

Article

Revisiting Giorgio Agamben's Reformulation of Michel Foucault's Biopolitics¹

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Abstract: Michel Foucault's twin notions of biopolitics and biopower were pivotal in the development of a theoretical tradition in the social sciences and the humanities, despite riddled with conceptual inconsistencies and culminating in ambivalence. Giorgio Agamben later claimed to have continued and completed Foucault's unfinished project and appropriated this continuity to analyze the configurations of power today. In this paper, I revisit the Foucault-Agamben relation. I claim that Agamben's conception of power, subsumed in his biopolitics, is a continuation and completion of Foucault's biopolitics despite the differences. In a peculiar way, Agamben's biopolitics is a unifying account of power that brings together what Foucault's biopolitical investigations, partitioned in different moments in his investigations, are unable to connect. The task of this paper is three-fold. First, I articulate a succinct narrative account of Foucault's biopolitics. Second, I locate Agamben's point of departure from Foucault and discuss his own notion of biopolitics. In doing this, I chart their divergences and convergences. Third, I articulate Agamben's reformulation of Foucault's biopolitics as a way of understanding how Agamben's biopolitics can account for the originary and fundamental structure of both fascism and liberal democracies, which is one power—biopower—in two modes—centralized and dispersed.

Keywords: Agamben, Foucault, biopolitics, biopower

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Introduction: The Foucault-Agamben Relation

In one of the earliest introductions to Giorgio Agamben's philosophy in English, Leland de la Durantaye remarks that Foucault is "the single most decisive influence on Agamben's later works, a fact on clear display not only in the *Homo Sacer* series but also in such works as *Signatura rerum*."² Written in 2008, five years before the publication of the last book of the *Homo Sacer* series,³ Durantaye's comment may sound initially premature to mark these mentioned works as Agamben's "later works"; he is nonetheless correct to highlight and thematize the profound influence of Foucault's thought to Agamben's philosophy. In the first and eponymous work of what turns out to be a nine-book series, Agamben primarily cites Aristotle's division of life, Arendt's theory of totalitarianism, and Foucault's biopolitics as points of departure for his project. Particularly crucial is his correction "or, at least," completion of Foucault's thesis⁴ on biopolitics that decisively shapes his own conception of biopolitics.⁵ Also, going beyond the biopolitical aspect of Foucault's influence, Agamben himself confesses in a reflection of his own philosophical method that Foucault is "a scholar from whom I have learned a great deal in recent years."⁶

Despite these considerations and Agamben's own words, there are discussions that debate the extent of Agamben's biopolitics as a continuity or a completion of Foucault's biopolitics. From the backdrop of Agamben's claim that his biopolitics is a continuity or completion of Foucault's, both Mika Ojakangas and Paul Patton⁷ accentuate their discontinuity in the

² Leland de la Durantaye, *Giorgio Agamben: A Critical Introduction* (Stanford: Stanford University Press, 2009), 208.

³ The last book of the *Homo Sacer* series is first published in Italian in 2014 with the title *L'uso dei corpi*. For the English edition see Giorgio Agamben, *The Use of Bodies*, trans. by Adam Kotsko (Stanford: Stanford University Press, 2016).

⁴ Giorgio Agamben, "Homo Sacer: Sovereign Power and Bare Life," trans. by Daniel Heller-Roazen in *The Omnibus Homo Sacer* (Stanford: Stanford University Press, 2017), 11.

⁵ Although Agamben does not rely only on Foucault as his "primary interlocutor," to borrow the terms of Carlo Salzani and Adam Kotsko's edited work, "Agamben's Philosophical Lineage," Foucault is profoundly important in Agamben's (bio)political phase, because he does not only take Foucault's conception of biopolitics as one of his springboards, but the twist and turns in Foucault's own discourse on biopower and biopolitics is, as I show here, followed through and reformulated by Agamben's biopolitics to the point that despite the divergences in their conception, a subtle thread of continuity in their biopolitical project remains.

⁶ Giorgio Agamben, *The Signature of All Things: On Method* (New York: Zone Books, 2009), 7.

⁷ Mika Ojakangas, "Impossible Dialogue on Bio-power: Agamben and Foucault," in *Foucault Studies* 2, (2005), 5–28; Paul Patton, "Agamben and Foucault on Biopower and Biopolitics," in *Giorgio Agamben: Sovereignty & Life*, eds. Matthew Calarco and Steven DeCaroli (Stanford: Stanford University Press, 2007), 203–218.

conception of the biopolitical. Ojakangas highlights how the historical development of Foucault's biopolitics is informed by Christian love and its subsequent demand for care that defines pastoral power and which, with the emergence of newer forms of technologies and its subsequent transformation of power-relation, is the precursor to biopolitics. In Ojakangas's reading, love and care are the hidden threads that sustain Foucault's biopolitics, which would have its own peculiar conclusions in contrast to Agamben's.⁸ This is because, for Agamben, the actual and potential violence of sovereign power over life founds biopolitics, not love nor care. Its protagonist, *Homo Sacer*, "who may be killed but not sacrificed,"⁹ serves as the model that illustrates the precarity of our lives in contemporary times. But what makes Agamben's position reliant on this violence, which, according to him, is "the original activity of sovereign power" that places biopolitics to be "at least as old as the sovereign exception,"¹⁰ makes his position vulnerable to the charge of "conceptual foundationalism" which Patton raises against his biopolitics.¹¹ Foucault's biopolitics, on the other hand, emerged as a product of historical development, while for Agamben, it is, according to Patton, determined by a concept that has its origin in the very beginning of Western politics and sustains Western politics up to this day. Taken from this perspective, Agamben's biopolitics borders a transhistorical function from Ancient Greece to Contemporary America. This is not the same with Foucault's biopolitics being contingently dependent upon historical tensions with emergent *technai* and circumstances that configure the power-relation dynamics. The difference, Patton concludes his assessment between Agamben's and Foucault's biopolitics, is and I quote: "not so much a matter of correction and completion as a choice between epochal concepts of biopolitics and bare life and a more fine-grained, contextual and historical analysis intended to enable specific and local forms of escape from the past."¹²

Although we can agree with some points in the assessments of Ojakangas and Patton on the divergence of Agamben's biopolitics to Foucault, there is a missing point in their analysis that, although not within their fault, needs consideration. Written before the completion of Agamben's *Homo Sacer* series in 2014, their evaluations were limited only to the early books of the project. Their articles crucially missed out on the interesting turn

⁸ Ojakangas, "Impossible Dialogue," 19–20.

⁹ Agamben, "Homo Sacer," 10.

¹⁰ *Ibid.*, 9.

¹¹ Patton, "Agamben and Foucault," 218. Quoting Patton, conceptual foundationalism is "the meaning of concepts is irrevocably determined by their origin." *Ibid.* Thus, with this charge, it is not difficult to imagine Agamben's position as appealing to a universalism which can be contradicting to his Foucauldian inspired archaeological method.

¹² *Ibid.*

within the series, most particularly with the publication of Agamben's *The Kingdom and the Glory*, first published in Italian in 2007.¹³ It is to the credit of Jeffrey Bussolini to partially fill this lacuna. He revisits the Foucault-Agamben relation in his 2010 critical review, "Critical Encounter between Giorgio Agamben and Michel Foucault,"¹⁴ and reiterates that Agamben's intellectual itinerary is "heavily indebted to Foucault."¹⁵ Whereas both Ojakangas and Patton reacted against Agamben's claim for continuity or completion, Bussolini reinvigorates Agamben's admission of indebtedness by explicating the general points of Agamben's three works,¹⁶ which both Okajangas's 2005 essay and Patton's 2007 article were not able to consider. What lies at the core of Bussolini's critical review, without having to repeat his summaries, is the principal claim for continuity between Foucault and Agamben. Like Agamben's teacher, Heidegger, who reads philosophers such as Nietzsche to produce Heidegger's own Nietzsche in two volumes, Agamben takes Foucault in such a way that he reads through Foucault's works and appropriates "the philosophical interpretation of certain concepts and passages."¹⁷ To be sure, there are differences between Foucault and Agamben, which goes to show that the points raised by Ojakangas and Patton are valid, but the continuity that Bussolini emphasizes is marked by a similar trajectory of thought between Foucault and Agamben but read in a new registry. This allows for the possibility to conceive or read of Agamben's continuity of Foucault's biopolitics as, among others, ontological, a persuasion to which we can confidently state that Foucault does not subscribe.¹⁸

Situated within the terrain of the Foucault-Agamben relation, the general aim of this paper is to trace the development of Agamben's biopolitics to Foucault's. Although I do not reject that there are differences between their conceptions as pointed out by some scholars such as those earlier mentioned, I, however, align myself to read their relation in a peculiar way that highlights

¹³ Its English edition is published as *The Kingdom and the Glory: For A Theological Genealogy of Economy and Government*, trans. by Lorenzo Chiesa with Matteo Mandarini (Stanford: Stanford University Press, 2011).

¹⁴ Jeffrey Bussolini, "Critical Encounter Between Giorgio Agamben and Michel Foucault," in *Foucault Studies* 10 (2010), 108–143.

¹⁵ *Ibid.*, 108.

¹⁶ Using the English editions, which, except for "The Signature of All Things," were not yet available in the time of Bussolini's writing, these works are *The Kingdom and the Glory*, *The Sacrament of Language: An Archaeology of the Oath*, trans. by Adam Kotsko (Stanford: Stanford University Press, 2011), and *The Signature of All Things*.

¹⁷ Bussolini, "Critical Encounter," 108.

¹⁸ For instance, Matthew Abbott reads Agamben's biopolitics as resolutely ontological. See Matthew Abbott, *The Figure of this World: Agamben and the Question of Political Ontology* (Edinburgh: Edinburgh University Press, 2014).

their continuity in generally the same sense which I describe the aim of Bussolini's critical review. Unlike Bussolini, however, I take as key to my reading a unitary account of power, which was initially articulated by Agamben in *Homo Sacer* but finds its other half in *The Kingdom and Glory*.

The claim that I make in this paper is that Agamben's conception of power, subsumed in his biopolitics, is a continuation and completion of Foucault's biopolitics despite the differences. In a peculiar way, Agamben's biopolitics is a unifying account of power that brings together what Foucault's biopolitical investigations are unable to connect. That is, Foucault's biopolitics, partitioned in different moments in his investigations—from seeing biopower and biopolitics as a continuation of disciplinary power, management of populations, to the art of government or governmentality that informs his notion of liberalism, which defines contemporary democracies—are taken as different modes of one and the same thing in Agamben's conception of biopolitics. Thus, power as sovereignty and governmentality, fascism and democracy, authoritarianism and liberalism, with all their calculations and measures, surveillance and practices, legislation and enactments, are in Agamben merely different modes of biopolitics. This is the “inner solidarity between democracy and totalitarianism.” However, how these “two faces of power converge remains strangely unclear in Foucault's work, so much so that has been claimed that Foucault would have consistently refused to elaborate a unitary theory of power.”¹⁹

To achieve the aim and demonstrate my claim, the task of this paper is divided into three parts. First, I articulate a succinct narrative account of Foucault's biopolitics. Second, I locate Agamben's point of departure from Foucault and discuss his own notion of biopolitics. In doing this, I chart their divergences and convergences. Third, I articulate Agamben's reformulation of Foucault's biopolitics as a way of understanding how biopolitics can account for the originary and fundamental structure of both fascism and liberal democracies, which is one power—biopower—in two modes—centralized and dispersed. That they are not so different can bring to light the contemporary political configurations in which democracies today can act fascist or how authoritarianism is possible through democracies.

In Aristotelian tonality, there are many ways in which “biopolitics” is said to be. Thus, at the onset, it is crucial that we do not take this term and concept as having a univocal meaning. As context, the concept of biopolitics, and my use of it here, requires a preliminary clarification. By biopolitics, I am specifically referring to the tradition that Foucault inaugurated, and which was a subject of his later lectures at the College de France beginning in 1976.

¹⁹ Agamben, “*Homo Sacer*,” 12, 8.

Although it has been argued that he never fully developed this concept,²⁰ his conception initiated a tradition in the social sciences and the humanities, particularly in continental philosophy. His concepts of biopolitics and biopower serve as decisive marks in the discourse that distinguishes the biopolitics that came before him, those that developed separately from his lectures, and those that take him as their point of departure.

Biopolitics, therefore, is neither coined nor first conceptualized by Foucault. Already in 1911, the term was employed, if not coined, by G.W. Harris to refer to "a policy which should consider two aspects of the nation: in the first place, the increase of population and competition; in the second place, the individual attributes of the men who are available for filling places of responsibility in the State."²¹ Since then, other theorists have also broadly employed the concept to refer to the relation between politics and biology. For instance, six years later, the political theorist Robert Kjellen, who coined the term "geopolitics," also used the term to understand the state as having the structure and processes of an organism. These conceptions of biopolitics are not my concern.²²

However, two clarifications must be made within the Foucauldian tradition. First, the conception of biopolitics is problematized within Foucault as having either a unified account or merely fragments of lectures. Second, what constitutes this tradition of biopolitics is the differing accounts of several thinkers who deal with biopolitics and take Foucault's as their point of departure but develop their own diverging accounts to reach peculiar conclusions.²³

With this preliminary clarification, the equivocality of biopolitics should already be clear and given attention. It is the biopolitics of Foucault and the tradition that developed from his notion that concerns this paper. I

²⁰ Although Foucault mentions biopower and biopolitics in his later lectures, he never really developed a fuller account in comparison to his earlier works, such as for instance, on disciplinary power. As Patton argues that "the concept of biopower does not play a major role in Foucault's work." A reason for this, he argues, is that "it may have been problems internal to the concept of biopolitics itself that have prevented its further development." Patton, "Agamben and Foucault," 206. This is later reechoed by Catherine Mills. She writes "the place that the notion of biopower occupies in Foucault's oeuvre is itself ambivalent in that it both draws upon earlier threads and turns them to new ends, one which, it is probably fair to say he never fully realized." Catherine Mills, *Biopolitics* (New York: Routledge, 2018), 13.

²¹ G.W. Harris, "Bio-Politics" in *The New Age: A Weekly Review of Politics, Literature, and Art*, 10:9 (December 28, 1911), 197. Also see Mika Ojakangas, *On The Greek Origins of Biopolitics: A Reinterpretation of the History of Biopower* (London: Routledge, 2016), 11.

²² See Roberto Esposito, *Bios: Biopolitics and Philosophy*, trans. by Timothy Campbell (Minneapolis: University of Minnesota Press, 2008), 16.

²³ We can count, among others, some works of Roberto Esposito, Antonio Negri, Michael Hardt, Achille Mbembe and Giorgio Agamben as belonging to this tradition.

am specifically focused on its reinvigoration and reformulation in the work of Agamben.

Foucault's Biopolitics: 1974–1979

Foucault's conception of biopolitics came relatively later in his intellectual career. Although his first usage of the term was in a lecture in 1974, "The Birth of Social Medicine," it was not until 1976 that an arguably more defined conception of biopolitics and biopower was made.

The two sources in 1976 are the last chapter on the first volume of *History of Sexuality*, "The Right of Death over the Power of Life," and the March 17, 1976's lecture at the College de France, which is posthumously gathered and published as the last chapter of *Society Must Be Defended*.²⁴ His conception of biopolitics is continued in his 1977–1978 lectures that touch on pastoral power and the science of the police in "Security, Population, Territory," and his 1978–1979 lectures on Governmentality and Liberalism in "The Birth of Biopolitics." Within his intellectual itinerary, biopower and the *technai* that spring it to existence, collectively known as biopolitics, can be seen as a development of his earlier preoccupation with providing a theory of power that departs from the classical and unitary "subject-to-subject cycle"²⁵ of sovereign power to account for the configurations of power in the present.

In the last chapter of the first volume of *The History of Sexuality*, Foucault mentions an aspect of sovereign power traced back to Roman law, the *patria potestas*. This law places the father as having the right to the lives of his children, a "power of life and death." As this was at the level of the *oikos*, the sovereign holds a similar power at the level of the *polis*; that is, the sovereign's right to the lives of his subject, as suggested by the title of the chapter, "the right of death over the power of life," which Foucault reformulates as "the right to take life or let live."²⁶

However, the emergence of a new power-relation marks the dissipation of sovereign power and sees a shift in the focus of political calculations from the sovereign's "right to take life" to a more radical valence

²⁴ Respectively, Michel Foucault, *The History of Sexuality: An Introduction*, Vol.1, trans. by Robert Hurley (New York: Vintage, 1990), 133–160; Michel Foucault, *Society Must Be Defended: Lectures at the College de France 1975–1976*, trans. by David Macey (New York: Picador, 2003), 239–264. Michel Foucault, *The Birth of Biopolitics: Lectures at the College De France 1978–1979*, trans. by Graham Burchell (New York: Palgrave, 2008).

²⁵ Foucault, *Society Must Be Defended*, 43.

²⁶ Foucault, *The History of Sexuality* Vol.1, 136

of the power to “letting live.” The power to let live complexifies to form techniques that “fosters life or disallowing it to the point of death.”²⁷

In his investigations, Foucault noticed the gradual disappearance of public executions and torture in France at the beginning of the 19th century.²⁸ What this seemingly inconspicuous spot in history signifies, in the interpretation of Foucault, is the ascendancy of a new configuration of power-relation that sees how the ancient *pater potestas* exercised by the sovereign becomes gradually replaced by new dynamics that inaugurate the entrance of the individual body—the politicization of anatomy—into the equation of political calculation. From the spectacles of tortures and public executions since ancient times, which mark the condemned as the property of the sovereign and therefore subject to sovereign power, to the development of more humane punishments and generalized testing, which transform these subjects from properties of the king to properties of society, power’s turn of focus is now on the individual body that has to be rendered as docile and, when necessary, appropriated for public works.²⁹ This is Foucault’s disciplinary power. Its twin functions are suggested, respectively, in the title of the same work in which he expounds this theory, *Discipline and Punish*.

When it was mentioned earlier that the “power to foster life” complexifies and overcomes the “power to take life,” a recourse to Foucault’s disciplinary power is necessary for two reasons: first, in the logical and chronological development of Foucault’s work, disciplinary power comes first; second, biopolitics is an extension of disciplinary power in a larger scope. The arrival of biopolitics as a paradigm of the present, which in Foucault’s *oeuvres* comes after he theorizes disciplinary power, does not supersede disciplinary power. Rather, the latter is subsumed and permeates into the former. If disciplinary power puts the individual human body as a central element in its contrivances to produce docile bodies and establish the norm, biopolitics then places not the individual body within its calculations but entire populations, the body *en masse*.³⁰

Thus, it should not be surprising that Foucault’s biopolitics was included in the last part of the first volume of the *History of Sexuality* because

²⁷ *Ibid.*, 138.

²⁸ Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. by Alan Sheridan (New York: Vintage, 1995), 14.

²⁹ For instance, see *Ibid.*, 109. Ultimately, the function of disciplinary power is to produce docile bodies which is achieved through “hierarchical observation, normalizing judgement, and their combination in a procedure that is specific to it, the examination.” *Ibid.*, 170.

³⁰ Foucault writes, “The disciplines of the body and the regulations of the population constituted two poles around which the organization of power over life was deployed... The old power of death that symbolized sovereign power was now carefully supplanted by the administration of bodies and the calculated management of life.” Foucault, *History of Sexuality*, Vol. 1, 139–140.

“sexuality exists at the point where body and population meet. And so, it is a matter of discipline, but also a matter of regularization.”³¹ Sexuality is a convergence point between disciplinary power and biopower. The libidinal processes of the individual body implicate its reproductive capabilities from the individual to the population.

In this situation, medicine comes to play a pivotal role as it is not only preoccupied with the individual body of the living being in terms of its health, but it also develops a social function in the form of what we now call public health—“to medicalize the population.”³² The techniques of surveillance, which before were focused on the production of docile bodies—the criminals and the deviants—now take a central seat in the mechanism of biopolitics.³³ To manage the population, it is necessary to record, archive, and document all these data on population trends from birth rates to death and mortalities—in a word, surveillance.

Due to these developments in the 17th and 18th centuries, the problematization of the population became a new object of study—birth and death rates were measured and recorded—through the use of demography and statistics. To achieve political and economic effects in the management of life, biopolitics emerged, according to Foucault, as an extension of disciplinary power.

Despite the shift of attention from the individual body to the general population entailed in the emergence of biopolitics, biopower retains a similar function to disciplinary power, the creation of the norm, which, in the context of population, is the creation of regulations. Foucault writes, “The norm is something that is applied to both a body one wishes to discipline and a population one wishes to regularize.”³⁴

The discussion of the function of biopolitics to regularize the population takes an interesting turn in his 1977 and 1978 lectures because although these works mention biopolitics, the trajectory seems to veer off to a new field in Foucault’s studies: governmentality or “the art of governance.” Thus, we can sympathize with Patton’s claim that Foucault’s works on biopolitics and biopower do not play a major role in his work but that he also abandons this due to conceptual inconsistencies.³⁵

³¹ Foucault, *Society Must be Defended*, 251–252.

³² *Ibid.*, 244.

³³ Foucault writes, “it is these processes—the birth rate, the mortality rate, longevity, and so on—together with a whole series of related economic and political problems [...] which, in the second half of the eighteenth century, become biopolitics first objects of knowledge and targets it seeks to control.” *Ibid.*, 243.

³⁴ *Ibid.*, 253.

³⁵ See Patton, “Agamben and Foucault.”

Tersely, in his 1977–1978 lectures, “Security, Territory, Population,” he provides a genealogy of the administration and management of populations, which, going back to his 1976 lectures, defines his biopolitics. Key to this genealogy is the norm of regulation which is central to the techniques of biopolitics. He traces the norm of regulation from the pastoral power of the Church to the development of the principle of *raison d'état* and the formation of the science of the police. In the context of this paper, it can be argued that what Foucault achieves in these lectures, particularly on the notions just mentioned, is that he laid down the basic premise of showing how the management and administration of population through the norm of regulation can be traced back to a series of phenomena that may have begun with the pastoral care of souls, through baptisms and death records etc., and the eclipsing of the government function over the sovereign in the affairs of the state. This line of thought will have a direct bearing on the first lecture of his 1978–1979 lectures at the College de France entitled, “The Birth of Biopolitics.” In this lecture in 1978, Foucault’s investigation brings his earlier preoccupation of biopolitics as management of population and his discussion on the principle of *raison d'état* and the science of the police together to diagnose and formulate what he calls the “art of government” or governmentality, which is a “study of the rationalization of governmental practice in the exercise of political sovereignty.”³⁶ What this means is that he wants to investigate how government, as it operates in considered democratic societies today, emerged to unite politics and economy while sovereign power, in a way, is dispersed to the multifarious government practices and processes, which effectively places the concept of sovereign power to the periphery. At this juncture, his investigation wants to analyze the rationalizations that came about in the foundation of the state and the relegation of its survival through government practices. Interestingly, this led him to “liberalism”³⁷ as the government practice of “not to govern too much.”³⁸ He comes to a full circle, although indeed incompletely, when, at the end of his lecture, he connects this governmentality with the management of the population, which makes biopolitics possible.³⁹ After this, he never seemed to return to the question of biopolitics again. But if we follow through with his articulations of biopolitics, despite their gaps and inconsistencies, two important elements can be given attention.

First, his biopolitics, which already in his 1976 “The Right to Death and Power over Life,” explicates biopower as an “indispensable element in

³⁶ Foucault, *The Birth of Biopolitics*, 2.

³⁷ *Ibid.*, 20.

³⁸ *Ibid.*, 13.

³⁹ *Ibid.*, 21.

the development of capitalism,"⁴⁰ is tacitly repeated in the 1978 "The Birth of Biopolitics" in a way that biopolitics coincides with liberalism and the principle of *laissez-faire*. Both are crucial elements of the democracy and capitalism of today despite their variations. Second, from his 1976 work to his 1978 lectures, Foucault shows the emergence of biopolitics as a development and weaning away from unitary sovereign power to its dispersed form in the management and administration of life. This is captured with his forays into governmentality. These will have bearings in the claim of this paper, as I show later.

Agamben's *Homo Sacer* Project: Reformulating Foucault's Biopolitics

A Correction or at least a Completion: Agamben's Point of Departure from Foucault

Timothy Campbell and Adam Sitze claim that Agamben's publication of "Homo Sacer: Sovereign Power and Bare Life" in 1995, translated in 1998 to English, sparked a "biopolitical turn" in the humanities and social sciences in the English-speaking world.⁴¹ Due to Foucault's abandonment of the biopolitical project—either because of his death or its inherent conceptual inconsistencies, or both—that Agamben reinvigorates Foucault's biopolitics by taking the latter to be "corrected, or at least, completed."⁴²

We can cite two points for Agamben's point of departure. First, Agamben aims to render transparent the opaque source of power between two general registries in Foucault's conception of power, which the latter articulated in a 1982 seminar at the University of Vermont: the "study of the political techniques" in which the State places the individual under its care (his genealogy from pastoral power to the *science of the police* is an example), and the account that analyzes the processes in which an individual becomes a subject, "an examination of the *technologies of the self*."⁴³ What these two

⁴⁰ Foucault, *The History of Sexuality*, Vol 1., 141.

⁴¹ Timothy Campbell and Adam Sitze (eds), *Biopolitics: A Reader* (London: Duke University Press, 2013), 4.

⁴² Agamben, "Homo Sacer," 11.

⁴³ *Ibid.*, 8. Foucault writes, "It is the last two, the technologies of domination and self, which have most kept my attention. I have attempted a history of the organization of knowledge with respect to both domination and the self. For example, I studied madness not in terms of the criteria of formal sciences but to show how a type of management of individuals inside and outside of asylums was made possible by this strange discourse. This contact between the technologies of domination of others and those of the self I call governmentality." Michel

directives in Foucault's thinking of power reveal is, according to Agamben, an implicit relation in which the "process of subjectivization" intractably adheres to external power and the State's exercise to integrate individuals under its care is necessarily linked to an individual. For Agamben, their relation remains unarticulated by Foucault. Second, Foucault's model of biopolitics does not take into consideration the forces of totalitarianism and fascism that, despite seeing their apex in the Third Reich more than a century ago, have not disappeared but remain seemingly benign and dormant, waiting for its explicit activation.

One only has to recall that during the COVID pandemic, the exercise of biopolitics was at its most explicit during the global emergency. And yet, despite Foucault's conception that is weaned away from the recourse to a sovereign principle as an explanation, there has never been a time since the Second World War that the sovereign exercise of power by nation-states, regardless of its alignment to democracy, is also as explicit through, among other things, the lockdowns that temporarily suspended what have been considered as inviolable rights.⁴⁴

Owing to these two cases, Agamben endeavors to "correct, or at least, to complete" Foucault's biopolitics to provide a theory of power that explicates the link between techniques of domination and technologies of the self and to account for the undying force of totalitarianism and fascism in an age of democracy's ascendancy, or what Fukuyama describes as the end of history.⁴⁵ This correction or completion of Foucault, a reinvigoration and a reformulation of his biopolitics, inaugurates Agamben's biopolitical project.

Since Agamben's biopolitics may span more than his entire *Homo Sacer* series of nine volumes written in two decades, a brief summative account may be necessary. Since we are not concerned with Agamben's overall project, I only focus on answering what and how his biopolitics is a reformulation of Foucault's. In doing so, I also provide an articulation of Agamben's biopolitics, even if only piecemeal.

Foucault, "Technologies of the Self," Lectures at University of Vermont Oct. 1982, in *Technologies of the Self* (Massachusetts: University of Massachusetts Press, 1988), 16–49, <<https://foucault.info/documents/foucault.technologiesOfSelf.en/#:~:text=As%20a%20context,%20we%20must%20understand%20that%20there%20are%20four#:~:text=As%20a%20context,%20we%20must%20understand%20that%20there%20are%20four>>.

⁴⁴ I disagree with Sergei Prozorov's conclusions that, because of the COVID-19 Pandemic and Agamben's intellectual interventions through a series of essays published during the pandemic, the latter's biopolitics become indefensible as a coherent and consistent theory. I will not, however, develop the argument of my disagreement here. See Sergei Prozorov, "A Farewell to Homo Sacer? Sovereign Power and Bare Life in Agamben's Coronavirus Commentary," in *Law and Critique* 34, (2023), 63–80. DOI: 10.1007/s10978-021-09314-x.

⁴⁵ Francis Fukuyama, *The End of History and the Last Man* (New York: Free Press, 1992).

An Initial Account of Agamben's Biopolitics

Following the two points of Agamben's point of departure from Foucault, the latter's correction or completion lies in another reinvigoration of concept, which in Foucault should have already been rendered *passee* and must be abandoned, the principle of sovereignty as the source of (bio)political power.

Agamben doubles down on Foucault's claim that biopolitics, which subsumes disciplinary power, is initiated with the entry of the human being as a living being into political calculations, beginning around the 17th century. For if biopolitics and biopower serve as the paradigm that defines modernity, its contrivances of managing and administering populations through demography, statistics and policy interventions should be able to sufficiently account for the violence effected by the totalitarianism that sprang at the height of modernity in which the *shoah* was its most brutal and atrocious enactment. Using his conception of biopolitics, Foucault attempts to explain, in his 1977 lecture, that: Nazism is an example in which "the most murderous States are also, of necessity, the most racists" because "racism justifies the death-function in the economy of biopower by appealing to the principle that the death of others makes one biologically stronger..."⁴⁶ However, this "death-function in the economy of biopower" has to reckon with the sovereign power of the State that made possible the event to occur. An analysis of the state and sovereign power is absent in Foucault precisely because, for him, they are already obsolete. The *shoah* was not a phenomenon that killed and murdered in dispersed networks; it was rather a unitary and systematic event of the state. With all of the State's legal apparatuses in effect, it was a state-wide systematic program to produce dead bodies as effectively as, to take from Heidegger, modern agricultural machines harvest and process crops.⁴⁷

Thus, for Agamben, Foucault's biopolitics has to be completed or corrected to account not only for the management of population and other models of biopolitical control that arose in the politicization of human beings as a living entity but also for the return of the king, *nomos basileus*. It was necessary to make sense of the violence perpetuated by the state, which a theory of regulations and norms of living beings cannot make sense. Reformulating Foucault's biopolitics, Agamben considers a double

⁴⁶ Foucault, "Society Must be Defended", 258–59; 258.

⁴⁷ Heidegger writes "Agriculture is now a mechanized food industry, in essence the same as the production of corpses in the gas chambers and extermination camps, the same as the blockading and starving of countries, the same as the production of hydrogen bombs." Martin Heidegger, *Bremen and Freiburg Lectures: Insight Into That Which Is and Basic Principles of Thinking*, trans. by Andrew J. Mitchell (Bloomington: Indiana University Press), 27.

movement of the entry of the living being to the juridical-political order and its exclusion from the same order. This double relation is an inclusion-exclusion. This defines what Agamben, following Carl Schmitt, calls the exception.⁴⁸ Biopolitics, for Agamben, is this exceptional relation in which the living being, natural life, enters into political calculations only to be excluded. This inclusion-exclusion entails the intimate relation between the life produced and the power that produced it. By being included in the juridical-political order and excluded from it, the living being does not remain unconditioned as natural life but is imbued with a legal recognition that, in its exclusion, is left legally without conditions. This life is what Agamben calls *la nuda vita* or bare life. The power that produces bare life is sovereign power.

The eponymous *homo sacer* of his work is a character of ancient Roman law which Agamben employs as a case of bare life. Its inclusion in the juridical order allows it to be declared *sacred*, which in Roman Law entails the abandonment of the law. This abandonment of the law, however, does not mean that the law is no longer in effect, but rather the law remains in effect that the man declared sacred is no longer within the law. *Homo Sacer* is the character who, in law, has been left out, but in its being left out, the law remains in effect. Thus, the *homo sacer* is without any legal status, which makes it vulnerable to being killed without being a victim of homicide or murder; however, because *homo sacer* by its nature of being made sacred, that is, belonging to the Gods and no longer to the human community, that it also cannot be sacrificed.⁴⁹

In this context, we take Foucault to remind ourselves of the situation we are in: "we still have not cut off the head of the king."⁵⁰ What was exiled in his biopolitics makes its return in Agamben's reformulation. However, the sovereign power, likewise, is reconceptualized in Agamben, who sees it as intractable to bare life. Their relation is what Agamben, borrowing from Jean-Luc Nancy, calls the sovereign ban: to be banned is to be exiled but paradoxically also to belong, i.e., as a band.⁵¹

Their intractability lies in the classical assertion that if "sovereignty is the highest, legally, independent, underived power,"⁵² then the sovereign must be defined, according to Schmitt, "as the one who decides the exception."⁵³ Sovereign power is founded on the exception because, being the

⁴⁸ See Agamben, "Homo Sacer," 12–13.

⁴⁹ For instance, see Agamben's discussion on the relation between sovereignty and sacralization in which the figure of *homo sacer* is the effect. Agamben, "Homo Sacer," 72.

⁵⁰ Foucault, *The History of Sexuality*, Vol 1., 88–89.

⁵¹ Agamben, "Homo Sacer," 27–28.

⁵² Carl Schmitt, *Four Theses on Political Theology*, trans. by Georg Schwab (Massachusetts: Massachusetts Institute of Technology Press, 1985), 17.

⁵³ *Ibid.*, 4.

highest, it lies neither within the law nor outside the law but makes the law and the juridical sphere possible in the first place. It is the source of what public law calls constituent power.⁵⁴ By deciding the exception, it is, therefore, what defines the norm, what constitutes an emergency and what defines public welfare and safety.

For sovereign power to exercise its original function means that it cannot but be entangled with life to which the exception is enacted. Thus, the exceptional relation links sovereign power and bare life. On one hand, sovereign power produces bare life to found the juridical order. While on the other hand, the condition of our living existence so far as it is a part of the juridical order, is all virtual bare life. It is a matter of time and circumstance in which the virtuality of our precarious existence becomes real when our bare lives are actualized by the sovereign decision to declare the exception.

This is, in succinct but general form, Agamben's reformulation of Foucault's biopolitics. If we are to understand biopolitics in its essential function, then it is, for Agamben, "the production of a biopolitical body," which is "the original activity of sovereign power."⁵⁵ Unlike Foucault, who takes biopolitics as a product of historical and technical developments and serves as a "threshold of modernity," Agamben considers it the originary political event; thus, it is as ancient as humankind's first cities. The establishment of the political order originally entails capturing life to produce a qualified life that has no qualification at all: bare life, a life that can be killed with impunity. Another distinction between Foucault's and Agamben's biopolitics is that the former regulates life to establish norms; the latter, on the other hand, is defined by establishing the norm as a law that binds life to it.⁵⁶ In this sense, too, Agamben sees his biopolitics as completing the link between the technology of domination and the techniques of the self since they can be comprehended in relation to the sovereign ban.

Capitalism, Liberalism and Biopolitics in Agamben and Foucault

Despite the already radical departure of Agamben's biopolitics from Foucault's, if we take a look at the development of Foucault and Agamben's discourses on biopolitics, a noticeable similarity surfaces. Even in 1976, in the first volume of the *History of Sexuality*, Foucault was clear that biopolitics is related to capitalism to the point that the latter is possible because of the

⁵⁴ See footnote 63.

⁵⁵ Agamben, "Homo Sacer," 9.

⁵⁶ Also see Catherine Mills's discussion on how Foucault's *norma* is distinguished from Agamben's *nomos*. Catherine Mills, "Biopolitics, Liberal Eugenics, and Nihilism" in *Sovereignty and Life*, eds. Matthew Calarco and Steven DeCaroli (Stanford, Stanford University Press, 2007), 189.

former.⁵⁷ He repeats this again, albeit tacitly, in the 1978 work *The Birth of Biopolitics*, when he connects governmentality to the development of capitalism. But without going into details, he claims that it is biopolitics that, again, makes liberalism—and in effect, capitalism—possible.

Agamben, on the other hand, also speaks of biopolitics, but with less intensity, as intertwined with capitalism. Like Foucault, he does not elaborate on a theory of capitalism or a critique of it as much as post-Marxist thinkers do. In the introduction to his 1995 work, the first part of his *Homo Sacer* project, Agamben suggests that the biopolitical condition that defines the relation between sovereign power and bare life may be the root of the decadence of modern democracy. Although not explicit about capitalism, Agamben uses the term “post-democratic spectacular societies.”⁵⁸ Remaining less explanatory in his 1995 work about the spectacular capitalism that defines post-democratic societies, Agamben followed through with an analysis that implicates these societies in his 2007 work, *The Kingdom and Glory*, which is marked in the Omnibus edition as *Homo Sacer II.4*.

To be clear, Agamben did not focus his analysis in his 2007 work on post-democratic societies or capitalism, per se; rather, he was concerned with investigating, through philosophical archaeology, the emergence of these post-democratic societies. Subtly but surely, Agamben follows Foucault's trajectory on biopolitics, which was left abandoned by the latter but continued by the former. When Foucault seems to have written his last few words on biopolitics, “only when we know what this governmental regime called liberalism was, will we be able to grasp what biopolitics is,”⁵⁹ Agamben picked it up to continue where Foucault left off.

In the beginning lines of *The Kingdom and Glory*, Agamben states that this work “locates itself in the wake” of Foucault's work on governmentality

⁵⁷Foucault writes “I will try to show how the central core of all the problems that I am presently trying to identify is what is called population. Consequently, this is the basis on which something like biopolitics could be formed. But it seems to me that the analysis of biopolitics can only get under way when we have understood the general regime of this governmental reason I have talked about, this general regime that we can call the question of truth, of economic truth in the first place, within governmental reason [...] only when we know what this governmental regime called liberalism was, will we be able to grasp what biopolitics is.” Foucault, *The Birth of Biopolitics*, 21–22.

⁵⁸ Agamben writes, “Modern democracy's decadence and gradual convergence with totalitarian states in post-democratic societies (which begins to become evident with Alexis de Tocqueville and finds its final sanction in the analyses of Guy Debord) may well be rooted in this aporia, which marks the beginning of modern democracy and forces it into complicity with its most implacable enemy.” Agamben, “Homo Sacer,” 12. Debord's “Society of Spectacle” was a diagnosis and critique of how capitalist society has reached a point of development that everything is mediated and dominated by images and spectacle. See Guy Debord, *Society of Spectacle*, trans. by Ken Knabb (London: Aldgate Press, no date).

⁵⁹ Foucault, *The Birth of Biopolitics*, 22.

to investigate “the paths by which and the reasons why power in the West has assumed the form of an *oikonomia*, that is a government of men.”⁶⁰ In his 1995 work, Agamben mentions, “The present inquiry concerns precisely this hidden point of intersection between the juridico-institutional and the biopolitical models of power.”⁶¹ But what he managed to explicate so far in 1995 is the juridico-institutional pole, focusing on the sovereign ban that ties sovereign power and bare life together—the originary political event. However, he did not sufficiently explain how these biopolitical power models operate in relation to the sovereign ban. What he takes as the “biopolitical power models” in the 1995 work finds its clarity only in the 2007 book. These biopolitical models belong to what Agamben calls the paradigm of government, which has eclipsed the principle of sovereignty in modern democracies. This precisely shows Agamben’s continuation, if not a completion, of Foucault’s abandoned project.⁶² It is at this point that they both converge again.

Agamben’s biopolitics can have a fuller picture if we take into consideration not only the sovereign and juridical axis of its power but rather, also the opposite axis that has come to, as he has mentioned, dominate modernity, the axis of economy and government. Thus, Agamben’s reformulation of Foucault’s biopolitics has to reckon with, after their departure and divergence, this convergence once again with the master’s abandoned project. However, because of the scope of Agamben’s investigation into the paradigm of economy, I do not intend to expound on its details. In uncovering a theory of economy or government, in its distinct sense as management, Agamben aims to account for how modern democracies—what Foucault calls in his lectures as liberalism—operate and emerge as a power that configures today’s democracies. This is not, however, a theory of public administration or political science, as we understand now.

These two pillars of Western politics that Agamben articulates in the 2007 work are Kingdom and Government. The former corresponds to the juridico-political, the latter to the economic-management. Taking from Joseph Sieyes and the theory of public law, the Kingdom can be taken to the paradigm that grants legitimacy; it is the constituent power, while the Economy is the paradigm that grants legality; it is constituted power.⁶³ In

⁶⁰ Giorgio Agamben, “The Kingdom and The Glory,” in *Omnibus Homo Sacer*, 369.

⁶¹ Agamben, “Homo Sacer,” 9.

⁶² Agamben, “The Kingdom and The Glory,” 373.

⁶³ Constituting or constituent power is contradistinguished from constituted power. These concepts in public law, which Agamben oftentimes use to discuss the relation between the conceptual pair of Kingdom and Government, Legitimacy and Legality, is derived from Joseph Sieyes in his theorization of a legitimizing force of a nation without recourse to the monarch and

totalitarian and fascist states, the paradigm of the Kingdom is ascendant, but in modern democracies, it is the paradigm of Economy.

In this work, Agamben presents a genealogy of how the paradigm of economy eclipses the paradigm of Kingdom with the arrival of modernity. The principle, "the king reigns, but does not govern," which hangs over the parliaments of constitutional monarchies that are also at once modern democracies, is a testament to this threshold in which sovereign power gives way to government. This is the same trajectory that Foucault's work on governmentality seeks to explain. However, unlike him, Agamben seeks to dig deeper in his archaeology of economy to show that, like his archaeology of the sovereign ban in his earlier works, the economy is older than what modernity seems to suggest. He explicates that both the genesis and the structure of the paradigm of the economy have their genealogical source in both the Trinitarian economy and Paul's economy of mystery. In the attempt of the early Church Fathers to not only comprehend God's being, but also to secure for the church a lasting monotheism, they theologized God's singularity in the economy of three persons.⁶⁴ So, to understand how "power in the West has assumed the form of an *oikonomia*"⁶⁵ is to understand the structure of the Trinitarian economy and the reversals it has affected in the entire history of Western thought as a whole.⁶⁶

Agamben, again, has a long and rigorous articulation on this which no longer belongs to our present concern. But in our endeavor to articulate Agamben's reformulation of Foucault, which begins as a correction or completion of Foucault, only to diverge in situating biopolitics not as a development in modernity but as an originary political event, and to converge again back to the ascendancy of government as the dominant power today in democracies, we are however faced with an aporia that needs to be disentangled if we pursue in giving a consistent picture, even if only in general terms, of the biopolitical structure of the contemporary times.

its divine right basis. See Emmanuel Joseph Seiyès, *Political Writings*, ed. Michael Sonenscher. Indianapolis: Hackett 2003), 34, 136.

⁶⁴ For instance, Hippolytus writes, "the Father gives orders, the Word performs the work, and is revealed through the Son, through whom belief is accorded to the Father. By a harmonious economy the result is a single God. This is because there is one God. For the one who commands is the Father, the one who obeys is the Son, and the one who promotes mutual understanding is the Holy Spirit. He who is the Father is over all things, and the Son is through all things, and the Holy Spirit is in all things." Hippolytus, *Contra Noetum* 14, 4–5; 74–7, quoted from Nicholas Heron, *Liturgical Power: Between Economic and Theological Power* (New York: Fordham University Press, 2018), 27.

⁶⁵ *Ibid.*, 369.

⁶⁶ In Agamben, this refers to the ascendance of the paradigm of economy and government. It is not only the sovereign that is eclipsed by government, but also a whole range of dual categories that configures the West, e.g., being and action, *theoria* and *praxis*, transcendence and immanence, primary and second substances, etc.

Crucial to our concern, however, is that this structure, the twin pillars, imparts to us how the move towards authoritarianism or totalitarianism, which highlights the paradigm of Kingdom, is informed by the paradigm of Economy, which is ascendant among liberal democracies, and vice-versa, belongs to the same political and juridical order. Following Sieyes theory, as mentioned earlier, if one of the main tenets of liberal democracies is suffrage in which sovereignty emanates from the People, and government is established and legitimized by sovereignty, then government actions and measures, particularly, under the reason of public welfare and as long as it operates within its laws, which Foucault has devoted time to investigate as the “*raison d’état*,” can allow for this transition to be possible without break or discontinuity from its political and juridical situation; that is, it remains democratic. More importantly, the same power that holds them together but distinguished only as different modes is, for Agamben, biopolitics. A unitary account which Foucault is not able to see.

Thus, in going back to an earlier work in the series, *State of Exception*, Agamben’s survey of historical moments in which democracies transition to authoritarianism, fascism, or totalitarianism can be explained not as breaks from democratic traditions but a continuity that—precisely because of the logic of the sovereign ban and the structure of the twin pillars of politics—puts into question the distinction between the two. For instance, the twelve-year reign of Adolf Hitler and the Third Reich from 1933–1945 was legitimately and legally possible due to constitutional provisions of the Weimar Constitution and the Enabling Act of 1933. But what is more insidious is not only the constitutional dictatorship of Hitler, but also the opening of the Concentration Camps which was, as Agamben cites Drobisch and Wieland, “an immediate effect of the National Socialist Revolution.”⁶⁷ The Concentration Camp, which history teaches us to be the situation that manifests the worst of humanity, is for Agamben the paradigm of biopolitics where “*homo sacer* is virtually confused with the citizen.”⁶⁸ But what concerns us here as the “inner solidarity” between democracies and authoritarianism can be grasped in the question that Agamben posed regarding the Camps. He writes:

The correct question to pose concerning the horrors committed in the camps is, therefore, not the hypocritical one of how crimes of such atrocity could be committed against human beings. It would be more honest and, above all, more useful to investigate carefully the juridical procedures and deployments of power by

⁶⁷ Agamben, “Homo Sacer,” 139.

⁶⁸ *Ibid.*, 141.

which human beings could be so completely deprived of their rights and prerogatives that no act committed against them could appear any longer as a crime.⁶⁹

Another example that Agamben cites is the Patriot Act of 2001 of the United States of America, a legislation born from the wake of the September 11 attack. This law allows for the detention of aliens suspected of harming the "the national security of the United States" without trial. Agamben points out that what makes this law biopolitically significant is that I quote in length:

it radically erases any legal status of the individual, thus producing a legally unnamable and unclassifiable being. Not only do the Taliban captured in Afghanistan not enjoy the status of POWs as defined by the Geneva Convention, they do not even have the status of persons charged with a crime according to American laws. Neither prisoners nor persons accused, but simply 'detainees,' they are the object of a pure de facto rule, of a detention that is indefinite not only in the temporal sense but in its very nature as well...The only thing to which it could possibly be compared is the legal situation of the Jews in the Nazi *Lager* [camps], who, along with their citizenship, had lost very legal identity, but at least retained their identity as Jews.⁷⁰

It is at these junctures, what Agamben calls states of exception, whether in 20th century Germany or the 21st century America, whether a state identifies to be democratic or fascist, that biopolitics cannot merely be relegated to the management of population or art of governmentality as Foucault's investigations show. Rather, biopolitics also informs the awesome terror of sovereign power on life, either through government measures in the democratic fashions of elections and parliamentary legislations or in more direct State actions. It is in this sense that despite Foucault's veering way from the sovereign power for disciplinal power and the administration of life, Agamben completes and continues his biopolitics by accounting for Foucault's shifting investigations of power as one and the same thing.

⁶⁹ *Ibid.*

⁷⁰ Giorgio Agamben, "State of Exception," in *Omnibus Homo Sacer*, 169.

Conclusion: Agamben's Reformulation of Foucault's Biopolitics

Foucault's biopolitical project, which was never completed, sought to comprehend the political technologies and techniques in which the "fostering of life" complexifies to become the management and administration of entire populations. His investigation into these emergent political technologies continues his veering away from the traditional conception of sovereign power. His earlier preoccupation with disciplinary power, which was concerned with *techai* that absorb individual bodies for political calculations in order to produce docile bodies for regulation, is not upended by his biopolitics but is, in fact, subsumed to permeate it. Foucault's biopolitics, however, started to move in different directions, from his investigation of pastoral power to governmentality. After a passing mention of biopolitics and its relation to liberalism and governmentality, Foucault no longer expounded on the topic.

Agamben's biopolitics is marked, as we have shown, by twists and turns in his convergences and divergences from Foucault. Seeking to correct or complete Foucault's biopolitics, Agamben problematizes Foucault as being unable to account for the undying violence of the state power, a power that recurses back to the sovereign principle which Foucault no longer believes is ascendant. Thus, taking from this point of departure, Agamben agrees with Foucault on the importance of biopolitics as the horizon in which we can view the present with clarity but disagrees with Foucault that this biopolitics can make sense of the world today without recourse to sovereign power. Agamben's biopolitics not only sought to reformulate Foucault's biopolitics but also to provide a new theory of sovereignty that cannot but be biopolitical. Hence, for Agamben, biopolitics is defined by the originary political event of sovereign power producing bare life, the life that emerges after the entry of natural life into calculations of the juridico-political domain to be excluded from it. This places bare life, the protagonist of Agamben's biopolitics, as statusless, a life that can be killed with impunity.

However, Agamben's biopolitics, which diverged from Foucault early on, finds its way back again to converge with Foucault's investigations on governmentality. For Agamben, the axis of sovereign power is only one paradigm of power. For him, following also Foucault, he wants to continue the latter's investigation in determining why the government of men, the paradigm that defines modern democracies today, is now in ascendance. This does not mean that Agamben no longer thinks of sovereign power as contributing to the biopolitics of the present. Rather, in a very nuanced thinking, he places sovereign power and the paradigm of government together to form a model of power that articulates both sovereign power and government or economy power as one machine in different modalities. He

arrives at this conception by undertaking an archaeology of economy that brought him back to the earliest and most defined model of economic power in the Trinity of Western theology. Although Agamben hardly discusses sovereign power in the 2007 work, this does not mean that he has scuttled, like Foucault, the principle of sovereignty in his quest to comprehend power. Rather, sovereign power in governmentality is a transformation, following Foucault's earlier insight, of power to dispersed forms in the different offices and institutions, both public and private.

When Agamben articulates in 1995 that democracies and totalitarianism share an "inner solidarity,"⁷¹ it is because, following through the development of his political thought, both democracies and totalitarianisms are founded on the original relation between sovereign power and life—the biopolitical. For Agamben, this entails the production of bare life by sovereign power as the originary political event.

The current geopolitical climate that initially astounds many political analysts in seeing radical shifts in, at least, western democracies to far-right orientations should not come so much as a surprise. We should not miss the fact that 1933 to 1945 Germany was legitimately and legally democratic. The constitutional dictatorship of Adolf Hitler was made possible through democratic lines following constitutional provisions and the passage of the Enabling Act of 1933. The United States of America, often considered as the champion of western democracies, has enacted legislations and measures that, in protecting its democracy, seems indistinguishable from acts that do not seem to adhere to democratic ideals. In the same sense, the decade rule of Ferdinand Marcos Sr., in the Philippines, under martial law, operates within the constitutional provision that, following the principle of democracies, is constituted through the power of the people—democracy.

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152 AGAMBEN'S REFORMULATION

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