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The Realms of Power in Foucauldian and Agambian Thought.

Introduction:

The late 20th century saw the rise of a new strain in political philosophy, detached from the Enlightenment project which started with Hobbes. Thinkers were divorcing themselves from terms like “rational individual” and “social contract”, and things took a more analytical perhaps even pessimistic turn. Known for his deep critique of modern society, Michel Foucault wrote extensively on the topic of power as a self-perpetuating entity that gobbled up all around it, and spit out modern society. The way that Foucault attacked the modern state would leave a devout follower with no hope of escaping from disciplinary institutions and the all-encompassing biopower. Another thinker, Giorgio Agamben, took a similar critique of the Enlightenment project in a direction that allowed for a positive course of action. They both used similar concepts such as sovereign power and biopower, but Agamben’s model explained how power manifested itself, and in turn, a framework for getting past it and into a place only referred to as the Coming Community.

A theme that goes through both of their work, but was most firmly established in Agamben is that power operates and is most powerful in realms that it creates. Power is most easily understood by first defining the bounds in which it operates. For Foucault, these bounds might be the institutions in which disciplinary power acts, or the “healthy” society which biopower is meant to protect. These areas describe what these conceptions of power do or where they act, but they do not define exactly how

they act or what makes the power manifest. Agamben goes even farther in this direction by defining power along with the bounds that it operates in. Sovereign power in an Agambian model is defined by the ability to strip one of their bios or form of life, and leave them with nothing but their zoe or bare life. Forms of life exist in the world of laws created by men termed the nomos, and bare life exists in natural law termed the physis. "Since "there is no rule that is applicable to chaos" chaos must first be included in the juridical order through the creation of a zone of indistinction between outside and inside, chaos and the normal situation..." (HS 19) So power becomes the very ability to define the borders of the nomos, and to place people in a zone between the nomos and the physis called the Zone of Indistinction. In this zone, Agamben terms them Homo Sacer after a concept in Roman law meaning Sacred Man.

For both thinkers, the realms in which power operates is crucial to understanding their exact critique of modern politics. However, the marked difference in their thought also lies in their understanding of the realms of power, and Agamben's path out of power lies in the unity of the nomos and the physis. Finding a way to live free from power is termed a form-of-life. Agamben and Foucault both critique the way that power has manifested itself, but their thought splits on how to understand where power has manifested itself and exactly what positive implications that has on those trapped under its grasp.

Foucault's Realms:

A good starting point for Foucault's philosophy is understanding disciplinary power and the institutions in which it resides. He uses many examples, but perhaps the most obvious and easiest to understand is the military. At some point in history, generals stopped recruiting the best and strongest men for the army, and began recruiting men en masse for the purpose of disciplining their bodies into soldiers. Bodies are disciplined by various techniques such as barracks to regulate their living arrangements, timetables and bells to organize their activities, ranking systems to organize the chain of

command, and simple repetitive marches only for the purpose of making the soldiers more compliant. These techniques are termed by Foucault, the microphysics of power, and the type of power that executes it is disciplinary power. The disciplines are to make bodies behave a certain way, and punishments exist to keep the bodies in line. The realm in which disciplinary power lies is the institution. The most prominent institutions in modern society are the military, schools, hospitals, and factories.

Individual institutions are perhaps the smallest area that power resides, but Foucault's main focus is how all of the institutions aggregate to serve a greater imperative termed biopower. If disciplinary power is concerned with the productive output of individual bodies, then biopower is concerned with the health and output of the entire society. Biopower's realm is the entire system. Biopower understands its realm with aggregate statistics such as national health statistics or in terms of economic output such as GDP. In order to maintain its control, and to make these measurements more exact, randomness becomes biopower's enemy. True randomness can't be controlled. Biopower attempts to regulate the society through a system of norms that eliminate randomness and promote "health".

The main function that biopower uses to maintain itself is through a process called state racism. In state racism, a group is termed the healthy population and another is termed the degenerate population. The degenerate population is eliminated not overtly, but is subtly eliminated through the propagation of norms and maintenance of disciplinary power. The degenerates are not killed off, but their behavior is driven out of society. They are disciplined into good and productive citizens.

State racism is used just as well by socialist societies as capitalist ones. Foucault proves here that he is not just another anti-capitalist philosopher, he is an anti-modernist philosopher. Here is what he had to say about socialism and biopower.

“Socialism has made no critique of the theme of biopower, which developed at the end of the eighteenth century and throughout the nineteenth; it has in fact taken it up, developed, reimplanted, and modified it in certain respects, but it has certainly not reexamined its basis or its modes of working. Ultimately, the idea that the essential function of society or the State, or whatever it is that must replace the State, is to take control of life, to manage it, to compensate for its aleatory nature, to explore and reduce biological accidents and possibilities... it seems to me that socialism takes over this wholesale.” (SMD 261)

It seems as if here he talks about socialism as the concept of biopower taken to the greatest degree. Socialism purports to offer freedom via the alleviation of economic inequalities that are said to be beset by the capitalist economic system. To Foucault, socialism is another mode of biopower.

Foucault’s philosophy lashes directly at the modern state, but it ends up understanding every aspect of society and the world as an instrument of power. This leaves the Foucauldian philosopher with a nihilistic standpoint that they cannot easily get out of. Agamben takes many of the same critiques, but understands them in a broader context allowing for a positive pathway.

Agamben’s Realms:

To begin understanding Agamben’s model it is important to define the terms zoe and bios. Zoe is the kind of life that is common to all, but is unqualified. It merely exists to propagate its own survival. Humans share the zoe with everything else in the animal kingdom. Bios on the other hand is qualified life. It leads to the forms of life or lifestyles that make up the human world and ordered human activity. The realm in which pure zoe exists is called the physis. It is the realm of physical and natural laws. The realm in which bios exists is called the nomos. It is the realm of human law, and human definitions. Forms of life are the ways that we adopt to live in the world perhaps in spite of our zoe. Zoe is then the

weakness in every person as it is the opportunity for outside forces to exploit and destroy the bios. The pressure that the state can put on a person when they are in this position is similar to the Foucauldian notion of disciplines.

In Agamben's terms sovereign power is exactly that which is able to separate bios from zoe and to strip away forms of life to leave a naked zoe beneath. The most dramatic example of the stripping away of bios is torture. In torture, the pain exerted strips one of any human commitments or forms of life they may have had and reduces them to a pure zoe. In this way, is power able to extract information. The power to distinguish when the bios applies goes right along with the ability to choose when the nomos or when human law applies. The state in which the law is suspended is commonly known as a state of emergency. It is in this state of excepting of the law that power lies. A single police officer, when they are not being recorded, has a miniature version of sovereign power as they now get to choose whether or not they are going to do their job and properly execute the law as written, then getting to return to life afterwards without having to deal with the consequences. If a bios lives purely in the nomos, then whoever has the ability to suspend the nomos has power over that bios. Agamben believes that the state of exception is increasingly becoming the norm, and that as power recognizes that its strength lies there, it will get worse. A powerful contemporary example is the terrorist. The use of the word terrorist to many allows for the exception of laws to catch the terrorist. In this way, power is incentivized to broaden and obscure the word terrorist to expand their own domain.

Another realm that is created is that in between the nomos and the physis. This is called the zone of indistinction, and it is where those whose bios have been stripped lay. The term that Agamben uses for those who exist in this zone is Homo Sacer. Homo Sacer is a concept taken from Roman Law that means an individual is no longer bound by the law, and no longer are they protected by it. They will not be arrested if they kill someone, but neither will anyone else be arrested if they try to kill the Homo Sacer. They are outlaws rather than just criminals. If someone is put in prison, they are still bound by

the rules and the bios of prison-life. When one is made Homo Sacer they are subject to no human rule. They are included in the law only for the purpose of excluding them. If one was a Homo Sacer, their name would be written down in the law only so that the law could not apply to them. This is the concept of inclusive exclusivity. Agamben's scathing conclusion is that the modern state is that it is no different than the concentration camp. The concentration camps were unique in that they did not kill or even put to work the Jews that were forced into them. The prisoners were just let to live out their zoe excommunicated from the rest of German society. They were living in the zone of indistinction.

In this model, he is even able to attack the long cherished idea of human rights. Foucault merely dismisses them as a deceptive trick of power, but Agamben redefines them not as human rights, but as citizen's rights. He says that the boundaries of citizen's rights are purely within the nomos, and they function not as the saving grace offered to every human being by the Enlightenment philosophers, but as instrument of power. They are another bios that can be stripped away to enforce power.

Agamben's attempt to lash back at power is in another similarly phrased concept form-of-life. A Form-of-life differs from other forms of life in that it is a bios that cannot be separated from the zoe. Thus power has no hold on it. Agamben often looks to refugees and marginalized groups who live very similarly to Homo Sacer to find various forms-of-life. One example that is given of a form-of-life is authentic Thought. Thought is not just an exercise of the mind. It is a way of binding up your being with potential. In Heideggerian terms, it is a project. The bios of the active project in your mind cannot be stripped from someone making it a form-of-life. Happiness is the state where one is in a form-of-life, and Agamben hopes that the future will contain many more forms-of-life. A portion of his thought is devoted to what this would look like, and he calls it the Coming Community.

Contrasting the Realms:

It seems to be that Agamben's work does not diminish Foucault's, but instead reestablishes the idea of Foucauldian power in a different context. Sovereign Power and biopower make a reappearance in Agamben, but they have a much different feel. In Foucault, power is like a prison in which one cannot escape no matter how far they run. Anything that you run into, even if you think it is an escape route, is just another construction of power. Foucault's three (hesitating to call them variables) axes of analysis are power, bodies, and knowledge. Power almost by the property of identity tries to control bodies, and knowledge is what power creates about bodies to further its control. This leads to an ontological feedback loop from which any sort of positive direction can't be found. What seems to be the most interesting question to ask about Foucault's analysis is where Foucault would situate himself in his analysis. Would he consider himself to be a unique new revolutionary or just another part of power creating knowledge about bodies.

Agamben's framework seems to answer this question. Foucault hints at this in his discussion of biopower's main enemy, randomness. Foucault might be a Homo Sacer in living in the zone of indistinction, random enough for power not to take hold of him. The form-of-life or happy life that Foucault himself has adopted is the life of Thought though his own analysis might have left him blind to this. For Foucault, there was no zone of indistinction, no realm for homo sacer to reside, and to understand these forms-of-life.

This all goes back to the way that Foucault talks about knowledge. If knowledge is just a construction of power then there is absolutely now way to escape power. All ways that we conceive of escaping power would need some kind of power-independent knowledge. A zone outside of the nomos would be needed to construct these forms-of-life. Apparently, Foucault doesn't believe in the physis. All those laws of nature which would be included in it, or at least knowledge about them would be no separate from power and the nomos.

Conclusion:

Foucault tends to understand everything in abstract norms and in the techniques of power. This makes his analysis accusatory of a very wide range of social activity. What Foucault misses about biopower that Agamben is able to capture is that the bounds of its realms are not the totality of human and political existence. By understanding that sovereign power controls merely what is or is not in the nomos, a realm is then created in which forms-of-life can be worked on to find a meaning outside and in spite of those forms of life controlled by biopower. The zone of indistinction simultaneously defines the boundaries of where power can operate, and where those in it can find ways to permanently subvert power. Contrasting these thinkers by where they believe power operates, and not just what they believe it is may be best to understand their differences. To Foucault the question of where power operates is answered with everywhere; for Agamben the question is answered with, wherever it can except the law, implying that there are realms outside the law where it never applied and therefore has no power. It is not clear whether the work of these post-modern thinkers has condemned the enlightenment project in its whole, but it certainly challenges what many consider to be airtight and moral political systems. They force those who may feel secure to question their deeply held presuppositions.

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