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ECO-TECHNE: LAW, LEGAL CATEGORIES,  
AND WHAT TO MAKE OF THIS WORLD  
IN WHICH WE ARE LIVING\*

*Anastaziya Tataryn<sup>1</sup>*

*Protectionist migration discourses and limited employment protection manifest a belief that community, nationhood and citizenship need to be contained and maintained. This article considers firstly what is prohibiting, or obstructing, openness to categories of migrants and work by focusing on the tenacity of the nation-state. Drawing on feminist labour law and ecology scholarship, I then explore what exceeds being technologised into ‘nation’ or ‘community’ to open onto an anarchic onto-epistemology, as creative presence. The article provides a glimpse into a larger project that explores thinking of the limits of law and legal categories, in particular labour migration in the United Kingdom (UK), as ecotechnical. Ecotechnics refers to the circulation of techne, technologies, of capital, of law, of intelligibility, that circulate at the same time as we are existing in eco-: the sense that sustains and maintains being in the world. To diagnose the world as ecotechnical is to say that everything, everyone, every being, moves as techne (overwhelmingly experienced as capital) and eco. Focusing on the nexus of ideas of law, ecotechnics – in particular in labour, migration, as well as what it means to be in the world, as ostensibly ‘global’ – presents a challenge to the fallacy of the nation as a place of belonging. Ecotechnics illuminates an underlying facet of law, which is the very coming together of beings to form a sociality and a limit.*

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INTRODUCTION

Migration discourses, immigration laws and labour/employment laws emerge from specific onto-epistemological foundations. In the United Kingdom in particular, modern law and legal categories have emerged from a European, liberal, ego-logical conceptualisation of being and knowledge,

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\* The author has been invited by the Editorial Board of the Comparative Law Review to publish this article.

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such that these laws and categories seem normal, if not natural.<sup>2</sup> This article provides a look into a larger monograph project that explores thinking of law and legal categories, in particular labour migration, as ecotechnical. Ecotechnics is a term drawn from the work of Jean-Luc Nancy, here taken to diagnose what lies underneath the particular impasse, or grey area, within the movement and labour of persons across and within territorial borders. Ecotechnics deconstructs discourses and categories of migration and labour to open onto the simultaneous circulation of capital and sense within ‘irregular’ migration and precarious labour. That ‘the world is ecotechnical’<sup>3</sup> suggests that the *techne*, technologisation and technique, of the world is only possible because of that which exceeds it: *eco*, our dwelling, our sense of being, of home. Ecotechnics refers to the circulation of *techne*, technologies, of capital, of law, of intelligibility, that circulate at the same time as we are existing in *eco*—the sense that sustains and maintains being in the world. To diagnose the world as ecotechnical is to say that everything, everyone, every being, moves as *techne* (overwhelmingly experienced as capital) and *eco*—this is how we create, how we live and how we give meaning to our reality. This does not mean that ‘eco’ is completely technologised, but neither is it separate from the circulation of technologies, capital progress and accumulation, that concretise sense of being into normative categories. As such, the migrant, a person crossing territorial borders, is not external to sociality, nor to the nation-state; the precarious labourer, lacking definitive employment status or security in work, is not external to employment law, nor to work and the labour market; law, as an aspiration, as rules and order, is not external to capital, power, nor the pursuit of justice within a sociality. All of this is our world, and our world is ecotechnical.

In this diagnosis, the modern legal system, extending beyond particular jurisdictions towards an ostensible international ‘globality’, is immediately recognised as embedded in the nation-state and vice versa. While modern law privileges the rational, autonomous individual (for instance, as a contracting party), the nation-state defines and enables legal subjectivity. Neoliberalism and processes of neoliberalisation<sup>4</sup>, moreover, enforce a particular co-dependence of the nation-state and the globalised economic market, a system supported and facilitated by the modern legal system. This system ostensibly provides us, beings, with identity and our participation is valued through economic productivity (output/labour) and consumerism/consumption. Yet the

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<sup>2</sup>S. Marks, ‘False Contingency’ in 62 *Current Legal Problems* 1 (2009) 1-21; E. Dussel, ‘Anti-Cartesian Meditations: On the Origin of the Philosophical Anti-Discourse of Modernity’ 13 *Journal for Culture and Religious Theory* 1 (2014) 11-52.

<sup>3</sup> J.-L. Nancy and A. Barrau, *What’s these worlds coming to?* Fordham University Press 2014.

<sup>4</sup> J. Peck, ‘Explaining (with) Neoliberalism’ 1 *Territory, Politics, Governance* 2 (2013) 132-157.

categories and constructs bolstering the nation-state and law towards the function of a neoliberal economic system prevent us from thinking of what we already have in, and as, originary sociality.

Originary sociality<sup>5</sup> is what is happening in, around, because of and in spite of, predetermined categories. Originary sociality is law creating, as the elemental manifestation of being singular plural. Our being is singular plural.<sup>6</sup> What this means is that we are singular beings in this world only because of and in a plural. In other words, we only ever know ourselves ('I' know 'myself') through the plurality of other singularities. And the plurality of other singularities is not limited to human or animal singularities, but all things. Being singular plural, therefore, identifies being in the world—which is the world *happening*—as the plurality of beings that know their own singularity only because the world exists, *we exist*, in a plurality. Originary sociality is the coming together of beings and it is originary because in every instance of a difference between the singular and the plural (i.e. another singular), the sociality that happens is original; potentially unique each time. The limit of each sociality, moreover, is original to that sociality because it—the coming together of that singular plural—is an originary response to the singular plural. This limit is the need for and the existence of law.

Now, within the term *ecotechnics*, *eco* refers to that which escapes signification; it is the *sense* that circulates as the possibility of sociality. This *eco* is difficult to pin down, and perhaps consequently, receives less attention than *techne*. Of course, it is difficult to discuss 'that which escapes signification'. Nevertheless, chiselling away the constructed-ness of categories founded in modern ego-logics<sup>7</sup> and the neoliberalised nation-state (ostensibly existing in a 'global' market that prescribes value according to capital gain), we open onto *ecotechnics*. Giving weight to *eco* (as in what is our *oikos*: dwelling, ecology), we conceptually depart from the primacy of and obsession with the market economy, ostensibly global and embedded in the nation-state. Paying attention to *eco*, not at the expense of *techne*, reveals a revived, pluriversal (rather than universal) onto-epistemology. Through this *eco*-lens, society, being (working, moving, coming together as singular plural beings), and thus, economy and/as ecology, can be, must be, conceptualised differently.

Thinking of *eco* leads us to question, what is our dwelling, our existence, in plurality? Not in the metaphysical sense, but rather, what is the ecology of our ecotechnical world? This question leads

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<sup>5</sup> J-L. Nancy, *The Inoperative Community*, trans., by Peter Connor ed University of Minnesota Press, 1991, 28.

<sup>6</sup> J-L. Nancy, *Being Singular Plural*, trans., by Robert Richardson and Anne O'Byrne, Stanford University Press, 2000.

<sup>7</sup> W. Mignolo, 'Delinking' 21 *Cultural Studies* 2 (2007) 449 – 514.

us to think, critique and analyse, the nation-state and its modern legal systems not as an institutional regime, but as a form laying claim to home and to a sense of being together. This sense has been technologised as belonging in a nation-state, reinforced through structures and systems of borders and citizenship. Home, deconstructed, brings us to consider what it is that we have in common: indeed, to ‘our’ ecology. The foremost political, economic and social challenges of our present era are the ‘crises’ of labour and migration, but increasingly also ecology and the climate. While it may at first seem tenuous to connect the ecotechnics of labour migration with ecology, if our world is ecotechnical, and our world — as people labouring and moving — is rethought from the very basis of our being singular plural as *eco*, then our world (labour, migration, law included) is our ecology.

Originary sociality does not refer to a chronological ‘origin’ or an original togetherness that can be found in the traditions of a nation. Instead, originary sociality is what is *happening*: the coming together of our bodies as bodies that function, work, create, and reproduce. Law-as-wedded to the nation-state is not a law that responds to sociality since the nation-state is a fallacy built on an attempt to make a foundation for being and identity when no ground exists. Existence, as that which exceeds signification in *techne*, is precisely un-grounded. Therefore, the law-as-wedded to the nation-state could even be considered not as law, but an ideologically specific system of order and control. Or, if considered as law, this law is then only one possibility for law’s existence, among many.

Such a critical perspective on law is not unique. Legal pluralism as well as deeper, creative critical questions exploring law’s multiplicity and pervasiveness have constituted a subfield in critical legal theory and socio-legal studies.<sup>8</sup> While the dominant interpretation of law within classical Anglo-American-European jurisprudence is that law is a system of rules, embedded in the nation-state, the critique of law as quasi-theological<sup>9</sup>, plural and social<sup>10</sup>, or atmospheric<sup>11</sup> continues to challenge traditional jurisprudential thought. Joining authors who push their legal critique to shift onto-epistemological paradigms of thought by engaging interdisciplinary and embodied thought, I remain cautious of what has now become a mainstream ‘critical analyses of law’ and proposals of legal alternatives.<sup>12</sup> Critical analyses of law that ultimately stay within ‘the law’ as a thing, a form to

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<sup>8</sup> See M. Davies, *Law Unlimited*, Routledge, 2017; A. Philippopoulos-Mihalopoulos, *Spatial Justice: Body, Landscape, Atmosphere*, Routledge, 2014.

<sup>9</sup> P. Fitzpatrick, *Law as Resistance: Modernism, Imperialism, Legalism*, Ashgate, 2008.

<sup>10</sup> E. Darian-Smith, *Laws and Societies in Global Contexts: Contemporary Approaches*, Cambridge University Press, 2013.

<sup>11</sup> A. Philippopoulos-Mihalopoulos, 2014.

<sup>12</sup> As opposed to alternative legal thinking, see B. de Sousa Santos, *Epistemologies of the South: Justice against Epistemicide*, Paradigm Publishers, 2014.

be attained or achieved *better*, reaffirm a persistent belief in law's potential and ability to provide resolution: to provide a ground. Especially in migration scholarship that imagines citizenship beyond the nation-state, in other words a world without borders, alternatives intended to transform the international 'global' space and its relationship to migration and labour deemed irregular, can nevertheless reinforce law as a thing that will ultimately 'save' 'us'. As opposed to law being a limit of an originary sociality, manifest within the ecotechnics of being in the world.

This article therefore considers what is prohibiting, or obstructing, openness to *eco*. I do this by interrogating the tenacity of the nation-state as an ideology and as an imagined foundation. My drawing attention to 'eco' is not to deny the technologisation that happens. Existing debates can, however, circulate within the *techne* at the expense of giving attention to the potentiality within the sense of how we dwell (*eco*). Hereafter *eco* is given weight (not form) by being thought of as an openness to originary sociality, a sociality of being singular plural that precedes determination and signification. Focusing on the nexus of ideas of law, ecotechnics (labour, migration, as well as what it means to be in the world, as ostensibly 'global') presents a challenge to the fallacy of the nation as a place of belonging. Protectionist migration discourses and limited employment protection manifest a belief that community, nationhood and citizenship need to be contained and maintained against scarcity.<sup>13</sup> The fear of losing a sense of national identity bolsters normative laws that configure the autonomous, economically active individual as the key constituent of the state. This ultimately encourages the social, political and legal exclusion of those rendered less desirable or less valuable; that is, expendable.

The ecotechnics of migration and labour reveal the circulation of predetermined categories that facilitate capital accumulation built on the differentiation of 'Good' citizens versus 'Failed' or 'not-quite' citizens.<sup>14</sup> Simultaneously globalisation claims totalising identities under the pretence of shared being. Yet this supposed shared being in a 'global' or 'cosmopolitan' conceptualisation has no ground but for a return to, or reaffirmation of, the nation-state. Meanwhile, beings relate as singular plural in excess of all such categories/titles. The *eco* of being, the circulation of sense as the world creating itself, continues no matter what distinctions and exclusions are enforced through terminology.

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<sup>13</sup> see A. Tataryn, *Law, Migration and Precarious Labour: Ecotechnics of the Social*, Routledge, summer 2020; A. Tataryn, 'Reconceptualising Labor Law in an Era of Migration and Precarity' *Law Culture and the Humanities* [Online First] 2016 <https://doi.org/10.1177/1743872116683381>

<sup>14</sup> B. Anderson, *Us & Them: The Dangerous Politics of Immigration Control*, Cambridge University Press, 2013.

The first section of this chapter will look at the nation-state, nationalism and the idea of law. The next section discusses the idea of home as an aspiration of the nation. Following onto the third section, which continues the deconstruction of this aspiration by re-visiting the idea of community or common in sociality, drawing on feminist labour law and ecology scholarship to explore what exceeds being technologised into ‘nation’ or ‘community’. Through rethinking, constant questioning, we open onto an anarchic onto-epistemology, a creative presence, responsive to the singular plural, where singularities are not limited to human, animal or even living beings, but everything that circulates in our ecology that creates world.

## I. THE NATION-STATE AND LAW

The current actions of migration and labour, of people moving across territorial borders and the widespread precarisation of work, unravels the mythologies of a contained nation-state and secure nationhood. In the European Union, European nationalist parties (ironically) share a common goal of protectionism by being ‘anti-immigrant’, manifest as ‘ethnonationalist xenophobia’.<sup>15</sup> The irony of their shared attempts at distinctiveness suggest that they seek consensus within a European nation-state system while explicitly being anti-Union. Leading European right-wing nationalist political parties include: Le Front National - France; UKIP - UK; Lega Nord - Italy; Fidesz-Christian Democratic Party - Hungary; Vox - Spain; Freedom Party of Austria; Law and Justice – Poland; Progress Party – Norway. Reinforcing ethnonationalist identities, as opposed to civic nationalism<sup>16</sup>, these parties together rally against a ‘migrant’ threat. More particularly, they protest the spectre of Islam ostensibly challenging an archaic idea of pure European Christianity, otherwise assumed to be pure Europeanness.<sup>17</sup> But what are these political parties, and the movements supporting them, protecting? Nationalist protectionism in the 21st century does not secure a country’s economic success and growth: migrant labour is vital for ‘domestic’ economies to thrive in the 21<sup>st</sup> century globalised financial economic system. Rhetorically boasting of restoring an authentic, ethnic community in the face of resented institutional (liberal, bureaucratic, secular) elitism, European nationalist political parties’ champion nostalgic myths of ethnicity and illusions of racial and religious homogeneity.<sup>18</sup> Yet the European project itself, as currently manifest in the European Union, builds upon historically intertwined nationalities and diverse, intermixed, peoples on the territory of Europe. Thus, the perceived

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<sup>15</sup> J. Rydgren ed., *The Oxford Handbook of the Radical Right*, Oxford University Press, 2018, 2.

<sup>16</sup> T. Bar-On in J. Rydgren 2018, 22.

<sup>17</sup> A. Kallis in J. Rydgren 2018, 44.

<sup>18</sup> P. Gilroy, ‘Agonistic Belonging: The Banality of Good, the “Alt Right” and the Need for Sympathy’ 3 *Open Cultural Studies* 1 (2019), 1-14; J. Rydgren 2018, 1.

current crisis facing European countries—international migration threatening national integrity, including job security—can only garner incongruent responses.<sup>19</sup> The rallying of nationalist fervour is furthermore troubling where nationalist parties simultaneously cut social services and state support by waging war on bureaucracy (‘political establishment’) and the institutional, liberal democratic process, with a disregard for both citizen and non-citizen populations.<sup>20</sup>

The emotionally charged political performances proclaiming national identity consequently reaffirm the only ‘ground’ epistemically available: the nation. The fallacy of the nation as a site of a ‘common’ to be reinforced against ‘migrants’ emboldens political actors and their supporters to oppose persons considered ‘irregular’ or foreign. The emotion that fuels the idea of distinct nationhood springs from a need that is more intrinsic than the desire for a homogeneous community. This passion interwoven with anti-globalisation sentiment harkens back to a mythical, pure state of being through genuine (ethnic, origin-based) belonging. Meanwhile, the 21<sup>st</sup> century nation-state is a cyclical ideology that promises such belonging while demanding fragmentation, individualism and atomised identity to pursue the accumulation of capital for the sake of the nation, even though capital exceeds the nation.<sup>21</sup> Within this complex system, the nation-state ideal, offered as the normal, natural and solitary possibility, fictitiously binds beings into a fallacy of belonging and collectivity, as if claiming a home—a proper space of belonging—were possible. Where capitalism is without ground and the ‘global’ is nonsensical, or at least difficult to comprehend, retreating to familiar categories and identities reaffirms a fantastical foundation. Thus, ethnonationalism’s appeal to a pure belonging in nation, culture and identity has found currency in the 21<sup>st</sup> century. The familiar enemy in the ‘migrant’, in particular where this migrant body is black and Muslim, have historically threatened an ostensibly Christian Europe.<sup>22</sup> Rhetorically aspiring towards reclaiming ‘nation’ as a secure, predictable, known, home offers a ground for, and resolution to, the precarity people are experiencing.

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<sup>19</sup> Is it the idea of a white, Christian Europe they are ‘saving’? Is it distinct nationalities: Italy for Italians, Austria for Austrians, Finland for the Finns, Britain for Brits? Who are these true patriots when Italy has only existed as a nation since 1861, Austria emphasises German language skills as a prerequisite to state support, ethnic Finnish settlements extend across northern Russia, and the decedents of true Britons can only be found in Wales, Cornwall and Brittany (France)?

<sup>20</sup> I. Krastev, *After Europe*, University of Pennsylvania Press, 2017.

<sup>21</sup> Capital exceeds the nation through processes of neoliberalisation see J. Peck, ‘Explaining (with) Neoliberalism’ 1 *Territory, Politics, Governance* 2 (2013) 132-157; J. Peck and N. Theodore, ‘Still Neoliberalism?’ 118 *The South Atlantic Quarterly* 2 (2019) 245-265.

<sup>22</sup> N. DeGenova, ‘The “migrant crisis” as racial crisis: do Black Lives Matter in Europe?’ 41 *Ethnic and Racial Studies* 10 (2018) 1765-1782; A. Kallis, ‘The Radical Right and Islamophobia’ in *The Oxford Handbook of the Radical Right*, J. Rydgren ed., 44-46 Oxford University Press, 2018.

Capital circulation benefits from, and is sustained by, the suspended, or limited, subjectivity of labourers: cheap, deregulated, precarious labour. Ironically, these are the very bodies nationalism ostensibly protects itself against. While the 'nation' proclaims inclusive belonging for citizens, its viability in globalised economic markets is contingent on the fragmentation of the persons physically present, albeit included as excluded. Normative legal categories embedded in the nation-state threaten failure for anyone who slips out of line.<sup>23</sup> Furthermore, a globalised world is, essentially, 'anti-world' rendering any opening (*eco*) as an opening onto a marketplace, immediately already technologised (*techne*) as capital accumulation. Indeed, global capital circulation navigates the nation-state, but on a larger scale with access to a larger supply of 'irregular' labourers in suspended subjectivity.<sup>24</sup> Meanwhile, 'migrant' 'irregular' bodies give nationalist movements a figure to demonise and exclude, while bolstering the imagined gravity<sup>25</sup> or 'heft'<sup>26</sup> of citizenship. These migration discourses, and the panic they conjure, obscure the mechanisms of capital that condition exploitation, social fragmentation and ecological destruction for all beings, no matter who is considered a citizen and who is considered a foreigner.

Thus, while the aspirations of the nation that are manifest through populist nationalist movements can appear to be incongruent with the aspirations of global capital through neoliberalisation, the differentiation reinforced by ethno-nationalism ensures a supply of precarious, irregular labour. Cheap labour garnered from workers 'willing to work for less', classically 'migrant' workers, supports a downward pressure on wages that benefits short-term capital accumulation, on a 'global' scale. This is a labour supply that, by their exclusion from the nation either in legal status or exclusion from the 'community of value'<sup>27</sup> are not deemed worthy of protection. Hence, their labour remains cheap and exploitable. Labour needs to be irregular in order to be cheap, thus nationalism's selective recognition, or privilege, coexists with and indeed facilitates neoliberalism's pursuit of cheaper, deregulated work.

The radicalisation and mobilisation of ethnonationalism in Europe, and around the world, is all the more complicit with the globalisation of finance and commodities (global economic market) when we consider how labour migration within Europe, and beyond, is not a new phenomenon.

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<sup>23</sup> B. Anderson, 2013.

<sup>24</sup> P. Cheah, 'The Untimely Secret of Democracy' in *Derrida and the Time of the Political*, P. Cheah and S. Gerlac eds, 74-96, Duke University Press, 2009, 90.

<sup>25</sup> P. Fitzpatrick 2008, 71.

<sup>26</sup> A. Macklin, 'Who Is the Citizen's Other? Considering the Heft of Citizenship' 8 *Theoretical Inquires in Law* 2 (2007).

<sup>27</sup> B. Anderson 2013.

To take the example of the United Kingdom (UK), since the 15<sup>th</sup> and 16<sup>th</sup> century peasant populations were contained through ‘compulsory service’ and vagrancy laws that controlled migration. Migration was caused by dislocated due to changes in land ownership through processes of land-grabbing and enclosures.<sup>28</sup> Colonial expansion gathered labourers, acquired land and set about ‘civilising’ and ‘modernising’ peasant populations. The labour migration that took place internationally (i.e. away from Europe) was the movement of settlers, colonisers, slaves for cheap manual labour, and the expansion of colonial authority via governance by landowners and representatives of colonial governments.<sup>29</sup> Beginning in the 16<sup>th</sup> century, and continuing well into 19<sup>th</sup> century, rural to urban labour migration and industrialisation shaped the regulation of movement and mobility within and across territories. The technology of work in expanding urban settlements was furthermore enabled by colonial expansion and imperialism, resource extraction and the concentration, or centralisation, of labour.

Leaping to the 20<sup>th</sup> century, labour migration particularly in Europe and North America, was characterised by persons fleeing violence (war) as well as responding to the need for cheap labour to rebuild post-war economies. Post war re-industrialisation depended on labour, while the consolidation of nation-states was needed to maintain control over populations and borders to reinforce the authoritative power of the nation-state within the ‘international’.<sup>30</sup> A double movement reinforced the nation-state and bounded citizenship to facilitate a social welfare state at the same time that post-war dislocation meant that people were not only in motion (refugees, displaced persons) but in demand as post-war labourers. Moreover, post-colonial movements in former European colonies facilitated more migration within the Commonwealth, for example, for labour, education and resettlement opportunities. The Windrush Generation in the UK is an example of this migration.<sup>31</sup> In the 21<sup>st</sup> century, violence again has caused profound international displacement as people flee war, poverty, deforestation, desertification and a lack of possibilities to secure their livelihoods. Environmental disasters and climate changes have further compelled people to flee to other territories and countries, where fires, rising sea levels, tsunamis, hurricanes, earthquakes and volcanoes have made their homes inhabitable. This migration conflicts with the protectionist impulse to keep populations bounded, such that only citizens (nationals) have access to a nation-state and thereby the laws, jobs and, in cases where such a system exists, social welfare

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<sup>28</sup> B. Anderson 2013, 15, 23.

<sup>29</sup> P. Gilroy, ‘Agonistic Belonging: The Banality of Good, the “Alt Right” and the Need for Sympathy’ 3 *Open Cultural Studies* 1 (2019) 1-14; P. Gilroy, *After Empire: melancholia or convivial culture?* Routledge 2004.

<sup>30</sup> See S. Sassen, *Territory, Authority, Rights*, Princeton University Press, 2008, 15, 138.

<sup>31</sup> S. Hall, ‘The Windrush Issue, postscript’ *Soundings* 10 (1998) 188-191.

protection of the state. While it may seem that nationalism and xenophobia contradict a continuing demand for cheap labour, increasingly the technologisation of goods and services allows for cheap labour to be found ‘off-shore’, outsourced from the workers who are recognised as having a physical presence in the nation-state.<sup>32</sup> Political and media discourses focus on anti-immigration movements, migration pressures and/or the need to open borders for humanitarian reasons. Cheap labour, however, is made invisible, both through technological means (internet communication and mobility) and disenfranchised local populations whose labour is made, and kept, invisible.<sup>33</sup>

The presence of people, beings and bodies, working and moving, across and against the confines of the nation-state and legal categories is ecotechnical. Yet the nation-state organising people coming together, moreover the nation-state understood through classical notions of *demos* and *polis*, is not originary sociality in the way that is manifest as ecotechnical. There is no creativity where belonging is predetermined within an imagined, albeit carefully controlled and constructed, state. In spite of the artificial construction of borders and territory (not naturally occurring), immigration laws and policies, employment law, social welfare regulations and criminalisation of poverty are examples of the very real control that is exercised by governments onto the people—their lives and bodies—within a designated territory. Nevertheless, the circulation of sense happens in spite of the market, formal citizenship and legal (state) recognition. In short, sociality happens in spite of, not because of, the nation-state and its borders, laws and designations. Understanding ecotechnics starts from ‘everydayness’ instead of abstract thought.<sup>34</sup>

## II. ECO-NOMOS, DEFAMILIARISED

The nation-state and its legal system do not form the ‘eco’ of ecotechnics. But vitally, eco is not a ‘thing’ that can ‘be’ formed. While eco is the home and belonging that the nation-state lays claim to and law ostensibly arbitrates (eco-nomos), eco always escapes techne by ‘render[ing] inoperative every appeal to an authentic original togetherness’.<sup>35</sup> Ecotechnics exposes the awkward and insufficient techne of a normative ‘return’ to the ‘proper’, as in the nation-state through citizenship and national belonging. Such a normative return, as if circulation had a starting or end point, has

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<sup>32</sup> Notwithstanding the non-recognition of those out-sourced into grey areas and shadow economies within the same territory or nation-state, see M. Gray and S. Suri, *Ghost Work: How to stop Silicon Valley from building a new global underclass*, Houghton Mifflin Harcourt, 2019.

<sup>33</sup> M. Gray and S. Suri 2019; A. Tataryn 2020.

<sup>34</sup> I. Devisch, *Jean-Luc Nancy and the Question of Community*, Bloomsbury, 2013, 116.

<sup>35</sup> I. Devisch 2013, 116.

been explored by Berlant as a cruel optimism.<sup>36</sup> Indeed, the hope that order will be restored for a ‘citizen’, or if a non-citizen ‘irregular’ migrant gains legal status, is doomed to disappoint. Ecotechnics reveals that there is no restoration possible, only creation from the singular plural. Thus, ecotechnics discloses an ‘ecology of unhomeliness’.<sup>37</sup> The fallacy of the nation, together with its embeddedness with neoliberalisation and capital progress, is exposed when we observe beings together in the world, as the world. The *unhomeliness* does not aim to align us to a pure nature; the purity imagined by Enlightenment thinkers (foremost, Immanuel Kant) does not exist, neither in modernity nor in nature. Ecology is messy and disorderly, as is life. Unaligned, chaotic, transgressive: this is the *economos*, law of dwelling, law of home.

*Eco-nomics* originally refers to the regulation, or logic, of the ‘home’: *eco* - the environment or the household (*οικος*) and *nomos* - law (*νόμος*, *nómos*). The law of the environment was narrowed to a focus on the household, and private ownership of the home, which was fundamental to the structure of society resting on a patriarchal family structure. The household was the foundation enabling the man—the original ‘good’ citizen—to participate in the public sphere (the *polis*). Women, children, domestic workers, slaves, in contrast, were contained in the so-called private space of the home, where the foundation of eco-nomos was established and nurtured, but denigrated. Thus, eco-nomics, on the one hand, harkens back to the traditional racialised and gendered structure where the citizen emerged from the private to the public, and *his* economic activity upheld both the home and the public, i.e. the state. On the other hand, economics, the logic of a household, does not necessarily need to reaffirm the singular, historically specific interpretation of the household. The ‘household’ and the ‘home’ could be the basic relation of the singular plural, embracing ‘continuous material and conceptual movement’.<sup>38</sup> Economic understanding could be pluriversal.

Redefining eco-nomos entails uprooting the concept of eco- from the ideologically weighted, historically specific contingency of the household, property and -nomos. Eco must be unhinged from the nation-state, citizenship and modernity’s embedded assumptions about home. Eco- as a household of ecology (home-as-homelessness) and nomos as originary sociality would posit household as a shared space, bounded by an ethical relationality to the singular plural beings that rely not only on each other (*nomos*) but on the environment and ecology of life (*eco*). This

<sup>36</sup> D. Olusoga, ‘The cult of optimism got us into this mess. It’s time to embrace pessimism’ *The Guardian* 14 July 2019 <https://www.theguardian.com/commentisfree/>; L. Berlant, *Cruel Optimism*, Duke University Press, 2011.

<sup>37</sup> A. Philippopoulos-Mihalopoulos ed., *Law and Ecology: New Environmental Foundations*, Routledge, 2011, 7.

<sup>38</sup> A. Philippopoulos-Mihalopoulos 2011, 2.

relationality is ‘continuous material and conceptual movement.’ Eco-nomos, uprooted from the predominant (neo)liberal market ideology upholding our onto-epistemological structures of law and economics, maintains and sustains not only human, animal relationship, but that within nature, ecosystems and biodiversity: all beings singular plural.

Eco-technics, when considered through attention to bodily materiality in a groundless home, renders not the body of the stranger (the ‘migrant’) as the intrusion, but the ecotechnical nature of capital, embodied in the economic market, intrudes, as capital alone comes into relief as the stranger inside. The market model and processes of neoliberalisation capitalise, commodify, bodies producing and reproducing. Categories that claim to frame being (i.e. identity) attempt to seize ‘eco’ but of course, fail to ever capture existence. Moreover, the frame is determined by the dominance of those whose personhood is inscribed in modernity’s image of the citizen subject and claim authorship over a universal, ‘global’, sphere. Because the neoliberalising market prioritises capital and economic growth, embedded in the state, it sets free eco-*sociality* and abandons us (being) to the incommensurable. Abandoned to groundlessness we are not without relationship, but we are abandoned to embrace the strange/r as our homeless being (singular plural), in other words, all that we are.

The ostensibly most familiar subject, the Good Citizen, is intrinsically unknown. For who is the Good Citizen? Where is s/he? Strangely, in spite of seemingly setting the goal for all others, how does this Good Citizen maintain the global economic system, save occupying a hegemonic position over the subjectivity of all others who are not-quite-Citizen? These questions unsettle the fantasy of citizenship. Thinking the ‘eco’ activates what critical theorist Rosi Braidotti has termed *defamiliarization*.<sup>39</sup> A foreigner is an intruder imposing on hospitality and the nation-state, who acts to defamiliarise the rights-bearing, autonomous individual citizen-subject. The intruder, for instance the irregular migrant labourer, disrupts the notion that ‘I’ am the realisation of ‘my’ own self, in the stability of a fixed home-space where ‘I’ belong: be it home as private property, owned and inhabited, or a domestic national market economy. In either case, the home has within it, intrinsic to itself (in stereotypical assumptions), the disruptive ‘working’ woman and the disruptive ‘settled’ migrant. Far from being a settled, stable space, the home as a space for the ‘I’ is nothing but a site of technologies that can be replaced, operated on, and fixed in order to prolong ‘my’ life. For the person considered ‘migrant’, the nation-state promises a home to those who participate as Good Citizens, that is, participate in the neoliberal economic system in ‘high valued’ work. In

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<sup>39</sup> R. Braidotti, *The Posthuman*, Polity Press 2013.

practice, the market system is a technique of production and reproduction where neoliberalisation engulfs the work of bodies into an insatiable capitalist system. Even the Good Citizen can be ‘irregular’ in the market. A shifted focus on irregular migration and labour highlights the limit of legal recognition and subjectivity in and of itself. Home is nothing but a confrontation with homelessness, with precarity and groundlessness. For this reason, sociability and the relation that occurs at the level of the encounter of plurality of singular beings *is* originary, disruptive and intrusive every time.

### III. TERMS OF LAW AND TOGETHERNESS

As suggested above, originary sociality can be seen as being the reason for, and limit of, law. Such a theorisation of law resists the governance power of predetermined programmes and categories because it enables thinking to give credence to the material possibility of our being ‘with’. Here, relationality is key. The relationship that we, as beings, have with each other before determination or signification is what forms the element of sociality and society. The coming together of persons has also been extensively discussed in terms of community. Nancy explored the coming together of persons as unravelling pre-determined, programme-oriented categories and frameworks through material lived experience.<sup>40</sup> Community re-thought in this way was intended to resist determination; coming together cannot be accounted for within common signification.<sup>41</sup> Community as unravelling, or inoperative (*désœuvrement*), provides an antidote to calls for ‘authentic community’ (i.e. belonging in the nation) that enforce boundaries of inclusion and exclusion, ignoring the movement and happening of sociality. Inoperative, unravelling, community, therefore, is neither a bond nor a production of unity, but is the ‘condition of our existence.’<sup>42</sup>

Invoking words such as community, sense and creation has been discredited as harkening to a transcendent form and thereby undermining the deconstructive process.<sup>43</sup> As an additional concern, neoliberal society has a tendency to ‘immediately ruin whatever new chances a renewal of the concept of community could provide to our political discourse today’.<sup>44</sup> Accordingly, ‘the theme of ‘community’ now run[s] the risk of becoming, yet again, ‘excessive’ and ‘inappropriate’

<sup>40</sup> J-L. Nancy, 1991.

<sup>41</sup> T. May, *Reconsidering Difference: Nancy, Derrida, Levinas, and Deleuze*, Pennsylvania State University Press 1997, 31.

<sup>42</sup> I. Devisch 2013, 30. Community, ‘being with’ or the ‘being together’ is elemental to the ethical-political stakes of deconstruction (I. Devisch, 22). For Nancy, the bodily, present and material singular plural being-in-common *is*. We are always in relation within the world where a being is not total onto itself (Nancy 2000, 48).

<sup>43</sup> I. James ‘Differing on Difference’ in *Nancy Now*, V. Conely and I. Goh eds, 110-126, Polity Press, 2014, 125.

<sup>44</sup> G. Lambert, ‘‘Literary Communism’’ in *Nancy Now*, V. Conley and I. Goh eds, 37-58, Polity Press, 2014, 57.

as a philosopheme or as an element in our current political discourse'.<sup>45</sup> Since the early 1990s, with the fall of the Soviet Union, objections to conventional uses of the term community, where 'community' is used to describe a collective of individuals that *should* be formed, have been discussed and debated.<sup>46</sup> The constructive definition of community is one where people are made to fit and conform to a group. Such an approach underlies nationalism and citizenship, where people are expected to conform to the community as either excluded or included and are subjected to a self-affirming totality. This totality identifies its members according to an overarching governance programme (nationalism) that envisions a particular form for individuals in-common. Such an enforced collective can, in the extreme, result in the uniformity and repression of difference experienced in totalitarian regimes. In ostensibly more benign or democratic contexts, the identifying members in a collective similarly enact violence through enforcing hierarchies and selective exclusions—based on citizenship as belonging, for example. As a result, such communities—of the 'nation' and of 'value'—are not open to the material presence (action, labour) of all persons, nor to the relationships happening to sustain or maintain life.

Yet to be in common is elemental to relationship. It is the happening of the singular plural. Feminist, decolonial and ecological writing mobilises discussions of relationality towards a relational-ontology: lived, experienced, socially-environmentally dynamic ethical being. Braidotti writes of 'ethics of affirmation' as an 'eco-philosophy of multiple belongings for subjects constituted in and by multiplicity'.<sup>47</sup> While the terminology and entry into discussing ethics is different from my approach through ecotechnics, Braidotti is similarly concerned with that which is experienced together, in an affirmative (another word for 'productive' without the connotations of market productivity and quantification) ecology of experience (i.e. what is happening). Her approach to critical theory affirms a non-essential vitalism concerning multiple ecologies of belonging, similar to being singular plural.

Importantly, Braidotti's explication of the PostHuman, and its redefinition of critical thought, projects an aspirational affirmative community: 'combining ethical values with the well-being of an enlarged sense of community'.<sup>48</sup> Unlike the inoperativity and originary possibility of 'eco', experienced each and every time in the singular plural, Braidotti prescribes an ideal form for the

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<sup>45</sup> G. Lambert 2014, 57.

<sup>46</sup> Community, when used in discussions of social or legal phenomena, is a term used to represent communitarian and socially prescriptive ideologies. For a discussion of communitarianism versus liberalism, particularism versus universalism: I. Devisch 2013, 11.

<sup>47</sup> R. Braidotti 2013, 144.

<sup>48</sup> R. Braidotti 2013, 190.

future: a *better* affirmative future in ethical community. While I do not discredit this as an important project in its pursuit of a different way of being/relating, ecotechnics does not proffer an alternative form to which we can aspire. Ecotechnics has only the irrefutable present, happening. Thus, any suggestion stemming from ecotechnics concerns our onto-epistemological perspective: modes of thought concerning our being singular plural and from this, the world. Ecotechnical being is not in itself a self-fulfilling entity. Rather this term, with my approach, tries to access being singular plural as that which is happening in circulation with *techne* (capital) and ecologies of belonging and becoming. Being is paradoxically within itself as a singular being yet opposed to the individuality of being that denies interdependence with a plurality of other beings. In other words, this being is what other theorists have identified as an ongoing condition of life where the experience of becoming is an actual praxis, embodied and embedded but ‘firmly located somewhere according to the radical immanence of the politics of location.’<sup>49</sup> Being is relational, through and through.

Within this relationality a dwelling is *happening*: *eco*. Therefore, the law of the home is uncanny, unhomely or homeless, insofar as it is tracing (in motion) the limit of our being in relation (singular plural) with the entirety of socio-ecology that sustains and maintains where we, beings, dwell. Ecology, economy and ecotechne share dwelling – *oikos* – where ecology nurtures possibility and economy determines dwelling. Eco-*techne* involves ‘world creation’ as the totality of resonance in lived experience in the circulation of sense. This world creation is happening whether we pay attention to it or not. Yet to pay attention to ecology and environmental change (i.e. crisis) is to pay attention to the crisis of our sociality. Thus, to draw out *eco*- in ecotechnic undermines formed, defined categories in law and nationhood. Ecotechne is therefore not democratisation or counter-cultural organisation because it is not about adhering to, or using, the institutions of politics and government either to join or oppose. Equally, the *eco* is not ecological conservationism. Conserving an ecology ‘out there’ or an environment ‘there’ suggests that we are external to ecological circulation, able to protect ‘it’ as if it were distinct from ‘us’. But the being singular plural is everything, including and not limited to, nature.

The politics of ecotechnics are radically different from politics understood as ‘management of production, exchange and growth’.<sup>50</sup> Ecotechnics de-familiarises the normative vision of self and others. The defamiliarisation works to shatter ‘the flat repetition of the protocols of institutional

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<sup>49</sup> R. Braidotti 2013, 188.

<sup>50</sup> M-E. Morin, *Jean-Luc Nancy*, Polity Press, 2012, 104.

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reason<sup>51</sup>, where ‘institutional reason’ is what conditions exclusive categories of belonging and filters experiences of precarious work through discourses of migration. Institutional reason relegates individuals into an ambiguous category of ‘migrant’ that functions in support of a neoliberal market economic model. According to the dominant model, guided by this institutional reason, capitalism—capital accumulation and economic growth—is proliferated through its power to define value. Value is understood as proliferating an infinity of ends (i.e. accumulation). Accordingly, the end to be reached is an endless increase imagined through uninhibited market growth. Economic growth of this kind, and the economic market model, espouses capital as the end in and of itself. As such, capital is reinforced as if it were the only way to participate in the economy. Yet economy (not *the* economy) can be much more than capital accumulation.

Rethinking work and movement (citizenship) from ‘the law of the home’ or *eco-nomos* involves disentangl[ing] labour from the ‘legal conception of work’.<sup>52</sup> According to Routh, this means recognising the socio-ecological context of work. Currently, labour law functions within a system that understands work as a ‘market-based exchange relationship aimed at economic productivity’<sup>53</sup>, or, a ‘private market productivity framework’.<sup>54</sup> However work can be equally understood for its activity that is part of the ecology sustaining human life and nonhuman nature; human labour contributes to the ecological circulation of the world. Zbyszewska calls this the ‘socio-ecological scope for labour law’.<sup>55</sup> As the law of the home, economy surpasses discussions of work and labour within a capitalist market economy. The ‘home’, deconstructed as a home-as-unhomeliness, leads us to question (as many feminist scholars have argued for years<sup>56</sup>): what is valued? How do ‘we’ attribute and assign value? In order for labour to be disentangled from its legal conception, what ‘we’ value must be carefully interrogated.

Over 20 years ago, Fredman argued that an ‘ethic of responsibility’ was needed to change the way law and economy privilege male workers (and their jobs) over traditionally ‘women’s work’ and

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<sup>51</sup> R. Braidotti 2013, 169.

<sup>52</sup> S. Routh, ‘Embedding Work in Nature: the Anthropocene and Legal Imagination of Work as Human Activity’ 40 *Comparative Labor Law & Policy Journal* 1 (2018) 29-60, 31; A. Supiot ‘Perspectives on work: Introduction’ 135 *International Labour Review* 603 (1996), 605.

<sup>53</sup> S. Routh 2018, 31.

<sup>54</sup> S. Routh 2018, 32.

<sup>55</sup> A. Zbyszewska, ‘Labor law for a warming world? Exploring the intersections of work regulation and environmental sustainability: an introduction’ 40 *Comparative Labor Law and Policy Journal* 12018, 11.

<sup>56</sup> see A. Picchio, *Social Reproduction: The Political Economy of The Labour Market*, Cambridge University Press 1992; J.K. Gibson-Graham, 1996, *The End of Capitalism (As We Knew It): A Feminist Critique of Political Economy*, Blackwell, 1996; A. Sallah ed, *Eco-Sufficiency and Global Justice: Women Write Political Ecology*, Pluto Press, 2009; S. Federici, *Revolution at Point Zero*, PM Press, 2012.

women's labour.<sup>57</sup> An ethic of responsibility, however, will never circulate within a system that aspires towards progress, capital accumulation and market growth. Substituting women's labour into the market economic system, i.e. commodifying domestic work and care work, will not cause this work to be equally valued or of market worth to traditional, ego-logical, productivity-based labour. In fact, rather than care work increasing in value, other traditional labour sectors have become increasingly precarious and de-valued instead, as for example, skills-based trades, acquired through apprenticeships and long-term relationships of knowledge exchange and learning.<sup>58</sup> The systemic logic of capitalism (primitive accumulation) has reinforced difference through gender oppression, environmental destruction and colonial (racial, ethnic) violence.<sup>59</sup> As Mies emphasises, capitalist exploitation of waged labour is the tip of the iceberg. The iceberg for Mies is women's unpaid work, reproduction, 'work in the colonies' and resource extraction from the earth: labour and *being* that cannot be fully incorporated into the capital circulation of the market because it cannot be fully calculated. Their non-incorporation is why they continue to be undervalued.<sup>60</sup> Salleh elaborates, 'what is rarely understood, even by thinking people, is how the entire edifice of international capital ultimately rests on the material regeneration of global thermodynamic cycles by reproductive labour power. Child-care, elder care, forest nurture—by such functions, housewives or indigenes catalyse not exchange value, not use value, but a "metabolic value form" that flows into and sustains the essential bio-infrastructure of the capitalist system.'<sup>61</sup>

In the 1970s, the 'Wages for Housework' campaign (1972), sought to illustrate the 'immense amount of unpaid labor' that although 'not built exclusively or primarily on contractual relations' has been obscured by the focus on the wage relation in labour/employment law, policies and labour movements. Federici illuminated how 'the wage relation hides the unpaid, slave-like nature of so much of the work upon which capital accumulation is premised'.<sup>62</sup> By demanding wages and attributing monetary value to housework, the Wages for Housework campaign sought to speak the language of capitalism back to capitalism. This is not dissimilar to the economic argument against climate change, which demonstrates the economic costs and losses incurred by climate

<sup>57</sup> S. Fredman, *Women and the Law*, Oxford University Press, 1998.

<sup>58</sup> G. Standing, *The Precariat: The New Dangerous Class*, Bloomsbury, 2011.

<sup>59</sup> J. Oksala, 'Feminism, Capitalism, and Ecology' 33 *Hyperia* (2018) 216-234. 220.

<sup>60</sup> J. Oksala 2018, 230; M. Mies, *Patriarchy and Accumulation on a World Scale: women in the international division of labour*, 3rd ed, Zed Books 2014.

<sup>61</sup> A. Salleh, 'Planetizing the Labor Movement' *Great Transition Initiative* (2019) <https://www.greattransition.org/roundtable/workers-world-ariel-salleh>

<sup>62</sup> S. Federici, *Precarious Labor: A Feminist Viewpoint* (2008) <http://inthemiddleofthewhirlwind.wordpress.com/precarious-labor-a-feminist-viewpoint/>

change.<sup>63</sup> However, Federici herself acknowledges that ‘there are serious limits to the extent to which reproductive work can be reduced or reorganised on a market basis.’<sup>64</sup> Similarly, there are serious limitations to the extent to which ecology and the environment can be reduced to market, and entirely anthropocentric, calculations. Tactics of commodifying care, environment and ecology are an attempt to fit the ‘sense’ that is within these experiences and existence into a pre-existing form. A form that, by its very nature of technologising being into capital, excludes and undercuts the value of unwaged labour or ecological stewardship, including elements such as care, kindness and generosity.

#### IV. CONCLUSION

The Enlightenment roots of modern liberal thought and modern law attempted to make nature calculable, a ‘calculable technics’.<sup>65</sup> Thus, it is no surprise that an anthropocentric view of nature and climate crisis looks for human solutions to remedy human-made problems within an epistemology where the market economic system is assumed to be natural and thus the solution to any problem. The ‘assumption of the naturalness of markets is crucial to the insistence that There is No Alternative’.<sup>66</sup> The notion that there is no alternative to the market, and thus to the status quo, shares similarities not only with gender and women’s work, but more broadly with law’s incommensurability. That the law does not hold the ground that we expect it is hidden by a systematic, institutionalised and epistemologically-affirmed insistence that law ‘is’ something. Our environment and ecological circulation are likewise incommensurable; ‘it’ (eco – ecology, environment) does not exist somewhere. Any attempts to ‘save the environment’ already miss the point, and confuse the relationship between human and beings: ‘can we condemn anthropocentrism and human exceptionalism on the one hand—the human is the ultimate culprit—while embracing and reaffirming these centrisms with the other—the human is the only one who can save the day?’<sup>67</sup> By attending to ecology and ‘eco’, we cannot ‘restore a lost purity’.<sup>68</sup> The idea of purity in ego-logical modern epistemology technologises rather than releases sense.

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<sup>63</sup> S. Routh 2018, 38.

<sup>64</sup> Federici 2008, 110.

<sup>65</sup> M. Fritsch et al., *Eco-Deconstruction: Derrida and Environmental Philosophy*, Fordham University Press 2018, 262.

<sup>66</sup> D. Massey ‘After neoliberalism? Introduction to the Kilburn Manifesto’ *Open Democracy UK* 21 June 2013 <https://www.opendemocracy.net/en/opendemocracyuk/after-neoliberalism-introduction-to-kilburn-manifesto/2013>, 16.

<sup>67</sup> Kirby in M. Fritsch et al, 2018, 134-5.

<sup>68</sup> M. Fritsch et al 2018, 13.

Instead, ecology is a ‘bundling of forces and appearances with neither beginning nor end—an enfolding genesis where in every ending is an inventive reiteration, a beginning’.<sup>69</sup> Beings are not external to ecology: our sense is the only sense of the world and its ecosystem. But this sense is incommensurable, disruptive and relational. As ecotechnics illuminates, the relation within the world of ecology is a relation of interruption: the eco interrupts, disrupts and transgresses techne. By paying attention to sense, rather than the technologised action of ‘saving’ or ‘preserving’ which aspires to a purity found in something or some form, our relationship to environment becomes one that nurtures the singular plural, as ecology itself. The ecotechne of sense cannot but create a relationality, a sociality, where ecological environment is life and being. Following from this, I suggest that any ‘ethic of responsibility’, like relational ethics, can only function with a recognition of ecotechnics. With recognition of the sense that exceeds technological seizure and capital but circulates as the dwelling for all beings, singular plural still exists within techne. The techne is undeniable, but not total. Neither is the eco total. The ethical condition is precisely this alterity, which is an interruption of any narrative of totality or completion.<sup>70</sup> Modernity’s claim and stronghold rests on the idea that modern myths—law, nation-state, the autonomous individual—have the power to gain control and contain freedom, nature and truth. For instance, the human stepping in in the absence of divinity.<sup>71</sup> If, as I am exploring here, we instead are doing the opposite of containing, in other words are abandoned (groundless) to freedom<sup>72</sup>, then this eco, or ecology, that we open onto can only bring disorder<sup>73</sup> to the current standard of modern thinking and law. In Marder’s words, ecology is the ‘harbinger of crisis’ for the dominant modern onto-epistemology.

Crisis evokes negativity; it is bad, undesirable and immanent: the migration crisis, the labour/employment crisis, the environmental crisis.<sup>74</sup> But these ‘crises’, while irrefutably shedding light on suffering, and physical as well as normative violence<sup>75</sup>, also force us to consider what is valued. These crises force us to ask, ‘what is the life worth living?’<sup>76</sup> The ‘phantasm of the world’s destruction [ecological, nuclear war] serves precisely to bolster a pretense of a common and shared world [*nation*]<sup>77</sup>, reinforcing the ‘ground’ or ‘home’ of the nation-state and citizenship. Released

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<sup>69</sup> Kirby in M. Fritsch et al 2018, 129.

<sup>70</sup> Lynes in M. Fritsch et al 2018, 115.

<sup>71</sup> see B. Latour, *We Have Never Been Modern*, Simon and Schuster, 1991, 41.

<sup>72</sup> J-L. Nancy, *The Experience of Freedom*, trans., B. McDonald, Stanford University Press, 1993, 37.

<sup>73</sup> Marder in M. Fritsch et al 2018, 142.

<sup>74</sup> It should not be surprising then, that any radical attempt to deal with the ecological crisis is condemned as inevitably leading to economic disaster.

<sup>75</sup> see Oskala 2018, 219.

<sup>76</sup> A. Kothari et al, *Pluriverse: A Post-Development Dictionary*, Tulika Books, 2018, xxviii.

<sup>77</sup> Wood in M. Fritsch 2018, 55.

from yearning for this as a possible resolution to crisis (as if resolution, or restoration, were ever possible), we have a response-ability or an ability to respond. This response-ability is not to constructs and categories, but to the being singular plural: present, living, experience.<sup>78</sup> It is a response-ability that is ‘as empty as it is absolute’.<sup>79</sup> While the barrage of information through media highlighting political, migration and ecological crisis has an ‘anesthetising effect’ that, through techne, diverts questions of responsibility<sup>80</sup>, the eco brings us back to basics. What are we able to respond to? What do we value? What are ‘we’? Abandoned, as we are in an ecosociality that offers no ground and no fixed home, we can only respond to the plural that is how, why, we *are* being.

The nation-state offers a ground for identity, belonging and notions, sentiments, of home. However, the idea that there is security or stability through citizenship in a nation-state is challenged by practices of law, privilege and power, whereby legally recognised citizens can easily slip into categories of sub-citizenship, precarity and insecurity. The practice of law as both juridical and existential further demonstrates the lack of stability, order and consistency in law, ostensibly a foundation for order and social organisation.<sup>81</sup> The nation-state, as a contained, enclosed space and identity, is a fallacy. This fallacy generates a fantasy of home that can and must be contained, secured, possessed. Moreover, this fantasy fuels the securitisation of borders, the exclusion of foreigners and the privileging of waged labour as valued participation in a ‘globalised’ economic system. The circulation of techne as capital accumulation, the circulation of categories, the technologization and calculation of life, is not the total experience of existence. The pursuit of home, together with the yearning for identity, security and belonging, is undeniably seized by capital accumulation, but it is not defined by capital circulation.

Material sense, embodied (‘to give material or concrete character’ ‘to draw together, solidify’) is not concretised. Yes, bodies are technologised, used as mechanisms of capital circulation, yet they are not totally techne. Capitalism justifies materialism, as if beings were all solely products of the market. This totalising, universal presence of capital is shared between capitalist, neoliberal thought and even Marxist thought, where the market economic system forms the totality of the social world and relationship, as if the concretisation of sense was totalising in and as capital. But what escapes

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<sup>78</sup> As well as, arguably, to ghosts not yet born and dead see J. Derrida, *Spectres of Marx*, trans., P. Kamuf, Routledge, 1994, 15-16.

<sup>79</sup> J-L. Nancy, *A Finite Thinking*, Stanford University Press, 2003, 296.

<sup>80</sup> Barad in M. Fritsch et al 2018, 208.

<sup>81</sup> See further in Tataryn 2020.

this, even on a very simple level, is that ‘society considered in its relationship to the individual cannot be defined simply by the methods of production.’<sup>82</sup> The eco and techne are simultaneous but not consumed by one another. Ecology does not, cannot, become technology; it forever escapes seizure. We can sense this by thinking of embodiment. Embodiment (human, animal, nature) is an experience of how we are affected, but not consumed by market forces. We are part of the market, as circulating in/as capital, but we cannot lose our embodiment as singular beings in the plural. And within this embodiment, creativity as creation is the intrinsic connection of the singular plural in labour and movement.

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<sup>82</sup> S. Weil, *Oppression and Liberty*, trans., A. Wills and J. Petries, University of Massachusetts Press 1973 (original 1955), 142.