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Title:

Out for Justice

Complicity and disagreement in Fish and Segal

There is time for peace and there is time for war. There is time for movies that take a cautious approach to sensitive and complex issues and there is time for movies in which Good Guys kick the living daylight out of Bad Guys without burdening themselves with any serious contemplation.

In the film *Out for Justice* (1991 dir. John Flynn), starring and co-written by Steven Segal, Segal plays a "take no prisoners", "break the rules" maverick NYPD cop - Gino Felino. The guy Gino is after is Richie Mandano, an all round badass crack-smoking ultraviolent Mafioso wannabe. After one of Richie's tirades involving the public execution of Bobby Lupo, who just happens to be a good friend of Gino's, Gino sets out on his search for Richie - and justice - with the mob close on his heels. This quickly becomes a one-man mission of vengeance.

Unsurprisingly, *Out For Justice* re-treads the quagmire of cliché familiar to all of Segal's films, mimicking his other formulaic action vehicles with similar three-word titles, such as *Marked for Death*, *On Deadly Ground* and *Hard to Kill*. Here again in *Out For Justice* we see Segal/Felino stop at nothing to get justice - and this justice has nothing to do with the everyday law. Gino has an innate sense of right and wrong that is absolutely his own - he knows best - and this knowledge is brought home in the glut of gruesomely absorbing fight scenes that punctuate the movie; a crude and unrelenting physical and verbal violence as the savage extent of Gino's personal vengeance; vigilante-style violence standardised as a natural and necessary justice. Moreover, the film presents corruption, a symbiotic relationship between police and organised crime, as something quite natural and at times even beneficial to society. And, naturally, in a situation when everyone wants to see quick justice done, issues like civil liberties and police procedure are thrown through the window. Steven Segal's character might be obnoxious, intimidating and violent but the villains are even worse and consequently can be dealt with only by higher doses of their own medicine: more violence more justice.

This is most spectacularly, and nicely, played out when Gino terrorizes Richie's brother who owns a local bar in Brooklyn: thugs' skulls are mashed up, bodies buckle and fingers, arms and legs are snapped and crunched. Cameras spin and edits aggressively snap from a montage of acute angles trying impossibly to keep up with the flowing speed and the mounting tension of the action sequences. Blood spurts everywhere and villain's screams wail out as Segal demonstrates his agile inelegance and the brutal ingenuity of his trademark Aikido moves. One guy even hangs over the pool table spitting out his teeth after connecting with Segal's pool ball-in-a-handkerchief! And, just after the first car chase Segal ends up in a butchery where he sticks a guy's hand to the wall with a meat-cleaver and proceeds to beat up everyone else in the shop.

Over the litter of bodies lying flinching, whimpering and bleeding, Segal delivers his vengeful promises in dramatic guttural whispers. Segal's graceless blood-rushing violence is barbaric and grimly real, epic and powerful. In this "who can you trust action" of gunfights, car chases and hand-to-hand combat, Segal is the deliverer of an interested, personal *and* universal right justice: he is the law, his law is natural, and this law is violence.¹

When these two languages of institutional authority and personal decision come together it is simply understood as an assumed and fateful relationship. The law does not figure as a yardstick by which Felino acts, or judges actions, and personal vengeance is not something that is unprincipled or irrational. It is this complex subject/law relation that I will concentrate upon here,

¹ Above text includes extracts from "Kung Fu Cinema", "Amazon" and "Rotten Tomatoes" reviews.

where I will explore how and if this use of powerful rhetoric undermines, or produces difference. Since agency upon these terms demonstrates that our use of and contingency to dominant languages as the *natural means* by which we display our convictions, decisions and criticisms, then how do we understand our freedom to disagree with those systems?

In "The Routinisation of Charismatic Modernity." Russell Berman argues that this type of action hero shows a complicity to the law, wherein the subject embeds itself within and produces "neo-conservative values, beginning with [a] shared hostility to the revolutionary experimentalism of historical modernism."² For Berman, this subject characterises a postmodernity in which "discussions of emancipation are prohibited as vestiges of an anachronistic Western metaphysics."³ What Berman points out is that although these violent heroic characters exercise a justice that is highly personalised, and rooted in a robust individualism, they still end up putting away the bad guys. Namely they do what's "right" under a brutal and conservative system of moral judgements, that they simply either don't recognise, or don't challenge. Crucially, for Berman this is a confinement that Felino doesn't recognise. Therefore, although Felino's actions, in many ways epitomize freedom, paradoxically, his "free" use of the language of power, justice, decision and freedom displays his ultimate confinement to a higher, ubiquitous, or even natural law.

This subject's different and close relationship to the law is clearly a problem for Berman, because Berman insists that cultural criticism is linked to the social project of emancipation and this too, is conditioned upon a recognition of difference between State power and the citizen's ability to put that power into question. For Berman, this subject standardises a superficial concept of freedom as an aesthetics of aggression, making the subject un-free to make "real" political claims. It shows an "antitraditionalism [that] turns into a cynical defense of established criticism as *established*".⁴ This subject cannot perform critically, since he/she cannot condemn the "powers that be" because he/she cannot *recognise* them.

The importance of and failure to recognise power structures is taken up by Axel Honneth in his essay "Pluralisation and Recognition: On the Self-Misunderstanding of Postmodern Social Theorists". Here, he claims that the "culture industry" is responsible for duping citizens by manufacturing personal biographies as fictions; a strategy which enables the smoother running of business and State. He writes: "It is this recognition vacuum which first brings about the growing willingness to accept life-styles prefabricated by the culture industry as aesthetic substitutes for socially depleting biographies."⁵ What Honneth is identifying is a strict demarcation between power structures, notions of responsibility, and experiences of power. Here, power is defined in terms of true and false languages, as there are those who have power and those who are subject to it.

However, as we have seen, Felino *internalises* the law. He does not hinge its ability to criticise upon the transcendence of its constraint over him. Simply, he does not recognise constraint, and that's no problem for him.⁶ Therefore, notions of hinging difference between or within such

² Russell A. Berman, "The Routinisation of Charismatic Modernity" in *Modern Culture and Critical Theory, Art, Politics, and the Legacy of the Frankfurt School*, University of Wisconsin Press, 1989, 134

³ *Ibid.*, 131

⁴ *Ibid.*, 131

⁵ Axel Honneth, "Pluralisation and Recognition: On the Self-Misunderstanding of Postmodern Social Theorists" in *Between Totalitarianism and Postmodernity*, Ed. Peter Beilharz, Gillian Robinson and John Rundell. MIT press, 1992, 171

⁶ The nature of this embodiment of institutional powers is something that also raises question for fine art practice, and as such reflects upon the way in which fine art practice has traditionally acknowledged its critical capacity; namely through the means of disclosing the powers that constrain critique. Such examples can be cited through the emancipatory politics of Modernism to the ideology critique and strategic complicity of the Trans avant-garde. However, in this particular characterisation of decision, criticism is not an aestheticised transgression *away from* normative or institutional powers (behaving badly), nor is it a cultural performance of criticism as a "passive" complicity with dominant forces (behaving in the same way as the

systematized apparatuses are deeply problematised when we take up this character that embodies law. In the "Ethics of the Concern for Self"⁷ Michel Foucault offers a more positive description of the subjects' relation to and as the law. Here he writes of a practice and a mastery of the self that enables the means to acquire "the rules of law, the management of techniques, and also the morality, the ethos, the practice of the self, that will allow us to play these games with as little domination as possible." However, although Foucault's notion of the uses of power was to centralise a discursive plurality of power systems, his understanding of negative and positive uses of power reinforce a normative move away from domination. Upon such terms, Foucault's local critique of power that privileges the self-mastery of dominant language systems as a means by which to speak with, and overcome/undermine those hegemonies seems a long way from the subject law relation that we see demonstrated by Felino. This is because Felino does not think dominance is necessarily a *bad thing*. Felino does not theorise the "getting" of power, or the "wanting" of freedom. The language to exercise decision is already close and at his disposal. What this means is that the subject's relation to dominant languages and the exercising of power is not related to *theories of appropriation* but simply to performances of use.

As a result we can ask once more; if the subject in question simply does not recognise his/her actions as being mediated in some way from normative language systems, then is the subject *always already* complicit to, and therefore disenfranchised from the (true) dominant hegemonies that use that language?

In order to answer this question, what we can now concern ourselves with is not how we put the *language* of power into question, but rather, the nature of the practices, contexts and performances that deliver and organise that rhetoric. In terms of this, the Segal-style subject is easily comparable to Stanley Fish's description of the subject of pragmatic antiformalism:

The interests that seek to compel you are appealing and therefore pressing only to the extent they already live within you, and indeed are you. In the end we are always self compelled, co-erced by forces - beliefs, convictions, reasons, desires - from which we cannot move one inch away⁸

The practice of universalizing is, for Fish, consistently associated with the power and force of competing hegemonies and intrinsically related to decision as an ideological imperative. This invisible constraint, however, does not take the form of any specific dominant language *over us*. Rather, it stays within the language of determination that *is us*. Or, in other words, and I will repeat - we don't appropriate force - we practice it. What we have here is Fish describing a non-strategic, or "natural" use, deployment and re-deployment of forceful rhetoric and decisive languages. As a result, the character in Segal's movie and Fish's pragmatism actively demonstrate that the rhetoric of force is equal to the force of rhetoric. Significantly, these languages are not the property of certain powers and duly, these "appropriations" are not relative to our ultimate (and for Berman fatal) constraint or complicity to a deeply subversive hegemonical system, but rather, they are simply the characteristics of decision.

Fish's neo-pragmatism avoids such "passive" complicity, and instead these same languages become the tools for contestation through the following assertions: First; we are aware that the rhetoric of force as a means to communicate decision keeps us open to the pervasive claims of others because *the language of decisiveness is believable*. Second; we are not only free to use

institutional norm in order to transgress the orthodoxy of transgression). For more on criticism as complicity in critical methods of cultural production, see "From Criticism to Complicity," a discussion moderated by Peter Nagy between Peter Halley, Philip Taffe, Sherrie Levine, Haim Steinbach, Ashley Bickerton and Jeff Koons. Ed David Robbins, *Flash Art*, no. 129, Milan, Summer, 1986, 46-9

⁷*Foucault Live (Interviews 1961-1984)* ed. Sylvère Lotringer, trans. Lysa Hochroth and John Johnston, Semiotext(e) 1996, 446 Also, for a commentary on this see Barry Hindess *Discourses on Power, From Hobbes to Foucault*, Blackwells, 2001, 156

⁸ Fish, *Doing What Comes Naturally*, 520

the same discourse of power, but as Fish outlines, we are incapable of not using it. Third; because of the social and cultural legitimacy of such languages, we also know that the claims of others are not regulatively disputable by means of simply identifying them as superficially or strategically appropriating the rhetoric of a powerful *language*. Fourth; as a result of the legitimacy of powerful language codes, the ability to condemn others' use of force is based in the practice of interpretation as a faculty of contestation. And finally fifth; since the ability to identify constraint in a universal abstract sense is unrepresented and untheorised, constraint is identified contingently and therefore, antagonized or condemned within those circumstances.

Significant to this is, and returning to *Out For Justice*, we do not find that our understanding, interest, or enjoyment of associating violence with principled action (as delivered in the film) either makes us politically impotent or complicit with Felino's idealistic and naive conservatism. More pointedly, we don't see Felino being duped by any institutional power either. It is clear that his motivations aren't ambivalent, and he gets what he wants. Clearly, for Fish also, the question of force is not a matter of origins, but a matter of practice and use: "Force is not unconnected, it is not blind."⁹ Here force is *always* principled, and as such committed to an embedded within normative and idealistic rhetoric. The problems with Berman's earlier point then, is that it implies that if you are not interested in emancipatory and "real" revolutionary political strategies, such as his, then you are de-politicised, duped and made subject to the forces of "bad" dominant hegemonies. As we have also seen, Honneth's critique reflexes upon the same Hegelian influenced politics of recognition as Berman's; grounding critical capacity on the recognition of differences between State and citizen - or, more plainly - those that will be fooled, or persuaded by powerful languages and those that won't. Significantly, and problematically, for Honneth, the social is maintained as a fearful brutal space because power itself is theorised as the property of anonymous forces.

Alternatively, Fish's critique problematises an identification of any particular notion of government as having such absolute dominion over citizens. Fish lays down a temporal and local critique of force, where the use of force implies skill and power but this is not based in a purely quantitative understanding of power, because any mastery of the rhetoric of force is always subject to the force of rhetoric. As such, Fish's concept of the institution on the one hand creates problems for theorising radical political change (since it precludes the normative condemnation of power), whilst on the other hand, it avoids producing political ambivalence. As I have shown, this doesn't spell the tragic circumstances of a failure to make decisions, or to make disagreements. We don't end up in a paranoiac or cynical freedom - that is, a freedom invented for us by an overarching duplicitous hegemony (be it the government or the culture industry) - where we know we don't know the powers that control us. This is because the language of freedom is not alien to us, and knowing what we don't know, for Fish, is a practical impossibility. Here, any knowledge of abstract or unnameable constraints is retroactive and therefore is destined to a metaphoric or theoretical manifestation, that is always contestable: Force is not unnameable. Fish writes:

I may confirm [a] fear of [a] world without order or principle, wholly given over to force in the form either of gunmen or of judges unconstrained in their actions or of wills unchecked by any core of rationality. But in fact the implication of my argument is that this fear is unrealizable and is based on an incorrect understanding of what force is and is not.¹⁰

Since we have established that appropriating/using forceful rhetoric is natural to critical practices, then our practices of disagreement, and our notions of "right" action are also tied to agreement as consensus. Fish writes, "You may know in general that the structure of your conviction is an historical artifact, but that knowledge does not transport you to a place where those convictions are no longer in force."¹¹ By examining this subject's non-mediated relationship with languages of force, as described in Fish and Segal, we are left with the question of the force that produces such images and the circumstances of our agreement with them. From this point, our contingency

⁹ Ibid.

¹⁰ Ibid., 522

¹¹ Ibid., 524

to normative languages now invites further inquiry regarding the consequences of this mutually active-passive structure. This is a question of how we consider our inhabiting of institutional or forceful languages non-dialectically and anti-formally, that is, without any firm distinctions between the appropriation of powerful rhetoric as a *method* to produce critical force, and the notion of critical force as a *lived practice* of appropriation.