos were kept. This refusal was motivated by the fact that Law 40 under Law 13 prohibited any embryo research. So Mrs. Parrillo decided to resort directly to the European Court of Human Rights, arguing that the prohibition stated in Article 13 violates Article 1 of Protocol No 1.1, annexed to the text of the European Convention on Human Rights (“Protection of property”), Article 8 (“Right to respect for private and family life”), and Article 10 (“Freedom of expression” where scientific freedom can be considered an aspect). The Grand Chamber on 27 August 2015 declares that the application is inadmissible: with respect to Article 1, Protocol 1, the Court emphasizes that the scope of the rule is strictly of an economic-capital nature and cannot therefore refer to the case in question. With respect to Article 8, while recognizing that the embryos contain genetic material belonging to the applicant and are therefore to be considered as constituting genetic and biological identity, the Court considers that this does not directly affect respect for private and family life. This also takes into account that there is no evidence of will in the same sense from the companion. Finally, in Article 10, the Court holds that the alleged violation should have been submitted by a researcher, who is the holder of the right to freedom of expression, in the sense of the right to scientific freedom, and not by others.

Article 13 of Law 40 also issued the Constitutional Court with Judgment no. 84¹⁷ dated 22 March 2016 following a lawsuit filed at the Law Court of Florence, to which a couple had turned to order that their nine cryopreserved embryos held by an assisted fertilization center be sent to medical and scientific research. The Consult, explicitly referring to the ruling of the Court of Strasbourg, emphasizes the intangibility of legislative choice to safeguard the dignity of the embryo at the expense of freedom of scientific research and considers that only the legislator “as the interpreter of the will of the community” can be called to translate the balancing of basic values into conflict, taking into account the orientations and instances rooted in social consciousness at the given moment. This ruling, therefore, sends the legislator a warning to decide on the fate of human embryos in perpetual cryopreservation that could be used in scientific research or even –may I add– “adopted” because of the low number of male sperm donors/female egg donors.

17. In G.U. 20/04/2016 no. 16.

The second question, however, concerns the anonymity of either donor provided in the 2015 guidelines. This is a more general topic involving other institutions such as the adoption and anonymity of the mother who chooses, as envisaged in Italy, to give birth to a hospital without being identified.

In 2011, therefore, before the heterologist prohibition was dropped in Italy, the National Committee for Bioethics, took note of the 2010 Recommendation of the Council of Europe's Bioethics Steering Committee to the States which prohibited the heterology from drafting protective rules of the identity rights to the newborn, expressed itself with an opinion ("Knowing Their Biological Origins in Medically Assisted Heterologist Procreation")¹⁸ that can be summarized in the following points:

-Parents are recommended to tell their children how they were conceived using appropriate ways, so as to prevent any genetic testing from revealing the secret later on and causing unpredictable reactions.

-The facility where the medically assisted procreation has been performed must keep appropriate registers containing the genetic data of the male donor/female donor necessary for any diagnostic/therapeutic treatment of the child in the future.

With regard to the right of the child to know its origins, by accessing the biological data of both donors, some have, on the one hand, emphasized the importance of comprehensive data (both genetic and personal information) of who gave the eggs, arguing that every individual has the right to know the truth, and if this was prevented he or she would be a victim of violence. Others, on the other hand, have argued the need to preserve anonymity, arguing that the bond with the donor is biological and not relational, and therefore does not add anything to the child's background, and would risk family balance.¹⁹

From a legal point of view, with reference in particular to the aforementioned institution of the mother's anonymity, the Italian constitutional court expressed the right to confidentiality of women in 2005 as well as the European Court of Human Rights of Strasbourg in 2012, with the judgment of *Godelli c. Italy*²⁰. The Court of Strasbourg considered that the prohibition of access provided for in Italian law violated Article 8 of the European Convention on Human Rights and that Italy did not seek to establish a

18. Comitato Nazionale per la Bioetica, "I Pareri e le Risposte", nd, available at <http://bioetica.governo.it/it/documenti/i-pareri-e-le-risposte/>.

19. Cfr. V. Ravitsky, "The Right to Know One's Genetic Origins and Cross-Border Medically Assisted Reproduction", in *Israel Journal of Health Policy Research*, 6, 3, 2017; I. de Melo-Martin, "How Best to Protect the Vital Interests of Donor-Conceived Individuals: Prohibiting or Mandating Anonymity in Gamete Donations?", in *Reproductive BioMedicine and Society Online*, 2017, available at [http://www.rbmsociety.com/article/S2405-6618\(17\)30013-8/pdf](http://www.rbmsociety.com/article/S2405-6618(17)30013-8/pdf); M. Sabatello, "Regulating Gamete Donation in the U.S.: Ethical, Legal and Social Implications", in *Laws*, 4, 3, 2015, pp. 352-76.

20. Sentence dated 25 September 2012, Appeal no. 33783/2009. For a reconstruction cfr. L. Califano, "Il diritto all'anonimato della madre naturale", in Id., *Privacy: Affermazione pratica di un diritto fondamentale*, ESI, Napoli, 2016, pp. 181-98.

balance between the rights of the parties concerned (the privacy of the woman and the right to the personal identity of the child). By analogy, these arguments may also apply to the case of medically assisted heterozygous procreation.

The third question concerns gestation for others or surrogate maternity²¹, which is a type of medically assisted procreation that is prohibited in Italy. As previously stated, Law 40, even after its re-writing, recognizes access to homologous or heterologous assisted procreation techniques only to “adult heterosexual couples that are married or cohabiting, potentially fertile, and both living”.

Cases of gestation for others are slowly becoming more common in Italy. The original Decree on Civil Unions (which became Law No. 76 on May 20th, 2016) provided for the possibility of so-called *stepchild adoption*, i.e. the possibility of recognition of the parental bond to those who did not contribute biologically to the birth of the child, but this part was then excluded when it came to approving the decree. In the absence of legislation, two different roads have been taken:

-In some cases, the possibility of transcribing the birth of a child “obtained from surrogate maternity” in the registers of the Italian registry has been allowed in a state that disciplines it if there is a genetic bond of some sort.

-In the case, however, of a surrogate child with no biological bond to the contracting couple, in the interest of the minor, the state of abandonment is to be declared and therefore he or she can be adopted.

This second orientation is also reflected in the recent judgment of the European Court of Human Rights in Strasbourg of 24 January 2017 in the case of *Paradiso and Campanelli c. Italy*.²²

A married Italian couple went to Russia to satisfy their desire of a child through a maternity surrogacy agreement (which was however concealed by the Russian authorities at the time of the birth of the child). Back in Italy, they requested that the birth be registered in Italy, which was rejected, given the offense of false attestations and the complete absence of a genetic bond. The Juvenile Court of Campobasso, therefore, initiated proceedings for the declaration of adoptability of the child. The spouses appealed

21. To indicate that form of pregnancy when a woman, with or without consideration, carries a pregnancy for others with the intent to entrust the baby to intentional parents without claiming any rights to the child, the preferred terminology is “gestation for others” in as neutral as “surrogate maternity”, clearly disreputable (the term “surrogate” refers to something that pretends to be authentic and is not) or “uterus to rent”, where the use of a part for everything is obscured by the subjectivity of the woman.

22. Appeal no. 25358/2012.

against the Italian State to the European Court of Human Rights for violation of article 8 of the European Convention on Human Rights (right to respect for private and family life). In the first instance, the Court accepted the appeal, but the Grand Chambre issued a second sentence, completely subverting the previous decision. It supported this second decision by stating that there was no biological bond and, above all, their relationship had been very brief (six months), and consequently did not constitute a solid family relationship. For these reasons, the Court considered the ruling of the Italian judges to be reasonable, as the question was ethically sensitive, with respect to which the States should enjoy a broad margin of appreciation.

Various openings can be found in the ruling of the Court of Trento of the 23rd February 2017, by which the Court maintained that the refusal of the Civil Registrar to transcribe a foreign judgment recognizing dual male parenthood to a child born abroad, for being contrary to public order, was illegal. The Court argued that the failure to recognize the *status filiationis* in relation to the non-biological father would cause an obvious injury to the child. Furthermore, no rights would be recognized to him. It is argued that the protection of this principle goes beyond any reference to the prohibition of gestation for others as “the recognition of the deformity of the fertilization practice by virtue of which children were born, compared to those considered legitimate by the current rules of medically assisted procreation and should not result in the denial of the *status filiationis* legitimately acquired abroad”.

Besides the specific problems affecting Italy, the issue of medically assisted procreation requires wider reflection with regard to the family model and parenting and whether or not there is a right to freedom of procreation.²³

As pointed out by the European Court of Human Rights with regard to the applicability of Article 8 of the Convention when talking about the family model, not only to spouses, but also to heterosexual or homosexual couples that cohabit *more uxorio*:

The State, in choosing means to protect the family and ensure the respect for family life provided for in Article 8, must necessarily take into account the evolution of society and change in the perception of social issues and civil status and relations, and include the fact that there is not just one way or choice to lead family or private life.²⁴

23. Cfr. P. R. Brezina, Y. Zhao, “The Ethical, Legal, and Social Issues Impacted by Modern Assisted Reproductive Technologies”, in *Obstetrics and Gynecology International*, 2012, article ID 686253, doi:10.1155/2012/686253.

24. Sentence 19th February 2013, appeal no. 19010/07.

As for parenting, it is necessary to realize that the certainty enshrined in the ancient saying *mater semper certa* (or rather “the mother of the child is always known”) seems to crumble nowadays and the reference figures are multiple: the genetic mother (giving the fertilized egg), the biological mother (who lives the gestation), the social mother (who takes on the responsibility of the newborn), the paternal father, the biological father (the donor), and therefore the rights/duties of these different figures need to be balanced.

Finally, as regards the right to procreative freedom²⁵, this is to be included in the context of the so-called “procreative revolution.” Following the rapid development of new reproductive technologies, biology is no longer a destiny: contraception allows you to choose when/how to reproduce or not to reproduce at all (so-called negative procreative rights), as well as choose how to reproduce. It ranges, for example, to freezing your eggs to use them at a time in life that is more suitable for you, to the procreation for sterile or infertile couples with transmissible genetic diseases, to the procreation with donor eggs and surrogate mothers (so-called positive procreative rights).

The decision to have a child –as the Italian Constitutional Court cites in the above-mentioned ruling– “concerning the most intimate and intangible sphere of the human person, cannot be compulsory unless it fails other constitutional values”. Self-determination in life and body, citing Stefano Rodotà²⁶, represents the most intense and extreme point of existential freedom.

The different currents of feminism have greeted the advent of new technologies in the field of reproduction very differently. The ability of such techniques has been argued. On the one hand, they broaden the rights and freedom of choice and self-determination of women; on the other hand, they open new frontiers to the subjection and exploitation of women’s bodies²⁷.

Under the latter profile, the most controversial theme is the so-called gestation for others or surrogacy pregnancies. As we have seen in Italy, and in most European countries, this practice is banned. Some countries only recognize the altruistic form (e.g. UK,

25. See, among others, P. Iagulli, *Diritti riproduttivi e riproduzione artificiale: Verso un nuovo diritto umano? Profili ricostruttivi e valutazioni biogiuridiche*, Giappichelli, Torino, 2001; M. Warnock, *Fare bambini: Esiste un diritto ad avere figli?*, Einaudi, Torino, 2004; A. D’Aloia, “La procreazione come diritto della persona”, in S. Canestrari, G. Ferrando, C. M. Mazzoni, S. Rodotà, P. Zatti (a cura di), *Trattato di biodiritto: Il governo del corpo*, Giuffrè, Milano, 2011, pp. 1341-1371.

26. S. Rodotà, *Il diritto di avere diritti*, Laterza, Roma-Bari, 2013, p. 251.

27. By way of merely exemplifying the feminist debate, reference is made to V. Schalev, *Birth Power. The Case for Surrogacy*, Yale University Press, New Haven, 1989; C. Pateman, *The sexual contract*, Stanford University press, Stanford, 1988; M. Cooper, C. Waldby, *Clinical Labor: Tissue Donors and Research Subjects in the Global Bioeconomy*, Duke University Press, Durham, 2014; S. Pozzolo, “Gestazione per altri (ed altre): Spunti per un dibattito in (una) prospettiva femminista”, in *Rivista di biodiritto*, 2, 2016, pp. 93-110.

Greece, Belgium, many US states), few also recognize the commercial form (e.g. California, Russia, Ukraine)²⁸.

The policy of the European states, contrary to marketing, is reflected in various international legislation: Article 21 of the Oviedo Convention on Human Rights and Medicine states that “the human body and its parts should not be as such forms of profit”. Article 3 of the Charter of Fundamental Rights of the European Union provides the same “prohibition on making the human body and its parts as such a source of financial gain”. The EC Directive 2004/23, referred to, as we have seen, the Italian Constitutional Court in the 2014 judgment, Article 12 prohibits the sale of human tissue, allowing only the payment of compensation strictly limited to making good the expenses and the problems resulting from the donation. In light of this directive, some countries, as already stated, regulate the altruistic-solidarity form of egg donation, comparing it to the donation of blood or organs.

The discordance of standardization has prompted the Hague Conference Council, since 2010, to find uniform solutions to issues of international law and to address the issue, and has commissioned a group of experts to advance proposals for common solutions. The report prepared in February 2017 states that, given the complexity of the phenomenon of transnational gestation and the various legislative approaches of the states, “it is not yet possible to reach a definitive conclusion on the actual possibility of identifying and applying common rules of international law concerning recognition of parental responsibility”.

While requiring further discussions and considerations, the Council has identified two main objectives. The first one is to ensure the certainty and stability of the legal status of surrogate children for others, which must be acknowledged by all States, and the second to ensure that gestation for others is conducted in the respect of human rights and the well-being of all persons involved in the proceedings.

28. See C. Casonato, T. E. Frosini (eds.), *La fecondazione assistita nel diritto comparato*, Giappichelli, Torino, 2006; K. Trimmings, P. Beaumont (ed.), *International Surrogacy Arrangements: Legal Regulation at the International Level*, Hart Publishing, Oxford e Portland, Oregon, 2013.

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VIENTRES DE ALQUILER. APORÍAS DEL AUTOGOBIERNO

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WOMBS FOR RENT. APORIAS OF SELF-GOVERNMENT

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Resumen

Este ensayo profundiza en el cuerpo, objeto de prácticas cada vez más diferenciadas que lo descomponen, lo seccionan en un continuo proceso de transformación y redefinición. De unidad problemática, el cuerpo se ha convertido en aislamiento progresivo de porciones del sí: piénsese en la gestación por sustitución, que transforma las trayectorias del *cross border reproductive care* en una lógica que sigue las potencialidades generativas de los cuerpos de las mujeres y que marca una tensión entre incremento, vulnerabilidad y explotación.

Palabras clave

Maternidad subrogada, juridificación del cuerpo, vulnerabilidad, incremento, discriminación.

Abstract

This essay focuses on the body, object of increasingly differentiated practices, which break it up, fragment it in a continuous process of transformation and redefinition. We have moved on to the image of the body as a problem unit to a progressive isolation of portions of the self: it is the case of surrogacy maternity that redraws the trajectories of Cross Border Reproductive Care, in a logic that follows the generative potential of women's bodies and that marks a tension between increase, vulnerability, and exploitation.

Keywords

Surrogate mathernity, juridification of body, vulnerability, emporwerment, discrimination.

1. El cuerpo entre incremento, comerciabilidad y trabajo

Este ensayo profundizará en el cuerpo, objeto de prácticas cada vez más diferenciadas que lo descomponen y seccionan en un continuo proceso de transformación y redefinición.

La imagen del cuerpo ya no es unidad problemática, sino más bien aislamiento progresivo de porciones del sí, de trozos fungibles, de *bodies of law*, tal y como aparece en el título de un famoso libro de Alan Hyde¹, dedicado a las diferentes formas que el cuerpo adquiere en la construcción jurídica.

Precisamente a partir de estas configuraciones del cuerpo y de sus descomposiciones, que reflejan el antiguo dualismo entre la abstracción de la persona y la materialidad del cuerpo, se desarrolla la hipótesis de su juridificación, basada en la posibilidad de fijar la referencia unitaria incluso cuando el cuerpo y sus partes realizan una condición de autonomía recíproca.

Sin lugar a dudas, es este el caso de la gestación por sustitución que –como es notorio– representa una práctica realizada en cada lugar del mundo, hasta exigir –según la mayoría de las opiniones– su definición jurídica a nivel internacional.

Tal y como se destaca en el *Rapport Académie Nationale de Médecine*², el término gestación por sustitución remite a un área semántica compleja, que se puede poner en relación con diferentes situaciones en las cuales una mujer externa a la pareja, la “madre por cuenta ajena”, colabora activamente para la puesta en práctica del proyecto procreativo.

La escisión de la maternidad en diferentes papeles genéticos, gestacionales y sociales anda por caminos muy variados que adquieren el rasgo de una subrogación tradicional en la cual el óvulo fecundado pertenece a la madre portadora, mientras que el espermia procede de la pareja comitente o de la fecundación in vitro entre los gametos pertenecientes a los padres intencionales que luego se transfieren al útero de la madre portadora, o bien una connotación que supera la triangularización del proyecto procreativo, en el caso de que sea necesaria la donación de espermia o la misma donación de óvulos.

Los primeros bancos de semen con fines de lucro nacieron en Estados Unidos a finales de los años sesenta. Luego, las agencias de maternidad subrogada, organizadas por bufetes internacionales de abogados que se han desarrollado progresivamente, han venido elaborando sofisticados instrumentos jurídicos en un contexto normativo muy

1. A. Hyde, *Bodies of Law*, Princeton University Press, Princeton, 1997.

2. “La gestation pour autrui”: Rapport 09-05, séance du 10 mars 2009, en *Bulletin Académie Nationale de Médecine*, 2009, 193, 3, pp. 583-618.

incierto, que nace por una serie de transformaciones sociales, comenzando por la desintegración vertical de la familia fordista y el desarrollo de nuevos mecanismos contractuales que garantizan la capacidad reproductora biológica y social fuera del núcleo familiar tradicional.

La primacía del contrato privado y del vacío normativo han representado, indudablemente, factores endógenos del desarrollo creciente de la reproducción transfronteriza a lo largo de las etapas regionales y globales de relaciones económicas de poder que derivan de la reorganización posfordista de la sociedad, según un modelo de funcionamiento glocalizado en el que las categorías de la raza y del sexo se sobreponen en un espacio variable, flexible y precario.

La racionalidad neoliberal se fundamenta en dispositivos de poder diferenciados y crea nuevas formas de subjetividad sobre la base de la lógica de la inclusión/exclusión para entrar en estas nuevas modalidades de gestión e incremento del cuerpo, según el proceso planteado por Nikolas Rose³, que acompaña a la transición gradual de técnicas de gobierno disciplinarias —que objetivan a los cuerpos y a sus innumerables manifestaciones: cuerpos disciplinados, colocados desde el punto de vista espacial, funcionales al poder, unos cuerpos, pues, dóciles⁴— a técnicas de gobierno basadas en la seguridad y el control, que se hacen cargo de los cuerpos, los cuidan, los incrementan, los potencian⁵.

En efecto, si se afirma ampliamente la lógica del *homo oeconomicus*, empresario de sí mismo⁶, se trata de una lógica del incremento que se define con modalidades diferentes respecto de la lógica de la autoconservación del sí que había caracterizado a la reflexión biopolítica sobre la investigación médica, poniéndose en una perspectiva que relaciona

3. N. Rose, *The Politics of Life Itself. Biomedicine, Power and Subjectivity in the Twenty-First Century*, Princeton University Press, Princeton-Oxford, 2007, p. 3: “politics has long been concerned with the vital lives of those who are governed [...] the vital politics of the eighteenth and nineteenth centuries was a politics of health—of rates of birth and death, of diseases and epidemics, of the policing of water, sewage, foodstuffs, graveyards, and of the vitality of those agglomerated in towns and cities. Across the first half of the twentieth century this concern with the health of the population and its quality became infused with a particular understanding of the inheritance of a biological constitution and the consequences of differential reproduction of different subpopulations; this seemed to oblige politicians in so many countries to try to manage the quality of the population, often coercively and sometimes murderously, in the name of the future of the race. However, the vital politics of our own century looks rather different. It is neither delimited by the poles of illness and health, nor focused on eliminating pathology to protect the destiny of the nation. Rather, it is concerned with our growing capacities to control, manage, engineer, reshape, and modulate the very vital capacities of human beings as living creatures”.

4. Cfr. M. Foucault, *Surveiller et punir. Naissance de la prison*, Editions Gallimard, Paris, 1975.

5. En realidad, se trata de la persistencia del rasgo biológico como discriminante, como parte integrante de la actual política de la vida. Tal y como ha afirmado A. Tucci: “L’artificio razziale”, en A. Catania, F. Mancuso (eds.), *Natura e artificio. Norme, corpi, soggetti tra diritto e politica*, Mimemis, el discurso sobre las técnicas contemporáneas de gobierno que atañen a la salud, la enfermedad y el cuerpo y definen ciudadanía a partir de una centralidad del factor biológico molecular y, por ende, intencionalmente pluralístico y diferencialista, no se libera del efecto biopolítico heterónimo, sobre la base en la que se determinan elecciones y programas políticos (Milano-Udine, 2011, p. 207).

6. M. Foucault, *The Birth of Biopolitics Lectures at the Collège de France. 1978-1979*, Palgrave Macmillan UK, London, 2008.

cada vez más el trabajo con la biología de la especie y con técnicas neogubernamentales de “hacerse cargo de los cuerpos” en una continua subsunción de lo biológico en lo jurídico.

Sin lugar a dudas, en la racionalidad neoliberal se vuelven a trazar los itinerarios marcados en el siglo pasado por el Estado social en la lógica de un mercado transnacional que supera la distinción entre producción y reproducción⁷, para estructurarse alrededor de las potencialidades generativas de los cuerpos en una relación cada vez más apremiante entre producción-consumo, producción-circulación, producción-comerciabilidad.

Si, por un lado, las tecnologías de la reproducción asistida abren posibilidades geográficas flexibles y establecen nuevas relaciones productivas para la biología de la fertilidad, a escala global, por otro lado, se destaca un aumento exponencial de la demanda de ovocitos, úteros, espermatozoides, placenta y embriones, lo cual muestra que la externalización de la fertilidad se está transformando en un modo específico de trabajo clínico y reproductivo⁸ que redistribuye riesgos y crea jerarquías no solo entre individuos, sino también entre diferentes poblaciones y grupos económicos.

Piénsese en que uno de los bancos de espermatozoides más importantes del mundo, el California Cryobank exige una reorganización de las relaciones clínicas y una planificación eficiente del sistema de abastecimiento de los recursos, requiriendo el historial clínico de las enfermedades personales y familiares en un proceso de selección del donante muy riguroso, fundamentado en el compromiso contractual del donante de mantener un adecuado estilo de vida, caracterizado por la ausencia de actividad sexual, de drogas y alcohol, para reducir los riesgos biológicos a la hora de comercializar el producto.

Tal y como se ha aclarado eficazmente, se trata de dispositivos de selección y exclusión de capital genético humano que superan la tradicional concepción de la fuerza de trabajo basada en la inalienabilidad del sí y en la enajenación de competencias en el mercado laboral, desembocando en cambio en técnicas de autovalorización y autoinversión que, por un lado, siguen la lógica del incremento y del *empowerment* y, por otro lado, un proceso de acumulación de capital y de reproducción de clase.

Es un trabajo de externalización de la reproducción que, sin embargo, lleva a las madres subrogadas y a las vendedoras de ovocitos a seguir itinerarios diferentes por lo que a la reglamentación se refiere, pasando del rechazo total a la lógica del don o a la de un mínimo reembolso hasta la absoluta ausencia de límites jurídicos, en un

7. Así lo considera M. J. Radin, *Contested Commodities*, Harvard University Press, Cambridge MA, 1996.

8. Esta tesis se desarrolla y problematiza en M. Cooper, C. Waldby, *Clinical Labor: Tissue Donors and Research Subjects in the Global Bioeconomy*, Duke University Press, Durham, 2014.

panorama fragmentado y heterogéneo que traza coordenadas inestables y precarias de la legalidad internacional.

2. ¿Hacia una juridificación del cuerpo?

La gestación por sustitución es una práctica presente en todo el mundo, aunque California lleva la delantera por lo que al número de acuerdos de subrogación se refiere, seguida por los otros Estados americanos (Alabama, Arkansas, Connecticut, Illinois, Iowa, Maryland, Massachusetts, Minnesota, Nevada, Dakota del Norte, Ohio, Oregón, Pensilvania, Carolina del Sur, Tennessee, Texas, Utah, Virginia Occidental y Wisconsin), así como por Rusia, Ucrania y la India. Estos datos demuestran que esos acuerdos son más numerosos en legislaciones permisivas o que atestiguan –si no hay una ley que reglamente explícitamente la maternidad subrogada– la gran importancia normativa de la jurisprudencia, como en el caso californiano, donde la extensión del *Uniform Parentage Act*, que regula los procedimientos para definir la relación de genitorialidad y filiación, ha sido el resultado de una lucha procesal.

En particular, en la destinación preferida por el turismo procreativo, la eficacia de las prácticas de gestación por sustitución frente al vacío legislativo está garantizada por el papel muy fuerte de las cortes, a las que progresivamente se les ha añadido la recepción reglamentada de algunos instrumentos muy importantes de *soft law*: las *best practices* en materia de *surrogacy* aplicadas por los más famosos bufetes de abogados internacionales, que han aumentado su vinculación y facilitado el trabajo de explicación terminológica y conceptual en el variado mundo de la procreación asistida.

Como es notorio, el *soft law* –representado sobre todo por recomendaciones, pareceres, actos preparatorios y *best practices*– presenta una controvertida naturaleza jurídica, puesto que se trata de una modalidad de autoreglamentación que sale de las tradicionales geometrías del poder y que, sin embargo, registra progresivos niveles de *enforcement*, desarrollando una función de institucionalización del conflicto en una perspectiva de creciente proceduralización de los sistemas jurídicos; es algo que, sin lugar a dudas, convierte en más problemático todo el sistema de las fuentes del régimen internacional⁹.

9. Por lo que al tema del *soft law* se refiere, cfr. por lo menos B. Pastore, “*Soft law* y la teoría de las fuentes del derecho”, en *Soft power. Revista euro-americana de teoría e historia de la política y del derecho*, 1, pp. 75-89; y A. Somma (ed.), *Soft Law e hard law nelle società postmoderne*, Giappichelli, Torino, 2009.

Esa reglamentación *soft* –acatada a nivel legislativo en 2013, aunque dejando invariado el régimen previsto por las cortes de reconocimiento de los padres con independencia de si tienen o no tienen relación biológica con el hijo nacido tras un acuerdo de maternidad subrogada– proporciona nuevas orientaciones sobre cómo se deben ejecutar los acuerdos y las modalidades para iniciar los trámites médicos, permitiéndoles a los *intended parents* establecer la genitorialidad y ejercer acción legal en el país en el que va a nacer el hijo, en aquel donde residen los padres comitentes, o aquel donde se ha realizado el acuerdo o se han llevado a cabo los trámites médicos. Así que, si California primero comenzó a la maternidad subrogada –antes a través del *judge made law*, luego con el *soft law* y finalmente con su recepción legislativa, ampliando desmedidamente las garantías de los *intended parents*–, en muchos Estados del país norteamericano esa modalidad gestacional se ha juridificado, al prever un régimen diferenciado dependiendo de si el acuerdo tiene finalidades lucrativas o no las tiene, como en los Estados de Nueva York, Nueva Jersey, Nuevo México, Nebraska, Virginia, Oregón y Washington, donde solo está permitida la elección altruista. En realidad, ese régimen diferenciado está fuera de los confines de Estados Unidos, precisamente en Australia, Canadá, Hong Kong, así como en Hungría, en el Reino Unido, en los Países Bajos y Bélgica, en Grecia y Dinamarca, donde la reglamentación a través de instrumentos de *hard law* solo legitima la gestación por sustitución a la samaritana.

En particular, se cree que se trata de una elección que, tras una postura altruista, corre el riesgo de esconder una transacción económica, puesto que –como lo demuestra Hart– la naturaleza humana tiene unas características estructurales, como el altruismo limitado y la vulnerabilidad que, hoy día, presentan rasgos alarmantes, persiguiendo la erosión de la estructura tradicional de los Estados sociales y grupos pobres emergentes con equilibrios políticos inestables; esto ha hecho que los horizontes de las vidas contemporáneas¹⁰ estén caracterizados por una cotidianidad por lo general incierta y por riesgos de pobreza extrema, convirtiendo en más apremiante la cuestión de los límites de la juridificación del cuerpo.

De hecho, se asiste a una transformación del concepto de vulnerabilidad de categoría solo antropológica –como en Hart¹¹, en cuya opinión la exposición a ataques corporales deriva de la limitación intrínseca de la naturaleza humana– a problemática social muy relevante para la teoría del derecho; eso depende de la contracción de las capacidades

10. Sobre este aspecto se han fundamentado los análisis de N. Negri, “La vulnerabilità sociale. I fragili orizzonti delle vite contemporanee”, en *Animazione sociale*, 2006, XXXVI (205), pp. 14-19 y de N. Negri, C. Saraceno (eds.), *Povertà e vulnerabilità sociale in aree sviluppate*, Carocci, Roma, 2003.

11. H. L. A. Hart, *The Concept of Law*, Oxford University Press, Oxford, 1961.

individuales y colectivas de los sujetos que, cada vez más, queda amenazada por una inserción inestable en los principales sistemas de integración social y de distribución de los recursos¹².

En este caso, hay que darle un doble significado a la palabra vulnerabilidad: por un lado, fragilidad y finitud de la existencia humana, obviamente expuesta a perjuicios permanentes; por otro lado, peculiar condición social y cultural, en la cual el riesgo de menoscabar la dignidad y la integridad de las personas necesita de la protección de los ordenamientos jurídicos y de las instituciones internacionales.

3. El *best child interest* en el *judge made-law*

Frente a un régimen extremadamente diferenciado en todas las partes del mundo, alrededor de Estados Unidos, México, Bielorrusia y la India se trazan las coordenadas de lo que ha sido definido *cross border reproductive care*, cuyas ganancias llegan a los 400 millones de dólares solo en la India, y que puede alcanzar un coste para cada gestación de más de 150 mil dólares; sin pensar en las agencias internacionales que ofrecen a los *intended parents* elevados estándares médicos y asesoramientos legales muy sofisticados los cuales, tras una fase muy proceduralizada que desemboca en el acontecimiento-nacimiento, implican la emisión del certificado que atestigua la genitorialidad de los comitentes.

La discrepancia normativa a nivel global atestigua la dificultad de afrontar el tema de la comercialización del cuerpo humano, por cuya prohibición vela el Convenio de Oviedo, así como por los límites de la juridificación de los cuerpos: por un lado, se asiste a una lógica del incremento y del *empowerment* que está caracterizada por otras modalidades respecto de la lógica de la autoconservación del sí, desde el punto de vista neoliberal de un creciente reconocimiento de la libertad y de la autonomía de cada sujeto; por otro lado, la fungibilidad de los cuerpos, su intercambiabilidad restituye toda la ambigüedad típica de la relación corporeidad-subjetividad, aclarando que el cuerpo no es el lugar del intercambio simbólico, sino más bien y sobre todo de identidad subjetiva irreductible a categorías “objetivantes”.

Está claro que la garantía de los derechos derivados de la gestación por sustitución es impresionante: derechos de genitorialidad y filiación, derechos de ciudadanía realizables a través de la recepción de los efectos de la normativa extranjera (cuya adversidad

12. Cfr. a este propósito C. Ranci, *Le nuove disuguaglianze sociali in Italia*, Il Mulino, Bologna, 2002.

al orden público es muy estudiada), pues es un aspecto que aumenta de forma exponencial el conflicto. Es un conflicto remitido a las cortes —en la óptica de una resemantización del lenguaje de los derechos, entre exigencias de legalidad interna y construcción de nuevas realidades familiares y de elecciones procreativas alternativas— y solucionado a través de estrategias de reconstrucción racional del derecho basadas en criterios de coherencia, congruencia y sensatez respecto de principios expresados por la comunidad internacional; por ejemplo, en una importantísima sentencia italiana, la reinterpretación del concepto de “orden público” en el ámbito internacional¹³ tiene la finalidad de borrar las diversidades entre sistemas jurídicos, garantizando los derechos fundamentales del hombre.

Por lo tanto, la construcción de los derechos en el ámbito de la gestación por sustitución se ha dado gracias al papel fundamental desempeñado por la argumentación jurídica (que, como es notorio, representa una estrategia de reducción de las controversias jurídicas por medio de la individuación de cánones racionales, que se van a aplicar a la hora de elegir entre principios constitucionales como razones de alguna manera “definitivas” de justificación jurídica). Está claro que, en el variado panorama jurídico, es imposible reconstruir con total congruencia el camino emprendido por las cortes por lo que al reconocimiento de los derechos de genitorialidad y filiación derivados de un acuerdo de maternidad subrogada se refiere, puesto que la respuesta jurídica se ha dificultado más también por la diferencia de tratamiento de algunas reglamentaciones *hard* (por ejemplo, en algunos países los extranjeros no pueden acceder a la gestación por sustitución; en otros, las parejas heterosexuales). Con relación a este último aspecto, se considera fundamental la reciente decisión del Tribunal de Segunda Instancia de Trento, el cual tuvo que decidir si convalidar la partida de nacimiento en otro Estado que atestaba la doble paternidad; esa decisión sanciona como inaceptable la supuesta exclusividad del paradigma genético/biológico en la constitución del estado jurídico y, pues, de padre. Se piensa que la contribución de las cortes a la hora de superar el rasgo biológico en sentido estricto atestigua la sensibilidad jurídica de la jurisprudencia que logra caminar al mismo paso que una realidad en continua evolución, respecto de la cual se cree que una reglamentación específica sería aún más excluyente. Está claro que, frente a la persecución de lo biológico, a la subsunción en el paradigma biológico de nuevos modelos de genitorialidad, la construcción jurisprudencial avanza hacia la ampliación de los derechos de genitorialidad y filiación, desvinculándolos de una

13. Sentencia del Tribunal de Segunda Instancia Bari 13-2-2009.

perspectiva naturalista. Piénsese también en la Casación francesa, primera sección civil, con la Sentencia 824 del 5 de julio de 2017¹⁴, con la cual comenzó a la transcripción de una partida de nacimiento obtenida en California, afirmando que, para verificar el valor probatorio de un documento de estado civil expedido en el exterior, se debe tomar en consideración la realidad jurídica y no la biológica.

Obviamente, lo que más importa es el reconocimiento más amplio de los derechos del menor: *the best child interest* (principio sancionado por el Convenio de Nueva York sobre los derechos del niño, en la Carta de los Derechos Fundamentales de la Unión Europea), que prevalece respecto de los derechos de genitorialidad, así como de exigencias de legalidad interna, y se concreta en las argumentaciones de la Corte Europea de los Derechos Humanos (CEDH) en un canon interpretativo, en una razón de orientación práctica a la que se le llamaría “última”, “definitiva”.

En particular, recuérdense también las decisiones de la CEDH de 2014 acerca de dos casos franceses, *Mennesson y Labasse*¹⁵, respecto de los cuales precisamente a partir del pleno reconocimiento del interés del menor se dispone la violación del art. 8 de la CEDH por parte del Estado francés por no haber reconocido la relación de filiación entre padre biológico e hijo nacido mediante gestación por sustitución. Lo mismo ocurrió en Italia en el caso *Paradiso/Campanelli*¹⁶ por la sustracción de un niño nacido de madre subrogada en Rusia a causa de la falta de una relación biológica con la pareja, llevando de esa manera a una ilegítima interferencia en la vida privada del menor, sufragada por un sistema complejo de garantías inviolables (art. 8 CEDH). Esta decisión tuvo un vuelco con la segunda sentencia de la Gran Sala del Tribunal Europeo de

14. Arrêt N.º 824 du 05 juillet 2017 (15-28.597) – Cour de Cassation – Première Chambre Civile – ECLI:FR:CCASS:2017:C100824|Cour de cassation. En particular, la Corte Suprema ha acogido la transcripción solo respecto de la designación del padre, excluyendo a la madre no biológica. La pareja, de nacionalidad francesa, había tenido dos hijas en California, recurriendo a la maternidad subrogada y había pedido la transcripción de la partida de nacimiento en el registro de estado civil consular, pero el fiscal se opuso y el Tribunal de Nantes compartió su posición. Luego se llegó a la Casación. Tal y como sostiene la Corte Suprema, la ley francesa prohíbe la maternidad subrogada, prohibición que, de por sí, no choca con el art. 8 de la CEDH, la cual garantiza el derecho al respeto de la vida privada y familiar. Sin embargo, además de eso, cabe destacar que el interés superior del menor exige la transcripción en los registros de estado civil francés de la partida de nacimiento que se ha firmado en el exterior regularmente. Por lo tanto, a la luz de ese principio, la Casación no ha compartido la elección del Tribunal de Nantes que había prohibido la transcripción, ordenando la transcripción parcial solo para el padre, excluyendo a la madre. Para la Corte Suprema, esta elección no compromete excesivamente el derecho garantizado por la Convención, porque el menor sigue viviendo en la familia y su única limitación es no tener una partida de nacimiento francesa. Además, es posible recurrir a la adopción.

15. Sentencia *Mennesson* contra Francia (65192/11), disponible en: [Labasse contra Francia \(65941/11\) del 26 de junio de 2014, disponible en: \[.\]\(https://hudoc.echr.coe.int/eng#{\)](https://hudoc.echr.coe.int/eng#{)

16. *Pleito Paradiso y Campanelli c. Italia* –Segunda Sección–, Sentencia del 27 de enero de 2015 (recurso 25358/12), disponible en: [.](https://hudoc.echr.coe.int/eng#{)

Derechos Humanos¹⁷ que, a la hora de redefinir la decisión estatal, respecto de los derechos del menor excluye la violación del derecho de identidad personal en virtud de la ausencia de una relación biológica entre la pareja y el menor y la breve duración de la relación con el niño, lo cual atestigua un cuadro jurídico incierto, opinando al mismo tiempo que las medidas adoptadas por el Estado italiano satisfacen los principios de necesidad y proporcionalidad¹⁸.

Por lo tanto, se nota que, a pesar de partir de un desacuerdo en el control de la decisión estatal evidenciado por las dos sentencias de la CEDH, de todas formas hay un equilibrio que adelanta el posible contraste entre el respeto a la vida privada de los recurrentes y los *competing interests* que las autoridades estatales se proponen tutelar y que encuentra su realización jurídica en la máxima ejecución del derecho a la protección del menor¹⁹.

Está claro que, aunque a través de este criterio es posible reducir discursivamente los conflictos interpretativos al considerar que el sacrificio de los demás derechos competentes se justifica sobre la base de los criterios que gobiernan la argumentación jurídica (necesidad, conveniencia, proporcionalidad de las medidas), siempre queda un espacio de disenso nunca neutralizable que nace del pluralismo ético.

4. ¿Legalizamos la gestación por sustitución?

De hecho, varias son las propuestas de legalización de las prácticas de gestación por sustitución a nivel internacional y, recientemente, el Parlamento Europeo ha expresado su posición negativa respecto de una decisión que ha dividido a la mayoría y por la que las previsiones hablaban de un resultado bien diferente de lo que ha ocurrido en realidad.

¿Pero, hasta dónde puede llegar la juridificación del cuerpo? ¿Hasta dónde puede llegar el derecho a la hora de reglamentar las modalidades a través de las cuales se hacen posibles los actos de disposición sobre el propio cuerpo para sacar provecho de este? ¿Y cuál es el límite de un sometimiento del derecho mismo a una lógica puramente económica?

17. Sentencia de la Gran Sala de la Corte Europea Derechos Humanos, 24 de enero de 2017, recurso N.º 25358, disponible en: <https://www.ieb-eib.org/fr/pdf/20170123-cedh-paradiso.pdf>.

18. Por lo que al criterio de la necesidad en una sociedad democrática se refiere, las cuestiones relativas a la identidad del menor y a su derecho de conocer sus propios orígenes no entran en ese caso, porque los recurrentes no pueden escudarse en la posición del menor, puesto que solo actúan a su nombre.

19. Por lo que a la ilegitimidad del comportamiento de los recurrentes se refiere, tras un profundo análisis de todos los elementos tomados en consideración por las autoridades italianas a la hora de tomar una decisión sobre el eventual alejamiento del menor de la pareja, la Corte considera que el comportamiento del Estado se basa en razones relevantes y suficientes y que satisface el principio de proporcionalidad.

Es cierto que, como afirma Stefano Rodotà²⁰, la vida presenta un excedente respecto de las reglas y que formalizar a toda costa –en la óptica de la gestión del riesgo y de la seguridad– las prácticas de gestación por sustitución significaría confiar en una selección que produce nuevas ambivalencias, asimetrías y desigualdades. Frente a una realidad extremadamente diferenciada y fragmentada, que igual sería un excedente respecto de la forma jurídica y que no lograría ser englobada en una estrategia de formalización, con el único resultado de ser ella misma excluyente, se considera que lo único que se puede hacer es garantizar los derechos que, todas las veces, emergen de las prácticas gestacionales a través de la actividad de *judge made law*, en la cual el caso concreto se analiza respecto de las condiciones normativas y empíricas, exigiendo para su definición un equilibrio *ad hoc* para cada caso, respetando y garantizando el *best child argument*. En efecto, radicalizar las exigencias de control y gestión del riesgo implicaría una reproducción excesiva de asimetrías y discriminaciones, puesto que precisamente la gran conexión existente entre vulnerabilidad y “commodification” –hoy día tan exacerbada por los grandes grupos de pobreza global– inevitablemente acabaría convirtiendo el cuerpo en el lugar invisible de la desigualdad.

Por lo tanto, la interpretación no puede aceptarse desde un punto de vista liberal, basado en el concepto de *choice* y que diferencia entre *commodification* y *exercise of self-ownership*²¹, pues un dualismo necesario para justificar la posibilidad de disponer de su propio cuerpo o, mejor dicho, de porciones del mismo para descomponerlas y aislarlas de forma incrementativa.

De hecho, esa perspectiva implicaría volver a interpretar de forma superficial la noción de *commodification*, atribuyéndole un significado parcial e incompleto²²: mercantilización de específicas porciones del cuerpo, que se pueden evaluar en términos de costo-beneficio por parte de cada cual y basada en la absoluta prioridad de las libertades negativas y del autogobierno.

Es una interpretación que permite repensar el tema en las perspectivas que denegan la ecuación mercantilización-explotación a través de la reinterpretación de la noción kantiana de dignidad remitible solo al cuerpo considerado de forma unitaria, como totalidad, pero que acaba inevitablemente por disimular las condiciones de vulnerabilidad social y política, pacificándolas en la libertad y en la docilidad del autogobierno.

20. S. Rodotà, *La vita e le regole, Tra diritto e non diritto*, Feltrinelli, Milano, 2009.

21. A este propósito, véase el ensayo de P. Halewood, “On Commodification and Self-Ownership”, en *Yale Journal of Law & the Humanities*, 20, 2008, pp. 131 y ss.

22. Cfr. M.J. Radin, “Market- Inalienability”, en *Harvard Law Review*, 100, 1987, pp. 1849-1937.

De ahí que *commodification* sea un término que remite enseguida a dinámicas de explotación y discriminación, a modalidades no controladas de dominio y comercialización del cuerpo humano que, muchas veces, son “invisibles”, escondidas en las bolsas de desigualdad social y en la condición de vulnerabilidad relacionada con la proliferación de situaciones de desventaja económica y condiciones de marginalidad social, llevando a una reproducción exponencial a escala global de desigualdades y asimetrías.

El reconocimiento de la vulnerabilidad de la persona, tanto desde el punto de vista universal y antropológico como en su alcance social, sin duda representa un pasaje fundamental en el debate filosófico-bioético en el cual, junto con la dignidad y autonomía de los sujetos, se eleva a principio fundamental²³, desembocando más específicamente en un derecho a ayudar a los sujetos considerados débiles y en la tutela de la integridad y de la autonomía que fundamentan el principio de solidaridad y el de no discriminación.

De ahí que en este caso haya que entender la vulnerabilidad en un doble sentido: por un lado, como fragilidad y finitud de la existencia humana, obviamente expuesta a perjuicios permanentes; por otro lado, como específica condición social y cultural, en la cual el riesgo de dañar la dignidad y la integridad de las personas adquiere rasgos preocupantes.

En este sentido, juridificar el cuerpo a través de una comercialización que podría adquirir diferentes modalidades y formas de beneficio en sentido amplio económico correría el riesgo de transformar a las personas y a los cuerpos de categoría humana en objetos del deseo económico²⁴.

Traducción del italiano de M. Colucciello

23. En particular, el reconocimiento se da con la Declaración de Barcelona, 1998.

24. L. A. Sharp, “The Commodification of the Body and Its Parts”, en *Annual Review of Anthropolgy*, 29, 2000, p. 293.

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POLITICS OF CARE VS. BIOPOLITICAL CARE? THE FEMINIST CUT ON NEOLIBERAL SATURATION

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Abstract

This article aims to address the issue of care within the theoretical and political feminist debate on the recent neoliberal wave. The context addressed is the blurring of the distinction between the public and private spheres, production and reproduction. The text analyses the affinity between biopolitics as taking charge of life and "care" as the way in which women "lead" the living. The neoliberal apparatus engages all the aspects of female subjectivity: emotional, cognitive, relational, performative, and corporeal. Women's family caregiving has itself become part of the formation of a sophisticated "human capital". Furthermore, the article compares different feminist interpretations (Marxist, liberal, and the thought of sexual difference) of the role of care in the neoliberal context. The text checks the practicability of a "political" (not only ethical) use of "care" as a feminist proposal to create a cut in the "neoliberal saturation". It examines if and how it is possible to counteract "biopolitical care" with a politics of "relation", "vulnerability" and "care", with a politics of "partire da sé".

Keywords

Feminism, biopolitical care, neoliberalism, reproduction, vulnerability.

Resumen

El presente artículo aborda el concepto de “cuidado” en el debate teórico-político feminista sobre el neoliberalismo. El contexto de referencia es el de la disolución de la distinción entre esfera pública y privada, entre producción y reproducción. En el texto se analiza la afinidad entre la biopolítica entendida como un hacerse cargo de la vida y el “cuidado” como la modalidad de la mujer de conducir al ser vivo. El aparato neoliberal pone a trabajar la subjetividad femenina, exigiendo la participación de todos sus aspectos: emotivos, cognitivos, relacionales, prestacionales, corporales. Además, se examinan las diferentes lecturas feministas (marxistas, liberales, en función del pensamiento de la diferencia sexual) del papel que ha tenido el cuidado en el ámbito neoliberal. El texto sugiere reconocer la posibilidad de un “uso político” (y no solo ético) del “cuidado” como propuesta feminista para crear un corte en la saturación neoliberal. En particular, se considera la posibilidad y la oportunidad de contraponer al cuidado biopolítico una política de la “relación”, de la “vulnerabilidad” y del “cuidado”, proponiendo una relectura del “partire da sé” del feminismo italiano como práctica del sí mismo antiliberal.

Palabras clave

Feminismo, cuidado biopolítico, neoliberalismo, reproducción, vulnerabilidad.

The notion of care emerged in the feminist debate in the 1980s with the publication of Carol Gilligan's *In a Different Voice*. In her book, Gilligan advocated an "ethics of care" and this philosophical approach continues to play a major role in both the theory of ethics and in applied ethics. Gilligan's crucial merit was that of having approached ethics from a gender perspective, highlighting the relational character of feminine ethics, in contrast with masculine ethics, based on abstract norms and principles. In parallel, Gilligan advocated an open, dependent, relational subjectivity over the abstract, autonomous, neutral subjectivity posited by modern political and moral theory.

Gilligan's views have been criticized from a feminist perspective insofar as her female subject appears to coincide to some extent with that of patriarchal ideology, in which women are viewed as "naturally" loving and nurturing and therefore inclined to taking care of others. But the ethics of care have shown their greatest limits when applied to the political sphere, where its normative and prescriptive character and a lack of distance from neoliberal rationality becomes evident. This is the problem, for example, in the political interpretation of the ethics of care proposed by Joan Tronto in *Moral Boundaries. A Political Argument for an Ethic of Care* (1993), in which Tronto posits the idea of care (in the broader sense of taking care of oneself, of others, and of the world) as the main principle of a public, pluralistic and democratic ethics¹.

After 9-11, feminist interpretations of vulnerability and mutual dependence have focused mostly on the opposite of care: on the violence and destructive negation of humanity that is becoming increasingly the norm, in spite of all the good-natured invocations of the importance of care².

Any political reinterpretation of this by now classic feminist theme must necessarily start from a critique of the neoliberal context to which we belong. It is necessary first of all to acknowledge, starting from Foucault, the connection between 'care' and 'governmentality'. From a Foucauldian perspective, 'government' and 'care' refer to a new form of power that acts without resorting to coercion and repression. Rather, through government power determines the margins of the subjects' freedom, defining their possible field of action. In a situation in which 'pastoral power' is no longer aimed a guiding towards the salvation of the other world but at promoting health, well-being, and safety, the 'care' of the living becomes central to the mechanism of governmentality. Butler

1. J. Tronto has recently returned to this question in her in *Caring Democracy. Markets, Equality and Justice*, New York University Press, New York, 2013.

2. J. Butler, *Precarious Life. The Power of Mourning and Violence*, Verso, New York, 2004.

observes how biopolitics orients lives towards precariousness in a differential fashion³, selecting some lives as valuable and deserving care, while other lives are excluded from this order, left to fend for themselves, deprived of value to the point of not being even worthy of mourning. Foucault himself, after all, had identified ‘thanatopolitics’ as inseparable from ‘biopolitics’⁴.

In the feminist debate on gender difference in Italy, Angela Putino in her *Amiche mie isteriche*,⁵ emphasizes the connections between the dimension of female/maternal care and the programmed dimension of the care of the living that characterize biopolitics. The current historical period is characterized by a transition from a sovereign power which has the right to put subjects to death (the figure of the sovereign being characterized by a close resemblance to that of the father) to a biopower conceived as care, protection, as an action that acts on other actions, as a modality of influencing behaviors. Putino’s criticism was directed not only towards Italian feminism of difference, which posited motherhood at the center of its symbolic order,⁶ but also towards feminist proponents of the ethics of care, which in those years were widespread. Putino saw the ethics of care as an unwitting compliance by feminism with the neoliberal tendency to change the focus from the living to life, seen as a naked and pauperized condition that must be protected, organized, directed. To reinsert the question within a complex view of the living and of politics, Putino invoked, against the paradigm of care, the desire for life and experience, *eros* as the basis for a feminist politics of bodies.

But let us consider more closely the forms in which the neoliberal perspective manifests itself. Neoliberal governmentality tends to erase the boundary between public and private, production and reproduction. The distinction between ‘material’ work and cognitive-affective work is blurred, while bodies, relations, differences are increasingly put to work in a pervasive economy that acts through the self-regulation of the subject, the entrepreneurship of the self. Some philosophers have criticized the process that posits the ‘naked life,’ its reproduction and maintenance at the center of modern politics, depriving contemporary political action of any liberating and creative import (the

3. J. Butler, “Can One Lead a Good Life in a Bad Life? Adorno Prize Lecture”, in *Radical Philosophy*, 176, November/December, 2012, p. 10.

4. M. Foucault, *Society Must Be Defended. Lectures at the Collège de France, 1975-1976*, Picador, New York, 1997, p. 229.

5. Cfr. A. Putino, *Amiche mie isteriche*, Cronopio, Napoli, 1998.

6. Putino is here referring to Luisa Muraro, *L'ordine simbolico della madre*, Editori Riuniti, Roma, 1991. Naturally the question of the relation with the mother and of maternal authority cannot be reduced completely to that of biopolitics. For a re-signification of motherhood outside a biopolitical perspective allow me to refer the reader to my own *La materiale vita. Biopolitica, vita sacra, differenza sessuale*, Mimesis, Milano, 2016. On the elimination of the ‘maternal’ from Western philosophy and civilization see S. Tarantino, *ανευ μητρος/ senza madre. L'anima perduta dell'Europa. Maria Zambrano e Simone Weil*, La scuola di Pitagora, Napoli, 2014.

process of depoliticization indicated by Arendt which begins with modernity).⁷ Others see the mechanism on which the exclusion of the ‘naked life’ from the public sphere is based as a form of ‘excluding inclusion’ that turns the excluded, discarded element, the ‘leftover,’ into a threat or perturbation *ab origine* of the established order on account of its very ejection.⁸

But along with the ‘naked life’ something else was removed from Western political history: the body of Antigone, buried alive outside the walls of the *polis*. For this reason, feminist theories and practices have always explicitly questioned the separation between public and private sphere, between the social and the political, between family and society, highlighting how the social contract hid a more fundamental (because hidden) sexual contract, which divided up work and power in favor of men.⁹ This position, at least in the so-called radical feminism, is distinct from the neoliberal perspective, which erodes the space of politics by including everything into the economy, and also resists the temptation to overcome the public/private dualism by progressively including the public sphere into the private dimension. Rather it is an effort to expand the political horizon, through a larger and more complex view of politics. ‘It is already politics’ wrote the Italian feminist Carla Lonzi in 1970,¹⁰ to suggest a new form of politics, a movement that started from material existence, the body, the desire of every woman, which opened new horizons, new relations, new verbal and political practices. From this perspective, feminist theories and practices continue to be decisive for the definition of the possible forms of a politics of material life, of a politics of the ‘between’ as an irresolvable tension, as a definitive split between *bios* and *zoé*.

The ‘sexual contract’ on which for centuries the separation between productive and reproductive work, between the public sphere and the private sphere was based is undergoing an irreversible crisis. This crisis of the symbolical patriarchal order involves politics, economy, sexuality, and has been brought about, among other factors, by feminism and by all the political movements that, starting from the 1960s, have questioned the traditions and costumes of Western societies. For decades, neoliberalism has appropriated these transformations, incorporating and transforming its principal tenets. In the moment that neoliberal governmentality exposes feminism to the danger of

7. H. Arendt, *The Human Condition*, University Press, Chicago, 1958.

8. G. Agamben, *Homo sacer. Sovereign Power and Bare Life*, Stanford University Press, Stanford, 1988.

9. C. Pateman, *The Sexual Contract*, Stanford University Press, Stanford, 1988.

10. C. Lonzi, *È già politica*, written with M. Grazia Chinese, M. Lonzi e A. Jaquinta, Scritti di Rivolta Femminile, Milano, 1977.

assimilation and neutralization (Nancy Fraser),¹¹ it is necessary to return to the irreducible aspects of feminism to clearly mark the distance from the neoliberal perspective.

The question is, therefore: is care one of these irreducible aspects? Can care be transformed from a 'biopolitical agent' into an instrument to destabilize the neoliberal order? The problem is not so much the evident contiguity between neoliberalism and women's condition in globalized society, as much as that between neoliberalism and feminism. This problem involves, in different ways, both emancipatory feminism and so-called radical feminism. On the other hand, feminism has a privileged position in this situation: it is located precisely in the point in which neoliberal rationality can be punctured, to make room for something else, something that may serve to elaborate new political strategies and practices.

The feminist theoretical approach and the interpretative tools used by feminism offer crucial observation points. The importance of the symbolic order and the relevance of sexuality for politics are among the main tools through which feminism theories and practices have questioned Marxist economicism and decisively undermined classical political theory, eroding its keywords (citizenship, democracy, equality). The problem is applying these tools to a changed reality in order to invent new practices.

From this perspective, the question of 'labor' becomes of crucial importance. The entrance of women into the job market in the twentieth century has been the main vehicle of the participation of women in the public sphere. This connection between labor and citizenship has remained very close at least until the second half of the twentieth century. It was the participation in labor that started the processes of subjectivation and public acknowledgment, which preceded every time the formal acquisition of rights. Yet, while labor was the motor that led to the participation of women in the public sphere, something was left out of this process and remained an obstacle to it: the domestic labor of women, the labor of care, the silent labor that leaves no traces but on which all other labor relies.

'A woman's work,' from the time she gets up to the time goes to bed is as hard as a day at war, worse than a man's working day. Because she has to make her time-table conform to those of other people –her own family and the various organizations it's connected with [...] From the man's point of view a woman is a good mother when she turns this discontinuity into a silent and unobtrusive continuity. This silent continuity used to be regarded as life itself, not just one of its aspects, the same as work. And now we've got to the root of the matter or the bottom of the mine.¹²

11. N. Fraser, *Fortunes of Feminism. From State-Managed Capitalism to Neoliberal Crisis*, Verso, London, 2013.

12. M. Duras, *Practicalities*, Groove Press, New York, 1986, p. 45.

The question of 'domestic' labor has been at the center of feminist struggles and debates since the 1970s¹³. The labor of reproducing the living, the hidden, invisible but unavoidable labor, carried out in the closed space of the *oikos*, has always undermined the possibility of establishing a single unit of measure for labor, of quantifying the production of value. Even among male philosophers there are many who acknowledge that in the case of domestic labor there will always be an *excess*, a *difference* in subjectivity, a personal experience that cannot be reduced to any units of measure, since it is qualitatively different¹⁴. Behind all this, lies the *asymmetry* of power relations: it is the power over women that undermines the very possibility of measuring the quantity of labor using the same unit of measure.

Today the female work of care and reproduction, once unpaid or partially paid and defined as 'servile,' is no longer restricted to the private home. Its characteristics, in a society in which the service sector has become dominant, have extended to a large section of labor, to the point that sociologists speak of a 'feminization of labor.' The expression¹⁵ designates a plurality of phenomena that characterize contemporary capitalism and neoliberal economic rationality: the collapse of the separation between productive and unproductive labor, between private time and labor time, between private sphere and public sphere, between production and reproduction; new forms of 'live' labor arise, tied to affectivity, to intimacy, to relations, to care, in which the product is inseparable from the producer.¹⁶ Indeed, even the process of social reproduction is turned into labor, starting from conception, pregnancy, and birth¹⁷.

But the 'feminization' of labor raises also the question of the increasing presence of women in the job market in Western countries, which has been accompanied, on the other hand, with the transferal of care labor to women from other countries, as well as a decrease in the quality of the work in which women are present in great number¹⁸. This feminization of labor has been interpreted as a commodification of all aspects of life

13. A synthesis of the Marxist-feminist perspective can be found in S. Federici, *Revolution at Point Zero. Housework, Reproduction, and Feminist Struggle*, PM Press/Common Notions/Autonomea, 2012.

14. The representative of the Italian post-working class philosophy (in Italian postoperaismo), C. Marazzi discusses this in his *Il posto dei calzini. La svolta linguistica dell'economia e i suoi effetti sulla politica*, Bollati Boringhieri, Torino, 1999.

15. C. Morini, *Per amore o per forza. Femminilizzazione del lavoro e biopolitiche del corpo*, ombre corte, Verona, 2010.

16. E. Feder Kittay, *Love's Labour Essay on Women, Equality and Dependency*, Routledge, New York-London, 1999; A. Russell Hochschild, *The Commercialization of Intimate Life. Notes from Home and Work*, University of California Press, Berkeley-Los Angeles-London, 2003.

17. M. Cooper, C. Waldby, *Clinical Labour. Tissue Donors and Research Subjects in the Global Economy*, Duke University Press, 2014; M. Cooper, *Life as Surplus: Biotechnology and Capitalism in the Neo-liberal Era*, Washington University Press, 2008.

18. B. Ehrenreich, A. Russell Hochschild, *Global Woman. Nannies, Maids and Aex Workers in the New Economy*, Henry Holt and Company, New York, 2002.

but also, for example within the Italian philosophy of sexual difference, as a chance to overcome this commodification: to positively account, from a perspective of difference, for the ‘added value’ that the labor of women implies when difference is not neutralized in the name of equality¹⁹.

But, when subjectivity itself is completely caught within a neoliberal perspective based on the idea of self-entrepreneurship, what, in the labor of women, can still ‘exceed’ the logic of commodification?

In the transition from liberalism to neoliberalism, the level of subjectivity replaces the objective level of the market and the economy; we go from the centrality of exchange to the centrality of the subjective dimension of entrepreneurship. Neoliberal governmentality operates within subjectivity through the notion of the subject as his or her own entrepreneur. In his last phase, Foucault explored new paths in the process of subjectivation, studying practices of the self that can counter power mechanisms. From a feminist perspective too, the key to distancing oneself from neoliberal ‘self-entrepreneurship’ lies in the identification of new strategies based on subjectivation processes more than on ‘politics of care.’ It is possible, for example, to draw a clear-cut distinction between the feminist notion developed within Italian feminism of ‘partire da sé’ (‘starting from one self’) and neoliberal ‘self-entrepreneurship.’²⁰ Both modes of action have desire as their main motor but they differ profoundly in terms of their goals. The idea of starting from oneself in establishing relations with other women comes from the self-consciousness practices that, in the 1970s, placed subjectivity at the center of feminist politics. In a period in which everything was interpreted on the basis of ideological, objectifying schemes, ‘starting from oneself’ meant focusing on the lives of individuals, on their bodies and desires, on the material quality of life. Starting from oneself was proposed first and foremost as a practice of de-identification, a way to go beyond a submissive subjectivity and focus instead on a free one. Not a fluctuating, fragmented subjectivity, but a desire that starts with the self, independently of the trajectories of power, and inscribes itself in a political and relational dimension. Different from the desire that governs self-entrepreneurship which while producing mobile, multiple, unstable identities, tends, however, to coalesce around a single object: productivity, performance, the ‘functioning’ of the self.

19. AA.VV., *Il doppio sì. Lavoro e maternità*, Quaderni di Via Dogana, Milano, 2008.

20. The ‘starting from oneself’ (partire da sé) is a notion that was developed within Italian feminism based on self-consciousness practices. Carla Lonzi referred to it already in the 1970s but it appears first in *Libreria delle donne* di Milano, *Non credere di avere dei diritti*, Rosenberg & Sellier, Torino, 1987.

‘Starting from oneself and avoid being discovered,’ writes the Italian feminist philosopher Luisa Muraro²¹, to illustrate how in feminism desire always travels outside the trajectories of power, avoiding them. It is a question of rediscovering the deconstructive potential of self-consciousness, its capacity to erode the identifications and idealizations of neoliberalism, to lay bare a power that is no longer patriarchal, but is in a way more pernicious, because it acts through the desires, the bodies, and the liberties of individuals. The question today is not that of placing everything, feminine difference included, on the market, but that of identifying the elements, postures, the movements that elude it. To conceive ‘a justice that starting from the position of a woman will be valid for all,’²² one must first of all ask oneself what remains outside a power whose goal is that of occupying all available spaces, every aspect of subjectivation processes, leaving no remainders. What remains outside is, first of all, sexual difference as a force that undermines the One of modern subjectivity, a force that resists the undifferentiated range of a flexible subjectivity, which is easily incorporated to neoliberal ideology. The multiple activated by sexual difference, by sexual bodies, is not the multiple of neoliberal logic, but the opening of a subjectivity that remains in continuous transformation, which does not follow self-promoting strategies, but remains in contact with the transformational power of the unconscious, with the desire without object that is at the basis of any relational opening.

Sexual difference opens the free space of the relation which, beyond any symbiotic lock, unbalances the self towards the other, towards a relation as a transformation of oneself and the other.

The entrepreneurship of the self includes forms of excess in a ‘surplus of enjoyment,’ favoring forms of ‘ultra-subjectivation’ that lead individuals to follow the imperative of the ‘always more.’²³ One must, therefore, start from the marginalized areas of neoliberalism, from the obstacles to the performativity of the new subject, to his or hers self-enjoyment. Women are a resource for this new subject because it assembles a number of feminine attitudes: the need to affirm oneself on the job (emancipation), the capacity to simultaneously operate at multiple levels (multitasking), the capacity for sacrifice (self-sacrificing subjectivity is rewarded), a performativity which is connoted in strongly sexual ways. Yet there is a feminine enjoyment that goes beyond this, or, in Muraro’s words, ‘a demand for enjoyment’²⁴ by women that leads beyond this type of subjectivity,

21. L. Muraro, ‘Partire da sé e non farsi trovare’, in Diotima, *La sapienza di partire da sé*, Liguori, Napoli, 1996, pp. 5-21.

22. S. Burchi, T. Di Martino (eds.), *Come un passaggio. Pensieri e pratiche tra lavoro e non lavoro*, Iacobelli, Roma, 2013.

23. P. Dardot, C. Laval, *The New Way Of the World: On Neoliberal Society*, Verso, London, 2014.

24. L. Muraro, *Al mercato della felicità. La forza irrinunciabile del desiderio*, Mondadori, Milano, 2009.

beyond the accumulation of desires and their spasmodic consumption, towards a 'desire without an object'.

Resistance, other forms of enjoyment, practices of authority: what we need here are new modalities based on the 'starting from oneself' (or, in Foucault's words, from the 'care of oneself'). If the liberty of women is a precarious liberty that must be brought into the world every time,²⁵ then it is necessary to propose a rewriting of the political, economic, domestic space, with lives as its reference point. Life must not be, as in biopolitics, an object of government, but a reference point for the construction (molecular, microphysical, contingent) of other relations, common spaces oriented towards another economy, another citizenship, another labor. Founded on the singular desires, on 'loving the world' more than 'taking care of it.'

25. I. Dominijanni, "Libertà precaria", in T. Dini, S. Tarantino (eds.), *Femminismo e neoliberalismo. Libertà femminile versus imprenditoria di sé e precarietà*, Natan edizioni, Benevento, 2014, pp. 50-64.

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THE BODY OF THE *MEDITERRANEAN/MOTHER* IN THE NEOLIBERAL AND THE BIO-POLITICAL FRAMEWORK

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Abstract

Starting from bioethical and biopolitical questions set off in our time by the debate on biotechnologies and surrogacy, I am going to analyze here the ethical potential inherent in the Mother/Mediterranean binomial.

Keywords

Mother/Mediterranean binomial, biopolitics, neoliberalism, ethics.

Resumen

A partir de las cuestiones bioéticas y biopolíticas actuales surgidas del debate sobre las biotecnologías y la *surrogacy*, en este trabajo buscamos analizar la potencialidad ética presente en el binomio Madre/Mediterráneo.

Palabras clave

Binomio Madre/Mediterráneo, biopolíticas, neoliberalismo, ética.

Today we are involved in a very lively debate on surrogacy, which includes ethical, symbolic, sociological, psychological and obviously philosophical implications (articles in the most important dailies, meetings, talk shows, parliamentary interpellations). Such debate has highlighted major ideological conflicts on the biopolitical and bioethical issues related to surrogacy, and its intricacy with other matters has caused much confusion; hence the urgency to carry out this type of analysis. We are witnessing a process of radical transformation that requires new interpretation keys, given that modern biotechnology modifies, for better or for worse, our relationship with the world, and heavily affects the relationship between mother and child. The current various forms of intervention on women's reproductive system give rise to moral, juridical and social problems, whose complexity shows one shared element: the manipulation of the living being and the human intervention on the reproductive system, a process that for the first time is beyond the sole control of nature¹. Starting from bioethical and biopolitical questions set off in our time by the debate on biotechnologies and surrogacy, I am going to analyze here the ethical potential inherent in the Mother/Mediterranean binomial².

Philosophical thought, especially that of the female philosophers of the 20th century, will be the link to outline an unprecedented conceptual frame that will allow understanding the fresh paradigms useful to seek out new strategies with the aim to criticize and eliminate the limits and the negative effects produced by globalization and neoliberalism. To weave anew the threads of the humane through the symbolic figure of the mother, which is so obviously and insistently present in the thought of Antiquity, we need to work on some aspects of the so-called Mediterranean mother culture; particularly, it has to be understood as an integrating vision of attentive care for relations, as a culture centered on "life", as an alternative to a culture of war and subjugation.

Moving back to the historical roots of the exclusion of women, it will be a question of putting in the center of our culture a worldview anchored in a perspective that recently has been formulated in terms of processes of subjectivation and desubjectivation³.

In their ability to give birth, today more than ever before, female bodies hold a biological power that transforms their generative capacity into a value to take over in order to open new frontiers, also regarding the consequences of the global economy, and raising unprecedented questions in ethical, legal, and political fields. As philosopher Françoise Collin argued, the recent evolution of the relationship with the female

1. L. Battaglia, "Voci di donne. La bioetica in una prospettiva di genere", in M. Forcina (ed.), *Che cosa ci sta succedendo? Corpo, lavoro, politica, religione*, Milella, Lecce, 2009, p. 67.

2. D. Fernandez, *Mère Méditerranée*, Grasset, Paris, 2000.

3. A. Touraine, *Nous, sujets humains*, Seuil, Paris, 2015.

body from the generative point of view has radically transformed the assumptions of the feminist struggle and thought. From the slogan “A child if I want, when I want”, by which women, as political subjects, claimed their freedom towards sexuality and motherhood, nowadays the idea is to have children under any condition, even commercial ones. This results in a positive right to the lineage that is deconstructing the generative process in its different elements in order to reconstruct it artificially thanks to the new technologies operating on the living being⁴. In the light of all that’s occurring today, one should seriously wonder if the scientific discoveries will dim the transformations and the questions brought about by feminism⁵. Making the figure of the mother problematic, wondering what its dissolution entails due to the new scientific discoveries and the new technologies of human reproduction, means dealing with its complexity. As Alain Touraine, Pierre Dardot-Christian Laval and more recently Ida Dominijanni have demonstrated, these new technologies of human reproduction are developed and put in practice under the hard rule of neoliberalism⁶. On the assumption that the generative capacity is not merely an elementary function but comprises several various dimensions that are the foundation of our common humanity, and that to be born from a woman’s body is never an indifferent event, this work will go beyond the common positions of today –moral indignation *versus* merchandising of pregnancy– in order to find out new ways of thinking capable of understanding motherhood as a particular process of subjectivation closely related to women’s freedom. I know very well that dealing with the maternal is an impervious road full of contradictions, obstacles and blurred –if not lost– traces, and I am aware that neoliberal rationality⁷ produces subjectivations deriving from feminist thought and practice, but in a perverted form that inspires –as it was rightly noted– an idea of freedom oriented to competitive business-like principles, as an individual right aimed at self-increase, thus totally free from the juridical sphere of sovereignty. An idea profoundly different from the relational and political one supported by the feminist thought in the 20th century⁸. This difference is very important

4. F. Collin, “La gestazione per conto altrui”, in M. Forcina (ed.), *Che cosa ci sta succedendo? Corpo, lavoro, politica, religione*, Milella, Lecce, 2009, p. 57.

5. T. Dini, S. Tarantino, (eds.) *Femminismo e Neoliberalismo. Libertà femminile versus imprenditoria di sé e precarietà*, Natan edizioni, Benevento, 2014.

6. A. Touraine, *Comment sortir du libéralisme?*, Fayard, Paris, 1999; P. Dardot, C. Laval, *La nouvelle raison du monde. Essai sur la société néolibérale*, La Découverte, Paris, 2009; I. Dominijanni, *Il Trucco. Sessualità e biopolitica nella fine di Berlusconi*, Ediesse, Roma, 2014.

7. L. Bazzicalupo, *Il governo delle vite. Biopolitica ed economia*, Laterza, Roma-Bari, 2006.

8. M. Esposito, “La libertà femminile nel passaggio dalla governamentalità biopolitica a neoliberale”, in T. Dini, S. Tarantino (eds.), *Femminismo e Neoliberalismo. Libertà femminile versus imprenditoria di sé e precarietà*, Natan edizioni, Benevento, 2014, pp. 138-139.

to me to give new meaning to a figure too often idealized and forgotten in its reality, as well as encrusted in millennia of interpretations informed by a patriarchal worldview. The maternal sphere, in the passage from sovereignty to biopolitics, has been “used” as a model to obtain sense of protection (care) and control over the living. Here subjectivity is nothing but “human capital” object of investments and profits, according to a perverted and insidious economic logic⁹. If we consider all the various theoretical productions of feminism, we see that they are now in a critical position: there are those who strongly oppose any use of biotechnology on the generative body of women in the name of a universalism of the maternal conscience, while on the other hand there are those who see it as a sort of liberation from the burden of reproduction as a merely natural function.

Quoting some insights by Adriana Cavarero, I will start from the fact that “stereotypes are not always a mere obstacle to a clear reflection. Those regarding mother figure, for example, maintain a great critical potentiality and are worth using. In other words, we should transform prejudice into an unconventional capacity of judgment”¹⁰. Highlighting the conceptual potentiality within mother figure, such as the new meaning that feminism has tried to provide it with, allows to find a completely different paradigm from the one marked by individualism; moreover, it underlines its ethical value within human civilization, and lets us better comprehend how this figure can have a key role against the limits and the negative effects resulting from the expansion of the neoliberal ideology worldwide. In Italy more than elsewhere, the “thought of sexual difference” has been deeply connected to the maternity sphere¹¹ and has intended the sexualisation of human experience as something that affects us not only culturally but also naturally; it has relied on the overflowing freedom of women, their “untamed” and “desiring” side which they have obstinately preserved as something irreducible and inalienable. Feminism has converted motherhood into an unconditional experience. Being and becoming a mother is a matter of liberty, not destiny. This was also the appeal by Virginia Woolf, who advocated more space in the world for enlarging women’s freedom.

My hypothesis is based on the ability of female subjectivity to break and change things. As Luce Irigaray has highlighted, female subjectivity is an open one and never refers to a fixed identity but has always in itself a reference to otherness¹². This openness to otherness is the symbolic pivot by which women escape the symbolic patriarchal

9. A. Putino, *I corpi di mezzo. Biopolitica, differenza tra i sessi e governo della specie*, T. Dini (ed.), ombre corte, Verona, 2011.

10. A. Cavarero, *Inclinazioni. Critica della rettitudine*, Raffello Cortina, Milano, 2014, p. 24.

11. L. Muraro, *L'ordine simbolico della madre*, Editori Riuniti, Roma, 2006.

12. L. Irigaray, *Éthique de la différence sexuelle*, Minuit, Paris, 1984.

logic of oneness. Feminist thought has highlighted that the subject is a consequence of dualistic binarity (of the rejection of the principle of oneness), that caused the disembodied split which established a new conception of subjectivity against subjectivity that is based on “the one”. This split of the principle of oneness is the cause of the break-up of the principle of the both, because “two” becomes then the sheer specular duplication of the logic of oneness. The question is then to defuse the patriarchal binary opposition, to give life to a new way of thinking the own subjectivity and that of other people¹³.

This is why the question of subjectivity and of subjectivation cannot prescind from a profound confrontation with women’s mentality, as they have reformulated and remodelled subjectivity by questioning the idea of sovereignty of the subject, of his/her solipsism, his/her autonomy and his/her independence, in favor of his/her essential relationship and vulnerability understood as ontological figures of the human condition¹⁴.

From this point of view, feminism can function not only as a permanent laboratory of practices of freedom and strategies of resistance against the biopolitical hold on life and bodies¹⁵, but also as a form of knowledge that, starting from a reflection rooted in the body, highlights the possibility to have altruistic ethics and a relational ontology based on interdependence, unconditionality, vulnerability and reciprocity. As a matter of fact, women’s generating body has always been the place where power is decisively at stake. Women have long known that their body is a place of conflict, of subordination, even of exploitation, but they know that it is also the place of an ever-changing process of incarnation, which is especially defined as an expression of the creativity of the self, invention, vitality, courage, existence, all terms that have no place in “neutral” theories¹⁶.

However, we have to be watchful not to fall back into the cliché that equates the feminine with the maternal. Actually, this claimed correspondence is not a natural fact but the result of a political will and a cultural force endorsed by men as it supported their way of living. Motherhood is here understood as *one* of the women’s creative potentials, expressing their willingness to embrace confidence and trust, a means to powerfully affirm their history and take control of their bodies again. In the debate on surrogacy, Italian philosopher Luisa Muraro has urged the protection of maternal relationship as

13. I. Dominijanni, “Soggetto dell’inconscio, inconscio della politica”, in *Filosofia politica*, XXVI, 1, Il Mulino, Bologna, 2012, p. 32. Cfr. Ead, “Libertà precaria”, in T. Dini, S. Tarantino (eds.), *Femminismo e Neoliberalismo. Libertà femminile versus imprenditoria di sé e precarietà*, Natan edizioni, Benevento, 2014, p. 55.

14. Cfr. A. Touraine, *Le monde des femmes*, Fayard, Paris, 2006; L. Irigaray, *Je, tu, nous. Pour une culture de la différence*, Grasset, Paris, 1990; J. Butler, *Precarious life: the powers of mourning and violence*, Verso, London-New York, 2006; A. Cavarero, *Tu che mi guardi, tu che mi racconti*, Feltrinelli, Milano, 1997.

15. T. Dini, *La materiale vita. Biopolitica, vita sacra, differenza sessuale*, Mimesis, Milano, 2016, p. 13.

16. O. Guaraldo, “Lettrice dell’editoriale”, in *La teoria non è un ombrello. Dieci anni di AdaTeoriaFemminista*, Orthotes, Salerno, 2016, p. 198.

it has provided human coexistence with the hallmark of civilization. It is part of what is out of reach to the neoliberal grip; for even if a mother is replaceable, the maternal relationship is not¹⁷. Here because, as it has been noted, rethinking the maternal means rethinking the primary relation, and rethinking the primary relation means rethinking politics too, repeating the founding gesture of feminism that has never ceased to question the body but that perhaps in recent times has not been able to stand up to the indiscriminate proliferation –in the media, in politics, biopolitics and bioethics– of debates on the body that have turned it again into an object, an instrument, a container¹⁸. In fact, the mark of maternal relation reveals a non-vertical posture “typically inclined towards the external, which leads us out of our own self. Mother –in Cavarero’s words– is the name of a function that involves the responsibility present in the opening scene of the human condition in which it is absolutely vulnerable and armless, so that it becomes an essential figure of ethics and especially of ontology and politics”¹⁹.

This is why the female knowledge of and about the body has the potential to become today’s knowledge of the other, of another way of relating with each other and of inhabiting the world.

The events of motherhood and birth are indeed essential relational passages that involve several dimensions: biological, symbolic, affective, linguistic, social, cultural, and economic. As Julia Kristeva reminds us, they represent the dawning of our link with the other, since maternal psyche establishes itself as the passage from *zoé* to *bios*, from psychology to biography, from nature to culture. Extending this concept, maternal psyche appears as love for anybody, in the form of a constant process of adoption of the otherness, inside and outside oneself²⁰. Philosophy would forget this essential point of otherness and attention, of love for the particular. Moreover, it is just because of this irreducible part of love that the figure of the mother cannot be reduced to a merely biological phenomenon of reproduction; thus, it should rather be seen as something that refers to the creative power of life itself.

Formerly it was the patriarchal imagination, now it is the technology regarding the reproductive body that is unable to understand motherly love as a relational practice, the care of one body for another body, which receives and gives meaning in the very act of nurturing and looking after.

17. L. Muraro, *L'anima del corpo. Contro l'utero in affitto*, La Scuola, Brescia, 2016, p. 30.

18. O. Guaraldo, “Lettrice dell’editoriale”, in *La teoria non è un ombrello*, p. 199.

19. A. Cavarero, *Inclinazioni. Critica della rettitudine*, Raffello Cortina, Milano, 2014, p. 145.

20. J. Kristeva, *Le Génie féminin*, t. I, *La vie*, Fayard, Paris, 1999.

A place of love and conflict, as Adrienne Rich reminds us so profoundly in *Of Woman Born*, and a place of understanding of the other –an endless and exhausting but also extraordinary enterprise²¹. Mother-matter-measure-marine: four words deriving from the Sanskrit root *MÂ* that symbolize the generation of all things in their right size, properly distinguished, the orderly and balanced manifestation of things and beings through a principle of natural justice.

French philosopher Simone Weil identified this principle of symbolic equality or natural justice not in the Grecian-Roman antiquity, but in the Mediterranean civilization that preceded it. This principle originates from the ancient Mediterranean religions, from initiation doctrines and mysteries centred on a female spirituality associated with wisdom, an ethical concept of pure geometric space that is intimately linked with the mythologies of the Great Mother, of Demeter, Cybele, Astarte, Ishtar, Isis, and more²². Starting from this insight, Simone Weil advocated the creation of a new civilization, yet old in spirit, encouraging the writing of eternal things so that they could be contemporary. Therefore, according to her view, the symbolism revolving around the figure of the mother is linked to a primordial form of natural justice.

In my latest book²³, through the thought of two female philosophers of the 20th century, namely María Zambrano and Simone Weil, I intended to show how, since antiquity, the philosophical, ethical and political element in the thought of sexual difference has investigated the origin from which the social and institutional order of Western civilization is structured. Because it is from this structuration that in the Grecian *polis* the symbolic and material dominance on women was definitively consolidated in what still today is defined, under various forms, as “patriarchal order”. Expressing their criticism against the Western philosophical tradition and its hierarchically conceived system based on a univocal and fictitiously neutral way of thinking about the living being and the whole reality, Zambrano and Weil underlined the violence and the arrogance of Western metaphysics regarding the materiality of the maternal body. Such mentality caused a disproportionate exceeding the limits imposed on the human condition in favor of an increasingly more calculating intellectual *objectification* of human nature and reality. On top of that, the continuous and systematic devaluation of the material body has caused the destruction of that ancient knowledge that first dealt with the original connection of body, soul, and world.

21. Cfr. A. Rich, *Of woman born: motherhood as experience and institution*. Norton, New-York, 1976.

22. S. Weil, *OEuvres complètes. 1941-1942: Grèce-Inde-Occitanie*, t. IV, vol. 2, Gallimard, Paris, 2013, p. 240.

23. Cfr. S. Tarantino, *άνευ μητρός/senza madre L'anima perduta dell'Europa. María Zambrano e Simone Weil*, La scuola di Pitagora, Napoli, 2014.

It has widely known that the use of mythical and literary sources from the Mediterranean area has played a crucial role in the process of civilization both in Orient and in Occident. In particular, such figures led to a worldview focused on a mother-oriented matrix based on the cyclical nature of time and on a primary vision of life that promoted non-dominant relationships concerning the living beings and the earth; it symbolized the fecundity of the female body and of nature itself, very different from the one that established itself in the Grecian civilization.

Neapolitan philosopher Angela Putino wrote that thinking about the Mediterranean from a female point of view means turning to writings often not grasped by signs, suspended in an involucre of images, which provide the *incipit* of narration yet pause, neither accomplished nor unresolved²⁴. In particular, those figures carried a worldview based on the Mediterranean area that was an essential principle of connection among living beings; then, when this mother-oriented civilization came to an end, it managed to survive in folk tales and fables, in dialects and languages and in some ancient sculptures.

It is my firm idea that future can be generated only by taking over these traces, even if all that is left is this ancestral and powerful sense of justice.

As recently claimed by Silvia Niccolai:

Motherhood has much to do with our capacity of questioning ourselves about what is right; it's because of it that we were born with the sense of diversity, of disparity, of more; the issue, the need and the capacity of justice are originated by the existence of differences. In a world of equals, no human being could ever discover the possibility to question themselves about justice, as well as the necessity to do it with others²⁵.

It is no coincidence that today these struggles for justice are carried forward by movements like the Mothers of Plaza de Mayo, the Tiananmen Mothers, the women in Acerra (a town near Naples) who fight against the devastating effects of waste incinerators on their land, in the pacifist movement of the Women in Black, in the Women Wage Peace movement that marched for peace from northern Israel to Jerusalem in October 2016, who, unheeded by the media, created an alliance and composed and performed a folk song called "Prayer of the Mothers".

24. A. Putino, "Arte e mare. Un mediterraneo femminile: progetto di un ricorso", in *Orizzonti economici*, 58, 1987, p. 103.

25. S. Niccolai, "La costituzionalista Silvia Niccolai interviene sulla questione dell' utero in affitto", November 25, 2015, available at <http://www.libreriadelledonne.it/la-costituzionalista-silvia-niccolai-interviene-sulla-questione-dellutero-in-affitto/>.

Such concrete examples show us the outline of a new form of justice which moves away from the subjective hold resulting from the illusory and undue claims of neoliberalism, which have nothing to do with the unpredictable female subjectivity mentioned by Neapolitan philosopher Angela Putino; in accordance with Carla Lonzi, she intended it as action:

Inspired by the original name of justice, which makes visible what once was invisible, starting from something other than objectivity or adherence to political attitudes resulting from the logic of personal interests. It is strictly impersonal subjectivity and it is political just because it cannot be understood in any other way²⁶.

In this “not exactly inside”, in this “intimate estrangement” lies the deepest knowledge of the roots too soon extirpated from the Mediterranean civilization, but we may still rely on that to provide our present time with a new meaning.

26. A. Putino, “Impersonale della politica”, in S. Tarantino, G. Borrello (eds.), *Esercizi di composizione per Angela Putino. Filosofia, differenza sessuale e politica*, Liguori, Napoli, 2010, p. 110.

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MULIER OECONOMICA. ON BIOPOLITICAL CONSTRUCTION OF WOMEN'S BODIES

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Abstract

The article analyses the interplay between biopolitics and reproduction. The text examines Angela Putino's thought to show how reproduction, through the sexuality device and medical power/knowledge, becomes the site of application of biopolitical techniques. At the same time, however, Putino shows some risks of complicity in feminism that can reproduce a biological dimension in politics without being able to withstand biopower.

To find trails of resistance, then, the text refers to the work of Donna Haraway, that criticise the distinction between nature and culture, and to those of Melinda Cooper and Catherine Walby, who analyse the clinical labor in the framework of biocapitalism.

Keywords

Biopolitics, reproduction, feminism, Putino, clinical labor.

Resumen

Este artículo analiza la interacción entre biopolítica y reproducción. El texto examina el pensamiento de Angela Putino para mostrar cómo la reproducción, a través del dispositivo sexual y el conocimiento/poder médico, se ha convertido en un escenario de aplicación de técnicas biopolíticas. Sin embargo, de manera simultánea, Putino expone algunos de los riesgos de complicidad en el feminismo que pueden reproducir una dimensión biológica en las políticas, sin lograr resistir el biopoder. Para encontrar los rastros de esta resistencia, el texto hace referencia al trabajo de Donna Haraway, que critica la distinción entre naturaleza y cultura, y al trabajo de Melinda Cooper y Catherine Walby, quienes analizan el trabajo clínico en el marco del biocapitalismo.

Palabras clave

Biopolítica, reproducción, feminismo, Putino, trabajo clínico.

Biopolitics of reproduction

The maternity's discovery path, developed in the last centuries, runs in parallel with what Michel Foucault describes as the emergence of the biopolitics¹ and signs violently its characters. One of the fundamental phenomena of the 19th century consists in the undertaking of the life by the power, with a shift of paradigm from the other forms of sovereignty. If the sovereign power has always been characterized by the power of giving death, the biopolitical power, instead, assumes the assignment of nurture and let develop the life, transforming the power of death into the possibility of letting die (or better, in the power of not-let-reach-to-life). Without any pretension of facing all the implications contained in the notion of biopolitics, I will try to follow some suggestions proposed by Angela Putino in order to prove the hold of this kind of power on the moment of reproduction.

The relationship between populations and individual bodies is the starting point of Angela Putino's² reflection on biopolitics –biopolitics that has the human species as subject, that takes into management the life and the biological processes, that tries to organize these around their economical function. Putino notices how women bodies become “the point of application of techniques that, suspending sexuality and those desires connected to it, use the feminine sex in generation classes, as a supplier of matter, not only from a biological point of view but also from a juridical one”.³ One of the main characteristic of biopolitics consists in overlapping biology and law, in anchoring norms and normalization on an apparently incontrovertible biologic basis. The field in which this overlapping finds its clear accomplishment is the one of sexuality that, above all, is assimilated to a reproductive phenomenon and according to this interpreted. It is in this “connection between sexuality-procreation that behaviours considered effects of a sexual instinct disorder become factors of illness for the future generation and, equally, become organic malformations and pathologies that can't do nothing but emerge in

1. To better understand the reflections made by Foucault can be read: M. Foucault, *La volontà de savoir*, Gallimard, Paris, 1976, in particular pp. 119-142; Id., *Sécurité, territoire, population. Cours au Collège de France. 1977-1978*, Seuil-Gallimard, Paris, 2004 and *Naissance de la biopolitique*, Seuil-Gallimard, Paris, 2004.

2. Angela Putino (1946-2007), feminist and philosopher, studied Michel Foucault and Simone Weil for long time, combining theories and practices in an active militancy in the women's movement. In order to deepen her thought we suggest: A. Putino, *Trompe-l'oeil. Il mito di Narciso in Hermann Hesse*, Napoli, ESI, 1977; Ead., “Donna guerriera”, in *DWF*, 7, 1988; Ead., *Simone Weil e la Passione di Dio. Il ritmo divino nell'uomo*, Edizioni Dehoniane, Bologna, 1997; Ead., *Amiche mie isteriche*, Cronopio, Napoli, 1998; Ead., Simone Weil. *Un'intima estraneità*, Città Aperta, Troina, 2006; Ead. *I corpi di mezzo. Biopolitica, differenza tra i sessi e governo della specie*, ombre corte, Verona, 2011; e AA. VV., *Per Angela. A proposito di Angela Putino. “Simone Weil. Un'intima estraneità”*, Università degli Studi di Salerno, Fisciano, 2008; S. Tarantino, G. Borrello (eds.), *Esercizi di composizione per Angela Putino. Filosofia, differenza sessuale e politica*, Liguori, Napoli, 2010.

3. A. Putino, *I corpi di mezzo*, p. 82.

deviant behaviours”⁴ that will be judged not only on a juridical and moral ground, but also condemned from a biological point of view as something dangerous for the future and present society.

Putino shows, through the twist between medical-power-knowledge, how “the family shifts from being an alliance device –on which were based the juridical codes, expressed with the parenting system forms and those of goods transmission– to a device of sexuality, that assigns it a role of biological control, able to enhance it as matrix of the adult individual’s future”⁵ Putino rereads –understanding the family as a device of sexuality– the heterosexual paradigm as a consequence of the attention put on the reproduction of the species: “in this way, the sin of the flesh does not wait for the godly penance but [...] deals directly with the health of its progeny”⁶ The heterosexual couple, in this sense, is necessary to the family because it shows its vertical disposition, and shows that what is dominant is not the horizontal relationship between spouses but the vertical one between parents-sons/daughters. The construction of power devices, so, starts from the bottom, from every single family who reproduces the norm educating every single child.

Biopolitics assumes, evidently, a double role: taking care of the processes that construct a population and a species, and, at the same time, the role of taking a look on every single living creature, in a continuous return from a universal to a particular level and vice versa. Sexuality assumes a privileged position because it represents the place of the connection between scientific knowledge and personal identity, between technology and psyche. According to what we have already seen, maternity is the privileged moment of the biopolitical sexuality not only because it represents the moment of creation of a new individual or because it guarantees the continuation of the species, but because it guarantees also a new subjectivation that actualizes itself through the transformation of the woman in mother. This transformation is the moment of the production of new forms of enslavement, of new forms and new subjects embodied in the woman, biologically designed for being mother.

As the family becomes the central place of the sexuality device, the woman becomes its privileged subject: “in the middle of these new controls is the family and with it, there is the woman, as mother, as point of application of new identified roles, jobs and cares”⁷ through the enhancement of the care as *conduct*. The woman-mother, however, maintains

4. Ibid., p. 17.

5. Ibid., p. 87.

6. Ibid., p. 93.

7. A. Putino, *Amiche mie isteriche*, p. 55.

a strong ambiguity: “from one side she is celebrated in care and education, but from the other side she is suspected of coinciding tout court with sexuality and, for that, of concealing immoral and untrustworthy aspects”.⁸ This ambiguity pushes the mothers in promoting this image of care, organization, efficiency, and responsibility, as they wanted to make the others forget their shady part, connected with sexuality. Biopolitics, through family, has divided women between “the hysterical –as intensification of the sexuality– and the mother –as cure of the relationship and government of the activities connected to life”⁹ linking this division to the same device of sexuality that refers to biology.

This centrality of the biological and the centrality of its imperatives let emerge –in all its terrible consequences– the disposal of inclusion and exclusion that subtends politics: the biological advance becomes the criterion for excluding who does not correspond to the norms, hiding this choice under the inevitability of nature and under its merciless laws; Angela Putino unveils, indeed, how this centrality pushes “individuals to submit to an almost anthropological fascination for the authenticity”.¹⁰ The discourse on maternity is constantly permeated by this fascination: from one side the medical-knowledge-power presents itself as direct delegate of the biology, but from the other, who tries to take distance from it, assumes it in the name of a natural authenticity, flattening women and their bodies among exams, measurement on one hand, and instincts and spontaneous feelings on the other, both fruit of the same biopolitical paradigm that unite bodies and minds. In order to satisfy a reasonable question, medicine becomes fundamental, a research of happiness and a healing from desires that becomes part of this biological destiny –in which bodies too are not the emergence of an unexpected dimension, but something yet happened, inserted in a scheme of functions and projects.

The creation of biological communities is, according to Angela Putino, one of the feminism’s risks but also “of those common feminine believes related to the affirmation of an irreducible woman identity”¹¹ (and one could also add: of mothers.). This articulation, this description of a feminine authenticity reproduces and reinforces the biopolitical power, attending the subjects’ construction that finds in biology their realization. Putino describes as hysterical¹² feminism, that feminism which constantly returns to the

8. Ibid.

9. Ibid.

10. A. Putino, *I corpi di mezzo*, p. 88.

11. Ibid., p. 88.

12. In particular, Putino reflects on the ideas of the mother’s symbolic orders, and on this theme we suggest at least three texts directly or indirectly quoted by her: L. Muraro, *L’ordine simbolico della madre*, Editori Riuniti, Roma, 1991, but also Diotima, *Mettere al mondo il mondo*, La Tartaruga, Milano, 1990; W. Tommasi, “Il lavoro del servo”, in Diotima, *Oltre l’uguaglianza*, Liguori, Napoli, 1995, pp. 59-84.

maternal relationship and underlines that “hysteria moves between two grooves”: from one side “projects a mother tongue retracing the structures of proximity” and from the other side “lies, roughly, creating in the world knowledges and another and separated self”.¹³ This two grooves, however, are continuously braided in a hysterical position that “tries to reinforce the nostalgia of the maternal place together with all that forms of knowledge that allow a more inflected participation”.¹⁴ In this sense, the hysterical constantly revisits, under the light of the symbiotic maternal bond, knowledges because believes these will give her strength and vigor, in a mother-daughter relationship that is “an imaginary biological duty”¹⁵ and that refers to vicinity and origins.

In this biological enticement, Putino sees “an excessive connivance with the governing power of the being [...] that orbits around an imaginary structure”,¹⁶ a compatibility with the needs of biopolitics that becomes “a castling into an indissoluble bond” –at the end, biological– that preserve from the fear¹⁷ of not being able to find strong similarities among women. Indeed, Putino considers that the maternal order has had too frequent exchanges with the exercise of governing, exchanges that are born from the “pressure by knowledge-powers” that exploits “a new ideal form of maternity, permeable to care and control of the living”,¹⁸ and that is constantly reproduced by those women who crease in identifying it as a dimension of power. The relationships’ management among women in a maternal frame creates a community that has its own origins in the biology and that repeats the paradigm of inclusion/exclusion that is subject to biopolitics: “the hysterical [...] cannot unleash herself from the vicinity, from the fear of the loss [...] in so far as she is not able to hypothesize a feminine otherness”,¹⁹ not coinciding with the mother who reproduces the form. The otherness, in the hysterical discourse, is substituted by “an attachment and, in this way, every woman action resounds in another one”,²⁰ by a relationship with the mother who constantly reproduces the caring attitude and the happiness –that recalls the characteristics of the pastoral power described by Foucault.²¹

13. A. Putino, *Amiche mie isteriche*, p. 46.

14. *Ibid.*

15. *Ibid.*, p. 50.

16. *Ibid.*, p. 46.

17. *Ibid.*, p. 47.

18. *Ibid.*, p. 56.

19. *Ibid.*, p. 48.

20. *Ibid.*, p. 11.

21. Putino affirms “the pole with whom the feminism is entered in competition is not the sovereign but the pope. What we are facing with is not the symbolic enunciation or its chain but the media procedures of identification and of imaginary vicinity carried on by a politics of ‘haste’”. *Ibid.* 50.

Economy of women's bodies

The thought of Angela Putino puts on light how the bond between biology and power, for better saying it, between biology and the processes of subjectivation, have run over women reflections remaining, however, an invisible dimension, a difficult power to contrast and able to subsume also forms of counter-conduct and resistance. Even though second wave feminism has produced numerous reflections around the theme of the body, it has also removed the more properly biological dimension because of the fear of falling into essentialist forms, but ending anyway in making living processes invisible and more exposed to the hold by the power. Brunella Casalini underlines yet that “in recent years, the reflection of numerous authoresses²² has, in various ways, collocate again biology and the material dimension of the body as the focus of the attention. This is happened starting from the certainty that, before the offensive leaded by neuroscience and genomics, and by their proposal –in more or less hidden forms– of a biological conception of race and sex, is always more urgent, in the current phase of biocapitalism and biocolonialism, working in order to imagine a new alliance among natural, social science and feminism.”²³ The investment of the science, and more those made by technology, on women bodies makes necessary investigate the relationships between nature and culture and interrogates ourselves on the power's reproductive devices.

Genes, foetuses, chromosomes, and cells are in the middle of a new form of reductionism that decomposes bodies into small pieces that can be analysed separately and that can be constantly manipulated. Against this form of reproduction is so proposed a new materialism²⁴ able to face itself with the biology but without falling into the trap of the bodies' exploitation. The twine between liberal governmentality and the *homo oeconomicus* by one side and the biological sciences on the other, seem to have produced a different conception of the body, not only considering it as a public space, exposed to power, but also as always available goods. According to a famous expression used by

22. I would like to thank Laura Fontanella for the term *authoress* that allows me to enhance the embodied subjectivity of the women I quote.

23. B. Casalini, “Il ritorno della biologia nelle teorie femministe contemporanee”, in O. Giolo, L. Re (eds.), *La soggettività politica delle donne. Proposte per un lessico critico*, Aracne, Roma, 2014.

24. For a general view of these new materialisms: cfr. S. Alaimo, S. Hekman (eds.), *Material Feminisms*, Indiana University Press, Bloomington-Indianapolis, 2008; D. Coole, S. Frost (eds.), *New Materialisms. Ontology, Agency, and Politics*, Duke University Press, Durham-London, 2010. For a first discussion on new materialism: cfr. S. Amhed, “Open Forum Imaginary Prohibitions. Some Preliminary Remarks on the Founding Gestures of the ‘New Materialism’”, in *European Journal of Women's Studies*, XV, 1, Sage Publications, Los Angeles, London, New Delhi and Singapore, 2008, pp. 23-39. According to Amhed, these ‘new’ materialisms do not present a true story inside the feminist thought because authoresses like Donna Haraway, Lynda Birke and Evelyn Fox Keller have always worked with the aim of conciliate biology and feminism.

Sarah Franklin,²⁵ in this scenario, is the life itself that is exploited throughout biotechnologies –thank the rhetoric of their objectivity.

Donna Haraway criticizes this presumed objectivity, affirming that “biology is restlessly historical, all the way down. There is no border where evolution ends and history begins, where genes stop and environment takes up, where culture rules and nature submits, or vice versa. Instead there are turtles all the way down”²⁶ She proposes so a neologism that could represent this slot of biology and cultural processes: she introduces the idea of naturculture that represents exactly the entangled bond between nature and culture. As Liana Borghi underlines in her introduction to Haraway’s *Modest Witness* “science takes the shapes throughout syntactic semantic and paradigmatic developments, inner culture, mobilizing a narrative with pretension of objectivity as opposed to other tendencies, instead, recognize the partiality and the wide raging responsibility of the technoscience actors”²⁷, and Haraway situates herself in this field, recognizing the partiality and the historicity of the tools and of the scientific paradigms.

Following the will of unveiling the economic dimension of the reproductive technologies, there are the works of Melinda Cooper and Catherine Waldby.²⁸ The two authoresses, in fact, ask: how can bodies be embodied in the labor changing that we are seeing? Cooper and Waldby, starting from the notion of biocapital and bioeconomy, interrogate themselves on the material and power relationship produced by these paradigms and by biomedical technologies. They introduce, indeed, the term *clinical labor* in order to indicate all these forms of productivity –usually included under the shape of donation and gratuitousness with the compensation and not through salary but re-fund– not considering all the circumstances in which patients donate tissues or participate in clinical studies, but suggesting that these services should be meant as ‘labor’ when the subtended activity is included in the process of enhancement of a determined field of bioeconomy. Every change that puts on game the bodies becomes labor and it depends on a classic motivation: the research of purely economic compensation.

Analysing the historical formation of the biolabor, Cooper and Waldby focus themselves not only on the technological and scientific changes but on the economic trans-

25. Cfr. S. Franklin, “Global Nature and Genetic Imaginary”, in S. Franklin, C. Lury, J. Stacey (eds.), *Global Nature, Global Culture*, Sage, London, 2000.

26. D. Haraway, *Introduction. A Kinship of Feminist Figurations*, in EAD, *The Haraway Reader*, Routledge, London-New York, 2003, p. 2.

27. L. Borghi, “Introduction”, in D. Haraway, *Testimone_modesta@FemaleMan©_incontra_Oncotopo™*, Feltrinelli, Milano, 2000, pp. 18-19.

28. Cfr. M. Cooper, *Life As Surplus: Biotechnology and Capitalism in the Neoliberal Era*, University of Washington Press, Seattle, 2008, and M. Cooper, C. Waldby, *Clinical Labor: Tissue Donors and Research Subjects in the Global Bioeconomy*, Duke University Press, Durham, 2014.

formation that has affected the social and political ones. In particular, they study the story of the labor during the 20th century with the purpose of showing how the clinical labor has always been one of the more evident forms of the process of externalization and privatization of every labor. The proposal of the two authoresses consists in thinking workers of the knowledge and bioworkers as people submitted to the same paradigm, the one of human capital and of *homo oeconomicus*, able to contaminate each other: analysing the clinical labor of the knowledge allows to illuminate the knots of the knowledge and those of the power. These two settings are strictly connected; even if it is starting from the bodies, the property is made descend from the intellectual labor of the scientist who understands the productive processes and, in this way, the corporal activity of the involved human beings appear as *res nullius*. A strong reference is to Marx and to his conception of the salaried labor that puts under the light how the worker sells the energy existing in his\her living body. During the twentieth century we assist to a fragmentation of the living body thanks to the transfer of the laborative process to a molecular level: the manpower category, in this way, becomes a space to rethink to alienation and to the reduction of the involved objects in these processes.

The attention to the bodies, at the end, allows putting under light the differences not only connected with the class but also those related to gender.²⁹ Furthermore, the imaginaries that act on men and women are different: if the semen donors are attracted mostly by the possibility of making free medical tests –like a form of workfare that substitutes the welfare in many clinical works on women too– on women donors of oocytes or on surrogate mother, instead, act with strength an imaginary connected to altruism, to selflessness, to the metaphor of the gift. Technology, in this sense, does not scratch the stereotypes that represent women as naturally inclined to care. Materially too, these two processes –of donation– are regulated conversely: men sign a contract with a sperm bank while women –oocytes donors, surrogates mother– negotiate directly with the couple or with the interested person like it could reconstruct a personal relationship able to reinforce the idea of altruism and care, but, at the same time, exposing these donors to disadvantageous contractual conditions.

In this sense we assist to the birth of a figure that we can call *mulier oeconomica*, that unveils how the nexus between biopolitics and science creates forms of subjectivation

29.The authoresses emphasize also the racial dimension and underline how the labor of reproduction markets are differentiated themselves also depending on the skin colour: East Europe becomes, in this way, the place in which produce oocytes, the best ones according to their whiteness while India developed, above all, a market for the surrogate maternity. The reproduction of the whiteness, indeed, is one of the central elements that regulates the fertility market, establishing the value of the oocytes, of the sperm also on a racial base.

that invest women and, in particular, their bodies for creating subjects who make of their cells economic tools but that, at the same time, is not interested in demolishing the patriarchal structures of the society. For this reason, the reflections of Putino can be useful in order to observe with other eyes the twines among medical science, biology, power and reproduction nourishing the hope that these could give us the devices for better seeing the links that stretch this net and for better imagining spaces of resistance and freedom.

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BAD MOTHERS

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Resumen

El mundo occidental ha estado desarrollando durante mucho tiempo, tanto en su dimensión cristiana como en su dimensión secular, una representación estereotipada ideal de "la madre devota". El feminismo y los grandes cambios sociales, económicos, legales y culturales han modificado esos estereotipos, revelando mecanismos inesperados en la construcción y deconstrucción de la feminidad en su versión materna.

Palabras clave

Mujeres, infancia, maternidad, medios, derecho.

Abstract

The Western world has been developing for a long time, both in its Christian and in its secular dimension, an ideal stereotyped representation of "The Devoted Mother".

Feminism and the great social, economical, legal, and cultural changes have modified those stereotypes, revealing unexpected mechanisms in constructing and deconstructing femininity in its mothering version.

Keywords

Women, childhood, motherhood, media, law.

I. Bachofen, Andersen and the holy Virgin

For a long time, since classical Greece, that is to say since the decline of what Bachofen called matriarchy, Western civilization has defined femininity without offering it autonomous identity roots, but imposing its roots in the values and roles mainly established by the patriarchy, to which femininity was only the appendix, or even the deviation. While the cultural discourse around nature and the human condition elaborated, through the centuries, the features of manhood, women condition was only the emanation, the consequence, the accident. As illustrated, among others, by Geneviève Fraisse¹, in the Western world Ulysses was the one to travel, to face and seize the day, while poor Penelope was to wait, faithfully and silently. Nevertheless, at the origins of our civilization women had a central role: they kept the memories of the group, they knew the secrets of agriculture and food preservation, and above all, they had the magic power to give life to another human being in a time when neither echography nor modern medicine was available. Sedentarization has, with the emergence of the poleis, slowly determined an irreversible slip of social power from the female ovulation space to the male strategic space², redefining topographically the social cartography by leaving public space to men and by relegating women into domestic space. There, from gynaeceum to Victorian mansion, an ideal Woman has been created by society, history, religion and culture, by shaping the distinctive features of female identity in terms of docility, passivity, obedience, silence³. And chastity⁴, that goes well with silence⁵, as Virginia Woolf⁶ writes: “it was the relic of the sense of chastity that dictated anonymity to women” –in a secular, socially accepted version and in the Jewish and Christian tradition as well⁷ (not to mention the pre-Christian tradition, that prevents the overwhelming majority of women from rebellion). By insisting on young girls and women decorum, and by linking female sexuality, both in its secular and religious version, to procreation, the magical, powerful matriarchy was inevitably replaced by motherhood. It is not only a matter of vocabulary: matriarchy means a centrality of female power of action in the social life of the group, while motherhood is socially accepted only when linked to marriage.

1. G. Fraisse, “De la destination au destin: histoire philosophique de la différence des sexes”, in G. Duby, M. Perrot, *L'histoire des femmes en Occident*, Plon, Paris, 1991.

2. E. Caramazza, M. Vianello, *Genere spazio potere*, Dedalo, Bari, 2006.

3. N. Heinich, *États de Femmes*, Gallimard, Paris, 1996.

4. M. Haskell, *From reverence to Rape*, University of Chicago Press, Chicago-London, 1973.

5. C. Cosnier, *Le Silence des Filles: de l'aiguille à la plume*, Paris, Fayard, 2001.

6. V. Woolf, *A Room of One's Own*, Penguin, London, 2013.

7. I. Singer, *Yentl, the Yeshiva Boy*, Farrar, Straus and Giroux, New York, 1982.

In other words, the traditional, pre-sedentary society accepts the social consequences of sex mainly in terms of survival of the group, while the sedentarised society, longing for order and discipline, brings sensual exuberance back to patriarchal control through the institution of marriage. And by exalting legitimate motherhood in spite of free love the strategic society builds a socially-safe space for sex where sexually active women, when fertile, can be exalted quite as much as the virgins are before marriage; thus women can have sex only when married or dedicate their lives to God by becoming nuns, while for all the others Victorian culture has created a specific word: redundant women. Great Literature has given us epic examples of devoted mothers who move us for their tenderness and abnegation even though they are not married. The touching mother of H. C. Andersen and Hugo's miserable Fantine fill our hearts, but motherhood can become a social cult only inside marriage. No offense is given or taken, we cannot ignore that the most diffused religion of the Western world, from the third century a. C. to the second half of the 20th century, is based on a sacred belief that puts motherhood inside legitimate marriage and eliminates creatrional sex from the scene! With all due respect, this sacred belief influenced the public morality and had an undeniable social impact in terms of sexuophobia⁸ and male domination⁹. All these complexes dynamics have been mirrored and at the same time influenced by media, especially by Anglo-Saxon cinema and, from the 60s on, by WesternTV in general.

To the degree that sex was the equivalent of the self, surrender to sex was to lose oneself, whereas abstinence would insure its safeguarding, if not its salvation. Our instincts were substantiated by the movies: the "Virgin" was a primal, positive figure, honoured and exalted beyond any merits she possessed as a woman (and eventually made to pay for her "superiority" in the professional virgins and teases of the fifties), while the "whore", americanized into the good-bad girl, was publicly castigated and cautioned against- and privately sought by men¹⁰.

These words, written by Molly Haskell¹¹, refer to the 20th century, but also reflect the traditional dichotomy female private space/male public space, conquered women/

8. A. Corbin, *Les filles de nocés. Misère sexuelle et prostitution au XIXe siècle*, Flammarion, Paris, 1982.

9. P. Bourdieu, *La domination masculine*, Paris, Seuil, 1998.

10. M. Haskell, "Introduction", in *From Reverence to Rape*.

11. "We felt, obscurely, that we were safe if we did not go all the way, and so, for fear of blighting in the bud that ego would have little enough chance to survive, we cauterized our sexual responses before they could develop freely. Those of us who were ambitious would use our femininity like Scarlet O' Hara used hers: would flirt, tease, withhold sex, to get what we wanted. It would rarely occur to us to ask outright for a place on the starting line, to enter the ranks of competitive male activities and thereby lose our place on the pedestal and our "preferred" passive position in the game of love. We became 'superfemale' rather than 'superwomen'. We lied and manipulated and pretended to be helpless and were guilty of conspiring in our own idealization –and our own oppression". M. Haskell, "Introduction".

conqueror men, women being assigned roles/men defying existence also outside social impositions, serving women/men being served. And being served especially by mums. As Virginia Woolf wrote, for centuries it has been in the comfort of an exalting image of himself, an image provided by wives, and above all mothers, that men have created, legislated, conquered, discovered new territories. The more society got strategically sophisticated, the more it became essential, for the patriarchal order, to assign women a precise role. Motherhood could turn sexuality and all its dangers into a positive energy and that energy would be used at its best if motherhood would transform into a monolithic, monodimensional mask. An iron mask worn by Penelope up to Lynette Scavo; a smiling mask that has been in discomfort for centuries, a discomfort called, among other things, Bovarism.

II. The Big Lie: from Bovarism to abortion

The big lie perpetrated on Western society is the idea of women's inferiority, a lie so deeply ingrained in our social behaviour that merely to recognize it is to risk unraveling the entire fabric of civilization. [...] The prejudice against women is no less pernicious because it is based on a fallacy. Indeed, to have sanctioned by law and custom a judgement that goes against our instincts is the cornerstone of bad faith on which monuments of misunderstanding have been erected¹².

How does society make sure that all her women, once they become adult, are docile¹³ in the roles they have been born for? Several discursive techniques, in the Foucaultian sense, can be useful: inception¹⁴, myth, models, narrative. That is to say, it is necessary to instill the idea of maternity¹⁵, cultivate the myth¹⁶ of motherhood¹⁷, glorify and exalt self-denial maternity models and animate the collective imagination of all these ingredients through the narrative dimension, dynamic nucleus within which converge the ideas and models that can motivate and influence social actors seeking for their virtues' rewards. That is why it is imperative that Pamela does not have sex before marriage,

12. Ibid.

13. J. Donzelot, *La Police des Familles*, Minuit, Paris, 1977.

14. S. J. Douglas, M. W. Michaels, *The Mommy Myth: the idealization of motherhood and how it has undermined all women*, Free Press, New York, 2005.

15. E. Goffman, "The Family" and "The Ritualization of Subordination", in *Gender Advertisements*, Harper and Row, New York, 1979.

16. S. Thurer, *The Myths of Motherhood. How culture reinvents the good mother*, Houghton Mifflin, Boston, 1994.

17. J. Swigart, *The Myth of the Perfect Mother*, London, Contemporary Books, 1998.

Griselda is patient and Bridget Jones feels a failure until she can marry Marc Darcy. And that is also why it is necessary to control dangerous readings, when it comes to women¹⁸: audacious novels and romance, in general, must be discouraged in order to avoid women's imagination to fly over the wild oceans of adultery, romantic love, sexual self-fulfilment, and anything in general conflicting with marital duties, moral decency and urbanity decorum.

According to Dante's V Chant of the Inferno, as well as to Flaubert, courteous literature, in all its derives, is the main cause of failure, sin and social and moral condemnation. Would Emma have ever developed all her perversions¹⁹, in she had not read the keepsakes secretly borrowed by her roommates? Maternity is a myth to her, just as marriage. She barely remembers her own mother, who died when she was little, but both myths coexist in her soul: motherhood, family and marriage on one side, *bahuts, salles de gardes et ménestrels* on the other. And the doubt that fantasies and everyday life can be irreconcilable does not even touch her mind. When maternity arrives, after sensual disillusion and acute physical suffering, she has already learnt how deeply boring and cruel life can be. Yet a last, androgyne hope does not abandon her: to give birth to a male who would have made the geographical and sentimental journey she had always wanted to take. In discovering that she has given birth to a girl, Emma faces the collapse of maternal myth and becomes a bad mother. Her daughter Berta suffers the repercussions of her inability, of her depression. Berta, that Emma considers "ugly", only exists when Emma needs to recover from her disillusion. Emma is a bad mother because she does not grant her child the unconditioned love she needs. The look Emma gives to her daughter is a distant, cold betrayal: it is a symbolic abortion that comes after a long series or other deaths –of her hopes, of her dreams, of her taste for life. In this perspective, we might say that abortion is a male act, indirectly imposed by the myths and the rules that patriarchy has insinuated into society. A patriarchy that asks mothers to be perfect can only generate frustration, and the desperate wish to abdicate a role that society makes unsustainable. Moreover, patriarchy has always excluded women by the knowledge and control of their own bodies. The witch hunt is only the tip of an iceberg called control.

18. M. De Giorgio, "Il divieto e la lettura", in G. Duby, M. Perrot, *Storia delle donne in Occidente. Vol 4, L'Ottocento*, Laterza, Roma-Bari, 1992.

19. L. J. Kaplan, *Women Perversions. The Temptations of Emma Bovary*, Rowman & Littlefield, Lanham, 1991.

III. Happy-ending addicted: the Charlotte York syndrome

Although patriarchs have done everything to cut their wings, women seem to have not lost their desire to fly. Defying gravity, in cultural terms, means revenging Emma, Anna Karenina, Effie Briest by accepting that according to the patriarchal rules good mothers go to heaven, but bad mothers go everywhere. In this sense, bad moms are the women who defy the limits imposed by their role. If patriarchy is the driving idea that social reward is achieved by pursuing passivity and docility, it is not surprising that fairy tales told to little girls²⁰ from one generation to another describe passive feminine figures who, the less they do, the more they are successful.

Sleeping Beauty is awakened to life by the kiss of true love; so is Snow White (just a tiny more active than Aurora), while the Princess on the pea's sole merit is to have complained about a legume! After doing almost nothing, all these characters get their reward: they will live happily ever after and have many children. Nothing is written about the lack of sleep, doubts, quarrels that will follow the pink sunset, no recipe is furnished to survive the storms waiting for the couple just on the other side of the rainbow. The only certainty seems to be the rainbow itself, the colourful life true princesses will live when they will finally get married and pregnant. In our contemporary opulent society, filled with contradictions and traps, the new version of the happy ending is not very different. Women can feel like princesses once they have joined the best of everything, as Rhona Jaffe²¹ teaches well, and that best includes what I call the three magical M: money, motherhood, marriage (not necessarily in this order, we are postmodern, after all!). The great difference from the past representations of women is that work, the usual way to get economic independence, is now included in the picture, as a contemporary remedy for traditional Bovarist boredom. Having found a successful job, the job she does not even need a vacation from, because she has realized her dreams, the postmodern Cinderella should feel all right: she is now independent, she can be her own fairy godmother, so why is she so neurotic? Because independence is scary! Women's hidden fear of independence has been defined by Colette Dowling as an unconscious desire to be taken care of by others, a complex said to become more apparent as a person grows older²² and considering how late nowadays economy allows women independence we can

20. M. L. von Franz, *La Femme dans les contes de fées*, La Fontaine de Pierre, Paris, 1990.

21. R. Jaffe's novel *The best of everything* (1958) is considered the first great literary work that gives life to a new genre of narrative, destined to be successfully diffused until nowadays: chick-lit.

22. C. Dowling, *The Cinderella Complex: Women's Hidden Fear of Independence*, New York, Simon & Schuster, 1981.

easily imagine how strongly this complex can be felt by the thousands and thousands of successful women in their thirties, dangerously joining their forties, if marriage and motherhood are still far away.

Charlotte York, one of the protagonists of the famous TV series *Sex and the city*, is the postmodern Cinderella icon: she has a Park Avenue castle (obtained from a painful divorce), she is a successful art gallerist, she has found a Prince named Harry Goldenblatt who is not very charming but makes her smile. She has earned, after a lot of disappointments, the best of *almost* everything: she cannot have children. Her crisis represents the crisis of many contemporary women who feel incomplete without a baby and when she finally gets pregnant Charlotte feels overwhelmed by the weight of the commitments her daughters involve. In one of the last scenes, she confesses how depressed and guilty she feels for being so exhausted while she should only be grateful for having two marvellous little girls. She will really conquer everything when her friend Carrie, by lending her apartment, will let her have, for once a week, a room of her's own.

IV. Nesting society

Charlotte is, in the end, a lucky, privileged woman, but most of the mothers, in our Western society, are not rich enough to afford the time and space they need for themselves. That is why we assist to bad mothers abandoning, aggressing or even killing their children when overwhelmed by weariness and depression. If we want a more humane society, we should no more let mothers alone.

Maybe the secret is just to accept mothers in all their outrageous humanity, accepting their weariness and limits, and granting them the cures a human being always needs, especially when in charge of caregiving. There will always be unhappiness, there will always be runaway fathers not always coming back from Neverland to take care of their children, mothers will always be tempted to delegate part of the burden their children involve to have some time for their own. Pain is part of life, but finding remedies is part of building a more humane world. Postmodern society will be more human if it turn itself into a nesting society, by stopping exalting the myth of the isolated couple and assume education and care as a social responsibility. A humanist society can no more polarize the mothering figure between self-denial devotion and badness. The old scheme of the traditional family already made livelier by new sentimental possibilities

and unexpected existential solutions, must above all be integrated by a diffused sense of common motherhood. There will always be slummy-mummies who won't stop until they have found their personal happy-ending, even in physical terms; there will be mothering daughters and parenting sons; some runaway dads will repent; there might always be mothers feeling so lonely and discouraged to choose to make an abortion. But a nesting society can offer release and support to parents and children. The way out of many of the crisis of contemporary society is maybe in this diffused, shared-motherhood that can turn the individualistic, adult-centered strategic space into a new, creative ovulatory space. This hysterisation of the social topography is the paradoxical cure to the many forms of female and male hysterias produced by postmodernism. We no more want a liquid, risky, confused society. We can accept all the possible contradictions with courage and irony, but we will always want, at a certain point, to feel protected. We will want, at a certain point, to share part of our responsibilities and burdens. A nesting society takes care of these needs through a more ethical system of welfare, to allow its members to fly with less fear, knowing there is always a community, a nest to go back to when our wings are tired²³.

23. For further reading see C. Castellano, *Building a Nesting Society*, Edizioni Suor Orsola, Napoli, 2017.

ARTÍCULOS

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ENTREPRENEURIAL UNIVERSITY AND ACADEMIC CAPITALISM: AN INTERNATIONAL DEBATE

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Abstract

The aim of this note is to explore the international debate actually occurring within the community of entrepreneurial university development supporters and critics on such a model, stigmatizing its openness to marketing, defining it as Academic Capitalism, according to various ethical principles. This debate implies a change as for the university missions (particularly, the third one). This note also examines the most recent bibliography in this field, as a record of the increasing interest coming from the academic world, regarding the traditional Humbolt's model of university evolution.

Keywords

Entrepreneurial university, academic capitalism, triple helix.

Resumen

El objetivo de este trabajo es analizar el debate internacional actual entre los partidarios del desarrollo de una universidad empresarial y los que critican ese modelo, estigmatizando la apertura al mercado de la universidad como *capitalismo académico*, sobre la base de diferentes principios éticos. Este debate implica un cambio respecto de las misiones de la universidad (sobre todo la tercera). Este trabajo también busca profundizar en la más reciente bibliografía en este sector, como símbolo del interés creciente, por parte del ámbito académico, hacia la evolución del modelo tradicional de Humboldt.

Palabras clave

Universidad empresarial, capitalismo académico, triple hélice.

Introduction

In scientific literature¹, there is an ever-growing interest in coping with the so-called Entrepreneurial University (EU). This term was born in the 1980s, in the United States, thanks to the publications² of sociologist Henry Etzkowitz, who since a long time has been pursuing research on this subject, becoming an indisputable point of reference for the international debate. In 1993, Etzkowitz introduced and discussed the concept of the triple helix³, and in 1995 developed it fully with Loet Leydesdorff⁴.

The concept of the triple helix, repeatedly elaborated and based on a collaborative relationship between university, government, and enterprise, arises primarily from the new relationship born in the US between universities and business. It is well characterized by the evolution of the Massachusetts Institute of Technology (MIT), founded in 1861 as an institution dedicated to the teaching in the field of engineering⁵. In the early 20th century, and until the 1930s, even before the Second World War, MIT progressively merged his teaching mission with scientific research, initially not recognized by

1. On the Web of Science, we find 282 papers dealing with the topic "Entrepreneurial University", and dating from 1985 to 2017. On Google Scholar, we find 16.600 items, including articles, books, and quotes. We will quote some of the most relevant papers in the following pages of our paper. Here, our main concern is to mention some volumes which have by now the function of handbooks, and in certain cases are even conferred a procedural nature to clarify EU-related administrative and legal aspects: J. Bercovitz, M. Feldmann, "Entrepreneurial Universities and Technology Transfer", in G. D. Libecap, (ed.), *University Entrepreneurship and Technology Transfer: Process, Design, and Intellectual Property*, Jai press, Emerald, 2005, pp. 335; G. P. West, E. J. Gatewood, K. G. Shaver, (eds.), *Handbook of University-wide Entrepreneurship Education*, Edward Elgar Publishing, Cheltenham, 2009, pp. 256; J. D. Toma, *Managing the Entrepreneurial University*, Legal Issues and Commercial Realities, Routledge, Taylor & Francis, New York, 2011, pp. 248; A. Fayolle, D. T. Redford (eds.), *Handbook on the Entrepreneurial University*, Edward Elgar Publishing, Cheltenham, 2014, pp. 496; A. Fayolle, P. Kyro, F. Linan (eds.), *Developing, Shaping and Growing Entrepreneurship*, Edward Elgar Publishing, Cheltenham, 2015, pp. 348; D. Audretsch, E. Lehmann, M. Meoli, S. Vismara (eds.), *University Evolution, Entrepreneurial Activity and Regional Competitiveness*, Springer International Publishing, Cham, 2016, pp. 447; M. Peris-Ortiz, J. A. Gómez, J. M. Merigó-Lindahl, C. Rueda-Armengot (eds.), *Entrepreneurial Universities. Exploring the Academic and Innovative Dimensions of Entrepreneurship in Higher Education*, Springer International Publishing, Cham, 2017, pp. 310.

2. H. Etzkowitz, "Entrepreneurial Scientists and Entrepreneurial Universities in American Academic Science", in *Mimerva*, 21, 2-3, 1983, pp. 1573/1871. H. Etzkowitz, "Entrepreneurial Science in the Academy: A Case of the Transformation of Norms", in *Social Problems*, 36, 1, 1989, pp. 14-29.

3. The first expert to use the term "triple helix" was C. U. Lowe, "The Triple Helix - NIH, Industry, and the Academic World", *The Yale Journal of Biology and Medicine*, 55, 1982, pp. 239-246, while the term "triangle" was introduced by J. Sábato, *El pensamiento latinoamericano en la problemática ciencia-tecnología-desarrollo-dependencia*, Paidós, Buenos Aires, 1975; J. A. Sábato, M. Mackenzie, *La producción de tecnología. autónoma o transnacional*, Nueva Imagen, México, 1982. Also, the first considerations on the relationships between universities, states, and businesses are in J. Sábato, N. Botana, "La ciencia y la tecnología en el desarrollo futuro de América Latina", in *Revista de Integración*, 3, 1968, pp. 15-36. Etzkowitz corroborates the existence of his forerunners in M. Ranga, H. Etzkowitz, "Triple Helix Systems: An Analytical Framework for Innovation Policy and Practice in the Knowledge Society", in *Industry and Higher Education*, 27, 4, 2013, pp. 237-262. The 1993 is by H. Etzkowitz, "Technology transfer: the second academic revolution", in *Technology Access Report*, 6, 1993, pp. 7-9.

4. H. Etzkowitz, L. Leydesdorff, "The Triple Helix of University-Industry-Government Relations: A Laboratory for Knowledge Based Economic Development", in *EASST Review*, 14, 1, 1995, pp. 11-19.

5. H. Etzkowitz, "Imprenditorialità degli scienziati: conflitto di interessi e cambiamento normativo nella scienza", in *Quaderni di Sociologia*, 43, 20, 1999, pp. 7-28.

all professors. The first research laboratories were set up separated from teaching and started scientific advice practices with industry. Professors helped to set up businesses, and an administrative office was inaugurated to deal with industry conventions. The patent process developed along with an organization capable to mediate the transfer of knowledge from universities to enterprises. Originally a state-run institution dedicated to teaching, MIT became a private university focused on both research and connections with industry. Patents were not sufficient to ensure a valuable economic return: it was necessary to follow the subsequent developments of industrialization. In this way, a technology transfer model was created. Besides, the demands for emergency technological applications (i.e. radars, atomic bombs, computers), linked to the development of the War, pushed researchers/professors to work in groups. Etzkowitz (2003)⁶ considers the first research groups as “quasi-firms”, and considers them as the beginning of the EU. In a short time, universities such as Stanford and the University of Wisconsin followed the example of MIT: in Stanford, engineer Frederick Emmons Terman, who came from MIT, started to push graduate engineers to found businesses nearby universities: after a few years, The Silicon Valley would be born.

However, most US universities did not follow the example of MIT. The average attitude of the academic body was foreign to the connection with industry, as he was used to producing scientific publications that could only indirectly affect businesses. A small transformation took place in the postwar period, since federal research funds demanded in return at least the chance to process an application product, starting from scientific results. To observe the first public birth act of the EU, we have to wait for the Federal *Patent and Trademark Law Amendments Act* of December 12, 1980, known as the Bayh-Dole Act, from the names of the two proponent senators. This law allows universities and research entities to grant their inventions exclusively to companies, even if the research is federally funded. The main purpose was to make academic patents used by businesses. But the general outcome led to change the Humboldtian model⁷ of the university, based on the flavor of knowledge and on knowledge free movement, into a business model in which universities can orient themselves towards companies, leaving some discoveries secret and enabling entrepreneurs to exploit them, economically and exclusively. As already mentioned, the real problem were not patents, for which competitive and industrial uses require a certain applicative adaptation time (sometimes

6. H. Etzkowitz, “Research groups as ‘quasi-firms’: the invention of the entrepreneurial university”, in *Research Policy*, 32, 1, 2003, pp. 109-121.

7. See W. Von Humboldt, *Università e umanità*, Guida, Napoli, 1970, an Italian translation by Fulvio Tessitore of the 1809 essay “Über die innere und äußere Organisation der höheren wissenschaftlichen Anstalten in Berlin”.

even very long), but the fact to acknowledge universities as entrepreneurial actors, on different basis and according to different levels.

The debate about the process of affirming an EU model

It is very lively the scientific debate sprung up from this transformation of university missions (not just teaching and research, but also a third “entrepreneurial” mission, at any rate, open to society). Many voices have contributed and still are contributing to improve or redefine the EU⁸ model. On the other hand, there are also authors who stigmatize this openness to market, defining it as Academic Capitalism⁹, also in the name of the four ethical principles of the pure science defined by Robert K. Merton: disinterest, epistemic communism, organized skepticism, and universalism¹⁰.

8. Many agree that the first true contribution to the definition of an EU model is in B. Clark, *Creating Entrepreneurial Universities: Organizational Pathways of Transformation*, Pergamon Press, New York, 1998, pp. 180. An institutional contribution is in A. Gibb, “Exploring the synergistic potential in entrepreneurial university development: towards the building of a strategic framework”, in *Annals of Innovation & Entrepreneurship*, 3, 2012. A group of Spanish scholars, with the help of authors from other countries, presents articles that describe a sort of update in the literature of EU models: M. Guerrero-Cano, D. Kirby, D. Urbano, “A literature review on entrepreneurial universities: An institutional approach”, in *Third Conference of Pre-communications to Congresses*, University of Barcelona, 2006. Available at: <http://webs2002.uab.es/dep-economia-empresa/jornadas/papers/2006/maribel.pdf>; D. A. Kirby, M. Guerrero, D. Urbano, “Making Universities More Entrepreneurial: Development of a Model”, in *Canadian Journal of Administrative Sciences*, 28, 2011, pp. 302-316; M. Guerrero, D. Urbano, “The development of an entrepreneurial university”, in *The Journal of Technology Transfer*, 37, 1, 2012, pp. 43-74; M. Guerrero, D. Urbano, “Entrepreneurial University in Two European Regions: A Case Study Comparison”, in *The Journal of Technology Transfer*, 39, 3, 2014, pp. 415-434; M. Guerrero, J. A. Cunningham, D. Urbano, “Economic impact of entrepreneurial universities’ activities: An exploratory study of the United Kingdom”, in *Research Policy*, 44, 2015, pp. 748-764; F. Liñán, A. Fayolle, “A systematic literature review on entrepreneurial intentions: citation, thematic analyses, and research agenda”, in *International Entrepreneurship and Management Journal*, 11, 4, 2015, pp. 907-933; M. Guerrero, D. Urbano, A. Fayolle, M. Klofsten, S. Mian, “Entrepreneurial universities: emerging models in the new social and economic landscape” in *Small Business Economics*, 47, 3, 2016, pp. 551-563; D. Urbano, A. G. Dandolini, J. A. de Souza, M. Guerrero, “Innovation and entrepreneurship in the academic setting: a systematic literature review”, in *International Entrepreneurship and Management Journal*, 13, 2, 2017, pp. 369-395; a recent anthology, quoted in note 1, is M. Peris-Ortiz, J. A. Gómez, J. M. Merigó-Lindahl, C. Rueda-Armengo, which presents different EU situations in the Hispanic and Latin American world, and includes a comparison with the Italian situation (A. Riviezzo, F. Liñán, M. R. Napolitano, “Assessing the Entrepreneurial Orientation of University Departments. A Comparative Study Between Italy and Spain”, pp. 35-46).

9. See as a minimum these writings: S. Slaughter, L. L. Leslie, *Academic Capitalism: Politics, Policies and the Entrepreneurial University*, Johns Hopkins University Press, Baltimore, 1997, p. 296; S. Slaughter, G. Rhoades, *Academic capitalism and the new economy: markets, state, and higher education*, Johns Hopkins University Press, Baltimore, 2004, p. 384; S. Slaughter, B. Cantwell, “Transatlantic moves to the market: the United States and the European Union”, in *Higher Education*, 63, 2012, pp. 583-606; I. Rubins, “Risks and rewards of academic capitalism and the effects of presidential leadership in the entrepreneurial university”, in *Perspect Public Aff*, 4, 2007, pp. 3-18; G. Delanty, “Ideologies of the knowledge society and the cultural contradictions of higher education”, in *Policy Futures in Education*, 1, 1, 2003, pp. 71-82; B. Jessop, “Varieties of academic capitalism and entrepreneurial universities. On past research and three thought experiments”, in *Higher Education*, 73, 2017, pp. 853-870.

10. See R. K. Merton, *The Sociology of Science. Theoretical and Empirical Investigations*, University of Chicago Press, Chicago, 1973, p. 605.

In many of the EU models elaborated so far, some of the most distinctive indicators are those related to technology transfer: i.e. technology parks creation (as Silicon Valley), patents, licenses and contracts. Another important element are spin-offs, which are university companies that leverage academic knowledge to enter the market, and the startups promoted by graduates and PhDs both in collaboration with professors, both pushed by them. These five indicators are strongly criticized by those who censure Academic Capitalism¹¹. This issue dates back to the first three-partition between basic, applied and industrial research, enunciated by Vannevar Bush¹² in 1945, and which had major implications until the introduction of the quadrant scheme of Stokes¹³. The author imagined one quadrant called “Bohr” for pure research, one “Edison” for applied research, and one “Pasteur” for quasi-base research, aimed at understanding the possible uses at an application level. Most recently, as for the EU, Mendoza¹⁴ recalled this topic, in an effort to undermine the negative connotation of Academic Capitalism. Etzkowitz¹⁵ rephrases the theme of the Pasteur quadrant, pointing out that base research does not have a linear approach, but a dynamic one. This is because while responding to industrial and applied research needs, new research questions arise, creating a circuit that does not limit to commercially available applications the work of Scientists who adhere to an entrepreneurial model of the university.

The process of affirming an EU model has led to a strong debate, especially as regards ethical conflicts between advocates of public research commercialization, and advocates of public research purity. Again, Etzkowitz¹⁶ argues that the nature of these conflicts concerns the process of transforming the very structure of scientific research, which even in the medieval model was kept separate from teaching. Even the passage to the first academic revolution, which saw teaching and scientific research in close contact, previously led to ethical conflicts¹⁷, subsequently overcome. The successive transition to the second revolu-

11. In particular, we refer to S. Slaughter, L. L. Leslie, *Academic Capitalism: Politics, Policies and the Entrepreneurial University*, Johns Hopkins University Press, Baltimore, 1997, p. 296.

12. V. Bush, *Science: the endless frontier. A report to the President by Vannevar Bush*, Director of the Office of Scientific Research and Development, Government Printing Office, Washington DC, 1945. Available at: www.nsf.gov/od/lpa/nsf50/vbush1945.htm.

13. D. Stokes, *Pasteur's quadrant: Baste science and technological innovation*, Brookings Institution Press, Washington DC, 1997, p. 196.

14. P. Mendoza, “Academic capitalism in the Pasteur’s quadrant”, in *Journal of Further and Higher Education*, 33, 3, 2009, pp. 301-311.

15. H. Etzkowitz, “Anatomy of the entrepreneurial university”, in *Studies of science/Etudes sur la science*, Social Science Information 52, 3, 2010, pp. 486-511.

16. H. Etzkowitz, “Imprenditorialità degli scienziati: conflitto di interessi e cambiamento normativo nella scienza”, in *Quaderni di Sociologia*, 43, 20, 1999, pp. 7-28.

17. An interesting point of view is the paper by J. Sábato, N. Botana, “La ciencia y la tecnología en el desarrollo futuro de América Latina”, in *Revista de Integración*, 3, 1968, pp. 15-36, which, by anticipating the times, also outlines future developments.

tion¹⁸, the entrepreneurial one, structurally due to the increasing complexity of research themselves, in need of substantial funding and of comparisons with competitive applications, has led to new ethical conflicts, this time also of a regulatory nature. For example, in this sense, the radical change that has occurred because of the shift from research based on individual researchers to those necessarily animated by research groups, according to Etzkowitz¹⁹, asks by its very nature a rethinking of contemporarily individuals and regulatory frameworks. Therefore, we would be in a phase of transformation that involves shakes and changes aimed at finding a new global equilibrium, though not immediately.

On the other hand, at this stage, it is difficult to predict a situation of isomorphic development²⁰ of the EU, which does not have a single implementation model but has many and different²¹. However, at least two further levels of diversity must be considered: the one related to the history and peculiarity of each university (including the different composition of the faculties and of subjects taught: scientific or liberal arts, etc.), and that of countries where universities are located, with their economic, political and cultural specificities.

Entrepreneurial University implementation models

Concerning EU implementation models, we should consider another set of indicators, not related to the aspects of public research commercialization. We refer to teaching methodology²², which in an EU has to deal with greater experiential activity, capable of introducing business world structured and tacit knowledge, in a broader way, inside undergraduate courses. For instance, this methodology must include internship²³

18. H. Etzkowitz, "The second academic revolution: the role of the research university in economic development", in S. Cozzens, P. Healey, A. Rip, J. Ziman (eds.), *The research system in transition*, Kluwer Academic Publishers, Boston, 1990, pp. 109-124; an interesting approach to understanding changes in the university is present in P. Kyrö, J. Mattila, *Towards Future University by Integrating Entrepreneurial and The 3rd Generation University*, 2012, available at: <http://pyk2.aalto.fi/ncsb2012/Kyro.pdf>, DOI: 10.04.2013.

19. See H. Etzkowitz, "Imprenditorialità degli scienziati: conflitto di interessi e cambiamento normativo nella scienza", in *Quaderni di Sociologia*, 43, 20, 1999, pp. 7-28, and H. Etzkowitz, "Research groups as 'quasi-firms': the invention of the entrepreneurial university", in *Research Policy*, 32, 1, 2003, pp. 109-121.

20. K. Philpott, L. Dooley, C. O'Reilly, G. Lupton, "The entrepreneurial university: examining the underlying academic tensions", in *Technovation*, 31, 4, 2011, pp. 161-170.

21. See note 8 for the references on EU models.

22. M. Guerrero, J. A. Cunningham, D. Urbano, "Economic impact of entrepreneurial universities' activities: an exploratory study of the United Kingdom", in *Research Policy*, 44, 2015, pp. 748-764.

23. M. della Volpe, A. Siano, A. Vollero, F. Esposito, "Exploring Curricular Internships in Italy: Towards Entrepreneurial Universities", in *International Business Research*, 9, 9, 2016, pp. 150-167.

among its training tools, or it should cover highly educative group activities, in view of the access of graduates into the world of work.

Another indicator is the presence of specific courses, at different levels and with different forms, useful to educate in management and entrepreneurship²⁴. Regarding the role of professors/researchers and administrative staff, it is worth considering the existence of specialized technology transfer and fundraising offices, characterized by the presence of university structured staff and professionals capable of receiving funding from abroad (grantsmanship). The role of professors within Departments can be decisive, both in the EU trend and in a more traditional vision, based on their entrepreneurial orientation: Todorovici, McNaughton, and Guild²⁵ have coped with the situation in Canada; Riviezzo and Napolitano²⁶ with the one in Italy, while Riviezzo, Liñán, and Napolitano²⁷ have compared Italy and Spain.

Philpott et al.²⁸ have conceived an EU variable model (see figure 1) in which harder activities (upward) and soft activities (downwards) are represented. Depending on their nature and contextual conditions, universities may decide to proceed by stages and begin, for example, with soft activities. If we consider MIT, Stanford and the University of California²⁹, all having a solid experience, we can observe that all activities are present.

24. OECD, *Entrepreneurship in higher education*, OECD, Paris, 2008.

25. W. Z. Todorovic, R. B. McNaughton, P. D. Guild, "ENTRE-U: An entrepreneurial orientation scale for universities", in *Technovation*, 31, 2, 2011, pp. 128-137.

26. A. Riviezzo, M. R. Napolitano, "Orientamento imprenditoriale: un'indagine tra le università italiane", in *Sinergie. Italian Journal of Management*, 93, 2014, pp. 193-212.

27. A. Riviezzo, F. Liñán, M. R. Napolitano, "Assessing the Entrepreneurial Orientation of University Departments. A Comparative Study Between Italy and Spain", in M. Peris-Ortiz, J. A. Gómez, J. Merigó-Lindahl, C. Rueda-Armengo (eds.), *Entrepreneurial Universities*, 2017.

28. K. Philpott, L. Dooley, C. O'Reilly, G. Lupton, "The entrepreneurial university: examining the underlying academic tensions", in *Technovation*, 31, 4, 2011, pp. 161-170.

29. The appellation University of California includes around 11 different university institutions.

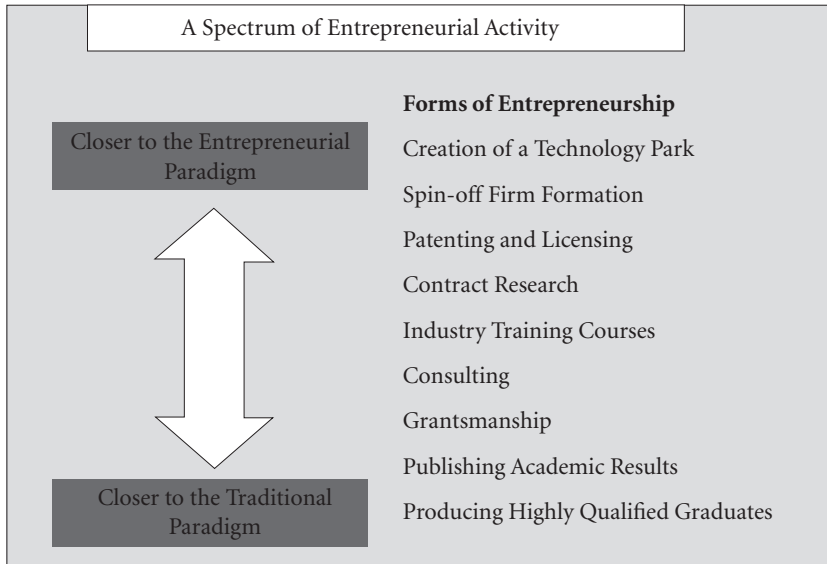


Figure 1 - A Spectrum of Entrepreneurial Activity (from Philpott et al., 2011, p. 162³⁰)

However, Philpott points out that in the more entrepreneurial universities, such as those just mentioned, the most important aspect is the high quality of graduates who are capable of founding new businesses, rather than the value of patents or licenses, as the quantitative analysis of Leydesdorff and Meyer³¹ confirms. This means that investments in the quality of human capital, i.e. graduates, are becoming the dominant strategic element. Among other factors, EU soft aspects cannot be easily criticized as macroscopic examples of Academic Capitalism. This kind of attention to the business world by universities can play a decisive role in enriching undergraduate formation, in favoring an attractive placement to graduates, and in energizing inside students the desire to be entrepreneurs or managers, by means of innovative teaching forming the necessary skills.

Although at different speeds, undoubtedly the EU is expanding in the academic world. The existence of several possible models, some theorized, others emerged due to concrete achievements, shows that it is not possible to speak of a homogeneous EU diffusion. Certainly, from the point of view of the harder aspects, we may find the most

30. K. Philpott, L. Dooley, C. O'Reilly, G. Lupton, "The entrepreneurial university: examining the underlying academic tensions", pp. 162.

31. L. Leydesdorff, M. Meyer. "The decline of university patenting and the end of the Bayh-Dole effect", in *Scientometrics*, 83, 2, 2010, pp. 355-362.

advanced models and experiments in the US. However, we must confirm that in Europe there is a rush to try to match, if not to exceed, the US model. At least from Lisbon 2000, the resolutions of the European Commission clearly testify this, and the Horizon 2020 program goes straightforwardly in this direction. In addition, we should remember that despite the strong awareness of the EU, Sweden, Finland, and Italy, for example, although in different ways, did not fully accept the Bayh-Dole model, coming to recognize that intellectual property must be awarded to researchers, not to universities. However, despite all great or small differences, the idea is quite widespread that there is a useful academic knowledge that can be marketed. As already stated in our previous pages, this idea was born in the United States during World War II, but we have also repeatedly referred to the ethical, theoretical and political critiques pointing the finger against the birth and spread of an Academic Capitalism.

Academic Capitalism

It is necessary to distinguish three types of anti-capitalist criticism towards the EU. The first criticism is clear and is represented by Slaughter³² and Rhoades³³, who contrast the very concept of knowledge commercialization in the name of Humboldtian and Mertonian liberty and pureness, mainly addressed to the harder aspects of the EU. Perhaps, this criticism comes originally from Baycan and Stough³⁴ who, while recognizing a highly negative aspect in knowledge marketing, see a possible challenge for the future, in both universities and businesses, and state that:

Commercialization and research excellence can go hand in hand, if the current focus on profit making, maximizing revenue, short-term benefits, tangible results of commercialization, and centralized structures could be shifted toward value making, maximizing the volume of innovation, long-term benefits, intangible results of commercialization, and decentralized structures³⁵.

32. S. Slaughter, L. L. Leslie, *Academic Capitalism: Politics, Policies and the Entrepreneurial University*, Johns Hopkins University Press, Baltimore, 1997.

33. S. Slaughter, G. Rhoades, *Academic capitalism and the new economy: markets, state, and higher education*, Johns Hopkins University Press.

34. T. Baycan, R. Stough, "Bridging knowledge to commercialization: The good, the bad, and the challenging", in *The Annals of Regional Science*, 50, 2, 2013, pp. 367-405.

35. *Ibid.*, p. 398.

Figure 2 clarifies their point of view, placing the retrospect on the left side, and the prospect on the right side.

Retrospect		Prospect
Profit making	→	Value making
Maximizing revenue	→	Maximizing the volume of innovation
Short-term benefits	→	Long-term benefits
Centralized innovation	→	Decentralized innovation
Single office (TTO)	→	Different organizational modes and modules, cross university initiatives
Focus on patenting and licensing	→	Focus on other forms of innovations including non-patenting innovations, publications
Patent-licensing model	→	Volume model
Secrecy	→	Openness
Closed innovation	→	Open innovation
Focus on commercialization	→	Focus on balancing commercialization and university identity
Tangible results	→	Tangible and intangible results
Focus on commercial issues	→	Focus on social issues and quality of life

Figure 2. Retrospect and prospect in commercialization of knowledge (from Baycan and Stough³⁶).

The second criticism is represented by Slaughter and Cantwell³⁷, who point out that the useful knowledge found in the EU essentially pertains to the disciplines of the group they call STEM: Science, Technology, Economics, and Mathematics (actually, the last one refers to Computer Science). This objective preference insists and condemns the decline of all the disciplines associated with Liberal Art and Humanities, together with a part of Social Sciences, creating a dry loss of classical academic knowledge, unless it finds a survival path penetrating inside more or less commercially available applications (as for instance those of storytelling and augmented reality). This type of criticism finds a good answer in the assessments by Rullani³⁸, for whom new forms of knowledge can

36. T. Baycan, R. Stough, "Bridging knowledge to commercialization: The good, the bad, and the challenging", p. 399.

37. S. Slaughter, B. Cantwell, "Transatlantic moves to the market: the United States and the European Union" in *Higher Education*, 63, 2012, pp. 583/606.

38. E. Rullani, *Economia della conoscenza*, Carocci, Roma, 2004, pp. 397 and 440.

no longer come from a “rationalized linear process” but must be plunged into creative and emotionally valid processes, otherwise, the strength of the new cognitive capital will not trigger. Agreeing with the author, we can reconsider critically the excessive separation of disciplines, and the success of STEM group disciplines as a temporary one. Since new forms of knowledge have to be projected on innovation, breaking the established patterns, Liberal and all minor Arts might play a decisive role in revitalizing the entire knowledge of the future.

Well represented by scholars like Jessop³⁹, the third criticism is the most radical one. It identifies the EU as the accomplishment of a new neoliberal social model, built not on knowledge society (KS), but on knowledge-based economy (KBE). In this negative picture, analyzed with various methodologies (including those of Foucault-originated governmentalities⁴⁰), even the softest components of the EU are seen as the expression of a neoliberal model based on the exploitation of cognitive capital. Such model would irradiate also inside the training of students suitably skilled for entering into the world of work provided by the KBE. With reference to a so radical criticism, which has several supporters, it is not possible here to indicate a simple exit perspective. We can only observe that it pushes to go along with lines of study and deepening that go far beyond the boundaries of the Academic Capitalism or the EU, and hence beyond the limits set out in this paper. Audretsch⁴¹, which has followed the evolution of the EU from the outset, argues that the EU is only a stage in the development of collective knowledge (in its broadest sense) launched by universities. According to Audretsch, if economy has evolved from a physical capital phase to a cognitive capital one, society has also evolved and is becoming entrepreneurial:

“As the university has evolved from the purity of the Humboldt model, to the demands placed on it as first a source for knowledge fueling economic growth and subsequently as a hothouse for technology transfer and startups, and finally as a leader for thriving in the entrepreneurial society, the complexity and ambiguity in the mission of the university has also increased. Perhaps, it is the ability of

39. B. Jessop, “Varieties of academic capitalism and entrepreneurial universities. On past research and three thought experiments”, in *Higher Education*, 73, 2017, pp. 853-870.

40. See I. Bruno, “The indefinite discipline of competitiveness benchmarking as a neoliberal technology of government”, in *Minerva*, 47, 2009, pp. 261-280. D. Pestre, “Understanding the forms of government in today’s liberal and democratic societies: An introduction”, in *Minerva*, 47, 2009, pp. 243-260.

41. D. B. Audretsch, “From the entrepreneurial university to the university for the entrepreneurial society”, in *Journal of Technology Transfer*, 39, 3, 2014, pp. 313-321.

university to both adhere to its traditional strengths as well as adapt to the needs and concerns of society that has made it one of the most resilient institutions in society”⁴².

Conclusion

Concerning at least the model level, which should follow appropriate policies, an important response to the third criticism by Jessop could come from Europe. An Open Innovation 2.0⁴³ approach is proposed, based on the Fourth Helix Model by Carayannis and Campbell⁴⁴. The authors recall that the traditional role of university research was based on a linear innovation model, which we have already mentioned, and that Gibbons et al.⁴⁵ called Mode 1, different from Mode 2, which is characterized by context-sensitive search and interdisciplinary applications. Carayannis and Campbell⁴⁶ had already identified a Mode 3, which emphasized coexistence and coevolution of different ways of innovation and knowledge, the pluralism of which is a growth factor for societies and economies. In the Quadruple Helix Model, the authors add a fourth public helix, in the sense of civil society-related media and culture: “This fourth helix associates with ‘media’, ‘creative industries’, ‘cultures’, ‘values’, ‘life styles’, ‘Art’, and perhaps also the notion of the ‘creative class’”⁴⁷. In this way, the authors narrow the Triple Helix model to the Knowledge-Based Economy, while expanding the Quadruple Helix model to Knowledge Society and Knowledge Democracy⁴⁸. Subsequently, Carayannis and Campbell⁴⁹,

42. Ibid., p. 320.

43. European Commission, “Open innovation 2.0”. 17th august 2017, available at: <https://ec.europa.eu/digital-single-market/en/policies/open-innovation>.

44. E. G. Carayannis, D. F. J. Campbell, “Mode 3 and Quadruple Helix: Toward a 21st century fractal innovation ecosystem”, in *International Journal of Technology Management*, 46, 3/4, 2009, pp. 201-234.

45. M. Gibbons, C. Limoges, H. Nowotny, S. Schwartzman, P. Scott, M. Trow, *The new production of knowledge. The dynamics of science and research in contemporary societies*, Sage, Thousand Oaks-CA, 1994, p. 192.

46. E. G. Carayannis, D. F. J. Campbell (eds.), *Knowledge creation, diffusion, and use in innovation networks and knowledge clusters. A comparative systems approach across the United States, Europe and Asia*, Praeger, Westport-CT, 2006, pp. 1-25.

47. Ibid., p. 206.

48. Ibid., p. 226.

49. E. G. Carayannis, D. F. J., Campbell, “Triple Helix, Quadruple Helix and Quintuple Helix, and how do knowledge, innovation and the environment relate to each other? A proposed framework for a transdisciplinary analysis of sustainable development and social ecology”, in *International Journal of Social Ecology and Sustainable Development*, 1, 1, 2010, pp. 41-69.

Carayannis et al.⁵⁰, and Carayannis and Grigoroudis⁵¹ propose a Quintuple Helix Model, which also takes into account the natural environment and its sustainability.

Using the attention given to the various voices cited in this note, we testify the vividness of the international debate on this subject: definitely, the EU is in a transitional condition, regarding both its theoretical and realization plans. In order to guide this probably epoch-making change, scientists and professors will have to observe and to be active players for all future developments.

50. E. G. Carayannis, T. D. Barth, D. F. Campbell, "The Quintuple Helix innovation model: global warming as a challenge and driver for innovation", in *Journal of Innovation and Entrepreneurship*, 1, 2, 2012, pp. 1-12.

51. E. Carayannis, E. Grigoroudis, "Quadruple Innovation Helix and Smart Specialization: Knowledge Production and National Competitiveness", in *Foresight and STI Governance*, 10, 1, 2016, pp. 31-42. DOI: 10.17323/1995-459x.2016.1.31.42.

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LO IMPOLÍTICO EN EL PENSAMIENTO DE ROBERTO ESPOSITO: Una crítica al concepto de “representación”

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THE IMPOLITIC IN THE THOUGHT OF ROBERTO ESPOSITO: A critique of the concept of “representation”

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Resumen

En este artículo reconstruimos muy sumariamente el uso que, en el siglo XX, le han dado al término “impolítico” autores como Thomas Mann y Massimo Cacciari. Tomada la distancia pertinente respecto de estas formulaciones, reconstruimos la posición de

Roberto Esposito en relación con el concepto de “impolítico”. Para ello, en primer lugar, explicitamos y respondemos a las cuatro grandes objeciones al concepto. Posteriormente, lo relacionamos con el concepto de “representación” porque consideramos que es una de las categorías centrales del pensamiento político moderno. El método utilizado por Esposito para confrontar con la noción de “representación” es la deconstrucción. Sin embargo, en la categoría de “potencia” inscrita en el corazón del pensamiento italiano encontramos la posibilidad de salir del momento de deconstrucción para pensar en la posibilidad de una política afirmativa.

Palabras clave

Reductio ad unum, conflicto, Roberto Esposito, Carl Schmitt, potencia.

Abstract

In this article, we reconstruct very briefly the use of the term “impolitic” which authors such as Thomas Mann and Massimo Cacciari have accomplished in the twentieth century. Taking the relevant distance regarding these formulations, the position of Roberto Esposito is reconstructed in relation to the concept of “impolitic”. To do this, first, the four main objections to the concept are explained and answered. Subsequently, it is related to the concept of “representation” because it is considered to be one of the central categories of modern political thought. The method used by Esposito to confront the notion of “representation” is deconstruction. However, we find in the category of “power” inscribed in the heart of Italian thought the possibility of leaving the moment of deconstruction to think the possibility of an affirmative policy.

Keywords

Reductio ad unum, conflict, Roberto Esposito, Carl Schmitt, power.

1. Introducción

Las reflexiones de Esposito sobre lo impolítico tienen lugar en los años ochenta y están en estrecha relación con su presente. En efecto, la cuestión de fondo sobre la que gira el pensamiento espositiano se refiere a “lo irrepresentable de la política”. Esposito abordó esta problemática desde dos perspectivas a lo largo de la década en mención: por un lado, desde el *corpus* formado por *La política e la storia. Machiavelli e Vico*, publicado en 1980, y *Ordine e Conflitto, Machiavelli e la letteratura politica del Rinascimento italiano*, de 1984; la segunda tematización se abre con el texto *La pluralità irrepresentabile: il pensiero politico di Hannah Arendt*, una publicación colectiva de 1987, *Categorie dell'impolitico*, de 1988 y reeditado en 1999 con nuevo prólogo, *Nove pensieri sulla politica*, de 1993, y reeditado en el año 2011 con el título *Dieci Pensieri sulla politica*, con un nuevo prólogo y un nuevo capítulo dedicado al análisis de la violencia y la comunidad.

Desde nuestra perspectiva, hay una continuidad entre las dos líneas de abordaje recientemente presentadas. En efecto, los análisis espositianos del pensamiento italiano, en especial el dedicado a Machiavelli y el análisis tratado de un modo explícitamente impolítico, tienen en común las reflexiones acerca de la imposibilidad de la filosofía moderna de representar la política.

Sin embargo, aunque supongamos la articulación entre las dos líneas,¹ nos ocuparemos en este artículo de la cuestión de lo impolítico en su formulación explícita y lo haremos siguiendo un eje central: el problema de la representación en la modernidad. Para ello, rastreamos los usos del término “impolítico” realizados en el siglo XX por autores anteriores a Roberto Esposito, reconstruiremos las discusiones y las filiaciones y, por último, propondremos una genealogía ya no solo del término, sino del concepto y su contrapunto con la categoría de “representación” de la modernidad.

1. Nota: Si bien hemos tenido presentes las traducciones de los textos de Roberto Esposito, para este artículo hemos preferido trabajar con nuestras propias traducciones del italiano al español.

Establecemos la distinción entre las dos líneas de pensamiento formuladas por nuestro autor principalmente en los años ochenta, pero no solo porque creemos que si bien aborda la cuestión de lo impolítico en ambas construcciones teóricas, también consideramos que lo hace con una formulación diferente. Por un lado, la línea que nos conduce desde el texto de Machiavelli del año 1980 hasta su más reciente *–Da fuori. Una filosofia per l'Europa*, Einaudi, Torino 2016– trabaja la cuestión de la política en clave afirmativa. Por otro lado, la línea que hemos elegido para este artículo prefiere el método deconstructivo y el señalamiento del vacío constitutivo de la política. Para decirlo en otros términos, los textos espositianos que tienen como eje el análisis del pensamiento italiano entienden la política en los términos de un conflicto o choque de fuerzas que dan como resultado la afirmatividad de la política (y de la vida). En los textos más propiamente impolíticos, se delinea el conflicto propio de la política, pero la mirada de nuestro autor se dirige fundamentalmente al elemento vacío, a la falta constitutiva de la política. En síntesis, hemos elegido para este artículo trabajar con una perspectiva, aun sabiendo que en el mismo período (y posteriormente) se trabaja la problemática con acercamientos, aristas y resultados.

Por último, nos apoyaremos en cierta conceptualización de la categoría de “potencia” (no en sentido aristotélico, esto es, como lo otro del acto, sino como “fuerza”, “*atto*” —en la ambivalencia de acto y actualidad—) que aparece en los textos espositianos que se ocupan del *pensiero italiano*. Esbozaremos, por lo tanto, una posibilidad de apertura de la acepción de lo impolítico entendido como política del vacío para arriesgar algo semejante a una política de la vida. Por supuesto que no pretenderemos en esa última sección dar por cerrada una discusión sino, por el contrario, simplemente dejarla abierta a las distintas posibilidades del pensamiento.

2. Lo impolítico y el presente

La urgencia de Roberto Esposito en los años ochenta era someter el léxico político moderno a su deconstrucción. La convicción de fondo residía en que cada uno de los grandes términos de la política moderna (libertad, democracia, representación, etc.) está marcado por una inflexión metafísica que obtura su poder de significación. En otros términos, Esposito sostiene que “todo concepto político posee una parte iluminada, inmediatamente visible, pero también una zona oscura, que solo se dibuja por contraste con la de la luz”². En este sentido, la urgente tarea que emprende nuestro autor desde la perspectiva de lo impolítico es la de reflexionar sobre los conceptos más influyentes de la tradición política moderna y poner de manifiesto ese núcleo aporético y contradictorio al que están expuestos. La tarea de lo impolítico es, por lo tanto, la de ocuparse de aquello impensado por el poder. Este silencio del pensamiento responde a la necesidad que la modernidad ha tenido de ordenar la realidad conflictiva, producto de la relación de fuerzas y de poder, detrás de un concepto. La *reductio ad unum* del concepto es la operación propia de la filosofía política moderna que, en su intención de ordenar, termina reduciendo la multiplicidad de lo real a lo uno del concepto³.

2. R. Esposito, “Community and Nihilism”, pp. 37-54, en Chiesa y Toscano (comps.), *The Italian Difference. Between Nihilism and Biopolitics*, Melbourne Press, Melbourne, 2009, p. 11.

3. En “Community and Nihilism”, Esposito incluye la perspectiva de lo impolítico en la línea de autores como Tucídides y Machiavelli. Aquellos pensadores del gran realismo político que consideraron que no hay realidad que quede por fuera de las relaciones de fuerzas y de poder. La diferencia entre lo impolítico y el realismo político consiste —sostiene Esposito— en que el primero es el reverso del segundo. Esta aclaración de nuestro autor nos conduce a sostener la tesis de la articulación entre las dos tematizaciones —pensamiento italiano y lo impolítico— propias de los años ochenta. Sobre la inscripción de lo impolítico en la línea del realismo, cfr. *Ibid.*, p. 13.

Asimismo, el texto *La politica al presente. Conversazione a cura di Roberto Ciccarelli*⁴ se abre con algunas afirmaciones acerca del modo en el que el pensamiento de Esposito se relaciona con las problemáticas contemporáneas y, en modo más general, refiere la articulación entre la filosofía y la política.⁵ En este texto se afirma que el pensamiento de los últimos treinta años de Esposito gira en torno a las reflexiones sobre la filosofía y la política declinadas en el presente,⁶ es decir, se trata de una genealogía del presente que habitualmente⁷ está articulada en cuatro categorías: impolítico, comunidad/inmunidad, biopolítica e impersonal.⁸

En relación con la filosofía de lo impolítico y el desarrollo conceptual llevado a cabo por Esposito durante este período —que se abre con *Categorie dell'Impolitico* e incluye *Dieci pensieri sulla politica*, los textos que son objeto de análisis en este artículo—, es importante resaltar que es precisamente en este momento de elaboración del pensamiento de nuestro autor cuando toma una nueva forma el estrecho vínculo entre ontología y política. Como sostiene Antonio Martone:

Este [Roberto Esposito] ha dedicado, en efecto, su meditación a un tratamiento de las estructuras ontológicas originarias, no dirigido simplemente a una reflexión meramente conceptual sobre ellas, sino entendiéndolas en su relación con la existencia práctica —con la vida que ese existente expresa—. De tal manera se ha creado un círculo, sin duda virtuoso, entre la ontología y la política.⁹

4. Cfr. *ibid.*, “La politica al presente”, en L. Bazzicalupo (ed.), *Impersonale. In dialogo con Roberto Esposito*, Mimesis, Milano-Udine, 2008, pp. 13-37.

5. La relación entre filosofía y política no es la misma a lo largo de toda la obra de Esposito. Nuestro autor sostiene en sus primeros textos la imposibilidad estructural para la filosofía de representar la política. Por ello recurre a la diferencia entre la filosofía y el pensamiento, y este último es capaz de sostener la mirada ambivalente frente a una realidad que no es ni única ni idéntica y, por lo tanto, irrepresentable en términos filosóficos, cfr. *Id.*, *Dieci pensieri sulla politica*, Il Mulino, Bologna, 2011, p. 29. Desde nuestra perspectiva, podemos subrayar un viraje en la posición del autor a partir de *Bios*. Si bien Esposito no dirá que la tarea de la filosofía consiste en realizar aportes concretos a la política, tampoco negará que esta pueda hacer alguno, cfr. *Id.*, *Bios. Biopolítica e filosofia*, Einaudi, Torino, 2004, pp. 214-215. Sobre este desplazamiento, cfr. E. Castro, “Recepciones de la biopolítica foucaultea: Giorgio Agamben y Roberto Esposito”, pp. 133-172, en *Lecturas foucaulteanas. Una historia conceptual de la biopolítica*, UNIFE: Editorial Universitaria, Buenos Aires, 2011a, p. 156.

6. Cfr. *Id.*, “La politica al presente”, p. 13.

7. Para la periodización habitual del pensamiento de Roberto Esposito, cfr. Esposito, “Community and Nihilism”, pp. 9-23; Castro, “Recepciones de la biopolítica foucaultea”, pp. 149-160; D. Calabrò, *Le svolte di un pensiero vivente. Passaggi e mutamenti di paradigma nella riflessione di Roberto Esposito*, Mimesis, Milano-Udine, 2011, pp. 91-128.

8. Nuestra hipótesis de trabajo, que ha sido expresamente detallada en otras oportunidades, toma distancia de la periodización habitual del pensamiento de Roberto Esposito. En efecto, a nuestro modo de ver, la articulación del pensamiento de nuestro autor no debe corresponder exclusivamente con la datación de su producción, sino que más bien debe ser ordenada según las reflexiones o temas a los que se dedica. Por lo tanto, la serie que proponemos es la siguiente: reflexiones sobre el pensamiento italiano; reflexiones que giran en torno a un pensamiento impolítico; reflexiones referidas al paradigma inmunitario; reflexiones relativas a las consideraciones de la vida impersonal. Aun así, esta categorización que nosotros proponemos del pensamiento de nuestro autor es, desde nuestra perspectiva, de exclusividad metodológica y expositiva porque no puede pensarse en los términos de discontinuidad entre cada uno de los períodos.

9. A. Martone, “Il potere e la sua ombra. Roberto Esposito dall'impolitico all'impersonale”, en L. Bazzicalupo (ed.), *Impersonale. In dialogo con Roberto Esposito*, p. 94.

En efecto, en este período impolítico, Esposito elabora una crítica radical al que considera el concepto central de la filosofía política moderna: la representación.¹⁰ El método a través del cual Esposito desarrolla la crítica es la deconstrucción.¹¹

En *La política al presente*, Esposito realiza un recorrido por su pensamiento. Pasa a través de los diferentes momentos de su producción y aclara qué significa la relación entre política y ontología:

La ontología de la que hablo es una ontología histórica, aquello que Foucault definió como “ontología del presente”, una ontología que no es considerada en los términos tradicionales de la “historia del ser”, sino más bien de la “historia del presente”, en otras palabras de “genealogía”.¹²

En esta misma línea, en una entrevista realizada por Edgardo Castro, Esposito sostiene: “Pienso en lo que Foucault llamó ontología de la actualidad, retomando de manera original la fórmula hegeliana del propio tiempo aprehendido con el pensamiento”, para expresar las características que determinan o definen el pensamiento italiano, y continúa en la misma entrevista: “Ciertamente, son muchos los estilos del trabajo filosófico, pero una filosofía que no parta de una interrogación radical sobre el propio presente, sobre lo que lo connota y lo transforma de modo esencial, pierde gran parte de su sentido”. Es decir, en palabras del autor: “La filosofía es en sí, constitutivamente, política”.¹³

3. Antecedentes del uso del concepto de impolítico

Antes de adentrarnos en la cuestión de lo impolítico y en el uso que hace Esposito de este concepto, consideramos necesario referir brevemente el uso previo que se le ha dado.

10. Para el concepto de “representación” en la producción de Esposito, cfr. *infra* 5, pero también a propósito de la discusión con Carl Schmitt en relación con los conceptos de “modernidad” y “teología política”, cfr. *infra* 6.

11. En relación con el método, Esposito en este período de su pensamiento utiliza la “deconstrucción”, decimos que, desde nuestra perspectiva, su proceder se apoya en la deconstrucción en clave weiliana. Es decir, ya en los años treinta Simone Weil había escrito: “podemos tomar todos los términos, todas las expresiones de nuestro vocabulario político y abrirlas; en su interior encontraremos el vacío” (S. Weil, “Non ricominciamo la guerra di Troia”, en G. Gaeta, *Simone Weil*, Edizioni Cultura della Pace, San Domenico di Fiesole, 1992, p. 111). En efecto, uno de los trabajos que emprenderá Esposito en el período denominado “impolítico” será el de abrir las categorías tradicionales de la filosofía política y mostrar que en su interior se encuentra un punto vacío que escapa a toda posibilidad de reducción al orden o representación simbólica. Asimismo, sobre el concepto de “deconstrucción” en Esposito y su referencia tanto al trabajo de Derrida como a la *destruktion* heideggeriana, cfr.: R. Esposito, “Community and Nihilism”, pp. 9-10.

12. R. Esposito, “La política al presente”, p. 22.

13. Cfr. Entrevista para la *Revista Ñ* realizada por Edgardo Castro y publicada en Buenos Aires el 12 de marzo de 2005.

Si bien nos limitamos al uso de este concepto en el siglo XX, en diversas enciclopedias de filosofía (v. gr. *Enciclopedia del pensiero político*, pp. 409-410) se indica su uso en autores de los siglos XVIII y XIX como Robespierre y Chateaubriand, y designa “lo que va en contra de la inteligencia y la pertinencia en la acción política, lo que va en contra de la vocación, de la razón de ser de la política”.¹⁴ De este modo, impolítico es entendido en sentido negativo como lo que se opone a la política.

Asimismo, el término impolítico fue utilizado por primera vez en el siglo XX por Thomas Mann en su texto *Betrachtungen eines Unpolitischen* de 1918. Sintomáticamente, el título en cuestión fue traducido al español como *Consideraciones de un apolítico*. Siguiendo la hipótesis de Massimo Cacciari,¹⁵ consideramos que esta traducción (*Unpolitisch* por apolítico y no por impolítico) no es el resultado de una confusión, sino más bien una decisión.

Contrario a los sentidos conferidos en los siglos XVIII y XIX, el término impolítico es resemantizado en el siglo XX a partir del uso que le da Thomas Mann. Este autor le concede una valoración positiva porque lo piensa como un concepto contrapuesto a la práctica política, que en ese momento estaba deslegitimada. En este sentido, el punto en cuestión es independiente de la valoración que asuma el término. Lo cierto es que responde a un modelo axiológico del contraste, en tanto lo anti-político es opuesto a lo político. Tal como Mann lo piensa, lo impolítico asume a veces una connotación social, otras veces es de índole ética o estética, pero es siempre externa y alternativa a la política.

Por otro lado, Massimo Cacciari, en *L'impolitico nietzscheano*¹⁶ de 1978, confronta el término directamente con la posición de Thomas Mann, de la que se aleja para darle una nueva significación. Este texto se abre con la siguiente cita de 1918 de Ulrich Von Wilamowitz-Moellendorff en relación con Nietzsche, a quien define como uno de “los intelectuales alemanes y su presunto magisterio de violencia”¹⁷. Con esta afirmación, Cacciari busca manifestar la “gran reacción” alemana que se opuso a la idea de ubicar a Nietzsche en el interior de la política y la cultura alemana de la época. Según Wilamowitz, Nietzsche es uno de los “individualistas anárquicos que se pueden permitir la negación del ordenamiento social solo porque están protegidos por esta sociedad encuadrada en el orden estatal”. Continúa el filólogo sosteniendo que, si se quisiera buscar a los precursores de Nietzsche, se encontrarían entre los moralistas franceses y los cínicos

14. J. Mayer, “Política y responsabilidad”, en *El Universal Online México*, 17 de septiembre de 2006, disponible en: <http://www.eluniversal.com.mx/editoriales/35466.html>

15. Cfr. M. Cacciari, *Desde Nietzsche. Tiempo, arte, política*, Biblos, Buenos Aires, 1994, p. 64.

16. Cfr. *Ibid.*, pp. 63-79.

17. Cfr. *Ibid.*, p. 63.

griegos. Esta afirmación intenta borrar los lazos de Nietzsche con la cultura alemana y, así, matizar las críticas esgrimidas por este. Como Wilamowitz, muchos otros también ayudaron a presentar a Nietzsche en una caracterización únicamente estetizante.

Contrario a la posición de aquellos intelectuales que intentaron borrar a Nietzsche de la centralidad intelectual de Alemania, y también a la de aquellos que lo quisieron reducir a una simple posición estetizante, Thomas Mann publica en 1918 su texto *Consideraciones de un impolítico*, en el cual Nietzsche deviene un autor central para la *kultur* alemana justamente por su impoliticidad. Es decir, Nietzsche –en el texto de Mann– aparece como aquel que se rebela contra la conversión espiritual de Alemania hacia la política y ve en esta su único destino. En otros términos, Mann considera que Nietzsche es impolítico como Alemania es impolítica, y por ello debe ser colocado en el corazón de la nación.

Según Mann, lo impolítico está en estrecha relación con la noción del *weltbürgertum*, el cosmopolitismo. Es decir, la *kultur* es *weltbürgertum* porque es la expresión del *bürgertum*, la burguesía universal. En este sentido, la misión alemana es la afirmación de la “potencia de lo impolítico”, es decir, la afirmación del *weltbürgertum* y de la *zivilisation* dirigida por el *bürgertum*. Así, Mann insiste en que es justamente en esa afirmación impolítica en lo que consiste la sobre-alemanidad de Nietzsche y de la cultura alemana.

Reconstruido brevemente el contexto, la pregunta de fondo sería: ¿qué significa “lo impolítico” para Thomas Mann? La respuesta es clara: “lo impolítico” debe ser entendido como el rechazo de la dimensión de lo político. Lo político es para Mann un disvalor, ya que se convierte en una dimensión en la que no pueden afirmarse los valores de la *humanität* y de la *bildung* del *weltbürgertum* alemán. Con extrañeza, para Mann, en *Zur Genealogie der Moral* Nietzsche propone una afirmación de los valores y no su transvaloración.

Esa misma pregunta se la realizamos también a Cacciari de la siguiente forma: ¿qué es “lo impolítico” y cuál es su fuerza en relación con la crítica de la modernidad? Para Cacciari, “lo impolítico” es lo contrario de lo político en cuanto disvalor. En este sentido, “lo impolítico” nietzscheano es la crítica de lo político en cuanto afirmación de valores. En efecto, no es un rechazo de lo político sino una crítica radical. “Lo impolítico” busca ir más allá de lo político para descubrir los fundamentos del valor o los discursos de valor que lo fundan. Desde esta perspectiva, “lo impolítico” no es meramente el valor que libera lo político de su disvalor, como quería Mann, sino, y sobre todo, la crítica radical del “valor” de la dimensión de lo político. Para Cacciari, lo impolítico nietzscheano está por fuera de la clásica división entre lo político y lo impolítico (entendido como

anti-político) como los dos polos de una visión antitética. Se trata más bien de un estadio crítico de la “gran política”.

Marco Tuono (Università Ca' Foscari, Venezia) señala¹⁸ que Cacciari va más allá del análisis del concepto de lo impolítico en Thomas Mann y ofrece una visión acerca de Nietzsche y su relación con la modernidad. En la misma línea, Tuono sigue las observaciones de Lukács en *La destrucción de la razón*¹⁹. Para ambos autores, la discusión de Nietzsche es con el nacionalismo y la democracia. En esta línea, Luckács considera que “[el] pensamiento filosófico de Nietzsche se dirige desde el principio contra el socialismo y la democracia”²⁰. Para Cacciari, las ideas de democracia y socialismo representan en Nietzsche el presupuesto teológico sobre el que está apoyado el pensamiento occidental. En efecto, para el veneciano, Nietzsche en tanto que impolítico es el que es capaz de demostrar que la democracia y el socialismo despliegan lo político hasta el punto de dejar al descubierto su problematicidad.

4. Objeciones a la formulación espositiana de impolítico

En la “Prefazione” a la segunda edición de *Categorie dell'impolitico* publicado en 1999, Esposito responde a las cuatro grandes objeciones que le habían realizado a su texto en los más de diez años transcurridos desde su primera publicación en 1988. Estas objeciones podemos sintetizarlas del siguiente modo: en primer lugar, que lo impolítico tiene alguna filiación anti-política; en segundo lugar, que lo impolítico es una suerte de teología política negativa de carácter gnóstico; en tercer lugar, que lo impolítico es una categoría interna de la modernidad y, con más precisión, una categoría de la crisis de la modernidad; por último, que lo impolítico es una filosofía que hereda la máxima voluntad de poder producida al retirarse de la política.²¹

Antes de abordar las respuestas que Esposito dedica a cada una de las objeciones, debemos aclarar que el autor no descarta en absoluto que alguna de ellas tenga cierto asidero.

En relación con la primera objeción, Esposito responde que no hay asimilación entre lo impolítico y lo anti-político o a-político. En efecto, esto es así porque lo impolítico

18. Cfr. M. Tuono, “Nietzsche filosofo della politica: interpretazione a confronto”, en *Diapsalata - Rivista di Filosofia*, 3, 2010, pp. 3-8.

19. Cfr. G. Lukács, *La distruzione della ragione*, Einaudi, Torino, 1959, pp. 311-403.

20. *Ibid.*, p. 326.

21. Cfr. R. Esposito, *Categorie dell'impolitico*, Il Mulino, Bologna, 1999, p. XI.

no implica una caída o debilitamiento de la política, sino una *radicalización e intensificación*.²²

Respondiendo por partes a esta objeción, el autor sostiene que lo impolítico y la anti-política no coinciden. La anti-política es la imagen invertida de la política, es una manera de hacer política contraponiéndose a ella. La clave para esta interpretación está en la forma polémica implícita en el prefijo “anti”, que debe ser leída en sentido fuerte de “contra”.

Por otro lado, tampoco puede entenderse lo impolítico como lo a-político porque esta última forma señala una indiferencia o extrañeza respecto de la política. La a-política podría conducir a la despolitización de la modernidad, ya que pone el acento en la sociedad, la economía y la técnica.

Según nuestro autor, se trata de una despolitización que tiene dos vertientes. Por un lado, la vertiente histórica de matriz hobbesiana que lleva en el corazón la idea de la “política absoluta” y de la obligación soberana. Por otro lado, la vertiente categorial que lleva en el corazón la doble intención de neutralizar tanto el conflicto político como la política del conflicto. En los dos casos, se trata de una política de la neutralización.

Contrario a estas posiciones, a-política y anti-política, Esposito sostiene lo impolítico como la política del conflicto. Para Esposito el conflicto es la única realidad, toda la realidad y solo la realidad.²³ En este sentido, lo impolítico coincide con la política porque la afirma en tanto que reconoce que no hay exterioridad respecto de ella. De este modo, una característica de lo impolítico consiste en “recordarle” a la política su propia finitud. A diferencia de la manera en que relacionan anti-política y política –que consiste en la negación y, por lo tanto, en la reproducción potenciada de la política–, lo impolítico coincide con la política porque no la niega. Como vemos, Esposito hace emerger el carácter afirmativo de lo impolítico en tanto anverso de la política. En este sentido, lo que afirma lo impolítico es que no hay un afuera o un fin de la política.

Con respecto a la segunda objeción²⁴ que pone en relación de semejanza el discurso de lo impolítico con algún tipo de teología política, Esposito es claro al rechazar esta posibilidad. Para nuestro autor, el punto nodal de la teología política reside en la conjunción entre Bien y poder. Esta conjunción, desde su perspectiva filosófico-política, es inviable. En efecto, el poder no es ni una representación, ni una emanación del Bien, ni un mecanismo dialéctico capaz de traducir el mal en Bien. Veremos más adelante que

22. Cfr. *Ibid.*, pp. XI-XVI.

23. Cfr. *Ibid.*, p. XV.

24. Cfr. *Ibid.*, pp. XVI-XXII.

esta concepción de la política alejada tanto de la articulación entre Bien y poder como del concepto de representación pone en discusión los argumentos de nuestro filósofo con los de Carl Schmitt. Aun así, a Esposito le resulta difícil sostener que no existe riesgo alguno de que lo impolítico pueda ser leído en clave teológico-política y gnóstica.

En relación con el gnosticismo, el pensador italiano sostiene que no existe en lo impolítico la dualidad que sustenta a la teoría filosófico-religiosa mencionada. Esto es así porque no hay dualidad entre dos términos, en este caso entre lo político y lo impolítico, ya que la distancia entre lo impolítico y lo político es una cuestión de perspectiva. De este modo, no puede sostenerse la hipótesis dualístico-gnóstica según la cual existe un límite que separa dos ámbitos contrapuestos, porque la perspectiva impolítica considera el límite como aquello capaz de poner en relación y no como lo que separa dos ámbitos contrapuestos. Política e impolítico comparten el mismo espacio.

La tercera objeción²⁵ está encabezada especialmente por Carlo Galli.²⁶ Este autor sostiene que lo impolítico es el horizonte crítico más importante en relación con la modernidad y, justamente por esto, todavía interno a ella. Para contestar este punto, Esposito replantea la categoría de “crítica” del siguiente modo: lo impolítico no es una crítica a la realidad en nombre de otro valor, de otra ideología o de otro interés. Si así fuese, quedaría atrapado en su interior. Para nuestro autor, lo impolítico se emancipa de la perspectiva tradicionalmente crítica porque se distancia del concepto de crisis. La idea de crisis forma parte de una filosofía de la historia construida alrededor del concepto de sucesión cronológica de las épocas. Esta sucesión puede ser entendida en términos de progreso o de declinación. Con independencia de ello, lo que no puede hacer esta conceptualización de la historia es leer el elemento a-histórico inscripto en ella. En efecto, lo impolítico se aleja de esta consideración porque cuestiona el borde de la política. Es decir, cuestiona lo que lleva “eternamente” dentro de sí como su propio trascendental inmanente.

Por último, en relación con el *retrait* de la política,²⁷ Esposito repite la idea de que lo impolítico no es un “salirse fuera de la política”, puesto que no hay tal afuera. Desde el abordaje de nuestro autor, el punto vacío al que refiere lo impolítico está en el interior de lo político. En esta línea de análisis, el italiano explica la relación entre lo político y lo impolítico a través de una analogía que le es muy cara. La relación entre lo político y lo impolítico es como aquella entre la voz y el silencio. El silencio no es otra voz, sino la

25. Cfr. *Ibid.*, pp. XXII-XXVII.

26. Cfr. C. Galli, Recensione de *Nove pensieri sulla politica*, en *Filosofia Politica*, 1, Il Mulino, Bologna, 1994, p. 156.

27. Cfr. R. Esposito, *Categorie dell'impolitico*, pp. XXVII-XXXII.

pausa o la articulación del lenguaje mismo. En este sentido, así como el silencio es parte del lenguaje, lo impolítico es la interiorización de la exterioridad, del límite, del afuera.

5. Lo impolítico en Esposito: el problema de la representación

Esposito dirige su atención a la relación entre filosofía y política en el capítulo “Política” de *Dieci pensieri sulla politica*. En las primeras líneas, el filósofo expone la tesis principal del artículo: “la filosofía política no logra completar el desvío entre política y pensamiento —o simplemente conocerlo— porque es justo ella la que lo produce”.²⁸ Desde este punto de vista, Esposito considera que el “desvío” consiste en que la política escapa a la experiencia del pensamiento, así como el pensamiento se muestra incapaz de pensar la política. Esta tesis, como el mismo autor lo sostiene unas líneas después, implica un giro de ciento ochenta grados respecto de todas las autocríticas que la filosofía política ha realizado en los últimos años.²⁹ En relación con estas, lo que diferencia a Esposito de los demás pensadores es que no intenta distanciarse o acercarse a la ciencia empírica ni avala o repele las posiciones antimodernas que sostienen que no se puede fundar de nuevo la *polis* clásica.³⁰

Desde nuestra perspectiva, la originalidad de la posición de Esposito reside en poner en duda la relación esencial entre política y filosofía. En efecto, afirma que “hay una relación directa entre la forma de la filosofía política y la incapacidad de pensar la política [...]. Y eso no es porque la filosofía no dé respuestas a los problemas de la política. Al contrario: esta [la filosofía] solo da respuestas”.³¹ A partir de estas reflexiones podemos

28. Id., *Dieci pensieri sulla politica*, Il Mulino, Bologna, 2011, p. 29.

29. Cfr. *Ibid.*, p. 29.

30. La interpretación que realiza Ana Zagari sobre el pensamiento impolítico de Esposito se distancia absolutamente de nuestra posición por dos motivos. En primer lugar, porque sostiene: “lo político es el campo del conflicto y de la violencia, la política moderna es la forma encontrada y anhelada para aplacar la infinita revuelta del deseo”, “Roberto Esposito en la tradición de lo impolítico”, en A. Zagari, B. Gercman, A. González, *Roberto Esposito, tres ensayos sobre una teoría im-política*, Ediciones del Signo, Buenos Aires, 2009, p. 35. En esta posición se omite el lugar que ocupa Machiavelli en el pensamiento de Esposito. Desde nuestra perspectiva, el conflicto es el motivo que nuestro autor toma del pensador florentino y lo pone en el centro del análisis de todo su pensamiento. Sin lugar a dudas, Machiavelli es un autor moderno. De este modo, la diferencia entre lo político como lugar del conflicto y la política moderna en su única posibilidad inmunitaria se distancia de nuestra posición. En segundo lugar, en esta interpretación del pensamiento de Esposito hay una intención de establecer una semejanza entre el pensamiento de lo impolítico y la figura de Perón en Argentina. Independientemente de las consideraciones puntuales, creemos que en Esposito no hay lugar para semejante comparación. Por un lado, porque no encontramos a lo largo de su producción ninguna mención al peronismo; en segundo lugar, porque nuestro autor trabaja la categoría del “extranjero”, pero no la de “mestizaje” como se propone en este texto; en tercer lugar, porque nuestro autor sostiene que lo “otro” es irrepresentable, pero el peronismo busca la representación y desde 1945 se constituyó en una de las voces más importantes de la política argentina. Por estos motivos, creemos que esta voz de la política no es comparable en absoluto con el silencio de lo impolítico mentado por Esposito. Para esta relación entre Esposito y Perón, cfr. *ibid.*, p. 15-39.

31. R. Esposito, *Dieci pensieri sulla politica*, pp. 29-30.

establecer que Esposito considera que la filosofía pretende fundar la política. En efecto, la filosofía da respuestas a las preguntas que ella misma se plantea sobre la base de sus propios presupuestos y, planteadas teóricamente, estas parecen inhabilitar un pensamiento sobre la política.

El problema reside, entonces, en que la filosofía piensa la política en los términos de la representación, de la *reductio ad unum*. Como hemos dicho, la filosofía intenta representar el conflicto inherente de la política a través de la reducción al orden conceptual. En palabras de Esposito: “No existe filosofía del conflicto que no lo reduzca al propio orden categorial y, por lo tanto, que en definitiva no lo niegue justo cuando lo representa y a través de dicha representación”³².

Pero, continúa el filósofo:

Existe una razón, naturalmente, por la cual la representación filosófica niega el conflicto –razón de “vida o muerte”, se diría–: y esta consiste en que el conflicto es el que niega originariamente la representación en el sentido de que este es justamente irrepresentable, aquello que no puede ser representado –si no es en la forma de su disolución– en el cuadro categorial de la filosofía política.³³

De este modo, la distancia de Esposito en relación con las otras posiciones filosóficas autocríticas reside en poner el “conflicto” en el centro de la cuestión. Esposito está inscripto en el corazón de una tradición italiana cuyo máximo exponente es Machiavelli, quien considera que el conflicto es la realidad de la política, su *factum*,³⁴ y por ello es lo irrepresentable. En este sentido, comprendemos que la dificultad de la filosofía en relación con la política consiste en que la facticidad de lo real no entra en sus esquemas. De este modo, el conflicto resulta ser lo impronunciado en el lenguaje conceptual. El problema consiste, de hecho, en que la impronunciabilidad hace que lo real no pueda ser representado en un lenguaje fundado en el principio aristotélico de no-contradicción ya que, según este principio, el elemento antinómico debe ser eliminado y dejado fuera del lenguaje filosófico-político. Vemos, por lo tanto, que la imposibilidad de la

32. Ibid., p. 31.

33. Ibid., p. 31.

34. Nos resulta inevitable mencionar los textos de Machiavelli en reiteradas oportunidades aun en el contexto de lo “impolítico”. Esto es así porque vale destacar –para evitar posibles confusiones– que en todos los casos Machiavelli es para Esposito un autor político que se encuentra dentro del registro del realismo político. Por lo tanto, si bien en este estadio del pensamiento de nuestro autor, Machiavelli es trabajado desde una perspectiva impolítica, esto responde al abordaje que nuestro autor hace del pensamiento del florentino. Es decir, es Esposito quien lee a Machiavelli en clave impolítica sin que eso signifique que el florentino deba ser entendido como un autor impolítico.

representación reside para Esposito en que la contradicción está fuera del lenguaje de la filosofía. Si esto es así, entonces la filosofía no puede dar cuenta del fondo antinómico de la política y este se constituye en el aspecto irrepresentable.

Como vemos, el “conflicto” en la filosofía de Esposito es un concepto técnico que remite a lo real entendido como lo contradictorio. Este es el motivo por el cual lo conflictivo escapa a toda intención de conceptualización o representación que pretenda reducirlo a lo “Uno”. El conflicto es la multiplicidad de lo real en constante cambio y, por lo tanto, imposible de representar. Desde nuestra perspectiva, el recorrido del pensamiento de Esposito intenta en todos los casos prestar especial atención a los pensadores que renuncian a la pretensión de eliminar los contrarios y en esa genealogía inscribe su pensamiento.

De este modo, Esposito divide en dos grandes grupos a los pensadores que se han ocupado de la filosofía política. Por un lado, están aquellos filósofos que han intentado reconducir los muchos al Uno, el conflicto al orden, la realidad a la idea. Por otro lado, están aquellos que se han dado cuenta de que lo decisivo en política queda fuera del campo de lo representable.³⁵

6. Lo impolítico en Esposito: filiación y discusión

Para Esposito fueron muchos los autores que intentaron reconducir el conflicto al orden. Es más, no solo fueron muchos, sino que el gesto de la reducción de lo múltiple a lo Uno aconteció en los orígenes mismos de la filosofía occidental, ya que fue Platón quien condujo la discusión acerca de la política al ámbito de la representación.³⁶

35. En el capítulo “Política” de *Dieci pensieri sulla politica*, Esposito vuelve a retomar la figura de Platón e insiste en el aspecto impolítico de las reflexiones del ateniense. El problema que se plantea en *Repubblica* no es –según Esposito– solamente el de la definición del buen gobierno o la elección del mejor régimen, sino la “relazione con la questione ontologica della giustizia e questa con la costituzione stessa dell’anima” (Esposito, *Dieci pensieri sulla politica*, p. 32). Para Esposito, Platón expresa la unidad en la distinción a partir de las consideraciones sobre el alma. Recordemos que en la teoría del ateniense hay tres tipos de alma (la racional, la irascible y la concupiscible) y la *politeia* debe adaptarse a cada una de ellas. Esposito se apoya en la concepción del alma de Platón para mostrar que lo que en la teoría aparece como lo Uno en la realidad es la multiplicidad. En el alma platónica, nuestro autor encuentra la idea de que las fuerzas constitutivamente discordantes laceran la concordia presupuesta: “L’anima è strutturalmente anfibia, intrinsecamente ancipite, costitutivamente autoconfliggente: una belva a piú teste, una coppia di cavalli lanciati in direzioni opposte” (ibid., p. 33). De este modo, Esposito muestra a través de Platón que las fuerzas discordantes que constituyen lo real de la política son indecibles en lo filosófico y, por lo tanto, no pueden dar cuenta de ningún tipo de orden. Nos advierte que si intentamos representarlas, debemos hacerlo en el modo de la *stasis*, la guerra civil. Es decir, como aquello que perfora la representación filosófico-política y se constituye como su anverso.

36. La cuestión de la representación en el pensamiento espositiano ha sido abordada por Castro y Velasco. El mérito que hemos encontrado en el artículo de estos autores consiste en que logran poner en evidencia el arco conceptual del pensamiento espositiano desde la noción de la *conservatio vitae* hobbesiana hasta la filosofía de lo impersonal. Cfr. E. Castro, G.

En efecto, tanto en las primeras páginas de *Dieci pensieri sulla politica* como en las de *Categorie dell'impolitico*, Esposito dedica gran parte de la reflexión al concepto de representación, siguiendo la línea de la *complexio oppositorum*. En *Categorie dell'impolitico*, adelanta la complejidad de la reflexión sobre el concepto de representación. Por un lado, sostiene que la cuestión de la representación está estrechamente ligada a la reflexión acerca de la modernidad, por el otro, encuentra una relación con la teología política.³⁷

En relación con el primer punto, debemos definir qué entiende Esposito por *modernidad*. En *Categorie dell'impolitico*, Esposito reconduce la cuestión de la modernidad a la problemática de su constitución. El autor entiende la modernidad como la contradicción (el hecho de ser contradictorio) entre la permanencia de los contrarios y su resolución dialéctica. Para esta definición sigue la posición de Carl Schmitt, quien piensa la modernidad como la neutralización o despolitización del conflicto en el ámbito del orden civil.³⁸

En relación con el segundo punto, desarrollaremos la perspectiva de nuestro autor que sostiene que, en *Categorías de lo político*, Schmitt confiere a la categoría de representación la característica de despolitización. Para Esposito la despolitización consiste en la incapacidad de representar la relación existente entre la decisión política y la idea o, en otras palabras, la dificultad de pensar la relación entre Bien y Poder.

Ahora bien, es necesario hacer algunas observaciones, abandonando toda pretensión de realizar un análisis exhaustivo del pensamiento de Schmitt (o de Peterson). En primer lugar, para establecer una relación entre la representación y la despolitización, debemos tener en cuenta que Schmitt se refiere a la cuestión de la modernidad como la

Velasco, "Il rifiuto della rappresentanza. Filosofia e politica dell'impersonale", en M. Saidel, G. Velasco Arias (eds.), *Roberto Esposito. Dall'impolitico all'impersonale. Conversazioni filosofiche*, Mimesis, Milano-Udine, 2012, pp. 197-208.

37. Para una profundización acerca del origen del término-concepto de "teología política" y los diversos usos que hace Schmitt: cfr. C. Galli, *La Mirada de Jano. Ensayos sobre Carl Schmitt*, Fondo de Cultura Económica, Buenos Aires, 2011, pp. 61-96.

38. Esposito recurre a Carl Schmitt para poner en discusión algunos conceptos centrales para su pensamiento. En *El concepto de lo político* (en C. Schmitt, H. O. Aguilar, *Carl Schmitt, teólogo de la política*, Fondo de Cultura Económica, Buenos Aires, 2001, pp. 171-223), Schmitt propone una definición conceptual de lo "político" con la que discutirá Esposito en su *Categorie dell'impolitico* (Cfr. pp. 7-11, 50-83). El autor alemán sostiene que lo "político" se define en función de la fijación de ciertas categorías políticas. Estas categorías deben remitir a una distinción de fondo sobre la que se apoya el criterio de lo "político": "La específica distinción política a la cual es posible referir las asociaciones y los motivos políticos es la de *amigo y enemigo*. Ella ofrece una distinción conceptual, es decir, un criterio [...], no es derivable de otros criterios" (C. Schmitt, *Carl Schmitt, teólogo de la política*, p. 177). El significado de la distinción entre amigo y enemigo es el de indicar la intensidad de unión o separación de un grupo. Distinguir entre estos dos grupos y definir claramente al enemigo es lo que permite que el soberano decida acerca de si el "otro" conflictivo debe existir o no. Desde la perspectiva de Esposito, la propuesta schmittiana de eliminación real y concreta del "otro" conflictivo es la "despolitización". En otros términos, para Esposito lo "político" es la existencia ineliminable de los contrarios contrapuestos y, por lo tanto, la eliminación de la existencia de los contrarios implica la "despolitización".

muerte de la *rappresentanza*.³⁹ En este sentido, afirma explícitamente el origen hobbesiano del moderno concepto de la *rappresentazione*.

En segundo lugar, es justamente la relación entre Bien y Poder lo que contrapone a Esposito con Schmitt. Por ello, nuestro autor aclara que el concepto de teología política utilizado en *Categorie dell'impolitico* no se corresponde con el del jurista alemán: “el uso que hago del término-concepto tiende inclusive a divergir de manera radical del de Schmitt”.⁴⁰ En resumen, el jurista entiende por teología política el proceso de secularización a partir del cual la modernidad produce la transvaloración de los conceptos de matriz teológica en categorías jurídico-políticas, mientras que el italiano propone recuperar otra significación más antigua que podemos rastrear en Agustín y fue utilizada por Peterson y Voegelin en clara oposición a la interpretación schmittiana.

Como surge de *El monoteísmo como problema político*, para Peterson la teología política está volcada a recomponer y legitimar la acción política y no, como sostiene Schmitt, a buscar una identidad estructural entre conceptos teológicos y jurídicos. En síntesis, sostenemos que Peterson rechaza cualquier amalgama entre Estado e Iglesia y se distancia de toda posibilidad de legitimación del orden político a través de la teología. En el pequeño texto que referenciamos, Peterson sostiene la tesis de que el templo del cuerpo de Cristo ha ascendido al Cielo, de modo que la gloria de Dios ya no mora en la tierra sino en el templo celeste. Así, contrariamente a la posición schmittiana, la teología no podría secularizarse porque entre el poder sacro y el político no hay vínculo alguno. Dicho de otro modo, la teología política es una especie de cortocircuito histórico y filológico que ha introducido en el interior del léxico religioso la terminología política con la intención de justificar teológicamente el orden existente en la ciudad de los hombres. Tal como Peterson lo expresa en la advertencia a su texto, “la Ilustración europea redujo la fe cristiana al ‘monoteísmo’, cuyo contenido teológico es tan problemático como sus consecuencias políticas”.⁴¹ En este sentido, Peterson encuentra que el concepto de monoteísmo trasvasado al plano político tiene sus raíces en el libro XII de la *Metafísica* de Aristóteles, en el momento en que el filósofo griego, con la intención de rebatir el

39. Utilizamos los dos términos “*rappresentazione*” y “*rappresentanza*” en italiano. Preferimos conservar el idioma de Esposito para dar cuenta de la distinción semántica que el filósofo imprime a los conceptos que el español solo puede recoger con el término “representación”. Esposito utiliza el concepto de “*rappresentazione*” para referir la representación puesta en relación con la trascendencia; mientras que el concepto “*rappresentanza*” se refiere a la representación vacía de contenido sustancial y absolutamente inmanenzada. De alguna manera, Esposito toma esta distinción de C. Schmitt (*Repräsentation, rappresentazione, y Vertretung o Stellvertretung, rappresentanza*), y ambos la utilizan para señalar la distinción entre la Modernidad y el tiempo que la precede. De este modo, la “*rappresentanza*” parecería constituir el corte, la distinción, la diferencia y hasta la negación de la “*rappresentazione*”. Cfr. R. Esposito, *Categorie dell'impolitico*, p. 20.

40. R. Esposito, *Categorie dell'impolitico*, p. 10.

41. E. Peterson, *El monoteísmo como problema político*, Trotta, Madrid 1999, p. 50.

dualismo platónico, sostiene: “Pero las cosas que son, no quieren ser mal gobernadas: no es bueno que gobiernen muchos. Sea uno el que gobierne”.⁴² Peterson sostiene que frente al dualismo y el pluralismo de los platónicos, Aristóteles subraya el concepto de monarquía (aunque sabemos que no es el término utilizado por Aristóteles, Peterson lo rescata) desde una doble perspectiva: “en la monarquía divina el único poder del principio único supremo coincide con el ‘ser poderoso’ del único supremo detentor de ese poder”, pero Peterson continúa: “En el libro 12 de la *Metafísica*, Dios era la meta trascendente de todo movimiento, y solo por eso era rey y monarca”.⁴³

En relación con Schmitt, nos referimos en particular a dos textos para pensar la cuestión de la teología política. Estos textos fueron publicados con medio siglo de distancia entre sí. Se trata de *Teología política*⁴⁴ y *Teología política II*.⁴⁵ Como sabemos, a Schmitt le debemos el uso del sintagma “teología política” y su puesta en circulación en el ámbito filosófico. Aun así, consideramos que es importante, y por ello insistimos en este punto, no perder de vista la distancia entre la publicación de las dos obras mencionadas porque esta cuestión temporal nos permite suponer en una primera y rápida mirada que no hay un único significado para el término. Por el contrario, sabemos que hay una vasta gama de significados que se corresponden con la expresión “teología política”.

Sin embargo, más allá de las distancias de significado, podemos sostener que en todos los casos esta expresión se refiere a la relación de la política con la teología y que aparece en oposición con la pretensión liberal de realizar una neutralización de la teología política a partir de la distinción (moderna y liberal) entre lo teológico y lo político. En efecto, como sostiene Carlo Galli, consideramos que “la ‘teología política’ es la ‘filosofía política’ de Schmitt, del modo no prescriptivo en el cual él interpreta a la ‘filosofía’, es decir, como ‘genealogía’”.⁴⁶

En el texto de 1922, Carl Schmitt manifiesta que el catolicismo es la fuente de inspiración intelectual para su labor jurídica. Allí dedica una reflexión a la relación de lo moderno con su interés por la cuestión jurídica de la soberanía. La soberanía es considerada –como sostiene Galli– a partir de tres pares de opuestos problemáticos: excepción/norma; autoridad/poder; tradición/modernidad.

En el primer capítulo de *Teología política*, Schmitt expresa su tesis anti-positivista y sostiene que la soberanía no es el efecto de la clausura del orden estatista jurídico, sino

42. Aristóteles, *Metafísica*, Editorial Gredos, Madrid, 1994, p. 501.

43. E. Peterson, *El monoteísmo como problema político*, pp. 52-53.

44. Cfr. C. Schmitt, *Carl Schmitt, teólogo de la política*, pp. 21-64.

45. Cfr. *Ibid.*, pp. 397-462.

46. C. Galli, *La mirada de Jano*, p. 62.

la decisión que establece el orden en la excepción.⁴⁷ De este modo, la decisión soberana se convierte en el nexo entre política y orden jurídico, y entre el individuo y la totalidad. Desde la perspectiva de Schmitt, para que haya un ordenamiento racional e impersonal con validez normativa es necesaria la existencia previa de un mandato personal y anterior a la legalidad que sea capaz de fundarlo a partir de la decisión entendida como la ausencia de norma. Dicho de otro modo, la excepción precede, lógicamente y gnoseológicamente, a la norma y, por lo tanto, es el conflicto irresoluble el que origina la forma jurídica.

En este sentido, al sostener que la decisión se halla en el origen del orden político, Schmitt se contrapone a los teóricos juristas y políticos modernos porque invierte la relación entre el “adentro” y el “afuera”. En la concepción de la mediación racional moderna, el Estado es el que establece el orden y la paz en su interior y rechaza el conflicto fuera de sus confines. Sin embargo, para Schmitt el desorden interno no puede ser neutralizado y, por el contrario, debe ser aprovechado como condición a partir de la cual el soberano crea, conserva y revoluciona el orden. Así, el orden no es racional y neutral, sino que está orientado a un caso concreto. En efecto, aun siendo jurídico, el orden debe tener presente el fenómeno contingente que lo originó. Al respecto, la función del soberano es activar el “recuerdo”.

Como vemos, esta teoría de la soberanía entendida como creación, conservación y revolución del orden jurídico implica, en última instancia, que en el origen hay un recuerdo para ser activado que puede entenderse como energía. En textos posteriores, Schmitt calificó esta energía como el poder constituyente que, al intentar constituirse, deja un resto no instituido al que regresa el soberano para reactivar la energía.

Desde nuestro abordaje, afirmamos que el texto schmittiano es muy importante porque explicita un punto que no estaba presente aún en la teoría de los juristas y políticos modernos. Es decir, pone en evidencia la potencia creadora de la acción privada de fundamento. Esto significa que la soberanía no es perpetua. Al contrario, se sostiene en la medida en que al conservar su eficacia trasciende el derecho formal, el poder constituido y las instituciones. Por lo tanto, la relación entre excepción y norma reside en que ambas pertenecen al interior del “dato jurídico”.

De este modo, la decisión en el caso de la excepción es una forma que necesariamente debe tener consistencia ontológica. Se trata de una forma o decisión representada

47. Galli sostiene que el estado de excepción (*Ausnahmezustand*) en Schmitt es una radicalización del estado de necesidad (*Notzustand*) del artículo 48 WRV de la “Constitución de reserva presidencial y no parlamentaria” que se activa en caso de emergencia. Tan es así que Schmitt lo toma como un derecho concreto que tiene el Estado para autoconservarse y preservarse yendo más allá de la ley. Cfr. *Ibid.*, pp. 635-729.

que no puede estar suspendida sobre la nada o el vacío. De los textos posteriores de Schmitt⁴⁸ surge explícitamente lo que aquí aparece de manera incipiente: la decisión excepcional es el poder constituyente del pueblo que se da a sí mismo una unidad política y lo hace a través de la representación.

El segundo capítulo de *Teología política* está dedicado a refutar el formalismo jurídico de Hans Kelsen⁴⁹ y de su discípulo Hugo Krabbe. Para ello se apoya en la diferencia entre *auctoritas* y *potestas*. En relación con esta discusión acerca de la ley, Schmitt sostiene una autoridad no trascendente. Esta autoridad es tomada del paradigma hobbesiano. Desde la perspectiva schmittiana, el *Leviathan* no es leído como la teoría de la autoridad que tiene por función fundar la norma a partir de un pacto artificial y racional. Al contrario, para Schmitt el texto de Hobbes no trata de un contrato racional e individualista en su origen, sino de la decisión soberana de la representación. En otros términos, no se trata de la mediación racional entre sujeto y objeto, ni en su versión moderna inmanente, ni en su versión pontificia tradicional entre Cielo y Tierra. La autoridad como decisión es el salto y no la continuidad, es la última instancia que explica la norma pero no deriva de ella. De este modo, la autoridad es la decisión en tanto concreción existencial de la excepción y del conflicto.

En síntesis, en los primeros dos capítulos de *Teología política*, Schmitt piensa la decisión y la representación como la esencia de la política moderna. En el tercero y en el cuarto, su discurso se mueve de la cuestión de la soberanía a la cuestión de lo moderno. Este desplazamiento le permite proponer una lectura de la modernidad en la línea de una genealogía de la secularización. En este sentido, la “sociología de los conceptos jurídicos” deviene una teoría específica acerca de los conceptos jurídicos modernos que, a su vez, son el resultado de la secularización⁵⁰ de los conceptos teológicos, que así se volvieron políticos. En estos dos capítulos, Schmitt discute, por un lado, con quienes pensaron lo moderno de manera autosuficiente y, por otro lado, con aquellos autores que piensan la separación de la política y la teología.

La tesis de Schmitt propone lo moderno como la secularización de la tradición teológica cristiana, pero en un sentido específico. Al revés de lo que quería Hegel en su *Fenomenología del Espíritu*, Schmitt no entiende lo moderno como una evolución progresiva

48. Cfr. C. Schmitt, *Carl Schmitt, teólogo de la política*, p. 179.

49. Galli sostiene que, pese a las intenciones de Schmitt de distanciarse del formalismo kelseniano, ambos se mueven en el horizonte de la crisis de la mediación racional moderna, es decir, que tanto el decisionismo sin fundamento como el formalismo sin fundamento son parte del orden jurídico. Cfr. C. Galli, *La mirada de Jano. Ensayos sobre Carl Schmitt*, pp. 69-74.

50. Entendemos por “secularización” la concepción que pretende establecer que la modernidad deriva en cierto modo de las elaboraciones teóricas e institucionales de la religión cristiana y que, por ello, no es autónoma. Dicho de otro modo, la modernidad es una traducción y una reubicación de los sistemas teológicos tradicionales. Cfr. *Ibid.*, pp. 63-86.

del Espíritu que asume nuevas formas a partir de formas anteriores. Para el jurista se trata de una continuidad formal y de una discontinuidad substancial. De hecho, esta aparente contradicción entre continuidad y discontinuidad es definida por Schmitt como una relación de analogía (cabe aclarar que no se trata de la *analogia entis* en el sentido que le confiere Tomás de Aquino, sino que aquí se da por descontada la ausencia en los conceptos modernos de un Ser que constituye su fundamento). En *Teología política*, la analogía es un concepto clave para comprender la relación entre la decisión de un estado de excepción y el milagro en sentido cristiano. La decisión es la secularización del milagro en tanto poder constituyente o decisión extrema que crea, conserva y revoluciona el orden existente, pero es libre de cualquier referencia a la trascendencia. Dicho de otro modo, la decisión es poder absoluto y, por lo tanto, análogo al de Dios pero secularizado en el sentido de “vaciado de trascendencia”. Solo de este modo se entiende la relación de continuidad/discontinuidad que propone Schmitt entre la tradición y la modernidad.

En este sentido, podemos entender la teología política de Schmitt como la teoría que sostiene que la modernidad conserva elementos de la religión en sus instituciones y sus conceptos, y lo hace en un doble movimiento. Por un lado, conserva especialmente la ausencia de la sustancia divina en su fundamento. Por otro lado, reproduce la función divina en su aspecto formal en tanto unidad del orden.

Debemos decir, por lo tanto, que no es posible pensar la teología política de Schmitt sin detenernos a pensar en la modernidad. Consideramos que la teoría del jurista antes de ser una teoría de la fundamentación teológica de la política es una teoría acerca del contexto histórico y categorial del origen y las coacciones que la atraviesan.

Lo impolítico contra la despolitización

Como hemos visto, Esposito discute con Schmitt en *Categorie dell'impolitico* a partir del concepto de “representación”. Nuestro autor sostiene que contra “la co-presencia de despolitización y teología [...] surge lo impolítico. Como se dijo, este es otro con respecto a la representación. O mejor: lo otro, aquello que queda obstinadamente fuera”.⁵¹

En relación con los usos del concepto de impolítico que se hicieron antes de Esposito, creemos que el italiano se aleja de la posición de Thomas Mann porque considera que lo impolítico no es el rechazo de lo político y tampoco es lo que se le contrapone; asimismo, nuestro autor se acerca a la de Cacciari, quien sostiene que lo impolítico

51. R. Esposito, *Categorie dell'impolitico*, p. 14.

implica el rechazo de lo político convertido en valor, es decir, teologizado. Pero, en el caso de Esposito, lo impolítico no es solo una posición teórica –como en el caso de Cacciari–, sino la dimensión conflictiva de lo real. Aparte de la diferencia entre los dos italianos, lo importante es subrayar que no se trata ni de lo anti-político, ni de lo a-político.

En suma, hasta ahora con Esposito hemos sostenido que lo impolítico es lo que queda fuera de la representación y lo hemos puesto en relación con la formulación schmittiana, que sostiene que esta categoría [la representación] está en el corazón mismo de la modernidad. Ello nos lleva a concluir que parte del propósito de nuestro autor –en relación con lo impolítico– consiste en revisar el léxico político moderno. Esto es así porque lo impolítico es entendido como el anverso de la *reductio ad unum* que caracteriza a la representación. En efecto, lo impolítico es la irrepresentabilidad de la pluralidad, de lo real, de aquello que escapa a todo intento de conceptualización. Evidentemente, la modernidad schmittiana que tiene en su centro la categoría de la representación coincide –en parte– con la definición de modernidad inmunitaria de Esposito que tiene sus bases en el modelo de matriz hobbesiana. Esta afirmación encuentra su razón de ser en la propuesta filosófica de Hobbes, pero también en la de Schmitt porque ha excluido la pluralidad de lo real con la intención de reconducirla hacia el orden. De este modo, Esposito explica que la neutralización del conflicto por parte de la filosofía política ha llegado a los límites de la despolitización. En otros términos, sostiene que, negando el conflicto, la política moderna se niega a sí misma porque su *telos* y su *archè* consisten en la aplicación del orden sobre el conflicto o la pluralidad.

Cabe observar que, contra Schmitt, nuestro autor sostiene que, en términos fácticos, la neutralización es el resultado de un exceso de política y que, en términos teóricos, la neutralización del conflicto reside en la concentración del poder en las manos de un único soberano que despolitiza todo lo que lo circunda.

En el capítulo “Política” de *Dieci pensieri sulla politica*, Esposito sostiene que Machiavelli se ha separado definitivamente del pensamiento de la representación filosófica. Allí afirma también que esta misma tarea ya había sido emprendida por una línea cristiana de autores que fue llamada con rapidez por el avance de la teología política tomista. Esposito se refiere así a Pablo y a Agustín como los autores cristianos que pudieron pensar la política en su dimensión conflictiva. Recordemos las palabras de Pablo en la *Carta a los Romanos*, 12:

No sigan la corriente del mundo en que vivimos, más bien transfórmense por la renovación de su mente [...]. Tomen el ejemplo de nuestro cuerpo: es uno, aunque

conste de varios miembros, pero no todos tienen la misma función. Lo mismo nosotros, con ser muchos, formamos un solo cuerpo en Cristo, y dependemos unos de otros. Así, pues, sirvamos cada cual con nuestros diferentes dones.⁵²

Tengamos presentes también las palabras de Agustín en *Civitate Dei*:

El fundador de la ciudad terrena fue un fratricida; en efecto, éste dominado por la envidia, mató al propio hermano, ciudadano de la ciudad eterna y extranjero de esta tierra [...]. Este fue, entonces, el origen de la ciudad de Roma, mientras que lo que la historia muestra es que Remo fue asesinado por el hermano Rómulo, con la diferencia, sin embargo, de que ambos eran ciudadanos de la misma ciudad terrenal.⁵³

De los dos textos surge que el orden político es un filtro que intenta controlar la intensidad del conflicto estructural e intrínseco, de acallar la violencia originaria de manera momentánea.

De este modo, desde la perspectiva impolítica de autores como Pablo, Agustín o Machiavelli, no se trata de cerrar la posibilidad de vivir en el mejor de los mundos posibles, sino de no perder de vista la esencial e irremediable discordia que nos habita. Si para Pablo el hombre está dividido entre la ley de la carne y la del espíritu, para Agustín el conflicto tiene lugar en la voluntad que lucha contra sí misma (*voluntas* contra *noluntas*), y Machiavelli muestra la imposibilidad de la reconciliación filosófica. Apoyado en estos tres autores, Esposito señala una línea de pensadores para los que la política –cuyo elemento, como habíamos establecido antes, no es el orden sino el conflicto– está fuera de la representación filosófica.

8. Impolítico y “potencia” en el pensamiento contemporáneo: Esposito

Desde nuestra perspectiva, a lo largo de su producción filosófica, Esposito logra salir de la posición meramente deconstructiva para pensar en términos afirmativos. En efecto, tal como lo hemos mencionado en la introducción a este texto, nuestro autor realiza

52. Utilizamos la *Biblia Latinoamericana* impresa en España en 1989.

53. Agustín de Hipona, *La ciudad de Dios*, Porrúa, México, 1984, p. 698. La traducción está ligeramente modificada.

en los años ochenta una suerte de oscilación en el interior de su obra. A tal punto que, de la mano del *pensiero italiano*, surge el concepto de “potencia” como la manera de pensar la política más allá (o más acá) de la “representación”. Esto es, lejos del movimiento que supone la *reductio ad unum*, para Esposito la política debe ser pensada como potencia afirmativa: *atto* en el doble sentido del término, como acción y como actualidad.

La cuestión de la potencia entendida en sentido afirmativo ocupa un lugar central en el pensamiento de Roberto Esposito porque le permite mostrar de qué manera se abre una reflexión que pone en relación la filosofía con el horizonte vital. Semejante desplazamiento señala también la ambivalencia entre una ontología política que tiene el vacío o la ausencia en su centro (pensamiento sobre lo impolítico en clave deconstructiva) y la ontología política que entiende a la vida como fuerza (pensamiento sobre lo impolítico en clave afirmativa). En otros términos, esta posibilidad de pensar la política como potencia afirmativa y como potencia de la acción refiere a una política de la vida que tiene en cuenta el vacío constitutivo –tal como lo hemos trabajado hasta ahora–, pero lo declina en los términos de una afirmatividad –toma de distancia respecto del modelo deconstructivo– que deriva en una multiplicidad.

En efecto, a través de Niccolò Machiavelli y Giordano Bruno, Esposito problematiza la cuestión de la potencia y la ubica con exactitud en el in/origen. Desde su interpretación de Machiavelli, cuestiona el presupuesto de que exista algo anterior a la realidad efectiva. La política (las fuerzas o la potencia), entonces, ocupa el horizonte entero de la realidad y, por lo tanto, no hay ni un antes ni un después de esta. Del mismo modo, cada presente se constituye más allá o con independencia de la obra de los sujetos singulares o de los sujetos reunidos para comenzar un pacto de fundación. En este sentido, el presente es reversible porque es el resultado del choque de las fuerzas cuya prevalencia se alterna. Se trata de la relación de fuerzas, de los fenómenos naturales, de los elementos contingentes que inscriben a un actor político en un determinado horizonte, en el que el actor puede actuar o no actuar.

De este modo, en Esposito –como en Machiavelli– no se trata de pensar una filosofía política alejada de la vida porque, como dijimos, la política es el resultado del choque de fuerzas. Por lo tanto, no hay una zona o aspecto de la vida que pueda escapar de la política. Para decir lo mismo con otras palabras, se trata de pensar la existencia o la vida en su inevitable dimensión contrastiva. Es decir, si la política es la forma necesaria de la vida, la vida será la materia exclusiva de la política. Así, el poder/la potencia está siempre en relación con la vida, y su “resultado” lo observamos a partir de la relación productiva entre ambos. De esto se desprende que para Esposito no es posible que exista un salto

o una distancia radical entre vida y poder. En este sentido, no es posible que exista una vida desnuda por completo o un poder absolutamente cerrado en su propia órbita, que solo se relacione con la vida de una manera completamente externa.

En efecto, Esposito lee en Machiavelli la serie formada por el origen, el cambio y la vida en estrecha relación con el poder/potencia. Para el florentino, la intención de separar el binomio poder-potencia es lo que de manera irreversible lleva a la crisis del organismo político. Escindir el poder de la potencia es lo mismo que hacerlo con el hombre y el animal porque la vida es al mismo tiempo la dimensión natural y civil. Por lo tanto, pretender eliminar el carácter natural de la vida es quitarle toda fuerza regenerativa. Allí reside la fuerza de la innovación presente en el origen. Si los cuerpos no se renuevan, no dan lugar a la potencia, mueren. Así, el pensamiento de Machiavelli –y el de Esposito–, lejos de ser una vertiente conservadora resulta, ser originalmente innovadora gracias al recurso al in/origen constituido por las fuerzas que permiten que la vida se renueve.

Sabemos que casi un siglo después de la muerte de Machiavelli, Giordano Bruno es perseguido, encarcelado durante ocho años y condenado a muerte en la hoguera por la Iglesia católica. Se le acusaba de herejía y blasfemia, y es justo en sus declaraciones donde Esposito encuentra el eje que le permite rotar su discurso y pensarlo desde una perspectiva poscristiana.

Escribe Bruno en su *De l'infinito, universo e mondi*: “il posser fare pone il posser essere fatto”. Como vemos, hay una identificación modal entre la potencia y el acto, porque lo que existe no es el producto arbitrario de una voluntad singular, sino la totalidad de lo que podría ocurrir. Bruno rechaza la idea de la decisión soberana que sostiene la existencia de un Dios escondido que espera que la llegada de su hijo revele su existencia. Contrario a esto, sostiene que no existiría Dios si no existiera el mundo: Dios tiene tanta necesidad del mundo como el mundo de un Dios.

La descristianización de Bruno que Esposito subraya está en directa relación con la concepción del cosmos del dominico. Se trata de la Vida como la sustancia inextinguible e inseparable de forma y contenido que recorre y vivifica todas y cada una de las partes de la realidad. Esta Vida infinita hace de la muerte el acto más vital de todos los actos. En este sentido, Bruno es un pensador que se opone de manera profunda al paradigma de la inmunización de la vida. La vida no es algo que debe ser conservado, no es un recurso escaso que tiene que defenderse a toda costa. La vida es una potencia de tal sobreabundancia que ni la muerte puede consumirla. Por el contrario, la muerte transmuta la vida en una forma distinta de la misma sustancia viviente.

NOTAS Y DISCUSIONES

Sobre el libro

Linda M.G. Zerilli

FEMINISM AND THE ABYSS OF FREEDOM

University of Chicago Press, Chicago 2005

SEXUAL DIFFERENCE BETWEEN SKEPTICISM AND DOGMATISM: A reading of Linda Zerilli's *Feminism and the abyss of freedom*

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DIFERENCIA SEXUAL ENTRE ESCEPTICISMO Y DOGMATISMO: una lectura de *feminism and the abyss of freedom* de Linda Zerilli

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Freedom and feminism have not always been at ease with each other, insofar as Western feminists “have tended to justify the claim to freedom in terms of the social question, social justice, or social utility”¹, as if, for some unconscious patriarchal reminder, women’s freedom had to be justified by a higher goal, the betterment of society. As if women’s freedom could not have its *raison d’être* in itself. In her book *Feminism and the Abyss of Freedom*, Linda Zerilli affirms that there are “received frames” that

1. L. M. Zerilli, *Feminism and the Abyss of Freedom*, The University of Chicago Press, Chicago-London, 2005, p. 4.

interpret freedom in feminism as either a “social question” or as a “subject question”, and they tend to de-politicize feminism, to render freedom either an issue of “equality” or of “sovereignty”. For Zerilli, instead, feminism is a crucial practice of political freedom and its importance lies above all in its ability to create “alternative forms of political association”².

Zerilli has the merit to transfer Hannah Arendt’s critique of the de-politicization of freedom in the Western tradition to the feminist debate. Arendt claimed that the mistrust for the public space of appearance expressed traditionally both by philosophers and Christianity implied a reformulation of freedom as an internal, individual dimension: the dimension of the “I will”: the substitution of freedom as political action (freedom as “I can”) with freedom as free will of a sovereign subject (freedom as “I will”) caused what we could call a “privatization” of the exercise of freedom. In this respect feminism is no exception: “the entanglement of feminism in the ideal of sovereignty is symptomatic of a tendency to think about freedom in terms of what I will call ‘the subject question’”³.

When, more precisely, freedom comes to be formulated, in the so-called women debates of the late 1980s and the 1990s, strictly as a subject question, the processes of subject formation come increasingly to be interpreted in terms of radical subjection to agencies outside the self. If, in other words, women’s freedom becomes interpreted as the individual freedom of the female subject, feminist debates become increasingly engaged in the problematic definition of what a female subject is, or of “what a woman is”.

Judith Butler’s famous critique, in *Gender Trouble*, of the category of ‘woman’ and its centrality within feminism is, claims Zerilli, the consequence of those debates. While putting into question the notion of “womanhood”, by claiming gender performativity, Butler’s post-structuralist approach does not move “out of the subject centered frame (which governed identity politics)”, rather, claims Zerilli, it occupies “its negative space”⁴.

Given its very influential character within Western feminism in the last two decades, I shall here discuss Zerilli’s reading of Judith Butler’s thesis –exposed in both *Gender Trouble* and *Bodies that Matter*⁵– that gender (and sex) are performative aspects of language and rules, and not essential features of our being women and men. I consider

2. Ibid., p. 27.

3. Ibid., p. 10.

4. L. M. Zerilli, *Feminism and the Abyss of Freedom*, p. 12.

5. J. Butler, *Gender Trouble*, Routledge, New York and London, 1990; Ead., *Bodies that Matter*, Routledge, New York and London, 1993.

Zerilli's critique of Butler's denial of "sexual difference" as productive in order to think of feminism as a freedom enabling practice rather than a subject-centered issue.

Political claims are not knowledge claims, says Zerilli, and "there is a sharp distinction between our everyday practices and the practice of critical thought, as well as the idea that our words and acts are rational only insofar as we can give grounds for them"⁶. Yet feminism has always thought of itself as a critical enterprise that was moved by the act of not taking anything for granted, of questioning the datum, the given, the commonplace. This attitude has become, in third wave feminism, the questioning of the "always-already-there" quality of our "two-sex-system", thereby showing that our judgments and agreements are ungrounded. The consequence of this positing of the "identity-difference" question in feminism has been that of confusing the feminist enterprise with a skeptical questioning of our "prereflective habits and customs and sets the agenda for feminist political practice"⁷.

It might be true, from a theoretical point of view which questions foundations or 'essentialism' in feminism, that the embodiment of the human species does not limit itself to two sexes (because there are exceptions to the binary, that is, bodies that do not conform to sexual dimorphism). Yet if "there are no definite criteria for sex difference" says Zerilli, "that does not mean that there are no criteria or that in our everyday encounters with other people we will not make a judgment about such difference, usually without thinking, certainly without thinking about chromosomes, or, for that matter, even genitalia"⁸.

This happens because of an unreflected agreement in language "that makes possible to establish criteria in the first place". What enables our mutual understanding is not a rational nor a conventional agreement, but something like "our mutual attunement in language; we normally do know what another person means when she or he uses a word"⁹. So even if we have empirical evidence that there are forms of embodiment that do not fall into the two-sex binary, still that binary works in real life and we keep judging things according to it.

This attunement implies that propositions such as "there are males and there are females; there are men and there are women" are not learned empirically, they are not something we must see, discover and *find convincing*. For the very same reason, "every

6. L. M. Zerilli, *Feminism and the Abyss of Freedom*, p. 39.

7. *Ibid.*, p. 40.

8. *Ibid.*

9. *Ibid.*

form of representation provides a means for accommodating that which is deviant [...] without having to surrender the form of representation”¹⁰.

This is why Zerilli contests the political efficacy of a move like that of Butler who, in order to criticize the general category of ‘women’ and its exclusionary practices in feminist politics, evokes the skeptical argument in reference to the existence of ‘men’ and ‘women’.

Skepticism is not simply a negative attitude towards established and dogmatic truths; rather, as Stanley Cavell has pointed out, what matters in skepticism is knowledge: it establishes with the world and with others a *relation of knowing*. This attitude can lead to two different outcomes: it either takes us to consider as ‘failure’ the possibility of knowing each other and the world, therefore lamenting a troublesome “abyss of meaninglessness”. Or, on the contrary, it can “incite the dogmatic temptation to ground meaning outside human practices, to make it into something that has truth conditions quite apart from what we say, to seek an objectively correct way of applying a rule”¹¹. In other words, Skepticism can lead to either meaninglessness or dogmatism.

As Rita Felski also puts it, by briefly discussing the “de-naturalizing” rhetoric of Judith Butler in *Gender Trouble*, “it is worth asking whether the only alternatives are either to fix and solidify identities or to deconstruct them”. And she continues: “It is one thing to point out that certain ideas are bad and also taken for granted. It is another to conclude that they are bad *because* they are taken for granted –in other words, that anything taken for granted is an agent of domination”¹². The effect of this de-naturalizing posture automatically assigns to everyday language and practices a backward status. Yet Felski, like Zerilli, claims that there cannot be a purely detached, objective and “not-taken for granted” approach: also critical theory has its own “taken-for-granted assumptions” because all forms of acting and thinking depend on “beliefs and hypotheses so well-established that they do not even register as beliefs but are part of the air we breathe and the water in which we swim”¹³.

This is why we can never have a pure relationship to language rules, norms, practices, one that is objective and external to the embeddedness or imbrication in the “taken-for-granted” reality we share in order to understand each other. The issue at stake, therefore, is that taken-for-granted things are unavoidable: what matters is to distinguish those that are a source of domination from those that are not.

10. Ibid.

11. L. M. Zerilli, *Feminism and the Abyss of Freedom*, p. 43. She is here referring to S. Cavell, *The Claim of Reason*, Oxford U. P., Oxford, 1979.

12. R. Felski, *The Limits of Critique*, The University of Chicago Press, Chicago, 2015, p. 80.

13. Ibid., p. 81.

Zerilli uses Wittgenstein in order to claim that between skepticism and dogmatism there is a possible third way that amounts to call into question the whole problematic of justifying why and how we “follow a rule”. In the end, she claims, our practices are at bottom unjustified, so why should we recur to philosophical arguments to justify them? Wittgenstein’s famous argument is that “giving grounds [...] comes to an end sometimes. But the end is not an ungrounded presupposition; it is an ungrounded way of acting”¹⁴.

This is another way of saying that any foundation is contingent, nevertheless it functions as a (indispensable) foundation: not in the cognitive sense, but in the practical sense that we act according to it. Whereas to posit the necessity of a foundation (or its absence) in cognitive terms means to still move within a Platonic frame, according to which there must be a correspondence between names and things. Or, to put it differently, incredulity toward the real and anxiety about essentialism are part of the legacy of Cartesian dualism, and sometimes function as traps that shut off paths of intellectual inquiry¹⁵.

Butler’s anxiety about essentialism is present in her claim, at the beginning of *Gender Trouble*, that the subject has been constituted by rules and practices that have naturalized gender identity, in ways that it appears an “original and abiding substance”¹⁶. This presupposition evokes some “natural” element that, as such, must be contested, dispersed, framed as “false”. It is exactly this “anxiety about essentialism” that Zerilli identifies and criticizes.

Butler’s position, which intends to criticize taken-for-granted sexual difference in order to “make space”, imaginatively and politically, for other forms of life, starts from what she calls a “self-consciously denaturalized position,” which alone can unveil how “the appearance of naturalness is itself constituted”¹⁷. Butler, at the same time, emphasizes the perspective of the “strange” as a privileged access to the contestation of a naturalized norm. Zerilli, instead, asks whether the de-naturalized position, or the position of that which is “strange” within the binary economy of the sexes can be successful in criticizing it.

Doubt presupposes certitude, argues Zerilli following Wittgenstein, and we cannot stand totally, fully outside our given form of life and judge it to be arbitrary. The strange

14. L. Wittgenstein, *On Certainty*, Oxford, Blackwell 1969, p. 110.

15. See: S. Frost, “The Implications of the New Materialisms for Feminist Epistemology”, in H. E. Grasswick (ed.), *Feminist Epistemology and Philosophy of Science: Power in Knowledge*, Springer, Dordrecht, 2011, pp. 69-83.

16. L. M. Zerilli, *Feminism and the Abyss of Freedom*, p. 47.

17. J. Butler, *Gender trouble*, p. 110.

can help us to see the taken for granted in a critical way, or as mutable, but the strange can also be easily accommodated as an anomaly within the scheme or order of our everyday practices.

As it is well-known, according to Butler, the figure of the *drag* can be subversive insofar as it makes visible the performative nature of gender. There is no essential or natural feature in being a man or a woman, rather, she claims in *Bodies that Matter*, gender is based on a “forcible citation of a norm”, and only in this constant repetition of norms is gender established as “given”¹⁸. Butler, like Wittgenstein, contends that rules or norms do not have meaning apart from their application, and Zerilli agrees with Butler that gender is a practice and as such implies following a rule. Yet while according to Butler it is in the constant repetition of rules that possibilities for *their failure* emerge –what she calls “gaps and fissures” that can destabilize the notions of sex and gender and the norms of their consolidation– for Zerilli we do not need to invoke a failure in the citational practice of (language) rules in order to avoid determinism (and, therefore, work for transformation also in a political sense): “language is not a cage from which only the essential possibility of failure in language can save us”¹⁹. As Wittgenstein put it: “Language is like a sign post [...] So, I can say, the sign-post does after all leave no room for doubt. Or rather: it sometimes leaves room for doubt and sometimes not”²⁰.

This amounts to saying that, as anticipated, there is a third way of understanding language and norms, one that stands between no doubt at all (dogmatism) or everything must be doubted (skepticism): “any interpretation of the rule will count as understanding it”²¹. Language is open to a plural, diverse appropriation; it can be, within the boundaries of its ordinary use, the site of domination as well as the site of liberation. There is no need, claims Zerilli, to invoke a de-naturalized position or claim that *only* the standpoint of the “strange” can be subversive of a hegemonic order, and therefore transformative. What counts is to shape, as we shall see, within our ordinary language use, figures of the “newly thinkable”.

Doing and performing gender, therefore, would count for Zerilli as “understanding a rule” namely “an immediate understanding or grasping exhibited through action, not an interpretation”²². There is an immediacy of certainty that is at the basis of our sense of reality, without which we could not live. Yet this does not mean that we must comply

18. J. Butler, *Bodies That Matter*, p. 232.

19. L. M. Zerilli, *Feminism and the Abyss of Freedom*, p. 53.

20. L. Wittgenstein, *Philosophical Investigations* (1953), Blackwell, Oxford, 2001, p. 85.

21. L. M. Zerilli, p. 53.

22. *Ibid.*, p. 54.

to an already given and immutable set of norms and rules that establish what reality is. We can discover new aspects of reality, yet any previously unseen aspect of an object, even a previously unseen aspect of a gendered body, “dawns”, so to say, within the nonreflective frame that is at the basis of our experience of certainty: “The important thing is not to forget that any dawning of an aspect is always parasitic on ordinary ways of seeing rather than overcoming of some sort of illusion (for example, seeing that the woman one sees is really performing what one thinks one sees)”²³. It is the ordinary use of an object that allows me to see the dawning of a possible different use of the concept inherent to it. So, claims Zerilli, “my ability to call into question any particular gender norm is parasitic on others that are provisionally beyond question”²⁴.

This is why rather than to prove the nonexistence of the *reality* of the two sexes, a feminist critique should be involved in exercising the imagination in order to see things differently but never from a supposedly external, detached, estranged standpoint. We can discuss and criticize the gender binary, but we cannot do away with it, we cannot pretend to see, understand, judge from a disembodied and “de-naturalized” position.

Yet, in spite of this critique, Zerilli thinks that we can still appreciate Butler’s innovative proposal of gender performativity by understanding the drag as a “figure of the radical imagination”: she draws the notion from Cornelius Castoriadis, and defines it as the capacity to create figures that “do not come under the sway of truth.” This capacity “animates radical social and political movements”²⁵. Imagination –Zerilli claims, with Arendt and Castoriadis– is a collective practice of freedom. Whatever doubt we may rise about an ‘established truth’ such as gender, it does not matter as doubt, as proof of a ‘false’ perspective. It matters insofar as it opens up a productive, creative moment: “although we may arrive at the insight that a particular belief is ungrounded, our capacity to doubt has this productive moment of figuration *as its condition*”²⁶. It is the productive moment of the radical imagination that functions as the condition of any doubt.

Zerilli’s critique of Butler, therefore, aims at emphasizing that it is the spontaneous act of human freedom –the creativity of a new figuration– that counts for both democracy and feminism rather than the deconstructive skeptical attitude of doubting the ‘taken-for-granted’.

Feminism, in other words, has more to do with a different way of seeing, a radical act of the imagination (usually grounded in experiences, in ways of doing that explore

23. Ibid., p. 57.

24. Ibid.

25. Ibid., p. 60.

26. Ibid., my emphasis.

unimagined paths), rather than unveiling the ‘lie’ of the two sexes position through the claim that gender is performance –and therefore the drag is the embodiment of such unveiling.

Potentially valuable about a drag performance *is not* that it provides us with an instance of the strange that has the form of an empirical proposition that gives the lie to an established truth like naturalized sex difference. Valuable, rather, is that such a performance might be invoked to *dramatize a figure of the newly thinkable that allows us to envision bodies anew*²⁷.

The drag is not subversive because it reveals *the lie* of the two sexes and their contingency: the “contingency” of the two sexes can well stay, can still be the basic dynamic of our doing –not of our knowing– and it can be enriched, so to say, by a possibility of their blending, fusing, parodizing. The parody does not cancel the rule of the two sexes, nor its supposed “falsehood”, yet it can enlarge its span, so to say, avoiding it from becoming excessively exclusionary. The parody opens up the dogmatic of the two sexes, contests it, so to say, by adding a newly thinkable gendered figure. Figures of the newly thinkable are crucial for a form of feminist critique that “resists the lure of epistemology and the twin temptation of dogmatism and skepticism”²⁸.

The newly thinkable, to conclude, does not mean that the reality of men and women must be canceled out, labeled as false or unjustly naturalized. Reading gender as performance enables us to understand that there are many ways of interpreting a rule (heterosexual, homosexual, transsexual, bisexual, or simply queer) and each of them must not be exclusionary or accusatory of the other.

27. *Ibid.*, my emphasis.

28. *Ibid.*, p. 62.

IS THE SOCIAL ANTIPOLITICAL? LINDA ZERILLI ON LIBERALISM, FEMINISM AND ARENDT

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¿ES LO SOCIAL ANTIPOLÍTICO? LINDA ZERILLI SOBRE EL LIBERALISMO, FEMINISMO Y ARENDT

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1. It is somehow bewildering to sit down today, in southern Europe, and read Linda Zerilli's *The Abyss of Freedom*, a theoretical feminist and political text published in 2005 in the United States. The distance is significant in every sense, especially because Zerilli sets out to rediscover *feminism* as a paradigmatic practice of *political freedom* distinct from social actions or claims. The first problem in this regard is that, in Italy and Europe (just as in the United States and other countries and continents that Zerilli does not consider), political freedom and democracy more generally faces an increasingly uncertain fate. The second problem is that certain themes and trajectories of feminism have been “recovered” and strategically employed –in part because of their “dangerous liaisons”¹– by neoliberal

1. See: N. Fraser, *Fortunes of Feminism. From State-Managed Capitalism to Neoliberal Crisis*, Verso, New York-London, 2013.

rhetoric and practices aimed at legitimizing the further reduction of the “public sphere” to market space and the consequent reduction in the freedom of women and others (or rather, in their “equaliberty”²).

At any rate, re-reading *The Abyss of Freedom* today it is thus worth focusing on the “social issue” and its allegedly anti-political character. In other words, the issue can be summed up as follows: what are we talking about when we talk about freedom understood *strictly* as “political freedom”? In what sense, according to a famous thesis reintroduced by Arendt, would social claims endanger this fundamental form of freedom? But above all: can feminist thought unintentionally support the neoliberal move to discredit the “social issue”, as if *social* life were a sort of intruder in the celestial sphere of *political* life?

2. To begin from these questions inevitably entails a cross-cutting and selective reading of *The Abyss of Freedom*. While only briefly addressing other topics in the book, I would begin by noting that, through various pathways, Linda Zerilli often leads the reader to the best-known of Arendt’s dichotomies: the dichotomy between a *political space of “freedom”*, conceived from the Greek polis, and a social space of “necessity”, linked to the modern phenomenon in which, according to Arendt, issues associated with the private sphere expand into the public sphere. Much might be said –and something has been said– about Arendt’s belief that politics should not become involved with “natural” or “biological” needs and interests that seek satisfaction in bodily and economic activities, the real axis of the social sphere³. Indeed, Arendt overlooks important insights and forms of knowledge about the “nature-culture” topic, political economy and Marxian critique as well as the politics of bodies and their relations.

Linda Zerilli does not raise issues of this kind. However, while she does adopt Arendt’s distinction, she attempts to lessen the oppositional character of this distinction, namely its evident conflict with women’s history and the feminist assertion that “the personal is political.” It is for this reason that, in the final chapter dedicated to

2. See: E. Balibar, *Equaliberty. Political Essays* (2010), Duke University Press, Durham, 2014.

3. See, among others: F. Collin, “Agir et donné”, in A. M. Roviello, M. Weyembergh (eds.), *Hannah Arendt et la modernité*, Vrin, Paris, 1992, p. 29: “[Arendt] tend à méconnaître la part de symbolicité qui régit la gestuelle, qui informe l’ordre même des besoins et fait que manger n’est jamais simplement satisfaire la faim. D’où une sousévaluation pour le labeur, comme si puiser de l’eau, couper du bois, cueillir des fruits n’avait qu’un sens fonctionnel, n’élaborait pas un système de rapports entre les êtres humains, et était étranger à l’ordre du langage”. I dealt with this issue (namely on Arendt and Marx) in I. Possenti, *Flessibilità. Retoriche e politiche di una condizione contemporanea*, ombre corte, Verona, 2012, p. 57 ff.; and with the “nature-culture” topic in I. Possenti, *L’apolide e il paria. Lo straniero nella filosofia di Hannah Arendt*, Carocci, Roma, 2002, pp. 35-53. See also: L. Zerilli, *The Arendtian Body*, in B. Honig (ed.), *Feminists theorize the Political*, Routledge, New York-London, 1992.

an Arendt-style reading of Kant's *Critique of Judgment*, she views "judgment" (which assesses *particular* cases without employing *universal* criteria) as a crucial activity for feminist practices: a feminist politics should, in fact, be able to assess in each instance whether a particular social claim also expresses a desire for political freedom. From this perspective, however, Arendt's "social" concept is not called into question. The social issue is therefore subordinated to the issue of political freedom, a freedom that, in everyday life, *only* seems to be embodied in the domain of gender.

3. In the previous three chapters, Linda Zerilli explores feminist discussions of political freedom and effectively locates the "social issue" on the same level as the "issue of the subject".

According to Zerilli, in her influential novel *Les guérillères* Monique Wittig⁴ considers the experience of the possible and absolute beginning, appearing to emphasize the courage of Arendt's "action". Indeed, first and foremost this freedom coincides with the possibility and risk of "starting" something new, that is, something that is wholly unforeseen and "without antecedents". Milan's Libreria delle Donne⁵, however, puts the stress on a second creative aspect of Arendt's "action", a feature that continually revitalizes and breathes new life into a common and plural world. The Italian group appears to pursue precisely this agenda in its work on the limits of emancipation-oriented politics; indeed, the Group describes the feminist experience as a "world-building practice", that is, the act of creating relational spaces in which women are free to act freely.

Within this framework, *The Abyss of Freedom* breaks new ground on the issue of the "subject" and feminist politics. Zerilli believes that "third wave" feminism was too quick to abandon the critical claim raised by European "difference feminism", judging it simply incompatible with the move to acknowledge differences among women. The point of departure for this philosophical trajectory is Judith Butler and her *Gender trouble*⁶, while the final destination, with the help of Arendt and Wittgenstein, is the proposal that we conceptualize "women" as the adaptable and performative product of feminist politics rather than erasing the "female" subject together with that politics.

In other words, according to Zerilli, feminism is still possible but it must change radically; its practices and theories must cease to revolve both around the social issue

4. M. Wittig, *Les guérillères*, Minuit, Paris, 1969.

5. Libreria delle donne di Milano, *Non credere di avere dei diritti. La generazione della libertà femminile nell'idea e nelle vicende di un gruppo di donne*, Rosenberg & Sellier, Torino, 1987 (published in English with the title *Sexual Difference: Theory of Social-Symbolic Practice*, Indiana University Press, Bloomington, 1990).

6. J. Butler, *Gender Trouble. Feminism and the Subversion of Identity*, Routledge, New York, 1990.

(or “emancipation”) and the issue of the subject (or, in keeping with the same concern, of “transforming gender relations”). Zerilli proposes that we focus on *action* rather than the *subject*. Understood in this context as including speech acts, action is “devoid of purpose” in the sense proposed by Arendt. That is, it has no external or specific purposes; rather, its sense lies in creating spaces in which it is possible to become “actors”. According to this perspective, the feminist practice of fostering relations among women might raise the issue of the subject, just as it might once again raise the “social issue” and the problem of rights depending on the case. Both of these issues would be secondary to feminism’s true *raison d’être*: freedom, understood in Arendt’s terms as a political freedom or the freedom to “act”.

4. Working in the wake of Arendt, Linda Zerilli conceptualizes political freedom as the worldly activities through which we contribute to shaping the world as a space of freedom and ourselves as free subjects. *The Abyss of Freedom*, however, contains multiple doubts regarding the political nature of social action and social claims, which are generally regarded as the expression of selfish needs and interests. Indeed, Arendt’s well-known argument in *On Revolution* holds that it was precisely the “social issue” that compromised the struggle for political freedom during the French Revolution. There is no move, therefore, to question the suspicions that have come to surround social rights in the neoliberal era—an era which pushes economically for the increasing commodification of labor, commodities and public services⁷ while at the cultural level developing old and new rhetorics of “individual freedom” essentially defined as participation in the free market and its widespread dynamics of consumption and competition⁸. We thus come face to face with the anti-political character of liberalism, which begins by justifying the separation between “society” and “the state” and goes on to justify the incorporation of both society and state into the market economy, casting into crisis “socio-political” action—that is, action that embraces both “political freedom” and “social claims” by adopting alternative economic practices from reciprocity to redistribution and forms of exchange not yet understood as cornerstones of a “market society”⁹.

5. At this point it is worth noting that the concept of “society” derives from Latin, but its foundations are Greek: Aristotle speaks of *koinônia politike* (political community), an expression in which the second term is linked to *to koinon* (the common), and

7. D. Harvey, *A Brief History of Neoliberalism*, Oxford University Press, Oxford, 2005.

8. P. Bourdieu, “La précarité est aujourd’hui partout”, in Id., *Contre-feux*, Éditions Raisons d’agir, Paris, 1998.

9. K. Polanyi, *The Great Transformation* (1944), Beacon Press, Boston, 2001.

which in Latin is normally translated as *societas civilis* (civil society, an expression I use here in the premodern sense). From this perspective, political life as such –that is, the life of citizens (*politai*), those who are “free”– cannot be extricated from social life: the *community* is *political* whenever it is organized in such a way as to make political freedom possible (an organization that also comprises the economic sphere, in the antique form of the domestic economy involving women and slaves). In the era of the Greek polis Aristotle refers to, this meant that “citizens” were men (not women), indigenous (not foreign), and masters (not slaves, servants or basic workers). Each of them was free, that is, he was able to participate on an equal footing with others in managing certain aspects of community life (such as the primary military and civil issues) because he ruled over women and slaves who took care of the other aspects (reproductive and productive). It was only in the age of modern revolutions that the idea of “equaliberty” (Balibar) was developed: in that period, and not before, we began to see the “egalitarian” idea of including all humans in the polis, that is, of liberating *the actors* and *activities* of the reproductive and productive sphere from a politically secondary, subordinate and dominated role.

This goal was not exactly achieved, however. Rendering the political sphere autonomous as state, that is, as a space for exercising sovereignty, led to the transformation of the community sphere into a “society” (“civil society” in the modern sense of *bürgerliche Gesellschaft*) with space for civil liberties but not the experience of political freedom¹⁰. In other words, it is specifically the liberal perspective that frames community life in a way that neglects this kind of freedom and conceptualizes “the social” in a way that begins to be anti-political.

Modern and contemporary social history has also envisaged and narrated different stories, however. The claims made by “women” (the adaptable and performative subject Zerilli writes about) have often viewed *welfare* and work differently than the liberal state, promoting socially oriented initiatives and cooperatives –empowering, not “charitable” ones– for managing common resources and public services. According to such an approach, social life is and remains a site of political freedom.

In demanding that they be paid the salary of specialized workers, the seamstresses of *We want sex*¹¹ seek to obtain recognition for their “concrete labour” with its history of learning processes and relationships, work that is not merely “abstract human labour”.

10. At the peak and decline of the political tradition that began with Hobbes, the list of sociological categories proposed by Max Weber does not even include the term “freedom”. In relation to this point, see: C. Colliot-Thélène, *Le désenchantement de l'état. De Hegel à Max Weber*, Minuit, Paris, 1992.

11. *We want sex* (*Made in Dagenham*), directed by Nigel Cole, Great Britain, 2010.

This is why they show the manager their pieces of cloth, pieces he would not know how to arrange or sew together. These working women know that there is *logos* in each person's work and that enhancing the *logos* inherent in work is another way of making community into political community –a domain in which *animal laborans* is always already *zoon politikon*, a *political and social* animal.

DE *IMPASSES*, ABISMOS Y PUENTES POR TENDER. EL FEMINISMO SEGÚN LINDA ZERILLI

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ABOUT *IMPASSES*, ABYSSES AND BRIDGES TO BUILD. FEMINISM ACCORDING TO LINDA ZERILLI

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Si hay libros que merecen ser celebrados de manera especial por su doble capacidad de aclarar las coordenadas del debate, trazando mapas detallados y, a la vez, de lanzar propuestas iluminadoras tanto para la teoría como la praxis, *El feminismo y el abismo de la libertad*¹, de Linda Zerilli, se encuentra en esta categoría. El gesto de su autora, profesora de Ciencias Políticas de la Universidad de Chicago, además, merece ser celebrado, quizás *in crescendo*: opta, contra toda una tendencia de endogamia académica favorecedora de abismos, por no dejar fuera de la escena a interlocutoras del feminismo no

1. L. Zerilli, *El feminismo y el abismo de la libertad*, Fondo de Cultura Económica, Buenos Aires, 2008.

anglófono, valorando en el centro de la escena mismas experiencias y teorizaciones que, muy a menudo, quedan relegadas a los márgenes.

De *impasses*, abismos y puentes por tender se conforman, pues, las ambiciosas geografías de este volumen. Toman la forma de un mapa imprescindible para perseguir un tesoro perdido, el del feminismo, que no es otro que aquel que, según Hannah Arendt –principal referente teórico de la autora–, fulguró en las revoluciones modernas para desaparecer de nuevo: la libertad política. Para ello Zerilli despliega una gran riqueza de pensamiento con un cuidado extremo en su interpretación y en su crítica con la intención de no ocultar ni un ápice de la luz que el pensamiento feminista –entre otros, el pensamiento de Judith Butler, Monique Wittig, el Colectivo de la Librería delle Donne de Milán– y algunos de los más ex-céntricos entre los filósofos contemporáneos –junto a una afinadísima Arendt, hallamos a Ludwig Wittgenstein, Cornelius Castoriadis y también François Lyotard– pueden arrojar para diagnosticar el presente del feminismo al tiempo que contribuir a sacarlo de su encallamiento visible en la desorientación improductiva de las prácticas y en una sofisticación machacona de las teorías.

Zerilli no duda de que hay que aprovechar todas estas perspectivas a la hora de repensar unas contradicciones, tensiones y paradojas que no solo caracterizan la “turbulenta” política feminista, que ha reproducido prejuicios propios de la tradición política occidental, sino que son los hitos de toda política que quiera para sí el adjetivo de “democrática”. Ambas se juegan su dignidad.

Si, como señalaba Françoise Collin, el gran reto del feminismo del siglo XX fue el acceso al espacio público, Zerilli pretende resituar, con una sensibilidad muy afín a la de la pensadora belga –aunque parece no conocerla–, el sentido práctico y teórico de esta exigencia. Comienza por señalar una especie de torpor al que nos han conducido las derivas del que fue el feminismo radical de los años setenta, para advertirnos que la promesa ínsita que originó a través del tiempo ese movimiento no era la zona espinosa pero más o menos confortable de la identidad y los logros sociales, sino el sostenernos sobre ese abismo de indeterminación que su título anuncia como un desafío. Tras el título, hay un ejercicio ejemplar de relectura desarrollado a lo largo de los cinco capítulos, de interpretación juiciosa de textos y contextos que se confrontan con la libertad desfundamentada.

Así, ante la coyuntura de una sobredeterminación de los debates y de una especie de agotamiento o crisis del poder desestabilizador del feminismo, la autora cuestiona en principio la insistencia de las feministas en perseguir dos cuestiones: la del sujeto y la de la transformación social; o más bien, diríamos, la trabazón de estas dos cuestiones: el

encuadramiento marcadamente identitario de la cuestión social y la reflexión sobre el sujeto femenino desde un encuadre social. Zerilli, provista del bisturí arendtiano para distinciones, procederá a desarticular esa trabazón a fin de rescatar y crear espacios de pensamiento que imputen dicha configuración paradigmática desde el interior del mismo feminismo. Algo urgente no solo en la teoría, sino también en la práctica, ya que esta incapacidad de desplazar el foco de la polémica y preguntarse qué está orientando nuestras prácticas cotidianas es, a su entender, la otra cara de nuestra incapacidad de imaginar y poner en acto nuevas formas de práctica política que excedan el marco, necesario pero insuficiente, de la reivindicación de derechos. Lo es porque, incluso a su pesar y habiendo denunciado la trampa, el feminismo ha acabado por hacer dependientes las prácticas de las teorías. De ahí la inclinación de la pensadora, siguiendo al llamado “segundo Wittgenstein”, a *no pensar sino mirar*, concediendo primacía a las prácticas y al discurso ordinario, que vistos desde el anhelo de generalidad propio de la filosofía siempre parecen tener una racionalidad deficitaria. De ahí también que destaque teorías y personajes conceptuales como los creados por Wittig y Butler que, aún centradas en el tema del sujeto y del sistema sexo-género, enfatizan en los aspectos performativos y los cortocircuitos que provocan respecto de la identidad, manifestando su falta de fundamentación. O que analice las políticas de la diferencia sexual del Colectivo de Milán como experiencia significativa de prácticas de la relación entre mujeres que cuestionan y transforman el mundo.

Este punto de partida marca un distanciamiento crítico evidente en la posición escéptica que toma Zerilli respecto a dos formas de pesimismo y optimismo característicos de nuestros tiempos. Por un lado, se desmarca de las voces que enuncian como desastre el derrumbe posmoderno de la categoría “mujeres” y subrayan las consecuencias más nihilistas para la práctica a la vez que reivindican la necesidad de un sujeto fuerte que fundamente sustancialmente la lucha de políticas públicas de igualdad y reconocimiento. Pero a la vez, toma distancia de las numerosas voces que anuncian con insistencia y con un peligroso tono optimista el fin del feminismo. Lo decretan como si se hubiera alcanzado su objetivo o como si su implementación total solo se pudiera solucionar a corto plazo. De hecho, es el mismo sentido común alimentado por las lógicas que convierten todos los momentos y los agentes en medios para alcanzar un fin, el que canta la caducidad del movimiento de las mujeres. Con el mismo talante crítico, Zerilli nos advierte que la mayoría de dualidades que continúan estructurando el aparato conceptual del feminismo incluso a estas alturas (igualdad vs. diferencia, reconocimiento vs. redistribución, etc.) son el resultado de los encuadres ligados a la problemática del

sujeto y de lo social, que tienen su raíz común en el paradigma utilitarista y adjudicatario que caracteriza la política e impide que la pensemos como el ámbito de la libertad. También la demanda de derechos debería ser sometida al criterio de si sirven para promocionar o no esta libertad que, sin haber desaparecido del horizonte del pensamiento y de las diversas prácticas feministas, ha sido reconfigurada en el seno de los debates sobre la política identitaria como libertad de las restricciones normativas de subjetivación. Así, cuestionando los paradigmas epistemológicos que justifican las diversas definiciones de la libertad –aquellas que continúan estando varadas en la soberanía o en argumentos sobre la justicia social y el utilitarismo–, Zerilli apuesta por evidenciar los costes que tiene la cuestión social para la libertad misma. La cuestión social es definida por la autora como la herencia política conflictiva del feminismo contemporáneo o casi, diríamos, como una especie de caballo de Troya para toda la configuración de la política democrática radical.

Aquí también encontramos la razón por la que Zerilli ataca el fundacionalismo epistemológico de este paradigma regido por la lógica medios-fines. Los mismos prejuicios que impiden pensar la política como acción libre, creativa e imaginativa determinan el exceso de importancia que tiene el conocimiento para la política feminista: hay que conocer bien las condiciones para elegir de manera correcta las estrategias. No obstante, lo que sucede entre quienes actúan en el espacio público, enfatiza la autora, siempre escapa a las restricciones de la verdad, concebida como adecuación de la descripción a la situación descrita, sea esta la opresión de las mujeres o la de un pueblo. Convencida de la importancia de la tarea de encontrar ejemplos perturbadores donde la exigencia de la libertad política descalabre lo que ha venido contaminando las políticas democráticas, apuesta por poner al descubierto la inexistencia de fundamentos prepolíticos anteriores a la emergencia de un “nosotras” en el que puede resultar más importante el establecimiento de relaciones no simétricas con mujeres a las que les concedemos autoridad, que el reconocimiento de derechos que sigue las simetrías de la igualdad y a menudo resulta en asimilación.

En ese particular ejercicio de juicio y de elección de compañías que sustenta el libro, Zerilli va desgranando su búsqueda de posiciones no subsumibles en tomas de partido teóricas, las cuales, en vez de seguir indagando en las paradojas que han acompañado desde siempre la teoría feminista, las clausuran en atrincheramientos duales. La audaz y compleja batería de argumentos propios y ajenos que va colocando –acompañada de magistrales notas al pie analíticas– se pone al servicio de la defensa de un sentido y un paradigma de comprensión que parece haber sucumbido bajo la preocupación de

las feministas de la segunda y tercera ola en beneficio de cuestiones que se encuentran directamente implicadas en la reapropiación feminista de una esfera pública de tradición androcéntrica, pero que desvían el blanco por el que muchas mujeres se pusieron en movimiento.

Hacer productiva la herencia de Arendt, quien “no tuvo nada (bueno) que decir sobre el feminismo”² para repensar su aparato categorial, es un gesto compartido con otras teóricas feministas, como la propia Françoise Collin, Hanna F. Pitkin, Bonnie Honig, Seyla Benhabib, Fina Birulés, Adriana Cavarero, Neus Campillo o Cristina Sánchez. Zerilli se compromete en primera persona a conseguir abrir un diálogo entre el feminismo y la tradición de la teoría democrática (en la que inscribe a esta teórica de la política de difícil clasificación). Algunas de las principales tesis de Arendt sobre la artificialidad del espacio de la política, la pluralidad con la que se define la condición natal humana cuando aparece en este escenario, el poder inaugural de la libertad y de la asociación políticas, la co-implicación de la existencia de la libertad y el mundo, el rol central del juicio político y la imaginación para el reconocimiento y la promoción de este mundo que nos acomuna y nos separa... son presentadas por Zerilli como contrapunto tenso que da forma a los diversos pasajes que nos conducen hacia una redefinición del sentido de la práctica política feminista. Es la teoría arendtiana la que enmarca ese sesgo interpretativo con el que Zerilli se compromete en primera persona. Así, en vez de empañarse en la pregunta por el sujeto del feminismo o concederle un estatuto resultante de las luchas históricas por la liberación de la opresión, Zerilli desplaza la cuestión hacia la manera en que el “nosotros” del feminismo es pensable “como una frágil ganancia de las prácticas de libertad”. Por lo tanto, la comunalidad de las mujeres se juega en la epifanía de un nosotros artificial y no objetivable antes de sus sucesivas apariciones y emergencias imprevisibles e incontrolables, siempre en constante juego de determinación-indeterminación, que no acepta la lógica de la representación y, en cambio, acepta verse suspendido en el abismo de la libertad donde reina el riesgo de la contingencia. Y es tal la radicalidad y la potencialidad que Zerilli vislumbra en los planteamientos onto-políticos de Arendt que no duda en criticarla cuando considera que la propia autora no está a la altura de lo que promete, cuando, por ejemplo, se revela incapaz de pensar la imaginación política con toda la carga creativa que implica esta facultad.

Aventurarnos hacia el abismo de creatividad es el envite principal de este libro no apto para el resumen. Nos acerca al salto desde diversos flancos simultáneamente y

2. L. Zerilli, *El feminismo y el abismo de la libertad*, p. 75.

a través de diversos niveles, algunos de los cuales son: atreverse a salir de una configuración del feminismo que, consciente o no, al hacer primar la teoría a la hora de definir *quiénes* son las mujeres, repite la estructuración jerarquizante de la filosofía que Arendt denunció. Intentar resituar el lugar de las preguntas y las respuestas en las prácticas políticas de acción, relación con las otras, juicio y transformación del mundo común. No se trata por ello, ni mucho menos, de convertir en superflua la teoría, sino de atreverse a crear discurso desde la tensión o el contrabando constante entre teoría y práctica, renunciando a la seguridad de la concepción de la teoría como guía necesaria y certera de la acción. Despertarse también, esta vez con Wittgenstein, del prejuicio cognitivista que pone al conocimiento de lo que hacemos como condición necesaria de la racionalidad y el sentido de una acción. Atreverse a la locura de actuar sin saber y sin regla, que es como en verdad se actúa. Adentrarse en la perplejidad resultante de pensar lo político como praxis de la libertad más allá o más acá de la transformación social y liberado de la lógica de medios-fines propia de esta esfera. Penetrar a su vez en la comprensión de una libertad no identificable con la soberanía individual ni colectiva que constituye la razón de ser de lo político y concebirla no como una cualidad de un sujeto más o menos moribundo o más o menos posmoderno, sino de ese mundo que, estando fuera de los individuos, *entre* ellos, los pone en relación como plurales e inaugurales. Osar dejar decir a ese nosotros, sobre todo a ese *nosotras*, *quiénes son* a través de sus negociaciones con lo heredado y con sus haceres y decires inéditos, sin apresarlas de antemano en una identidad esencialista bien sea natural biológica o construida socialmente. Dejar(se) ser en el espacio público algo más que identidades o diferencias que resultan del juego de lo identitario, dejarse diferir creativamente, para poner en circulación nuevos significados que crearán nuevas relaciones impredecibles.

En definitiva, Zerilli nos quiere poner ante un abismo sobre el que pende tanto nuestro *ser a la intemperie*, en palabras de Castoriadis, como nuestros contextos enraizados en sólidas mitologías –contingentes, como el género, pero tan sólidamente normativos como este. Al descubrir la defundamentación y la no necesidad podríamos embriagarnos de ligereza, sacudirnos cargas metafísicas y adoptar una olímpica posición escéptica. Y sin embargo, se trata más bien de lo contrario, más bien se llama a asumir de veras la responsabilidad de la ruptura y la renovación. La responsabilidad de decir y hacer, de actualizar una libertad femenina concretada en “una práctica creativa y colectiva de construcción-de-mundo, de carácter fundamentalmente inaugural, que establece relaciones irreductiblemente contingentes y políticamente significativas entre

las mujeres en tanto seres sexuados que de otro modo no tendrían relación alguna, más allá del lugar que ocupan en la economía masculina del intercambio”³. Imbricada en estas iniciativas la palabra “mujeres” habría de resonar una y otra vez de manera inédita, y con ella nuestro mundo en transformación, para que quienes la escuchen no puedan dar su significado por descontado y, con este, también el inapropiable significado de la palabra “feminismo”.

3. L. Zerilli, *El feminismo y el abismo de la libertad*, p. 189.

RESEÑA

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F. Chicchi, E. Leonardi, S. Lucarelli, *Logiche dello sfruttamento. Oltre la dissoluzione del rapporto salariale*, Ombre corte, Verona, 2016

Para comenzar, cabe enmarcar en lo sistemático la obra de la que vamos a hablar. Este libro forma parte de aquella corriente de pensamiento y de investigación de origen marxista por lo general definida como posobrerismo, y esto ocurre por una razón específica: el eje de las argumentaciones de los tres autores está representado por los actuales procesos de acumulación capitalista y por su renovada capacidad de crear y extraer valor del trabajo vivo, que siempre se consideran sobre la base de su incidencia en las subjetividades. Así las cosas, estos se fundamentan más en una ontología constituyente que en una ontología dialéctica. El estudio se acoge a una serie de categorías independientes del ámbito específicamente económico –pensemos en el psicoanálisis, la sociología y la etología–, enriqueciendo una articulación teórica cuya finalidad es mostrar cómo los nuevos procesos de explotación ya no se pueden hacer coincidir de forma exclusiva con el obrero y la consiguiente lucha de clases. Sin embargo, queda la exigencia teórica de considerar como prioritarios los procesos de subjetivación y su futuro.

Partiendo de esta perspectiva, es de extremada utilidad volver a proponer –al final del volumen– una profética reflexión de Christian Marazzi, que apareció en 1978 en los Cuadernos del Primero de Mayo, de la cual destacamos la necesidad de basar el estudio en las transformaciones cualitativas de la clase obrera y de volver a cruzarlas con aquellas que atañen a la ley del valor. Este es el objetivo que llena las páginas del libro en el cual –consideradas sus premisas– no puede faltar la confrontación con Marx, sobre todo con el concepto clave de subsunción, tal y como fue elaborado en el inédito capítulo VI de *El Capital*. En efecto, a partir de la actual pérdida de importancia de la subsunción real –a este propósito es emblemático el análisis empírico realizado por Leonardi sobre

las modalidades de prestaciones laborales durante la Expo 2015–, para los autores es necesario desarrollar un concepto capaz de explicar los profundos cambios que han caracterizado al capital en las últimas décadas.

Este es el motivo que ha llevado a la reelaboración del lema *imprinting* que, retomado por el etólogo Konrad Lorenz, se considera capaz de explicar mejor la plasticidad del sistema capitalista interpretado “como *máquina axiomática*, como *crisis permanente* y como readaptación continua de sus aparatos de extracción del valor” (p. 15). El desplazamiento producido por la categoría del *imprinting* es consiguiente a la falta de coincidencia entre la relación de trabajo de tipo subordinado y la erogación del salario. Este es el eje del discurso: sacar plusvalor de la subjetividad sin pasar de manera necesaria por los convenios salariales. Esta nueva posibilidad de extraer valor se fundamenta en una doble presuposición: por un lado, implica la promesa de una ocupación en el futuro, imponiendo las condiciones de una indefinida precarización; por otro lado, implica la necesidad de conquistarse un espacio de visibilidad necesario para no quedar excluidos de la posibilidad de acceder a un trabajo remunerado, con la consecuencia de trabajar a cambio de una retribución puramente simbólica.

Cabe subrayar que el empleo del plural “‘lógicas’ no solo remite a la tendencia de la gobernanza neoliberal de privilegiar la coexistencia de formas de racionalidad diferentes –solo se alude a este tema–, sino también a la misma capacidad del capital de ensamblar y desarticular modalidades diferentes de las maneras de extracción del trabajo. En efecto, para Lucarelli, los análisis de la llamada explosión salarial siguen las huellas de aquel proceso que llevó ‘a la financiarización de la relación salarial’” (p. 49), es decir, al continuo cruce entre *imprinting* formal, entendido como posible participación en las ganancias esperadas de tipo financiero, e *imprinting* real, que, en cambio, solo se calcula en función de la productividad pasada, adquiriendo un valor específicamente simbólico, no monetizable. En esa perspectiva se inserta la referencia de Leonardi a la gubernamentalidad algorítmica –tal y como fue elaborada por Bernard Stiegler y Jason Read– como forma de racionalidad capaz de ‘gobernar’ los procesos productivos y los consiguientes mecanismos de sometimiento, a través de un conjunto de datos agregados bajo la forma de modelos predictivos que representan la pura potencialidad, la oportunidad económica de ganancia (y de correspondiente explotación) detectada en tiempo real.

En la sección presentada por Chicchi se insiste en la pluralidad de las lógicas del capital, que se analizan a la luz de la que, para Deleuze y Guattari, se define como “una axiomática social”. Se trata de la capacidad del aparato capitalista de metabolizar de

manera continua los posibles puntos de tropiezo, las resistencias y líneas de escape, que explicita la irreductibilidad de su funcionamiento a una modalidad exclusiva. Así las cosas, siguiendo el ejemplo foucaultiano, la continua y diferenciada actitud de insistir en la producción de subjetividad se considera como el resultado de una paradoja solo aparente, es decir, la “de un *control social expresado a través de la producción de libertad*, de un dispositivo de gobierno que organiza la producción social incitando a la autonomía subjetiva” (p. 32). Esta continua exhortación a la libertad y a su producción representa el actual imperativo categórico capitalista, a condición de que sea siempre ‘coherente’ con sus exigencias, es decir, que se pueda enmarcar en sus dinámicos parámetros normativos que incluyen o excluyen con inexorable contingencia.

Si este es el diagnóstico, queda abierta la pregunta sobre cuáles subjetividades se pueden construir ‘fuera’ de la lógica de un capital cuyos preceptos se pueden reformular continuamente y, por consiguiente, exigen una flexibilidad y una capacidad de adaptación novedosa respecto del pasado. Se trata de una cuestión fundamental, respecto de la cual los autores –sobre todo Chicchi–, cuando subrayan la imposibilidad de localizar hoy día una eventual clase revolucionaria, entregan una posibilidad de residuo y resistencia a un movimiento de descontabilización del placer producido por el capital. Siguiendo las huellas de Lacan, Chicchi cree que el proceso de acumulación del capital empieza en el momento en que el “más-que-gozar” se calcula y contabiliza y, al mismo tiempo, el discurso del capitalista produce subjetividad adecuada a él, es decir, unas mónadas hiperegoicas. Por consiguiente, la posibilidad de poner en jaque a esta doble y performante modalidad operativa solo puede nacer de un “ser en común antagónico respecto de aquel *privado y privado* del capital” (p. 109). Se trata de un deseo más que de una declaración de intentos que, sin embargo, debería profundamente rendir cuentas de la necesidad de trabajar sobre nuestro deseo, además de las modalidades de cómo hacerlo; es un aspecto sobre el cual justo la “producción deseante” deleuziana ofrece una interesante “línea de escape” a la lógica subyacente a la repetición y a la contabilización.

Traducción del italiano de M. Colucciello

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Soft Power es una revista que nace del trabajo conjunto de estudiosos del sur de Europa y de América Latina, con el objetivo de solicitar la investigación sobre el nuevo paradigma de poder gubernamental, que hoy organiza el mundo, con especial atención a la zona geopolítica.

En respuesta a la urgente necesidad de repensar las categorías jurídicas y políticas tradicionales de la modernidad, tiene como objetivo el análisis crítico y reflexivo, centrado en resaltar el carácter problemático de actualidad.

Soft Power es publicada semestralmente. Asume un lenguaje interdisciplinario para garantizar la pluralidad de puntos de vista sobre el enfoque temático elegido, dando espacio a las contribuciones de filósofos políticos y del derecho, politólogos e historiadores del pensamiento político, pero también economistas y sociólogos.

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Soft Power is a review born from the joint work of scholars of the South Europe-Latin America, with the aim of hastening the research on the new paradigm of governmental power, which organizes the world with particular attention to that geopolitical area. Responding to the urgency of a rethinking of the traditional legal and political categories of modernity, it intends its analysis as critical as reflective, focused as it is onto highlighting problems of the present time.

Soft Power is published semi-annually. It adopts an interdisciplinary language to ensure the plurality of perspectives on the theme proposed from time to time, giving room to the contributions of political and law philosophers, political scientists and historians of political thought, as well as economists and sociologists.

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- En la primera página debe figurar el título, centrado y en mayúsculas. Más abajo se escribirán, también centrados, el nombre y apellido del autor o autores, así como el centro o la institución a la que está(n) adscrito(s). Seguidamente debe figurar un resumen (*abstract*) de no más de cien palabras y una lista de palabras clave (*keywords*) de tres a cinco términos. Tanto el resumen como la lista de palabras clave deben tener una versión en español y otra en inglés para facilitar su inclusión en las bases de datos internacionales y en los repertorios bibliográficos.
- El artículo debe venir acompañado de los datos que permitan contactar al autor (dirección de correo electrónico), así como de un breve currículum indicativo (datos académicos, líneas de investigación y principales publicaciones). Se debe especificar número de líneas o renglones, o número de palabras o caracteres.

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- H.L.A. Hart, *The Concept of Law*, Oxford University Press, London, 1961, p./pp.

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- R. Dworkin, “On interpretation and Obiectivity”, en R. Dworkin, *A Matter of Principle*, Harvard University Press, Cambridge (Mass.), 1985, p./pp.

Para citar prólogos y epílogos:

- L. Bazzicalupo, “Prefazione”, en J. Butler, E. Laclau, S. Žižek, *Dialoghi sulla sinistra. Contingenza, egemonia, universalità*, Laterza, Roma-Bari, 2010, p./pp.

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- J. N. Rosenau, “Governance, Order, and Chang in World Politics”, en J. N. Rosenau, E. O. Czempiel (eds.), *Governance without Government: Order and Change in World Politics*, Cambridge University Press, Cambridge, 1992, p./ pp.

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- e.g.: H.L.A. Hart, *The Concept of Law*, Oxford University Press, London, 1961, p./pp.

Chapters in edited volumes:

- Initial of the author(s)'s first name(s) and surname(s); title of the chapter in inverted commas; initials of the editor(s)'s first name(s) and surname(s) followed by 'ed. or eds.'; book title in italics; name of publisher; place of publication; year of publication; page number.
- e.g.: J. N. Rosenau, "Governance, Order, and Change in World Politics", in J. N. Rosenau, E. O. Czempiel (eds.), *Governance without Government: Order and Change in World Politics*, Cambridge University Press, Cambridge, 1992, p./pp.
or
e.g.: R. Dworkin, "On interpretation and Objectivity", in R. Dworkin, *A Matter of Principle*, Harvard University Press, Cambridge (Mass.) 1985, p./pp.

Forewords or epilogues in edited volumes:

- e.g.: L. Bazzicalupo, “Prefazione”, in J. Butler, E. Laclau, S. Žižek, *Dialoghi sulla sinistra. Contingenza, egemonia, universalità*, Laterza, Rome-Bari, 2010, p./pp.

Journal articles:

- Initial of the author(s)’s first name(s) and surname(s); title of the article in inverted commas; name of the journal in italics; volume number; year of publication, page number.
- e.g.: J. J. Moreso – P. Navarro, “Aplicabilidad y eficacia de las normas jurídicas”, in *Isonomia: Revista de Teoría y Filosofía del Derecho*, 5, 1996, p. /pp.

Quotes should always be in inverted commas. Long quotes (more than 3 lines), should be indented, leaving a blank line before and after the quote. This does not apply to footnotes.

Any indication of a translator should be noted at the end of the text.

- e.g.: Translation by M. Solinas.

Articles that do not respect these guidelines will be rejected.

Reviews and bibliographic essays

- The text, with all the information needed to contact the author, must be submitted single-spaced, font Times New Roman, size 12; footnotes text font Times New Roman, size 10. Reviews should not exceed 2100 words.

CÓDIGO DE ÉTICA

Prevenir publicaciones negligentes es una de las importantes responsabilidades del Consejo y del Comité editorial. Este Código describe la política de *Soft Power* para asegurar el tratamiento ético de todos los participantes en la revisión entre pares y en el proceso de publicación. Editores, revisores y autores están invitados a estudiar estas directrices y dirigir cualquier pregunta o duda a los correos: vgiordano@unisa.it o softpower.journal@gmail.com

Esta guía se aplica a los manuscritos presentados a *Soft Power* a partir del 1° de enero de 2014 y podrán ser revisados en cualquier momento por el Editor y el Consejo Editorial.

Deberes del Editor

El Editor es responsable por el contenido de la revista y por garantizar la integridad de todo el trabajo que se publica en ella.

- **Las decisiones sobre la publicación:** El Editor tiene el derecho de tomar la decisión final sobre si aceptar o rechazar un manuscrito en referencia a la importancia, originalidad y claridad del manuscrito, y su relevancia para la revista.
- **Revisión de los manuscritos:** *Soft Power* sigue un proceso de revisión de “doble ciego”, por lo que los autores no conocen a los revisores, y viceversa. El Editor se hace responsable de obtener la revisión oportuna, independiente y anónima de revisores debidamente cualificados que no tienen intereses en competencia de descalificación, de todos los manuscritos enviados a la revista. El Editor se hace responsable de asegurar que la revista tenga acceso a un número suficiente de evaluadores competentes.
- **Justa revisión:** El Editor y el Comité editorial deben asegurarse de que cada manuscrito recibido por *Soft Power* sea revisado por su contenido intelectual sin distinción de sexo, género, raza, religión, nacionalidad, etc. de los autores.
- **Confidencialidad de la documentación presentada:** El Editor y el Comité editorial asegurarán adecuados sistemas de control para garantizar la confidencialidad y la protección contra el uso indebido del material enviado a la revista durante la fase de revisión; la protección de las identidades de los autores y evaluadores; además, se comprometen a adoptar todas las medidas razonables para preservar la confidencialidad de las identidades de los autores y revisores.

- **Divulgación:** El Editor debe garantizar que los manuscritos presentados se procesan de manera confidencial y que ningún contenido de los manuscritos será compartido con nadie más que al autor correspondiente o los revisores.
- **Conflictos de interés:** El Editor debería excluir de considerar manuscritos que tienen un real o potencial conflicto de interés que resulte de las relaciones o conexiones competitivas, de colaboración, financieras o de otro tipo con cualquiera de los autores, empresas o instituciones relacionadas con el manuscrito.
- **Autoridad:** Al Editor pertenece la decisión última y la responsabilidad de la revista. El Editor debe respetar los componentes de la revista (lectores, autores, revisores, equipo editorial), y trabajar para garantizar la honestidad e integridad de los contenidos de la revista y asegurar una mejora continua en la calidad de la revista.

Deberes de los revisores

- **Justa revisión:** Los revisores deben evaluar los manuscritos de manera objetiva, justa y profesional. Los revisores deben evitar prejuicios personales en sus comentarios y evaluaciones, y deben expresar sus opiniones claramente con argumentos de apoyo. Los revisores deben proporcionar revisiones fundamentadas y justas. Estos deben evitar ataques personales, y no incluir ninguna opinión que sea difamatoria, inexacta, engañosa, obscena, escandalosa, ilegal o de cualquier otra forma objetable, o que infrinja los derechos de autor de cualquier otra persona, derecho de privacidad u otros derechos.
- **Confidencialidad:** La información relativa a los manuscritos presentados por los autores debe ser confidencial y será tratada como información privilegiada. Los revisores no deben discutir del manuscrito con cualquier persona que no sea el editor, ni deben discutir cualquier información del manuscrito sin permiso.
- **Certificación de las fuentes:** Los revisores de los manuscritos deben asegurarse de que los autores hayan señalado todas las fuentes de datos utilizadas en la investigación. Cualquier tipo de similitud o coincidencia entre los manuscritos considerados con cualquier otro documento publicado de los cuales los revisores tienen conocimiento personal debe ser inmediatamente comunicada al Editor.
- **Puntualidad:** En el caso de que el revisor perciba que no es posible para él/ella completar la revisión del manuscrito en el plazo estipulado, debe comunicar esta información al Editor, de manera tal que el manuscrito pueda ser enviado a otro revisor.
- **Derecho de rechazo:** Los revisores deben negarse a revisar los manuscritos:
 - a) cuando el autor ha formulado observaciones escritas sobre el manuscrito o

sobre su versión anterior; b) cuando aparecen conflictos de interés que resulten de relaciones de colaboración, financieras, institucionales, personales o conexiones de otro tipo con cualquiera de las empresas, instituciones o personas ligadas a los artículos.

- **Quejas:** Cualquier queja relativa a la revista debe, en primera instancia, ser dirigida al Editor de *Soft Power*.

Deberes de los autores

- **Originalidad:** Los autores deben garantizar que ninguna parte de su trabajo es una copia de cualquier otro trabajo, ya sea escrito por ellos mismos u otros, y que el trabajo es original y no ha sido previamente publicado en su totalidad o en parte sustancial.
- **La autoría del artículo:** La autoría se limita a aquellos que han dado una contribución significativa a la concepción, diseño, ejecución o interpretación del estudio presentado. Otros que han hecho una contribución significativa deben estar inscritos como coautores. El autor debe asegurarse de que todos los coautores hayan avalado la versión definitiva del documento y acordado su publicación final.
- **El plagio y autoplagio:** El trabajo en el manuscrito debe estar libre de cualquier plagio, falsificación, fabricaciones u omisión de material significativo. El plagio y el autoplagio representan un comportamiento editorial poco ético y son inaceptables. *Soft Power* se reserva el derecho de evaluar los problemas de plagio y redundancia en una base de datos, caso por caso.
- **Reconocimiento de las fuentes y de los conflictos de intereses:** El autor debe indicar explícitamente todas las fuentes que han apoyado la investigación y también declarar cualquier conflicto de interés.
- **Puntualidad:** Los autores deben ser puntuales con la revisión de sus manuscritos. Si un autor no puede cumplir con el plazo establecido, debe escribir a los correos <vgiordano@unisa.it o softpower.journal@gmail.com> tan pronto como sea posible para determinar la posibilidad de prorrogar la entrega del artículo o su retirada del proceso de revisión.

El Código de Ética de la revista *Soft Power* se basa principalmente en las siguientes fuentes en línea:

- COPE - Committee on Publication Ethics, 2011. Code of conduct and best practice guidelines for journal editors. Accessed February 2014.
- Ethical-Guidelines, 2011. Ethical Guidelines for Educational Research, 2011. Accessed February 2014.

CODE OF ETHICS

The prevention of publication malpractice is one of the most important responsibilities of the Editorial Board. This Code describes *Soft Power's* policies for ensuring the ethical treatment of all participants in the peer review and publication process. Editors, Reviewers and Authors are encouraged to study these guidelines and address any questions or concerns to the vgiordano@unisa.it or softpower.journal@gmail.com

These guidelines apply to manuscripts submitted to *Soft Power* starting January, 1, 2014, and may be revised at any time by the Editorial Board.

Duties of Editor

The Editor is responsible for the content of the journal and for ensuring the integrity of all work that is published in it.

- **Publication decisions:** The Editor has the right to make the final decision on whether to accept or reject a manuscript with reference to the significance, originality, and clarity of the manuscript and its relevance to the journal.
- **Review of manuscripts:** *Soft Power* follows a double-blind review process, whereby Authors do not know Reviewers and vice versa. The Editor is responsible for securing timely, independent and anonymous peer review from suitably qualified reviewers who have no disqualifying competing interests, of all manuscripts submitted to the journal. The Editor is responsible for ensuring that the journal has access to an adequate number of competent reviewers.
- **Fair Review:** The Editor and their editorial staff must ensure that each manuscript received by *Soft Power* is reviewed for its intellectual content without regard to sex, gender, race, religion, citizenship, etc. of the authors.
- **Confidentiality of submitted material:** The Editor and the editorial staff will ensure that systems are in place to ensure the confidentiality and protection from misuse of material submitted to the journal while under review and the protection of authors' and reviewers' identities and will themselves take all reasonable steps to preserve the confidentiality of authors' and reviewers' identities.
- **Disclosure:** The Editor should ensure that submitted manuscripts are processed in a confidential manner, and that no content of the manuscripts will be disclosed to anyone other than the corresponding author, reviewers, as appropriate.

- **Conflicts of interest:** The Editor should excuse themselves from considering a manuscript in which they have a real or potential conflict of interest resulting from competitive, collaborative, financial or other relationships or connections with any of the Authors, companies or institutions connected to the manuscript.
- **Authority:** The Editor must have ultimate authority and responsibility for the Journal. The Editor should respect the Journal's constituents (Readers, Authors, Reviewers, Editorial Staff), and work to ensure the honesty and integrity of the Journal's contents and continuous improvement in journal quality.

Duties of reviewers

- **Fair reviews:** Reviewers should evaluate manuscripts objectively, fairly and professionally. Reviewers should avoid personal biases in their comments and judgments and they should express their views clearly with supporting arguments. Reviewers must provide substantiated and fair reviews. These must avoid personal attack, and not include any material that is defamatory, inaccurate, libelous, misleading, obscene, scandalous, unlawful, or otherwise objectionable, or that infringes any other person's copyright, right of privacy, or other rights.
- **Confidentiality:** Information regarding manuscripts submitted by authors should be kept confidential and be treated as privileged information. Reviewers should not discuss the manuscript with anyone other than the Editor, nor should they discuss any information from the manuscript without permission.
- **Acknowledgement of Sources:** Manuscript reviewers must ensure that authors have acknowledged all sources of data used in the research. Any kind of similarity or overlap between the manuscripts under consideration or with any other published paper of which reviewer has personal knowledge must be immediately brought to the Editor's notice.
- **Timeliness:** In the event that a reviewer feels it is not possible for him/her to complete review of manuscript within stipulated time then this information must be communicated to the Editor/Guest Editor, so that the manuscript could be sent to another reviewer.
- **Right of refusal:** Reviewers should refuse to review manuscripts: a) where they have provided written comments on the manuscript or an earlier version to the Author, b) in which they have any conflicts of interest resulting from collaborative, financial, institutional, personal, or other relationships or connections with any of the companies, institutions, or people connected to the papers.
- **Complain:** Any complaint relating to the journal should, in the first instance be directed towards the Editor of *Soft Power*.

Duties of Authors

- **Originality:** Authors must ensure that no part of their work is copied from any other work, either authored by themselves or others and that the work is original and has not previously been published in whole or substantial part.
- **Authorship of the paper:** Authorship should be limited to those who have made a significant contribution to conception, design, execution or interpretation of the reported study. Others who have made significant contribution must be listed as co-authors. The author should ensure that all co-authors have affirmed the final version of the paper and have agreed on its final publication.
- **Plagiarism and self-plagiarism:** All work in the manuscript should be free of any plagiarism, falsification, fabrications, or omission of significant material. Plagiarism and self-plagiarism constitute unethical publishing behavior and are unacceptable. *Soft Power* reserves the right to evaluate issues of plagiarism and redundancy on a case-by-case basis.
- **Acknowledgement of Sources and Conflict(s) of interests:** The author should indicate explicitly all sources that have supported the research and also declare any conflict(s) of interest.
- **Timeliness:** Authors should be prompt with their manuscript revisions. If an Author cannot meet the deadline given, the Author should contact to vgiordano@unisa.it or softpower.journal@gmail.com as soon as possible to determine whether a longer time period or withdrawal from the review process should be chosen.

The Code of Ethics of *Soft Power* draws heavily from the following on-line sources:

- COPE – Committee on Publication Ethics, 2011. Code of conduct and best practice guidelines for journal editors. Accessed February, 2014.
- Ethical-Guidelines, 2011. Ethical Guidelines for Educational Research, 2011. Accessed February, 2014.

