

THE “DARK SIDE” OF BIOPOLITICS

NOTES TO AGAMBEN’S *HOMO SACER*

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1. *An impossible dialogue on biopower*¹

This paper discusses Giorgio Agamben’s reading of Michel Foucault’s biopolitics and biopower. Agamben intertwines Foucault’s biopolitics, Hannah Arendt’s insights on the distinction between the political realm and the sphere of biological life, Carl Schmitt’s notions of “sovereignty” and “exception”, and Walter Benjamin’s syntagma “bare life”². While examining Agamben’s use of the notion of biopolitics and the distinction between the two Greek words for life, *zoé* and *bios*, this paper will not study Agamben’s employ of Carl Schmitt’s, Hannah Arendt’s³, and Walter Benjamin’s theorizations on politics, sovereignty, and bare life. On the contrary, it will focus on Agamben’s broad use of the concept of biopolitics, which he employs to address the outbreaks of violence against foreigners and citizens, and what he describes as the steady normalization of the state of exception that started at the dawn of the modern age.

Concerning Agamben, the primary references here will be his works of 1995, *Homo Sacer*, of 2002, *The Open: Man and Animal*, and of 2003, *State of Exception*.

2. *Biopolitics and sovereignty*

Homo sacer commences with a recalling of the Greek distinction between *zoé* and *bios*, a distinction that Arendt employed for her deconstruction of the current configuration of politics – i.e., a politics whose main scope is the preservation and augmentation of life through economic production:

The Greeks had no single term to express what we mean by the word “life”. They used two terms that, although traceable to a common etymological root, are semantically and morphologically distinct: *zoe*, which expressed the simple fact of living common to all living beings (animals, men, or gods), and *bios*, which indicated the form or way of living proper to an individual or a group [...]. In the classical world, however, simple natural life is excluded from the *polis* in the strict sense, and remains confined - as merely reproductive life - to the sphere of the *oikos*, “home”⁴.

¹ M. OJAKANGAS, *Impossible Dialogue on Biopower*, «Foucault Studies» 2, 2005, pp. 5-18, p. 5. According to Ojakangas, Agamben’s and Foucault’s notions of biopolitics are incommensurable, since the former recognizes in bare life the subject of biopolitics, while the latter’s notion of life is one enhanced through loving care (ivi, p. 6).

² On this topic see W. BENJAMIN, *Critique of Violence in Selected Writings*, vol.1, Harvard University Press, Cambridge 1996, pp. 136-156, and ID., *Goethe’s Elective Affinities*, ivi, pp. 297-360.

³ According to Agamben, Arendt’s insights about the distinction between the sphere of the reproduction of life and political freedom do not relate at all to her readings on Totalitarianism (G. AGAMBEN, *Homo sacer. Sovereign Power and Bare Life*, Stanford University Press, Stanford 1998, p. 4). However, Arendt’s employ of the same theoretical structure in the two works is evident, especially in H. ARENDT, *The Origins of Totalitarianism*, Harcourt Brace, San Diego /London/ New York 1979, pp. 267-302 and 460-478, where Arendt describes the active reduction of citizens to human beings through denaturalization – that became a widespread practice after the first world war in Europe and later in the whole world. In her view, totalitarianism employed denaturalization as the first step to enact the radical dehumanization of inmates in concentration camps.

⁴ G. AGAMBEN, *Homo sacer*, cit., pp. 1-2, with a reference to H. ARENDT, *The Human Condition*, The University of Chicago Press, Chicago/ London 1998, pp. 12-13 and ARISTOTLE, *Politics*, Hackett, Indianapolis /Cambridge 1998, 1253 a 9-10.

Quoting Arendt, Agamben highlights that the *polis*, while preserving biological life through the organization of labor, mainly aims at the “good life” (*eu zen*)⁵ that results only from public action and speeches on the city square. Contrarily, modern politics focuses mainly on the preserving and enhancing of biological life of citizens⁶. On this point, as Agamben claims, Foucault and Arendt are on the same page:

Michel Foucault refers to this very definition [Aristotle’s definition of human being as *zoon politikon*] when, at the end of the first volume of *The History of Sexuality*, he summarizes that process by which, at the threshold of the modern era, natural life begins to be included in the mechanisms and calculations of State power, and politics turns into biopolitics. “For millennia”, he writes, “man remained what he was for Aristotle: a living animal with the additional capacity for political existence; modern man is an animal whose politics calls his existence as a living being into question”⁷.

Thereby, Agamben opens his research by equating Foucault’s notion of life with Arendt’s *zoé*. Agamben’s main scope, which he claims from the very beginning, is finding the intersection between the political techniques that States employ to manage the biological life of individuals, and the “technologies of the self” that structure the subjectivity and identity of the individuals, thereby allowing the former to penetrate and dominate the latter⁸. Indeed, according to Agamben, Foucault never addressed how these two forms of government would meet.

For Agamben, who tends to identify the result of State technologies with *bios*⁹, and the individual biological life with *zoé*, the juncture between those two entities lies in Benjamin’s concept of bare life. At the same time, for the Italian philosopher, bare life is the privileged subject of the sovereign power. Consequently, the beforementioned study equates with the research of the meeting point between sovereign power and the biopolitical one. Indeed, for Agamben, both biopolitics and sovereignty apply to bare life, and the production of bare life is their aboriginal task¹⁰. Thus, for Agamben, biopolitics and sovereignty coincide, and they are the very concealed essence of Western politics – a thesis that Foucault would have never accepted¹¹. According to Agamben, the peculiarity of the modern age is that «together with the process by which the exception everywhere becomes the rule, the realm of bare life-which is originally situated at the margins of the political order-gradually begins to coincide with the political realm»¹².

⁵ Ivi., 1252 b 28-31.

⁶ Ivi, p. 4.

⁷ Ivi, p. 3, where Agamben refers to M. FOUCAULT, *La volonté de savoir. Histoire de la sexualité I*, Gallimard, Paris 1998, p. 188. In that book, Foucault employs the famous formula “modern biological threshold”. See also O. MARZOCCA, *Biopolitics for Beginners. Knowledge of Life and Government of People*, Mimesis, Milan 2020, pp. 145-149.

⁸ G. AGAMBEN, *Homo sacer*, cit., p. 5.

⁹ As they produced a “qualified” life, a way of living.

¹⁰ «The present inquiry concerns precisely this hidden point of intersection between the juridic-institutional and the biopolitical models of power. What this work has had to record among its likely conclusions is precisely that the two analyses cannot be separated, and that the inclusion of bare life in the political realm constitutes the original - if concealed - nucleus of sovereign power. It can even be said that the production of a biopolitical body is the original activity of sovereign power. In this sense, biopolitics is at least as old as the sovereign exception» (ivi, p. 6).

¹¹ Indeed, for Foucault, life became one of the main concerns of politics from the 18th century onward. Arendt herself claimed that life appeared on the political stage only during the modern age (H. ARENDT, *The Human Condition*, The University of Chicago Press, Chicago/ London 1998, pp. 101-135 and EAD. *On Revolution*, Penguin Books, London 1990, pp. 59-114). However, Arendt did not and would have never used the word “biopolitics” since, for her, the conquer of the public sphere by life meant the destruction of the former.

¹² Ivi, p. 9.

At this point, it is crucial to analyze how Agamben employs these concepts, with the scope of clarifying the differences with Foucault's discourse.

Agamben's idea of "bare life" does not identify with natural life or *zoé*, as it denotes life as biopolitical power captures it. Nevertheless, the paradox of this capture, according to Agamben, is that by holding bare life, power also excludes it as life and makes it political or qualified, i.e., life is included by power through an exclusion: thereby, bare life corresponds to the sovereign structure of the exception. In Gündoğdu's words: «bare life is neither natural life or *zoé* nor politically qualified *bios*; rather, it is a life that is left at the threshold of these two, dwelling in a "zone of indistinction" and marking a continuous transition between man and beast, nature and culture»¹³. For Agamben, bare life is that whose exclusion grounds the political community, that comprehends biological life as it is subjected and denied by the sovereign power¹⁴.

As beforementioned, the exclusive inclusion of bare life in the political body mirrors the structure of the sovereign exception. Indeed, Agamben defines sovereignty in Schmitt's terms, like the decision on the state of exception¹⁵, i.e., the sovereign reveals in the condition when the law is not yet or no more valid, and where the space for the validity of the law must be opened. Agamben concludes that the specular structure of bare life and sovereignty bonds these two political figures and makes sovereignty biopolitical, as its essential task is producing bare life, the biopolitical body.

Here lies, according to Agamben, also the juncture between violence and law¹⁶: what Agamben describes as the paradoxical structure of sovereignty - i.e., the fact that it is at the same time inside and outside the juridical order - implies that bare life is constantly exposed to the sovereign prerogative of suspending the law. Thereby, violence and the gloomy sovereign power to decide over the life and death of citizens always looms over them: the "dark side" of biopolitics is, according to Agamben, thanatopolitics. However, this politics of death is from the very beginning the politics of life itself, as it advocates the sovereign prerogative of deciding arbitrarily over a completely exposed life.

Homo sacer, from which Agamben names his series of books, is at the same time the perfect example of the mirroring of bare life and exception, and it is the proof - in Agamben's perspective - that politics and the metaphysical tradition were biopolitical from the very beginning. *Homo sacer* was a figure of the archaic Roman law, on which the Roman grammar Pompeius Festus wrote¹⁷. In the archaic Rome, one could be doomed to "sacrality" if he had committed such a serious crime that he was no more a part of the community of men, while he could not be sacrificed to the gods: his death could not be devoted to gods and his killing would not have been labeled as homicide, he was ostracized by the city and disdained by gods¹⁸. According to Agamben, this figure of the ancient Roman law reveals the aboriginal structure of biopolitical sovereignty: the *homo sacer* suffered a double

¹³ A. GÜNDOĞDU, *Rightlessness in an Age of Rights: Hannah Arendt and the Contemporary Struggle of Migrants*, Oxford University Press, Oxford 2015, p.49.

¹⁴ G. AGAMBEN, *Homo sacer*, cit., p. 9.

¹⁵ Ivi, p. 15, quoting C. SCHMITT, *Political Theology. Four Chapters on the Concept of Sovereignty*, The MIT Press, Cambridge/ London 1985, p. 5. It is relevant to highlight that Schmitt's notion of exception has a basic spatial meaning, for it primarily opens the territory where the sovereign power is valid, and only secondary addresses the peoples in it: the population is not the privileged subject of Schmitt's sovereignty. However, Agamben correctly grasps Schmitt's claim that sovereignty lies at the foundation of political institutions, even when constitutional and democratic limitations try to contain it. Therefore, sovereignty is at work even when it does not identify with a physical person.

¹⁶ G. AGAMBEN, *Homo sacer*, cit., p. 31.

¹⁷ Ivi, pp. 71-86.

¹⁸ Agamben quotes Festus: «the sacred man is the one whom the people have judged on account of a crime. It is not permitted to sacrifice this man, yet he who kills him will not be condemned for homicide; in the first tribunitian law, in fact, it is noted that "if someone kills the one who is sacred according to the plebiscite, it will not be considered homicide". This is why it is customary for a bad or impure man to be called sacred» (ivi, p. 71).

exception, a double exclusion from the community of human beings (his killing was not murder) and from that of gods (he could not be sacrificed to them for the gravity of his crime)¹⁹.

In conclusion, and to summarize, Agamben identifies Foucault's notion of biopolitics with sovereignty, for the former decides arbitrarily over the life and death of bare life. Conversely, the privilege of sovereignty is the decision in the state of exception, i.e., the condition of suspension of law and nature, of Aristotle's and Arendt's *bios* and *zoé*, of qualified and natural life, where bare life lies. Furthermore, the identity of sovereignty and biopower is the concealed essence of politics – and of the whole Western tradition – as its specific task is politicizing life, a task sovereignty reaches by arbitrarily tracing the line between political and natural life, between human beings and animals. The gray zone between these two spheres is the space of exception, where bare life dwells and where the latter is exposed to the indifference of law and violence, to the arbitrariness of sovereignty.

3. *Biopolitics between Agamben and Foucault*

At this point, it is crucial to underline the abyssal differences between Agamben's and Foucault's notions of biopolitics. The two ideas hide five main differences: the determining of political subjectivity, the location of biopower, periodization, the productive or destructive nature of biopolitics, and the role of sciences and practices.

Firstly, Agamben's search for the juncture between the techniques of power and the technologies of the self reveals that Agamben thinks about subjectivity as an independent entity that might exist beyond the strategies of its government. Contrarily, for Foucault, the subject's building intertwines from the very beginning with government techniques. Indeed, for him, also the ancient and Christian techniques of care for the self are forms of government: the care for the self is, for Foucault, also a "government" of the self²⁰.

Furthermore, Agamben identifies the "actor" of the varied government technologies in the State, thereby assuming surjectively that biopolitical strategies are State strategies. Consequently, Agamben flattens the rhizomatic plurality of biopolitical knowledges and powers to the oppressive and arbitrary action of the sovereign State. Agamben's claim would have been unacceptable for Foucault, as his notion of biopolitics includes a variety of institutions, forms of knowledges, and architectures of power whose very birth is far from being linear and unitary, and whose functioning could not stick to the state power. Indeed, for Foucault, the modern sovereign State met the plural strategies of government (that include, among others, biopolitics), and employed them to enhance its power productivity.

¹⁹ According to Agamben, the word "justice" hides the concealed essence of politics: the Latin word *iustitia* denotes the *iustitium*, i.e., the stasis of law, which is the result of the sovereign exception that suspends law from its very inside (G. AGAMBEN, *State of Exception*, The University of Chicago Press, Chicago 2005, pp. 41-51).

It is relevant to underline that Agamben's discourse on *homo sacer* and sacrality lies against the background of Arendt's reading on the perplexities of human rights, where she claims that «the world found nothing sacred in the abstract nakedness of being human» (H. ARENDT, *The Origins of Totalitarianism*, cit., p. 299). For Arendt, the "nakedness of being human" is the condition of human beings that are no more citizens. Agamben discusses Arendt's theses on human rights in G. AGAMBEN, *Homo sacer*, cit., pp. 126-135 and ID., *Beyond Human Rights*, «Social Engineering», 15 (2008), pp. 90-95. For a discussion of Arendt's and Agamben's readings of the topic, see J. RANCIÈRE, *Who is the Subject of the Rights of Men?*, «South Atlantic Quarterly», 2 (2004), pp. 297-310, É. BALIBAR, *Is a Philosophy of Human Civic Rights Possible? New Reflections on Equaliberty*, «South Atlantic Quarterly», 2 (2004), pp. 311-322 and ID., *La proposition de l'égaliberty*, PUF, Paris 2010.

²⁰ O. MARZOCCA, *Perché il governo?*, Manifestolibri, Roma 2007, p. 192; for Foucault's analysis of the practices of care of the self, M. FOUCAULT, *Le souci de soi*, Gallimard, Paris 1984, ID., *Le gouvernement de soi et des autres. Cours au Collège de France 1982-1983*, Gallimard /Seuil, Paris 2008 ; ID., *Le gouvernement de soi et des autres II. Cours au Collège de France 1984*, Gallimard /Seuil, Paris 2009.

Indeed, for Foucault, the State progressively absorbs the sciences and practices of government through a steady process of institutionalization. In Foucault's words, regarding disciplinary power:

Je ne veux pas faire jouer dans l'absolu cette opposition entre État et institution, parce que les disciplines tendent, de fait, toujours à déborder le cadre institutionnel et local où elles sont prises. Et puis, elles prennent facilement une dimension étatique dans certains appareils comme la police, par exemple, qui est à la fois un appareil de discipline et un appareil d'État (ce qui prouve que la discipline n'est pas toujours institutionnelle). Et de la même façon, les grandes régulation globales qui ont proliféré au long du XIX^e siècle on les trouve, bien sûr, au niveau étatique, mais au-dessous aussi du niveau étatique, avec toute une série d'institution sous-étatiques, comme les institutions médicales, les caisses de secours, les assurances, etc.²¹

Agamben assumes the identity of State and biopolitics, thereby conceiving power in a juridic sense²², from which his attention to law derives.

Thirdly, while Agamben claims that biopolitics and sovereignty are the very essence of western politics – *in extremis*, of the western metaphysics, whose task is producing human beings by arbitrarily tracing the threshold between them and the animals²³ - Foucault locates precisely the modern biological threshold in the 18th century: «longtemps, un des privilèges caractéristiques du pouvoir souverain avait été le droit de vie et de mort. [...] Or, l'occident a connu depuis l'âge Classique une très profonde transformation de ces mécanismes du pouvoir. [...] Le droit de mort tendra dès lors à se déplacer ou du moins à prendre appui sur les exigences d'un pouvoir qui gère la vie et à s'ordonner à ce qu'elles réclament»²⁴.

While Agamben knew that his historical research on biopolitics exceeds Foucault's temporal fences – for, in Agamben's reading, the shadow that his research casts on the past is longer²⁵ - the Italian philosopher claims that his research does not modify Foucault's inquiry. On a more fundamental level, Agamben aims to grasp the deeper historical roots of biopolitics at the very beginning of the Western metaphysical and political tradition.

However, Gündoğdu does not accept Agamben's statement that his study only extends the historical perspective on biopolitics. For Gündoğdu, as Agamben moves from the assumption of the identity between biopower and sovereignty, «he leaves aside Foucault's genealogy and opts instead for a formal-logical analysis that aims to delineate what is always already biopolitical in the permanent structure of sovereignty throughout Western politics»²⁶, so that Agamben labels the European history as 24 unitary centuries of western political tradition²⁷.

However, Agamben's reading is more entangled than what Gündoğdu admits, as the Italian philosopher claims to enact a genealogy based on “paradigms”. These paradigms often result from a philosophical inquiry: in this sense, Agamben reveals the massive influence of Heidegger's philosophy of language, which aims at grasping the authenticity of phenomena through an etymological exam, by scratching the surface of faded linguistic particles of truth. While forgotten and concealed under the

²¹ M. FOUCAULT, “*Il faut défendre la société*”. *Cours au Collège de France (1975-1976)*, Gallimard/Seuil, Paris 2012, p. 204. According to Foucault, sovereignty and biopower of power perfectly overlapped during the nazi regime (ivi, p. 211).

²² M. FOUCAULT, *La volonté de savoir*, cit., p. 118. By his side, Foucault cared more about the norms and processes of normalization than to positive law.

²³ G. AGAMBEN, *Homo sacer*, p. 8 and ID., *The Open. Man and Animal*, Stanford University Press, Stanford 2004, pp. 33-38 and 75-80, where Agamben names the whole western tradition an “anthropological machine”.

²⁴ M. FOUCAULT, *La volonté de savoir*, cit., pp. 177-179.

²⁵ A. SNOEK, *Agamben's Foucault: An overview*, «Foucault Studies», 10 (2010), pp. 44-67, p. 47.

²⁶ A. GÜNDOĞDU, *Rightlessness in an age of Rights*, cit., pp. 45-46.

²⁷ Ivi, p. 70.

debris of tradition, the configuration of these fundamental words shapes the whole Western philosophical and political tradition, echoing in all its manifestations. From this attention to paradigms Agamben's neglect of the *stricto sensu* historical research derives²⁸.

Agamben's methodology implies the risk of ontologizing power²⁹, i.e., turning politics into an ahistorical essence whose historical forms are bare epiphenomena. Contrarily, Foucault's scope is inquiring about the multiple forms of power through a genealogy of their birth, which he explicitly describes as a diagnosis of the differences.

Related to the previous point, a further difference between the two approaches emerges: Foucault's study into the birth of biopolitics significantly "deposes" the inquiry into the sovereign right of kill. Indeed, for Foucault, the task of biopolitics is to increase the utility and productivity of life by managing it according to its "nature", i.e., according to the naturalness of processes that define the life of populations and individuals – their natality, mortality, morbidity rate, productivity, fertility, and so on. Biopolitics distributes «the living in the domain of value and utility»³⁰: it produces life and makes it productive.

Consequently, the violence at stake in Foucault's biopolitics is not the exclusion and violation of bare life, not it is the killing of the exposed beings. Contrarily, for Foucault, violence works also through «love and care, care for the individual life»³¹. Indeed, Foucault defines biopower as the power to make live and let die, while sovereignty is the power to make die and let live³². In biopolitics, violence means shaping through observation, practices, and sciences, that end up pervading the population and individuals. Allowing life to assume its best shape through a variety of techniques means making it productive, docile, and utile.

Foucault's statements about liberalism allow us to grasp better the productive feature of biopolitics: for Foucault, liberalism does not identify with biopolitics, even if it employs biopolitical techniques and knowledges. In his famous course on the birth of biopolitics, after defining liberalism as a naturalism of government practices³³, Foucault states:

Si j'emploie le mot "libéral", c'est d'abord parce que cette pratique gouvernementale qui est en train de se mettre en place ne se contente pas de respecter telle ou telle liberté, de garantir telle ou telle liberté. Plus profondément, elle est consommatrice de liberté. Elle est consommatrice de liberté dans la mesure où elle ne peut fonctionner que dans la mesure où il y a effectivement un certain nombre de libertés: liberté du marché, liberté du vendeur et de l'acheteur, libre exercice du droit de propriété, liberté de discussion, éventuellement liberté d'expression, etc. La nouvelle raison gouvernementale a donc besoin de liberté, le nouvel art gouvernemental consomme de la liberté. Consomme de la liberté, c'est-à-dire qu'il est bien obligé d'en produire. Il est bien obligé d'en produire, il est bien obligé de l'organiser. Le nouvel art gouvernemental va donc se présenter comme gestionnaire de la liberté, non pas au sens de l'impératif: "sois libre" [...]. Ce n'est pas le "sois libre" que formule le libéralisme. Le libéralisme formule ceci, simplement: je vais te produire de quoi être libre. Je vais faire en sorte que tu sois libre d'être libre [...]. Et du même coup, si ce libéralisme n'est pas tellement l'impératif

²⁸ Agamben's methodology based on paradigms is not trivial. On the contrary, the use of the structure of the paradigms responds to Agamben's need to neutralize, through a specular mirroring or chiasmus, the tyranny of exception. Indeed, exception works by inclusive exclusion, i.e., by including something only through its exclusion. Contrarily, the paradigm is the exclusive inclusion, i.e., it extracts something from its context only to elect it the exemplar form of a particular class of things (G. AGAMBEN, *Homo sacer*, cit., p. 22).

²⁹ A. SNOEK, *Agamben's Foucault*, cit., p. 67.

³⁰ M. OJAKANGAS, *Impossible Dialogue on Biopower*, cit., p. 6.

³¹ Ivi, p. 5.

³² M. FOUCAULT, « *Il faut défendre la société* », cit., p. 196.

³³ M. FOUCAULT, *Naissance de la Biopolitique. Course au Collège de France 1978-1979*, Gallimard / Seuil 2004, p. 63.

de la liberté que la gestion et l'organisation des conditions auxquelles on peut être libre, vous voyez bien que s'instaure, au cœur même de cette pratique libérale, un rapport problématique, toujours différent, toujours mobile entre la production de la liberté et cela même qui, en la produisant, risque de la limiter et de la détruire. Le libéralisme, au sens où je l'entends, ce libéralisme que l'on peut caractériser comme le nouvel art de gouverner formé au XV^e siècle, implique en son cœur un rapport de production/destruction avec la liberté. Il faut d'une main produire la liberté, mais ce geste même implique que, de l'autre, on établisse des limitations, des contrôles, des coercitions, des obligations appuyées sur des menaces, etc. [...] Donc, la liberté dans le régime du libéralisme n'est pas une donnée, la liberté n'est pas une région toute faite qu'on aurait à respecter, ou si elle l'est, ce n'est que partiellement, régionalement, dans tel ou tel cas, etc. La liberté, c'est quelque chose qui se fabrique à chaque instant. Le libéralisme, ce n'est pas ce qui accepte la liberté. Le libéralisme, c'est ce qui se propose de la fabriquer à chaque instant, de la susciter et de la produire avec bien entendu tout l'ensemble de contraintes, de problèmes de coût que pose cette fabrication.³⁴

Foucault's inquiry shows how violence pervades the knowledge and practices through which human beings – as population and individuals whose biological structure reveals some regularities, some laws that allow biopower to predict and manage them – became the subject of loving care and positive empowerment.

Lastly, a further and fundamental difference between Agamben and Foucault emerges: Agamben's bare life lacks any determination – it is not *bios*, the qualified life of the citizen, nor *zoé*, the biological life of the human begins. Contrarily, Foucault's idea of life is pervaded by a plurality of discourses and sciences that build their subjects through their reclusion, organization, systematic observation, and by enhancing these forms of power through the knowledge thereby structured. While Agamben highlights the pivotal role of the arbitrary sovereign decision, Foucault underlines that violence intertwines a refined knowledge, that power and knowledge empower each other by defining the "life" on

³⁴ Ivi, pp. 66-67. It is certainly true that Nazism coupled the "maternal" biopolitical violence and the "paternal" (in the sense of the Roman *patria potestas*, M. FOUCAULT, *La volonté de savoir*, cit., p. 177) prerogative of killing (M. OJAKANGAS, *Impossible Dialogue on Biopower*, cit., p. 15). However, Nazism enacted a biopolitical distortion of the ancient right to kill. Indeed, according to Foucault, « le droit de mort tendra dès lors à se déplacer ou du moins à prendre appui sur les exigences d'un pouvoir qui gère la vie et à s'ordonner à ce qu'elles réclament. Cette mort, qui se fondait sur le droit du souverain de se défendre ou de demander qu'on le défende, va apparaître comme le simple envers du droit pour le corps social d'assurer sa vie, de la maintenir ou de la développer. Jamais les guerres n'ont été plus sanglantes pourtant que depuis le XIX^e siècle et, même toutes proportions gardées, jamais les régimes n'avaient jusque-là pratiqué sur leurs propres populations de pareils holocaustes. Mais ce formidable pouvoir de mort – [...] se donne maintenant comme le complémentaire d'un pouvoir qui s'exerce positivement sur la vie, qui entreprend de la gérer, de la majorer, de la multiplier, d'exercer sur elle des contrôles précis et des régulations d'ensemble» (ivi, pp. 179-180 and M. OJAKANGAS, *Impossible Dialogue on Biopower*, cit., pp. 21-22).

Moreover, only by engulfing racism biopolitics hogged the power to kill (M. FOUCAULT, *La volonté de savoir*, cit., p. 197): «donc, le racism est lié au fonctionnement d'un État qui est obligé de se servir de la race, de l'élimination des races et de la purification de la race pour exercer son pouvoir souverain» (ID., « *Il faut défendre la société* », cit., p. 211). In this sense, racism might be described as biopolitical thanatopolitics (A. SNOEK, *Agamben's Foucault*, cit., p. 49).

Therefore, Foucault does not recognize racism as an implication of biopolitics. Contrarily, for Agamben, racism and eugenics are perfect paradigms of the biopolitical essence of sovereignty, as they arbitrarily trace the line between the life worth or not living (G. AGAMBEN, *Homo sacer*, cit., pp. 136-143 and pp. 154-159).

On the opposite, for Foucault, biopolitics developed a form of racism, but it consisted of the bourgeois' practices of care for the body, hygiene, for increasing longevity, delivering a healthy offspring, etc. Foucault states that this racism is different from the conservative one of the ancient nobles, since the bourgeois' racism aims at expanding life, force, and wealth: «il s'agissait aussi d'un autre projet : celui d'une expansion indéfinie de la force, de la vigueur, de la santé, de la vie. La valorisation du corps est bien à lier avec le processus de croissance et d'établissement de l'hégémonie bourgeoise» (M. FOUCAULT, *La volonté de savoir*, cit., p. 165). This racism is quite different with respect to that enacted by Nazism: while the latter employed massively the sovereign power of killing those it labeled as unworthy living, the former let die – or even, using a term of great success during the 19th century, let "degenerate" – those who could not discipline their lives according to the bourgeois ethics.

which they apply³⁵. Thereby, life is not an ontological irreducible entity, nor the pale ghost produced by the sovereign exception, but the articulation of intensive discourses produced by and nourishing the very shape of life.

Also, in Foucault's perspective, violence against life is not arbitrary at all, but systematic and scientific, as it follows the strict prescriptions of knowledges and practices. Only by precisely following those norms the scope of enhancing and empowering life could be achieved.

Further proof of this fundamental difference lies in the roles that Foucault and Agamben recognize for medicine. In Agamben's discourse, medicine only acquires a biopolitical weight at the beginning of the 20th century, when medicine started employing human test subjects³⁶, when it started defining the threshold between death and life for people in overcoma³⁷, when medicine enacted the eugenic and euthanasia Nazi programs. From Agamben's perspective, medicine became biopolitics when it started taking sovereign decisions over its patients: «in the biopolitical horizon that characterizes modernity, the physician and the scientist move in the no-man's-land into which at one point the sovereign alone could penetrate»³⁸. Therefore, for Agamben, sovereignty is primordially biopolitical, while medicine acquired a biopolitical structure only in the 20th century.

Contrarily, for Foucault, the birth of biopolitics happens in specific sciences, whose practices, knowledge construction, and power structures build even more power and knowledge. Against this background, medicine plays a fundamental role³⁹, as it directly addresses the biological and species' life of the population and individuals while prescribing some practices to preserve and enhance their health, productivity, lifestyle. Therefore, Foucault shows that medicine offers a historical model for the birth of biopolitics. Medicine is also paradigmatic for its progressive inclusion in the state power, whose scopes it helps achieve.

Beyond these epiphenomenal readings of medicine lie two very different notions of power: Agamben's monolithic and sovereign, and Foucault's disseminated and netted. In Foucault's words:

Et qu'il s'agisse de la folie [...] qu'il s'agisse aussi de l'organisation d'une médecine clinique, qu'il s'agisse de l'intégration des mécanismes et technologies disciplinaires à l'intérieur du système pénal, de toute façon ça a bien toujours été le repérage de l'étatisation progressive, morcelée à coup sûr, mais continue, d'un certain nombre de pratiques, de manières de faire et, si vous voulez, de gouvernementalités. Le problème de l'étatisation est au cœur même des questions que j'ai essayé de poser. Mais si, en revanche, dire «faire l'économie d'une théorie de l'État», ça veut dire ne pas commencer par analyser en elle-même et pour elle-même la nature, la structure et les fonctions de l'État, si faire l'économie d'une théorie de l'État, ça veut dire ne pas chercher à

³⁵ O. MARZOCCA, *Perché il governo?*, cit., p. 66.

³⁶ G. AGAMBEN, *Homo sacer*, cit., pp. 154-159.

³⁷ Ivi, p.160.

³⁸ Ivi, p. 159. «This implies that the sovereign decision on bare life comes to be displaced from strictly political motivations and areas to a more ambiguous terrain in which the physician and the sovereign seem to exchange roles» (ivi, p. 143). Remarkably, Agamben does not explain why the sovereign prerogative of tracing the line between life and death, human and inhuman, man and animal, would, at a certain point, reach some other spheres of the social and political organization. Agamben seems to assume this enlargement as if the sovereign exception essentially tended to expand (G. AGAMBEN, *State of exception*, cit., pp. 1-31 and ID., *Homo sacer*, cit., pp. 166-180): if this is the case, Agamben does not consider the exclusive nature of sovereignty, i.e., the fact that its division denatures it – especially in Schmitt's perspective. Another possibility is that Agamben includes the medical and scientific institutions in the state structure, thereby extending the state sovereignty to them. However, this perspective is highly questionable, as these institutions – even when publicly financed, something which is not valid in several countries and which is slowly disappearing also in Europe – respond to very different structures of power and scopes, that are often much bigger or much older than the sovereign State itself.

³⁹ M. FOUCAULT, «*Il faut défendre la société*», cit., p. 199. On the central role of medicine for the birth of biopolitics, O. MARZOCCA, *Biopolitics for Beginners*, cit., pp. 41-54.

déduire, à partir de ce qu'est l'État comme sorte d'universel politique et par extension successive, ce qu'a pu être le statut des fous, des malades, des enfants, des délinquants, etc., dans une société comme la nôtre, alors je réponds: oui, bien sûr, de cette forme-là d'analyse, je suis bien décidé à faire l'économie. Il n'est pas question de déduire tout cet ensemble de pratiques de ce que serait l'essence de l'État en elle-même et pour elle-même. Il faut faire l'économie d'une pareille analyse d'abord, tout simplement, parce que l'histoire n'est pas une science déductive, et deuxièmement pour une autre raison plus importante, sans doute, et plus grave : c'est que l'État n'a pas d'essence. L'État ce n'est pas un universel, l'État ce n'est pas en lui-même une source autonome de pouvoir. L'État, ce n'est rien d'autre que l'effet, le profil, la découpe mobile d'une perpétuelle étatisation, ou de perpétuelles étatisations.⁴⁰

In conclusion, for Foucault, life exposed to biopolitical power emerges only through various powers and sciences: life results from a “biology”, i.e., a discourse over life. The “politicization” of life – if it is possible to employ the word “life” without ontologizing the knot of knowledge and practices through which we use to grasp it – happens through multiple sciences and powers that pervade it, thereby binding subjects to those same powers. In Foucault’s analysis, power is a mobile domain of relations⁴¹, not the exclusive prerogative of the sovereign state.

4. Conclusion

By clarifying the distinctions between Agamben’s and Foucault’s notions of biopolitics, this brief contribution does not aim at minimizing Agamben’s relevance and fruitful contribution to political philosophy. The main scope of this work is showing how the two inquiries, while employing some similar concepts, address very different objects and mean very different political phenomena, forms of violence, and constructions of political – or depoliticized – subjects.

Revealing the theoretical background of the two is capital for questioning their respective capacity to analyze the present, to enact what Foucault called the “diagnosis of the present”.

However, while Agamben’s research on thanatopolitics is crucial for highlighting the “dark side” of biopolitics, Foucault’s historic-genealogical methodology probably guarantees a richer perspective on the complexity of the current forms of government of life. It also highlights that the violence of regimentation and mobilization of vital forces for productivity also employs mild violence, which enacts through “love and care”. Thereby, a dark side lies in biopower’s very “productive” and “positive” practices.

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