

### The Tensions between Agamben and Foucault's Conceptions of Biopower

In *The Birth of Biopolitics*, Foucault gives a history of our current political landscape to supplement his theory of biopower. This background story of how we got to our current state of affairs is supposedly going to explain how biopower really proliferated in our specific context. Through a lengthy retelling of this history, Foucault contends that certain events led individuals to reconceive their bodies in a different way that helped biopower to get underway. In biopolitical terms, sovereign power got superseded by biopower, which has a totally different target and techniques than its predecessor. The big claim here that I'll be focusing on is that Foucault argues that biopower is a *new* form of power. By stark contrast, Agamben's theory of biopower in *Homo Sacer* claims that biopower is as old as the last form of power – sovereign power – and that they are branches of a more general phenomenon, which is described as the state of exception or sovereign decision, which effectively is what creates the landscape of all political situations in our human history – from the Hobbesian conception of a state of nature, to sovereign power all the way to biopower. Agamben's account of biopower takes the principle of the state of exception and explains that biopower is merely the effect of a sovereign decision (and consequently of sovereign power), which ultimately decides the outcome of every aspect of political life: who is going to be given powers/rights and who will not. In this essay I will present the tensions between Agamben and Foucault's stories of the emergence of biopower and argue that in considering the whole of their theories, there is no coherent way to adjudicate between the two. I will conclude by defending my view that there is one particular reading on which Agamben's theory can be used to supplement Foucauldian biopower, but that it involves limiting our reading of Agamben quite a bit. I maintain the position that if we are to consider biopower pragmatically (i.e., where we can actually identify the situations where biopower has a hold on the lives of people), this would best be achieved by incorporating *Homo Sacer* into Foucauldian biopolitical theory. (Good level of detail in the thesis statement. I wonder if you can say a bit more about how the reading of Agamben that can supplement Foucault involves limiting Agamben?)

Agamben introduces *Homo Sacer* (a term Agamben uses nearly synonymously to 'bare life') to describe a subject who has no autonomy or rights. This individual doesn't have natural human rights, or inalienable rights that we consider innate to every citizen. This subject is a human being who can be killed without impunity because there is no associated consequence with killing a life devoid of any value/rights (HS, 71). Their death isn't a homicide, because they are not legible as a body that has rights recognized by the law. The laws and the larger political situation they adhere in are what produces *Homo Sacer*. What makes *Homo Sacer* is sovereign power. A sovereign figure casts a decision over which lives are given rights and which are not. In Agamben's *Biopower*, these types of sovereign decisions are what produce *Homo Sacer* and a host of similar situations that lead to atrocities, war crimes and totalitarian spaces. For example, in Nazi Germany, a decision was made over the Jews that effectively rendered them as stateless

and unhuman. After that point, everything could be done to their bodies because it wasn't unethical or breaking the laws. The concentration camps, Agamben argues, are a model/paradigm for understanding other spaces that biopower is operating in and the potentiality of that power (HS, 123). Every political landscape is, effectively, the result of a sovereign decision – including democratic ones. Because the essence of the power is about suspending the current existing laws and creating a state of exception to those laws at the discretion of the sovereign, every political situation is intentional, and consequently has the potential to become totalitarian, anarchical, or like the death camps at any moment. (accurate way of reconstructing Agamben, but make sure that you provide parenthetical citations when you're paraphrasing) Still, Agamben tells a different story from Foucault about the beginnings of biopower. At the start of the text, Agamben notes how Foucault's observations about contemporary politics were spot on in thinking that 'zoe' (which is a term associated with brute, biological life independent from the qualifications/marks of political or sociocultural life) became the focus of political life, but that Foucault's thesis was incomplete: what characterizes modern politics isn't just that zoe became a principle focus of state power, but that the state of exception constituted ***“the foundation on which the entire political system rests”*** (HS, 9).

However, for Foucault, Biopower is entangled with a set of specific historical/political/events and forms of reasonings that helped proliferate it. For example, Foucault explains how after Nazi Germany, people wanted to disassociate themselves from recreating the conditions that allowed for a dictatorship like the German Reich to exist (BB, 111). As a result, they forged a new schema for shaping their cultural/political landscape that was inspired by their fears of state-intervention, leading them to pioneer an early form of neoliberalism (which supported Biopower's effects). A similar phenomenon occurred in America, where a certain logic emerged regarding labour and time that rethinks the relationship between our bodies and the labour we do (BB, 223-4). Labour was previously reduced conceptually to the number of hours worked. But a new way of thinking emerged that addressed time more abstractly – prompting it to be thought of in concrete terms, more attached to the particulars of human reality. This is where Biopower's presence starts to crop up for Foucault. Foucault thought that Biopower really accelerated when the human body started being conceived as a form of capital (i.e., a thing that could be invested in, or as a vehicle that ultimately serves to profit some external societal ends). This made a new brand of human called *homo economicus*, which thought of a human as a subject who needed to deal with his own body, family and life in economic terms (BB, 225). The sort of power associated with this economic reading of our bodies is distinctly non-sovereign, as Foucault writes: ***“there is no sovereign in economics”*** (BB, 283). After that point, various techniques of individualization and discipline, accompanied with norms and the psychological effects of shame and abjection subdued people to biopower's grip. In the specific historical scenario that Foucault says these affairs manifested in (neoliberal capitalism), this is the story of how biopower emerged.

While Agamben agrees that political affairs indeed became about managing life, Agamben thinks that this moment occurred much earlier in our history. That is, the story of *homo economicus*

wasn't an event that happened after the form of logic about human capital was conceived. Rather, biopolitics belongs to a more general stratum. The reason why Agamben sees biopolitics as an older phenomenon is because in examining the point between old juridicio-institutional models of power (e.g., Foucault's conception of sovereign power) and the biopolitical models of power that Foucault proposed, he notes that ***"the two analyses cannot be separated"*** (HS, 6). This is where Agamben makes the point that the production of biopolitics is the ***"original activity of sovereign power"***, which is to say that biopolitics is a branch or subsection of a more general form of power (HS, 6). This is in tension with the way Foucault has outlined his theory of biopower, which was a story that relied on historical events, discourses, and other logical shifts that led sovereign power away and gave a new set of reigns to biopower. But the exact way this shift occurred was never fully transparent in his work, especially considering how in certain places he nods at the idea that sovereign power resurges when atomic power comes on the scene, which complicates the view that it ever really went away!

Agamben recapitulates the aim of his project by writing: ***"the present inquiry concerns precisely this hidden point of intersection between the juridicio-institutional and the biopolitical models of power"*** (HS, 6). To better understand Agamben's divergence from Foucault, I will outline his theory of biopower and flag the key moments that take stark turns away from Foucauldian biopolitics. Agamben says that bare life – which is termed nearly synonymously to Homo Sacer – exists between 'zoe' and political life (i.e., 'bios') (HS, 4). This zone of indistinction that Agamben places bare life in cannot be categorized as belonging to either zoe or bios because although bare life technically should correspond to brute biological life (zoe), contemporary political life became concerned with zoe in a way that complicated the distinction between the two. This zone of indistinction supposedly made politics as we know it biopolitical. This moment where Agamben writes that zoe is exiled in the realm of bios carries with it an implication that the domestic affairs of life (e.g., home-life and personal relationships) were somehow non-political in nature. This is in significant contrast to Foucault, who emphasized in his works that politics was very much in operation at every level of social life, even in the primal relationships between the mother and her baby, or the child's upbringing and behaviours in the house. The family on Foucault's view is pictured as one node alongside a manifold of other power relations.

While Foucault's story of biopower has its beginnings around the time of homo economicus, Agamben's biopolitics emerged when the human gets conceived of as 'bare life' (i.e., Homo Sacer) through a sovereign decision (i.e., by a sovereign agent's decree of which lives get to count as valuable or not). Agamben's claim here is that the essence of biopower is the ability to exclude lives from certain political realms of importance. What made Nazi Germany was essentially a state of exception – a sovereign decision was made to suspend all the regular laws of the time, and whatever Hitler decreed to be the law became instantly binding. Agamben writes that ***"Nazism... transformed the decision on bare life into the supreme political principle"*** to explain that theoretical underpinnings of Nazism and the death camps are simply decisions over the value of some being's life, and that the ***"inclusion of bare life in the political realm constitutes the original... nucleus of sovereign power"*** (i.e., the death camps or ordered killings of the sovereign king are all the workings of sovereign power, their decisions, the creation of a

state of exception and the politicization of human life) (HS, 10, 6). (there's a bit of repetition in this paragraph)

For Foucault, sovereign power was systematically different from biopower – they had their own targets, and people were affected in varying degrees. The degrees to which they were affected seemed to be important in differentiating between these two accounts – Foucault noted the quintessential feature of sovereignty as the power to actively kill and passively let its citizens live, whereas biopower was defined by the ability to actively let live and passively let the irrelevant citizens die. For Agamben, his theory of biopower doesn't depend on the varying degrees to which people are affected by power: whether they've reached a point of self-subjugation or not, the level of power that's held over them is the same. That is because on Agamben's view, every political situation is essentially resulting out of a particular sovereign decision made, abetted by the suspension of laws and the production of a state of exception that could manufacture all sorts of unique power dynamics and degrees of unfreedom. Foucault's new form of power however rests on many ideological shifts: new discourses on life science, new conceptions of labour, and an array of historical events that shored up new attitudes about future politics.

One of Agamben's explicit critiques of Foucault's biopolitics is that Foucault has refused to ***“elaborate a unitary theory of power”*** (HS, 5). Here, Agamben is explicitly asking where ***“totalizing procedures”*** (i.e., biopower) and ***“techniques of individualization”*** (i.e., anamopolitics) converge. That is, how does the new form of power become internalized in such a way that people then self-subjugate themselves to it, rendering their bodies as self-regulating? Agamben proposes his theory as a way of subsuming Foucauldian biopower and previous conceptions of sovereign power into a more general phenomenon, or ***“unitary center in which the political ‘double bind’ finds its raison d’être”*** that he says would be the nucleus of both forms of power that Foucault wrote about. (HS, 6). (of course, it's not at all clear, from what Agamben says, how a theory of sovereign power will help us understand self-regulation)...

Thus far I've emphasized the distinct ways in which Foucault and Agamben approached biopower as a phenomenon. Foucault tried to historically excavate its origins and manifold manifestations, while Agamben plucked out the common feature of all the forms of power that have existed in our timeline. However, Agamben's aforementioned critique of Foucault raises a suspicion that they may not be thinking of the same powers. While it's true that Foucault doesn't flesh out the ways that anamopolitics and biopolitics interact with one another, it's not clear why Agamben introducing the sovereign's ability to create a state of exception would explain the actual emergence of biopower (i.e., the actual way it gets off the ground and starts to control the population and individuals).

This makes it seem like his aim was something different than what he stated, and that perhaps the theoretical value that Homo Sacer has to Foucauldian biopolitics is just a new way to theorize about power in general, or to supplement the story of how sovereign power was superseded by another form of power, for a more holistic view of power (which is defined by the state of exception). I don't think Agamben or Foucault's views can coherently be adjudicated at any other point but this one. (by the point you just made, you mean? How does the point expressed in

the last few sentences help us adjudicate between the views—this isn't yet clear) If we continue further down the rabbit hole of Homo Sacer, we encounter a perplexing temporal paradox that questions how a new legal order could be created from suspending laws if that implies that there was already a set of laws external to the sovereign. Creating a state of exception to a normal established order would make this new legal order (which is just a secondary effect) supposedly the main power that stays with us forever-on.

On Agamben's timeline, at some point after the new (secondary) legal order is created, the population becomes Homo Sacer. But where/when/how exactly the sovereign decisions are made is unclear. Whether any individual who exercises some sort of suspending-of-rules is enacting a sovereign decision was never explicated in his work. The exact figure of sovereignty that Agamben is thinking about is unclear, but clearly different from the figure that Foucault thought of in his notion of the sovereign. I think biopower can indeed be characterized by a state of exception, but Agamben's storyline about how this exactly came to be the case (i.e., how it got off the ground) is turning into the same paradoxical direction that Foucault's claim took when he tried to explain how one model of power was superseded by another. Agamben tried to remedy Foucault's problems about the convergence of anatamopolitics and disciplinary power, but provided a theory that was dependent on a story about its emergence which didn't really explain its emergence fully.

When assessing the plausibility of either accounts, I found it helpful to think of power through on-the-ground scenarios where biopower touches the lives of people. When we consider the Albertian woman who was sterilized against her knowledge, Agamben would consider the medical experts as evoking a sovereign decision over her body while Foucault might understand these individuals as nodes embedded in a complex web of power relations aided by various discourses on medicine and ethics. I think that both perceptions about the Albertian woman can be right...after all, killing is a motif that's present (passively or actively) in both biopower and sovereign power.

When a teacher disciplines students in her classroom, this is difficult to interpret as being a result of a sovereign decision (because there wasn't really 'brute domination' over the children, but rather passive actions unto their bodies). Here, Homo Sacer's role/presence is weak, but the role of Foucauldian power is stronger. And when a judge sentences a person to death, it makes more sense to understand them as activating bare life in a person and evoking sovereignty (even whilst acknowledging that they are operating in a larger grid of intelligibility). But what about a scenario where both views are necessary for recognizing Biopower's grip?

Consider the case where two people of equal social standings commit homicide. Person A kills person B. Both are equivalent in every sense in both Agamben and Foucault's schema – they both have the same job, gender, income, belong to the same political situation etc. It's difficult to say that there was a Foucauldian power relation working in effect between the two individuals, but because this interaction has no place outside of power (for Foucault), it would make sense to introduce the theory of Homo Sacer to show how choosing to reduce another person's life to below your own could be a real power play here that is not well described in Foucault's schema. Agamben's idea of bare life would be acknowledged in examples like these where there aren't

strong external influences of power, but where the act itself was definitively a power play (taking someone's life because you don't value it the same as your own).

Final comments:

You've achieved a good understanding of Foucault and Agamben! The argument could have been sharpened and developed slightly! Trying to read the texts in fresh ways and draw attention to details we didn't discuss could have also strengthened the essay, though you did do a good job of moving us through ideas which were familiar from lecture!

Reference List

All citations starting with (BB, ...) refer to:

Foucault, Michel. 2008. The Birth of Biopolitics. New York: Picador.

All citations starting with (HS,...) refer to:

Agamben, Giorgio. 1998. Homo Sacer: Sovereign Power and Bare Life. Stanford: Stanford UP