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Last Gems of the *Foucauldian Studies* Project:  
Lectures by Judith Butler and Maurizio Lazzarato

## Fearless Speech and Resistance

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Let us begin by asking the question of how Foucault's idea of fearless speech is related to the contemporary effort to understand political assemblies. I take fearless speech to be the translation of parrhesia, and I understand assemblies not only as formal parliamentary meetings, but informal and even spontaneous forms of gathering with democratic potential. We tend to credit "fearless speech" to individuals, but could that speech be understood also as a collective utterance? If so, what form would that take, and what would be the implications? In his 1983 lectures at the University of California at Berkeley, Foucault explains that "Someone is said to use parrhesia and merits consideration as a parrhesiastes only if there is a risk or danger for them in telling the truth."<sup>1</sup> In some ways, this reflection continues Foucault's remarks on "critique" as an exercise of virtue, where the virtue he has in mind is "courage." For a form of speech to qualify as parrhesia, there must be a correspondence between the belief in what is said and the truth of what is said. In other words, this is not an ironic utterance, but one in which the speaker truly believes in what is being said. The example Foucault offers is this: the "philosopher addresses himself to a sovereign, to a tyrant, and tells him that his tyranny

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<sup>1</sup> Michel Foucault, *Fearless Speech*, Edited by Joseph Pearson, Semiotext(e), 2001, pp. 15–16.

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is disturbing and unpleasant because tyranny is incompatible with justice...”<sup>2</sup> In such a case, three conditions are met: the speaker is speaking what he or she takes to be truthful, the speaker believes that he is speaking the truth, and the speaker is taking a risk with that very speech act. After all, as Foucault points out, “the tyrant may become angry, may punish him, may exile him, may kill him.”<sup>3</sup> So parrhesia is not simply a communication of something that is truthful, it requires the speaker’s belief in the truth of what is said, and it also exposes that speaker to political risk. It is, indeed, the body of the speaker that is at risk, for detention, imprisonment, and death – punishments that are state actions that constrain or destroy the body of the one who speaks. It is not necessary for the speaker to risk their life in order to speak in this way, fearlessly, as a parrhesiastes, but some risk is surely taken, suggesting that one not only speaks with belief, but that in speaking, one acts on the courage of one’s belief in what is true. Other kinds of risks are possible that do not include punitive actions on the part of legal or state authorities. One can say what one believes to be true even if it means losing one’s friends, one’s popularity, or finding oneself isolated or stigmatized. All of those are ways of suffering damage as a consequence of speech. Only in what Foucault calls “its extreme form” does “telling the truth take[] place in the ‘game’ of life or death.” Only those who are subject to the power of others can engage in parrhesia, which is why, for instance, Foucault insists, that the tyrant cannot use parrhesia “for he risks nothing.”<sup>4</sup>

If we want to pursue the question of whether fearless speech is part of contemporary assemblies or indeed resistance movements, we can ask whether resistance itself is modeled on fearless speech. By asking what fearless speech is, or how it operates, we may then find out something important about the structure or meaning of resistance for our times. That is at least the wager of my remarks today. To do this we have to ask whether parrhesia is the speech act of an individual or whether it can be “uttered” or “enacted” through social movements and in several voices and through various media. In relation to contemporary examples of fearless speech, we should perhaps first ask, *what is the scene of address?* Who is speaking to whom, or in front of whom, and what are they speaking about? And where is fear in the scene? Is the assumption of fearless speech that someone has overcome fear in order to speak, or in the course of speaking? And do we value fearlessness? At stake in part is the place or meaning of courage in speech, and whether we imagine that courage is defined as the overcoming of fear. Perhaps we tremble when we speak – we do not overcome our fear, but still speak, fearful and defiant. And what is it that we fear? This question opens up the question of power: what will happen to me

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<sup>2</sup> *Ibid.*, p. 16.

<sup>3</sup> *Ibid.*, p. 16.

<sup>4</sup> *Ibid.*, p. 16.

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if I speak or what will happen to us? What are the forces of domination, the prospects of censorship, or indeed, for people who are without documents, or with documents that can be easily revoked, the consequences of speech can be detention or deportation.

Let me confess: I am *not* convinced that speaking without fear is necessary for political courage. I do not think we have to overcome fear with fearlessness in order to speak, or to speak effectively. The model of a fearless speaker may call upon ideas of heroism that assume (a) that the speaker is an individual and speaks in his or her own voice and (b) that fear is not co-present with fearlessness. Sometimes, in speaking, we do not speak simply in our own voice, but speak with others, repeating a slogan, or joining in a chorus. And in speaking *against* a form of power – let us say “state power” – we may know full well that legal consequences may follow, but still speak with our fear, or even speak in a way that is at once fearful and fearless. That last possibility is not a contradiction, but rather a form of ambivalence in speech that comes into play precisely when we do fear the consequences but decide to speak anyway. We do not overcome fear, since the consequences are very real and they are known, but we speak anyway, or we indicate our willingness to face those consequences rather than not speak at all. I will start then by understanding a scene in which we relate the emotional disposition of fear to the institution that stokes fear – the law or legal system that delays or refuses to process their demand or subjects them to indefinite detention. Finally, I want to argue more generally that political expression does not always rely on “speech” in a narrow sense, and that plural forms of political expression qualify as forms of speech, sometimes gesture, or movement, foregrounding the body as an expressive site of political contest, and expressive. In what follows, I will consider briefly the forms of migrant resistance that are by definition bound up with fear, but also consider whether we might rethink courage and speech outside of the framework of individualism. Lastly, I will propose some ways of thinking about “assembly” and demonstration as modes of plural speech or expression, and to give some thought to how we might distinguish the assemblies we value from those we oppose.

The scene that I have described in an abstract way is especially true for those who are migrants, whose papers are provisional or absent, and in a political situation in which the unjust treatment of refugee populations is systemic. When refugees in detention camps are held under indefinite detention, and then decide to rebel against that condition of rightlessness, on what grounds do they protest? They do not have an established or guaranteed freedom of speech. They are not living according to any established legal framework or they may be living *between* legal systems, and so outside of a system of positive law. They should be, ideally, living under a system of international law that guarantees the right to have their petition processed in a timely fashion and to gain rights of passage to a country where they can ask for asylum or rights of residency. But we know that the international laws governing the rights of refugees are suspended time and again. The

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Dublin Accords which, originally passed in 1990, guaranteed rights of passage and timely consideration of any asylum claim, but the subsequent revisions have severely limited the rights of refugees on the grounds that countries entered have security concerns, and so thousands of refugees are detained indefinitely, living in a zone where due process and the rule of law is indefinitely suspended at the same time that administrative legal powers are intensified and have become overwhelming.

As we know, there are many forms of resistance under such conditions. Detained migrants are not “bare life” in the Agambenian sense. They are not cast outside the polis and contained there, stripped of all political powers. That would be true only if we understood political power to be given or withdrawn by state power understood as the continuation of sovereign power. And yet the powers of resistance can form outside and against the framework of state power and without its authorization. If so-called “bare life” can and does act, it is no longer bare life, but a form of political activity, even a mode of political resistance, that needs to be understood in its specificity. It is outside the rule of law, but subjected by legal powers – including security and police powers – but also acting, usually acting in concert with others who are detained or those who seek to ally with them for the purposes of advocating for their rights. For those who are reduced, or nearly reduced to rightlessness, how is it possible that they nevertheless assert and exercise a right precisely under conditions where the right is not pre-established by existing law or recognized by existing state or international powers? The right asserted is neither the right of the individual (although the 1951 international refugee law treats the refugee as an individual, not therefore comprehending the rights of dispossessed populations who are fleeing from war or persecution). And yet, rights are asserted, often in collaborative solidarities with activists to oppose indefinite detention, and to reanimate international rights that are systematically abandoned by nation-states in the name of their “security” of the nation-state. Indefinite detention is the fastest growing sector of the prison industry, reserved for migrants and for political dissidents (as we see in Turkey and in Palestine), and all those who are seen to pose a challenge to the power of existing governments. Under the rubric of “security”, racism is free to flourish. Indeed, we are compelled to ask, whose security is protected by the invocation of security? Is it the security of Europe or, indeed, the security of white privilege within contemporary Europe? Or in relation to the caravan of migrants amassed at the border of the United States, whose security is at issue? The US or the group of stateless people who remain exposed to the elements and unprotected by international law?

So one question I have is how we understand this important concept from Hannah Arendt: *the right to have rights*? Can we agree, for instance, that the right to have rights is grounded neither in positive or natural law? And can we also argue that the right to have rights takes form and meaning in the very exercise of that right? When that right is exer-

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cised, as it is in migrant forms of resistance (the German newspaper *Daily Resistance*, the UK group, “These Walls Must Fall” but also a series of groups in Greece, including the Greek Solidarity Campaign), it is articulated across the wall, as it were, by detainees and those working in solidarity with them. As a result, the right is not expressed punctually by an individual in a single statement, but is rather articulated across channels as a plural form of speech at both sequential and solidaristic. It is, in effect, calling for new law, but also good law, and it is also defying those violent and degrading forms of legal power – or legal violence – that characterize indefinite detention.

The right to assemble and to protest are two rights that can only be exercised without fear if the consequences of protest are neither arrest and detention nor deportation. If a recent migrant to Germany without full rights of citizenship enters into a protest that is considered to be “radical” or “radicalized” – if, for instance, they seek to defend the human rights of Palestinians on the west bank or the killing of civilians in Gaza – will they immediately be suspected of anti-Semitism? Of course, the assumption presupposed by such an allegation is that no one would object to occupation, to indefinite detention in Palestine, or to the maiming or killing of citizens on the simple grounds that it is unjust. One is presumed to object from anti-Semitic belief or commitment, which implies that only those who oppose anti-Semitism accept injustice – and that cannot be right. The problem is even greater, however, because any demonstration critical of existing governments can quickly be renamed a “riot” in order to trigger the security protocol that suspends rights of free expression. So a migrant may well protest against the restrictions imposed upon migrants, their relative rightlessness, or against indefinite detention itself. But what is now to stop a government from creatively and nefariously renaming the free expression of a political viewpoint in common with others from a riot or, indeed, a threat to security? We know states that do precisely that.

If we return to the question of courage and fear, of fearlessness and fearfulness, then we can consider the situation in which migrants deprived of rights publicly object to that deprivation only to find that their public expression of speech is considered a threat to security, and to then become a prime candidates for detention or deportation. Under such conditions, the exercise of the right is necessarily fearful, since those who speak up against that injustice know that they may well be subject to a greater injustice as a result of speaking at all. This produces a trap whereby those deprived of rights can only make a demand for rights by exercising a freedom that proves to be punishable by a state ready at any moment to suspend such rights. This means that speech under such conditions is always fearful, and that just as the condition of fear is induced by the threats of the state, so too does the exercise of freedom of expression become a plural one, the occasion of solidarity and resistance.

Let me return to questions of courage and speech so that we might move beyond the

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forms of individualism that constrain our conception of courage as a virtue and speech as the expression of a single person. Courage usually recalls a “virtue ethics” – we think of individuals who have courage, but what about the courage that emerges from acting in concert? – the embodied version of acting in concert that is distinguished from the Arendtian one, even as it draws upon her important conception. And yet, courage becomes a feature and effect of social relations, especially relations of solidarity; it passes between people, and arises precisely from those social relations, the ties among people, the space and occasion of their inter-relatedness. This formulation, I hope, holds out the possibility of shifting our understanding of courage from that of a moral virtue (belonging to the individual) to a function and accumulating effect of solidaristic action.

Of course, one cannot hold to a romantic idea of solidarity under conditions in which right-wing solidarities gather in favor of racism and anti-Semitism, opposing migrants or resurrecting toxic dreams of white supremacy. One problem with talking about courageous demonstrations or assemblies (and there is a difference – the latter is marked by its emerging forms of governance – note the street assemblies in Buenos Aires both after the demise of dictatorial regimes but more recently with the assemblies of the *Ni Una Menos* feminist movement) is that demonstrations can take place on the Left or on the Right and often at cross-purposes, or at the same time. So in thinking about assemblies that we might call courageous, that form against the odds, that put people at risk, we could be talking about racist or anti-racist assemblies, and that means that we cannot have a romantic idea of what assemblies are or do, since some of them seem to breed hatred, foster racism, reanimate fascism for the present, and seek the destruction of basic democratic rights and ideals.

What to do? In the first instance, we have to distinguish assemblies by their aims, but also their egalitarian structure. A fascist action brings together those who would bring about a fascist form of governance, and that doubtless shows up in both the way that people come together – under a leader – and the purpose for which they come together. Can we identify the characteristics of courageous and radical democratic assemblies? Can we say that they are characterized by horizontality, or that there are informal procedures that seek to realize ideals of equality, inclusiveness, and anti-authoritarianism. These features of the group not only enact but *prefigure* the kind of political world they seek to bring about. Secondly, we have to consider not only what the demonstrations seek to bring about, but what they seek to defy or to take down. We have all become aware that some racists think that they have been silenced for too long and that it takes courage to publicly defend their racism. How do we then distinguish the so-called “courageous” speech of the racist from the anti-racist? The white supremacist claims to be courageous in the face of liberal or left forms of politics that have, in his view, gained unjustifiable dominance. Is our task, then, to expose that claim of courage as cowardice, or do we define courage as

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the courage to act against those powers that seek to impose racist policy? It is, after all, courageous to stand up or surround the white supremacist gathering knowing that they can use violence to assert their position and defeat our own. And it is especially fearful for those of us who do not trust that the police are not indirectly supporting those racist gatherings. So let us define courage only in relation to the powers that it opposes, which means that we must judge those powers, and our courage is the public manifestation of that judgment. When Foucault identified courageous speech, he tended to imagine state or psychiatric institutions as the powers in the face of which courage was required. It is left to us to rethink – or possibly abandon – that phrase for our time, make it work for a left politics that is anti-authoritarian, anti-fascist, and anti-racist, that opposes forms of oppression and domination on the basis of gender and sexuality, that opposes the conditions of precarity under which ever-increasing numbers of people are forced to live, especially those deprived of the condition or the right to work, and those held in indefinite detention whether along the borders of Europe or in Central America, or within detention camps that have become increasingly normalized throughout the world. We can consider as well the detention camps now [at the time of this writing] housing more than 1.5 million Uighur in the West of China, or the internment camps in the US for Japanese Americans during the Second World War.

Although in law, the right to speech and the right to assemble are considered distinct, they are both expressive freedoms. And when groups gather to make a claim, the assembly is part of the very claim that they make. The right to assemble requires that we rethink the individualist bias that still informs the concept of rights. As a right, assembly belongs neither to an individual nor to a group, but emerges from the relation among people, a relation that transforms the people it both binds and animates. A group may form, but the action, the assertion of the right, is not undertaken by a ready-made group. The assertion is part of the formation of a group. The group forms in the course of making the claim time and again, and can dissolve or reform once the claim is made. Although an individual can assert a right to assemble, no one assembles by oneself.

An assembly is not the same as a social or political order, but assemblies can prefigure the kind of society or political order in which we want to live. Assemblies can be fascist or anti-fascist; not all assemblies are good, and not all assemblies are utopian. But assemblies that can lay claim to radical democratic potential tend to form a mode of deliberation and initiate, exemplify, or even prefigure a mode of governance based on equality – opposing violence, and defending the public exercise of freedom. An assembly first makes its claim by appearing, by opening the public space of appearance, prior to any declaration it may make. It signifies in advance of its declaration. Or, its declaration starts to happen as soon as it begins to form, or orchestrate, the public and spatial conditions of its enunciation. Assemblies depend on networks that do not appear, and assemblies depend



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on technologies that can shape the realm of appearance. So though people assemble, the act of assembly depends on the non-assembled, and on the technology of assembly. And sometimes the act of assembly is for those who cannot physically assemble, and whose non-visible networks are the forms of assembly available to them.

To distinguish the kinds of assemblies that hold this democratic potential from those that do not, I suggest we consider a few that have articulated a political claim through the expressive power of assembly. For instance, the assemblies formed in the streets of Buenos Aires as part of the *Ni Una Menos* movement. Women and their allies come together, begin the discussion of violence, call on one another and debate, produce public opposition to sexual violence, augmented by media circulation, and then new groups form, new reports, new incitements. In 2015, over 200,000 women took to the streets in Buenos Aires. More recently, nearly a million women gathered throughout Latin America. In Buenos Aires, they set up parliaments, experiments in radical democracy that recall, and re-enact, those groups formed in 1983 that spontaneously assembled to initiate the practices of democracy in the days during which the dictatorship was dissolved. Or consider the popular gatherings in Barcelona, the *Plataforma de Afectados por la Hipoteca in 2009* of those evicted from their houses by banks who were escalating their charges and repossessing their homes. They were pushed out into the streets, but they laid claim to the streets. The street became their home; and when the police vanished, the street became their shelter. But when they had no other option than to stay on the streets, they were exposed to the elements, to potential danger from others, having to find a way to reproduce the material conditions of life. But they were not only in such a condition: they demonstrated the condition they were in. And this is the same for refugee demonstrations and encampments. They are without rights of movement, rights to shelter, rights of belonging; at the same time, they are demonstrating this condition of being without rights. They assert their power in demonstrating their rightlessness, and the effectiveness (or efficacy) of their claim depends, essentially, on networks that do not appear in that same space, and on media and technology that establishes and moves the event of resistance outside its time and place.

When collectives form as assemblies, they do not always do so from a feeling of love for one another. The bonds between them are not necessarily love. They know what they oppose and what they require, and they know the political necessity of acting together. They depend upon each other for the action; each is at once supported, supporting, and so tentatively articulating the interdependency they require. In avowing that we require one another, we avow as well basic principles that inform the social and democratic conditions of a livable life. Assembly can be a way of articulating and avowing this need, especially in a neoliberal economy in which it becomes increasingly justified to abandon populations to a condition of destitution (and to invoke a toxic moral individualism to explain that condi-



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tion as the result of their own actions and so what they deserve).

I don't think we can rely on the "immediacy" of bodies to make a political point, as if some life force makes itself known in an unmediated way. That was not what Foucault had in mind when he showed that the body of the speaker is exposed to danger. It is rather, in my view, that the right to assemble does not make sense if I simply speak that right on my own as individual. The right to assemble takes place, makes sense, only on the occasion when assembly can and does happen. It requires the punctual and plural appearance of bodies to enact the right, and to make clear what the right entails. The assertion of the right depends upon this prior and collective power. Especially when people show up for assemblies or demonstrations when they are not permitted, they assert a right that is not codified or approved by law. It is neither the right of an individual nor of a group (so we don't need a theory of the individual or collective subject), but rather a right that emerges from the social relation that it bespeaks and enacts, a right that emerges from the collective power to assemble, that is, from the relation between people, a relation that both differentiates and binds, that is always at risk of rupture, that takes work to maintain and repair.

What collective power, then, is demonstrated by refugee uprisings or indeed by gatherings of the precarious? And in what sense can we call this courageous? Is this the right word? Within language or through actions, they assert that there are conditions that are required for bodies to persist, and the "we" who gather are still persisting enough to gather, but we are also objecting to the destruction of those conditions that make life livable. The bodies that appear on the street to make the claim are the bodies that require the social conditions that make possible the persistence and livability of life. In effect, they say, we are not persisting, but we are, and what we resist are those economic and social conditions that are destroying the possibility of our very persistence, closing down the future horizon for a livable life. This is circular, for sure, but it is a circularity that demonstrates precarity through demonstrating the body whose precarity and persistence is the very issue at hand. Bodies enact and become the claim. I can give it propositional form, but my rendering is belated, and cannot quite capture the demand that is made – these bodies indicate themselves as the bodies at the center of a political issue: "these are the bodies at risk; these are the bodies that persist and resist." These are instances of radical indexicality.

Such gatherings constitute the provisional infrastructural conditions of the social at the very moment that they object to its vanishing; they prefigure in transitory way the ideals that should ideally govern political life in an enduring way. That gathering resists the condition of being deprived of the possibility of a livable life, deprived of mobility, expression, shelter, belonging, legal status, work, freedom. These are not abstract rights, but powers that depend upon a living body whose conditions of livability are actively

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reproduced at a social, political, and economic level. The forms of political resistance to precarity do not immediately convert precarity into livability or economic equality – but they do prefigure that conversion, that revolution, that possibility, and they function as a call for a mobilization. Uprisings against institutionalized forms of abandonment give embodied form to a political demand. They demonstrate bodies that still matter in an invariably double sense. The demonstration of the alliance of bodies is a mediated demonstration of the body in relation to the threat and actuality of destruction, one that can only materialize with support from those who do not appear, but who support and circulate the space of appearance. Assembly opposes the conditions of precarity and exposure to violence and abandonment at the same time that it makes evident the affected bodies, the bodies whose persistence is under threat. In assemblies such as these, there is power that makes the assertion of a right possible; there is renewal of the vanishing ideals of interdependency and equality; and there is an ephemeral gathering that prefigures the possibility of a future that it cannot fully materialize on its own. Even as a punctual form of political solidarity, assemblies are a kind of bodily incitement that makes the political claim, and a graphic reminder of the lived possibility of a world of collective persistence and radical equality – a vision that is fading from memory, and yet reminds of the power – and necessity – to fight that oblivion.