Revista de Estudios Sociales
ISSN: 0123-885X
Facultad de Ciencias Sociales, Universidad de los Andes

Acosta López, María del Rosario

From Critique of the Postcolony to a Postcolonial Form of Critique. On the Uses and Misuses of Foucault in Jean and John Comaroff's Work1 *

Revista de Estudios Sociales, no. 67, 2019, January-March, pp. 17-25
Facultad de Ciencias Sociales, Universidad de los Andes

DOI: https://doi.org/10.7440/res67.2019.02

Available in: https://www.redalyc.org/articulo.oa?id=81558586002

From Critique of the Postcolony to a Postcolonial Form of Critique. On the Uses and Misuses of Foucault in Jean and John Comaroff's Work[1]*

María del Rosario Acosta López**

Received date: April 8, 2018 · Acceptance date: June 28, 2018 · Modification date: August 22, 2018
https://doi.org/10.7440/res67.2019.02

How to cite: Acosta López, María del Rosario. 2019. "From Critique of the Postcolony to a Postcolonial Form of Critique. On the Uses and Misuses of Foucault in Jean and John Comaroff's Work". *Revista de Estudios Sociales* 67: 17-25. https://doi.org/10.7440/res67.2019.02

ABSTRACT | This paper develops a philosophical approach to Jean and John Comaroffs' work by fleshing out and theoretically articulating the *form of critique* that the Comaroffs employ in their reading of the "postcolonial" condition. Even though Walter Benjamin's classical correlation between law and violence provides the framework for the kind of critique the Comaroffs perform, I want to show that when the question refers to what kind of critique they undertake in the context of the postcolony, as well as *what form it needs to take* in the specific context of the postcolonial world, it is the Comaroffs' critical approaches to Michel Foucault rather than to Benjamin that become particularly illuminating.

KEYWORDS | *Author*: Benjamin; Foucault; Jean and John Comaroff; postcolonial critique

De una crítica de la pos-colonia a una crítica poscolonial: sobre los usos y desusos de Foucault en el trabajo de Jean y John Comaroff

RESUMEN | Este artículo propone una aproximación filosófica al trabajo de Jean y John Comaroff, a través de una articulación teórica de una determinada *forma de crítica* que dichos autores ponen en práctica en su lectura de la condición "poscolonial". Si bien la correlación clásica entre ley y violencia de Walter Benjamin sería la referencia más evidente para una comprensión de los presupuestos filosóficos que se encuentran a la base del concepto de crítica puesto en juego en el trabajo de los Comaroff, el artículo propone más bien atender al uso crítico que los Comaroff hacen de Michel Foucault. Es sobre todo en el señalamiento de los límites de la concepción de crítica foucaultiana que se ilumina lo que los Comaroff, más allá de su crítica a la pos-colonia, proponen articular en términos de una crítica poscolonial.

PALABRAS CLAVE | *Autor*: Benjamin; crítica poscolonial; Foucault; Jean y John Comaroff

* This paper is the result of an ongoing research on decolonial and postcolonial forms of critique I am currently conducting at DePaul University (United States) in conjunction with the Critical Theory Cluster at Northwestern University (United States). I presented a first version of this paper in the context of a workshop on the work of Jean and John Comaroff organized by Julieta Lemaitre and Esteban Restrepo at Universidad de los Andes (Colombia).

** Ph.D. in Philosophy. Associate Professor at DePaul University. Latest publications: "Between Law and Violence: Towards a Re-thinking of Legal Justice in Transitional Justice Contexts." In *Law and Violence*, edited by Christoph Menke (with commentaries and response from the author, commentaries by: Acosta, Ferrara, Fischer-Liscano, Garcia-D th ester University Press, nse from the author, commentaries by: Acosta, Ferrara, üttman, Loick, and Morgan), 79-95. Manchester: Manchester University Press, 2018; "Ontology as Critique: Jean-Luc Nancy's Inoperative Community." *Research in Phenomenology* 47: 108-123, 2017. ✉ macostal@depaul.edu

1 I would like to thank Julieta Lemaitre and Esteban Restrepo for organizing the workshop at Los Andes with Jean and John Comaroff and for giving me the chance to discuss a first version of this paper in that context. I would also like to thank my reviewers, Rocío Zambrana and Diego Cagüeñas, for their generous reading and insightful suggestions. Finally, thanks to Colin McQuillan for his judicious reading of this final version and to Tiziana Laudato for her careful copyedits.

De uma crítica da pós-colônia a uma crítica pós-colonial: sobre os usos e desusos de Foucault no trabalho de Jean e John Comaroff

RESUMO | Este artigo propõe uma aproximação filosófica ao trabalho de Jean e John Comaroff, por meio de uma articulação teórica de uma determinada *forma de crítica* que esses autores colocam em prática em sua leitura da condição "pós-colonial". Embora a correlação clássica entre lei e violência de Walter Benjamin tenha sido a referência mais evidente para a compreensão dos pressupostos filosóficos que se encontram na base do conceito de crítica do trabalho dos Comaroff, este artigo propõe atender ao uso crítico que os Comaroff fazem de Michel Foucault. É principalmente na indicação dos limites da concepção de crítica foucaultiana que se ilumina o que os Comaroff, mais além de sua crítica à pós-colônia, pretendem articular em termos de uma crítica pós-colonial.

PALAVRAS-CHAVE | *Thesaurus*: Benjamin; Foucault. *Autor*: crítica pós-colonial; Jean e John Comaroff

In the introduction to their edited volume *Law and Disorder in the Postcolony* Jean and John Comaroff speak of the dialectic between law and lawlessness that pervades the postcolony. This dialectic is the grammar of the postcolonial world, a world that is not only reduced to the so called "postcolonial nations," but which could also be the condition of the "world at large" ("Might it be that [...] the world at large is looking ever more 'postcolonial?'" [Comaroff and Comaroff 2006, 6]). In this paper, I am interested in fleshing out the *form of critique* that the Comaroffs are theoretically configuring and putting into practice in their work and, in particular, their reading of the "postcolonial" condition. Even though Walter Benjamin's correlation between law and violence is probably the most evident reference to get to the way the Comaroffs perform their critique of the postcolonial world, I want to show that when it comes to understand *what specific form critique needs to take* if it is not only to be of the postcolony but also a postcolonial form of critique, the Comaroffs' critical approaches to Michel Foucault are rather more illuminating than their approaches to Benjamin.[2]

The "postcolonial" condition, the Comaroffs argue (or I argue, following their work), confirms a structural relation of mutuality and co-dependency between law and violence, whose classical analysis brings us back to Benjamin's diagnosis. Moreover, in "the postcolony," the Comaroffs suggest, law does not seem to need to hide its foundation in violence to make its sovereignty and legitimacy operative, thus questioning at least some of the presuppositions underlying Benjamin's analysis and the possibilities of interruption envisioned by his critique. However, the critique of a Benjaminian perspective is not explicitly taken up in the Comaroffs' work. On the contrary, Benjamin remains a constant reference in their analysis, even though, one would have to admit, he is mentioned more often than his work is examined. The conceptual tools Benjamin employs in his critiques of both violence and history are the framework that allow the Comaroffs to approach the complex entanglements between representation and violence in all of its forms —of appearance and disappearance, dissimulation and performance— that pervade the world of the postcolony. Benjamin, therefore, is not the target but rather the condition of possibility of a critique of the postcolony in the Comaroffs' work. That is, it is on the basis of Benjamin's approach to the structural entanglement between law and violence, and the ways in which this entanglement finds its specific historical ways of presenting and representing itself, while also hiding the structural bond that makes these representations possible in the first place, that the Comaroffs are able to develop their critique of the postcolony and a corresponding postcolonial form of critique.[3]

2 See Benjamin's groundbreaking essay *Critique of Violence* (1996, 236-252).

3 Throughout the paper, the reader will notice that I presuppose instead of explaining this connection between Jean and John Comaroff's work and a Benjaminian notion and form of critique. I understand this might not be evident for a reader unfamiliar with their work, or with Benjamin's, but anyone who has ever approached the Comaroffs work will have noticed the constant references to the latter. In what follows, I will not be able to develop these connections explicitly, since, given the length constraints, I need to devote this paper entirely to the presentation and explanation of the Comaroffs' critique of Foucault and how this critique shows us another side of their double commitment; namely, a commitment to critique the postcolony and to inaugurate and perform, accordingly, a postcolonial form of critique. During the workshop in Colombia with the Comaroffs, and after I presented a first version of this paper, John expressed the deep affinity they have always felt between their work and Benjamin's. Benjamin's critique of violence is not only, he mentioned, a profoundly historical text —profoundly engrained in its historical and political context, and thus, thoroughly aware of the material as much as the conceptual conditions of the structures it is analyzing. Benjamin's sensibility to the "sensible," that is, to the ways in which power not only presents and represents itself but also controls its own forms of representation, is very telling of the sort of "historical anxiety" that results from the kind of entanglement between law

When it comes to pointing out the limits of Western theoretical frameworks to analyze, explain, and criticize the phenomenon of violence and criminality in the postcolony, the Comaroffs turn instead to Foucault. As much as Foucault's approach remains essential in understanding the complex modes in which power operates in the postcolony, the Comaroffs seem interested in bringing to light the limits of Foucault's reading of modern forms of power as a transformation from an (earlier) spectacular form of power, to invisible and all-pervasive forms of disciplinary power. What escapes Foucauldian analysis in the context of the postcolony seems to lie precisely in the complex entanglement between modes of power that Foucault assigns to different, though sometimes simultaneous, historical temporalities. The problem does not lie in Foucault's form of critique, but rather in the conception of history and of historical temporality that are presupposed by it, and that get disrupted and are radically challenged by the competing forms of historicity coexisting and intertwining, taking shape and put to the test, in the *time* —and the forms of time— of the postcolony.[4]

In what follows, I will focus on this critique of Foucault in the Comaroffs' work. More than an exegetical inquiry into whether this is or is not a fair criticism of Foucault, and whether it could be supplemented or complemented by other aspects of Foucault's work, where one might be able to find answers to these criticisms, I am interested in understanding what these criticisms reveal about the Comaroffs' own analysis and form of critique. I intend to show that their "dissatisfaction" with Foucault can become a point of entry into the nuances and complexities of what the Comaroffs want to analyze as the "postcolony," while also giving us clues regarding the *form of critique* that would allow these nuances and complexities to come to light (or, better put, to *present* themselves in the various forms of their "representation"). I believe that these complexities, and the kind of critique that allows them to become visible, are ultimately closer to Benjamin's critique of violence than Foucault's analysis of power. In this paper, I will develop only what the latter lacks, rather than expounding what the former makes possible, for the kind of critique that the Comaroffs are performing in their work; namely, a kind of critique that is creatively attempting to move from a critique *of* the postcolony to the conception and practice (and the conceptualization at work in this practice) of a *postcolonial form of critique*.[5]

***

When examining the post-apartheid transition in South Africa in 2006, and particularly, the role of police and law enforcement in connection with an apparent public obsession with images of crime and imaginaries of its (legal) resolution, the Comaroffs write:

> [...] the "scene-of-the-crime" in South Africa, broadly conceived, is also the source of a passionate politics on the part of government, a politics aimed at *making manifest* both the shape of the nation *and* a form of institutional power capable of underwriting its ordered existence. [...] the drama that is so integral to policing the postcolony is evidence of a desire to *condense dispersed power in order to make it visible, tangible, accountable, effective*. (Comaroff and Comaroff 2006, 276; author's emphasis)

Such is the dialectic between a "metaphysics of order" and a "metaphysics of disorder," in the Comaroffs' own words, that underlies the representation of institutional power in the postcolony, and the manner in which this power represents itself by staging itself publicly and visibly. If Walter Benjamin has shown us that part of what makes State power and its sovereignty structurally violent is the arbitrariness lying at the heart of their implementation —in that every application of the law is always a decision that needs to create the criteria for its own determination— the Comaroffs go further in showing how, in the case of the postcolony, power

---

and violence that Benjamin conveys masterfully and that one finds once and again pervading the postcolony (John's words). Benjamin's awareness, therefore, of the difficulty of tackling these kinds of phenomena directly and transparently, and thus, of the need to produce a convoluted approach, characterized by a constellation of questions and problems rather than by a more traditional straightforward modality of theory, is something that the Comaroffs, John pointed out, have been very grateful for and have attempted to reproduce in their own work. There is, of course, much more to say about all these different connections, which is why it would take a separate paper to work these issues through as they deserve.

4 For a further elaboration into these "forms of temporality" at play in a postcolonial, or decolonial, approach to history, see Acosta (2018b).

5 As a philosopher, I am very much interested in making explicit the *theoretical presuppositions* of the Comaroffs' work. However, I am also interested in applying this *postcolonial form of critique* to the kind of questions raised by the concrete challenges of our current transitional situation in Colombia (a transition that can be understood, as the Comaroffs also understand in their work, not only juridically or politically, but also in its historical character). I believe that a postcolonial form of critique can envision the possibilities lying at the core of the complexities of Colombian current historical situation, while a more classical and still too Westernized critical gaze, risks reducing the reality and richness of our "counterfeit Modernity" (to again use the Comaroffs' language) to a failed, and, at best, yet-to-be-achieved project of Modernity. In a longer and much more in-depth engagement with the Comaroffs work, I would like to show how their understanding of the multiple temporalities at stake in the "postcolonial condition" is not only embedded in a very original and creative reading of Benjamin, but it also reveals the different temporalities that coincide, take place, and shape the "time of the transition." I cannot develop this part of the argument here. For a philosophical approach to transitional justice, emerging from Benjamin and inspired by the current Colombian process, see Acosta (2018a).

both lacks almost all capacity for effective enforcement, and it "knows" of this lack and compensates it by way of its own "theatrics." In order to make itself "evident, legible and operative," where no authority except for that given to it by its own "theatrics" gives legitimacy to institutional power, the State in the postcolony "strives to make actual both to its subjects and to itself," through the "spectacle of policing" —and through policing enforced and reproduced as a spectacle— "the authorized face, and force, of the state-of a State, that is, whose legitimacy is far from unequivocal" (Comaroffs and Comaroff 2006, 276).

What we have here, the Comaroffs suggest, can be understood as

> [...] an inversion of the history laid out by Foucault in *Discipline and Punish*, according to which, famously, the theatricality of premodern power gives way to ever more implicit, internalized, capillary kinds of discipline. Indeed, it is precisely this *telos* —which presumes the expanding capacity of the State to regulate everyday existence and routinely to enforce punishment— that is in question in South Africa. (Comaroffs and Comaroff 2006, 276) [6]

In this sense, what we are dealing with when looking critically at South Africa —and at the latter as an index of a larger phenomenon which extends today beyond the "postcolonies" into a globalized world[7]— is not only the question of whether there is a postcolonial form of power, and if so, what shape it takes. We are also, as the Comaroffs suggest, coming to terms with the need for a "post-Foucauldian" conception of the State. They write: "And what might changes in the nature of police performance, in all senses of that term, tell us about the postcolonial —post-Foucauldian?— State, about its powers and its differences from its precursor?" (Comaroff and Comaroff 2006, 277).

I would like to direct my attention to different sides and implications of these claims. First, the Comaroffs argue that the postcolony *is* the post-Foucauldian State, which means that in the postcolony (and particularly in the analysis of "the state-of the State" in the post colonies) the limits of Foucault's analysis of power —and perhaps even his Eurocentrism— are evident, or come to be evident under the gaze of critique. Foucault's insistence (at least in *Discipline and Punish*, although one could argue this remains to be the case also in the *History of Sexuality* and his analyses of biopolitics) on a progressive *substitution* of a pre-modern spectacular and theatrical form of power with an "ever more implicit, internalized," invisibly pervasive kind of discipline[8] —whose counter-face is an operation of sovereignty reduced mainly to its legalistic and formalistic (also invisible) operation[9]—, turns out to be problematic, if not false, when looked at through the lens of institutional power and its manifestations in the postcolony.

In the postcolony, the Comaroffs argue —and this is what they show concretely and through examples of postcolonial South Africa in many of their texts— these two forms of power are not only combined and overlapping, but they even depend on one another and have never ceased to co-exist. Moreover, the postcolony may actually show that such substitution has never been the logic by which these two powers relate to each other, and that Foucault overlooked the extent to which there is ultimately no "invisible" dispersion of power —and thus, also, as he shows later in connection to his analysis of sovereignty, no "juridification" of sovereignty's form of operation— without the conservation of the possibility of the monopoly on the spectacle of violence and the idea of domination that underlies its manifestation.[10] Indeed, as the Comaroffs point out very

6 One point regarding this quote, which becomes a main point of departure for my understanding of the Comaroffs' own conception of critique *vis a vis* Foucault. It is contentious to argue that, for Foucault, disciplinary power has to do with "the expanding capacity of the State to regulate everyday existence." For Foucault, the State is not the exclusive, and perhaps not even the main institution of disciplinary power. As I will argue later in this paper, discipline for Foucault often takes place *outside* or independently of the direction or regulation of the State (in market economics, for example). I think the Comaroffs not only understand this potentiality of Foucault's critique, but apply it themselves in their own work. Perhaps this quote is then just strategic to overstate what they find problematic in Foucault, or, perhaps, it is an oversight on their part.

7 "Postcolonies are hyperextended versions of the history of the contemporary world running slightly ahead of itself. It is the so-called margins, after all, that often experience tectonic shifts in the order of things first, most visibly, most horrifically, and most energetically, creatively, ambiguously" (Comaroff and Comaroff 2006, 41). In this sense, the postcolony becomes, in the Comaroffs' work, "a crucial site for theory construction" (Comaroff and Comaroff 2006, 42). A critical work and attention to the concrete reality of the postcolonial nations is an entry way to a more expansive, broader, and historical global condition. A condition that, the Comaroffs write, is not exclusive of the so-called postcolonial part of the world, but that the postcolonies make "more readily visible" (Comaroff and Comaroff 2006, 293).

8 Particularly Foucault's analysis of "The spectacle of the scaffold" in *Discipline and Punish* (Foucault 1995, 32-69).

9 For this side of the analysis see: Foucault (2003, 34– 39).

10 As I clarified earlier, I am not interested, in this paper, in confronting the Comaroff's criticism of Foucault and their suggestion for the need for a post-Foucauldian analysis of power in the postcolony with Foucault's own work and the complexities and developments of his arguments during those years in the mid 70's in his work, from *Discipline and Punish* and his *Lectures at the College de France*, to the *History of Sexuality*. I understand also that the contrast between the (pre-modern) spectacle and visibility of the enforcement of power and disciplinary power becomes more complicated with Foucault's distinction between disciplinary power and sovereignty (Foucault 2013, 34– 39). What I want to attend to for now and for the purposes of this paper is to the fact

clearly in their analysis, "politics-as-theater" has never truly been separated from "biopolitics." The argument for this separation, they continue, is itself

> [...] the product of a modernist ideology that would separate symbolic from instrumental coercion, melodrama from a politics of rationalization. [...] Theater has never been absent from the counterpoint of ritual and routine, visibility and invisibility. It has always been integral to the staging of power and of law and order in authoritative, communicable form. (Comaroff and Comaroff 2006, 293)

Thus, and this is the second point I want to raise here in connection to the Comaroffs' previous remarks, the State as spectacle —as making a spectacle of itself and its power— should not be read (as it could be the case in Foucault) as a recalcitrant remnant of an antiquated form of power.[11] As Banu Bargu has recently pointed out, also as a criticism of Foucault, and also with a postcolonial gaze in mind, the visible manifestation of power and its theatricality have always already been the *condition of possibility* —rather than what needs to be left behind or "substituted"— for the juridification of the State and the dispersion of power within society. Bargu proposes to go back to Hobbes and find in his original conceptualization of modern forms of sovereignty what Foucault would have missed in his reading of Hobbes in his *Lectures at the College de France*. Thus, Bargu concludes, in a very Benjaminian manner:

> Hobbes shows that sovereignty is not the absence of violence or domination but the ability to assert their *erasability* as the ultimate proof of power [...] Hobbes [*vis a vis* Foucault's interpretation] does not bifurcate domination from sovereignty; to the contrary, it is proof that he equates sovereignty and domination precisely by *erasing* their difference. This elision allows Hobbes *to conceal the bifurcation within sovereignty* [...] Sovereign power is not the equivalent of law just because it assumes and appropriates the language of law; *rather, it appropriates that language insofar as it is powerful enough to render invisible*, if not irrelevant, the constantly threatening reality of conflict through a legally sanctioned eradication of that conflict. [...] Hence, the profound conclusion that Foucault omits, in my opinion, is that the discourse of sovereignty involves the performative erasure of its own foundations, precisely in light of its accurate recognition of those foundations. (Bargu 2014, 62; author's emphasis)

Although this is not the place to develop what I think would be a very fruitful comparison between Bargu's work and the Comaroffs', the coincidences between their criticisms of Foucault illustrate something fundamental about the postcolonial gaze and the kind of critique that is required by a postcolonial analysis of sovereignty and power. For both, going beyond Foucault allows them to understand the specific ways in which the theatricality of power, particularly evident in the postcolony, is not disconnected from, but rather guarantees the capacity of that very same power to erase its traces and exercise its dominion, not only in imperceptible and invisible ways, as Foucault's analysis of disciplinary power suggests, but also —closer to Benjamin— in its capacity for invisibilizing and erasing its own traces, and, even further, in making a spectacle of this invisibility. And, as the Comaroffs argue, in understanding that this spectacle is, simultaneously, what compensates for the lack of legitimation at the core of this form of dominion.

Bargu's critique of Foucault is connected specifically to the political phenomenon of forced disappearance. Bargu wants to show that a postcolonial analysis of sovereignty aims at showing how phenomena like disappearance —and everything that happens to the body but also to its memory in order to guarantee the erasure of all traces— are not simply accidental or contingent but rather *constitutive* of the modes of operation of modern sovereignty, and thus, central to the possibility of sovereignty for exercising its power. Following this objective, Bargu argues for a revision of Foucault in the light of Hobbes' conception of sovereignty (Bargu 2014, 51ff). The constitutive act of modern sovereignty for Hobbes, as well as its power, remain entangled with that of *erasability*, meaning both the violent erasure of the arbitrariness of the distinction between who gets to live and who gets to die, but also, the erasure of the violence itself, and *precisely* because it is recognized as necessary for the sustainability of power.

In this sense, Bargu, like the Comaroffs, proposes a revision of Foucault's diagnosis of modern sovereignty and governability, no longer as the dark remnants of an antiquated form of power (Bargu 2014, 49), but rather as simultaneous with and dependent on the power of terror and the spectacle of its violence. Only that, in the case of Bargu specifically, the spectacle is no longer visible but is rather spectacular in its invisibility: its threat is overwhelming, but its traces and its actions are erased, and this is the clearest manifestation of its power. Mbembe and his analysis of necropolitics (2003) becomes a key reference in this context, as it is for the Comaroffs. Hence, Bargu proposes, as I think the Comaroffs do too, that "we need a more complex understanding of sovereignty than that available in Foucault's

---

that, borrowing Banu Bargu's way of stating this criticism, Foucault was perhaps "too hasty to relegate sovereignty (as the other, dark side, of disciplinary power) to a shadow play, even as he revolutionized the way we analyze power" (Bargu 2014, 49). And that this comes particularly to the fore in a critical analysis of the postcolony, as it is the case with the Comaroffs' work.

11 See here again Bargu (2014, 50ff).

thought. As a modest step toward this goal, we must question the purely juridical conception of sovereignty that tends to diminish its actual complexity" (Bargu 2014, 50-51).[12]

I would insist, however, that for the Comaroffs, one needs to add yet another layer to all of this —one perhaps present but not sufficiently stressed in Bargu and Mbembe. Namely, that the postcolonial (post-Foucauldian) State does not only find one of its constitutive gestures in spectacularizing its power for erasure and invisibility, but also, and even more so, according to the Comaroffs, in the fact that this very same power remains tied to its capacity to *represent* itself *as* powerful. In any case, as in Bargu's analysis, the entanglement between the theatrical and disciplinary forms of power in the postcolony, or more concretely, in postcolonial nations (as in the case of South Africa, but also, clearly, in places like Colombia as well), cannot be reduced to an early stage in a process that ultimately tends towards the substitution of the disciplinary for the theatrical forms of power. It is this *telos* that the postcolony puts radically into question, the Comaroffs write. Postcolonies, they insist, may be countries in transition —and this transitional situation may become in itself a privileged site for critique— but this does not mean that they represent a *transitional state of affairs*:

> [we are] not speaking of a period of transition, a passing moment in the life and times of the postcolony, a moment suspended uneasily somewhere between the past and the future. *This is the ongoing present. It is history-in-the-making.* (Comaroff and Comaroff 2006, 41; author's emphasis)[13]

If what the Comaroffs are suggesting is a post-Foucauldian State, and with it, the need for a critique that goes beyond Foucault's analysis, this means that what is needed is not only a "correction" of Foucault's outlook, but rather a whole displacement of the frameworks of analysis. Namely, an account, a gaze and a mode of critique able to understand the apparent inversion —or what looks like an "inversion" from Foucault's perspective— of the relationships between the visible theatricality of power and its invisible imperceptible spheres of action, through a more complicated account of their mutual dependence.

***

Let's recapitulate for a moment before we go further into what I would like to show is a particularly postcolonial form of critique at play in the Comaroffs' work —that is, not only a critique that illuminates the postcolony and the complexity of its structures, but also one that develops, in the process, its own frameworks of analysis; one, thus, that is not only concerned with making visible what has been hidden, but also with subverting and interrupting the logics that have made this invisibility possible in the first place. For the Comaroffs, the original opposition between visibility and invisibility that describes power and violence in Foucault's analysis, whether it is power as sovereignty or the ghostly pervasiveness of disciplinary power in society, becomes a complicated operation whereby what matters is not only the *mechanisms of power* —that is, the ways in which power operates (invisibly or visibly) in order to guarantee its efficacy, legitimate its authority, and produce the subjects needed to maintain itself— but also, and perhaps even more so, the *ways in which power produces its own representations*, its own images of itself *as* powerful and effective, particularly in limit-cases where such a power is either contested, put to the test, or simply proven to be entirely impotent.

The visibility, in these contexts, is the spectacle that compensates for the State's lack of power, rather than being the one displaying this power in all its might. In such contexts —for example, in the case of postcolonial forms of sovereignty— the State is often less interested in sustaining the *invisibility* of the structural violence that supports it and that is presupposed by its claim to legitimacy. It is more concerned with *making visible* its capacity for hiding and keeping *invisible* those structures and the arbitrariness of their foundation. State power is therefore to be measured, following Bargu, in its capacity to play with its faculty to *visibilize* its power of "invisibilization," and, in turn, with the invisibility of its constant effort to produce and make visible, "to render perceptible to the public eye" (Comaroff and Comaroff 2006, 280), the representations and the images of its power.

A complicated dialectics between visibility and invisibility is at play here. This dialectic is closer, I would argue, to Benjamin's critique of violence than it is to Foucault's analysis, insofar as Benjamin's critique is concerned with the ways in which violence produces and controls its own (forms of) representation.[14] A critique

12 Once again, as mentioned earlier, I am not looking into whether these authors, be it the Comaroffs or Bargu, are making a fair criticism of Foucault. Foucault very explicitly rejects a purely juridical conception of sovereignty in *History of Sexuality I.* However, it is not a coincidence that Bargu, like the Comaroffs, underlies the problematic juridical character of Foucault's conception of sovereignty. It might be that, independently of Foucault's lucid clarifications here and there, his analysis is still framed in a juridical paradigm of sovereignty that is not entirely overcome or compensated by his awareness of the limits of this paradigm for the historical analysis.

13 See in this regard also my commentary to Christoph Menke's work on Benjamin's critique of law and law's capacity for self-criticism, where I also argue that transitional contexts are privileged sites for critique à la Benjamin (Acosta 2018a, 79-95).

14 Such an interpretation of Benjamin only comes to light if one reads his early essay on a *Critique of Violence* in tandem with his late essay on *The Work of Art in the Age*

of violence, for Benjamin, requires special attention to the structure of law and law-enforcement. One could argue that Foucault's main point is precisely to take us away from this *narrow* perspective (a perspective that is indeed, Foucault argues, "characteristic of our societies," but must also be conceived as transitory [Foucault 1990, 89]), and to insist on the need to move beyond an exclusive attention to power in the (visible) spheres of the State and legality, towards its more inconspicuous sites where power finds, in modernity, its own operativity and techniques of production. Let me quote extensively here:

> [...] if it is true that the juridical system was useful for representing, albeit in a non-exhaustive way, a power that was centered primarily around destruction and death, it is utterly incongruous with the new methods of power whose operation is not ensured by right but by technique, not by law but by normalization, not by punishment but by control, methods that are employed on all levels and in forms that go beyond the State and its apparatus. [...] One remains attached to a certain image of power-law, of power-sovereignty [...] it is this image that we must break free of, that is, of the theoretical privilege of law and sovereignty, if we wish to analyze power within the concrete and historical framework of its operation. We must construct an analytics of power that no longer takes law as a model and a code. (Foucault 1990, 89-90)

This is however connected precisely to the apparent inversion the Comaroffs mention in their critique of Foucault, which helps to specify the focus and framework of their analysis. It is not so much that, in analyzing the postcolony, we are going back to a narrow attention to the ways in which power operates in relation to the law. It is, rather, that in an already post-Foucauldian critique —one that takes into account the need to expand the critical gaze towards all the sites and the platforms in which power reproduces itself in contemporary societies— any approach to the postcolony needs to deal with at least two fundamental sides or elements of this critical operation, two sides that complicate the framework of Foucault's claim.

On the one hand, in the postcolony, law and the authority of the State continue representing themselves *as central* to the operation of power. Thus, the State is not only the quiet bureaucratic apparatus that is slowly formalized and reduced to juridification, interested in its own nullification and imperceptible, dispersed presence. Law-enforcement becomes, in the postcolony, as the Comaroffs suggest, the "privileged site for *staging efforts* [...] to summon the active presence of the state into being" (Comaroff and Comaroff 2006, 280; author's emphasis) in contexts where what reigns, otherwise, is not quiet normalization but a constant state of exception. To go even further, the postcolony is the regime of "the State-as-violence" (Comaroff and Comaroff 2006, 286), not only because it performs itself *as* violence, but also because it is obsessed with producing the fiction of its own violent performance, paradoxically as a way to guarantee what it nonetheless legitimately fails to enforce.[15]

On the other hand, what the Comaroffs want to stress is not a legal and juridical framework for a critique of power, but the role and the place that the *fascination for the law* (the "fetishism of the law" (Comaroff 2005, 133)) and its imagery, namely, the production of the fiction of a metaphysics of order as a response to an equally produced and projected metaphysics of disorder, play in the ways in which power *actually* operates.[16] This fascination is a symptom, but, as such, is all too real and all too easily instrumentalized by contemporary (capitalist, neo-liberal, etcetera) forms of power.[17] Similarly, the Comaroffs' most recent research complements this fascination with the law with an equally pervasive (maybe also because it is just the other side of the former) fascination with crime and its representation. Images of crime, same as images of law and its

of Mechanical Reproduction (see Benjamin 1996 and 2002 respectively). I must thank Alejandra Azuero for such an insightful suggestion.

15 In this sense, as I mentioned earlier, I think the analysis of the Comaroffs goes beyond analyses like the one by Bargu referenced above, insofar as they are not only paying attention to the performance *of* the State (and the ways in which the State performs, as in Bargu's criticism, its own invisibility as the very visible spectacle of its pervasive threat), but also to the performance *by* the State of its own performativity; that is, the self-representation of the State. I cannot develop this side of the argument here. In order to do so, one would have to go slowly through the examples the Comaroffs are analyzing in their chapter on "Criminal Obsessions," particularly that of the Police Museum and the question of the literal and not only figurative "staging" of the State as law-enforcer.

16 The Comaroffs define both as follows: "Metaphysics of disorder —the hyperreal conviction that society hovers on the brink of dissolution" (Comaroff and Comaroff 2006, 295), and "metaphysics of order, [the idea] of the nation as a moral community guaranteed by the State" (Comaroff and Comaroff 2006, 279). They are both interdependent illusions, supporting each other and given content by the representations of criminality and their resolution by State power.

17 Jean Comaroff analyses this side of the argument in detail in "The End of History, Again?" pointing to the consequences this fetishism of the law has for the conceptualization and elaboration of history and memory in the postcolony. I find her analysis in this respect particularly relevant for our current situation in Colombia, and her critique of the dangers of a privatization and neoliberalization of history a very sharp way of pointing to the possible risks we need to contend, make visible, and deal with in our current "fascination" both with legalism and politics of memory in Colombian transitional context. For an analysis of this side of the fascination of the law in connection precisely to a Colombian juridical perspective, see Esteban Restrepo's work, particularly Restrepo (2014).

enforcement, both provide for the Comaroffs a grammar. That is, they provide a field of sense that renders visible and audible the State of the nation (Comaroff and Comaroff 2006, 275) and the desire behind its structures and failures. They create a framework for representation and signification, therefore, in places where the radical transformation characteristic of regimes in transition has simultaneously deprived older referents of their meanings and is demanding new ones instead. In this respect, the Comaroffs write:

> [...] but fantasy is never reducible to pure functionality. Crime fiction also provides regularly available tropes for addressing ironies, for ventilating desires, and, above all, for conjuring a moral commonwealth, especially when radical transformation unseats existing norms and robs political language of its meaning. (Comaroff and Comaroff 2006, 278)

Beyond what more traditional analyses of power identify as the materiality of violence, there remains also the meanings that violence itself introduces and recreates. Or, perhaps, stating it more precisely, an attention to the forms in which violence seeks to communicate itself —an attention, therefore, to what the Comaroffs describe as the "poetic techniques" of violence— demands the production of specific *regimes of signification* that can respond to the economies of meaning imposed and introduced by the very singular form in which violence represents itself in the postcolony.[18] "It is difficult, the Comaroffs write, to capture the realities of policing the postcolony without rethinking the *regime of representation* required by the present moment" (Comaroff and Comaroff 2006, 285). A critique of the postcolony needs to formulate its own "signifying economy" (Comaroff and Comaroff 2006, 284), namely, a grammar capable of confronting, without reducing, a kind of violence that is already enacted as if it were a fiction, where "the line between fact and fantasy, order and chaos, safety and violence" is constantly dissolving and in the process of being contested (Comaroff and Comaroff 2006, 285).

In other words, what the Comaroffs' analysis asks is what these fascinations, and the corresponding staging efforts on the part of the State, tell us about the postcolony, about the way in which the postcolonial State operates. Their analysis also asks why power in the postcolony cannot be disentangled from this fascination, and from the capacity of State power to represent itself; that is, to produce representations of itself and of the narratives of order that it promises and cannot fulfill —or better, and perhaps more accurately, that it in fact attempts to fulfill precisely (and only) by producing these narratives.

Not to ignore these narratives, not to reduce them to mere remnants of an antiquated form of power, or to a fictional product of an insufficiently modern State, but to take them at their "truth"; namely, at the reality to which they give form and about which they speak —this is the challenge of a critique of the postcolonial world. Meeting this challenge requires, as we have seen, not only a critical gaze on our usual constructions of a critique of power, which will show, in a different light, the global, historical present of the postcolony, but also, and perhaps even more urgently, a *postcolonial form of critique*, that is, a form of critique that learns how to speak and to listen to the particular grammars enacted in the postcolony, before even attempting to address the structures that are shaped by its own mechanisms and techniques.

18 The attention to the need for new regimes of signification that will allow to make audible —and not only visible— the multiple forms in which violence has, on the one hand, destroyed, and, on the other, shaped and instituted meaning, is one very much connected, I would say, to what Hannah Arendt describes as the "horrific originality" of totalitarian forms of violence. I have worked extensively on this question, and on the claim it exposes for "new grammars of listening," in some of my current work on philosophical approaches to memory and violence after trauma. For a couple of recent developments of this question, see Acosta (2017; 2018c; 2019), and for a more in-depth analysis of this idea, my forthcoming book on *Grammars of Listening*.

References

1. Acosta, María del Rosario. 2017. "Hacia una gramática del silencio: Benjamin y Felman." In *Los silencios de la guerra*, edited by Camila de Gamboa and María Victoria Uribe, 85-116. Bogotá: Universidad del Rosario.
2. Acosta, María del Rosario. 2018a. "Between Law and Violence: Towards a Re-Thinking of Legal Justice in Transitional Justice Contexts." In *Law and Violence*, edited by Christoph Menke, 79-95. Manchester: Manchester University Press.
3. Acosta, María del Rosario. 2018b. "Gramáticas de la escucha: decolonizar la historia y la memoria." In *Sujeto, descolonización, transmodernidad. Debates filosóficos latinoamericanos*, edited by Mabel Moraña, 159-180. Frankfurt – Madrid: Iberoamericana – Vervuert.
4. Acosta, María del Rosario. 2018c. "Gramáticas de la escucha: aproximaciones filosóficas a la construcción de memoria histórica." In *El postconflicto colombiano: una perspectiva transversal*, edited by Alejandro Aponte183-202. Madrid: Cuadernos de Estrategia.
5. Acosta, María del Rosario. 2019. "Arendt on Totalitarianism as Structural Violence: Towards New Grammars of Listening." In *Logics of Genocide: The Structures of Violence and the Contemporary World*, edited by Anne O'Byrne and Martin Shuster. Indiana University Press, forthcoming.
6. Bargu, Banu. 2014. "Sovereignty as Erasure. Rethinking Enforced Disappearances." *Qui Parle: Critical Humanities and Social Sciences* 23 (1): 35-75.
7. Benjamin, Walter. 1996. "Critique of Violence." In *Walter Benjamin. Selected Writings*, edited by

Marcus Bullock and Michael Jennings, Vol 1, 236-252. Cambridge: Harvard University Press.
8. Benjamin, Walter. 2002. "The Work of Art in the Age of Its Technological Reproducibility (Second Version)." In *Walter Benjamin. Selected Writings*, edited by Howard Eiland and Michael Jennings, Vol 3, 101-133. Cambridge: Harvard University Press.
9. Comaroff, Jean. 2005. "The End of History, Again? Pursuing the Past in the Postcolony." In *Postcolonial Studies and Beyond*, edited by Ania Loomba, Suvir Kaul, Matti Bunzl, Antoinette Burton and Jed Esty, 125-144. Durham – London: Duke University Press.
10. Comaroff, Jean and John Comaroff. 2006. "Criminal Obsessions, after Foucault. Postcoloniality, Policing and the Metaphysics of Disorder." In *Law and Disorder in the Postcolony*, edited by John Comaroff and Jean Comaroff, 273-298. Chicago: University of Chicago Press.
11. Foucault, Michel. 1990. *The History of Sexuality*. New York: Vintage.
12. Foucault, Michel. 1995. *Discipline and Punish.* New York: Vintage.
13. Foucault, Michel. 2003. *"Society must be defended:" Lectures at the Collège de France, 1975–1976*. Edited by Mauro Bertani and Alessandro Fontana. New York: Picador.
14. Mbembe, Achille. 2002. "Necropolitics." *Public Culture* 15 (1): 11–40.
15. Restrepo, Esteban. 2014. "Justicia de las imágenes, justicia por las imágenes: apuntes para pensar la relación entre el derecho penal y la representación de la atrocidad masiva." In *Derechos Humanos: posibilidades teóricas y desafíos prácticos*, edited by J. Contesse Singh, J. Couso, D. Dyzenhaus, J. A. Fernández Estrada, R. Gargarella, J. C. Guanche Zaldívar *et al*., 336-352. Buenos Aires: Libraria.