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ARTICLE

Against Totalitarianism: Agamben, Foucault, and the Politics of Critique

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ABSTRACT: Despite appearances, Agamben's engagement with Foucault in *Homo Sacer: Sovereign Power and Bare Life* is not an extension of Foucault's analysis of biopolitics but rather a disciplining of Foucault for failing to take Nazism seriously. This moralizing rebuke is the result of methodological divergences between the two thinkers that, I argue, have fundamental political consequences. Re-reading Foucault's most explicitly political work of the mid-1970s, I show that Foucault's commitment to genealogy is aligned with his commitment to "insurrection" — not simply archival or historical, but practical and *political* insurrection — even as his non-moralizing understanding of critique makes space for the resistances he hopes to proliferate. By contrast, Agamben's resurrection of sovereignty turns on a moralizing Holocaust exceptionalism that anoints both sovereignty and the state with inevitably totalitarian powers. Thus, while both Agamben and Foucault take positions "against" totalitarianism, their very different understandings of this term and method of investigating it unwittingly render Agamben complicit with the totalitarianism he otherwise seeks to reject.

And if I don't say what needs to be done, it isn't because I believe there is nothing to be done. On the contrary, I think there are a thousand things that can be done, invented, contrived by those who, recognizing the relations of power in which they are involved, have decided to resist or escape them. From that viewpoint, all my research rests on a postulate of absolute optimism. I don't construct my analyses in order to say, "This is the way things are, you are trapped." I say these things only insofar as I believe it enables us to transform them. Everything I do is done with the conviction that it may be of use.

Foucault, "Interview with Michel Foucault"¹

Some years ago, I had written that the West's political paradigm was no longer the city state, but the concentration camp, and that we had passed from Athens to Auschwitz. It

¹ Michel Foucault, "Interview with Michel Foucault" in Paul Rabinow (ed.), *Power: Essential Works of Foucault 1954-1984* (New York: W. W. Norton, 1994 [1978]), 294-5.

was obviously a philosophical thesis, and not historic recital, because one could not confuse phenomena that it is proper, on the contrary, to distinguish.

I would have liked to suggest that tattooing at Auschwitz undoubtedly seemed the most normal and economic way to regulate the enrolment and registration of deported persons into concentration camps. The bio-political tattooing the United States imposes now to enter its territory could well be the precursor to what we will be asked to accept later as the normal identity registration of a good citizen in the state's gears and mechanisms. That's why we must oppose it.

Agamben, "No to Biopolitical Tattooing"²

Agamben stages his widely-cited *Homo Sacer: Sovereign Power and Bare Life*³ as, in part, a disagreement with Foucault. Citing the end of Volume I of *The History of Sexuality*, Agamben notes that for Foucault, the "threshold of modernity" is reached when politics becomes biopolitics—when power exercises control not simply over the bodies of living beings, but, in fact, regulates, monitors, and manufactures the life and life processes of those living beings.⁴ Agamben agrees with Foucault that modern politics is biopolitics, but disagrees that biopolitics is distinctly modern. Instead, Agamben argues that biopolitics is as old as politics itself, because politics—at least in its Western version—is effectively a politics of sovereignty, and sovereignty, in Agamben's view, is inherently biopolitical.

Agamben attributes his disagreement with Foucault in part to what he sees as Foucault's surprising failure to engage Hannah Arendt, Foucault's near-contemporary and someone who, although having meditated extensively on modern biopolitics in *The Human Condition*,⁵ herself neglected to apply these same insights to her *The Origins of Totalitarianism*.⁶ What both thinkers fail to account for, in Agamben's view, is not the emergence of biopolitics ("which is, in itself, absolutely ancient"), but rather "the politicization of bare life as such," which Agamben names the truly "decisive moment of modernity."⁷ That both Foucault and Arendt omit this important event from their work is symptomatic of what Agamben calls, rather enigmatically, "the difficulties and resistances that thinking had to encounter in this area."⁸ The task of *Homo Sacer*, then, is to reconcile these two thinkers' biopolitical theory in order to understand the decisive moment of modernity. Presenting himself as the third corner of this philosophical triangle, Agamben installs *Homo Sacer* as the site wherein

² Giorgio Agamben, "No to Bio-Political Tattooing," *Le Monde Diplomatique* (Jan. 10, 2004).

³ Agamben, *Homo Sacer: Sovereign Power and Bare Life*, translated by Daniel Heller-Roazen (Stanford: Stanford University Press, 1998). Hereafter, appears as *HS* in text.

⁴ See Foucault, *The History of Sexuality, Vol. I: An Introduction*, translated by Robert Hurley (New York: Vintage, 1978), 143. Hereafter, appears as *HSI* in text.

⁵ Arendt, *The Human Condition* (Chicago: University of Chicago Press, 1958).

⁶ Arendt, *The Origins of Totalitarianism* (New York: Harcourt Brace, 1973).

⁷ Agamben, *Homo Sacer*, 4.

⁸ *Ibid.*, 4; cf. 120.

Arendt's and Foucault's insights will be adequately fused: "The concept of 'bare life' or 'sacred life' is the focal lens through which we shall try to make their points of view converge."⁹

However compelling, Agamben's proposed philosophical consolidation here is not what he actually accomplishes, or even really sets out to do, in *Homo Sacer*. Rather, Agamben seeks to *discipline* Foucault for failing to take into account the "penetrating" analyses of totalitarianism proffered by Arendt almost twenty years before Volume I of *The History of Sexuality*.¹⁰ In other words, while Foucault is called to task for overlooking Arendt, Arendt is faulted for not recognizing the importance of her own insights and relating them to one another. Thus, Agamben notes, Foucault's argument will have to be not only "corrected" but also "completed" insofar as it fails to recognize what Arendt already understood to be latent in the modern replacement of *bios* with *zoē* as its central political concern. *Homo Sacer* is thus neither an incorporation of nor a substantive engagement with Foucault. It is, instead, a dispute with Foucault and, more precisely, a corrective of Foucault. This corrective demands that Agamben turn our attention to "the exemplary places of modern biopolitics" on which Foucault "never dwelt": "the concentration camp and the structure of the great totalitarian states of the twentieth century."¹¹

If we examine these more appropriate foci of contemporary biopolitical investigation, Agamben argues, we become able to recognize the horrifying reality that defines contemporary politics: *every* political space has now become a "camp." For Agamben, the camp is the place wherein law is nothing but an empty signifier and all life is reduced to bare existence, the *zoē* upon which sovereign decisionism may act as it chooses and without consequence. The dramatic suggestion of *Homo Sacer* is that the camp, no longer even a demarcatable place anymore, has become coterminous with the very domain of the earth, and every human being has been reduced to the status of bare life.¹² Foucault, then, is guilty not simply of theoretical or historical oversight. In remaining silent about or oblivious to *the* most significant political phenomena of the 20th century, Foucault is lax with regard to, if not potentially complicit with, the very biopolitical machinations he should have been documenting (and, it seems, condemning). As Agamben observes later, "The inquiry that began with a reconstruction of the *grand enfermement* in hospitals and prisons did not end with an analysis of the concentration camp."¹³

Agamben's disciplining of Foucault regarding the proper locus and diagnosis of modern biopolitics is an essentially moralizing exercise that almost completely sidelines or obviates the specific content of Foucault's work. Such oversight is more than academic; it has significant political consequences. In this article, I argue that Agamben effects a return to sovereignty via a rejection of a Foucaultian methodology that I describe as emancipatory

⁹ *Ibid.*, 120.

¹⁰ *Ibid.*, 3-4; 119-120.

¹¹ *Ibid.*, 4.

¹² *Ibid.*, 38, 139-40.

¹³ *Ibid.*, 119.

in its commitment to the excavation of knowledges *from below*. As we will see, although both thinkers appear concerned about the power relations they document and may even wish to galvanize their readership to action of some sort,¹⁴ Agamben's methodology ultimately forecloses the very resistance he seeks to cultivate, even as Foucault's non-moralizing understanding of critique makes space for the resistances he hopes to proliferate. As a result, although both Agamben and Foucault take positions "against" totalitarianism, their very different understandings of this term and divergent methodological approaches result in Agamben's unwitting resurrection of sovereignty in precisely the totalitarian form he otherwise seeks to reject.

I. The Return to Sovereignty

To date, many have observed the substantial differences between Agamben and Foucault on the questions of biopolitics, sovereignty, life, and law.¹⁵ These differences include divergences of method, epistemology, metaphysics, politics, ontology, and normativity. To my mind, the most obvious and, for the purposes of this article, the most important difference between Agamben and Foucault is in their respective conceptualizations and methodological use of the term sovereignty. This divergence is important not simply because Agamben claims to be beginning from and further developing Foucault's line of argument, but also insofar as it has significant consequences for the practical possibilities of everyday political resistance.

As is well-known, in *Homo Sacer*, Agamben adopts Carl Schmitt's definition of the sovereign as "he who decides on the exception."¹⁶ Simultaneously, however, Agamben overlays this definition with a particular biopolitical reading of the history of Western poli-

¹⁴ Wendy Brown lumps Agamben in with Hardt and Negri as a "radical" who seeks to "develop a politics opposed to sovereignty" (Brown, *Walled States, Waning Sovereignty* (Princeton: Princeton University Press, 2010), 54), while Negri calls Agamben "a revolutionary" whose turn to biopolitics may well be motivated by "the influence of Foucault" and "the importance of his thought for many young Europeans in the 1990s" (Negri, "Giorgio Agamben: The Discreet Taste of the Dialectic," in Matthew Calarco and Steven DeCaroli (eds.), *Giorgio Agamben: Sovereignty and Life* (Stanford: Stanford University Press, 2007), 120). Michael Dillon sees Agamben's work as a "betrayal" of Foucault, but precisely because he shares Foucault's "cause" of developing "dissent" to biopolitics and "a positively different living of life" (Dillon, "Cared to Death: The Biopoliticised Time of Your Life," *Foucault Studies*, no. 2 (May 2005), 45). Meanwhile, Julian Reid sees "*Society*" as initiating the question of how we might "engage otherwise" with the modern biopolitics of war and security (Reid, "War, Discipline and Biopolitics," in Stephen Morton and Stephen Bygrave (eds.), *Foucault in an Age of Terror: Essays on Biopolitics and the Defence of Society* (New York: Palgrave, 2008), 28).

¹⁵ See, e.g., Thomas Lemke, "'A Zone of Indistinction': A Critique of Giorgio Agamben's Concept of Biopolitics," *Outlines: Critical Practice Studies*, vol. 7, no. 1 (2005); Mika Ojakangas, "Impossible Dialogue on Bio-power: Agamben and Foucault," *Foucault Studies*, no. 2 (May 2005); Dillon, "Cared to Death"; Paul Patton, "Agamben and Foucault on Biopower and Biopolitics," in *Giorgio Agamben: Sovereignty and Life*; Catherine Mills, "Biopolitics, Liberal Eugenics, and Nihilism," in *Giorgio Agamben: Sovereignty and Life*.

¹⁶ Carl Schmitt, *Political Theology*, translated by George Schwab (Chicago: University of Chicago Press, 1985), 5.

tics, wherein “the inclusion of bare life in the political realm constitutes the original—if concealed—nucleus of sovereign power.”¹⁷ Echoing Schmitt, Agamben asserts that “the exception” lies at the heart of sovereignty. Revising Schmitt, Agamben relates the exception to a specifically Arendtian reading of the Aristotelian distinction between life and the good life, or “bare life” (“*zoē*”) and properly political life (“*bios*”). In this view, “Western politics first constitutes itself through an exclusion (which is simultaneously an inclusion) of bare life.”¹⁸ The exception is a relationship between *zoē* and *bios* that is simultaneously one of opposition as well as “an implication of the first in the second.”¹⁹ It is both a segregation of *zoē* from *bios* and an inclusion of *zoē* within *bios* (only) by means of *zoē*’s exclusion. This structure of biopolitical exception, Agamben claims, is not only originary to “Western politics” but, in fact, “consubstantial with Western politics.”²⁰ For him, sovereignty is effectively *another name for* Western politics, which is, and incipiently always has been, a kind of decisionism that constitutes the very type and being of the lives of its subjects.

While Agamben’s rhetoric certainly supports his claim that sovereignty has always existed in the same form and in the same way in “the West” (and he even says as much at times), there is also a more generous reading of *Homo Sacer* that sees sovereignty as a series of developments or transformations of a *given logic* that, regardless of how seemingly disparate its forms in various ages may be, are nevertheless symptomatic of the same generalized phenomenon of the exceptionalizing of *zoē*. Indeed, Agamben’s definition of sovereignty is not primarily institutional and instead denotes the abstract, exceptional relationship between *zoē* and *bios* that, he argues, uniquely characterizes Western politics. In this regard, *Homo Sacer* functions as Agamben’s close reading of the text of Western politics, wherein the first articulation of the sovereign exception, in Aristotle, is transformed, through a series of emendations, re-writings, and revised rituals of “the sacred” in Roman law (which serves as a kind of bridge between Aristotle and modernity), as well as signature moments such as the Declaration of the Rights of Man and the innovation of *habeus corpus*, into an explicit relationship of biopolitical exception and increasing indistinction between them. Nevertheless, Agamben ultimately sees sovereignty as either a trans-historical phenomenon or, at the very least, a political configuration that has endured relatively stably and continuously since the days of Aristotle.

For Foucault, by contrast, sovereignty is a relatively recent historical phenomenon, both a theory and an actual configuration of power of the feudal monarchy of the Middle Ages (and 17th and 18th century resistances to it).²¹ Sovereignty also names a set of theoretical premises or assumptions about power that, in his view, we would do well to leave behind: the notion that power is capable of individual possession and transfer, like a commodity

¹⁷ Agamben, *Homo Sacer*, 6.

¹⁸ *Ibid.*, 7.

¹⁹ *Ibid.*

²⁰ *Ibid.*

²¹ Foucault, “*Society Must Be Defended*”: *Lectures at the Collège de France 1975-1976*, translated by David Macey (New York: Picador, 2003), 34-5. Hereafter, appears as “SMBD” in text.

(the “economism of power” that underlies social contract theory);²² the notion that power overall is a unity or capable of overarching unification;²³ the articulation of power primarily through the vehicle of law;²⁴ the view that subjects pre-exist or are somehow “outside” of power;²⁵ and the notion that it is possible to “topple” or overthrow power and emerge on the other side of it, into “freedom.”²⁶ In short, we “must not assume that the sovereignty of the state, the form of the law, or the over-all unity of a domination are given at the outset; rather, these are only the terminal forms power takes.”²⁷ Foucault sums up the sovereign model of power as follows:

So we can say that in one way or another—and depending, obviously, upon the different theoretical schemata in which it is deployed—the theory of sovereignty presupposes the subject; its goal is to establish the essential unity of power, and it is always deployed within the preexisting element of the law. It therefore assumes the existence of three “primitive” elements: a subject who has to be subjectified, the unity of the power that has to be founded, and the legitimacy that has to be respected. Subject, unitary power, and law: the theory of sovereignty comes into play, I think, among these elements, and it both takes them as given and tries to found them.²⁸

While these coordinates may have been adequate to explain the specific features of European “feudal-type societies,” they no longer exhaust the realm of political strategy and technology; hence Foucault’s introduction of discipline, biopower, and—eventually—governmentality as necessary additives and correlatives to the sovereign edifice.²⁹

Agamben makes clear that his use of sovereignty is diametrically opposed to Foucault’s on all these counts. First, of course, he equates sovereignty with the state. Agamben laments the modern erosion of the State-sovereign equivalence, noting disconsolately that

²² Ibid., 12; Foucault, *History of Sexuality Volume 1*, 94.

²³ Ibid., 43-46.

²⁴ Foucault, *History of Sexuality Volume 1*, 83-91; Foucault, “Society Must Be Defended,” 38-40.

²⁵ Foucault, *History of Sexuality Volume 1*, 94; Foucault, “Society Must Be Defended,” 46.

²⁶ This bitter pill is the sardonic punchline of Foucault, *History of Sexuality Volume 1*, the final sentence of which declares that the “irony” of the deployment of sexuality “is in having us believe that our ‘liberation’ is in the balance” (Foucault, *History of Sexuality*, 159).

²⁷ Ibid., 92.

²⁸ Foucault, “Society Must Be Defended,” 44.

²⁹ Roberto Esposito makes much of the fact that Foucault seems to vacillate as to whether or not biopolitics replaces or supplements sovereignty (Esposito, *Bios: Biopolitics and Philosophy*, translated by Timothy Campbell (Minneapolis: University of Minnesota Press, 2008)). Yet, Foucault does not intend a “historical schema” wherein sovereignty is first replaced by discipline and then, shortly thereafter, biopower and security; rather, he is chronicling distinctive characteristics of power formations predominant in a given period. But, as he notes, discipline exists in the ancient world, the Panopticon can be seen as the great dream of sovereignty, mechanisms of security are very old, and the development of new modes of securitization and discipline do not simply overwrite or cancel sovereign mechanisms of power (Foucault, *Security, Territory, Population: Lectures at the Collège de France 1977-1978*, translated by Graham Burchell (New York: Palgrave, 2007), 7-8; hereafter appears as *STP* in text).

“the sovereign is entering into an ever more intimate symbiosis not only with the jurist but also with the doctor, the scientist, the expert, and the priest.”³⁰ In appropriating Schmitt’s definition of sovereignty, moreover, Agamben shows that Schmitt was the first to grasp the ways in which the sovereign exception exposes “nothing less than the limit concept of the doctrine of law and the State.”³¹ Clearly, then, the state and sovereignty are two notions that either constitute or entail one another. Second, Agamben’s version of sovereignty, however abstract or conceptual, nevertheless functions as an overall unity, both in historical terms, as continuous throughout time, and in political terms, as acting through law upon pre-existent subjects who are repressed or prohibited by it. So, historically, Agamben makes no secret of the fact that his version of sovereignty can be considered to stretch from before the time of Aristotle through to the present day. Politically, Agamben makes clear that the subjects of sovereign power, riven by a *zoē/bios* divide that has been attenuated or corrupted over time, are *acted upon* by sovereignty, which is perpetually extending the domain of *zoē* and diminishing that of *bios*, unfolding the inevitable and endlessly iterable logic of the *zoē/bios* divide itself. Now, whether this exceptional *zoē/bios* divide is the result of sovereign decisionism (as he argues in *HS*) or simply part and parcel of human subjectivity (as he argues more complexly in *Remnants of Auschwitz*³²), it is nevertheless the case that this divide is consubstantial with sovereignty and is not an effect of power but rather coextensive with it. As Thomas Lemke aptly sums up, “Agamben subscribes to exactly the juridico-discursive concept of power that Foucault has shown to be insufficient for the analysis of modern biopolitics.”³³

Agamben finesses these discrepancies by saying he is attending to yet another aporia in Foucault’s work—not the oversight of Hannah Arendt, this time, but rather “the vanishing point” that haunts both Foucault’s thought and indeed “the entire Western reflection on power.”³⁴ Agamben acknowledges that Foucault sought to abandon “the traditional approach to the problem of power, which is based on juridico-institutional models (the definition of sovereignty, the theory of the State),” in order “to construct an analytic of power that would not take law as its model and code.”³⁵ Yet Agamben nonetheless re-asserts these terms and this problematic back into Foucault’s text when he complains that the two dominant strands of Foucault’s thought at the end of his life remained without “a common center.”³⁶ This “common center” is the place where “*political techniques* (such as the science of the police) with which the State assumes and integrates the care of the natural life of individuals into its very center” and “*technologies of the self*”³⁷ converge. This “delicate area” is

³⁰ Agamben, *Homo Sacer*, 122.

³¹ *Ibid.*, 11.

³² Agamben, *Remnants of Auschwitz: The Witness and the Archive*, translated by Daniel Heller-Roazen (New York: Zone Books, 2002).

³³ Lemke, ““A Zone of Indistinction,”” 4.

³⁴ Agamben, *Homo Sacer*, 6.

³⁵ *Ibid.*, 5.

³⁶ *Ibid.*

³⁷ *Ibid.*

the “unitary center”³⁸ Agamben sets out to uncover in *Homo Sacer* (and uncover it he must since, he notes repeatedly, it is both “secret” and “hidden”). This covert capsule of power from time immemorial in the West is the structure of the State, and that structure is, as Agamben makes clear, the sovereign exception.³⁹ Because Foucault did not recognize the sovereign exception as the structure of the state, there is a fundamental lacuna in his thought.

Of course, the fact that Foucault *rejects* the historical and philosophical premises of such a finding might be a more plausible explanation as to why he never alighted on Agamben’s particular diagnosis of modern biopolitics. Yet rather than acknowledge that he and Foucault are working with fundamentally different historical and theoretical understandings, Agamben instead documents what he takes to be Foucault’s failure to include the sovereign exception, concluding alternately that Foucault overlooked it, missed it entirely, would have noticed it had he read Arendt, died before he could consider it fully, or was foiled by the “difficulties and resistances that thinking had to encounter in this area.”⁴⁰ At a minimum, then, Agamben not only ignores Foucault’s critique of sovereignty, but effectively countermands it in an argument that must be understood as effecting a return to sovereignty as the central and definitive problem of politics and political theory, at least in “the West.”

II. Politics and Method

Agamben and Foucault differ not simply regarding the historical or philosophical content of sovereignty, but also, and more importantly, regarding their *method* of studying it and the *politics* of these methodological choices. For there is an additional reason that Foucault rejects sovereignty as insufficient to explain or describe fully the workings of power beyond 16th-17th c. monarchical Europe: remaining within its framework stymies projects of resistance. At the beginning of “*SMBD*,” for example, Foucault declares we “are in a sort of bottleneck” if we seek to resist discipline by relying on the old terms and terrain of sovereignty: “Having recourse to sovereignty against discipline will not enable us to limit the effects of disciplinary power.”⁴¹ This suggests that resisting discipline is an important project for Foucault, or at least one with which he was concerned. “Truth to tell,” he says,

if we are to struggle against disciplines, or rather against disciplinary power, in our search for a nondisciplinary power, we should not be turning to the old right of sovereignty; we should be looking for a new right that is both antidisciplinary and emancipated from the principle of sovereignty.⁴²

³⁸ *Ibid.*, 6.

³⁹ *Ibid.*, 11-12.

⁴⁰ *Ibid.*, 7-11.

⁴¹ Foucault, “*Society Must Be Defended*,” 39.

⁴² *Ibid.*, 39-40.

Similarly, the first volume of *The History of Sexuality* ends with the warning against celebrating a sexuality that only re-iterates the terms of our sexual subjectification. The thrill of sexual “liberation,” Foucault insists, only keeps us in thrall to “that austere monarchy of sex.”⁴³ Instead, he elliptically suggests we investigate alternative configurations of “bodies and pleasures.”⁴⁴ Now, whether or not “bodies and pleasures” constitutes a viable prospect for political resistance, its mention at the end of *HSI* suggests that Foucault is at least aware of the political consequences of his critique in this text. In short, it is not simply for historical or philosophical reasons that Foucault wishes to dispense with the primacy of the theory of sovereignty. It is also for *methodological* and *political* reasons that Foucault famously declares it is time to “cut off the head of the king”⁴⁵ and “study power outside the model of Leviathan.”⁴⁶

Notably, Foucault’s most definitively political texts, those from what is sometimes referred to as his “middle period,” are also characterized by explicit methodological considerations. Foucault’s works on discipline, biopolitics, governmentality, and the state—*Discipline & Punish* (1977),⁴⁷ *HSI* (1978), “*SMBD*” (1975-6), *STP* (1978-9), and *The Birth of Biopolitics* (1978-9)⁴⁸—are very much taken up with methodological concerns, specific methodological choices, and explicit discussions of method. Some of Foucault’s most famous remarks about power are contained in the section on “Method” in *HSI*, the germs of which appear already in *D&P* and are more fully expanded upon and amplified in “*SMBD*.” Foucault describes *STP* as itself a kind of “experiment” in method—his attempt to see if it was truly possible to embark upon a history of the state without presuming its existence beforehand—and *BB* continues this project by further unpacking neoliberal governmentality. In both “*SMBD*” and *STP*, Foucault explicitly links his method with genealogy, and characterizes his prior work as similarly genealogical. As he considers in Lecture 5 of *STP*, he is attempting to do with regard to the state what he had already undertaken with regard to the study of the disciplines, an activity he characterizes as a “triple displacement”⁴⁹ of institution, function, and object from the study of technologies and strategies of power. The point of the analysis in *STP* is to undertake these three displacements precisely with regard to the

⁴³ Foucault, *History of Sexuality Volume 1*, 159.

⁴⁴ A suggestion that has been much mined by feminists and queer theorists for thinking through various practices of resistance; see, e.g., Ladelle McWhorter, *Bodies and Pleasures: Foucault and the Politics of Sexual Normalization* (Bloomington: Indiana University Press, 1999); Jana Sawicki, *Disciplining Foucault: Feminism, Power, and the Body* (New York: Routledge, 1991). Judith Butler has suggested that “sexuality and power” is a better pairing for this task than “bodies and pleasures”; see Butler, “Revisiting Bodies and Pleasures,” *Theory, Culture & Society*, vol. 16, no. 11 (1999), 19.

⁴⁵ Foucault, *History of Sexuality Volume 1*, 88-9.

⁴⁶ Foucault, “*Society Must Be Defended*,” 34.

⁴⁷ Michel Foucault, *Discipline & Punish: The Birth of the Prison*, translated by Alan Sheridan (New York: Vintage, 1977). Hereafter, appears as *D&P* in text.

⁴⁸ Michel Foucault, *The Birth of Biopolitics: Lectures at the Collège de France 1978-1979*, translated by Graham Burchell (New York: Palgrave, 2008). Hereafter, appears as *BB* in text.

⁴⁹ Foucault, *Security, Territory, Population*, 116.

state, to demonstrate “how the emergence of the state as a fundamental political issue can in fact be situated within a more general history of governmentality, or, if you like, in the field of practices of power.”⁵⁰

The point of these three displacements themselves, however, is more generally to de-institutionalize power and recognize its dispersed workings *from below*, so as to understand and track them better and open up space for resistance. Foucault calls this “methodological precaution” an “ascending analysis of power” that begins by studying its “infinitesimal mechanisms.”⁵¹ It makes resistance possible because it shows that “Major dominations are the hegemonic *effects* that are sustained by all these confrontations [i.e., manifold relations of force]”⁵²:

Overall domination is not something that is pluralized and then has repercussions down below. I think we have to analyze the way in which the phenomena, techniques, and procedures of power come into play at the lowest levels; we have to show, obviously, how these procedures are displaced, extended, and modified and, above all, how they are invested or annexed by global phenomena, and how more general powers or economic benefits can slip into the play of these technologies of power, which are at once relatively autonomous and infinitesimal.⁵³

These smaller, “local” confrontations and strategies of power are unstable, tractable, vulnerable, reversible. Undertaking the genealogy of power relations from below, then, rather than tracking “major dominations” from above, makes clear that major dominations are *produced* by power relations and are neither essential, inevitable, nor strictly causal agents. For example, Foucault cautions against offering “a genealogy of the state”⁵⁴ or proceeding from the state as “a transcendent reality whose history could be undertaken on the basis of itself.”⁵⁵ Instead, he focuses on various state rationalities (*raisons d'état*) that, unwittingly and from below, collaborate to produce the hegemony of the modern, governmentalized state as its distinctive by-product. Foucault is adamant that the state not be taken as a historical given; rather, he argues, it is an *effect* of specific practices of governmentality, and it is these practices that interest him much more than the state as such.

One consequence, then, of offering a “history of the state” (or of sovereignty, as Agamben has it) is that institutions, discourses, and bodies of knowledge become essentialized into universals of human history or politics. They become causes rather than effects.⁵⁶ Foucault’s point is that to begin the analysis from these institutions is to reproduce their power by acceding to their status as ever-present and causal signifiers. In an elliptical echo

⁵⁰ Ibid., 247.

⁵¹ Foucault, “*Society Must Be Defended*,” 30.

⁵² Foucault, *History of Sexuality Volume 1*, 94, *emphasis added*.

⁵³ Foucault, “*Society Must Be Defended*,” 30.

⁵⁴ Foucault, *Security, Territory, Population*, 276.

⁵⁵ Ibid., 358.

⁵⁶ Ibid., 239.

of Marx, Foucault reminds us that the state is no more or less than those who make it up and the practices and technologies of power that have come to constitute it:

We cannot speak of the state-thing as if it was a being developing on the basis of itself and imposing itself on individuals as if by a spontaneous, automatic mechanism. The state is a practice. The state is inseparable from the set of practices by which the state actually became a way of governing, a way of doing things, and a way too of relating to government.⁵⁷

Foucault's point is not that there is "no such thing" as the state, or that the state is not a large or powerful political institution. Rather, he is arguing for an analytic approach that does not take powerful institutions and political forms to be self-causing and themselves causes—in Marx's terms, a fetish.

The politics of this particular methodological perspective—which Foucault acknowledges *is* a perspective, rather than a normative prescription⁵⁸—is more explicit in the 1975-6 lecture series, "SMBD." In both *STP* and "SMBD," Foucault aligns his work with genealogy. In "SMBD," however, he presents genealogy itself as a *tactic* in the struggle against the tyranny of scientific discourses by subjugated knowledges. Foucault offers a disarming preamble to this year of lectures, declaring that his scholarly research has been somewhat haphazard to this point and confessing that he has trouble explaining it according to any larger goal, project, or overall purpose. Although he is hopeful that his readers have found lines of continuity in the "fragmented, repetitive, and discontinuous"⁵⁹ works of the previous years, Foucault is clear that, from his vantage point anyway, he was engaged in "the busy inertia of those who profess useless knowledge,"⁶⁰ caught up in "the great, tender, and warm freemasonry of useless erudition."⁶¹ Nevertheless, Foucault says, "it was not *just* a liking for this freemasonry that led me to do what I've been doing."⁶² He says the work of this time is "quite in keeping with a certain period; with the very limited period we have been living through for the last ten or fifteen years, twenty at the most."⁶³ The period Foucault is referring to, of course, is the great social, cultural, and political upheaval of 1960-1975, including May '68 but also the general global ferment of oppositional and liberatory social, anti-war, and anti-colonial movements. Foucault characterizes this period as consisting of a generalized attack—in both the intellectual and sociopolitical arenas—against the organizing institutions of social life (psychiatry, sexual morality, prisons, the state) as well as "totalitarian theories" like Marxism and psychoanalysis. "What was it that was everywhere being called into question? The way in which power was exercised—not just state power but the power

⁵⁷ *Ibid.*, 276-7.

⁵⁸ *Ibid.*, 119; cf. Foucault, *The Birth of Biopolitics*, 186.

⁵⁹ Foucault, "Society Must Be Defended," 4.

⁶⁰ *Ibid.*

⁶¹ *Ibid.*, 5.

⁶² *Ibid.*, *emphasis added*.

⁶³ *Ibid.*

exercised by other institutions and forms of constraint, a sort of abiding oppression in everyday life."⁶⁴

This generalized attack became possible due to what Foucault calls "the insurrection of subjugated knowledges,"⁶⁵ by which he means both the scholarly excavation of "buried or masked" historical records of people and events whose existence contradicts the "functional arrangements or systematic organizations" of power;⁶⁶ and all those knowledges "from below" that have been "disqualified" as knowledges because they lack some kind of institutional, scholarly, or other elite credibility.⁶⁷ Foucault describes these latter knowledges as "what people know at a local level."⁶⁸ What links these two, otherwise disparate forms of knowledge—"the buried and the disqualified"—is that they are both archives of struggle that have "been confined to the margins."⁶⁹ They would not even have become apparent were it not for the general critical ferment of these years that resulted in "the removal of the tyranny of overall discourses."⁷⁰ In characterizing his work up to and including 1975-76 as part of this struggle, Foucault is effectively describing works like *D&P* as a kind of uncovering of the documentation of the struggles of subordinated knowledges and a facilitation of their emergence in support of their insurrection.⁷¹

Even more significantly, Foucault argues that this emancipatory activity is the effect of the practice of genealogy, which he opposes to "science." In these lectures, Foucault argues that sciences are institutionalized discourses that claim to account for and explain everything according to a rule or particular rubric for producing truth. Sciences treat all meaning, experience, and knowledge as grist to their mill of verification and confirmation. Foucault refers to these sciences as "totalitarian theories." His explicit targets are Marxism and psychoanalysis; of the former, for example, he says: "we can deduce whatever we like from the general phenomenon of the domination of the bourgeois class."⁷² Such deductions, he says, "are always possible," but "[t]hey are essentially too facile, because we can [also] say

⁶⁴ Foucault, "Interview with Michel Foucault," 283.

⁶⁵ Foucault, "Society Must Be Defended," 7.

⁶⁶ Ibid.

⁶⁷ Ibid.

⁶⁸ Ibid., 8.

⁶⁹ Ibid.

⁷⁰ Ibid.

⁷¹ I see no reason to exclude Foucault's first book, *History of Madness*, from this characterization, and Lynne Huffer's recent re-reading of this text suggests as much to me, particularly in her emphasis on a passage from an unpublished interview with Foucault, wherein he says that for twenty years he has been worrying about "my little mad ones, my little excluded ones, my little abnormal." Huffer argues that, in this gesture, "Foucault declares his solidarity with those who belong to 'society's shadow,' those he calls the 'excluded ones'" (Huffer, *Mad for Foucault: Rethinking the Foundations of Queer Theory* (New York: Columbia University Press, 2010), 23). Nevertheless, Huffer does not see madness as coincident with "resistance" in Foucault and places great emphasis on his prefatory warning that to articulate the voices and experiences of the mad is already to fold them into the domain of reason and erase their existence as mad. See Huffer, *Mad for Foucault*.

⁷² Foucault, "Society Must Be Defended," 32.

precisely the opposite. We can deduce from the principle that the bourgeoisie became a ruling class that controlling sexuality, and infantile sexuality, is not absolutely desirable. We can reach the opposite conclusion and say that what is needed is a sexual apprenticeship, sexual training, sexual precocity, to the extent that the goal is to use sexuality to reproduce a labor force [...]."⁷³ The point, however, is that the answer—whatever it is—always serves to reinforce the power/knowledge effects of the scientific discourse that yielded it in the first place. This “vanguard” knowledge is what is opposed by genealogies, which Foucault characterizes as “antisciences.”⁷⁴ By refusing the deductions and truth-mills of sciences and interrogating power from the bottom up, rather than from the top down, genealogies “are about the insurrection of knowledges [...] against the centralizing power-effects that are bound up with the institutionalization and workings of any scientific discourse organized in a society such as ours.”⁷⁵

In Lecture 2 of “*SMBD*,” Foucault offers five methodological precautions regarding the study of power. These precautions—effectively a further organization of material already published in the sections “Objective” and “Method” in *HSI*—must be read within the context in which they are presented here; namely, that of understanding scholarly and archival work as engaged in a political project of struggle, overthrow, and even, perhaps, liberation. In “*SMBD*,” Foucault characterizes genealogy as “a tactic” of unearthing and describing the local knowledges that will destabilize totalitarian discourses. Its obvious political character is further characterized, by him, as emancipatory:

Compared to the attempt to inscribe knowledges in the power-hierarchy typical of science, genealogy is, then, a sort of attempt to desubjugate historical knowledges, to set them free, or in other words to enable them to oppose and struggle against the coercion of a unitary, formal, and scientific theoretical discourse.⁷⁶

While Foucault’s enduring skepticism regarding liberation is well-known, it is difficult to know how else to describe the activity, erudite or otherwise, of facilitating this renegade disruption of “totalitarian discourses.”⁷⁷

In describing Foucault’s methodological commitment as emancipatory, I am not suggesting that he is advocating revolutionary struggle as traditionally understood by political

⁷³ *Ibid.*, 31.

⁷⁴ *Ibid.*, 9.

⁷⁵ *Ibid.*

⁷⁶ *Ibid.*, 10.

⁷⁷ See, e.g., in addition to *History of Sexuality Volume 1*, “The Ethics of the Concern of the Self as a Practice of Freedom,” wherein Foucault stresses his emphasis on “practices of freedom” rather than liberation as such, not because the latter does not exist, but because “Liberation paves the way for new power relationships, which must be controlled by practices of freedom” (in Foucault, *Ethics: Subjectivity and Truth*, edited by Paul Rabinow (New York: The New Press, 1997), 282-4. For an alternate view that suggests Foucault’s investment in the “problem of revolution” was “at the heart of his thought until the end of his life,” see Drucilla Cornell and Stephen D. Seely, “There’s Nothing Revolutionary about a Blowjob,” *Social Text*, vol. 32, no. 2 (Summer, 2014), 9.

theory (Marxist or otherwise), or even that his scholarship itself constitutes a form of revolutionary activity. I mean to make the narrower and more specific claim that, methodologically, Foucault's understanding of genealogy and his practice of it in this period proceed from an essentially *political* commitment to voices, experiences, and knowledges that are "subjugated" or in some sense "below." Foucault, in other words, is unearthing knowledges *from below* in an attempt to disrupt or disperse "totalitarian" theories, discourses which therefore in some sense reign *from above*. Now, it may seem as though this sort of vertical mapping is foreign to Foucault's thinking about power. As well, the emphasis on the "insurrection of subjugated knowledges" sounds dangerously like the repressive model of power relations that Foucault has worked so assiduously to sideline in our political thinking.⁷⁸ Yet it is undeniable that Foucault uses precisely such spatialization to mark the relationship between "totalitarian theories, or at least—what I mean is—all-encompassing global theories"⁷⁹ and "subjugated knowledges." So, for example, he says:

When I say "subjugated knowledges" I am also referring to a whole series of knowledges that have been disqualified as nonconceptual knowledges, as insufficiently elaborated knowledges: naïve knowledges, hierarchically inferior knowledges, knowledges that are below the required level of erudition or scientificity. And it is thanks to the reappearance of these knowledges from below, of these unqualified or even disqualified knowledges, it is thanks to the reappearance of these knowledges: the knowledge of the psychiatrized, the patient, the nurse, the doctor, that is parallel to, marginal to, medical knowledge, the knowledge of the delinquent, what I would call, if you like, what people know (and this is by no means the same thing as common knowledge or common sense but, on the contrary, a particular knowledge, a knowledge that is local, regional, or differential, incapable of unanimity and which derives its power solely from the fact that it is different from all the knowledges that surround it), it is the reappearance of what people know at a local level, of these disqualified knowledges, that made the critique possible.⁸⁰

In addition to the clearly verticalized positioning of subjugated knowledges as "from below" in this passage, I also want to draw attention to the ways in which Foucault characterizes the knowers of these subjugated knowledges: "the psychiatrized, the patient, the nurse, the doctor," personages who run alongside or in tandem with "medical knowledge, the knowledge of the delinquent" and are marginalized by them.⁸¹ Domination subjects, then, and in both senses—it both produces subjects and subjugates them. However, whether the term is subjection, subjectivation, subjugation, or subordination (and Foucault uses all of these at various points), the common denominator among them is the prefix *sub*, meaning "under"; "subjugation" literally means "under the yoke." Therefore, while it is indisputable

⁷⁸ I am grateful to Lynne Huffer for raising these objections.

⁷⁹ Foucault, "*Society Must Be Defended*," 6.

⁸⁰ *Ibid.*, 7-8.

⁸¹ This is not so far from the ways in which Foucault characterizes the subjects of disciplinary power in *Discipline & Punish*—as analogously dominated by specific, "despotic" techniques of power (Foucault, *Discipline and Punish*, 236).

that Foucault rejects the notion that there are determinate or specific people *in* power who wield it over others the way a king wields a scepter, it does not necessarily follow that Foucault rejects the idea that there are those beneath strategies and imperatives of power who are dominated, subordinated, and subjectified by it. Indeed, it is that very subjectification by which we can recognize strategies and technologies of power in the first place. I think it is clear that Foucault's methodological and political loyalties are identical here: they lie with those below, with those subjugated and subjectified.

Foucault retains this loyalty because—and this is the other way in which he can be said to practice an emancipatory methodology—he is interested in securing a space for political resistance, for what he so often describes as resistance to the mechanisms of power itself (rather than to a specific institution—say, the prison—or to a group of people—say, the ruling class). So, when Foucault describes genealogy as the insurrection of subjugated knowledges, he makes clear that this insurrection is aimed “not so much at the contents, methods, or concepts of a science” but that “above all,” genealogy is “to fight the power-effects characteristic of any discourse that is regarded as scientific.”⁸² The purpose of genealogical emancipation of subjugated knowledges, in other words, is “to make use of that knowledge in contemporary tactics.”⁸³ This is how Foucault carves out a space for intellectual activity and production within political work without thereby anointing the scholar with any special or privileged role “from above” as interpreter or galvanizer of the masses. For example, in another 1978 interview explicitly focused on method and politics, Foucault makes clear that “the problem of the prisons isn't one for the ‘social workers’ but one for the prisoners” because “‘what is to be done’ ought not to be determined from above by reformers, be they prophetic or legislative, but by a long work of comings and goings, of exchanges, reflections, trials, different analyses.”⁸⁴ As Foucault rightly observes, it is only those from below, those who are *affected* by power, who can bring about meaningful transformation—not Foucault or people like him, much less “reformers.”⁸⁵

Indeed, Foucault rejects any privileged position for the intellectual whatsoever, noting that her very implication in academe enlists her in regimes of power she should be engaged in disrupting:

Intellectuals are themselves agents of this system of power [...] The intellectual's role is no longer to place himself 'somewhat ahead and to the side' in order to express the stifled truth of the collectivity; rather, it is to struggle against the forms of power that transform

⁸² Foucault, “*Society Must Be Defended*,” 9.

⁸³ *Ibid.*, 8.

⁸⁴ Foucault, “Questions of Method,” in Paul Rabinow (ed.), *Power: Essential Works of Foucault 1954-1984*, Vol. 3 (New York: The New Press, 1994), 235-6.

⁸⁵ *Ibid.*, 236. For an examination of the ways in which Foucault's political activism influenced and informed his theorizations about power, see Marcelo Hoffman, *Foucault and Power: The Influence of Political Engagement on Theories of Power* (New York and London: Bloomsbury, 2014).

him into its object and instrument in the sphere of 'knowledge,' 'truth,' 'consciousness,' and 'discourse.'⁸⁶

Indeed, if the intellectual does have any specific political role to play, her job is to problematize existing and settled conclusions to the point that those in charge no longer *know* what to do. This activity, I would argue, is *in service to* those below, even if it does not take a position as to what they should do (or what should be done on their behalf⁸⁷) and never rises to a position of explicit advocacy. It is a kind of comradeship in struggle, "an activity conducted *alongside* those who struggle for power, and not their illumination from a safe distance."⁸⁸ Indeed, this is what Foucault means by critique. Critique is the careful and deliberate disruption of existing regimes of power/knowledge "to show that things are not as self-evident as one believed, to see that what is accepted as self-evident will no longer be accepted as such. Practicing criticism is a matter of making facile gestures difficult."⁸⁹

Foucault characterizes this critical activity as in service to resistance and part of the struggle for social and political transformation; "deep transformation," he says, must be "constantly agitated by a permanent criticism."⁹⁰ Critique is therefore not removed or separate from politics or political struggle, nor is political resistance without critique unless it is supplied by the intellectual class. Rather, these activities are mutually reinforcing and even require one another in order to function. It is, in fact, difficult ultimately to distinguish them, since critique, in Foucault's view, is that which consistently resists—both the relations of power it documents as well as the provocation to "solve" the problems it raises therein:

Under no circumstances should one pay attention to those who tell one: "Don't criticize, since you're not capable of carrying out a reform." That's ministerial cabinet talk. Critique doesn't have to be the premise of a deduction that concludes, "this, then, is what needs to be done." It should be an instrument for those who fight, those who resist and refuse what is. Its use should be in processes of conflict and confrontation, essays in refusal. It

⁸⁶ Michel Foucault, "Intellectuals and Power," in Sylvère Lotringer (ed.), *Foucault Live: Interviews, 1961-84* (Los Angeles: Semiotext(e), 1996), 75. This is in direct contradistinction to Noam Chomsky's argument that "the responsibility of intellectuals [is] to speak the truth and to expose lies" (Chomsky, "The Responsibility of Intellectuals," *New York Review of Books* (Feb. 23, 1967)) and somewhat at odds with Gayatri Spivak's critique of Foucault here as unaware of his embeddedness within European institutional modes of knowledge and complicity with global capitalism (Spivak, "Can the Subaltern Speak?" in Cary Nelson and Lawrence Grossberg (eds.), *Marxism and the Interpretation of Culture* (Urbana: University of Illinois, 1988).

⁸⁷ As Barbara Cruikshank astutely notes in her Foucaultian study of the modes of subjection at work in modern citizenship technologies, "It is impossible to speak in the voice of the voiceless without first constituting their inability to speak for themselves" (Cruikshank, *The Will to Empower: Democratic Citizens and Other Subjects* (Ithaca: Cornell University Press, 1999), 34).

⁸⁸ Foucault, "Intellectuals and Power," 75, *emphasis added*.

⁸⁹ Foucault, "Practicing Criticism," in Lawrence Kritzman (ed.) and Alan Sheridan (trans.), *Politics, Philosophy, Culture: Interviews and Other Writings 1977-1984* (New York: Routledge, 1988 [1981]), 155.

⁹⁰ *Ibid.*

doesn't have to lay down the law for the law. It isn't a stage in programming. It is a challenge directed to what is.⁹¹

Genealogy, then, as the method of unearthing subjugated knowledges, is the method of critique, the grounds for a constant and insurrectionary challenge to "what is."

III. Moralism and Totalitarianism

Foucault's methodological and political commitments are all the more significant in light of Agamben's demanded corrective of Foucaultian biopolitics and understanding of sovereignty. For even as Foucault *expands* his methodological rejection of the state as ahistorical political principle or sociological object, Agamben effects not simply a return to sovereignty, as already argued, but a return to sovereignty in what, following Foucault, we must recognize as totalitarian forms. This is the case not only methodologically, as will become clear, but also *morally*, an aspect of political critique that does not even enter into the Foucaultian schema. Methodologically, Agamben's persistent focus on Auschwitz as the West's political paradigm and Nazism as the teleological culmination of sovereignty's political trajectory results in his offering an "anti-totalitarian" theory of sovereignty that renders any other historical or political outcome *besides* totalitarianism impossible. Hence Agamben's dispute with Foucault is actually a "corrective" of Foucault, a disappointingly moralizing rebuke rather than a constructive scholarly engagement.

In *BB*, Foucault says his choice to talk about governmentality rather than the state is purposeful, a methodological choice that is "obviously and explicitly a way of not taking as a primary, original, and already given object, notions such as the sovereign, sovereignty, the people, subjects, the state, and civil society, that is to say, all those universals employed by sociological analysis, historical analysis, and political philosophy."⁹² Rather, Foucault says, he would like to do "exactly the opposite" and, instead of using "state and society, sovereign and subjects, etcetera" as points of departure, he wants to show how they "were actually able to be formed" so that their status can be called into question.⁹³ At one level, this is simply Foucault's methodological preference. At another level, as we have seen, it is a political commitment, insofar as refusing to begin with these sociological givens facilitates resistance to the power-effects of what he calls "totalitarian theories." While, in "*SMBD*," these totalitarian theories were Marxism and psychoanalysis, in *BB* the target is now what Foucault calls "historicism," which he describes as a practice of taking universals and running them through the mill of history in order to deduce their "meaning." Significantly, historicism, like Marxism and psychoanalysis, unfolds a similarly reductive and deductive logic that "starts from the universal and, as it were, puts it through the grinder of history."⁹⁴

⁹¹ Michel Foucault, "Questions of Method," in Paul Rabinow (ed.), *Power: Essential Works of Foucault 1954-1984* (New York: W. W. Norton, 2000 [1978]), 236.

⁹² Foucault, *The Birth of Biopolitics*, 2.

⁹³ *Ibid.*

⁹⁴ *Ibid.*

Instead, Foucault suggests the supposition “that universals do not exist. And then I put the question to history and historians: How can you write a history if you do not accept a priori the existence of things like the state, society, the sovereign, and subjects?”⁹⁵ Insofar as historicism in *BB* functions the way Marxism and psychoanalysis do in “*SMBD*,” then historicism can also be considered a totalitarian theory that Foucault seeks to critique. In seeking to undertake an analysis that is “exactly the opposite of historicism,”⁹⁶ Foucault is in some sense continuing his practice of thwarting or undermining totalitarian theories, a methodology that is animated by a specifically political commitment to insurrection.⁹⁷

Foucault is also cautious about indulging the fearful discourse of the all-powerful state. He names this anxiety “state phobia”⁹⁸ and says it has two related versions: first,

the idea that the state possesses in itself and through its own dynamism a sort of power of expansion, an endogenous imperialism constantly pushing it to spread its surface and increase in extent, depth, and subtlety to the point that it will come to take over entirely that which is at the same time its other, its outside, its target, and its object, namely: civil society.⁹⁹

If this leaves the impression of a kind of suffocating beast whose tentacled grasp is ever extending over and sliding in between any cracks of resistance to its domination, this is no accident: Foucault refers to this as the “cold monster” version of the state, the “threatening organism above civil society.”¹⁰⁰ Foucault does not spend much time unpacking the problems with this theory, presumably because they are self-evident on the basis of his earlier work: not only is the state here presupposed as a causal entity that exists “above” its subjects, but it is also possessed of a kind of vitalism or life principle that Foucault dismisses out of hand as an inadequate or irresponsible account of power. The state as “cold monster” is, quite literally, yet another version of the Leviathan, the great sea monster from the book of Job, for whose beheading Foucault has already vigorously advocated.

The second bit of “critical commonplace”¹⁰¹ regarding the state that Foucault seeks to avoid is the notion that there are no significant differences between or among different forms of it. This is the notion that, as Foucault puts it,

⁹⁵ Ibid.

⁹⁶ Ibid.

⁹⁷ In “*Society Must Be Defended*,” Foucault offers a rather different definition of historicism as any discourse that asserts or relies upon an “essential connection between historical knowledge and the practice of war” (Foucault, “*Society Must be Defended*,” 173). In this text, historicism is a more-or-less praiseworthy methodology that counteracts “the whole Western organization of knowledge” insofar as it adheres to “the idea that knowledge and truth cannot not belong to the register of order and peace, that knowledge and truth can never be found on the side of violence, disorder, and war” (Ibid., 173).

⁹⁸ Foucault, *The Birth of Biopolitics*, 187.

⁹⁹ Ibid., 187.

¹⁰⁰ Foucault, *Security, Territory, Population*, 248; cf. Friedrich Nietzsche, “On the New Idol,” in Walter Kaufmann (trans.), *Thus Spoke Zarathustra: A Book for All and None* (New York: Penguin, 1954).

¹⁰¹ Foucault, *The Birth of Biopolitics*, 187.

there is a kinship, a sort of genetic continuity or evolutionary implication between different forms of the state, with the administrative state, the welfare state, the bureaucratic state, the fascist state, and the totalitarian state all being, in no matter which of the various analyses, the successive branches of one and the same great tree of state control in its continuous and unified expansion.¹⁰²

Here Foucault explicitly puts totalitarianism and the state together in order to distinguish “the totalitarian state” as a distinctive state form, rather than the paradigm case of the state itself. Indeed, here we might understand Foucault as attempting to disentangle a kind of doubling of totalitarianism in state phobia, wherein the cold monster view anoints the state with the kind of omniscience and omnipotence often ascribed to totalitarian versions of it. This specifically totalitarian version ultimately becomes synonymous with the state itself.

What links the “cold monster” view and the “genetic continuity” view is their consideration of the state as a malevolent principle in itself, such that distinctions among types become irrelevant and any state action can be interpreted as a sign of its increasing repressiveness and violence. Foucault uses the example of an unduly harsh criminal sentence, which he says can be interpreted as evidence of the increasing fascism of the state, regardless of whatever may actually be true—this is once again a correct answer produced by the particular truth mill that is “state phobia.” Foucault warns that this kind of thinking can verge on paranoid fantasy, which sees evidence of the ever-growing, increasingly-fascistic state everywhere it looks. In this case, one’s “grasp of reality”¹⁰³ is not what matters, but rather the endless confirmation and reproduction of the theory itself. It can also issue in absurd conclusions, such as the following:

As soon as we accept the existence of this continuity or genetic kinship between different forms of the state, and as soon as we attribute a constant evolutionary dynamism to the state, it then becomes possible not only to use different analyses to support each other, but also to refer them back to each other and so deprive them of their specificity. For example, an analysis of social security and the administrative apparatus on which it rests ends up, via some slippages and thanks to some plays on words, referring us to the analysis of concentration camps. And, in the move from social security to concentration camps the requisite specificity of analysis is diluted.¹⁰⁴

While Foucault is referencing right-wing fantasies about governmental power (one is reminded of Sarah Palin’s warnings about “death panels” should Obama’s Affordable Health Care Act pass the U.S. Congress), his caution is also apposite to left anarchist discourses that similarly see the state as a malevolent principle in itself. In suggesting that the state has no essence or is “nothing else but the mobile effect of a regime of multiple governmentali-

¹⁰² *Ibid.*

¹⁰³ *Ibid.*, 188.

¹⁰⁴ *Ibid.*, 187.

ties,"¹⁰⁵ Foucault is not claiming that we should be uncritical of the state or exercises of state power. Quite the opposite. In destabilizing the operative presumptions about the state in history, sociology, philosophy, and politics, Foucault is instead working to make the state something that is *possible* to critique and resist. We lose sight of this possibility when the state is presumed to be a prime mover of history or politics, an omnipotent principle or an essentially annihilatory institution that culminates, inevitably, in the genocidal logic of concentration camps. Part of the task of proceeding in the exact opposite manner as that of historicism is admitting that mechanisms of power are transferable and that they do not exhaustively characterize any particular society.¹⁰⁶ Foucault's resistance to historicism and state phobia, then, are yet further resistances to totalitarianism—of theory (or science) but also of specific state forms and beliefs about the state and its forms that function in totalitarian ways.

As is perhaps already evident, Agamben's approach to the state in *Homo Sacer* epitomizes both the historicism and state phobia that Foucault explicitly rejects. Rather than seeking, from below, to untangle and document the subjugated knowledges that have produced existing dominations, Agamben instead seeks to read these latter for what they reveal about the essential workings of Western politics. Indeed, Agamben presumes that power inheres in the sovereign demarcation of the *zoē/bios* divide, the status of which exhaustively defines life and politics in "the West" (itself an underspecified geographical and historical entity). The method of *Homo Sacer* is thus clearly expressed in Foucault's description of "historicism": Agamben starts from a universalist claim regarding the sovereign exception and then proceeds to examine how history has inflected it in the West. This is what allows him to conflate all versions of the state with the totalitarian one and also to suggest that all versions of sovereignty culminate inevitably in the Nazis' creation of concentration camps. As he says, the camp is "the hidden paradigm of the political space of modernity, whose metamorphoses and disguises we will have to learn to recognize."¹⁰⁷

Like all declension narratives, this one too echoes the chronology of the fall from grace, except that, in Agamben's version, the pre-lapsarian moment dates from Aristotle rather than the Creation. The result, however, is a valorized hypostatization of an at-best questionable moment of origin, from which the logic of the events of Western history can be understood to have unfolded and to be still in the process of unfolding to this day.¹⁰⁸ At one end, then (at "the beginning," or *archē*), stands the Aristotelian distinction between *zoē* and

¹⁰⁵ *Ibid.*, 77.

¹⁰⁶ Foucault, "Interview with Michel Foucault," 292.

¹⁰⁷ Agamben, *Homo Sacer*, 123.

¹⁰⁸ Agamben's devotion to the origin puts him even more at odds with Foucaultian genealogy which, like Nietzschean genealogy, "opposes itself to the search for 'origins'" (Foucault, "Nietzsche, Genealogy, History," in James Faubion (ed.), *Aesthetics, Method, and Epistemology: Essential Works of Foucault 1954-1984* (New York: The New Press, 1998), 370). Paul Patton argues that Agamben "relies on a conceptual fundamentalism according to which the meaning of concepts is irrevocably determined by their origin" (Patton, "Agamben and Foucault on Biopower and Biopolitics," 218).

bios; at the other end (“now,” or in modernity), lie the Nazi death camps. These two moments are tied inevitably, irretrievably together by the exceptional logic of sovereignty:

The totalitarianism of our century has its ground in this dynamic identity of life and politics, without which it remains incomprehensible. If Nazism still appears to us as an enigma, and if its affinity with Stalinism (on which Hannah Arendt so much insisted) is still unexplained, this is because we have failed to situate the totalitarian phenomenon in its entirety in the horizon of biopolitics. When life and politics—originally divided, and linked together by means of the no-man’s-land of the state of exception that is inhabited by bare life—begin to become one, all life becomes sacred and all politics becomes the exception (148, original emphasis).

Nazism will remain “an enigma,” on this telling, insofar as we fail to “situate” it within the essential principle of Western biopolitics—the sovereign exception, the *zoē/bios* divide. Once we do that, however, the meaning of Nazism becomes clear and we understand how there could ever have been death camps, perhaps the real question Agamben is trying to answer in this text. Already latent in the *zoē/bios* divide, then, is the concentration camp, which is why its historical development inevitably culminates there.

Agamben’s political theory thus not only re-iterates the assumptions of the sovereign model as Foucault explains it, but itself becomes a kind of totalitarian theory of sovereignty in the West that can only ever issue in the same answer over and over again: the camp. Agamben’s methodological historicism is what allows him to come to the political conclusions Foucault explicitly repudiates above; namely, that there is no meaningful difference between democratic states and totalitarian ones, and this because the sovereign exception is a formation of power that fundamentally defines the entity “Western politics” from its earliest days through to its catastrophic contemporaneity. Thus it is perhaps also unsurprising that Agamben concludes there is no difference between democratic and totalitarian regimes insofar as their “fundamental referent” is bare life; the “only real question to be decided,” he says, is “which form of organization would be best suited to the task of assuring the care, control, and use of bare life.”¹⁰⁹ As well, Agamben’s state phobia, in which we can recognize both the “cold monster” and “genetic” versions, predictably culminates, as do the absurdist theories Foucault documents, with nothing other than concentration camps. *Unless the enigma of the sovereign exception is solved*, Agamben insists, we will remain mired in totalitarianism and death camps: “Today politics knows no value (and, consequently, no nonvalue) other than life, and until the contradictions that this fact implies are dissolved, Nazism and fascism—which transformed the decision on bare life into the supreme political principle—will remain stubbornly with us.”¹¹⁰ The consequence of Agamben’s methodology here is not simply a return to sovereignty, then, but in fact a resurrection of the sovereign and the restoration of his omnipotence in what, following Foucault, can be called totalitarian forms. Agamben’s reading of the text of Western politics from the guiding principle of the sover-

¹⁰⁹ Agamben, *Homo Sacer*, 122; cf. 10.

¹¹⁰ *Ibid.*, 10.

eign exception leaves us no other option, no other conclusion, than that with which Foucault claims his work is constantly being misinterpreted as saying: “This is the way things are; you are trapped.”¹¹¹ This outcome is all the more ironic, of course, given that the entire exercise of *Homo Sacer* was ostensibly spurred by Agamben’s desire to “correct” Foucault’s oversight regarding 20th century totalitarian regimes and, presumably, overcome the disastrous legacy of Nazism and totalitarianism.

Of course, in response to the question/accusation that Foucault did not take the death camps into account in his biopolitical considerations, “[d]espite,” Agamben sniffs, “what one might have legitimately expected,”¹¹² Mark Mazower notes, “One answer might be that Foucault did not think they *were* the exemplary places of modern biopolitics.”¹¹³ Another might be that Foucault did not overlook them, and that they in fact appear in Foucault’s theorization of racism, race war discourse, and state racism in “*Society Must Be Defended*.”¹¹⁴ Yet another might be that Foucault did not extensively analyze either totalitarianism or the concentration camps because, unlike sovereignty, discipline, or governmentality, Foucault did not see either as definitive—of modernity or of one another. So, for example, of the camps, Foucault says:

The concentration camps? They’re considered to be a British invention; but that doesn’t mean, or authorize the notion, that Britain was a totalitarian country. If there is one country that was not totalitarian in the history of Europe, it is undoubtedly Britain—but Britain invented concentration camps, which have been one of the chief instruments of totalitarian regimes. This is an example of a transposition of a technique of power. But I’ve never said, and I’m not inclined to think, that the existence of concentration camps in both democratic and totalitarian countries shows that there are no differences between those countries.¹¹⁵

Here Foucault rejects two of Agamben’s central conclusions: first, the notion that the camp is what defines totalitarianism, and second, the notion that there is no difference between

¹¹¹ As referenced in the epigraph to this article.

¹¹² Agamben, *Homo Sacer*, 119.

¹¹³ Mark Mazower, “Foucault, Agamben: Theory and the Nazis,” *boundary 2*, vol. 35, no. 1 (2008), 27 (original emphasis). Paul Patton suggests that biopolitics in general “never became the object of sustained enquiry by Foucault” because of internal conceptual problems, which “suggest that it may not have been, as Agamben suggests, only Foucault’s death that ‘kept him from showing how he would have developed the study of biopolitics’” (Patton, “Agamben and Foucault on Biopower and Biopolitics,” 206).

¹¹⁴ Agamben may find this analysis insufficient, but this is a different claim than that Foucault has no mention of them whatsoever.

¹¹⁵ Foucault, “Interview with Michel Foucault,” 293. Notably, Agamben is uninterested in British concentration camps—much less Italian ones—which go completely unmentioned, perhaps because these were used in Europe’s colonial endeavors abroad, not within Europe against intra-European populations; see David Atkinson, “Encountering Bare Life in Italian Libya and Colonial Amnesia in Agamben,” in Marcelo Svirsky and Simone Bignall (eds.), *Agamben and Colonialism* (Edinburgh: Edinburgh University Press, 2012).

democratic or totalitarian countries (even if both can be observed to have used the camp as a technique of power). Regarding “totalitarianism” itself, Foucault says:

I feel skeptical about the assumption that this question [of power] has been raised for the first time in the twentieth century. Anyway, for us it is not only a theoretical question but part of our experience. I'd like to mention only two “pathological forms”—those two “diseases of power”—fascism and Stalinism. One of the numerous reasons why they are so puzzling for us is that, in spite of their historical uniqueness, they are not quite original. They used and extended mechanisms already present in most other societies. More than that: in spite of their own internal madness, they used, to a large extent, the ideas and the devices of our political rationality.¹¹⁶

Here Foucault not only refrains from collapsing Stalinism and fascism together into the single form of totalitarianism, but he also resists the claim that these are distinctly new or modern political formations (both of which are presumed to be among the contributions of Arendt's *Origins of Totalitarianism*). Thus, we might see a kind of reversal of Agamben's disagreement with Foucault: whereas Agamben does not think that biopolitics is distinctly modern, Foucault does not think that “totalitarianism” is distinctly modern (if he even thinks it is a thing). The point here is not that the death camps are insignificant for Foucault; rather, it is that they do not represent the dramatic culmination of the movement of Western political history for the last more than 200 centuries—a completely un-Foucaultian, un-genealogical lesson drawn from a methodological approach Foucault explicitly rejects. While the camps' (relative) absence from Foucault's speculations about power may be noteworthy, it is so particularly noteworthy to Agamben—so noteworthy that it merits a pentology of books to correct—because he simply cannot imagine an account of power in “the West” that does not center the Holocaust and somehow culminate in it. Indeed, Agamben's question for Foucault is not what he might have said about the camps, or how he might analyze them, or how his biopolitical analyses might apply to the camps. Instead, Agamben shakes his head in disbelief that Foucault did not consider the camps in his biopolitical writings and also that he did not read his near contemporary Hannah Arendt on this subject. Thus, Agamben sighs, it is necessary to correct where Foucault went astray so as to better understand the *truly* relevant feature of modernity, the Nazi death camp, the paradigm for all politics and political spaces.

The issue is not whether Foucault should be questioned about his relative inclusion of the camps in his political analyses, but rather that Agamben is suggesting that, because Foucault failed either to theorize the camps as crucial to modern biopolitics or conclude that the camp is the fundamental paradigm of biopolitics, his analysis of biopolitics is fundamentally untrustworthy and even, possibly, complicit with modern biopolitical excesses. This interpretive intransigence is the effect of Agamben's moralizing fixation on the Holocaust—or, more typically, Auschwitz, “a metonym he employs and apparently finds unproblematic—

¹¹⁶ Foucault, “The Subject and Power,” in James Faubion (ed.), *Power: Essential Works of Michel Foucault 1954-1985* (New York: The New Press, 2000), 328.

ic"¹¹⁷—which constitutes the beginning point of this text and, therefore, its inevitable conclusion. In other words, in *Homo Sacer* (and, even more markedly, in *Remnants of Auschwitz*), Agamben indulges in a kind of “Holocaust exceptionalism” wherein the Holocaust is both the center and the apex of politics, political events, and political history (if not also of political “evil,” a term that proliferates in Holocaust exceptionalist discourses). To overlook the Holocaust, to fail to center it, is somehow to be complicit in its being overwritten, ignored, minimized, or denied. This moralizing exceptionalism is at the heart of Agamben’s reprimand of Foucault.

All this is difficult to recognize insofar as it is at odds with both Agamben’s self-presentation in this text as well as his public political positions. On the one hand, Agamben seems to be on the side of the subjugated insofar as he is critically examining genocide—a genocide typically assigned the status of singularity (whether in terms of vastness, gruesomeness, or efficiency), and one that seems to hold the key to unlocking a meta-critique of Western politics as a whole. On the other hand, Agamben can draw conclusions from this position and perspective only insofar as he has alighted on the sole proper analysis of the present moment. Therefore, what remains is to draw conclusions from it and analyze contemporary developments from within its frame (e.g., that fingerprinting and retinal measurements of foreign visitors to the U.S. is akin to tattooing Auschwitz inmates with prisoner numbers) and, if necessary, refuse them (“we must oppose it”).

Foucaultian criticism, by contrast, resists such easy diagnostics and political positionings. Indeed, Foucaultian political analysis resists any notion that it is obvious who the oppressors are and problematizes the very notion of oppression as it is typically understood. It is much more likely that we are complicit in our own subjectification and that power’s anchors cannot be decisively or definitively located. Yet, to briefly recall the disputes of the 1990s, this is not to say that Foucault is apolitical, antipolitical, or makes contestation and political resistance impossible because “power is everywhere.” Rather, it is to proliferate the possibilities for resistance, which themselves cannot be known in advance and which are therefore never pat, self-righteous, or morally reassuring.

Indeed, there is a comforting sanctimoniousness in Agamben’s condemnatory position regarding biopolitics, a security and moralism that Foucaultian critique inevitably eschews. But it is precisely this refusal that makes what Foucault sometimes calls “practices of freedom” possible. It is only in Agamben’s view of the world, wherein the malevolent sovereign exception renders all else unthinkable, that the only options are redemption or the death camp. Ironically, then, in seeking to accord the Holocaust due weight and importance, Agamben’s exceptionalizing of this historical set of events becomes its own coercive discourse. After all, it is only in comparison with the singularity of the Holocaust that it could be a credible accusation that Foucault has failed to consider the Holocaust sufficiently and condemn it. Indeed, Foucault’s ostensible failure here is rather the *effect* of Agamben’s Holocaust exceptionalism, which often exempts its practitioner from critical scrutiny (given the

¹¹⁷ Dominick LaCapra, “Approaching Limit Events: Siting Agamben,” in *Giorgio Agamben: Sovereignty and Life*, 134.

righteousness of her/his endeavor in examining the Holocaust in the first place) and exerts a disciplinary function by silencing those who disagree or have a different analytic framework, since dissent of this type becomes complicity with those who would deny the importance of the Holocaust and, potentially, suggest it did not happen.¹¹⁸ In resuscitating sovereignty and re-affirming the inevitable, teleological power of the state to culminate in the camp, Agamben produces a totalitarian theory that demands, ironically, the repudiation of totalitarianism. This is the effect of his moralizing fixation on the Holocaust that, even more painfully and ironically, only serves to re-center Nazi power by perennially re-invigorating it as historical occurrence, ongoing political legacy, and catastrophic fatality, rather than resisting or disrupting it via insurrectionary critique.

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¹¹⁸ After all, if the Holocaust is exceptional, then not to allow for its exceptionalism *is* a kind of claim that it didn't happen, or at least didn't happen the way the Holocaust exceptionalist believes must be acknowledged if the Holocaust itself is to be recognized appropriately.