

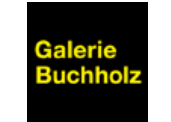


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Jokes and Innovative Action: For a Logic of Change

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The Leaky Kettle: Concerning the Difficulty of Applying a Rule

THE INCONSPICUOUS LABORATORY of the transformation of a form of life lies within the dissimilar, and at times contradictory, ways in which it is possible to apply a rule to a particular case. The “creativity” of the human animal is nothing other than a response to the dilemmas provoked by this application. Jokes exhibit the logico-linguistic resources that nurture innovation in general, precisely because they are found in a no-man’s-land that separates any norm from its own realization within a contingent situation. The joke is the loquacious sentry of this no-man’s-land: It shows, again and again, how tortured, and subject to abrupt diversions, is its own path.

How to apply a rule to a particular case: The problem crops up again, in forms not all that different, in the *Nicomachean Ethics* of Aristotle, in Kant’s *Critique of Judgment*, and in the *Philosophical Investigations* of Wittgenstein. We have just seen that for Aristotle, *phronesis*, practical know-how, has the job of choosing the virtue-rule that best fits a specific circumstance. Applying the norm is not so different from singling it out (or from instituting it, as happens in a decree). One could also say: The skill necessary to apply the rule is the same skill that, in another way, allows us to perceive which rule it is best to adopt in the present situation. This twofold skill is, precisely, *phronesis*. It seems to me that the amphibian character of *phronesis* supports the thesis I shall try to justify extensively a little further on, after having laid down some new paths for my argument. It sounds somewhat like this: To apply a norm to a contingent situation always implies that we return, for a moment, *to this side of the norm*. And vice versa: The only way to return truly to this side of the norm is to *apply it* to a contingent situation. With regard to Kant, it is enough to remember one of his declarations of principle in which he points out that no rule creates, at one and the same time, all the necessary and sufficient conditions for the subsumption of the particular case that lies beneath the rule.¹ That is to say: No norm can indicate the modalities of its own concrete execution. With regard to Wittgenstein, it is to him that the next few pages will be dedicated. The sections of the *Philosophical Investigations* in which the author discusses what should be understood by “following a rule” offer the starting point for clarifying the structure of jokes, and even the structure of innovative action.

“I said that the application of a word is not everywhere bounded by rules.”² This affirmation by Wittgenstein means, certainly, that there are aspects of a linguistic game that are completely unregulated (just as in tennis there is no fixed height to which the ball must be sent at the moment of a hit); but it also means, and more radically, that a single movement of the game is never deducible from the rule of which that movement is also the application. The independence (or nonlimitation) of the moment in which the rule is applied emerges in full in the presence of the corresponding rule, and not where the rule is missing. Between a norm and its effective realization there exists a lasting hiatus, indeed a real and true *incommensurability*—the same incommensurability, to be clear, that distinguishes the relationship between the length of a circumference and that of its diameter. It is known that there is no answer whatsoever to the calculation of that relationship, ending with the ellipses that stand for “and so on” (one is reminded of the Greek *pi*: 3.141592 . . .). The same is true in our case. In fact, just a few lines after the affirmation by Wittgenstein cited above, he shows how inconclusive it is to claim to devise a rule by “determining the application of a rule”³: It is most obvious that this second rule, needing to be applied in its own turn, asks again for a third rule (which indicates how to apply the rule that determines the application of the rules); and so it continues, without stopping, as is typical of the regression to infinity.

The logical break between a norm and its realization within a particular difficult situation is illustrated in section 85 of the *Philosophical Investigations*: “A rule stands there like a sign-post.—Does the sign-post leave no doubt open about the way I have to go? Does it show which direction I am to take when I have passed it; whether along the road or the footpath or cross-country? But where is it said which way I am to follow it; whether in the direction of its finger or (e.g.) in the opposite one?—And if there were not just a single sign-post, but a chain of adjacent ones or of chalk marks on the ground [*as if the rules were multiplying like crazy with the goal of guaranteeing one unambiguous application*]⁴—is there only one way of interpreting them [bracketed commentary mine]?”⁴ Well, then, the uncertainty that reveals itself here with regard to the street sign is the fulcrum of *all* jokes. In the background of every joke lies the question with which Wittgenstein recapitulates the query: “But how can a rule show me what I have to do at *this point*?”⁵ Every joke puts into focus, in its own way, the variety of alternatives that come forth in applying a norm: Rather than “continuing along the road” it is always possible “to take a side path, or go across the fields.” But to take a side path, or to enter the fields, means to complete an innovative action: Human “creativity” consists precisely and only in these digressions applied in the moment.

Double meaning, contradiction, multiple use of the same material, word games based on homophony, semantic shuffling brought on by eccentric inference: It is sufficient to list, topsy-turvy, the different techniques of humor studied by Freud in order to realize that each of these, without exception, highlights the aporia and the insistent paradoxes in the relationship between rule and application. Here is a *Witz* (joke) that could appropriately show up as the twin brother of section 85 of the *Philosophical Investigations* (just substitute, for the road sign, the rule “It is necessary to justify oneself for one’s own mistakes”): “A. borrowed a copper kettle from B. and after he had returned it was sued by B. because the kettle now had a big hole in it which made it unusable. His defense was: ‘*First, I never borrowed a kettle from B. at all; secondly, the kettle had a hole in it already when I got it from him; and thirdly, I gave him back the kettle undamaged* [italics mine].’”⁶ But, I repeat, there is not one joke among those collected by Freud that does not strike the same note. Let us consider a scurrilous double meaning: “Mr. and Mrs. X live in fairly grand style. Some people think that the husband has earned a lot and so has been able to lay by a bit [*sich etwas zurückgelegt*]; others again think that the wife has lain back a bit [*sich etwas zurückgelegt*] and so has been able to earn a lot.”⁷ What else could this joke be, if not a stellar example of the Wittgensteinian principle according to which “the application of a word is not everywhere bounded by rules”? To avoid any misunderstandings, it is good to state precisely, at this point, that wit (*arguzia*) is not only an eccentric application (even if not an illegitimate one) of the rule. It is, rather, a concentrated display of the *relationship*, always problematic, because of its incommensurability, between the sphere of the norm and the sphere of actions, *quaestio iuris* and *quaestio facti*. One could say: The joke is the specific application of the rule which consists in emphasizing the constitutive difference between rule and application. But that would still be saying too little. As we shall see shortly, the joke, just like the innovative action of which it is the diagram, applies a rule in an unusual fashion because—in the application of the rule, in order to apply it—it returns for a moment to that acumen, or sense of orientation, that *precedes* the rules and makes of them a formulation.

In the actual experience of talking, the road sign is language as a *system of signs*, while the different ways in which one can behave in the presence of these signs has to do with a *universe of discourse* language (that is, with “the activity of the speaker who puts language into action”).⁸ The distinction between the *semiotic* plane (sign) and the *semantic* plane (discourse), developed by Émile Benveniste in essays that form a watershed in the study of linguistics in the twentieth century, corresponds in many ways to the distinction between the normative plane and the applicative plane. The semiotic system “exists in and of itself; it establishes the reality of language, but it does not require particular applications; the sentence, instead, the semantic expression, is *solely* particular.”⁹ The sentence is not a “habitual event”; rather, it is a unique, “evanescent” event: In the sentence, “every word conserves only a little part of the value that it has in its role as sign.”¹⁰ Under a semiotic profile, the contingent circumstances do not hold any weight; under the semantic profile, they are, however, decisive in providing meaning. In sum, what counts most is that “from the sign to the sentence there is no transition [. . .] they are separated by a hiatus.”¹¹ This is the same hiatus that always exists between the road sign and the ensuing actions it produces. The impossibility of deducing the *sense* of the discourse from the *meaning* of the signs, demonstrated in detail by Benveniste, is equivalent in every way to the impossibility of deducing from one certain rule that which must be its application in a specific situation. The joke is a discourse—particular, unique, evanescent—that gives a reckoning of the difference between the semiotic system and the universe of discourse. The comic effect derives, often, exactly from that coming and going between the two planes: Inside one sentence one can see the diversity of the statute of the very same lexical entity, depending on whether it is interpreted as a sign, or as part of the discourse (“How’s it going?” asks the blind man of the lame man. “Just as you see,” the latter answers). Benveniste writes: “The privilege of language is that it can imply, at the same time, the significance of signs and the significance of utterance. This is where its greatest power lies, that of creating a second level of utterance in which it becomes possible to hold significant discourses about significance.”¹² Therefore, the joke is a peculiar case of significant discourse about significance. Peculiar for two reasons. First of all, because its metalinguistic content competes in executing a public action: The “second level of utterance” has here an immediate performative value. And secondly, because the joke is a meaningful discourse about the *crisis* of signification, given that it boldly emphasizes, with impudence, the independence of the application from the norm—that is, the unbridgeable distance between semantic and semiotic.

“The Common Behavior of Mankind” and the State of Exception

LET US RETURN TO WITTGENSTEIN. “This was our paradox: no course of action could be determined by a rule, because any course of action can be made out to accord with the rule. The answer was: if *any* action can be made out to accord with the rule, then it can also be made out to conflict with it. And so there would be neither accord nor conflict here.”¹³ The particular action does not agree with the rule, but neither does it contradict the rule, because between one and the other there are no points of contact, nor is there a common unit of measurement. In a manner of speaking, all logical friction is lacking. The application of the norm consists in a *decision*, and the decision is an event that cannot be likened to the norm—it is heterogeneous to the norm. A negative relationship is in force between norm and decision. To decide (from the word *caedere*, “to cut”) means, in fact, to *truncate* the regression to the infinite, to which is condemned every attempt to build the application of the rule in question upon the structure of a further rule. The natural history of the human animal is marked essentially by two phenomena, both rooted in verbal language: the regression to the infinite, whose appearances change according to the environments in which it flourishes; and the possibility of interrupting this regression, a possibility that branches out in a variety of forms and techniques. The decision is indeed the specific manner in which praxis halts the return to the infinite which is ingrained in the norms. It is the resource that permits those who act within the public sphere to place in opposition to one another the decisive “that’s enough, that’s it” and “so on and so forth,” generated from the incommensurability between rule and application. Jokes give firsthand information on how the resource-decision works.

Wittgenstein claims that “to follow a rule” is a collective habit: In front of a street sign I behave a certain way and not otherwise by virtue of an “established use,” achieved through training and repetition. But what can be made of the decision if everything depends on habit and on training? Does not the equation “to apply =

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to decide" clash against this authoritative Wittgensteinian assertion: "Following a rule is analogous to obeying an order"?¹⁴ The apparent difficulty arises from a mistaken understanding of the term "decision." This is a term that is surrounded, who knows why, by an aristocratic aura, almost such that "to truncate" (or "to cut away") is an activity reserved for those who exercise, in solitude, the mythological faculty of free will. Nothing could be more mistaken. "To truncate" (or "to cut away") is, rather, an opaque *biological necessity* for a living species whose operating rules (be they innate or acquired) do not contain within themselves any applicative criterion worthy of this name. The decision is the humble distinctive sign of a primate who has to deal (and here Gehlen is not wrong) with an overabundance of drives that do not lend themselves to being translated into unambiguous behaviors. As soon as it is brought back to its literal significance, it is easy to realize that the word "decision" does not jar; rather, it falls into rhyming couplets with "habit," "repetition," and "obedience to an order." Habit, repetition, and obedience are all methods of *truncating* the experimental uncertainty when it is necessary to act in relation to a rule; they are all methods of *cutting away* the spiderweb of fictitious connections between the norm and its realization in a particular case; they are all methods of *deciding*. It follows that the applicative decision consists at times of disobeying the rule, by unusual behavior, or by surprising deflection. However, in these cases, to decide does not mean to show off free will, or to reveal "intentions" that are harbored deep inside, like eggs in a hidden nest. To follow a rule in bizarre and unexpected ways, even to ignore it, is still always public praxis: nothing that can be carried out alone, *privatim*.¹⁵ To be exact, it is public praxis that prevails when a form of life implodes or crumbles, such as when a *crisis* occurs. It is precisely then, in fact, that the application of the norm demonstrates once again, and with maximum clarity, its *intrinsic* (that is, original and inevitable) problematic nature. In front of the street sign, instead of reacting automatically by continuing straight ahead, one remains perplexed and might even turn off down a side street. But it is precisely this disturbing option, perfectly exemplified by jokes, which reveals that even the automatic continuing down the road was, for all intents and purposes, a *decision*.

GLOSS: WITTGENSTEIN AND SCHMITT

Wittgenstein's observations on that trite mystery that is the application of a rule to the particular case overlap, in many crucial aspects, with great juristic, decision-making thought. I limit myself here to a few stenographic notes, warning, however, that the theme is deserving of being treated on its own merit. In his *Political Theology*, Carl Schmitt, the authentic epicenter of twentieth-century tellurian philosophy of law, sets up a boundless polemic against Hans Kelsen's theory, according to which, "the basis for the validity of a norm can only be a norm [preliminary or additional, nevertheless different from the one in question]" [bracketed commentary mine].¹⁶ A complete lack of legal and anthropological realism is necessary in order to believe that the operating "validity" of a rule is guaranteed by another rule, capable of providing the correct interpretation of the previous rule. Here we are facing the same question raised by Wittgenstein when he maintains "that the application of a word is not everywhere bounded by rules." It is indeed Wittgenstein, after all, who makes fun of the "Kelsenian" faith in the powers of *interpretation*. In section 201 of his *Philosophical Investigations*, he notes that interpretation, being "the substitution of one expression of the rule for another,"¹⁷ gives rise to a false movement: "[W]e give one interpretation after another; as if each one contented us at least for a moment, until we thought of yet another standing behind it."¹⁸ These are words that serve as counterpoint to Schmitt's sarcastic consideration: When one goes for an exact application of the norm, the hermeneutic illusion evaporates in a hurry, or at least it "existed . . . only in that short interim period in which it was possible to answer the question 'Christ or Barabbas?' with a proposal to adjourn or appoint a commission of investigation."¹⁹

From Schmitt's point of view, Kelsen's fault (and the fault of all those who reduce the state to a mere "production of laws") lies in having shamelessly ignored "the independent problem of the realization of law."²⁰ The application of the norm ignores the norm, requiring, rather, a *decision*. Between the "contents of the legal idea" and its effective execution, there lies a chronic dissonance (and sometimes an open contrast): "Every concrete juristic decision contains a moment of indifference from the perspective of content, because the juristic deduction is not traceable in the last detail to its premises."²¹ If examined from the point of view of the rule, the application "is, from the perspective of the content of the underlying norm, new and alien. Looked at normatively, the decision emanates from nothingness."²² But this "nothingness" from which the decision would seem to arise seems so only to those who accord an absolute primacy to the contents of the norm: It is enough to recognize the autonomy of the applicative moment to realize that the so-called nothingness is, in reality, overflowing with behaviors and practices that are so basic as to characterize the very life of our species. As we shall soon see, both Schmitt and Wittgenstein place the decision within a normative void, yet one that is, at the same time, an anthropological fullness.

An inappropriate realization of the rule throws light, according to Schmitt, on the habitual realization of the rule. Even the most bizarre and transgressive applicative decision has its certain "juristic force," if only because, by modifying the real situation, it solicits the correction, or indeed the substitution, of the corresponding norm. But upon what foundation does the juristic force of a transgressive decision rest? Schmitt writes: "A logically consistent normativism must lead to the absurdity that the appropriate normative decision derives its force of law from the norm, whereas the norm-contradicting decision derives its force only out of itself, out of its normcontradiction!"²³ To avoid this game of three-card monte, one must, rather, conclude that the applicative decision does not *ever* obtain its peculiar juristic force from the rule. *Nor* does it seem to contradict the rule; *nor* does it seem to agree with the rule. To say it in Wittgenstein's words: "[H]ere neither agreement nor contradiction exists." The juristic force of the different reactions that can occur in front of the street sign springs *only* from the fact that these reactions are all decisions (the automatic and thoughtless reaction no less than the innovative one). And the decision, like an Aristotelian decree, is a unit of measurement in and of itself.

For Schmitt, the antithesis between norm and decision touches upon "old theological and metaphysical problems, especially the question of whether God commands something because it is good or whether something is good because God commands it."²⁴ The whole decisionist tradition—in sum, Schmitt's family album: Hobbes, de Maistre, Bonald, Donoso, Cortés—has unwaveringly supported the second alternative.

God's command is a kind of pure "application" that, far from predicting the positive norm, anticipates it. One could say: In the beginning, there was the application; only afterward did the rule come. "*Neque enim quia bonum est, idcirco auscultare debemus, sed quia deus praecepit.*" We must obey, not because it is about goodness, but because it is God who commands it. Tertullian's affirmation brings to its apex the independence of the executive decision with respect to the juristic-moral content of the norms. Wittgenstein has never moved away from this apex. One time it occurred to him to observe, "Schlick says that in theological ethics there used to be two conceptions of the essence of the good: according to the shallower interpretation the good is good because it is what God wants; according to the profounder interpretation God wants the good because it is good. I think that the first interpretation is the profounder one: *what God commands, that is good.* For it cuts off the way to any explanation 'why' it is good, while the second interpretation is the shallow, rationalist one, which proceeds 'as if' you could give reasons for what is good [italics mine]."²⁵ To believe that these words are the account of private nagging thoughts, having nothing to do with the study of linguistic games, means renouncing the understanding of an essential aspect of Wittgenstein's thinking. All the worse for those (Kripke, for example) who have lightheartedly abandoned this issue.

Schmitt holds that the "realization of the law," *that is, the decision*, is a prerogative exclusive to the state sovereignty. Wittgenstein holds that the always problematic application of the rule, *that is to say, the decision*, is the prerogative of every linguistic animal. Thus, the distinction does not occur between decisionism and normativism, but between two dissimilar forms of decisionism: the first, monopolistic; the second, diffuse (indeed inevitably, because it is ingrained in the very nature of verbal language). And it cannot by any means be said that the applications/ decisions of the speakers may not rebound against the applications/decisions of the sovereigns. "On the other hand a language-game does change with time," writes Wittgenstein in *On Certainty*.²⁶

"**FOLLOWING A RULE**" has its moment of truth in the critical situation in which different applications of the same norm proliferate, irreconcilable between themselves. This is the state of exception of linguistic praxis. But it is also, at the same time, the official residence of *Witz*. Wittgenstein carefully describes the critical situation in section 206 of the *Philosophical Investigations*. "*Following a rule* is analogous to obeying an order. We are trained to do so; we react to an order in a particular way. But what if one person reacts *in one way* and another *in another* to the order and the training? Which one is right? [italics mine]"²⁷ The plurality of heterogeneous applications is no longer, in this case, a theoretical eventuality (as in the case of the traffic light); rather, it is the effective reality (a reality well depicted in the joke about the leaky kettle). Nor can we appeal to training or to habit: These devices, which earlier allowed us to *get rid of* doubts and controversies, now spin about aimlessly; they are part of the problem, certainly not part of the solution. Well, then, what happens when the thorny fact that "my actions" have nothing to do with the "expression of the rule" becomes completely apparent?²⁸ How can one articulate human praxis in the state of exception? To answer this question is not so different from clarifying, once and for all, the *modus operandi* of the joke.

To apply a rule in so many different ways means suspending it, placing it provisionally outside the game. From the cognitive point of view, it is as if one were to ignore it. There are many and varied applications, but it would be hard to say precisely to which rule they belong. To visualize the suspension/ignorance of the norm, Wittgenstein falls back on an ethnological example. Section 206 continues as follows: "Suppose you came as an explorer into an unknown country with a language quite strange to you. In what circumstances would you say that the people there gave orders, understood them, obeyed them, rebelled against them, and so on? *The common behavior of mankind is the system of reference* by means of which we interpret an unknown language [italics mine]."²⁹ The critical situation is compared to listening to a language one has never heard before. In order to best orient ourselves in front of the quick progression of incomprehensible sounds (if you will, of applications that apparently do not correspond to any rules), we can count on one criterion: "the common behavior of mankind," *die gemeinsame menschliche Handlungsweise*. Here is the nullifying notion. What is it about? In question are the distinctive traits of our species, the fundamental (that is, the inevitable) dispositions of the linguistic animal. It is legitimate to suppose that "the common behavior of mankind" coincides to a large degree with the "natural history" of which Wittgenstein speaks, almost at the beginning of the *Philosophical Investigations*, in section 25: "Commanding, questioning, storytelling, chatting [but also, from section 23, forming and testing a hypothesis, guessing riddles, making a joke; telling it, thanking, cursing, greeting, praying] are as much a part of our natural history as walking, eating, drinking, playing."³⁰ The Wittgensteinian explorer and those who act within a critical situation come back *to this side* of the rule (the latter being unknown or suspended) and adopt as a "reference system" a set of vital species-specific behaviors. Such behaviors are the "bedrock" underlying all the norms determined by content. On this side of the rules there exists a basic *regularity*. The critical situation makes this regularity visible; it pushes it forward to center stage; it makes it occupy the entire stage.

Also for the juristic theory, the state of exception, far from resembling an unformed void, is the occasion in which the essential web of human life earns an unexpected importance. Or better: It is the occasion in which the warp of human life gains unexpected prominence. The suspension of the *norm* permits the surfacing of the *normality* of practices, customs, relationships, inclinations, conflicts. According to Carl Schmitt, "Because the exception is different from anarchy and chaos, order in the juristic sense still prevails even if it is not of the ordinary kind."³¹ This nonjuristic order, that is, "the common behavior of mankind," is characterized by a radical blurring of fields and contexts, given that, in this case, there is no other rule but the application. In Wittgenstein's terms, one could say: The state of exception cancels the border between grammatical clauses and empirical clauses; it makes it impossible to discern the riverbed from the river's waters that flow within it. Schmitt writes: "The exception appears in its absolute form when a situation in which legal prescriptions can be valid must first be brought about. Every general norm demands a *normal, everyday frame of life* to which it can be factually applied and which is subjected to its regulations. The norm requires a homogeneous medium. This effective normal situation is not a mere 'superficial presupposition' that a jurist can ignore; that situation belongs precisely to its immanent validity [italics mine]."³² The state of exception poses the problem, once again, of connecting *regularity*—"a normal

everyday frame of life”—to a *rule*: eventually to a completely unpublished rule or, at any rate, to one that is considerably different from that which was previously in force.

Looked at closely, any application of a norm whatsoever requires us to reflect upon the anthropological backdrop that Wittgenstein calls “the common behavior of mankind.” The permanent rift between the content of the norm and its realization is surpassed by seeking again, always, the field that preceded the norms and that renders their definition possible. Thus three, not only two, are the levels upon which action is articulated: (a) regularity, or “the common behavior of mankind”; (b) the determined rule; and (c) the contingent application of the determined rule. The application, never inferable from the corresponding rule, aligns itself, to a certain extent, with regularity. The positive side of the decision lies here (the therapeutic-negative side, as we know, consists of the interruption of the return to the infinite): “To cut away” means building a short circuit between that which comes after the rule (application) and that which comes before it (regularity). The applicative decision returns to the “normal everyday frame of life” and, moving from there, selects, from the start, the norm to be followed. This is not so different from the double skill that makes up *phronesis*. Now, if it is true that the reference to “the common behavior of mankind” is present, even if in veiled form, in every application of a rule to a particular case, one must also conclude that a fragment of the state of exception is wedged into every application of a rule. There is always a moment, in the concrete realization of a norm, in which one returns to *the other side* of the norm.

This does not lessen, however, the difference between the routine and the critical situation. If one makes use of parentheses in order to indicate a term that, without a doubt, has a role to play, even if it remains in the background, then routine could be schematically rendered in this fashion: (“normal everyday frame of life”)—positive norm—execution. The critical situation is rendered, instead, like this: “normal everyday frame of life”—(positive norm)—execution. Only the state of exception correctly stated—“what if one person reacts in one way and another in another?”³³—suspends or deprives of authority a set *rule* in the name of species-specific *regularity*. Only the state of exception suspends the usual distinction between grammatical clauses and empirical clauses, setting up a hybrid region—since hybrid is, in and of itself, regularity: grammatical but also empirical, empirical but also grammatical. Only the state of exception emphasizes without reservation the autonomy of the applicative moment, to the point of delineating a virtuous circle between it and “the common behavior of mankind.” Only the state of exception determines an upheaval of perspective, by virtue of which *the rule must be considered a particular case of the application*.

We find innovation, “the displacement of the psychic accent,” the abrupt deviation from the paths followed until now, when and only when, in applying a certain norm, we are obliged to sneak up behind that norm and to call upon “the common behavior of mankind.” Strange as it may seem, the creativity of the linguistic animal is triggered by a *return*: by the intermittent return, demanded by a critical situation, to the “normal everyday frame of life,” that is, to that grouping of practices that make up the natural history of our species. Having recourse to *regularity*, that is, to the natural-historical “bedrock,” fuels two distinct types of innovative action. On the one hand, the regularity legitimizes eccentric, surprising, and inventive applications of the given rule. On the other hand, the regularity can also cause the transformation, and even the abolition, of the rule in question. These two types of creativity are inextricably intertwined. Only by varying its applications, time and time again, can one come to modify or to substitute a certain rule. It is good to insist on the fact that the two forms of innovation, so intimately correlated with each other, both depend on the tripartite structure of the action: If “to follow a rule” were reduced to a twofold structure of rule/application, and that “system of reference” that is “the common behavior of mankind” were missing from it, there would be no significant deflection from the habitual ways of behaving. Yet it is necessary to be careful not to identify *regularity* with a super-rule. Doing that would again revive the regression to the infinite that Schmitt and Wittgenstein have dedicated themselves to defusing. *Regularity* is the base, and the condition, of the possibility for distinguishing between grammatical plane (rule) and empirical plane (application); but, precisely for this reason, it is not subjected to these planes. We are dealing, let us repeat, with an area in which indiscernibility rules: The riverbed coincides, here, with the rushing of the water. In order to avoid a misunderstanding about a super-rule, I prefer to go in the opposite direction and to balance out the “normal everyday frame of life” with a *pure application*, antecedent to any positive norm.

Jokes reside in a no-man’s-land that separates a norm from its realization in a particular case. The point of honor of the witty remark lies in its ability to show how many different ways one can apply the same rule. Or, if you prefer: in its ability to show that no application agrees with the rule; nor, after all, does it contradict the rule, given that between one and the other there exists an overwhelming gulf. We can now add that jokes achieve all this because they recap in themselves all the salient traits of the state of exception. Jokes perform a surprise retreat from the *norm* to *normality*; they strip the rule of authority in the name of “the common behavior of mankind”; they fuel, without reserve, the indiscernibility between grammatical clauses and empirical clauses. Let us take an example from Freud. A beggar asked a rich baron to help him go to Ostend; his doctors had recommended that he bathe in seawater in order to regain his health. “‘Very well,’ said the rich man, ‘I’ll give you something towards it. But must you go precisely to Ostend, which is the most expensive of all sea-bathing resorts?’—‘Herr Baron,’ was the reproachful reply, ‘I consider nothing too expensive for my health.’”³⁴ In order to justify his impertinent application of the rule that governs the request for a loan, the beggar calls upon that elementary force that is the instinct of self-preservation. It is the “normal everyday frame of life” that suggests unexpected combinations of words and thoughts, irregular inferences, contradictions capable of bewildering and illuminating—“applauded” at the end of his speech, the orator turns toward his friends and asks, “What have I said that’s stupid, then?”³⁵ This is the unification of that which seemed unrelated, and the separation of elements considered to be almost symbiotic. Let us consider another example. A horse trader recommends a racehorse to his client: “If you take this horse and get on it at four in the morning you’ll be at Pressburg by halfpast six.”—“What should I be doing in Pressburg at halfpast six in the morning?”³⁶ By interrupting a dialogue headed elsewhere, like a dramatic turn of events, the witty remark is a *decision*: It truncates, cuts away. If considered in light of the rule that it also applies, the joke, to use Schmitt’s language, comes “from the perspective of the content of the underlying norm, new and alien,” the decision-joke “emanates from nothingness.”³⁷ Let us clarify, yet again, however, that nothingness-in-the-normative-sense is only the disparaging pseudonym of that *regularity* of vital species-specific behaviors upon which rest the different norms.

The joke is an innovative action that decrees the state of exception. On a par with all other innovative actions, the joke also rises up from the rule to "the common behavior of mankind." Nevertheless, in the case of the joke it is necessary to understand this last notion in a more articulated fashion. We have said that "the common behavior of mankind" is equivalent, roughly, to those fundamental practices that Wittgenstein calls the "natural history" of our species: commanding, interrogating, recounting, elaborating hypotheses, etc. This is true, but it is not the whole story. The regularity preceding the rules consists, in the first place, of the relationship between nonlinguistic drives and verbal behaviors. The regularity does not derive from these drives, but neither can it be reduced to the repeated use of certain words: Instead, it becomes one with the *conversion* of the drives into words. What counts is this stitching together as such; this is the precise point in which the language grafts itself on to instinctual reactions and reorganizes them.³⁸ What is common to every life, above all, is the *passage* from the cry of pain to the phrases in which one expresses one's own suffering; the *passage* from silent sexual desire to its articulation in clausal form; the *passage* from perceptive-motor imagination to the metaphors and the metonymies that mold it from top to bottom. The "normal everyday frame of life" is, above all, this *threshold*: not simply that which follows it. And it is to this threshold that jokes retrace their steps.

The second meaning of "the common behavior of mankind" is inferable from section 244 of the *Philosophical Investigations*: "Words are connected with the primitive, the natural, expressions of the sensation and used in their place. A child has hurt himself and he cries; and then adults talk to him and teach him exclamations and, later, sentences. They teach the child new pain-behavior. "So you are saying that the word "pain" really means crying?"—On the contrary: the verbal expression of pain replaces crying and does not describe it."³⁹ Whatever holds true for pain holds true also for fear, desire, sympathy and antipathy, submissiveness and dominance. In all these cases, and in others still, the verbal expression does *not* describe the instinctual reaction; *rather*, it substitutes it. Nonetheless, in the moment in which the substitution takes place, an intermediate state prevails: no longer a simple reaction, and not yet a true and actual linguistic game.⁴⁰ When the conversion of the verbal cry takes place, the word itself retains something of the instinctive reaction (nonverbal use of verbal language) and the cry is forcefully dragged into the clausal structure (verbal use of nonverbal language). It is naive to believe that this chasm is confined to an immemorial past. On the contrary: Innumerable are the ways in which language calls forth and reiterates within itself (thanks, that is, to sophisticated semantic procedures) the substitution of the instinctive signal on behalf of the verbal expression. Among these various ways, jokes stand out significantly. Whoever coins them undertakes an immediate journey backward: from the linguistic game currently in progress to the instinctive reaction that it has replaced. Let it be clear: The joke's author does not return to the bare prelinguistic reaction (which by now is already beyond hope); rather, the author returns to the point in which such a reaction is converted into words. This conversion is the core of *regularity*, the deepest layer of "the common behavior of mankind." Freud presents us with a joke whose content illustrates marvelously the implicit structure of numerous jokes: a regression to the threshold at which sensation is usurped by a phrase. This metajoke, which expresses wittily that which other jokes do, is the mirror image of section 244 of *Philosophical Investigations*. Let us read this metajoke: "The doctor, who had been asked to look after the Baroness at her confinement, pronounced that the moment had not come, and suggested to the Baron that in the meantime they should have a game of cards in the next room. After a while a cry of pain from the Baroness struck the ears of the two men: 'Ah, mon Dieu, que je souffre!' Her husband sprang up, but the doctor signed to him to sit down: 'It's nothing. Let's go on with the game!' A little later there were again sounds from the pregnant woman: 'Mein Gott, mein Gott, what terrible pains!'—'Aren't you going in, Professor?' asked the Baron.—'No, no. It's not time yet.'—At last there came from next door an unmistakable cry of 'Aa-ee, aa-ee, aa-ee!' The doctor threw down his cards and exclaimed: 'Now it's time.'⁴¹

The joke is the state of exception of discourse because it suddenly edits, once again, the *primary scene* of every speaker: the grafting of the clausal thought onto nonlinguistic drives. This grafting, I repeat, is not simply an ontogenetic episode, but also a permanent dimension of linguistic experience: that dimension, to put it plainly, in which our words imitate that which they substitute (the cry or whatever), thus resembling a thoughtless reaction. Jokes are habitual dwellers in that dimension. Precisely for this reason, they have the appearance of a *semi-instinctual drive* or, as Freud says, of an "involuntary idea." Those who coin jokes often do not even imagine what they will say before saying it. But this absence of premeditation attests only to the return to a *regularity* in which the word is joined—still or once again—"with the original, natural expression of the sensation" of desire, of emotion. According to Freud, "The regression of the train of thought to perception is absent in jokes,"⁴² yet within jokes one can still find "the other two stages of dream-formation, the sinking of a preconscious thought into the unconscious and its unconscious revision."⁴³ I cannot share this affirmation. It seems to me that jokes return, if not to perception as such, certainly toward the junction between perception and discourse. What we have here, to be sure, is a "sinking," but a "sinking" of verbal thought into the telluric region in which jokes are continuously grafted upon nonlinguistic drives.

The joke is the black box of innovative action: It reproduces in miniature the structure and movements of the action. The transformation of a form of life takes its origin from the uncertainty experienced in applying a rule. This uncertainty urges us to rise up again, at least for a moment (and that moment is the state of exception), to the threshold in which the drives are correlated with linguistic games. The return to the drives implies the possibility of elaborating them in a different manner. The cry of sorrow, or of joy, or of fear, can be *substituted* in unforeseen and inventive ways, in such a way as to modify completely, or in part, the preceding linguistic game (whose rules could barely be applied). An innovative substitution of the instinctive reaction is seen, above all, but not only, in jokes that hinge upon the distortion or overturning of stereotypes and conventional formulas: "We, by the *ungrace* of God, day-laborers. . . ."⁴⁴ It is seen also in jokes that break words down into their sublexical components: "Vous m'avez fait connaître un jeune homme *roux* et *sof*, mais non pas un *Rousseau*."⁴⁵ Useless as their particular contents may seem, these jokes vary the articulation between drives and verbal language in experimental ways. The retreat to *regularity* anticipates also an inverse movement: from regularity to eventual, new rules. The metamorphosis of a cry into words is inevitable but not unambiguous: It is always possible to alter the grammar of sorrow or of desire.

NOTES

1. See also Emilio Garroni, "Creatività," in *Enciclopedia Einaudi* (Torino: Einaudi, 1978), vol. 4, pp. 72–95.
2. Ludwig Wittgenstein, *Philosophische Untersuchungen* (1953). *Philosophical Investigations*, German text with revised English translation by G. E. M. Anscombe (Malden, Massachusetts: Blackwell Publishing, 2001 [3rd ed.]), p. 33.
3. *Ibid.*, 34.
4. *Ibid.*
5. *Ibid.*, 68.
6. Sigmund Freud, *Der Witz und seine Beziehung zum Unbewussten* (1905). *Jokes and Their Relation to the Unconscious*, translated by James Strachey (New York: W. W. Norton & Company, 1963), p. 72.
7. *Ibid.*, 35.
8. Émile Benveniste, *Problèmes de linguistique générale II* (1974). *Problemi di linguistica generale II*, translated into Italian by Maria Vittoria Giuliani (Milano: Il Saggiatore, 1985), p. 256. English rendering, from the Italian edition, by the translators.
9. *Ibid.*
10. *Ibid.*, 260.
11. *Ibid.*, 82.
12. *Ibid.*, 81.
13. Wittgenstein, *Investigations*, 69.
14. *Ibid.*, 70.
15. *Ibid.*, 69.
16. Carl Schmitt, *Politische Theologie: Vier Kapitel zur Lehre von der Souveränität* (1922). *Political Theology: Four Chapters on the Concept of Sovereignty*, translated by George Schwab (Chicago: University of Chicago Press, 2005), p. 19.
17. Wittgenstein, *Investigations*, 69.
18. *Ibid.*
19. Schmitt, *Theology*, 62.
20. *Ibid.*, 21.
21. *Ibid.*, 30.
22. *Ibid.*, 31–32.
23. Carl Schmitt, *Über die drei Arten des rechtswissenschaftlichen Denkens* (1934). *On the Three Types of Juristic Thought*, translated by Joseph W. Bendersky (Westport, Connecticut: Praeger, 2004), pp. 59–60.
24. *Ibid.*, 59.
25. Friedrich Waismann, *Wittgenstein und der Wiener Kreis* (1967). *Wittgenstein and the Vienna Circle*, translated by Joachim Schulte and B. McGuinness (Oxford: Blackwell Publishing, 1979), p. 115.
26. Ludwig Wittgenstein, *Über Gewissheit* (1969). *On Certainty*, translated by Denis Paul and G. E. M. Anscombe, edited by G. E. M. Anscombe and G. H. Von Wright (New York: Harper and Row, 1969), p. 34.
27. Wittgenstein, *Investigations*, 70.
28. *Ibid.*, 68.
29. *Ibid.*, 70.
30. *Ibid.*, 11 and 10.
31. Schmitt, *Theology*, 12.
32. *Ibid.*, 13.
33. Wittgenstein, *Investigations*, 70.
34. Freud, 63–64.
35. *Ibid.*, 67.
36. *Ibid.*, 62.
37. *Ibid.*, 31 and 32.
38. See Franco Lo Piparo, *Aristotele e il linguaggio: Cosa fa di una lingua una lingua* (Rome: Laterza, 2003), pp. 19–28.
39. Wittgenstein, *Investigations*, 75–76.
40. See Massimo De Carolis, *Tempo di esodo: La dissonanza tra sistemi sociali e singolarità* (Rome: Manifestolibri, 1994), pp. 145–50.
41. Freud, 95.
42. *Ibid.*, 205.
43. *Ibid.*

