

Chapter 1

The Politics of Life

A German Aristotle who wished to construct his Politics on the basis of our society would begin by writing: “Man is a social but wholly unpolitical animal.”

—Karl Marx, *Letter to Arnold Ruge*, 1843

Less than a month after the September 11 attacks on New York and Washington, the United States began air strikes against Afghanistan. In the speech announcing the bombings, U.S. President George W. Bush invoked the humanitarian disaster then underway in that country. “As we strike military targets,” he said, “we will also drop food, medicine, and supplies to the starving and suffering men and women and children of Afghanistan.”¹ President Bush kept his word: by the following December, some 12,000 bombs had been dropped on the country—including cluster bombs capable of scattering up to two hundred yellow “bomblets” that can lie unexploded like land mines until disturbed, over a one-hundred-meter radius.² The United States also dropped 37,000 individual “Humanitarian Daily Ration” packs, also yellow—containing “beans with tomato sauce, peanut butter, strawberry jam, beans and tomato vinaigrette, biscuit, fruit pastry and shortbread” salt and pepper, and a napkin—over many of the same areas.³ Many commentators have highlighted the bitter irony of this convergence of bombing and humanitarian relief.⁴ Roberto Esposito notes the bizarre logic of the bombardments, which are “destined to kill and protect the same people,” and Slavoj Žižek remarks that, as a U.S. plane flies overhead, “one can never be sure whether it will be dropping bombs or food parcels.”⁵ When faced with this strange synthesis of brutal and impersonal killing and humanitarian fostering of life, it may be tempting to dismiss the latter as a sick joke or mere propaganda ploy. Instead, this convergence of humanitarianism and killing should serve as a provocation

to rethink the contemporary relation between politics, and life and death, and to interrogate the intersection of a power to kill with a humanitarian commitment to maintaining life.

The political resonance of Agamben's thought comes in no small part from his response to such a provocation, which leads him to rethink the continuing existence of the sovereign power to kill alongside the state's newer role of fostering life. While the reception of his thought is, in part, a result of its resonance with contemporary events—from the invention of new biotechnologies to the militarization of humanitarianism—his understanding of political life today stems directly from his analysis of what he sees as an “*aporia* that lies at the foundation of Western politics.”⁶ From Aristotle onward, he argues, the political realm has been predicated on a *caesura* that divides the human into a political and a supposedly natural life, and isolates what he terms *bare life*. By bare life Agamben means a life that is politicized through the fact of its exclusion. Neither simply *natural* life nor political life, bare life is the threshold of articulation that enables the passage from one to the other. Like Walter Benjamin's depiction of “mere life” as a life exposed to the mythic violence of the law, Agamben's bare life is not a natural life but a life exposed to sovereign power and the threat of death.⁷

The Ancient Greeks, he remarks in *Means Without Ends*, did not have a single word for “life,” but used two semantically and morphologically distinct terms: *zōē* (the simple fact of living), and *bios* (a qualified, specifically human, form of life).⁸ Political power, he argues, always finds itself on the separation of a natural life from the particular forms of life, from the ways in which we *form* our lives as we live them. In the transformation of Afghan civilians into subjects of military or humanitarian intervention, to be killed or kept alive, we see one of many manifestations of this separation of biological life from forms of life. Throughout Agamben's *oeuvre*, we find numerous others, among them the *Muselmann*—that figure of the Nazi concentration camps who had so lost the will to live that he “no longer belongs to the world of men in any way”⁹—and Karen Quinlan, whose life was sustained for years purely by artificial technologies, which a legal decision determined could not be switched off. However contemporary these lives may be, in Agamben's view, we will not adequately understand them unless we address the division between life and politics inaugurated by Aristotle.

Thinkers as diverse as Hannah Arendt and Michel Foucault have suggested that in modernity biological life itself became directly political as the state took an active interest in all that was once cast outside the

political realm, or the *polis*.¹⁰ For Agamben, this seeming shift conceals a deeper continuity. The contemporary politicization of life that he identifies is predicated on a conception of the life lived in the *polis* as a particular form of life, from which the maintenance of natural life was decisively excluded. In the division of man's private life in the home (*oikos*) and his public life in the state—"a division," Arendt suggests, "upon which all ancient political thought rested as self-evident and axiomatic"¹¹—Agamben locates the fundamental problem of both ancient and contemporary politics. A process that begins with the attempt to banish natural life from the *polis* culminates in the "lasting eclipse" of politics and "the assumption of the burden—and the 'total management'—of biological life, that is, of the very animality of man."¹²

Agamben's identification of a fracture between life and politics that is endemic to Western politics leads him to an unsparing critique of the political tradition, which does not leave its emancipatory resources, such as democracy and human rights, unscathed. The fracture between life and politics is *still* the key political problem, he writes, because the "centuries that have since gone by have brought only provisional and ineffective solutions."¹³ All the historical struggles, political theories, and manifestos of the past two and a half millennia, such is his dramatic claim, have been insufficient to reckon with the originary split between life and politics inaugurated in the Greek *polis*. Only rethinking the political tradition in its entirety would enable us to challenge the reduction of life to the substance of political calculations. Indeed, his claim is that unless we radically rethink the terms of political action, any attempt to ameliorate the catastrophic dangers of the present will only entrench the politicization of life that is central to sovereign power. "Until a completely new politics—that is a politics no longer founded on the *exceptio* of bare life—is at hand," he writes in *Homo Sacer*:

[E]very theory and every praxis will remain imprisoned and immobile, and the 'beautiful day' of life will be given citizenship only either through blood and death or in the perfect senselessness to which the society of the spectacle condemns it.¹⁴

This severe diagnosis seemingly precludes the possibility of meaningful political theory or praxis in the present and puts Agamben sharply at odds with those political thinkers who would place their hope in greater democratization or the development of a culture of human rights, or with *katechonic* political movements that aim to protect past victories from

attack. Those who have recourse to the discourses of rights and democracy, he maintains, are unwittingly complicit with the very powers they intend to oppose, as any political strategy that does not sever the relation between life and sovereignty power will only entrench the politicization of life it seeks to resist.

If we were to accept Agamben's claim that the politicization of life is endemic to the Western political tradition, and the emancipatory resources of this tradition only entrench the very powers they are mobilized against, there would seem little grounds for hope. And yet, in a 2004 interview, he responded to the charge that he focuses excessively on aporias, impasses, and failures at the expense of possibilities for resistance in the following terms:

I've often been reproached for (or at least attributed with) this pessimism that I am perhaps unaware of. But I don't see it like that. There is a phrase from Marx, cited by Debord as well, that I like a lot: 'the desperate situation of society in which I live fills me with hope.' I share this vision: hope is given to the hopeless. I don't see myself as pessimistic.¹⁵

Where can we locate the source of Agamben's hope, if the entire Western political tradition is indelibly marked by a politicization of life that threatens to reduce all life to mere survival? Answering this requires that we consider the less-examined, redemptive side of his political work, which is not easily squared with the charge of pessimism—that is, his contention that our time is creating the possibility for a new, nonjuridical politics that would inaugurate a new "form of life" that would escape the hold of sovereign power.¹⁶

Even in the midst of his most dire pronouncements, Agamben gestures to a new politics, which, he often remarks, is more possible today than ever before. Where, then, is this possibility located? Antonio Negri has suggested that there are "two Agambens": "one who lingers in the existential, destining and terrifying shadows, where he is perpetually forced into a confrontation with death," and another who grasps the "creative upsurges of being."¹⁷ In Negri's view, these "two Agambens" coexist paradoxically, with one momentarily eclipsing the other. I would like to explore another hypothesis; that is, that it is precisely from the darkest depths of modern biopolitics, from among the lives that border on death, that Agamben believes that a new politics of creative potentiality may emerge. Referring to lives like those of the *Musemann* and Karen Quinlan, he writes:

it is “on the basis of the uncertain and nameless terrains, these difficult zones of indistinction, that the ways and the forms of new politics must be thought.”¹⁸ Here, I suggest that the new politics to which his work gestures will not restore the division between political and natural life that was central to classical politics, but finds its condition of possibility precisely in their biopolitical cohesion. This means that even as he traces the potentially catastrophic consequences of making life itself the key stake of politics, he nonetheless sees contemporary biopolitics as opening up a political possibility that we must not let slip away.

This account of the politicization of life as both the key danger of the present, and the condition of possibility of a new form of life can best be situated in relation to the line we have already encountered from Friedrich Hölderlin’s *Patmos*, which Martin Heidegger paraphrased as follows: “the closer we come to danger, the more brightly do the ways into the saving power begin to shine”¹⁹ For Heidegger, the danger was located in what he termed the “planetary reign of technology,” which threatened to reduce all beings to mere “standing reserve” to be used, and used up. For Agamben, the danger is the politicization of life, which threatens to reduce humanity to biological life that can be kept alive or killed with impunity. For both thinkers, it is with this danger that the possibility of a saving power emerges. If we wish to find the conditions of possibility of a “completely new politics” then we must search them out, he suggests, amid the extreme points of today’s politicization of life. His approach to biopolitics is thus consistent with the logic he already subscribed to as far back as 1977, when he wrote that the “mortal malady” “must be traversed completely, without avoiding or skipping, because along with lethal danger, it also contains the ultimate possibility of salvation.”²⁰ The horrors of the last century revealed too clearly what can occur when the indistinction of life and politics leads the state to treat biology as a political concern. However, it is in this same politicization of life—if desutured from sovereign decisions on the value or nonvalue of life—that he sees the possibility of resolving the *caesura* that has plagued Western politics since its inception.

What can we make of this location of political possibility in the very extension of the political danger of the present? The strength of this position is that it avoids the nostalgic attempts to return to a time when political categories were supposedly more stable—whether in the form of a yearning for the Greek *polis* or an attempt to revive modern political categories that have been destabilized in postmodernity. Given that citizenship has always been premised on exclusion and the modern political categories whose waning we are witnessing not only enabled forms of political participation but

also foreclosed political possibilities that were less easily reconciled with the state's monopolization of the legitimate means of violence, this is a welcome contribution. By tracing patterns of continuity between contemporary biopolitics and the way in which Western politics first conceptualized the relation between natural and political life, Agamben's thought challenges us to begin to rethink this relation in contemporary conditions. And yet, his genealogy of the politicization of life pays little attention to specific discourses or moments of rupture. Neither does he interrogate the significance of the emergence capitalism, a system in which, as Marx stressed, the "vital force" of the laborer is sold as a commodity.²¹ Most significantly, he ignores the role of social struggles in challenging the exclusion from politics of those whose lives were devoted to labor or reproduction. While his work identifies uncomfortable complicities between different forms of power, highlighting an "inner solidarity between democracy and totalitarianism" it is less suited to analyzing the distinctions between these political forms.²² Without this specificity, it becomes difficult to identify moments in the past where things could have been otherwise, and to trace specific sites of political intervention or opportunities for resistance in the present.

Instead, in discussing the possibility of a new form of life, Agamben tends to adopt a prophetic tone, gesturing to a "completely new politics," premised on the exhaustion of the past two and a half millennia of Western politics. This prophetic tone is related to what I see as the real weakness of the account of danger and salvation he borrows from Heidegger—who famously remarked, in a late interview: "only a God can save us."²³ That is, it leads to a tendency to put faith in the intensification of the "mortal malady" and to dismiss those political movements that attempt to counteract the dangers of the present.²⁴ There is no reason to be particularly hopeful about the consequences that may arise from the intensification of state interventions into biology or about the reduction of life to survival, whether it takes the form of humanitarian benevolence or pacified consumerism. Nor is there any reason to assume that traversing this malady to the end, wherever that may be, is a better political strategy than one that seeks to hold back particular political interventions into biological life, and to transform the terms in which life and politics are unified. Without attending to forms of political praxis that do exist in the present, it is difficult to ascertain what would make the difference between danger and saving power, between the catastrophic politicization of life and a new form of life. To further examine these questions, it is worth turning to the work of Foucault, and examining the extent to which Agamben reconceptualizes his pioneering account of biopolitics.

Agamben and Foucault: On Biopolitics, Ancient and Modern

In a passage from *The Politics* that takes on a decisive importance in Agamben's work, Aristotle writes:

The good life is indeed the chief end of the state both corporately and individually, but men form and continue to maintain this kind of association for the sake of life itself. Perhaps we may say that there is an element of value even in mere living, provided that life is not excessively beset by troubles. Certainly most men, in their desire to keep alive, are prepared to face a great deal of suffering, finding in life itself a certain comfort, and a feeling that it is good to be alive.²⁵

Here, we see the clear distinction Aristotle developed between the pre-political fact of "life itself," and the good life. While he suggests that men initially form states for the sake of mere life, this form of association is driven by biological necessity and, far from being specifically human, is shared by citizens, barbarians, slaves, women, and animals. Once a certain number of men are able to free themselves from material concerns and live freely in the *polis*, what "started as a means to secure life itself . . . is now in a position to secure the good life."²⁶ In contrast to the simple fact of life that men share with all living beings, the good life is the specific end of man, as the living being with *logos*. In Aristotle's *Politics*, political life is not simply different from the life lived in the home by degrees, but is different in kind.²⁷ The life lived in the *polis* was a particular form of life, from which the mere maintenance of biological life was decisively excluded.

This exclusion of biological life was necessary, Aristotle believed, to create a realm of freedom. While the free pursuit of the good life in the *polis* presupposed material self-sufficiency and the reproduction of the lives of citizens, this reproduction was not considered political. As Arendt points out, the good life "was 'good' to the extent that by having mastered the necessities of sheer life, by being freed from labor and work, and by overcoming the innate urge of all living creatures for their own survival, it was no longer bound to the biological life process."²⁸ Consequently, those whose lives were taken up with working to provide for material necessities were not considered fit to be citizens. In his *Politics*, Aristotle remarks that if a state existed "merely to provide a living," "it might be made up of slaves or animals, and that is impossible, because slaves and animals are not free agents and do not participate in well-being."²⁹ Slaves and animals (and women), in Aristotle's view, were not able to participate in the good life,

but were simply instruments for providing some with the sufficient quality of life it presupposes.

By counterposing the *polis* dweller not only to the slave but also to the animal, Aristotle reveals the ultimate stakes of his divisions: the constitution of that “political animal”—the human being. In *De Anima* (*On the Soul*), he sets out to determine what it means to say that something—whether a plant, an animal or a human—is alive; “For living beings,” he writes, “Being is life.”³⁰ To this end, he establishes a series of divisions in the continuum of life, between what he terms nutritive, sensitive, appetitive, locomotive, and intellectual life.³¹ Although some of these are shared by only some living beings, and some only by the human, “all the other living things as well as plants have the nutritive faculty which is the first and most general faculty of the soul, in virtue of which all creatures have life.”³² In Aristotle’s isolation of nutritive life as the basic presupposition of all forms of life, Agamben sees the “decisive moment” in which, “bare life as such” was identified in the history of Western philosophy. This isolation, he suggests, served to mark divisions *in the human*—between vegetative and relational life, animal and human—which were then expressed in the political realm in the form of those distinctions between *zoē* and *bios*, and mere life (*zen*) and that good life (*eu zen*) that play a central role in Aristotle’s determination of the *telos* of politics and the work of man.³³

“For millennia,” Foucault wrote in *The History of Sexuality: An Introduction*—in what is now a justly famous contrast—“man remained what he was for Aristotle: a living animal with the additional capacity for a political existence; modern man is an animal whose politics places his existence as a living being in question.”³⁴ While this definition seems to accept Aristotle’s definition of man as it applies to ancient Greece, Foucault goes on to trace what he sees as a shift in modernity, at which time the Aristotelian split between natural and political life was abandoned and power began to concern itself directly with the biological life of a population—with birthrates, longevity, health, and “the naked question of survival.”³⁵ In the seventeenth century, he argues, a “great bipolar technology” focused on life began to emerge. In the first of these poles, which he terms *discipline*, power began to concern itself directly with the body and its integration into systems of production and efficiency. This disciplinary power, which he analyzed in detail in *Discipline and Punish*, was an individualizing power that sought to create “docile bodies,” which were simultaneously more productive and more obedient.

In the latter half of the eighteenth century, he argues, this disciplining of individual bodies was augmented by a “biopolitics of the population,” which targeted the human not as body but as a living being.³⁶ In *The Politics*,

Aristotle had dismissed the view that men's natural lives were a political concern: while the state was concerned with health "to a point"—insomuch as the good life presupposed that men lived and were healthy—"beyond that," he remarked, "it is the doctor's business."³⁷ In contrast, Foucault sees the eighteenth century as inaugurating a new political concern with all of those factors that would influence the health, the vitality, and the productivity of the population; among the raft of new biopolitical concerns were demography, natality, public hygiene, insurance, aging, and urban planning. There is no question as to the novelty that he attributed to this political concern with biological life:

For the first time in history, no doubt, biological existence was reflected in political existence; the fact of living was no longer an inaccessible substrate that only emerged from time to time, amid the randomness of death and its fatality; part of it passed into knowledge's field of control and power's sphere of intervention.³⁸

This new exercise of power over individuals "insofar as they constitute a kind of biological entity" was bound up with the development of capitalism and the need "to use this population as a machine for producing, for producing wealth and goods, for producing other individuals."³⁹ At this point, power ceases to be essentially juridical, as "life enters the field of power."⁴⁰

The juridical model, as Foucault conceives it, was always centered on the figure of the sovereign; "Right in the West is the King's right."⁴¹ In explaining the relation between sovereignty and biopolitics, he writes: "the ancient right to *take* life or *let* live was replaced by a power to *foster* life or *disallow* it to the point of death."⁴² In *The History of Sexuality: An Introduction*, he suggests that biopolitics is not concerned directly with death, which now appears only as the reverse of the power to make live. This does not mean an end to killing—on the contrary he argues, "massacres have become vital."⁴³ Nonetheless, he maps a development in which the combined development of discipline and biopolitics "characterized a power whose highest function was perhaps no longer to kill, but to invest life through and through."⁴⁴

Situating Agamben's thought in relation to Foucault's allows us to identify more clearly the specific features of the former's account of biopolitics. The consequence of Agamben's argument that politics has always been biopolitics is that sovereignty and biopolitics are co-extensive. The operation of sovereign power, he stresses, is always-already biopolitical, and "*the production of a biopolitical body is the originary activity of sovereign power.*"⁴⁵

In contrast, Foucault is concerned to trace the distinctions between sovereign power and biopolitics, which he treats as two discrete techniques of power, even while acknowledging that the newer biopolitics does not simply replace sovereignty, but comes to “penetrate and permeate it.”⁴⁶ The second key feature of Agamben’s account of biopolitics is philosophical as well as methodological: while Foucault uses the term “biopolitics” in a historical-genealogical key to explain a shift in the operation of power in the late eighteenth century Agamben provides an ontological account in which biopolitics is consubstantial with the origin of Western politics and metaphysics.⁴⁷ What is at stake in this distinction? And what are its implications for political action in the present?

Biopolitics and Sovereignty

In *Homo Sacer*, Agamben sets about examining the “hidden point of intersection between the juridico-institutional and the biopolitical models of power.”⁴⁸ The difficulty of this task, he remarks, is evidenced by a lacuna in the work of two great thinkers: Foucault and Arendt. Why, he asks, did Arendt not connect her analysis of the entry of *homo laborans*, or laboring man, and with it biological life, into the realm of politics with her previous analysis of totalitarianism “in which a biopolitical perspective is altogether lacking”?⁴⁹ And why is it that Foucault, “in just as striking a fashion, never dwelt on the exemplary places of modern biopolitics: the concentration camp and the structure of the great totalitarian states of the twentieth century?”⁵⁰ The claim that Foucault ignored the camp and the so-called totalitarian states is not accurate. In his 1975–1976 course at the *Collège de France*, he proposed an analysis of how the sovereign power to kill could be exercised by a biopolitical state supposedly committed to fostering life. In the context of a discussion of National Socialism and Stalinism, he suggested that the link between biopolitics and the sovereign power to kill is provided by *racism*, which enables some people to be presented as biological threats that need to be eliminated.⁵¹ Nonetheless, Agamben focuses more attention on the concentration camp and the so-called totalitarian states than did Foucault, and, in doing so, he is not simply repeating the latter’s claims, but extending them and *transforming* them in ways that he is not always prepared to acknowledge.

If, for Foucault, biopolitics signifies the point at which man ceases to be what he was for Aristotle, “a living animal with the additional capacity for a political existence,” Agamben, in contrast, sees the Aristotelian distinction between the living being and political existence as biopolitics’

inaugural moment.⁵² This assessment relies on the problematization of what Foucault terms the *additional capacity* for political existence.⁵³ The separation between the living animal and political existence, Agamben argues, is simultaneously an implication and capture of the former in the latter. Where he differs from both Aristotle and Foucault is that, for Agamben, *zoē*, or *natural life*, is not a preexisting natural substrate but the residue of a separation. There is thus nothing natural about natural life. Rather, both *zoē* and *bios* are products of a division. *Zoē*, according to Agamben's radical revision of the Aristotelian schema, was not simply *excluded* from the *polis* but was captured and politicized through this constitutive exclusion and thus "has the peculiar privilege of being that whose exclusion founds the city of men."⁵⁴ If, for Foucault, biopolitics begins at the point at which natural life is included in the sphere of political calculations, for Agamben, *zoē* is included *through its exclusion*. This inclusive-exclusion of *zoē* in the *polis*, Agamben argues, is therefore both the originary moment of biopolitics and "the original—if concealed—nucleus of sovereign power."⁵⁵ Biopolitics originates in Ancient Greece because "Western politics first constitutes itself through an exclusion, (which is simultaneously an inclusion) of a life that is conceived as 'natural.'"⁵⁶

Agamben uses the term *ban*—borrowed from Jean-Luc Nancy, who is indebted to Martin Heidegger's concept of "abandonment" (*Seinsverlassenheit*)—to signify the exposure through which life is at once excluded from the political community and captured in the realm of sovereign power.⁵⁷ In his essay "Abandoned Being," Nancy highlights the double meaning of the term *ban*—the one who is banned is both abandoned, or banished, and held in a ban. The law to which one is abandoned is not to be subpoenaed to present oneself before a court, or to be held within the jurisdiction of a particular law. Rather, it is a compulsion to appear absolutely under the law as such. Here, we may well think of "K" in Franz Kafka's *The Trial*, who was utterly subjected to a law that was both everywhere and nowhere. Like the law that dominates K's universe, the law of abandonment is an empty and indeterminate law that remains in force but is no longer formulated in specific prohibitions or interdictions. "Turned over to the absolute of the law," Nancy writes, "the banished one is thereby abandoned completely outside its jurisdiction."⁵⁸ Here, we should take note of the ambivalence of abandonment: the one who is abandoned is both utterly exposed to the law and cast outside of its jurisdiction. It is this ambivalence that Agamben reiterates in his account of the sovereign ban. The one who is banned, he writes, is not outside the law in any simple sense, but "exposed and threatened" on the very threshold of the law, at the point where it can no longer be distinguished from life.⁵⁹

This ability to hold life in a ban by abandoning it is, for Agamben, the original political relation. He uses the term “inclusive exclusion” to define this limit relation in which people are included in the political community purely by virtue of an exclusion that leaves them utterly exposed to sovereign violence.⁶⁰ The sovereign ban is the limit form of relation, but at this limit it remains a relation between the sovereign and that bare life that it includes only by excluding. Because natural life, in this account, is not merely excluded from the *polis*, but captured within it, Agamben can argue that life is originally included in the realm of a politics that is biopolitics from the beginning. Agamben’s analysis of the status of *zōē* in the Greek *polis* thus directly anticipates the topology through which he understands *Homo Sacer*’s titular figure, the “sacred man” of Roman law. In the *Homo Sacer* he identifies a figure in which law refers to life precisely by excluding it. The abandonment of *homo sacer* manifested in an absolute exposure, by virtue of which he could be killed with impunity by anyone. In a seeming paradox however, the *homo sacer* could not be sacrificed, and was therefore subject to a double exclusion: while the unpunishability of his killing removed the *homo sacer* from the sphere of human law, the ban on sacrifices excludes him from the realm of divine law. In this paradoxical status, Agamben identifies a *limit concept* of the Roman juridical order, “an originary *political* structure that is located in a zone prior to the distinction between sacred and profane, religious and juridical.”⁶¹ The *homo sacer* may be the definitive figure of the topological relation he terms “inclusive exclusion,” but this relation is by no means confined to Roman law. Rather, this category plays an important role in his accounts of both the Greek *polis* and contemporary biopolitical developments.

By highlighting continuities between diverse forms of the abandonment of life, Agamben’s reconceptualization of biopolitics undercuts nostalgia for the Greek *polis* and shows that the political problems of today cannot be solved by reviving the separation between natural and political life that been eroded in the passage to modernity. This can allow us to see that life in the Greek *polis* was premised on the permanent exclusion of those whose lives were bound up with labor and reproduction, notably women and slaves. As Arendt notes, though without considering the implications for her own classical account of politics, slavery was not simply a part of Greek political life, but “the condition of *politeuēin*, of all those activities that for the Greeks fulfilled the life of the citizen.”⁶² Agamben illuminates the fact that natural life did not simply become a problem for politics in modernity, but played a constitutive role in Western politics at its inception, albeit in the form of its exclusion. Conversely, his thought enables us to identify the way in which the problem of sovereignty continues to

operate in our apparently postmodern time, by depicting modernity, in Eric L. Santner's words, as "the widespread mutation of social bonds whereby the traditional forms and loci of sovereignty—along with the sovereign exception and its effects disperse and proliferate along new pathways and relays."⁶³

There are also costs to Agamben's reconceptualization of biopolitics, however, chief of which is his tendency to subsume the specific practices and discourses that Foucault analyzes in such detail into a larger philosophical account of the history of the West. While the latter recognizes that the development of biopolitics is bound up with that of capitalism—even while avoiding causal explanations—Agamben ignores this context entirely. He thus loses the capacity to analyze the significance of the emergence of a social relation premised on the exploitation of labor power, in which, as Marx puts it, the objectivity of labor coincides with the "immediate bodily existence" of the laborer, who is also subjectively the "living source of value."⁶⁴ He also loses the ability to analyze the struggles this generated, which often aimed to politicize life on terms other than those of the state and capital. The modern blurring of the distinction between natural and political life cannot be adequately understood without examining the role of workers' struggles and the women's movement in challenging the depoliticization of labor and reproduction, and the exclusion from politics of those whose lives were taken up with them. Without such an understanding, we cannot grasp those contemporary political movements that continue this legacy by struggling not to revive the separation between life and politics, but to make possible what Agamben terms a *form-of-life*.

Biopolitical Being

To draw out some of the problems that stem from Agamben's identification of biopolitics as the original structure of Western metaphysics, it is worth considering it against the background of the original, Heideggerian, conception of abandonment that informs his account of the sovereign ban. Abandonment (*Seinsverlassenheit*) plays an important role in Heidegger's account of the danger facing our epoch.⁶⁵ "Abandonment of being," he writes in his *Contributions to Philosophy*, "determines a singular and unique epoch in the history of the truth of be-ing."⁶⁶ Heidegger enumerates no fewer than sixteen ways in which this abandonment announces itself, among them the forgetting of mindfulness and truth, the subjugation of art to "cultural usage," and all those phenomena that Friedrich Nietzsche gathered under the mantle of "nihilism," including "the derangement of the West; the flight of the Gods; the death of the moral, Christian God."⁶⁷ The abandonment

of Being is concealed in what Heidegger terms *machination*, in which the world appears as “makeable” and characterized by ordering, calculation and a lack of questioning.⁶⁸

All this may seem far removed from the biopolitical concerns this chapter has considered thus far. In thinking abandonment, Heidegger is not primarily concerned with the problem of life, yet he does suggest that “mechanistic *and* biological ways of thinking are always merely consequences of the hidden interpretation of beings in terms of machination.”⁶⁹ Robert Sinnerbrink has argued that Heidegger’s machination provides an account of the way life becomes subject to calculation, ordering, and planning, which anticipates the theme of biopolitics in Foucault and Agamben.⁷⁰ Indeed, Heidegger’s warning that machination prepares a “transition to a technicized animal” directly prefigures the themes of animalization and technological intervention into the sphere of life that are central to Agamben’s account of biopolitics.⁷¹ In my view, it is in his re-utilization of abandonment that Agamben’s account of biopolitics displays its greatest debt to Heidegger. Indeed, in *Homo Sacer* Agamben suggests that the problem of the sovereign ban and the nihilism of contemporary biopolitics “is the same one that Heidegger confronts in his *Beiträge zur Philosophie* under the heading of *Seinsverlassenheit*, the abandonment of the entity by Being.”⁷²

This conviction that ontology is directly political is central to Agamben’s divergence from Foucault over the periodization of biopolitics. In his account of machination, Heidegger notes that while it unfolds most powerfully in modernity, it “dominates the history of being in Western philosophy up to now, from Plato to Nietzsche.”⁷³ Agamben, unlike Foucault, is convinced not only that ontology is directly political, but also that only the formulation of “a new and coherent ontology of potentiality” will enable us to escape the biopolitical capture of life in the sovereign ban.⁷⁴ This raises questions about the relation between ontology and politics and about that between what Heidegger calls the *ontic* and the *ontological* levels of analysis.⁷⁵ Sinnerbrink has suggested that Agamben’s work (as well as that of Heidegger and Foucault) evinces a tension between these levels, which emerges in his explication of the “relationship between the ontological aspects of biopower as the ground of politics in modernity, and the ontic dimension of specific social practices and collective political action within specific biopower regimes.”⁷⁶ This tension, I suggest, is sharper in Agamben’s work than in that of either Foucault or Heidegger, though for different reasons. Unlike Foucault, Agamben tends to focus his attention on what he sees as metaphysical structures stemming back to the Greek *polis* (the *zoē/bios* split, for instance) even as he attempts to cast light on

contemporary political developments. And unlike Heidegger, Agamben's question is not centrally the question of Being but, at least in his later works, the question: "What does it mean to act politically?"⁷⁷

It could be objected that this distinction between the question of Being and that of politics is a false one, which can be overcome if we examine the more explicitly political *Homo Sacer* series alongside Agamben's earlier works on language, aesthetics, and metaphysics. On the surface, it appears that the question of political action, which is raised explicitly in *State of Exception*, signifies a move away from the concerns of his earlier books, which were defined by two other, interrelated questions. In a 1988–1989 preface to *Infancy and History*, Agamben had written: "In all my written and unwritten works, I have stubbornly pursued only one train of thought: what is the meaning of 'there is language?'; what is the meaning of 'I speak'?"⁷⁸ However, in a lecture two years earlier, he had given a different version of his guiding question: "I could state the subject of my work as an attempt to understand the meaning of the verb 'can' [*potere*]. What do I mean when I say 'I can, I cannot'?"⁷⁹ How can we best understand this seeming proliferation of central questions? Does it express incoherence, a shift in perspective, or a deeper unity? To answer this, we must grasp the extent to which the questions of political action, speech, and ability are deeply entwined in Agamben's work, such that the former question cannot be answered without posing the latter two. We cannot understand what it means to act politically, in his view, unless we come to terms with the constitution of the speaking being and with the problem of potentiality (to be able/to be able not to). The central questions posed in the earlier works do not, therefore, disappear, but remain central to the later political thought.

Aristotle famously declared the human to be both a *zoon logon echon* (a living being with language) and a *zoon politikon* (a political animal). Reflecting on Aristotle's argument that the animal voice expresses only pleasure or pain, while human speech expresses the just and the unjust, Agamben locates a caesura between the animal *phone* and human *language*. "The living being has *logos*," he writes in *Homo Sacer*, "by taking away and conserving its own voice in it, even as it dwells in the *polis* by letting its own bare life be excluded, as an exception, in it."⁸⁰ No longer the animal *phone*, which must be excluded to enable human language, but not yet language, what is captured in the passage to language is a removed voice, or as Agamben terms it, a "Voice"—by which he refers to the taking place of language that occurs in a "no man's land between sound and signification."⁸¹ The fully human life—life according to *logos*—is achieved only through the separation and abandonment of its nonhuman other, just as

life in the *polis* is achieved only through the separation and abandonment of a supposedly natural life.

This begins to answer the question of how it is possible for Agamben to unify the objects of his seemingly divergent lines of inquiry: politics, language, and *potentiality*. Both politics and metaphysics, he suggests, are founded on the exclusion of that life that men share with other living beings, and it is language that, since the Greek *polis*, has been central to demarcating the human from the inhuman. There is, however, an important difference between Agamben's various questions: What does it mean to speak? What does it mean to have a capacity? and, What does it mean to act politically? While the first two questions lend themselves to a strictly philosophical interrogation, the question of political action, in contrast, requires attention to specific political interventions in the present. No ontology can answer the question of what it means to act politically; such a question can only be adequately answered in intimate connection with the very political action that is the object of the interrogation. There is thus a need to complement Agamben's attempt to formulate a new ontology of potentiality with an examination of those historical and contemporary forms of praxis that seek to create new possibilities for individual and collective life. Agamben's deconstruction of the Western political tradition should therefore be taken as an impetus for forms of experimental praxis that concretely pose the question of the possibility of political action on the uncertain terrain of the present.

In *Homo Sacer*, Agamben remarks that he originally conceived that work as a "response to the bloody mystifications of a new planetary order."⁸² The most important questions raised by his reconstruction of biopolitics are therefore: How well does his thought enable us to understand this "new planetary order"? And what kind of a response does it enable and foreclose? To begin with the former question, if we return to the United States' military action in Afghanistan, Agamben's identification of the entwinement of the biopolitical power to foster life with the sovereign power to kill provides us with a conceptual apparatus that is well suited to theorizing the reconfiguration of the relation between life, politics, and death that leads to the grotesque scenario of war planes dropping cluster bombs and food packages. On the other hand, he provides little of the analytical attention to the specific practices and events that constituted this shift that played a crucial role in Foucault's detailed genealogical account of the historical development of biopolitics. This means that his thought is less well suited to illuminating the ontic aspects of the Afghanistan bombardment, including the genesis of the doctrine of humanitarian intervention, the rise of the neoconservatives, and the shifting terrain of military practices in the wake

of the Cold War. This, however, is not a reason to discard his insights about the imbrication of sovereignty and biopolitics. Rather, it suggests that the attempt to mobilize these insights to conceptualize contemporary political events should be augmented by a detailed attention to the practices and discourses that accompanied their genesis.

What, then, does Agamben's account of the relation of life and politics suggest about the possibility of political action today? Far from solving the fundamental problem of the constitution of the political through the exclusion and capture of natural life, the political weapons developed in the course of modern struggles—democracy and human rights, for instance—must, if we accept his arguments, be judged not only to have failed to solve the fundamental political aporia but also to have furthered the politicization of life. If we wish to stop the cluster bombs from falling and prevent the more powerful states from reducing whole populations to bare life, can we find resources in Agamben's thought? Or will such wishes only lead us to a relation of complicity with the very states we would seek to oppose? By examining his argument that the categories of the Western tradition, among them human rights, are in crisis, we will be better placed to assess his contribution to developing a new form of politics.

The Rights of Bare Life

In the past decade, as new wars, ethnic conflicts, and social struggles have disrupted the liberal euphoria that followed the end of the Cold War, a number of thinkers have sought to critically reevaluate the human rights project.⁸³ Among them, Agamben's critique is the most damning. Rights, he argues, are biopolitical instruments that enmesh naked life in the order of the nation-state, thus paving the way for the contemporary politicization of life. This account of rights is centered on an examination of the ambiguous man/citizen link that underlies modern rights declarations. Agamben tends to situate his own inquiry in relation to that of Arendt, yet more than a century before her, Karl Marx, in his own theorization of rights, had already posed the question: "Who is the *homme* as distinct from the *citoyen*?"⁸⁴ Agamben's view—which can be seen as a continuation of the inquiry that started with Marx's "On the Jewish Question"—is as follows: "Rights are attributed to man (or originate in him) solely to the extent that man is the immediately vanishing ground (who must never come to light as such) of the citizen."⁸⁵ While the nation-state is thus founded on the fictional subsumption of man into the citizen, what we are seeing today, he suggests, is the culmination of the separation of the rights of man from the rights

of the citizen. The bearer of human rights today is the “Rwandan child, whose photograph is shown to obtain money but who ‘is now becoming more difficult to find alive.’”⁸⁶ Human rights are the rights of those with no rights, of those he refers to as “bare life.”⁸⁷

In attempting to understand the situation of human rights today, Agamben turns to Arendt’s influential essay from the *Origins of Totalitarianism*, “The Decline of the Nation State and the End of the Rights of Man.” Here, Arendt argues that the mass refugee flows following World War I called into question the utility of human rights by creating a section of humanity stripped of all political status; “[T]he conception of human rights based on the assumed existence of human being as such,” she writes, “broke down at the very moment that those who professed to believe in it were for the first time confronted with people who had indeed lost all other qualities and specific relationships—except that they were still human.”⁸⁸ From her examination of the situation of these refugees, Arendt, as Etienne Balibar points out, developed a radical critique of the supposed anthropological foundation of human rights.⁸⁹ If those who were stripped of civil rights found themselves also deprived of human rights, this, he explains, is because the latter are in fact premised on the civil status, and not the reverse.⁹⁰ Thus, what Arendt refers to as “the right to have rights” cannot be derived from any essential quality of the human, any “inalienable” inherence of rights in the human person, but is premised on the existence of a community of political actors who grant each other rights. Abstracted from such a political community, or state, the supposedly inalienable, universal human rights, she concludes, are simply the rights of those without rights.

As Balibar notes, Arendt’s dismissal of the efficacy of human rights led her to a paradoxical form of civic institutionalism, which shares elements of Edmund Burke’s conservative critique of natural rights—as expressed in his preference for his “rights of an Englishman.”⁹¹ This preference for the rights of the citizen is premised on the rigid division of man’s private life in the home (*oikos*) and his public life in the state, thus Arendt’s dismissal of human rights (and her valorization of the rights that are granted through participation in the political sphere) is premised on a narrow conception of the political, from which social questions, including poverty, labor, and reproduction are excluded. This expulsion was necessary, she argues, if the political sphere was to be a realm of freedom. It was this distinction between freedom and necessity that led Arendt, in her book on the French and American revolutions, to suggest that it was the entry of the poor, with their “social” demands into the French Revolution that prevented it from establishing a realm of freedom and that ultimately precipitated the terror.⁹² In the politicization of questions of poverty, labor, and reproduction—and

in the valorization of natural life at the foundation of rights declarations—she saw a blurring of political and natural life, the impingement of necessity on freedom, and ultimately the eclipse of politics.

Despite the elitism of Arendt's position, it has the advantage of highlighting the role of political actors in challenging the separation of life and politics and refusing their exclusion from the political stage. The entry of life itself into the political realm, she stresses, was brought about by those whose poverty subjected them to necessity and to the power of their bodies, and it "was under the rule of this necessity":

[T]hat the multitude rushed to the assistance of the French Revolution, inspired it, drove it onward, and eventually sent it to its doom, for this was the multitude of the poor. When they appeared on the scene of politics, necessity appeared with them, and the result was that the power of the old regime became impotent and the new republic was stillborn; freedom had to be surrendered to necessity, to the urgency of the life process itself.⁹³

As Jacques Rancière highlights, Arendt's critique of rights "rested on the assumption that modern democracy had been wasted from the very beginning by the 'pity' of the revolutionaries for the poor people."⁹⁴

Like Arendt, Agamben sees the decisive fact of modernity as the breakdown of the classical distinction between life (*zen*) and the good life (*eu zen*), and between *bios* and *zoē*. In modernity, he writes, bare life—which had originally been situated in a relation of abandonment at the margins of the *polis*—"gradually begins to coincide with the political realm, and exclusion and inclusion, outside and inside, *bios* and *zoē*, right and fact, enter into a zone of irreducible indistinction."⁹⁵ In stark contrast to this classical model, "modern democracy," Agamben argues, "presents itself from the beginning as a vindication and liberation of *zoē*."⁹⁶ This means politics ceases to be a specific activity—the pursuit of the good life—and comes to be conceived as existing for the sake of life itself, for the protection of natural life.

Unlike Arendt, Agamben pays no attention to the role of the struggles of the poor in politicizing life itself, and thereby destabilizing the categories of classical political thought. Arendt makes clear the disastrous consequences she sees in the reversal of classical politics, through which the poor enter the political process. "It was necessity, the urgent needs of the people, that unleashed the terror and sent the Revolution to its doom,"⁹⁷ she writes. While Agamben rejects Arendt's nostalgia for a realm of pure politics untouched by material concerns, he ignores the historical subjects

who irrevocably shaped modern politics by challenging their exclusion from the political sphere. While he is free of the desire to preserve the realm of politics from the social questions of poverty and labor, he does not address the historical possibilities opened up by those who politicized these questions, or seek to preserve their victories.

Instead, he depicts the transition through which bare life appeared as the modern political subject as a product of those declarations of rights that enabled the transition from divine to national sovereignty. In “On the Jewish Question,” Marx had traced this move by which “politics proclaims itself to be a mere *means*, whose end is life in civil society” to the 1791 “Declaration of the Rights of Man,” which proclaimed: “The *goal* of all *political association* is the *preservation* of the natural and imprescriptible rights of man.”⁹⁸ For Marx, the separation between man and citizen, and the transformation of politics into a means for the preservation of “man,” or apolitical life, was the political expression of the capitalist separation between the sphere of circulation, or commodity exchange (“a very Eden of the innate rights of man”) and the sphere of production, which is premised on exploitation and substantive inequality.⁹⁹ This broader perspective led him to tie his analysis of modern juridical innovations, like the Declaration of the Rights of Man and Citizen, to an examination of those struggles, over the length of the working day for instance, which subjected the realms of production and reproduction to political dispute. As Arendt notes, Marx learned from the French Revolution that poverty can be politicized and the struggle against it oriented to freedom. Through the categories of exploitation and oppression, she suggests, he translated “economic conditions into political factors.”¹⁰⁰ Here we see a coherence of life and politics that is not on the terms of the state but that results from a struggle against it, which is missing from Agamben’s redemptive account of biopolitics.

Agamben’s account of rights can be seen as a continuation of Marx’s inquiry, but it is one that dispenses with the analysis of capitalism, speaking only of “modernity,” and thus focusing on the political and juridical levels without considering the forms of antagonism that practically politicized the question of life. The nation-state, he argues, is founded on a unity of birth-territory-order, and human rights declarations—which locate sovereignty in the natural life of a people—are “the originary figure for the inscription of natural life in the political-juridical order of the nation-state.”¹⁰¹ This location of sovereignty in the nation, he suggests, is only enabled by a fiction by which birth is automatically nation, and as such becomes a political category. It is because rights declarations are predicated on the creation of bare life, that is, because they politicize the fact of birth, that Agamben sees them as “double-sided”—both bearers of liberties and vehicles for the