

## An Introduction to Contract & Contagion

Welcome to the *Contract and Contagion* forum. Angela was kind enough write up introductory comments to the book and today and tomorrow we will be posting those comments-- Part One today, Part Two (on method) tomorrow. I think these introductory comments will help us to frame some of the week's discussion and, if you haven't read *Contract and Contagion*, I hope they inspire you to pick up the book (and join in to our discussion.)

Enjoy.

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I thought that it might be helpful to unpack *Contract & Contagion* for this forum by way of two broad questions. They are of course connected. But it is not necessary to draw all the connections here all at once so as to discuss particular aspects.

### Part one:

The first is: What would a critical or radical politics around contracts involve? And what is it that a critical theory of contracts would have to bring to this, such that it contributes not to the restoration of the limits (including those racialised, gendered, classed and national limits that obtain in the contractual itself) but to what I would call the long historical game of the contractual? Inasmuch as contracts, whether tacit or explicit, are future-oriented machines for allocating risk, what are the principles through which a tactical engagement with contracts could involve deliberately setting about to shift the distribution of risks, uncertainty, precariousness? This, then, is not a detached analysis of contracts but one that begins from questions about power, the impositions of scarcity and distributions of abundance, and—not least—a theoretical proposition that while identity, forms of attachment and relation are immersed in histories, contracts are a crucial terrain of conflict because they involve the conditions of relation in the future.

I do not really understand so-called critical definitions of liberalism as an ideological or political choice that exists outside the force of law and money, both politics and economics. Contracts, rights and so on are not a matter of choice. Money is not a matter of choice. It too is a contract.

To suggest otherwise is to imply that the material conditions of making a choice (whether to enter into contracts or not) are present, in place for everyone in the same ways. In any event, even the most materialist expression of liberal political philosophy (such as that of Machiavelli) will always posit that choices are decisions made under uncertain circumstances. So, the question remains: what or who is 'sacrificed' in the process of the foundation (and refoundation) of contracts, whether they be wage or social contracts, or those of debt and so on? (It might be noted that the Lucretian riposte to Machiavelli's insistence on the fatal necessity—and I would say, his enjoyment—of a recurrent sacrificial, economic and indeed gendered violence that re- founds the political contract is discussed in the preamble.)

Moreover, in these questions of the distribution of risk and uncertainty, contingency and necessity, the question of contagion almost invariably plays out as questions of 'moral hazard,' 'financial contagion,' and so on. There are versions of contagion that are not so distinctly linked to the simultaneously legal, moral and economic language of contracts. But they are often in play as moral panics about epidemics, loose ties, wayward or excessive circulation—as some version of attempts to reinstate the 'natural' genealogical orders of the transmission of property and properties. Genealogy is always inscribed in the language of contracts—as is particularly apparent in the passage of common law across frontier spaces.

In any event, what I mean by the long historical game of the contractual involves making a very clear distinction between the conservative critique of capitalism (and for that matter, of the transactional, as in conservative panics about sex work as the 'commodification' of sex, or as with the veneration of the 'gift economy') and the ways in which it is possible to understand anti- capitalism as the politics and economics (the infrastructure) of the centuries-long struggle to abolish slavery. It is a view of the history of capitalism that takes its cue not from a labour movement premised on the wage contract as system of commensurability and representation (as in the 'fair day's pay for a fair day's work') but from questions about the interior and exterior boundaries of the wage contract itself. In other words: surplus value. The historical persistence of slavery in wage slavery and servitude. This emphasizes, among other things, the ways in which Marx understood the specificity of capitalism—the very existence of capital both in its abstraction and as a social dynamic—as the necessary foundation of Aristotelian logic (syllogistic reasoning) on the naturalization of slavery.

But I pursue this insight into the taxonomic machinery of value to go beyond Marx's own attachments to a metaphysical definition of labour. His definition and analysis of labour rarely moves beyond the boundaries of the wage contract. So, rather than speak of labour in mythical, Platonic or substantialist terms, as "form-giving fire" or god-like creation, I think it is important to talk about contracts (and contagion) instead, and from the perspective of, 'below-the-line' labour and surplus value. Ultimately this is a question about the abolition of labour (and capital) that is not premised on the mystification of either labour or capital.

This is why it was important to underscore how the operaisti concept of the 'social wage' is in

fact the emergence of the accounting system of the Fordist 'family wage'; how the New Household Economics of the Chicago School Economists is a linked question about human capital, service work and unpaid domestic labour; and to make the connections between concepts of 'the common,' English jurisprudence and the joint-stock company. The same goes for questions about labour and measure—at the centre of this is a question about the expansion and limits of the contractual, that links together issues of service work, automation, interaction and affect. This is also, ultimately, why I wanted to insist that the law of value is the law of the household, of the combination of oikos and nomos. Oikonomia as the foundational condition of capitalism and the abstract circuits of capital.

In practical terms, then, a critical politics around contracts involves a critique of the ways in which contracts generate identities as if they are its pre-existing (authentic) premises, and it insists on an irreconcilable divergence from strategies around the contractual that seek to reinstate (or re-naturalise) the distribution of risks and uncertainty according the genealogical—ie., oikonomic—lines of gender, race, sex, nation and class. It is never a question of inclusion or exclusion, since both occur at the same time. This is as true of 'negotiations' around wage contracts as it is of broader conflicts around, say, the 'social contract.' It is however also a question about how the unavoidable and therefore cramped, tactical engagement with the world of contracts might not foreclose, and instead encourage, the development of a relationality—a politics and economics of the in-between—that can break with the limits of the contractual. Not reform or revolution, in other words, but here and now considerations of a post-welfare state, post-wage contract, post-citizenship infrastructure. For all the whining from some quarters about the absence of demands, 'unity' or 'organization' in the previous decades of protests and in the movements, the very materiality of movements has opened up the experimental field of precisely these questions.