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Unauthorized Freedom

Agamben's Anarchism à l'Épreuve of the Pandemic

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Use of Bodies is always a “common use”: “The experience of thought that is here in question is always an experience of a potential and of a common use. Community and potential are identified without remainder, because the inherence of a communitarian principle in every potential is a function of the necessarily potential character of every community.”³⁹ Agamben often recurs to the concept of “multitude” as the new political subject of his ontological anarchism: “There is a multitude,” he writes, citing Dante, in *The Use of Bodies*, “because there is in singular human beings a potential—that is, a possibility—to think (and not, as in the angels, a thought that can know no interruption—*sine interpolatione*); but precisely for this reason, the existence of the *multitudo* coincides with the generic actualization of the potential to think and, consequently, with politics.”⁴⁰ Politics, and in particular Agamben’s own anarchic politics, is always a function of the multitude.

The impression I am left with after each of Agamben’s new and ever more outraged statements about the pandemic is that the current, essentially childish anarchism of his crusade against anti-COVID-19 measures reduces freedom to individualism, thereby emptying action of any ethical and historical meaning, unwittingly playing against significant change, and ultimately running counter to the very communitarian premises of his own ontological anarchism.

³⁹ Agamben, *The Use of Bodies*, 211.↑

⁴⁰ Agamben, *The Use of Bodies*, 212.↑

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sovereignty whereby the individual takes exception to any limitation to their own liberty, and therefore fully corresponds to the anarchy of power. As Adam Kotsko emphasizes, this falling back on one's own individuality has been historically weaponized by conservative forces (especially in the past four neo-liberal decades) to "cut off in advance any effort to challenge existing power structures."³⁷ The childish anarchism of the anti-vaxxer galaxy is the very opposite of a true anarchic critique of law, the state, and their violence.

When Agamben fails to contextualize the meaning of praxis and freedom in the age of the pandemic, he falls into the trap of childish anarchism. But he also betrays his own idea of anarchic politics by reducing it to a demand for unauthorized and unconditional freedom. His "ontological anarchism" has never been a form or expression of exasperated individualism—and that is why most scholars interested in his anarchism (with the exception of Newman) try to distance his politics from Stirner's "lonely egoism." To the contrary, at least since *The Coming Community*, Agamben has always placed great emphasis on the "communal" dimension of a liberated praxis, albeit in a "community without presupposition and without subjects", "a community with neither presuppositions nor a State, where the nullifying and determining power of what is common will be pacified."³⁸

The goal of Agamben's whole analysis in *The Highest Poverty*, for example, is precisely to identify a form of communitarian life (this is the meaning of "cenoby," *koinos bios*, the common life, in the monastic communities he analyzes in the book) finally unbound from the submission to possession, state, and law. And the concept of "use" he proposes in *The*

³⁷ Adam Kotsko, "What Happened to Giorgio Agamben?," *Slate*, 20 February 2022 [10 March 2022]. See also Adam Kotsko, *Neoliberalism's Demons: On the Political Theology of Late Capital*, Stanford: Stanford University Press, 2018.↑

³⁸ Agamben, *The Coming Community*, 65, 83.↑

wholly transformed work, no longer enforced by the state, an upheaval that this kind of strike not so much causes as consumes.”³⁵ Anarchism is mentioned one more time in the essay, in a complex but illuminating passage:

[A true critique of violence] coincides with the critique of all legal violence—that is, with the critique of legal or executive force—and cannot be performed by any lesser program. Nor, of course—unless one is prepared to proclaim a quite childish anarchism—is it achieved by refusing to acknowledge any constraint toward persons and by declaring, “What pleases is permitted.” Such a maxim merely excludes reflection on the moral and historical spheres, and thereby on any meaning in action, and beyond this on any meaning in reality itself, which cannot be constituted if “action” is removed from its sphere.³⁶

Refusing to acknowledge any constraint on one’s individual liberty and declaring “What pleases is permitted” is not true anarchism but a “childish” one because it removes human praxis from its moral and historical context and empties it of any meaning. For the very same reason, “childish anarchism” is not a true critique of violence or of the state but merely a practice of self-interest in a condition of lawlessness.

It seems to me that the fetishization of individual freedom on the part of the anti-vaxxer galaxy precisely reproduces this childish anarchism that, disconnecting praxis from any moral and historical context, reduces it to a form of exasperated individualism. In the end, childish anarchism is a declaration of

³⁵ Benjamin, “Critique of Violence,” 246.↑

³⁶ Benjamin, “Critique of Violence,” 241. “What pleases is permitted” (*Erlaubt ist was gefällt*) is a hidden quotation from Goethe’s *Torquato Tasso* (Act 2, scene 2, 99).↑

I. Unauthorized Freedom

HIJACKED by the varied and composite galaxy opposing state measures against COVID-19, the word “freedom” has become a flag waved on a battlefield. Every limitation to individual liberties—particularly measures such as mandatory vaccination and the vaccine pass—has been described by these groups as an act of “medical tyranny,” “medical apartheid,” and Nazi-like dictatorship,¹ while opponents depict themselves as victims of unjust oppression (like the Jews) and freedom fighters. The necessary, though always unstable and precarious, balance between individual liberties and common interest, between freedom and life, has been disrupted by COVID-19, and if governments and institutions have (all too quickly and gladly) sacrificed freedom for the preservation of life, their opponents have turned freedom into a fetish.

In a true crusading spirit that goes beyond the indisputable right to analyze and criticize the cynicism, blundering, and incompetence of power—which, in this situation, has shown itself, more often than not, to be quite powerless—the tone, language, and analogies of anti-vaccine activists have been adopted by a number of intellectuals. The most famous and vocal of these is probably Giorgio Agamben, who, from the very beginning of the pandemic, has fiercely opposed all measures of containment—from the mask mandate to the lockdown, from vaccination to the vaccine pass—precisely in the name of “freedom.” The ultimate falsity and contradiction of all these measures, Agamben has repeatedly argued, is that, “in order to protect freedom, [they] impose [...] the renunciation of freedom.”²

¹ I have briefly explored this Nazi analogy in “The Limits of a Paradigm: Agamben, the Yellow Star, and the Nazi Analogy,” *The Faculty Lounge*, 2 September 2021 [1 March 2022].↑

² Giorgio Agamben, *Where Are We Now? The Epidemic as Politics*, trans. Valeria Dani, London: ERIS, 2021, 32.↑

This has become a sort of mantra for Agamben, who, in a speech to the Italian Senate on 21 November 2021 and, with the same words, an interview with the Italian Radio Radicale, argued that “the very idea of freedom is changing”: the vaccine pass, he explained, belongs to what legal theorists call “authorized freedoms,” whereby the law does not create new rights but rather authorizes already existing ones. Today, he continued, the most elemental rights need an authorization to be exercised. But an “authorized freedom” is no longer freedom insofar as it can be revoked at any time.³ This subjection of basic individual liberties to a governmental authorization amounts, so Agamben, to a true coup d’état.⁴

For liberal political theories, freedom is never unconditional but rather the subject of incessant negotiations with the freedom of others and the common interest. But Agamben has always opposed political liberalism, calling it the ultimate completion and fulfillment of a process stretching through the whole of Western political history, a process by which law captures life, reducing it to “bare life,” and which Agamben names “biopolitics” after Foucault. As his recent fetishization of freedom seems to confirm, Agamben’s politics can rather be inscribed in the anarchist camp, even if his anarchism is certainly sui generis and responds to specific philosophical demands. His recent remarks, however, raise questions about the consistency of his position on COVID-19 with the critique of Western politics constructed over his twenty-year intellectual project, *Homo Sacer*. Is Agamben’s position on COVID-19 simply a natural outgrowth of his political critique

³ Giorgio Agamben, speech to the Italian Senate [3 March 2022].↑

⁴ This attribution to power of an intention and a will, and thus its personalization into a project of control and submission, amounts, for Italian philosopher Donatella Di Cesare, to conspiracy theory. See Donatella Di Cesare, “Caro Agamben, ora dobbiamo salvare te e la filosofia dal tuo complotismo,” *L’Espresso*, 20 December 2021 [3 March 2022].↑

and power that imprison life in our societies (and, in this sense, they are comic or pathetic outcasts), but also because, while deposing the old norms, they do not seek a new, firm anchorage in another identity, essence, or destiny, but rather freely embrace their anarchic inoperativity.

IV. Childish Anarchism

The roots of Agamben’s anarchism are usually identified in Walter Benjamin’s 1921 essay “Critique of Violence,” which constitutes one of the pillars supporting Agamben’s entire *Homo Sacer* project.³² In this very complex and difficult text, Benjamin argues for the need to break the cycle of violence and retribution with which the law and the state imprison life, and proposes what he enigmatically calls “pure” or “divine violence” as the only way to depose³³ the law, state power, and its violence, and to open the way for what he calls “a new historical epoch.”³⁴ Benjamin’s proposal is anarchic in the same way as Agamben’s, since he sees the possibility of a liberated human praxis only in the deposition/deactivation of, and independence from, state power.

Benjamin sees a possible paragon of this deposing force in the notion of the “revolutionary general strike” as proposed by anarcho-syndicalist Georges Sorel at the beginning of the twentieth century. This form of strike is “anarchistic,” Benjamin explains, “[f]or it takes place not in readiness to resume work following external concessions and this or that modification to working conditions, but in the determination to resume only a

³² See, for instance, Lechte and Newman, *Agamben and the Politics of Human Rights*, 31-32.↑

³³ *Entsetzung*, the term used by Benjamin, is probably at the origin of Agamben’s notion of deactivation.↑

³⁴ Walter Benjamin, “Critique of Violence,” in *Selected Writings*, volume 1, 1913-1926, ed. Marcus Bullock and Michael W. Jennings, Cambridge: The Belknap Press of Harvard University Press, 1996, 251-52.↑

which are certainly characterized by their independence from (or indifference towards) law, violence, and the state.²⁸

These two alternatives are of course mutually exclusive, and the latter rests on a deposition of the former. In the epilogue of *The Use of Bodies*, Agamben summarizes the stakes of anarchy as follows: “Because power is constituted through the inclusive exclusion (*ex-ceptio*) of anarchy, the only possibility of thinking a true anarchy coincides with the lucid exposition of the anarchy internal to power. Anarchy is what becomes thinkable only at the point where we grasp and render destitute the anarchy of power.²⁹ The “true” politics resulting from the exposition and deactivation of the anarchy of power would be anarchic because liberated from its subjection to the state, government, law, and violence, but also because it would assert a form of life not founded in (or bound to) any essence or firm ontological category, not reducible to any fixed identity, destiny, or telos.³⁰

Some of Agamben’s more recent works seem to be devoted to tracing the outline of this possible form of life through a number of paradigmatic—and fundamentally anarchic—figures, such as Pulcinella, the classic character of Italian *commedia dell’arte*; Hölderlin in his folly; or Pinocchio, the wooden puppet from the homonymous novel by Carlo Collodi.³¹ These figures are paradigms of liberated anarchy because they all render inoperative the apparatuses of law

²⁸ Bignall, “On Property and the Philosophy of Poverty,” 64-65.↑

²⁹ Agamben, *The Use of Bodies*, 275.↑

³⁰ Fabbri, “From Inoperativeness to Action,” 98-99; Newman, “What is an Insurrection?,” 292, 294; Katrina Kniss, “Beyond Revolution, Beyond the Law: Christian Anarchism in Conversation with Giorgio Agamben,” *Political Theology* 20.3 (2019), 207-223.↑

³¹ Giorgio Agamben, *Pulcinella: Or, Entertainment for Kids in Four Scenes*, trans. Kevin Attell, London: Seagull Books, 2018; Giorgio Agamben, *La follia di Hölderlin. Cronaca di una follia abitante (1806-1843)*, Turin: Einaudi, 2021; Giorgio Agamben, *Pinocchio. Le avventure di un burattino doppiamente commentate e tre volte illustrate*, Turin: Einaudi, 2021.↑

and fundamental anarchism, as some critics have argued?⁵ Or is it possible that Agamben has betrayed his most essential commitments? A cursory glance at the roots of his anarchic politics will help us assess this question.

II. Agamben and Anarchism

The initial reception of Agamben’s work (at least in Anglo-American academia) resisted the label of anarchism for his political project—as if anarchism were unworthy of a “serious” philosophy. Leland de la Durantaye, for example, repeatedly attempts to distinguish Agamben’s many calls for a liberation from Western metaphysics (which includes its politics) from “mere” anarchism: “Agamben’s calls,” he writes, “should not [...] be mistaken for anarchic ones.”⁶ Sergei Prozorov also claims that Agamben’s soteriological project “does not take the form of either the revolutionary takeover or the anarchist destruction of the state and the legal apparatus.”⁷ These claims are based on a cursory mention of anarchism by Agamben in the introduction to *Homo Sacer*, where he dismisses the “weakness of anarchist and Marxian critique of the State,”⁸ thereby explicitly distancing his project from anarchism. For Agamben, the problem with these “traditional” theories of revolution and change (Marxism and anarchism) is that, as John Lechte and Saul Newman remark, in fixing their goal as the capture or overthrow of the state, they remain caught

⁵ See, for instance, Federico Zuolo, “Salvare o abbandonare Agamben?,” *MicroMega – Il rasoio di Occam*, 24 December 2021 [3 March 2022].↑

⁶ Leland de la Durantaye, *Giorgio Agamben: A Critical Introduction*, Stanford: Stanford University Press, 2009, 110. For a critical analysis of these claims, see Lorenzo Fabbri, “From Inoperativeness to Action: On Giorgio Agamben’s Anarchism,” *Radical Philosophy Review* 14.1 (2011), 86.↑

⁷ Sergei Prozorov, *Agamben and Politics: A Critical Introduction*, Edinburgh: Edinburgh University Press, 2014, 7.↑

⁸ Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, trans. Daniel Heller-Roazen, Stanford: Stanford University Press, 1998, 12.↑

in the logic of sovereignty (though this criticism is more pertinent to Marxism).⁹

Nonetheless, more recent scholarship has pointed out the substantially anarchic “spirit” of Agamben’s political proposal, which, though surely different from and critical of classic anarchism, nonetheless shares with it a call to transcend traditional forms of community and action, and in particular their seemingly inevitable bonds with sovereignty and law. This is already very clear in *The Coming Community* (originally published in 1990), which can be considered Agamben’s first “political” work, opening the way for the Homo Sacer project.¹⁰ The last text of this book, titled “Tiananmen” (the 1989 Tiananmen Square protests were a recent event at the time of its composition), clearly states the goal of Agamben’s political soteriology: “*The novelty of the coming politics is that it will no longer be a struggle for the conquest or control of the State, but a struggle between the State and the non-state (humanity), an insurmountable disjunction between whatever singularity and the State organization.*”¹¹ This thesis is repeated almost verbatim in a coeval text, “Marginal Notes on *Commentaries on the Society of the Spectacle*” (later collected in *Means Without End*), where it is called a

⁹ John Lechte and Saul Newman, *Agamben and the Politics of Human Rights: Statelessness, Images, Violence*, Edinburgh: Edinburgh University Press, 2013, 138, footnote 12.↑

¹⁰ Against many interpreters (including myself) who see a substantial continuity between Agamben’s pre-political and political (or biopolitical) works, Adam Kotsko identifies, if not a break, at least a “trajectory” that, for personal and historical reasons, moves Agamben’s interests more and more towards politics and that begins with this work. See Adam Kotsko, *Agamben’s Philosophical Trajectory*, Edinburgh: Edinburgh University Press, 2020.↑

¹¹ Giorgio Agamben, *The Coming Community*, trans. Michael Hardt, Minneapolis: University of Minnesota Press, 1993, 85, emphasis in the original.↑

have an *archē*. The symbol of this groundlessness, of this anarchy, is the empty throne that represents power in early Christian iconography (which expresses, for Agamben, the origin and paradigm of modern governmentality). This is the secret of government, then: the pompous veil of its glorious display actually hides an empty center. Government, Agamben writes,

*is itself intimately anarchic. Anarchy is what government must presuppose and assume as the origin from which it derives and, at the same time, as the destination toward which it is traveling. (Benjamin was in this sense right when he wrote that there is nothing as anarchic as the bourgeois order. Similarly, the remark of one of the Fascist dignitaries in Pasolini’s film Salò according to which “the only real anarchy is that of power” is perfectly serious.)*²⁶

The “problem of anarchy,” this intimate relationship between anarchy and government, however, “does not mean that, beyond government and anarchy, it is not possible to think an Ungovernable”:²⁷ the anarchic inoperativity that power must capture and keep hidden at its core can also be rescued for new “uses” once the governmental machine has been deactivated. Anarchy as the fundamental groundlessness of human praxis presents therefore two alternatives: either its capture by power and government, or its liberation into new forms of praxis which cannot be defined in advance (and about which Agamben must therefore remain vague) but

²⁶ Giorgio Agamben, *The Kingdom and the Glory: For a Theological Genealogy of Economy and Government*, trans. Lorenzo Chiesa with Matteo Mandarini, Stanford: Stanford University Press, 2011, 64, italics in the original.↑

²⁷ Agamben, *The Kingdom and the Glory*, 65.↑

goes without saying that everyone here is free to think as they believe best.”²⁴

III. The Anarchy of Power

The picture, however, is more complex than might appear from the brief exposition above. The question of anarchism is not presented by Agamben as a simple opposition between anarchy and power, since the very core of power, as he argues in various works, is itself ultimately anarchic. In *State of Exception*, Agamben writes that the essential performance of power is the capture of “anomie,” that fundamental dimension of human existence that he elsewhere names inoperativity (but what the term “anomie” emphasizes is independence from the law). At the same time, the sovereign, by positioning himself outside the law through his decision on the exception, comes to coincide with anomie, with the outside-the-law, and this reveals for Agamben the “secret solidarity between anomie and law.”²⁵ What characterizes the relation between law and anomie is not an opposition but an “inclusive exclusion,” that is, the capture by the law of the essential dimension of human life (anomic inoperativity) through its exclusion from itself. In other words, the law captures anomie (that is, inoperative life) by excluding it from the scope of the law.

In *The Kingdom and the Glory*, published (in Italian) four years after *State of Exception* (2007), Agamben refines this thesis while replacing the vocabulary of anomie with that of anarchy. Power is essentially anarchic, Agamben’s argument now goes, because it does not have a foundation in being, it does not

²⁴ Giorgio Agamben, *Creation and Anarchy: The Work of Art and the Religion of Capitalism*, trans. Adam Kotsko, Stanford: Stanford University Press, 2019, 48.↑

²⁵ Giorgio Agamben, *State of Exception*, trans. Kevin Attell, Chicago: The University of Chicago Press, 2005, 60, 71.↑

“prophecy.”¹² And since it identifies a fundamental opposition between the “coming politics” and the state, with the consequent overcoming of every link to state politics, it can truly be called an “anarchist prophecy.”¹³

One of the few references to anarchism in Agamben’s oeuvre appears then in *The Time That Remains* (originally published in 2000), where he finds a sort of parallel between Paul the Apostle’s concept of *hōs mē* (“as not,” the capacity to negate the existing state of affairs, and thus the revocation of every identity and communitarian position as an opening to a new “use” of life and action) and the notion of “revolt” (*Empörung*) as proposed by Max Stirner (who cannot be counted, however, among the “classic” anarchists like Bakunin or Kropotkin). Stirner’s revolt (as advocated in *The Ego and Its Own*, 1844)—which Agamben calls “ethical-anarchic”—does not aim at the simple overthrow of factual conditions and institutions but rather at a radical (and ontological) transformation of our relationship with them.¹⁴ Marx and Engels ridiculed Stirner’s position in *The German Ideology*, but Agamben seems to prefer Stirner to Marx because the former does away with any form of identification and belonging (such as class consciousness, for example)—which was precisely the “flaw” of which Marx and Engels accused him. But unlike Stirner, who prioritized private revolt, Agamben, in the wake of Jacob Taubes and Walter Benjamin, opts for an “anarchic-nihilistic” indiscernibility between revolt and revolution that revokes

¹² Giorgio Agamben, *Means Without End: Notes on Politics*, trans. Vincenzo Binetti and Cesare Casarino, Minneapolis: University of Minnesota Press, 2000, 88.↑

¹³ Fabbri, “From Inoperativeness to Action,” 89.↑

¹⁴ Giorgio Agamben, *The Time That Remains: A Commentary on the Letter to the Romans*, trans. Patricia Dailey, Stanford: Stanford University Press, 2005, 31-32.↑

any identity and belonging without destroying or substituting them.¹⁵

The reference to Paul's concept of *hōs mē* brings us to the core of Agamben's anarchism, since Agamben sees it as rendering all identities and institutions *inoperative*—which is the goal of his political proposal. Inoperativity (which translates the French term *désœuvrement* and is often used together with “deactivation”) describes for Agamben the essence of human beings, who cannot be defined by any proper operation (such as “work,” for example, in the Marxist tradition) but are rather beings of pure potentiality.¹⁶ What is rendered inoperative by the work of deactivation is an activity directed towards a goal, and this deactivation opens the activity to a new use. Deactivation does not abolish the old activity but rather exposes and exhibits it, returning it to possibility and potentiality. Politics, for Agamben, “is that which corresponds to the essential inoperativity of humankind, to the radical being-without-work of human communities,”¹⁷ and in the two books that compose the final volume of the Homo Sacer series, *The Highest Poverty*¹⁸ and *The Use of Bodies*,¹⁹ this paradigm is deployed in the concepts of “use” (in opposition to appropriation), “poverty” (in opposition to possession), and “destituent potential” (in opposition to constituent power). It appears quite justified, as some

¹⁵ Agamben, *The Time That Remains*, 33. See also Simone Bignall, “On Property and the Philosophy of Poverty: Agamben and Anarchism” in Daniel McLoughlin (ed.), *Agamben and Radical Politics*, Edinburgh: Edinburgh University Press, 2016, 53-54; and Saul Newman, “What is an Insurrection? Destituent Power and Ontological Anarchy in Agamben and Stirner,” *Political Studies* 65.2 (2017), 284-299.↑

¹⁶ The concept of inoperativity is variously deployed in most of Agamben's works from the past thirty years and is developed in particular in *The Time That Remains*.↑

¹⁷ Agamben, *Means Without End*, 140.↑

¹⁸ Giorgio Agamben, *The Highest Poverty: Monastic Rules and Form-of-Life*, trans. Adam Kotsko, Stanford: Stanford University Press, 2013.↑

¹⁹ Giorgio Agamben, *The Use of Bodies*, trans. Adam Kotsko, Stanford: Stanford University Press, 2015.↑

recent scholarship has done, to trace evident parallels between these concepts and many features of the anarchic tradition, heterogeneous as it is.

This idea of politics is completely foreign to the traditional coordinates of political theory, whether conservative, liberal, or Marxist, and therefore has often attracted accusations of being nihilist or impolitical.²⁰ But I find the parallels with anarchism much more interesting and appropriate. As Simone Bignall argues, what is ultimately at stake in Agamben's work is “a rethinking of the paradigm of anarchy in the contemporary light of political ontology, restoring the potential of that tradition for use in the present.”²¹ Saul Newman names this sui generis anarchism “ontological anarchism” and links it to the current positions of post-anarchism, the aim of which is a “politics without essentialist foundations in human nature and without any predestined goal of revolution or a particular model of social relations.”²² Lorenzo Fabbri, in turn, identifies Agamben's link to post-anarchism in his “call for an anarchic sabotage of the ‘machines’—the machine of history, of sovereignty, of governmentality.”²³ Agamben himself appears to have become more aware of this link: in “What Is a Command?,” an essay collected in a recent volume tellingly titled *Creation and Anarchy*, he candidly avows that “[a]narchy has always seemed more interesting to me than democracy, but it

²⁰ See, for instance, Alfonso Galindo, *Politica y mesianismo. Giorgio Agamben*, Madrid: Biblioteca Nueva, 2005; and Ernesto Laclau, “Bare Life or Social Indeterminacy?,” in Matthew Calarco and Steven DeCaroli (eds.), *Giorgio Agamben: Sovereignty and Life*, Stanford: Stanford University Press, 2007, 11-22.↑

²¹ Bignall, “On Property and the Philosophy of Poverty,” 51.↑

²² Newman, “What is an Insurrection?,” 291.↑

²³ Fabbri, “From Inoperativeness to Action,” 92.↑