

# Cultural Techniques and Sovereignty

Cornelia Vismann

## Abstract

First published in 2010, Cornelia Vismann's article has already attained the status of a classic. In a formulation inspired by linguistic theory, the author argues that the relation between cultural techniques and media can be understood in analogy to grammatical operations. Thus, cultural techniques define the agency of media and execute the procedural rules which the latter set in place. Together, they articulate a critique of subjectivity and sovereignty that proceeds by re-examining the notion of 'culture' via its agricultural origins to the current moment when the 'preservation of cultural techniques' has entered legal and academic discourse. Ultimately, despite their apparent separation from praxis, cultural techniques continue to proliferate through axes of substitution and displacement.

## Keywords

cultural techniques, law, linguistics, sovereignty, symbolic order

## Acting in the Medium

Cultural techniques describe what media do, what they produce, and what kinds of actions they prompt.<sup>1</sup> Cultural techniques define the agency of media and things. If media theory were, or had, a grammar, that agency would find its expression in objects claiming the grammatical subject position and cultural techniques standing in for verbs. Grammatical persons (and human beings alike) would then assume the place assigned for objects in a given sentence. From the perspective of media, such a reversal of positions may well be the most prominent feature of a theory of cultural techniques. Nevertheless, positions cannot be arbitrarily combined. In each case, there are specific things and media entailing specific techniques. Tools prescribe their own usage, and objects have their own operators.

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To start with an elementary and archaic cultural technique, a plough drawing a line in the ground: the agricultural tool determines the political act; and the operation itself produces the subject, who will then claim mastery over both the tool and the action associated with it. Thus, the *Imperium Romanum* is the result of drawing a line – a gesture which, not accidentally, was held sacred in Roman law. Someone advances to the position of legal owner in a similar fashion, by drawing a line, marking one's territory – ownership does not exist prior to that act.

The default positions of media and things that set cultural techniques into motion contradict a legally sanctioned, and thereby particularly widespread, notion: namely, the claim that only the subject can carry out actions and rule over things. Nevertheless, a pre-existing relation between media and cultural techniques already determines the way things are to be handled, even before they submit to the subject's will. One could very well argue that this 'default position', common to all media and things, has its origin with those who have conceived and designed them. Thus – so the argument goes – even if a tool dictates its own usage, it is built in a manner that allows it to carry out that task. A thing is constructed with a purpose and, therefore, its manufacturer does not merely execute 'the order of things'. Still – and this is precisely what sets the study of cultural techniques apart – none of the tool's inbuilt purposes is ever independent from the given conditions of production, its material properties or spatial circumstances. One must therefore draw a distinction between persons, who *de jure* act autonomously, and cultural techniques, which *de facto* determine the entire course of action. To inquire about cultural techniques is not to ask about the feasibility, success, chances and risks of certain innovations and inventions in the domain of the subject. Instead, it is to ask about the self-management or auto-praxis [*Eigenpraxis*] of media and things, which determines the scope of the subject's field of action.

Once again, the notion of auto-praxis can be understood via a grammatical reformulation of the theory of cultural techniques. Its equivalent is a specific type of verbal construction, which describes the relation between things, media and cultural techniques as mutually interdependent: the so-called medium voice from Greek. Unlike active and passive constructions, that particular verb form signals that the acting subject is, grammatically speaking, dependent upon a third element. In the medium voice, an action doesn't derive from someone and encounter something; nor does it work the other way around. Even though the grammatical concept of the medium may seem to occupy a 'nonsensical' position (Schadewaldt, 1978: 145), between the active and the passive, it implies, at any rate, that operations can also be executed by non-personal agents that do not act in a syntactical-juridical sense. Certain actions cannot be attributed to a person; and yet, they are somehow still performed. That situation is reflected by the medium. The issue of legal accountability is

the defining feature of the medium verb form. The medium suspends the norm of clear assignations, which satisfies legal requirements as well. Perpetrators and victims, those who give orders and those who suffer them, no longer coincide with grammatical subjects and objects. The medium creates a relational middle ground here, which does not simply amount to a reversal of the two positions.

Wolfgang Schadewaldt gives the example of law-making in order to explain the medium verb form in Greek. Law-making is an operation – or, to put it differently, a cultural technique – executed by a popular assembly. Schadewaldt points out that assemblies have limited agency. They reach their own decisions only to the extent to which the pre-existing laws allow it. Law-making is therefore not an autocratic, unrestricted activity, but rather one that is conditioned by the law. That condition, however, drawn from the very legal domain as the operation that ensues from it, is not the only restriction applied to law-making. The place of assembly, the object of disputation, and the rules of decision also play a part in the production of the actual law. The word *Ding*, or *thing*, signals precisely the kind of fusion of place and matter that characterizes an assembly. The medium of Greek grammar does away with an issue which subsequently becomes the fundamental legal paradox of the sovereign ruler, simultaneously placed above and beneath the law. ‘The medium guarantees that certain operations continue to be bound to their performer’ (Schadewaldt, 1978: 145).

To illustrate such operations, Schadewaldt gives the example of the verb for bathing, which is used in the medium voice in Greek to suggest that the bather is carried by the water. As opposed to a spear, which is released from the hand of its thrower, the trajectory of bathing remains bound to the medium of water. The grammatical form of the medium indicates that very relational quality. Spear-throwing, on the other hand, represents a classic case of active verb formation. The difference between the spear and the water, between ‘that which only initiates, and that which continues to determine a process’, is one that dictates the form of the verb. Implicitly, that distinction presupposes two different ways of looking at things. The focus is either on the goal (its achievement, its failure and the suitability, or, respectively, the unsuitability of its means) or the supporting agent. The ballistic perspective (the active voice, the spear) corresponds to the logic of the law, which continuously associates means with their ends. Moreover, it also partakes of a legal narrative according to which an operation may be attributed to an agent as the source of a conflict or a legal matter. The medium-based perspective (the medium, the water) is consistent with the method of study of cultural techniques. Instead of an investigation of causes, which presupposes a search for an individual culprit in the matter, here the doer is deduced from the instrumentalities of the action and the agent is derived from the medium itself.

Consequently, as far as the study of cultural techniques is concerned, it makes no difference whether the object of inquiry is spear-throwing or bathing. A spear that is thrown and a body of water that carries a bather do not occupy different positions. Neither does law-making. Thus, things and media will always function as carriers of operations, irrespective of what is at stake in their execution: contexts, instruments or texts, everything that is and continues to be. The question that follows from here concerns the relationship between the two perspectives: the ballistic view of the law and the medium-based approach of cultural techniques. Clearly, from the vantage point of cultural techniques, the sovereign subject becomes disempowered, and it is things that are invested with agency instead. Does that amount to the end of the western idea of sovereignty? Have responsibility and accountability become useless categories? Some voices insist that the law should treat media and things in accordance with their media-theoretical importance. They propose that automata may be held criminally liable, computers close a contract and the internet assume authorial functions. Others regard such thing-oriented legal notions as nothing but a re-enactment of a great comedy of innocence, in which guilt is passed on to the blade used to commit the crime; those latter rather stick to the narrative according to which every action is assigned to an acting subject.

What are the consequences of a media-theoretical perspective that views things and media as 'performers'? Can they be granted subjective rights equal to human rights? Would legal figures be required to explain how media and things dethrone the sovereign subject, or, at least, come to share that throne with him? Such questions remain open. The fact that we ask them shows that both media and things are leaving behind, or, may even have been liberated from, their passive existence as servile objects or serviceable means. The turn against framing things in strictly passive terms partly derives from an ecological impulse, demanding that non-humans be treated equally with humans and their specific rights. To a certain extent, things have had their own share in ensuring that the instrumental perspective may not be used to adequately describe their case. In their resistance against serving specific purposes, they lay a claim to a different kind of perception, which – not accidentally – coincides with a stage of heightened attention to media and things. The study of cultural techniques has taken up the task of examining that very stage. What remains to be done is to find distinctions among objects (that is, among media and things) that correspond to those that law has long set in place for the subject, by working with different degrees of intentionality that range from premeditated acts to acts of negligence. When it comes to objects, however, the quest for a similar distinction in terms of degrees of action remains futile. As far as agency is concerned, the law holds that things and media are strictly passive. The domain of the object remains outside the scope of legal investigations. Not so in the case of

cultural techniques, where research foregrounds it as a mode of operation neither entirely detached from the acting subject nor fully independent from 'objects' (i.e. things and media).

## Execution and Procedural Rules

The above-quoted passage from Schadewaldt states that certain operations, when executed in the medium voice, continue to be bound to their performer. What stands out here is the notion of execution – a concept of central importance to the approach of cultural techniques. As soon as the focus of observation shifts from ideas to techniques, from nouns to the specific steps in the operation, the attention is geared towards the execution of a particular act. To execute generally means to proceed in a structured manner. Something is executed according to plan. An operation follows a pre-established scheme, even when it appears to be an original act that has not yet been mapped out. Even acts that are seemingly new and unique do not proceed without a plan. That almost algorithmic dimension of operations becomes fully apparent when acts are repeatedly executed – for instance, in the case of rituals. But even a stone cast on an impulse follows a certain course of action. That disposition toward procedural conformity, which does not in the least contradict the spontaneity of the gesture, is already inscribed within the things and media that partake of any given operation. To derive the operational script from the resulting operation, to extract the rules of execution from the executed act itself: that is what characterizes the approach of cultural techniques.

Whether the matter at hand is a body of water or a spear, a computer or an architectural object like a door or a table, all media and things supply their own rules of execution. Such 'material' instructions of operation come from a place that is not under the agent's control. Acting independently from individual performers, and thus maintaining their potential reproducibility, they steer processes into different directions, towards different opportunities, and different persons. Such operations are sustained by a certain operational know-how, which can be learned and passed on to others. Reproducibility and learnability are among the key features of cultural techniques. All disciplines grounded in transferable praxis therefore deal with cultural techniques. That is clearly the case with the classical dogmatic disciplines of theology, medicine and law, where dogmas ensure that operations are performed independently of persons. Dogmas are therefore nothing else but the linguistic expression of particular acts of execution. They account for a certain kind of practical knowledge, which thus becomes learnable and reproducible. Not surprisingly, the Greek term *techné* is synonymous with dogma (see Herberger, 1981: 11). Not unlike dogma, *techné* designates the body of rules and regulations that circumscribe a particular mode of

praxis. In cases where cultural techniques are performed and mediated independently of persons, they take on a specific form, which finds its expression in written directions, notations, codes of procedure, rules of application, annotations, and other systems of signs.

Such technical instructions are essential for the study of cultural techniques. This is particularly the case for historical studies, where the rules of execution allow cultural techniques to first assert themselves. What would we know about the powerful cultural technique of record-keeping, about its emergence, or discursive field, without the specific instructions stipulated in chancery court orders? Instructions represent a layman's ultimate form of access to implicit or *tacit knowledge*, as Bruno Latour has defined this kind of practical expertise. Instructions are akin to, but not identical with, laws. Whereas laws can be transgressed and reinforced by punishment, the rules regarding proper usage cannot be ignored – without also risking one's position or job. Those who don't go by the norms, who don't follow the rules of the trade, will be relieved of their right to exercise their activity. Technical regulations are vital for art. The procedural rules reflect its current state of affairs. Thus, when making a statement about cultural techniques, one need not speculate whether the operational instructions have been followed or not. Their presence calls attention to a particular kind of praxis. Whenever rules are implicitly stored in a machine or explicitly contained in the form of written instructions, they establish a connection between certain operations and their performers: that is to say, the agents commonly known as subjects and objects. Agents stand for both, as shown by the medium verb form in Greek. That is the premise upon which the theory of cultural techniques is built: namely, a theory of medium-based operations, which in the hands of logic, grammar and the law is split into a subject who acts and an object that serves. In the eyes of the law, the relation of mediation becomes a question of attribution. Operations are strictly attributed to personal subjects. From the perspective of cultural techniques, the category of personal subjecthood is the object of an act of assignation, and that act, in its turn, is itself a technique, one that occupies a central place in our legally defined culture. The study of cultural techniques raises questions about how things and media operate. Thereby, it traces the fiction of sovereign subjectivity, the myth of the subject as legislator, instigator or perpetrator, back to the techniques that make it possible in the first place.

### **Cultural Techniques – Cultural Heritage**

The term 'cultural techniques' suggests there may be other kinds of techniques as well. But can anything ever be produced outside of culture (Schüttpelz, 2006: 90)? After all, techniques always wrest something away from nature, whether by fencing in an area, building a house



or setting up a system of irrigation. The opposite of cultural techniques are not culture-less techniques. There is no such thing as barbarian techniques. Culture is already implicit in *techné*, and *colere* implies the archaic techniques of irrigation, planting and taming, which turn nature into culture (Nanz and Siegert, 2006: 8). The counterpart of cultural techniques, therefore, is a world where techniques do not exist at all, a notion which cannot even be mentioned without using yet another cultural technique: the act of naming, which allows things to be used and studied in the first place.

If culture were nothing but a cipher for the symbolic order, which cultural techniques intervene in, or even produce, any further attempt at defining culture would be rendered superfluous. That is quite possibly the reason why cultural studies [*Kulturwissenschaften*] gave up on defining their subject matter from the very start. Beyond the scientific-institutional context, where culture meant spirit and society, the term was left potentially and necessarily open. Only the study of cultural techniques has taken it literally, and derived its meaning from *colere*, which comprises the archaic techniques of culture (in the sense of cultivation).

And yet, its scope is thereby not exhausted. Newer techniques, too, fall under the semantic field of *colere*, as illustrated by the decision of the Federal Constitutional Court regarding the Treaty of Lisbon. There is no proper definition of culture in that case either. Rather, the court derives its meaning from the techniques contained within the term *colere*. To what extent can a state lose its sovereignty without losing its identity? Called upon to answer that question, the court invoked the notion of democratic self-determination, guaranteed by the state, and justified its decision by stressing the importance of cultural specificity for democratic development. Implicitly, then, the court assumes the task of defining the terms of what is culturally specific. Quite surprisingly, what follows is not a concrete list of German cultural trademarks. Instead, the court names institutions supposed to safeguard culture, with particular emphasis on the system of schools and education, the family, language, several sectors of the media landscape and the church (Articles 240 and 260 of the Federal Constitutional Court). Ultimately, that inventory is not a far cry from the cultural techniques of education, alphabetization, reading, writing, praying, confessing, playing, as well as those techniques dictated by computers and the internet. Thus, the institutions listed by the law as guardians of culture correspond in a definite and defining way to the cultural techniques that are the object of scientific inquiry.

The juridical involvement of cultural techniques is always to be expected when legal means are deployed to prevent imminent loss. Just as cultural identity is defined against the threat of danger (in this case, the danger of the loss of sovereignty), cultural techniques, too, enter the legal discourse only when they threaten to disappear. An international agreement issued by the United Nations stipulates the measures to be taken in

order to save barely extant cultural techniques from oblivion. The intangible cultural heritage needs safeguarding – a formulation that could easily refer to cultural techniques. The UNESCO agreement concerning the preservation of the intangible cultural heritage defines its subject as follows: ‘oral traditions and means of expression, social practices, rituals and celebrations, the knowledge and customs related to the interaction with nature and the universe, as well as any forms of specialized knowledge concerning traditional techniques of craftsmanship’ (UNESCO, 2003). Further elaborating on those points, the text focuses on ‘practices, forms of expression, knowledge and skills, as well as their respective instruments, objects, artefacts and cultural spaces’. The connections between things, media and operations established through the study of cultural techniques are thereby also applied to the domain of international law. The spaces, figures and objects that manage the sequence of steps containing default operational settings are granted legal protection.

The initiative to safeguard the intangible cultural heritage was launched around the same time as the first studies on cultural techniques, suggesting that the legal and epistemic matters are somehow connected. Research and the law intersect in a historical moment when things can be said to have outgrown their operational habits. The voiceless, inconspicuous, concrete things turn into problem cases. Practices, representations, forms of expression, knowledge and skills are no longer passed on. Their transmission stalls; their reproducibility is threatened and the instruments, objects, artefacts and cultural spaces associated with them are at risk of disappearing. They become variables. But they do not merely attract the attention of the law-maker as the guardian of media and things. Their separation from praxis brings them into the focus of research as well.

Obviously, there is no direct relation between the scientific and the legal scope of inquiry. But the coincidence between the academic institutionalization of cultural techniques and the legal move to safeguard fairy tales, dialects, popular celebrations and crafts is not altogether accidental. That coincidence results from the shared latency of their object of focus, be it classified under cultural heritage or cultural techniques. The loss of use value makes room for the application of both conservative measures and theoretical constructions. If the former preserve what the latter observe, then cultural techniques definitely carry with them a historical index. They have been co-opted into the academic field of knowledge around the turn of the millennium, concomitantly with the measures introduced to safeguard the endangered cultural heritage. And thus, the present from where this very text is written signals the moment when the basic operations of cultural techniques begin to disappear.

But their disappearance is not caused by the state’s self-imposed loss of sovereignty, as is the case with the process of Europeanization.



The initial impulse for both the study of cultural techniques and the safeguarding of culture comes not from parting with the 'complacent and conceited vision of the sovereign state', as the Lisbon Treaty states (Articles 223 and 260 of the Federal Constitutional Court), but rather from the disempowerment suffered by the acting subject. The dissolution of certain fundamental distinctions underpinning the operations of the law, such as the difference between subject and object, entails a demand for new settings, for drawing new demarcation lines. A case in point is the debate concerning the question of copyright (the issue of 'Open Access'). If writing on and with the help of the internet has, indeed, become common practice, then the image of a two-step process of writing as artistic creation and economic valuation, as the product of sovereign creators and serviceable media becomes inappropriate. From the perspective of cultural techniques, the alternative would be to conceive of writing as a continuous series of acts of transfer. The real challenge now is to accommodate the idea of the non-sovereign subject to the media's own logic, that is, first and foremost, to find new, functional distinctions, especially for aspects that have so far gone untheorized.

### **The Order of Cultural Techniques**

The theory of cultural techniques thus seems to stand under the sign of decline, led in by a series of archival processes and archaeological projects. Nevertheless, its concern is not with saving any endangered capital from the new flood of globalization or commercialization. Rather, it seeks to describe the chain of substitutions activated by the replacement of media and things. That chain is built along axes of analogy and displacement, succession and kinship. A case in point is the axis of digitalization, which allows for a diachronic perspective on writing – diary writing, for instance, which evolves into blogging, or the autograph, which finds its extension in the electronic signature. The axis of secularization goes back even further in time. Its religious roots can still be traced in a series of cultural techniques of the law. Such, for instance, is the technique of confession, which Michel Foucault has brought to bear upon the practices of interrogation and examination. Psychoanalysis and the police thus reveal a connection to each other that does not officially appear in the founding myths of either institution.

Such axes of displacement bring a certain order to cultural techniques. The question now is whether that can be achieved by other means as well. An important role is also played by the distinction between cultural techniques that organize notions of space and time, those that Harold Innis associates with the production of states and empires. The cultural techniques that organize spatial categories comprise border regimes and surveying techniques, in short, everything that defines the act of drawing a line. Their counterparts are genealogical techniques, which govern

notions of duration, assign origins and secure the future: record-keeping, adoption and inheritance regulations, but also breeding and grafting. The former involve a legal document, while the latter imply a concrete operation performed with the help of a knife. That taxonomy calls for a further distinction between alphabetic and non-alphabetic cultural techniques. After all, the technique of irrigation is quite different from paper-based counting. Still, making can also imply text-based operations. Even without being written on paper, the founding act of drawing a line in the ground is a cartographic type of marking. It belongs to the symbolic order, irrespective of how concretely ‘grounded’ the act itself may turn out to be. Similarly, the scion used in the cultural technique of grafting is the carrier of particular features; implicitly then, the act of grafting may be seen as a textual operation, with no ‘paperwork’ involved (see Vismann, 2010).

Thus, all cultural techniques maintain or establish some form of connection to the symbolic order; the distinction between alphabetic and non-alphabetic techniques therefore only accounts for one type of classification. The cultural techniques of space and of time (i.e. genealogical techniques) make for a more fundamental distinction. Everything else is assigned to a list in which cultural techniques are grouped according to their differences and similarities, their precursors and successors. Such lists are never finite. Moreover, the making of lists is itself a cultural technique, serving as a reminder that the study of cultural techniques is folded within itself, eternally recurring and ready to be continued.

*Translated by Ilinca Iurascu*

## Note

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## References

- Articles of the Federal Constitutional Court. Available at: [http://www.bverfg.de/entscheidungen/es20090630\\_2bve000208.html](http://www.bverfg.de/entscheidungen/es20090630_2bve000208.html) (accessed 9 January 2010).
- Herberger, M. (1981) *Dogmatik. Zur Geschichte von Begriff und Methode in Medizin und Jurisprudenz*. Frankfurt am Main: Klosterman.
- Nanz, T. and Siegert, B. (eds) (2006) *Ex machina. Beiträge zur Geschichte der Kulturtechniken*. Weimar: Verlag und Datenbank für Geisteswissenschaft (VDG).
- Schadewaldt, W. (1978) *Die Anfänge der Philosophie bei den Griechen*. Frankfurt am Main: Suhrkamp.
- Schüttpelz, E. (2006) ‘Die medienanthropologische Kehre der Kulturtechniken’, *Archiv für Mediengeschichte* 6: 87–110.

UNESCO (2003) Übereinkommen zur Erhaltung des immateriellen Kulturerbes. Available at: <http://unesco.de/ike-konvention.html?&L=0> (accessed 9 January 2010).

Vismann, C. (2010) Kaiser Justinian, Kultivierer des Textes. In: Wirth, U. (ed.) *Pfropfen, Impfen, Transplantieren. Wege der Kulturforschung 2*. Berlin: Kadmos.

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