ZOE, BIOS AND THE LANGUAGE OF BIOPOWER

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Dissertation

Submitted to the Faculty of the

Graduate School of Vanderbilt University

in partial fulfillment of the requirements

for the degree of

DOCTOR OF PHILOSOPHY

in

Philosophy

August, 2010

Nashville, Tennessee

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ACKNOWLEDGEMENTS

brother, Andy, loved me through the ups and downs of this project. I am fortunate to have such an supportive and understanding family. I love them dearly.

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CHAPTER I

INTRODUCTION: TERRI SCHIAVO AND THE POLITICS OF LIFE

A Strange Witness

On March 18, 2005 the U.S. House of Representative's Committee on

Government Reform issued subpoenas to Florida residents Michael and Terri Schiavo.

The subpoenas summoned the Schiavos to "testify" on issues relevant to the Committee's

investigation into "treatment options provided to incapacitated patients to advance the[ir]

quality of life."[1] In light of Mrs. Schiavo's long and now well-known traumas, some

observers noted a certain irony, if not obscenity, to the subpoena's order for testimony.

Having suffered severe anoxic brain damage as a result of a cardiac arrest in 1990, Terri

Schiavo lived in a persistent vegetative state (PVS) for 15 years, unconscious and unable,

among other things, to *speak*. Although the subpoenas asked that Terri testify about her

incapacity, she was in fact incapable of testifying, at least in the traditional sense of

providing oral or written statements.

To be sure, the strange nature of the committee's request was mediated, if not

thoroughly overshadowed, by the strange circumstances and intent under which it was

authored. The subpoenas sought Terri's testimony in order to stall the March 18th removal

of her life support, a PEG feeding tube that provided her nutrition and hydration. The

removal date had come at the end of a nearly seven year legal battle over whether, given

the devastating and irreversible nature of Terri's brain damage, to maintain or withdraw

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[1] U.S. House of Representatives. Committee on Government Reform. *Subpoena* (H.R. 1332). (S. 539). March 18, 2005. Washington: Government Printing Office, 2005.

the tube's life-prolonging assistance. From Michael Schiavo's 1998 withdrawal petition, through a series of more and less credible appeals launched in Florida by her parents Robert and Mary Schindler, to a frenzy of attention from the national media and government—by March 2005, Terri Schiavo had become a flashpoint for negotiating "right to die" questions in medical, religious and political contexts centered on *life*. As the Committee on Government Reform issued its subpoenas, the media was ablaze with Terri Schiavo coverage, its commentary focused less on the prospect of her courtroom testimony than on then-Senate Majority Leader Bill Frist's warning that the law "protects a witness from anyone who […] influences, obstructs, or impedes an inquiry or investigation by Congress."[2]

In spite of all the alarms sounded around the 10 page legal document, the committee's extraordinary maneuver to earn Terri Schiavo witness protection lacked the jurisdiction to have any legal force or credibility. Terri's feeding tubes were removed at 1:30 p.m. on March 18th. Congressional and executive efforts to reinsert the tubes began almost immediately and each "save Terri" tactic that followed would prove more dramatic than the last. In one case, the "Act for the relief of the parents of Theresa Marie Schiavo" signed March 21, 2005, political leaders even flagrantly sacrificed the principles of judicial independence and the separation of powers in an effort to win the removal order's overturning.[3] That such lengths were undertaken to keep Terri Schiavo

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[2] Arthur Caplan, James McCartney and Dominic Sisti. "Congressional Statements and Actions Related to the Schiavo Case." In *The Case of Terri Schiavo: Ethics at the End of Life*. (Amherst, New York: Prometheus Books, 2006), 136.

[3] The Act ordered a district court to review of Terri Schiavo's constitutional and federal claims but stipulated that the court "(2) shall not consider whether these claims were previously 'raised, considered, or decided in State court proceedings;' (3) shall not engage in 'abstention in favor of State court proceedings;' and (4) shall not decided the case on the basis of 'whether remedies available in the State courts have been exhausted." In short, the Act unduly dictated how the

alive is evidence of the massive political controversy brought to her bedside. In the absence of oral and written statements of her own, a din of pundit voices and a sea of editorial pages had testified on her behalf. By the time Terri Schiavo passed away on March 31, 2005 her life and death had taken on a medical, political and religious importance that few could have anticipated.

One need not underestimate the difficulty of those questions posed through Terri Schiavo—questions regarding the limits of life and death, the "sanctity" or "quality" of the former and the "dignity" of the latter—in order to wonder how they gathered so saliently around a single woman at this particular historical moment. Thousands of families make the decision to withdraw life support every year. And of those unfortunate situations in which the courts become involved, *In re Schiavo* was a typical rather than exceptional case; for individuals in a persistent vegetative state without a written end-of-life directive, the Florida adjudications were entirely consistent with established legal precedent and procedures. Set in contrast with the two most influential precedents in this body of cases, *In re Quinlan* (1976) and *Cruzan v. Director, Missouri Department of Health* (1990), the extraordinary feature of the Schiavo case lies in the involvement of politicized religious forces in the family feud between Michael Schiavo and the Schindlers. These forces (most prominently, anti-abortion activist Randall Terry) deployed powerful rhetoric to link Terri's personal fate with the fate of an American "culture of life" and Terri's "voice" with those of the "unborn." For many, the Schiavo cause became united with President George W. Bush's call to "err on the side of life"

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judiciary should decide Terri's case, thereby overstepping Congressional powers. Quoted in Joshua Perry, "Biblical Biopolitics: Judicial Process, Religious Rhetoric, and Beyond." In *Health Matrix* 16 (2006): 607.

wherever there are "serious doubts," namely, wherever the unborn or the undead are in question.[4]

The striking influence of "culture of life" politics at Terri Schiavo's bedside has garnered considerable scholarly attention.[5] However, few authors situate these events within the broader "politics of life" that they betray and heuristically demand. Conflicts over the definition and value of life that divide Right and Left, religious and secular, must be reckoned with their condition of possibility—a politics that takes biological life not simply as its condition but as its principal concern. To do so promises a more elucidatory account of the Schiavo debate as well as philosophical provocations regarding the fate of "life" today. Historically, philosophers have distinguished between the bare biological fact of living and the way of life of individuals or groups in the *polis*. The Greeks, for their part, used two words to describe what is gathered in the single English word "life": *zoe* and *bios* mark, respectively, biological and political life, their delineation hinging on the capacity for language. When Aristotle famously described humans as "political animals," it was in virtue of their ability, unlike other animals, to speak of "the good" and participate in the *polis*.[6] Whereas Greek political life presupposes biological life yet is defined by language and speech, Terri Schiavo's existence suggests an alternative relation between *zoe* and *bios*, one in which politics does not simply presuppose, but is directed towards, life. For fifteen years, Schiavo's existence had been both reduced to biological functioning and subjected to invasive politicization, the motion of her organs

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[4] Daryn Kagan, Susan Candotti, Anderson Cooper and David Mattingly, "President George W. Bush Makes a Statement on Death of Terri Schiavo," *CNN Live Today*, March 31, 2005, Transcript 033102CN.V75.

[5] See George Annas, "'Culture of Life' Politics at the Bedside: The Case of Terri Schiavo" in *The New England Journal of Medicine* 16 (2006): 1710-1715.

[6] Aristotle, *The Politics*. (London: Penguin Books, 1992), 3.

persisting solely by virtue of legal decision and state intervention. At her bedside, biological and political life appear indistinct, a collapse that would be alien in, say, the *poleis* of Plato, Aristotle or their inheritors.

Through the rich tensions of the Schiavo case, this chapter opens a set of questions to be explored throughout this dissertation; specifically, I introduce a philosophical query regarding the fate of *zoe*, *bios* and their traditional hinge of separation—language. Attending to the religious, medical and political practices at her bedside, I argue that the Terri Schiavo controversy betrays and must be understood within its "biopolitical" context. Here it is broadly established that, in the name of the health, safety or productivity of populations, contemporary Western politics *operates at the level of life*. Moreover, this demonstration returns its illuminations to Terri Schiavo, refiguring traditional "right to die" questions and positions. The politicization of life is conditioned by the possibility of transforming "life," not only its trivial features, but also that which is held most "intrinsic" to existence. As a symbol of the shifting borders between life and death, Terri Schiavo starkly illustrates these possibilities, disrupting arguments for "sanctity" or "dignity" of life made on her behalf. Since the positions of both Right and Left rely on the outmoded distinction between biological and political existence, these interrogations are an effective opening onto this project's larger objective, that of evaluating the "life" of biopolitics.

Following the conceptual unsettlings of Terri Schiavo, this chapter introduces further questions about the fate of language in biopolitical contexts; in particular, I argue that the apparent eclipse of the *zoe/bios* distinction ambiguates also its conceptual hinge of separation—*language*. On the one hand, if Western political communities center their

labors on a form of life traditionally understood as speechless (i.e. *zoe*), the ability to *speak* of the good may no longer define political life; read as a specifically *mute* figure, Terri Schiavo would signal the expiration of Aristotle's speaking "political animal," the "without-voice" of a more bestial politics. On the other hand, if biopolitics subverts the distinction between *zoe* and *bios*, perhaps it also subverts that of "having" and "not-having" language; Terri Schiavo might be read, not as mute, but as speaking *otherwise*, signaling the strange but by no means absent voice of biopolitics. In this chapter, I explore how Terri Schiavo is variously figured as a speaking or non-speaking being, and thereby, afforded or denied the protections of political life. Here this project's more narrow focus on the language of biopolitics finds a rich introduction in the life of the woman subpoenaed by Congress on March 18, 2005. Asked to speak on her incapacity for speech, the voice of Terri Schiavo is a telling one, a voice understood in many cases as neither present nor absent but rather *to come*. This introduction closes with an outline of the philosophical voices to come in this dissertation, voices that provoke and enlighten my attention to the language of biopower— Michel Foucault, Giorgio Agamben and Julia Kristeva.

The Biopolitics of Life and Death

  Given how deeply Terri Schiavo's mortality rested on the activities and decisions of jurists, legislators, executives and activists alike it is perhaps not contentious to describe her life and death as "politicized." To be clear and underscore this fact we should note that, prior to the federal maneuvers of March 2005, Terri's feeding tubes had already been removed and re-inserted *twice* by way of political action. Two days after

their initial withdrawal on April 24, 2001, a judicial injunction compelled the tubes'

reinsertion so as to allow the Florida courts to investigate perjury allegations made

against Michael Schiavo by Terri's parents. The discrediting of these charges and the

overturning of the Schindler's appeal then developed into several years of state-level

adjudication focused on whether Terri's condition continued to qualify as "terminal" and

irreversible. And, despite the consensus of nearly every advised judge on this final

medical issue, the tube's second withdrawal on October 15, 2003 was reversed by

Governor Jeb Bush's executive order on October 21, 2003. Bush's action, the determined

unconstitutionality of which spurred multifarious federal efforts like those of the

Committee on Government Reform, was a strong reflection of the political weight

wielded by grassroots conservative activists. Whether limiting the notion of

"politicization" to the work of state institutions and actors or the work of partisan and

ideological forces, the tumultuous and protracted course of Terri Schiavo's PEG feeding

tube's removal and reinsertion confirms the very real political mediation of her death.

To link Terri Schiavo's life and death to *biopolitics*, in addition to specific

sovereign, juridical or ideological actions, is to invoke a broader sense of politicization.

"Biopolitics" marks, provisionally, a *bios* that is thoroughly oriented towards *zoe*, that is,

a political community that elevates biological life to the status of a central political

concern. This understanding of life's politicization does not expire the relevance of state,

legal or ideological forces; rather it suggests that each of these forces shape and are

shaped by the eclipse of the *zoe* and *bios* distinction, an eclipse famously described in

Michel Foucault's *The History of Sexuality* as that of the "threshold of modernity":

> What might be called a society's 'threshold of modernity' has been
> reached when the life of the species is wagered on its own political

strategies. For millennia, man remained what he was for Aristotle: a living animal with the additional capacity for political existence; modern man is an animal whose politics places his existence as a living being in question."[7]

In this passage Foucault not only captures the distance between contemporary biopolitics and the Aristotelian *polis*, he also provides a description adequate to Terri Schiavo. As a "living being in question," her life and death are far from natural, in the sense of pure *zoe* and its coming to pass, and are eminently biopolitical, in the sense of a *bios* centered on *zoe*.

To illustrate note that the form of life lived by Schiavo—a persistent vegetative state (PVS)—*did not exist* prior to the advancement of life-support technologies and the very way of life that would facilitate those advancements. In the 20th Century, the development and coordination of artificial respiration, the management of circulation and body temperature, and the use of intravenous nutrition and hydration produced variations on the "classic" coma, each differing with respect to levels of cognitive and vegetative devastation.[8] Medical descriptions of PVS date to the 1940s and the diagnosis itself earned a name only in 1972.[9] As a new form of comatose life, the "persistent vegetative state" is distinguished by the maintenance of sleep-wake cycles in a permanently unconscious individual, more specifically, by the loss of cognitive functioning in the cerebral cortex concurrent with continued functioning of the brain stem.[10] Although PVS

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[7] Michel Foucault, *The History of Sexuality: Volume One* (New York: Vintage Books, 1990), 143.

[8] Some authors use the term "overcoma" to describe this spectrum of advanced comas.

[9] Bryan Jennett, *The Vegetative State: Medical facts, ethical and legal dilemmas* (Cambridge: Cambridge University Press, 2002), 1.

[10] Ibid, 1-6; Ronald Crawford, "Diagnosing the Permanent Vegetative State." In *The Case of Terri Schiavo: Ethics at the End of Life*. Ed. Arthur L. Caplan, James J. McCartney and Dominic Sisti. (Amherst, New York: Prometheus Books, 2006), 67-68.

patients possess no consciousness whatsoever, they open their eyes for periods of time. The state of "wakeful unawareness" is an uncanny thought today, but an unimaginable life to physicians of the 19th century.[11] As Foucault put it once "we have become so good at keeping people alive that we've succeeded in keeping them alive when, in biological terms, they should have been dead long ago."[12]

Foucault's (somewhat indelicate) comment points towards an obvious consequence of the emergence of advanced comas: in multiplying forms of life, death also undergoes redefinition. In the 1960s a special committee of the Harvard Medical School voted to redefine death as death of the brain, an interpretation endorsed by Congress in the 1981 "Uniform Definition of Death Act."[13] In "brain death," the loss of all relational and vegetative functions follows from irreversible cessation of the function of the *entire* brain, including that which controls involuntary activity. In the case of organ donors, a mechanical ventilator continues the circulation of oxygenated blood throughout the body, maintaining the "life" of tissue and organs to be harvested.[14] Although it is a widely applied definition in current Western legal and medical circles, the notion of brain death is not without ambiguity and is likely to undergo future revision. For instance, noting the contemporaneity of the development of transplant technology and life-support technology, Giorgio Agamben has persuasively argued that "brain death would, hypothetically speaking, cease to be death on the day on which the first brain transplant

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[11] Cranford, 67.

[12] Michel Foucault, *"Society Must Be Defended."* (New York: Picador, 2007), 248.

[13] European governments soon followed suit with similar legislation. Sharon R. Kaufman, *…And A Time to Die: How American Hospitals Shape the End of Life*. (New York: Scribner, 2006), 76.

[14] Ibid, 75.

were performed."[15] Since its definition hinges on the dramatic course of the medical

sciences, death is, as Agamben puts it, "an epiphenomenon of transplant technology."

The 20th century emergence of PVS and brain death demonstrates that life and

death have "fluid rather than static borders."[16] In effect, medical advancements belie the

circularity of the classic definition of life and death as the continuation and cessation of

vital functions. Peter Singer performs the circle: "How do we know whether a bodily

fluid is a 'vital' one? By seeing if a being dies when it permanently stops flowing. But

how do we know if the being has died? By seeing if its vital bodily fluids have stopped

flowing."[17] Today, the engineering of vitality renders this circular reasoning more

unwieldy but equally unmistakable. For instance, bioethicists and physicians often defend

the definition of death as brain death by arguing that it "quickly leads to death," as if the

patient were not already, as brain dead, *dead*.[18] "According to clear logical inconsistency,

heart failure—which was just rejected as a valid criterion for death—reappears to prove

the exactness of the criterion [i.e. brain death] that is to substitute for it."[19] Given the

fluidity of vital borders, such logical inconsistencies are common and revealing: the

definitions of life and death are not grounded in any physical or metaphysical essence.

"Wagered on political strategies," life and death are in fact "biopolitical rather

than metaphysical boundaries." That is, the definitional disruptions of PVS follow not

only from respirators and feeding tubes, but from an entire way of life dedicated to

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[15] Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Stanford: Stanford University Press, 1998), 163.
[16] Jeffrey Bishop, "Biopolitics, Terri Schiavo and the Sovereign Subject of Death." *Journal of Medicine and Philosophy* 22 (2009): 545.
[17] Peter Singer, *Rethinking Life and Death: The Collapse of Our Traditional Ethics* (New York: St. Martin's Griffin, 1994), 21.
[18] Agamben, *Homo Sacer: Sovereign Power and Bare Life*, 163.
[19] Ibid, 163.

extending, multiplying, protecting and advancing biological life. Prior to and conditioning the emergence of specific end-of-life technologies, a political strategy of "keeping people alive" realigned the relationship of life, medicine and the *polis*. From the 18th century onwards, the jurisdiction of medicine has transformed and expanded. Probing deeper into bodies and across populations, medicine is no longer simply clinical but also regulatory, positive and preventive. Where it once attended to "accidents, illness and disease," medicine is now invested in "the management of chronic illness and death, the administration of reproduction, the assessment and government of 'risk,' and the maintenance and optimization of the healthy body."[20] Moreover, the tasks of the physician and the politician change alongside one another as the new phenomenon of "public health" increasingly organizes political attentions. In the 18th and 19th century, this transformation can be found in the new political importance of managing birth and death rates, reducing the spread of disease, containing epidemics and sanitizing water and sewage systems. In the 20th and 21st centuries, the state can be identified with the "government of life," manipulating the biological character of populations and reengineering, at the level of the gene, the very vital capacities of biology.[21] In general, the desire to produce healthy, safe and more economically productive forms of life, created and partnered the government and sciences of life, dramatizing the description of "biopolitics" as a *bios* centered on *zoe,* a community that elevates biological existence to the status of a central political concern.

Read in this biopolitical context, the arguments and stakes of the Terri Schiavo debate are transformed and refigured. For instance, arguments in favor of continuing

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[20] Nikolas Rose, *The Politics of Life Itself* (Princeton University Press, 2007), 10.
[21] Ibid, 3.

Schiavo's life support often appeal to the "sanctity" of human life. According John

Kweon, "the principle of the sanctity of life, as traditionally understood, rules out the

intentional killing of human beings because of the inalienable worth they possess in

virtue not of any particularly physical or mental abilities they may be able to exercise but

simply because of their humanity."[22] Richard Land, President of the Southern Baptist

Convention's Ethics and Religious Liberty Commission, invoked the notion of sanctity in

his defense of Terri Schiavo's "right to live:"

> The fight over Terri Schindler Schiavo's right to live and our society's
> reaction to that fight shows us just how deeply the sanctity-of-life ethic
> has been eroded in our culture […] The problem is that we have courts
> that have been infected with this quality of life ethic […We] have
> devalued and desanctified human life to the point that now a court can
> casually sentence a human being to die by malnutrition and dehydration.[23]

For Land and others, life is "sacred" because biological life has intrinsic inviolable value

above or beyond the tides of politics. However, the very existence of a life over which to

make this claim follows not from biological sanctity but from thoroughgoing

politicization. Without end-of-life technologies and the political strategies and shifts that

yield them, Terri Schiavo would not have endured in a persistent vegetative state. She

does not represent life's intrinsic value but rather the capacity of the "intrinsic" to be

revalued and transformed; In short, her life reflects rather than escapes political tides.

Of course, Land also calls for his audience to *sanctify* life, suggesting that the

essential value of life take hold prescriptively if not descriptively. Yet, while he and other

conservative activists lament "how deeply the sanctity-of-life ethic has been eroded in

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[22] John Keown, "Review: Life's Dominion: An Argument about Abortion and Euthanasia" in
L.Q. Review 110 (1994): 674.
[23] Quoted in Perry, "Biblical Biopolitics: Judicial Process, Religious Rhetoric, Terri Schiavo and
Beyond," 553.

our culture," their efforts to bolster this ethic engage, at every turn, in life's further

politicization. Seeking to continue rather than conclude Schiavo's entanglement in the

biomedical government of life, "sanctity-of-life" ethicists procured executive orders and

subpoenas and, when that failed, lobbied and enacted legislation on end-of-life decisions.

The legislation itself is revealing. After Schiavo's death, the National Right to Life

Committee (NRLC) produced and promoted a "Model Act" on the "right to live." The

Act formed the basis of 23 bills filed in state legislatures and advances the assumption

that "every person incompetent to make decisions affecting medical treatment desires

[artificial nutrition and hydration] 'to a degree that is sufficient to sustain life.'"[24] Further,

although the Act purports to respect desires expressed in advance directives, it leaves

their applicability open to broad judicial interpretation. In the name of protecting the

sanctity of life, the legislative labors of the NRLC actually deepen and expand state and

judicial intervention into life to the extent that those powers might supercede the

expressed desires of individuals themselves.

Given the partnership of "right to live" and "right to life" agendas, the NRLC's

"Model Act" does not exhaust the conservative regulatory and politicizing goals

connected to Terri Schiavo's "sacred life." With infamous anti-abortion activist and

"Operation Rescue" founder Randall Terry acting as the Schindler's spokesperson and a

host of anti-abortion groups funding their legal efforts,[25] the Terri Schiavo controversy

has been described as a "proxy war" of the abortion battle, an opportunity for the

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[24] Joshua Perry, "Biopolitics at the Bedside: Proxy Wars and Feeding Tubes." In *Journal of Legal Medicine* 28 (2007): 184-185. Also, Kathy Cerminara, "Collateral Damage: The Aftermath of the Political Culture Wars in Schiavo." *Western New England Law Review* 29.279 (2006-2007): 279-308.

[25] For a detailed account of the "money trail" that connects the Schindler's lawyers and anti-abortion groups, see Jon Eisenberg, *Using Terri: The Religious Right's Conspiracy to Take Away Our Rights* (San Francisco: Harper Collins, 2005), 94-109.

Religious Right "to rehearse arguments on the value of biologic but non-sentient human existence."[26] In the wake of the real and rhetorical events at Terri Schiavo's bedside, the anti-abortion cause has shared in the momentum of her case. In 2006, Americans United for Life released and mobilized a 520-page report entitled *Defending Life 2006: A State-by-State Legal Guide to Abortion, Bioethics and the End of Life*.[27] Effectively a political "battle plan" for an American "culture of life," the AUL's call to protect the "sanctity of life" is, at the same time, a call to increase governmental intervention into bodies, particularly the bodies of women. Like the NRLC'S "Model Act," *Defending Life 2006* betrays how attempts to "sanctify life" actually politicize it, intensifying and enlarging apparatuses of regulation and control.

In opposition to Richard Land, Randall Terry and various proponents of the "sanctity of life" ethic, those "infected with a 'quality of life' ethic" argued for the removal of Terri Schiavo's feeding tube. The "quality of life" position resituates the value of life, from the intrinsic sanctity of biological existence, to the value of human freedom and dignity. Referencing and responding to President George W. Bush's call to "err on the side of life" wherever there are "serious doubts," prominent bioethicist George Annas articulates this line of argument:

> "Erring on the side of life" in this context often results in violating a person's body and human dignity in a way few would want for themselves. In such situations, *erring on the side of liberty*—specifically the patient's right to decide on treatment—is more consistent with American values and our constitutional traditions.[28]

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[26] R. Charo, "The Celestial Fire of Conscience—Refusing to Deliver Medical Care." 352 *New England Journal of Medicine* (2005): 2472. Quoted in Joshua Perry, "Biopolitics at the Bedside," 190.

[27] Perry, "Biopolitics at the Bedside," 191.

[28] George Annas' "'Culture of Life' Politics at the Bedside: The Case of Terri Schiavo," 1714.

By emphasizing liberty instead of biology, Annas draws a distinction where Land draws an equation, between the "good life" and mere life. The protections of the *polis* should be distributed according to expressions of freedom and self-determination *not*, as the "sanctity-of-life" position would have it, according to the motion of organs and the endurance of biological functions. On Annas' track, the decisions of the Florida judiciary can be affirmed because, in Joshua Perry's words, the courts were equipped "to best determine Mrs. Schiavo's beliefs regarding the notion of life's sanctity and whether she would have personally determined to receive life-sustaining treatments that held no promise for restoring her to health or even consciousness."[29] Beyond the question of whether her condition was "terminal" and irreversible, the entirety of the Florida adjudications focused on "delineating and exercising Terri Schiavo's personal autonomy rights."[30]

While Annas and Perry figure themselves as champions of freedom and American values, it is not clear whether "erring on the side of liberty" wholly respects bodily integrity and "human dignity." For one thing, by limiting the "side of liberty" to the individual bedside, "quality of life" ethicists ignore and implicitly obscure broader threats to freedom, integrity and dignity. In biopolitical contexts these threats appear everywhere in evidence as the task of controlling and shaping biological existence dominates, if not defines, the ends of politics. Today, a life understood to be "free" and a body understood to have "integrity" are likely just as entangled in the regulatory government and sciences of life as Terri Schiavo. These apparatuses do not reflect the flourishing of individual self-determination and the integrity of bodily borders. Rather, they illustrate the "ubiquity

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[29] Perry, "Biblical Biopolitics," 628.
[30] Ibid, 628.

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of *dependence* not only vertically, across a life span, but horizontally, across a

population" as "an individual's bodily boundaries overlap exactly and precisely with […]

political boundaries"[31] In light of these realities, the atomistic account of the individual

and individual rights that underlies the "quality of life" position is problematic. As

Wendy Parmet aptly puts it:

> [Talking] in terms of an individual's right to choose to end treatment
> without any regard to the social factors that necessitated treatment
> implicitly reinforces a social and political culture that isolates individuals
> from populations and envisions their choices as not including steps that
> could meaningfully reduce the risks they actually face. From such a
> perspective arguments about a right to life and a right to die will inevitably
> be oblivious to the factors that help determine when and how we die.[32]

By remaining oblivious to those conditions that determine "when and how we die,"

Annas and Perry reinforce and obscure the broad and differential ways in which the

"quality of life" is "in question," and often in peril, beyond and before end-of-life

decisions.

The Terri Schiavo case itself provides dramatic illustration of social and

(bio)political factors that precipitate death-bed scenarios. Although rarely discussed,

Schiavo's early-age cardiac arrest followed from a potassium imbalance associated with

the eating disorder bulimia. Michael Schiavo could afford her long-term PVS treatment

only after winning a 1992 malpractice lawsuit against Terri's obstetrician for his failure

to diagnose the condition that, at the time, affected one in every 200-250 women.[33] In

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[31] Wendy Parmet, "Terri and Katrina: A Population Based Perspective on the Constitutional Right to Reject Treatment." In *Northeastern Public Law and Theory Faculty Working Papers Series* 1 (2006): 19 (my emphasis) and Ruth Miller, "On Freedom and Feeding Tubes: Reviving Terri Schiavo and Trying Saddam Hussein." *Law & Literature* 19.2 (2007): 162.

[32] Parmet, 26.

[33] Susan Bordo, *Unbearable Weight: Feminism, Western Culture and the Body* (Berkeley: University of California Press, 2003), 139.

short, Terri Schiavo was a victim not only of medical malpractice but of societal pressures to be dangerously thin; She was a member of a "part of the population [whose] odds of coming close to death at an early age were not minimized."[34] The debate over how to *belatedly* recognize the worth of her life sets in relief the reality of unequal qualities of life today.[35] For instance, during the final stages of the Schiavo controversy, drastic budget cuts endangered Tennessee's low-income health care program and threatened to eliminate medical coverage for 323,000 of the state's most vulnerable citizens. Ironically, as Tennessee Senator and then Senate Majority Leader Bill Frist worked through the night developing legislation to reinsert Terri Schiavo's feeding tubes in March 2005, hundreds of thousands of patients in his home state faced the loss of fundamental health care coverage. Since hundreds of those patients relied on life-support technology such as ventilators to survive, the proposed TennCare cuts promised to produce a host of death-bed scenarios like that of Terri Schiavo.[36] Although the right to reject treatment may be "vitally important for an individual as a final expression of [their] dignity or as a response to subjective experiences of pain," it is, as Wendy Parmet again describes it, a "choice that can only be realized when the die has been cast and many critical choices, not about how to die but about how to live healthy lives, are gone."[37]

To be sure, *both* the "sanctity of life" and the "quality of life" positions fail to reckon their respective principles of "erring on the side of life" and "erring on the side of liberty" with issues before and beyond end-of-life decisions. In general, reading the Terri

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[34] Parmet, 23.

[35] Gary Fox, one of Michael Schiavo's lawyers, describes the threat of eating disorders as the "lost lesson of the Schiavo case. See "Schiavo case highlights eating disorders." *USA Today*. February 25, 2005, Health and Behavior Edition, Final Edition.

[36] See Tim Chavez, "Death Bed Scenarios and TennCare." *Tennessean*. May 4, 2005.

[37] Parmet, 22.

Schiavo case in its biopolitical context unsettles these opposing viewpoints by revealing their proximity, their shared, though often rhetorically veiled, commitment to a *bios* centered on *zoe*. As we have seen, "erring on the side of life" and "erring on the side of liberty" are principles that guide life's *regulation,* not its inviolable sanctity or freedom. In the case of the NRLC's "Model Act" or Wendy Parmet's eventual call for a "right to public health," the biopolitical character of these principles is clear. Where the rhetorics of "life" and "liberty" are more obfuscating, the ends they serve are nevertheless disclosive. Neither the "right to live" nor the "right to die" free individuals from the regulatory state; the exercise of each "enmeshes patients in a matrix of pervasive and invasive legal and medical regulation."[38]

Given this reading of the Schiavo debate, competing definitions of life can be said to reflect and shape conflicts over the course of the government and sciences of life. Wagering not only the borders of life and death but also the health of the most vulnerable, these conflicts draw attention to the differential ways that life is at stake in biopolitical contexts. While some populations, like those living perilously on the Tenncare rolls, are clearly abandoned *by* apparatuses that support biological existence, others, like Terri Schiavo, are abandoned *to* those same systems. Through the Terri Schiavo case we confront these features of the biopolitical turn, not only the impossibility of a natural life and death, but also the differential course of politicization. Judith Butler, for her part, provides a dramatic description of this biopolitical reality in her text *Precarious Life*:

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[38] John T. Parry, "'Society Must Be [Regulated]': Biopolitics and The Commerce Clause in *Gonzales v. Raich.*" *Lewis & Clark Law Review* 9.4 (2005): 874.

> Lives are supported and maintained differently, and there are radically
> different ways in which […] physical vulnerability is distributed across the
> globe. Certain lives will be highly protected, and the abrogation of their
> claims to sanctity will be sufficient to mobilize the forces of war. Other
> lives will not find such fast and furious support and will not even qualify
> as 'grievable.[39]

To reckon with why and how "lives are supported and maintained differently" we should explore the hinge that has historically distinguished *zoe* and *bios*, determining which lives are afforded and denied the protections of political life— *language*.

The Language/s of Terri Schiavo

In the Fall of 2002, as Florida courts convened to hear testimony from neurological experts regarding the status of her medical condition and treatment options, video clips of a comatose Terri Schiavo were posted to the website **www.terrisfight.org**. Over the next three years the clips would circulate widely and act as an important catalyst in the conservative grassroots effort to maintain Schiavo's life support. In one video, the voice of a doctor off-camera repeats: "Terri, open your eyes. Open your eyes Terri." Schiavo's eyes flutter as if gaining strength and then open widely. In another video, Mary Schindler approaches the bed asking "Hi baby! How are you? How is your cold?," repositioning the pillows under her daughter's head. Terri moans and smiles. In these and other videos, Terri Schiavo seems to relate to her family, physicians and environment, providing apparent support for the Schindler's claim that their daughter was conscious and responsive. As evidence of her communicative abilities, many found the videos convincing. A speech therapist stated that Terri was "clearly vocalizing" and that

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[39] Judith Butler, *Precarious Life* (London: Verso, 2004): 32.

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"her vocalizations [were] generally purposeful and usually in response to specific environmental stimuli, most particularly family members."[40] Famously, Republican Senators Tom Coburn and Bill Frist, both physicians, cited the videos as evidence that Schiavo's condition was "something very different than a persistent vegetative state."[41]

For many other viewers, legislators and doctors alike, the videos captured "something very different" than responsive acts of communication. The clips, each lasting one to two minutes, had been culled from four hours of footage in which Terri Schiavo appears generally *non-responsive*.[42] After viewing the *entire* tape, the Florida judiciary concluded that while Schiavo seemed communicative "at first blush," her actions were "neither consistent nor reproducible."[43] Specifically, the Court held that Schiavo's "responses" were random and symptomatic; She was not "trying to talk" but rather "wakefully unaware," that distinctive and uncanny characteristic of the PVS sleep-wake cycle. In 2005, an autopsy of Schiavo's body supported the Court's interpretation.[44] Terri Schiavo's brain had "withered to half its normal size," devastating even the most

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[40] Mele, Sara. "Pathologists statement in Terri Schiavo case." World Net Daily. http://www.worldnetdaily.com/news/article.asp?ARTICLE_ID=33875. [Accessed: March 31, 2009].

[41] Frist, Bill. *Bill Frist: A Senator Speaks out on Ethics, Respect and Compassion* (New York: Monument Press, 2006), 195. In Florida law, the definition of PVS is a "permanent and irreversible condition of unconsciousness in which there is the absence of voluntary action or cognitive behavior of any kind [and] an inability to communicate or interact purposefully with the environment."

[42] Frist watched the videos for "an hour or so" and Coburn was quoted as saying "I don't think you have to examine her. All you have to do is look at her on TV. Any doctor with any conscience can look at her and know that she does not have a terminal disease." Frist, 195; Quoted in Perry, 584 n130.

[43] Quoted in Perry, 584 note 134.

[44] Sheryl Gay Stolberg, "Doctor-Politicians: Drawing Some Criticism, Legislators with Medical Degrees Offer Opinions in the Schiavo Case." *The New York Times*. March 23, 2005. Final Edition.

basic of cognitive and relational abilities.[45] Moreover, while the Senators had extolled

Schiavo's responsiveness to visual stimuli, her brain injuries had left her blind.

Terri Schiavo's uncertain status as a linguistic being did not begin or end with the

videos of **www.terrisfight.org**. For instance, in the early stages of her coma Schiavo

underwent intensive speech therapy and, of course, just weeks before her death she was

dramatically summoned to testify before Congress. [46] In its insistence, the question of

whether Terri Schiavo could communicate functioned as an important hinge within the

larger debate—whether she should be afforded or denied the "protections" of political

life. In this way, the Terri Schiavo debate recalls the Aristotelian linkage between

language and the life of the polis. For Aristotle, other animals may express pleasure and

pain, but speech is "endowed to man alone" and "serves to indicate what is useful and

what is harmful and so also what is just and unjust." [47] However, Aristotle makes no

mention of vocalizations like those of Terri Schiavo and, as subpoenas and videos attest,

what it means to speak and communicate is neither given nor easily discerned. At Terri

Schiavo's bedside, Foucault's revision of Aristotle's definition of man ("a living animal

with the additional capacity for political existence") may be in need of elaboration;

Modern man is an animal whose politics place not only his living but also his speaking

being in question.

To illustrate we might track a question that divides and unites "sanctity of life"

and "quality of life" ethicists: *if Terri could choose, would she choose to live on in a*

persistent vegetative state? If she could speak, what would she say? Since Michael

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[45] "Report of Autopsy." In Arthur Caplan, James McCartney and Dominic Sisti, *The Case of Terri Schiavo: Ethics at the End of Life*, 290-330.
[46] Perry, "Biblical Biopolitics," 572-573.
[47] Aristotle, *The Politics*, 60.

Schiavo had successfully petitioned the Florida Court to act as Terri's guardian and surrogate decision maker, the judiciary sought to answer these questions after confirming Schiavo's PVS diagnosis. Although Terri Schiavo did not prepare a living will, during the trial several family and friends recounted oral conversations in which she expressed opinions about artificial life support. According to the testimony of Scott and Joan Schiavo, her brother- and sister-in-law, Terri discussed the issue after visiting her grandmother in intensive care and at a funeral luncheon for another family member. At that time, she expressed her desire not "to be kept alive on a machine" or to "live as a burden to others."[48] Joan described further statements made in reference to a television movie about a comatose man and a friend forced to remove a feeding tube from her baby. In those cases, Terri adamantly declared that "she wanted it stated in her will that she would want the tubes and everything taken out if that ever happened to her."[49] The Florida Court found Scott and Joan Schiavo's claims credible and ruled that there was "clear and convincing evidence" that Terri Schiavo would not choose to continue life support in the present circumstances.[50] The decision resulted in the first removal of Terri Schiavo's feeding tube on April 24, 2001.

For those adhering to the principle of life's sanctity, the Court's decision was unacceptable because it missed the point. Terri Schiavo's consent was not clearly relevant in the first place; what mattered was not her voice but her sacred life. For instance, when the Schindlers testified that they would maintain their daughter's life "at any and all costs," including amputation of limbs and open-heart surgery, the Court

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[48] Perry, "Bibilical Biopolitics," 579.
[49] Ibid, 579.
[50] Ibid, 578.

observed that "even if Terri had told [the Schindlers] of her intention to have artificial

nutrition withdrawn they would not do it."[51] Of course, Terri's parents, like many others,

believed she was conscious and responsive, that she was a speaking being. Strangely,

those who sought to "sanctify life" through Terri Schiavo found her past testimony

irrelevant and her present life saturated with testimony. As Ruth Miller put it

> at stake was not what Schiavo may have wanted—what she may or may
> not have consented to—when she was physically active, when she was
> capable of writing a living will but did not. […] the question at stake was
> what Schiavo's inert, inactive body wanted *right now*—what signs it may
> or may not have been giving as to its political will.[52]

Shifting attention from what Terri Schiavo did say about death and dying at a particular

time with respect to specific conditions to what she might be saying "right now," sanctity

of life activists effectively undermined the Court's decision. For instance, the videos at

www.terrisfight.org evidence the widespread hope that Terri might betray her desires

and intentions from the hither side of consciousness, as millions of rapt viewers searched

her body for "signs it may or may not [be] giving as to its political will."

Where her own body fell short of signs or the videos short of credibility, "sanctity

of life" ethicists summoned "body doubles" or "proxies" to speak on Terri Schiavo's

behalf. Take for instance the CNN interview of Kate Adamson, a woman who had

dramatically recovered from complete paralysis and "locked in" syndrome. After

downplaying the differences between "locked in" syndrome and the persistent vegetative

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[51] Ibid, 579 n101.
[52] Ruth Miller, "On Freedom and Feeding Tubes: Reviving Terri Schiavo and Saddam Hussein."
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state—namely, consciousness and chance for recovery—her words occupy Schiavo's

present space of testimony:[53]

> I was unable to speak […] And the most terrifying thing was trying to somehow communicate with anyone that I was actually in there. I'm in here. I'm alive. Because people thought I wasn't. They assumed I wasn't in there […] And then the feeding tube was turned off for eight days. So I literally went through the starvation. I'm lying there. My whole body was screaming out, feed me; do not let me starve. I do not want to die. I was clinging to everything.[54]

Adamson's voice animates Schiavo's body, screaming out "feed me; do not let me starve. I do not want to die." As pundits analogized the removal of her feeding tube to "animal cruelty," Schiavo/Adamson's cries recall the voice of Aristotle's animals. As one commentator suggested the act was worse than animal cruelty, we are pushed to imagine a pain beyond communication, a silent scream.[55]

For those adhering to a quality of life ethic, the decision to remove Terri Schiavo's feeding tube was far from cruel and her prior testimony clearly relevant. By following Terri Schiavo's wishes regarding artificial life support, the Court "infected with the quality of life ethic" claimed to exercise Terri Schiavo's humanity in the face of the increasingly inhuman shape of her life. The judge described the conditions in vivid terms

> In the final analysis, the difficult question that faced the trial court was whether [Schiavo], not after a few weeks in a coma, but after ten years in a persistent vegetative state that has robbed her of most of her cerebrum and

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[53] "HEMMER: Your condition was called locked in. Terri Schiavo's condition is called persistent vegetative state, and there is a difference." ADAMSON: *That's what they're saying*." Ibid, 2 (my emphasis).

[54] Bill Hemmer, Soledad O'Brien, Carol Costello, Sanjay Gupta, and Daniel Sieberg. "Woman Who Once Need Feeding Tube Shares Story." *CNN American Morning*. March 24, 2005. Transcript. http://edition.cnn.com/TRANSCRIPTS/0503/24/ltm.06.html. [Accessed: March 31, 2009].

[55] "[…] death by starvation, something you cannot do on death row or to an animal." Perry, 622.

all but the most instinctive of neurological functions, with no hope of a medical cure but with sufficient money and strength of body to live indefinitely, would choose to continue the constant nursing care and supportive tubes in hopes that a miracle would somehow recreate her missing brain tissue, or whether she would wish to permit a natural death process to take its course and for her family members and loved ones to be free to continue their lives.[56]

Having lost "most of her cerebrum and all but the most instinctive of neurological functions with no hope of medical cure," consciousness, freedom and communication are, quite simply, beyond Schiavo's reach; in delineating and exercising of Schiavo's political will—that is, in acting as her proxy voice—the Court claimed to affirm her humanity.

Although the quality of life position is invested in Terri Schiavo's prior statements, it is not divested from the question of her current bodily testimony. The Court's exercise of Schiavo's political will follows only upon the investigation of her PVS diagnosis, that is, only upon the practice of witnessing "what Schiavo's inert, inactive body wanted *right now*—what signs it may or may not have been giving as to its political will." In this way, the "quality of life" position shares in the prioritization of Terri Schiavo's body as a site of testimony. As Ruth Miller again observes, "doctors [and judges alike] understand this testimony just as clearly as if she had spoken it"; Schiavo's body is a kind of speaking "and it is this ability to testify—not what she actually may or may not have said—that is important."[57] One wonders what quality of life ethicists might have witnessed in a "body double" offered by the BBC shortly after Schiavo's death, a 23 year-old woman who, despite a PVS diagnosis, registered brain activity in response to

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[56] Quoted in Perry, 580 n105.
[57] Miller, 182.

verbal commands.[58] When asked to imagine simple tasks like walking around her home or playing tennis, the brain areas associated with those kinds of tasks exhibited activity. Lacking knowledge of what exactly her brain was "saying," doctors applauded the woman's ability to communicate. Had Terri Schiavo's brain provided similar testimony in 2005, would her life have displayed a more "human quality"? Would the Court have moved forward with exercising her stated political will?

We need not settle these juridical uncertainties to observe how "sanctity of life" and "quality of life" ethicists divide and unite around the question: *if Terri Schiavo could speak, what would she say?* Although they diverge on what exactly Terri Schiavo might indicate as "useful and harmful […] just and unjust," they agree that this question is of subordinate or secondary importance to the testimony of her body. To be sure, proponents of life's sanctity and life's quality charge one another with inhumanely silencing Terri Schiavo as each makes a claim on defending her humanity. However, such rhetorics obscure how both positions equally find her animality saturated with testimony. In a manner characteristic of a *bios* centered on *zoe*, both turn to Terri Schiavo's body; Gestures, physical events, neurological, or forensic information—Schiavo's body speaks and testifies. Insofar as this "speech" steers debates around her fate, the Aristotelian logic by which language divides *bios* and *zoe*, endures. At the same time, what constitutes language use—brain waves? eye tracking?— transforms. Like the border between life and death, the distinction between speaking and non-speaking, the human and the animal, appear to be "fluid rather than static," "biopolitical rather than metaphysical" boundaries.

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[58] "Vegetative patient communicates." *BBC News*. Transcript. BBC News. September 7, 2006. Transcript. http://news.bbc.co.uk/2/hi/health/5320234.stm. Accessed: March 31, 2009.

Peter Singer's observation on the border between life and death can be extended

to this series of binaries: the traditional distinction between the speaking human (*bios*)

and the non-speaking animal (*zoe*) is supported only by circular logics. To illustrate, note

the illogic at work in Aristotle's seminal formulation in the *Politics*. There, Aristotle

grounds the "gift" of human speech in man's "rational soul." However, since he cannot

demonstrate the uniquely rational character of the human species without referring to

speech, Aristotle begs the question. Why do humans have language? In virtue of their

rational soul. Why do humans have a rational soul? In virtue of their language. Much

later, Jean-Jacques Rousseau outlines an alternative and equally influential account of

language. Rousseau grounds language in the body and passions and maps a progressive

lineage from primitive cries of pain ("natural language") to advanced symbolic

capacities. In Rousseau's text as well the exceptional character of human language leans

on a begged question. If natural language is a sufficient condition of symbolization, why

do the sentient vocalizations of other species fail to give rise to abstract language? If

natural language is simply a necessary condition of symbolization, by what supplemental

condition is linguistic exceptionality founded? One can predict how Darwin will stumble

a century later and will not be surprised to learn that accounts of complex communication

among non-human animals—from the songs of migratory birds to the signals and signage

of apes—abound.[59] (Un)grounded by circular reasoning, language "jumps orders and

classes" depending on socio-historical context.

As we have seen, the case of Terri Schiavo illustrates the constitution of

"speaking being" in a specifically *biopolitical* context; the persistent vegetative state

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[59] See especially Vicki Hearne, *Adam's Task: Calling Animals By Name* (New York: Vintage Books, 1987).

marks not only a new form of life but also emergent forms of communication and testimony. However, with the biopolitical realignment of life, medicine and the *polis*, not all bodies testify in emergent or even traditional manners. Recall that while millions listen intently to Schiavo's comatose body, the dispatches of the underprivileged TennCare rolls and the voices of eating disordered women largely fall on deaf ears. Language, that traditional hinge between *bios* and *zoe*, promises to unlock "how some lives earn fast and furious protection while others barely qualify as grievable." But the languages of Terri Schiavo confirm that what constitutes language shapes *and reflects* how "lives are supported and maintained differently." To understand the course of these differential logics without begging the question requires an analysis of contemporary *power* and its conditions of emergence.

This introduction opened by observing the strangeness of the Committee on Government Reform's decision to subpoena Terri Schiavo on the issue of "treatment options provided to incapacitated patients to advance the[ir] quality of life." Now the testimonies of Terri Schiavo appear strange only in context with the silence of others. Why are the voices of Tennessee's low-income patients not also summoned to testify? How does contemporary power distribute speech and silence? Questions like these are central to this project's exploration of the fate of "life" and "language" in biopolitical contexts. The proceeding chapters use the work of Michel Foucault, Giorgio Agamben and Julia Kristeva to map how biopolitics places man's existence as a living and speaking being in question. Here, a brief introduction of Foucault, Agamben and Kristeva's theories of a "biopower" acts as an outline of this project's investigation into the language/s of *zoe* and *bios*.

Foucault, Agamben, Kristeva

In *The History of Sexuality Volume One* Foucault describes the emergence of biopower by marking its distance, not simply from the Aristotelian *polis*, but also from the operation of "sovereign power." There he defines biopower as the power to "foster life or disallow it to the point of death" and sovereign power as the power to "take life or let live."[60] In the pre-modern (Western) contexts in which sovereign power predominates, "life is seen from the perspective opened by death" and the sovereign's right to kill.[61] That is, the sovereign wields power over life only in exercising the right to kill; he cannot "grant life in the same way that he can inflict death."[62] By contrast, the "threshold of modernity" marks the emergence of biopower, "a power bent on generating forces, making them grow, and ordering them, rather than one dedicated to impeding them, making them submit, or destroying them."[63] Facilitating the appearance of "population" as a phenomenon, biopower summons the knowledges and technologies of population control—statistics, demography, epidemiology, and a host of empirical sciences—to "grant" and "foster" forms of life. In biopolitical contexts, where power is wielded over the entire biological continuum from body to population to milieu, "death acquires importance only in the light radiated by life."[64]

Anchored in the life of Spanish dictator Francisco Franco— a figure who wielded the sovereign right to kill for forty years only to die a living death much like Terri

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[60] Foucault, *The History of Sexuality*, 138.
[61] Roberto Esposito, *Bios: Biopolitics and Philosophy*. (Minneapolis: The University of Minnesota Press, 2008)*:* 34.
[62] Foucault, *"Society Must Be Defended,"* 240.
[63] Foucault, *The History of Sexuality Volume One*, 136.
[64] Espositio, 34.

Schiavo—the following chapter appraises Foucault's theory of biopower and develops the notion of a power that places "living being in question." No longer a naturalistic or organistic concept, for Foucault, life is a *historical* reality, a product of power/knowledge. In this way, life reflects the genealogical commitment that "there is 'something altogether different' behind things: not a timeless and essential secret, but the secret that they have no essence or that their essence was fabricated in a piecemeal fashion from alien forms."[65] Resonating with this introduction's critique of supposed metaphysical boundaries, genealogy is wed to the exposure of difference and, in the genealogy of "governmentality," to the exposure of different mutations of "living being in question." In Foucault's account of *raison d'etat*, liberal and neoliberal forms of government, the figures of man, *homo economicus*, and the entrepreneur are representatives of the biopolitical fabrication of life and the in-distinction between *zoe* and *bios*.

Holding in view questions of difference, Chapter Two also critically examines the contemporary relation of sovereign power and biopolitical power. Entangled in "complex edifices" or "clashing" in Franco's dying body, the "right to kill" is a contradiction in biopolitical contexts. For Foucault, the re-functioning of a power set on improving life to a power set on increasing the risk of death requires *caesuras*, axes of biological difference produced by modern racism. [66] Resolving the clash of a biopolitics turned thanatopolitics, Foucault suggests that today the sovereign right to kill survives in a

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[65] Michel Foucault, "Nietzsche, Genealogy, History" in *Language, Counter Memory Practice.* Edited by Donald Bouchard (Ithaca: Cornell University Press, 1977), 142.
[66] Foucault, *"Society Must Be Defended,"* 255.

mutated and specifically racist form.[67] However, the claim that biopower must become racist to become violent neglects the violence that *underwrites* rather than re-functions biopower. Individuals and groups are not only disallowed and abandoned by biopower but also *abandoned to* it, a relation embodied in Terri Schiavo's persistent vegetative state. Neither flourishing nor prohibited, Schiavo's life was extended and reduced to mere biological functioning. Recognizing the limitations of Foucault's account of contemporary sovereign power, Chapter Two turns to Giorgio Agamben's notion of the sovereign exception to develop a more adequate picture of the "demonic" proximity and coordination of biopolitics and thanatopolitics.

Agamben's theory of biopower as the power to "make survive" and its central concept, the sovereign exception, follow from the positing of a more intimate and ancient relation between biopower and sovereign power. Unlike Foucault, Agamben argues that sovereign power is grounded, not in the right to kill, but in the right to decide on the "exception," the space/time/bodies over which the rule of law is suspended. By producing a form of life included in the rule of law by being excluded from the rule of law, that is, by *wielding power over life*, the exercise of sovereign power involves a fundamentally biopolitical procedure. According to Agamben, biopower is "at least as old as the sovereign exception" and modern biopolitics is characterized by those conditions in which the "exception becomes the rule." In the classical period, the sovereign exception produces the marginal figure of *homo sacer* or sacred man; outside both human and divine law, *homo sacer* is defined by the "unpunishability of his killing and the ban on

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[67] "In the biopower system [killing is] acceptable only if it results not in a victory over political adversaries, but in the elimination of the biological threat to and the improvement of the species or race." Ibid,*"* 256.

his sacrifice."[68] In modern biopolitics, as the sovereign decision elaborates across the juridico-political order, "bare [or sacred] life underwrites the actual political arrangements in which we live, posing as a contingency into which any political arrangement might dissolve."[69] Today, biopower "makes survive"; we are all "at least virtually" *homo sacers*.

Chapter Two argues that the exception is a tactic within the field of biopolitical governance, a sovereign logic that circulates in regulatory contexts to abandon lives to violence. The notion of the exception helps describe Terri Schiavo's life as not only "bare" and reduced to survival but also as *sacred*. Unlike the "sanctity of life" position of the Religious Right, Agamben understands the call to "set aside" the "sacred" as a *politicized* exclusion, or more specifically, an "*inclusive* exclusion" in which life is subjected or abandoned to the law by being excluded from it. However, Agamben's conclusion—that we are all, "at least virtually" Terri Schiavos— betrays an inattention to the differential distribution of violence in biopolitical contexts. Although sacred life is a "contingency into which any political arrangement might dissolve," dissolution functions differentially. Coordinating Foucault and Agamben's accounts of differential and contingent violence, Chapter Two argues that the exception is not the hidden intersection of sovereign and biopolitical power, but a tactic of their coordination in contemporary political life. On this reading, figures of bare life like Terri Schiavo reflect the movement of the logic of exception within the field of governmentality, the circulation of a tactic that makes a real contingency of states of exception.

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[68] Agamben, *Homo Sacer: Sovereign Power and Bare Life*, 73.
[69] Butler, *Precarious Life*, 68.

Anchored in the life of the *Muselmann*—the prisoner of Auschwitz who, in the advanced stages of malnutrition, cannot speak or testify—Chapter Three follows upon Foucault's analysis of "living being in question" to evaluate, with Agamben, "[speaking-being] in question." The central preoccupation of Agamben's *Remnants of Auschwitz* and Primo Levi's *The Drowned and The Saved*, the *Muselmann* is a figure of mute living death, a reflection of the most violent declension of biopolitical power. For Levi, a Holocaust survivor, the *Muselmann* embodies a wrenching paradox—the true witness of the camps is the one who cannot witness. For Agamben, this paradox marks a truth of Western subjectivity in general—speech is traversed by the speechless, subjectivation bears within itself a desubjectivation. In Chapter Three Agamben and Levi's *Muselmann* opens an exploration of speech as a "precarious and fragile event," one produced by the movements of biopower and reflective of changing political conditions. For all the provocation and offense of the *Muselmann*-as-paradigm, Agamben's account of the contingency of speech offers a unique and invaluable revision of Foucault's description of the threshold of modernity; today man is "an animal whose politics places his existence as a living- [*and speaking-*] being in question."

To demonstrate the fabrication of speaking being—the fact that speech is not given but constructed—Chapter Three turns to Agamben's critical writings on the metaphysics and anthropology of language often overlooked by his Anglophone readers. In *Language and Death*, *The Idea of Prose*, and *Infancy and History* Agamben gives an account of the fabricating "structure of Voice" in the metaphysical tradition. In a critical history that focuses on Hegel, Heidegger and their inheritors, *Voice* is the indeterminate negative ground of speech, the ungrounding ground of the taking place of language in the

removal of *voice* (animal *phone*, mere sound). In *The Open*, the "anthropological machine" describes the logic through which "man places muteness outside himself." The "ceaselessly updated decisions" of the machine rearticulate and displace the difference between man and animal, speaker and non-speaker. In Chapter Three the structure of Voice and the anthropological machine illustrate the production of speaking-being and the speaking human. Separated in their formulation by over twenty years, both capture the politicized constitution of language and speech, the inclusive exclusions by which "man places muteness outside himself" and exposes other mute beings and animals to violence.

Keeping in view the notion of speaking being in question, Chapter Three also takes up a critical examination of Agamben's attempt to "jam" the anthropological machine and the structure of Voice via the concept of "infancy." Developed in *Infancy and History* and central to the ethics of "bearing witness to the inhuman" in *Remnants of Auschwitz*, infancy represents Agamben's endeavor to found language beyond the violence of inclusive exclusion. Instead of producing the speaking animal through the anthropological machine and at the expense of mute others, infancy is an experience of muteness and pure potentiality that conditions speech yet is neither opposed nor (inclusively) excluded from speaking. This muteness supports a practice of testifying for the *Muselmann*, or for that matter, Terri Schiavo and of bearing witness to the fragile openness of a condition in which "human beings did not speak […] in which they were not yet human."[70] Chapter Three concludes by interrogating the jamming and witnessing capacities of infancy. I argue that the abstraction of infancy from a dependent

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[70] See Agamben, *Remnants of Auschwitz*, 161-162.

developmental stage to an *in*dependent condition of pure potentiality re-functions rather than halts metaphysical and anthropological machines. Obscuring the vulnerability and relationality the *infans*, Agamben removes voice/s—those of maternal and non-human others— often silenced in humanist metaphysics and anthropology.

Anchored in the lives of Helen and Isabel, two melancholic figures who exhibit the collapse of linguistic activity and feelings of death-like despair, Chapter Four explores how living and speaking beings in question themselves question today. That is, where the preceding chapters draw on Foucault and Agamben to demonstrate that biopower fabricates life and language, this chapter turns to the work of Julia Kristeva to more directly examine strategies of resistance. Arriving at a strategy of working-through (rather than jamming) differential and contingent logics, Chapter Four begins by uncovering an unlikely Kristevan theory of biopower. In her post-trilogy texts of the 1990s, specifically *The Sense and Nonsense of Revolt*, *Intimate Revolt*, *New Maladies of the Soul* and *The Feminine and The Sacred*, Kristeva suggests that the sovereign function of power, represented by the Oedipal father and his law, is in decline. In its place a "power vacuum" has emerged, a regulatory power elaborated to the extent that "it can no longer be located" and invested in biological life to the extent that subjects are figured as "patrimonial individuals," mere possessors of organs and biological processes.[71] Resonating with a specifically biopolitical form of power, for Kristeva, the power vacuum amounts to "soft totalitarianism" that reduces life to "life itself, life without

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[71] Julia Kristeva, *The Sense and Nonsense of Revolt* (New York: Columbia University Press, 2000), 4-5.

questions" and threatens to "destroy life after having devalued the question of its meaning."[72]

In Chapter Four, the unlikely biopolitical turn in the Kristevan text yields an uncommon strategy for biopolitical resistance— psychic revolt. For Kristeva revolt is not a transgression of law but a displacement of authority within the psychic economy of the individual. Returning to the conditions of language and the movement of authorization, revolt empowers the "sacred" connection between life and meaning and resists the regulated "life itself, life without questions." In contrast to Agamben's ontological and androcentric account of infancy, Kristeva's account of revolt is an embodied vulnerable practice, one that recognizes the differential experience of life adrift from meaning. This vulnerability subtends her attempt to re-function regulation at the psychic level. For Kristeva, biopolitical resistance is not about "jamming" movements of regulation and law. Instead it is about transforming social structures and economies of meaning such that power supports and nourishes life instead of abandoning it to depression and violence. Given the failure of Agamben's project of transcending the regulation that this introduction encounters at every turn—in the principles of sanctity-of-life and quality-of-life ethicists, from Terri Schiavo's bedside and beyond—Kristeva's attempt to imagine more supportive and sustainable imbrications of power and life, a "biography with and for others" still vulnerable to other others, is an important and promising strategy of resistance.

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[72] Julia Kristeva, *The Feminine and The Sacred* (New York: Columbia University Press, 2001), 13.

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CHAPTER II

FABRICATED LIFE: FOUCAULT AND THE BIO- OF BIOPOWER

A "Negative Modality"

In his 1975-76 lectures at the College de France Michel Foucault describes the

then recent death of Spanish dictator Francisco Franco as a symbol of "the clash between

two systems of power: that of sovereignty over death, and that of the regularization of

life."[1] Franco's forty-year reign was characterized by the "great savagery" of his

sovereign power to "let live or make die." During the Spanish Civil War, his Nationalist

forces (supported by Nazi Germany and Fascist Italy) killed tens of thousands of

Republican officials, intellectuals, soldiers and sympathizers. After the war and until his

own death in 1975, Franco violently suppressed or eliminated all of his political

opponents, sometimes ordering that "the condemned be strangled to death by a metal

collar" and requiring that the press cover the executions.[2] Franco fell ill in 1973 and again

in 1975. Before dying on November 20th of that year, he spent an extended period of time

on artificial life support in a state much like Terri Schiavo. While Franco's rule was

defined by the power to "have people put to death or let them live," his own death

reflected the "regularization of life," the power to "foster life or disallow it to the point of

death." Foucault summarizes:

> [Franco] was the bloodiest of all dictators, [he] wielded the absolute right
> of life and death for forty years, and at the moment when he himself was

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[1] Foucault, *"Society Must Be Defended"* (New York: Picador, 2005), 249.

[2] Geoffrey Jenson, *Franco: Soldier, Commander, Dictator* (Washington D.C.: Potomac Books, 2005), 99.

dying, he entered this new field of power over life which consists not only in managing life, but in keeping individuals alive after they are dead. […] thanks to […] the actual exercise of political biopower, we have become so good at keeping people alive that we've succeeded in keeping them alive when, in biological terms, they should have been dead long ago.[3]

The deaths of Terri Schiavo and Francisco Franco equally mark biopolitical forms of life, but Franco's more readily invokes the difference between sovereign power and biopower. Foucault's definitions of biopower in the 1975-76 lecture course and the first volume of *The History of Sexuality* rely heavily on this contrast. In fact, Roberto Esposito has recently argued that, with respect to this Foucauldian notion, "a negative modality prevails: biopolitics is primarily that which is not sovereignty. More than having its own source of light, biopolitics is illuminated by the twilight of something that precedes it, by sovereignty's advance into the shadows."[4] The contrast between sovereignty and biopolitics highlights a shift in asymmetry, a "balance tipped" in favor of death or life, a clash between Franco's rule and Franco's demise. However, the contrast seems to rely on a difference that biopower itself puts into question, a "natural" or "given" difference between life and death. In referring to the biological death denied to Franco, Foucault invokes the distinction between biological (*zoe*) and political (*bios*) forms of living and dying, an invocation that then threatens to reemerge in the difference between "fostering life" and "disallowing it to the point of death." As figures of biopolitical life, Schiavo and Franco do not illustrate the play of contrasts—between life and death, "making live" and "letting die"—as much as the blurring of boundaries and the dimming of understanding.

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[3] Foucault, *"Society Must Be Defended,"* 248.
[4] Roberto Esposito, *Bios: Biopolitics and Philosophy* (Minneapolis: University of Minnesota Press, 2008), 33.

At their bedsides and beyond, how do we describe the life and work of biopower without recourse to *zoe/bios* logics?

If Foucault's "negative modality" introduces this question, the general scarcity of biopower in his texts deepens and enlarges its reach. As Esposito suggests, the March 17th lecture of the 1975-76 course and the concluding chapter of *The History of Sexuality Volume One* are Foucault's only extended discussions of biopower. The 1977-78 course undertakes the study of mechanisms by which "the human species became an object of a political strategy."[5] However, after several lectures on "apparatuses of security" Foucault turns his attention to pastoral power and "governmentality." The 1978-79 course is titled *The Birth of Biopolitics* yet its trajectory focuses almost exclusively on liberal and neoliberal forms of governmental reason. While the studies of pastoral power and governmental reason cover and indirectly illuminate many of the fields and objectives associated with biopower, Foucault's failure to make biopower a sustained object of direct inquiry challenges and encourages its interrogation.

This chapter draws on Foucault's proximate researches and genealogical method to clarify his concept of biopower, and more specifically, the *bio-* of biopower. In the process, I advance an account of biopolitics that emphasizes and nuances the *production*, rather than the given nature or essence, of life. Foucauldian genealogy stresses that "that there is something altogether different behind things: not a timeless and essential secret, but the secret that they have no essence or that their essence was fabricated in a piecemeal fashion from alien forms."[6] In their own piecemeal fashion, Foucault's 1975-

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[5] Michel Foucault, *Security, Territory, Population* (New York: Palgrave Macmillian, 2007), 1.

[6] Michel Foucault, "Nietzsche, Genealogy, History." In *Language, Counter Memory Practice.* Edited by Donald Bouchard (Ithaca: Cornell University Press, 1977), 142.

79 lectures address the fabrication of life specific to biopolitics. Pastoral, *raison d'etat*, liberal and neoliberal modes of "governmentality" propose a series of figures marking fabricated life in its totalizing and individualizing forms: sheep and flock, man and population, *homo economicus* and society, entrepreneur and social market. Working through these figures, I disengage the living object of Foucauldian biopower from the distinction between *zoe* and *bios*.

By connecting governmental reason and biopower, this chapter elucidates not only the life of biopower, but also its development and operation, its lines of descent and contemporary mutations. In his explorations of pastoral power, Foucault describes the 16th and 17th century emergence of a Judeo-Christian form of government embodied in the relation of a shepherd to his flock. The science of police of the 17th and 18th century draws upon the logics of pastoral power to articulate the state's concern for the lives of its citizens, their health, safety, morality and well-being. And whereas the police must "bear upon everything," modern liberal and neo-liberal modes of governance strive to "actively enable" and economize the "natural course of things." While neither synthetic nor comprehensive, Foucault's account of various forms of governmental reason supplies a more nuanced understanding of the "threshold of modernity" and a sharper picture of contemporary biopolitical regulation. Today, the regulatory production of life is, more specifically, the "enterprise" of life; freedom is "manufactured" for and through an "animal whose [political economy] places his existence as a living being in question."

With this more nuanced understanding of the production of life, the chapter returns to the production of death in the sovereign right to kill. According to Foucault's genealogy of government, biopower emerges in the decline of, but still "demonically

combines" with, sovereign power. Foucault claims that it is racism that gives sovereign power a lease, a "death-function," in biopolitical contexts. Extending this underdeveloped line of thought, Giorgio Agamben introduces *homo sacer*, a figure of living death and the logic of exception, to describe the "hidden intersection" of sovereignty and biopolitics. Considering Foucault and his extensions, I argue that the exception is a tactic within the field of governmentality, one that helps explain how "death-functions" like racism do their work and that relieves the binary suggestions of Foucault's "negative modality." Working through the inclusion of *homo sacer* among the forms of fabricated life uncovered in the genealogy of government—man, *homo economicus*, entrepreneur— I confirm that sovereign power, in its pre-modern and combinatory forms, is likewise disengaged from the distinction between *zoe* and *bios*.

Genealogy and the Fabrication of Life

Foucault's claim that biopower has succeeded in "keeping [people] alive when, in biological terms, they should have been dead long ago" implies a distinction between biological and political forms of living and dying. That is, by marking the new impossibility of a life and death "in biological terms," Foucault appears to distinguish *zoe* and *bios* at the very moment of their eclipse. The move is not isolated to his remarks on Francisco Franco. Treating biopolitics more generally, Foucault writes:

> For the first time in history, no doubt, biological existence was reflected in political existence; the fact of living was no longer an inaccessible substrate that only emerged from time to time, amid the randomness of death and its fatality; part of it passed into knowledge's field of control and power's sphere of intervention. Power would no longer be dealing with legal subjects over whom the ultimate dominion was death, but with

> living beings and the mastery it would be able to exercise over them
> would have to be applied at the level of life itself.[7]

Foucault's description of life as a "substrate" and "level" appears to figure a pre-modern pre-political materiality, a post-dated distinction between *zoe* and *bios*. The theoretical history of biopolitics, a lineage that includes German organicism and Anglo-american (neo)humanism, shares in this binary distinction with violent exclusionary effects. In the case of organicist Jakob von Uexkull, the presumption of a living substrate to be harmonized fit easily with Nazi political programs. Later, in response to this violent epochal event, neohumanists sought to recuperate the same binaries—human/animal, *zoe/bios*. However, to identify Foucault's account with these lines of thought bears a distortive violence of its own. Foucault's genealogical approach to biopolitics marks a turn in the theoretical history of biopower, a turn that counters the binary suggestions of his own "negative modality."

The theoretical history of the conjunction "bio-politics" begins more than 50 years prior to Foucault's 1975-76 course. Although the term was used as early as 1911, the Swedish political scientist Rudolph Kjellén was likely the first to have theorized the notion of biopolitics.[8] His 1916 text *The State as a Form of Life* elaborated an "organistic" conception of political life. For Kjellén, "biopolitics" conceives the state as a *living being* or organism, as opposed to an abstract entity produced out of the agency, and

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[7] Foucault, *The History of Sexuality: Volume One An Introduction*, (New York: Vintage Books, 1990), 142.

[8] Esposito, 16. G.W. Harris was the first to use the word "biopolitics" in a column for the "The New Age" December 28, 1911 where he defined biopolitics as "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." See G.W. Harris, "Bio-Politics," *The New Age,* Volume 10 No. 9, 197.

in the interests of, its subjects. On this conception, the people's spiritual and biological harmony, in short, their vitality, should not be one political concern among others but rather the state's central purpose. Out of the traumatic period of inter-war Europe, "parasites" and "pathologies" became the central anxieties of organist theory and racism its fated course. Jakob von Uexküll's 1920 *Staatsbiologie* travels this itinerary. Stating his concern for the social "cancers" of the German people, von Uexküll concluded that "what we are lacking is an academy with a forward-looking vision not only for creating a class of state doctors, but also for instituting a state system of medicine. We possess no organ to which we can trust the hygiene of the state."[9] Later Von Uexkull quietly endorsed the hygienic solutions of the German state. The zoologist maintained a sordid correspondence with the Englishman-turned-Nazi historian Houston Chamberlain and even penned an introduction to Chamberlain's infamous anti-Semitic tract *The Foundations of the Nineteenth Century* in 1928.[10]

Nazism made clear the ease by which the organistic pursuit of "spiritual and biological harmony" can come to support the eradication of a people. When interest in biopolitics revived in France in the 1960s the fruit of this reflection was a kind of neo-humanist anthropology motivated by the war. On this track, Aaron Starobinski's *Biopolitics: An Essay on the Interpretation and History of Humanity and Civilization* (1960) and Edgar Morin's *Introduction to a Politics of Man* (1969) positioned human life as an energetic substratum of politics, a nature to be directed "by the forces of charity,

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[9] Von Uexkull, Jakob. *Staatsbiologie* (Berlin: Verlag von Gebruder Paetel, 1920), 55.
[10] Giorgio Agamben, *The Open: Man and Animal* (Stanford: Stanford University Press, 2004), 43; Torten Ruting, "History and Significance of Jakob von Uexkull and of his institute in Hamburg." *Sign Systems Studies* 32.1/2 (2004), 35-72.

justice and truth."[11] While Starobinski and Morin sought to affirm human life in a manner that would counter the violence of the camps, neither substantively reflected on the construction of the human over and against other forms of life. As Hannah Arendt dramatically put it, the camps revealed that "the world found nothing sacred in the abstract nakedness of being human, […] a man who is nothing but a man has lost the very qualities which make it possible for other people to treat him as a fellow-man."[12] The camp image of a "man who is nothing but a man" is one that shoots through a series of binaries that undergird both racist biocracy and humanist affirmation—man/animal, nature/culture etc.

Foucault's genealogical method is set at a marked distance from the organist or neo-humanist declensions of biopolitical theory by its demand that we more deeply historicize the notions of "life," "body," "humanity," etc. Instead of presupposing a natural given or organic substrate in need of harmonization or direction, Foucauldian genealogy opposes the "search for origins" and aims to counter metaphysical movements and assumptions. Genealogy is not an excavation of the "bottom" of things, but rather an "elevated gaze" by which "depth is restored as an absolutely superficial secret."[13] "Effective history" records the history of interpretation through analyses of descent and emergence. On the course of descent [*Herkunft*], the method "maintains events in their proper dispersion," emphasizing difference and disparity; with a particular interest in the "body as the inscribed surface of events," the analysis of descent is "situated within the

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[11] Neither text has been translated into English. Aaron Starobinkski, *La biopolitique: Essai d'interpretation de l'histoire de l'humanite et des civilizations* (Geneva: Imprimerie des Arts, 1960); Edgar Morin, *Introduction a une politique de l'homme* (Paris: Editions du Seuil, 1969).
[12] Hannah Arendt, *The Origins of Totalitarianism* (New York: Schocken Books, 2004), 299-300.
[13] Michel Foucault, "Nietzsche, Freud, Marx." In *Michel Foucault: Aesthetics, Method and Epistemology*. Ed. James D. Faubion (New York: The New Press, 1994), 273.

articulation of the body and history. Its task is to expose a body totally imprinted by history and the process of history's destruction of the body."[14] On the course of emergence [*Entstehung*], genealogy establishes the "hazardous play of dominations" rather than the "final term" or "culmination" of historical development. Together, an analysis of descent and emergence counters the natural given "levels" or "substrates," their health or harmony, parasites or pathologies.

Foucault's thesis that power and knowledge are not external to one another thoroughly shapes genealogy and its ruptures. Through the lens of power-knowledge, organistic and neo-humanist theories appear as lines of thought unreflectively enmeshed in the play of dominations. Foucault clearly describes the internal relation of power and knowledge in the early pages of *Discipline and Punish*:

> We should admit [that] power produces knowledge […] that power and knowledge directly imply one another; that there is no power relation without the correlative constitution of a field of knowledge, nor any knowledge that does not presuppose and constitute at the same time power-relations.[15]

In their connection to the method of genealogy

> [t]hese 'power-knowledge relations' are to be analyzed, therefore, not on the basis of a subject of knowledge who is or is not free in relation to the power system, but, on the contrary, the subject who knows, the objects to be known and the modalities of knowledge must be regarded as so many effects of these fundamental implications of power-knowledge and their historical transformations.[16]

Genealogy is not itself disconnected from power-systems; the fact that "everything is dangerous" is true as much for Foucault's "history of present" as Kjellen's organistic

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[14] Foucault, "Nietzsche, Genealogy, History," 148.
[15] Foucault, *Discipline and Punish*, 27
[16] Ibid, 28.

theory of the state.[17] Nevertheless, genealogy's attention to "power-knowledge relations" marks the violent and racist effects of calls for harmony and hygiene, a turn of critical thought unavailable within the terms of organistic and humanistic theory themselves.

In his early archaeological method, the study of discursive rules and practices, Foucault had taken "life" and modern "man" as objects of inquiry without the resources of "power-knowledge" or this critical turn. In *The Order of Things* Foucault provides a slow demonstration of the emergence of "man" and "life" in the field of knowledge, more specifically, the modern appearance of "human nature" and its corresponding episteme, the empirical human sciences. In this demonstration, the supposed timelessness of these notions undergoes an archaeological deconstruction whereby the alienness of "man" and "life" to Classical and Renaissance rationalities works to illustrate Foucault's dramatic claim that "man is only a recent invention, a figure not yet two centuries old, a new wrinkle in our knowledge, […that] will disappear again as soon as that knowledge has discovered a new form."[18] This new man is both an "object of knowledge and as a subject that knows: enslaved sovereign, observed spectator."[19] It is only in the modern period that man comes to order and be ordered, to exist as bound to finitude, to be studied via biology and economics. In the Classical and Renaissance ages, there were epistemologies that ordered the world otherwise; human beings existed, but man did not.[20]

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[17] "I would like to do the genealogy of problems, of *problématiques*. My point is not that everything is bad but that everything is dangerous, which is not exactly the same thing." Michel Foucault, "On the Genealogy of Ethics," In *Michel Foucault: Ethics, Subjectivity, Truth* (New York: The New Press, 1997), 256.

[18] Michel Foucault, *The Order of Things: An Archaeology of the Human Sciences* (New York: Random House, 1994), xxiii.

[19] Ibid, 312.

[20] Ibid, 322.

In a manner that recalls his pronouncement on biopolitics in *The History of Sexuality*, Foucault announces that "the *threshold of modernity* is situated not by the attempt to apply objective methods to the study of man, but rather by the constitution of an empirico-transcendental doublet which was called man."[21] Through three doubles—transcendental-empirical, cogito-unthought, return-retreat of the origin—Foucault gives greater detail to varieties of modern humanism. In the transcendental-empirico doublet, man is a transcendental condition of knowledge but also an empirical object of knowledge. In the cogito-unthought doublet, man is the "locus of misunderstanding," ever confronting his own "unthought;" That is, "the modern cogito does not reduce the whole being of things to thoughts without ramifying the being of thought right down to the inert network of what does not think."[22] In the doublet of returning and retreating origins, man is an opening and object of history; "Man's being is always maintained, in relation to man himself, in a remoteness and a distance that constitute him."[23] Irreconcilably composed by the opposition of subject and object, each of these doubles reveals that modern man is not a given essence, but an unstable project.

Through a method that is to "alternate, support and complete" the work of genealogy, Foucault's archaeology of the human sciences helps rethink "man" and "life" at the "threshold of modernity." In *The Order of Things* biological knowledge and its objects are functions of the modern episteme, itself a mutation of Classical and Renaissance rationalities. Life "in biological terms" is here discursively constituted but, without an analysis of descent and emergence, not yet "totally imprinted" by history and

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[21] Ibid, 319 (my emphasis).
[22] Ibid, 324.
[23] Ibid, 336.

the "hazardous play of dominations." *The Order of Things* readies its own genealogy,

provoking the analysis of power-relations presupposed and constituted by "man and his

doubles." As Foucault reflects in an interview entitled "On Power:"

> What struck me, in observing the human sciences, was that the
> development of all these branches of knowledge can in no way be
> dissociated from the exercise of power […] Generally speaking, the fact
> that societies can become the object of scientific observation, that human
> behavior became, from a certain point on, a problem to be analyzed and
> resolved, all that is bound up, I believe, with mechanisms of power—
> which, at a given moment, indeed, analyzed that object (society, man, etc.)
> and presented it as a problem to be resolved. So the birth of the human
> sciences goes hand in hand with the installation of new mechanisms of
> power.[24]

Foucault attends to these new mechanisms of power by bringing his genealogical

program to the "arts of government." The emergent "life" and "man" given over to the

empirical human sciences in *The Order of Things* is that "life" given over to biopower

and governmentality in his late lectures at the College de France. Foucault's

archaeological research and genealogical program resist the logic of the distinction

between *zoe* and *bios*, but fully wresting the *bio-* of biopower from binary suggestions

requires the application of genealogy to "life," to man and his doubles. Foucault's writing

on governmental rationality, and the biopower-knowledge relations treated therein, bring

us closer to this application.

Governmentality: From the Pastorate to Neoliberalism

In *The History of Sexuality*, Foucault describes biopower as a "bi-polar

technology of power" composed of "disciplines" and "regulatory controls," an "*anatomo-*

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[24] Michel Foucault, "On Power," in *Politics, Philosophy, Culture: Interviews and Other Writings 1977-1984*. Ed. Lawrence Kritzman (New York: Routledge, 1988), 106.

politics of the human body" and a "*biopolitics of the population.*" This bipolar

technology "mark[ed] the beginning of an era of 'biopower […] an explosion of

numerous and diverse techniques for achieving the subjugation of bodies and the control

of populations." Two years later Foucault's 1977-78 lecture course set out to research

the biopolitics of population and "tried to see how the specific problems of population

emerged" but was "quickly led to the problem of government."[25] Foucault's subsequent

lectures on governmental rationality are situated inside this arrested study of biopower.

Nevertheless their attention to transforming population controls elucidate the operation of

biopower, uncovering distinct episodes in the fabricated *bio-* of biopower.

Foucault's neologism—governmentality—is telling of his approach to

governmental rationality. The "govern" of "governmentality" marks not only the work of

state institutions but more generally, "the conduct of conduct," all activities of guiding,

directing or shaping the conduct of a person or persons.[26] Here the equivocality of the

term "conduct" is clarifying, as Foucault notes, "to 'conduct' is at the same time to 'lead'

others […] and a way of behaving within a more or less open field of possibilities."[27] The

"mentality" of "governmentality" indicates ways of thinking about the nature and

practice of government. In sum, "governmental rationality," the "art of government" and

"governmentality" all define a field of research into ways of knowing the conduct of

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[25] Foucault, *Security, Territory, Population*, 88.

[26] The well-known phrase "conduct of conduct" does not appear in English translation. The source for the phrase is an original French portion of the essay "The Subject and Power:" "L'exercice du pouvoir consiste à 'conduire des conduites' et à aménager la probabilité. Le pouvoir, au fond, est moins de l'ordre de l'affrontement entre deux adversaires, ou de l'engagement de l'un à l'égard de l'autre, que de l'ordre du 'gouvernement'." See Michel Foucault *Dits et écrits* IV (Paris: Gallimard, 1994), 237.

[27] Michel Foucault, "The Subject and Power," In Hubert Dreyfus and Paul Rabinow, *Michel Foucault: Beyond Structuralism and Hermeneutics* (Chicago: University of Chicago Press, 1983), 220.

conduct. In the 1977-78 and the 1978-79 courses, Foucault applies this attention to four

more and less discontinuous arts of government— the pastoral, *raison d'etat*, liberal and

neoliberal—to show how life was "fabricated in a piecemeal fashion from alien forms,"

how forms of conduct emerged within "open fields of possibilities."

Foucault describes pastoral power as a "prelude" to the modern conduct of

conduct, drawing a lineage from the Hebraic and Early Christian theme of shepherd and

flock to governmental rationality. While this lineage is not itself contentious, Foucault's

discussion of pastoral power leads to the more dramatic claim that modern government is

a "demonic" combination of "the city-citizen game and the shepherd-flock game."[28] The

city-citizen game (of classical Greek rather than Hebraic or Christian descent) concerns

itself with "forming and assuring the city's unity," whereas the shepherd-flock game

concerns itself with the "lives of individuals." Plato's *Statesman* is a striking and clear

example of the Greek rejection of the shepherd-flock game. The dialogue's attempt to

resolve the question 'what is a statesman?' confronts the analogy of the art of the

statesman to the art of the shepherd. Ultimately, young Socrates concludes that the

pastoral model of power gives politicians a task suitable only for gods. After all, "how

could any lawgiver be capable of prescribing every act of a particular individual and sit at

his side, so to speak, all through his life and tell him just what to do?"[29] In giving

prescriptions, the statesman should use the "bulk method" rather than "individual

treatment."[30] To understand how, in a combinatory and demonic turn, pastoral power

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[28] Michel Foucault, "*Omnes et Singulatim*: Towards a Critique of Political Reason," in *Power: The Essential Works of Michel Foucault 1954-1984* (New York: The New Press, 2000), 311.
[29] Plato, *Statesman*. In *Plato: The Collected Dialogues*, Edited by Edith Hamilton and Huntington Cairns (Princeton, NJ: Princeton University Press, 1961), 295b.
[30] Ibid, 295a.

developed its own problem of "the one and the many," requires attention the Christian evolution of the Hebraic theme.

According to Foucault, the Hebraic conception of pastoral power is characterized by four features. First, the shepherd wields power over a flock, a "multiplicity in movement," not (as in Greek political thought) a land or territory.[31] Second, the shepherd "gathers, guides and leads" dispersed individuals." Whereas the Greek lawgiver intervenes on a unity that may endure without him, the shepherd's "immediate presence and direct action causes the flock to exist."[32] Third, the shepherd is fundamentally beneficent; Unlike the Greek helmsman that navigates his ship through troubled waters, the shepherd applies a "constant, individualized and final kindness."[33] Fourth and finally, the shepherd is devoted to the good of the flock and must know his flock "as a whole and in detail."[34] Christianity modifies the Hebraic pastorate by emphasizing the moral ties between shepherd and flock (especially the virtues of responsibility and obedience) and by amplifying the individualizing knowledge of the shepherd. In particular the Christian pastorate stresses the work of self-examination and the guidance of conscience, conducts that encourage individuals to "work at their own 'mortification' in this world."[35]

Most importantly, Foucault suggests that Christian pastoral power converts the paradox of the "one and the many" into the problem of the "one and the many." The paradox— that the shepherd must be prepared to sacrifice himself for the sake of the flock or "sacrifice the whole of his flock for each of the sheep"— attends Hebraic as well

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[31] Foucault, "*Omnes et Singulatim*," 302; Foucault, *Security, Territory, Population*, 125.
[32] Ibid, 302.
[33] Ibid, 302.
[34] Ibid, 303.
[35] Ibid, 310-311.

as Christian versions of pastoral power.[36] Recall, for instance, that Moses is the Hebraic shepherd figure whose flock was saved in virtue of his capacity for sacrifice. If the movement of all and each cuts across the Hebraic themes, in the mutated Christian pastorate all and each mark the movement and collapse of individualization and totalization. Foucault draws special attention to how Christian individualization proceeds in a totalizing manner, by subjection.[37] The Christian pastorate is a pastorate of souls wherein the shepherd effectively produces the soul, keeping watching over it and extracting its truth. Where the Hebraic shepherd wielded a "constant individualized and final kindness," the Christian shepherd develops a network of "exhaustive, total and permanent relation of individual obedience." In its "demonic" combination, Christian pastoral power is "a strange game whose elements are life, death, truth, obedience, individuals, self-identity—a game that seems to have nothing to do with the game of the city surviving through the [paradoxical] sacrifice of its citizens."[38]

Foucault's discussion of pastoral power, its beneficent and demonic declensions, offers a glimpse of an essence, a soul, "fabricated from alien forms." Flock and sheep serve as figures of this fabrication, born at first by the "immediate presence and direct action" of the shepherd and later by the networked guidance and knowledge of souls' "internal, secret and hidden truths." Pastoral power is "in its typology, organization, and mode of functioning, [in its exercise] as power, something from which we have not freed ourselves."[39] That is, in its "conduct of conduct" pastoral power is both a clear prelude to governmentality and an antecedent to biopower, sharing objectives—to keep watch, tend

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[36] Foucault, *Security, Territory, Population*, 128.
[37] Ibid, 184.
[38] Foucault, "*Omnes et Singulatim*," 311.
[39] Foucault, *Security, Territory, Population*, 148.

to health and nourishment—and subject(ion)s—the lives of individuals and groups. This resonance deepens when the pastorate emerges more properly in the field of governmental rationality, when Foucault asks "What is it to govern the world in a pastoral sense?" and answers *raison d'état*.

In defining *raison d'état* as the first form of modern governmentality, Foucault does not engage in traditional analyses of the state, its formation or sovereign legitimacy. He is not interested in considering the state "as a kind of political universal" that bears an essence "in and for itself."[40] From the perspective of governmentality, *raison d'état* reflects an investigation into "the type of rationality implemented in the exercise of state power," an analysis that forgoes "a theory of the state, as one can and must forgo an indigestible meal."[41] As Foucault puts it succinctly, "the state is an episode of governmentality."[42] Three major features illustrate the ways of knowing the conduct of conduct according to *raison d'état*. First, *raison d'état* is government according to reason; It is rational and takes into account the nature of what is governed (the state).[43] Second, the objective of *raison d'état* is to strengthen and reinforce the state itself.[44] Third and finally, *raison d'état* requires a certain kind of knowledge so as to "hold out" against other states, a knowledge that is both prudential and concrete;[45] The knowledge of the sovereign will focus on "things" rather than "laws," specifically things that constitute the governable reality of the state.

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[40] Foucault, *The Birth of Biopolitics*, 77-78.
[41] Ibid, 78-79.
[42] Foucault, *Security, Territory, Population*, 248.
[43] Foucault, "*Omnes et Singulatim*," 314-315.
[44] Ibid, 316.
[45] Ibid, 316-317.

In its knowing directedness toward the state, *raison d'état* recalls the operation of pastoral power. The shepherd does not strive to strengthen himself, to bolster his glory or sovereignty but rather to know, strengthen and care for his flock. This pastoral inheritance is witnessed most clearly in the contrast of *raison d'état* to a more Machiavellian rationality. As Foucault puts it "what Machiavelli sought to save, to safeguard is not the state but the relationship of the Prince to that over which he exercises his domination, that is to say, it is a matter of saving the principality as the Prince's relation of power to his territory or population."[46] Whereas Machiavellianism ties the perpetuity of the state to the mortal body of the Prince, *raison d'état* strives to "hold out" indefinitely, overcoming the Prince's limitations through state strength.

Alongside this Machiavellian contrast, the science of the police provides a positive illustration of the pastoral conduct of conduct according to *raison d'état*. In its Eighteenth century usage, the term "police" did not describe a group of officials concerned with crime-prevention but rather something effectively identical to government. Police science encompasses all the concrete and prudential knowledge required in the *raison d'état*.[47] The task of the police is to keep watch over and strengthen the prosperity of the state, a broad objective illustrated in N. De Lamare's *Treaty on the Police*—"the police sees to living," "the sole purpose of the police is to lead man to the utmost happiness to be enjoyed in life," and "the police sees to everything regulating 'society' (social relations) carried on between men."[48] Moreover, the paradox of the police is to "to develop those elements of individual lives in such a way that their

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[46] Foucault, *Security, Territory, Population*, 243.
[47] Mitchell Dean. *Governmentality: Power and Rule in Modern Society* (London: Sage Publications, 1999), 90.
[48] Quoted in Foucault, "*Omnes et Singulatim*," 320.

development also fosters the strength of the state," recalling the paradox of the shepherd's care for all and each.[49]

Through the science of police, we can see that *raison d'état* marks an episode of governmentality *and* the production of life. The police make use of an empirical mutation of flock and sheep—man and population—to know and conduct all aspects of the state. Here, the growth of the sciences reflects and serves the science of police. As Foucault aptly puts it, "police makes statistics necessary, but police also makes statistics possible […] police and statistics mutually condition each other."[50] Man and population, as figures of fabricated life proper to the police, emerge from the police state's "regulatory mania," entangled in a complex of problems (hygiene, prosperity, happiness) and known through proliferating sciences (statistics, demography, economics, social medicine). So known and conducted, man and population are to be regarded "as so many living effects of these fundamental implications of power-knowledge and their historical transformations," as "living beings in question."[51] In this genealogy of *raison d'état* Foucault describes a transformation of the power/knowledge relations that produce man and population. Through a series of shifts and displacements, liberal govermentality gives rise to two new figures of individualization and totalization—"*homo economicus*" and "civil society."

According to liberal governmental reason, the total and detailed knowledge of the state presumed by *raison d'état* and its science of police is simply not possible. The processes of man and population are not a transparent "indefinitely modifiable datum," but rather opaque "processes of a naturalness specific to relations between men, to what

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[49] Quoted in Gordon, 10.
[50] Foucault, *Security, Territory, Population*, 315.
[51] Foucault, *Discipline and Punish*, 28.

happens when they cohabit, come together, exchange, work and produce [...] a naturalness that basically did not exist until [liberal government]."[52] Foucault illustrates the opacity of this nature— its limitation of knowledge—by emphasizing the invisibility (alongside the handedness) of Adam Smith's theory of the "invisible hand" of economic process. Smith's thesis holds that an individual agent "intends only his own gain, and he is in this, as in many other cases, led by an invisible hand to promote an end which is no part of his intention," an end that also serves the public good.[53] As an objective and natural reality independent of political realities, the hand may be made visible to the "lateral science" of political economy, but not to the economic agent or government.[54] The liberal disjuncture of economic knowledge and government contrasts with the alignment of economic knowledge and government in *raison d'état*. Francois Quesnay's *Tableau économique* stands as the paradigmatic image of this alignment. Quesnay's Economic Table, an "abstract representation of the totality of exchanges between economic actors," is a device that gives sovereigns exact knowledge of (and thus power to control) all economic exchange.[55] According to Foucault, the liberal "invisible hand" is the "exact opposite" of the Economic Table. Government can now be "mistaken," and (recalling its distance from Machiavelli) "what makes bad government is not that the prince is wicked but that he is ignorant."[56]

The shift from *raison d'état* to liberal governmentality maps onto the disjuncture between mechanisms of discipline and mechanisms of security. In *raison d'état* an order

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[52] Foucault, *Security, Territory, Population*, 349.
[53] Quoted in Foucault, *The Birth of Biopolitics*, 278.
[54] Ibid, 286.
[55] Dean, 114; Foucault, *The Birth of Biopolitics*, 285.
[56] Foucault, *The Birth of Biopolitics*, 17.

of security emerged in the form of the police state and the society of surveillance. Foucault draws a contrast between the disciplinary mechanisms of the secure police state and the mechanisms of security proper to liberal government. Disciplinary mechanisms work "to prevent everything, even and above all the detail." [57] By contrast, mechanisms of security are functioned toward the security of inevitable and natural realities, dealing in possible and probable events to actively enable the processes of civil society. As such, liberalism produces a new relationship between freedom and security than that presented in the *raison d'état* framework. Instead of preventing everything on the assumption that security conditions freedom, liberalism holds that the converse is also true, liberty conditions security.[58] Foucault puts it clearly:

> Liberalism formulates simply the following: I am going to produce what you need to be free. I am going to see to it that you are free to be free. And so, this liberalism is not much the imperative of freedom as the management and organization of the conditions in which one can be free.[59]

The freedom traditionally celebrated by liberal philosophy is a "manufactured" freedom, enabled and managed by mechanisms of security.

The notions of *homo economicus* and "civil society" reflect and drive the transformations of power/knowledge at work in liberal government. Despite Smith's "benign" descriptor, the density of the population proposes a dangerous challenge to governmental reason, to either detach the market from the sovereign or to render the sovereign a function of the market.[60] Navigating these alternatives, liberalism gives rise

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[57] Ibid, 45.
[58] Gordon, 19.
[59] Foucault, *The Birth of Biopolitics*, 63-64.
[60] Gordon, 22.

to a sphere of intervention known as "civil society" composed of economic men ("*homo economicus*"). Foucault describes these emergent life forms

> *Homo economicus* and civil society are therefrom two inseparable elements. *Homo economicus* is, if you like, the abstract, ideal, purely economic point that inhabits the dense, full, and complex reality of civil society. Or alternatively, civil society is the concrete ensemble within which these ideal points, economic men, must be placed so that they can be appropriately managed.[61]

As is well-known liberalism draws upon the *laissez-faire* method to know and govern this new sphere of reality. Foucault's analysis, however, highlights the regulatory work of *laissez-faire*, its "activist and enabling" as much as a "passive and abstaining" posture.[62] The essential objective of governing civil society will be "not so much to prevent things as to ensure that the necessary and natural regulations work, or even to create regulations that enable natural regulations to work."[63] Whereas the *raison d'état* acts upon everything, secure liberal government "lets things happen" and "works within reality, by getting the components of reality to work in relation to each other."[64]

If *homo economicus* and society are those figures of the liberal production of life, their mutation into "entrepreneurial man" and "social market" is tied to the emergence of a neoliberal governmentality in the Twentieth Century post-war period. Foucault's analysis of neoliberalism focuses on two strains, the West German *Ordoliberalen* and the American Chicago School. Although they differ in many respects, each returns *homo economicus* to a more manipulable form and affects the economization of civil society. In the German case, the notion of the market is dramatically revised. No longer a transparent

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[61] Foucault, *The Birth of Biopolitics*, 296.
[62] Gordon, 17.
[63] Foucault, *Security, Territory, Population*, 353.
[64] Ibid, 47.

or opaque natural reality, writers for the journal *Ordo* reimagine the market as an organized "artificial game of competitive freedom."[65] This market, itself a response to the perversions of capitalism during World War II, pairs with an interventionist "vital policy" that sought to "construct a social fabric in which precisely the basic units would have the form of enterprise."[66] In this social fabric, *homo economicus* is "not the man of exchange or man the consumer; he is the man of enterprise and production," an entrepeneur.[67]

The Chicago School shares in the enterprising figure of *Ordoliberalen* if not its artificial picture of the market. Arguing against the growth of the public sector, American neoliberals called for the elimination of Keynesian social programs and protections. Alongside this apparent regulatory retreat, *homo economicus* is returned to a less opaque and more modifiable form. By emphasizing man's faculty of choice in enterprise and by submitting economic man to a behavioral lens, American neoliberal government regulates conduct by shaping and modifying the market environment. In a sense, neoliberal reason draws upon that same activist enabling posture characteristic of liberalism but now the very form and sphere of conduct-to-be-conducted is fully cast in an economic mode. At this time economic science redefines and enlarges its object to all rational action, making possible "strictly economic interpretations of whole domains previously thought to be non-economic."[68] To illustrate Foucault highlights the economic analyses of criminal and penal policy, the new neoliberal possibility of asking "how much does it cost a country to have thieves running free?"[69] How many free thieves can

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[65] Gordon, 41.
[66] Foucault, *The Birth of Biopolitics*, 148.
[67] Ibid, 147.
[68] Ibid, 219.
[69] Ibid, 248.

the society reasonably sustain? The "economic government" of neoliberalism is not only government of the social market but government according to the social market, employing an economic measure for all things.

To illustrate the figures of fabricated life proper to the American neoliberalism—entrepreneurial man and social market—Foucault draws attention to Becker's theory of human capital. According to Becker, human capital is the composition of innate hereditary elements and abilities brought about by investment (educational, familial, reproductive, etc.) that serve in the accumulation of wealth and value. The notion of human capital provides a lens through which individuals and groups evaluate a wide range of choices and risks. The understanding of one's life as a perpetual investment opportunity or site of employment links with and supports the idea that man's life is an enterprise, that man is an entrepreneur of himself. The "entrepreneurial man" emerges as neoliberal governments shape market environments around enterprising populations and as entrepreneurs shape themselves for enterprise, making choices and building human capital.

As we see Foucault understands neoliberalism as a form of subjectivation and places the entrepreneur alongside a series of subjects uncovered by the genealogy of government.[70] Man and population, *homo economicus* and civil society, entrepreneurial man and social market—each pair marks a form of life particular to an episode of governmentality. More specifically, each form of life reflects and shapes a way of knowing the conduct of conduct. Together these figures are not a seamless timeline but a

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[70] See John Protevi, "What Does Foucault Think is New About Neoliberalism?" Forthcoming in *Pli: The Warwick Journal of Philosophy* Vol 21. Accessed: http://www.protevi.com/john/research.html.

substantive line of descent. The power/knowledge relations they demonstrate are more and less discontinuous but they share in the pastoral logic of all and each, individualized and totalized life. Man is a "docile body," entangled in the emerging problems and sciences of population. *Homo economicus* is a dense point of economic transaction whose conduct is enabled by the lateral economic sciences of civil society. The entrepreneur is a modifiable investment project, an enterprising unit of the (redundantly termed) social market.

In virtue of its tie to the emergence and mutation of population, these figures are also episodes in the era of biopower. Although situated inside its arrested study, Foucault's genealogy of government elucidates the fabricated *bio-* of biopower, its lines of descent and contemporary mutations, and the operation of biopower, its broad logic of 'all and each' and specific mechanisms. In 1976, Foucault's descriptions of biopower in *The History of Sexuality* had linked its operations with the (not-yet formulated notion of) *raison d'état*. For instance, Foucault elaborates the idea of population controls with reference to "the emergence of demography, the evaluation of the relationship between resources and inhabitants, the constructing of tables analyzing wealth and its circulation."[71] In his governmental researches, Foucault tracks the logic of 'all and each' further to liberal and neoliberal forms of population control. That is, the processes of individualization and totalization at work in the definition of biopower as a "bipolar technology" (an "*anatomo-politics of the human body*" and a "*biopolitics of the population*") are given liberal and neoliberal declensions. In its individualizing operation, (neo)liberal biopower draws upon mechanisms attuned to the bodies of *homo economicus*

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[71] Ibid, 140.

and the entrepreneur as sites of manufactured freedom and enterprise. In its totalizing operation, (neo)liberal biopower makes use of economizing mechanisms that act upon civil society and social market as elements, in equal order, of nature and capital.

To the extent that the pastoral logic of 'all and each' connects to the bipolar technology of biopower, we should recall that this logic tends towards paradoxes and problems. Although Moses' flock was saved precisely by his preparation to sacrifice all for the sake of one, the secular political pastorate involves no supernatural or mythical forces. In Foucault's words, the 'all and each' logic of modern states tends towards the "demonic," biopower not only "makes live" but also "lets die." Foucault's genealogy helps clarify these well-known yet ambiguous descriptions of modern government and biopower. Whereas the Hebraic version of pastoral power is "fundamentally beneficient," a power of "constant, individualized and final kindness," the secular political pastorate instrumentalizes the power of care, yielding systems of obedience and truth. Biopower is not the power of "*cura materna* (the mother's unconditional duty to take care of her children)" as those who essentialize its beneficent antecedents or suspend its governmental mutations argue.[72] Although biopower can claim pastoral power as an antecedent, biopower itself emerges only in modern governmental mutation, where a calculus of care achieves the "subjugation of bodies and the control of populations."[73] To be clear, though, the "demonic" course of modern societies reflects not only the distance of biopower from pastoral power in the elaboration of government but also the co-ordination of biopower and sovereign power. Where governmentality elucidates the

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[72] See Mika Ojankangas, "Impossible Dialogue on Bio-Power: Agamben and Foucault." In *Foucault Studies* 2 (2005), 5-28.
[73] Michel Foucault, *The History of Sexuality*, 139-140.

production of life to its very limits ("letting die"), the question of sovereignty elucidates a production of death at the limit of biopower—the right to kill.

Sovereignty, Thanatos, Biopower

In *The History of Sexuality*, Foucault dramatically announces the "replacement" of sovereign right by biopolitical power via, what Esposito terms, his "negative modality." However, in several more meticulous moments, Foucault revises and qualifies this claim. The era of biopower and governmentality does not signal the expiration of sovereign power. While biopower can be said to be the dominant feature of power's activity today, it also co-operates with sovereign power in "complex edifices" and "systems of correlation."[74] To understand the demonic character of modern societies requires attention not only to the governmental calculus of "making live and letting die," but also the survival of the power to kill. Illuminating but limited, Foucault's discussion of this survival focuses on the concept of racism. To raise the question of sovereignty more fully, this section also introduces Giorgio Agamben's attempt to extend and "correct" Foucault's line of thought. Agamben claims that sovereign power and biopower bear a hidden intersection and proposes a compelling new figure of fabricated life that reflects this secret violence, a figure of living death—*homo sacer*. When situated in the field of governmentality, *homo sacer* helps develop and extend Foucault's account of "demonic" combinations. And, provided that intersections and combinations are submitted to Foucauldian genealogy rather than Agambenian ontology, *homo sacer* can

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[74] Foucault, *Security, Territory, Population*, 8.

be summoned to disengage sovereign power from *zoe/bios* logics, their secrets and hidden truths.

In Foucault's only extended discussion of the "complex edifice" of sovereign and biopolitical power, he argues that it is racism that "justifies the death-function in the economy of biopower"; if biopower is to exercise the sovereign right to kill, "*it must become racist*."[75] For Foucault, the conditionality of racism to contemporary death-functions lies in its potential to figure members of racial groups as biological threats to others. In biopolitical contexts, wherein all governmental resources administer to the living figures of man, *homo economicus*, or entrepreneur, to put to death is a scandal, a contradiction. But, if the death of others protects or "regenerates" the population, biopower can appropriate the right to kill. Racism gives sovereign power a lease in the modern world and, Foucault suggests, gives birth to a specifically biological genre of the race concept.[76] In the pre-modern period, the concept of race had functioned in a revolutionary discourse of race struggle, but with the modern emergence of biological sciences race becomes a biological reality.

Foucault's discussion of racism's role as a "death-function" helps clarify how the sovereign right to kill can be reconfigured and redeployed in biopolitical contexts. The fact that "never before [a politics of life] did regimes visit such holocausts on their own populations" is a simple and disturbing reflection of a time in which "massacres have

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[75] Foucault, "Society Must be Defended," 258 and 256 (my emphasis).

[76] In "Society Must Be Defended" Foucault distinguishes between racism and the revolutionary discourse of race struggle. Although I cannot rehearse this geneaological thread here, it should be noted that Foucault uncovers a pre-biological notion of race at work in the counter-histories that emerge at the end of the Middle Ages, histories that diverged from a rituals of sovereignty's reinforcement. See "28 January 1976," in *"Society Must Be Defended,"* 65-85.

become vital."[77] Further, when Foucault remarks, in support of his death-function thesis, that the "murderous states are also the most racist" he draws the event of Nazi biopolitics (and the complicity of German organicism) into the reaches of his genealogy. For Foucault, the Nazi state represents the most complete coincidence of biopower and the sovereign right to kill. There, the "regenerating" extermination of another race involved exposing one's own race to the threat of death. The Nazi state was one in which, the depth of a perceived biological threat gave each "the power of life and death over his or her neighbors," exposing anyone to the threat of death.[78] However, when commenting on the Nazi state and the racist violence of biopower, Foucault confesses that he finds the topic "very difficult to talk about." Uncomfortable with his "enormous claims," Foucault promises a "whole series of lectures" on the demonic coordination of sovereign and biopolitical power. Absent these never-accomplished lectures, some of Foucault's readers, most notably Giorgio Agamben, have shared in his discomfort or dissatisfaction. In his seminal text *Homo Sacer: Sovereign Power and Bare Life* Agamben laments and claims to "correct" the account of biopolitics that remains after Foucault's untimely death.

According to Agamben, what eluded Foucault was the hidden point of intersection between biopower and sovereign power and thus the hidden (sovereign) violence within biopower itself. The sovereign power with which Agamben's biopower "secretly" intersects is other than Foucault's account of the power to "let live or make die." Provocatively, Agamben follows Carl Schmitt in defining sovereignty not by the right to kill but rather by the right to decide on the "state of exception." the

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[77] Foucault, *The History of Sexuality Volume One*, 137.
[78] Foucault, *"Society Must Be Defended,"* 259.

space/time/bodies over which the rule of law is suspended. More precisely described, the decision on the exception *constitutes* the sovereign for "what is at issue […] is not so much the control or neutralization of an excess as the creation and definition of the very space in which the juridico-political order can have validity."[79] The exception, we see, does not precede the normal, standing as an excess prior to the sovereign decision. Rather the decision produces norm and exception, outlining the space of the juridico-political order. As an important consequence of the sovereign decision, that which is excepted is *related* to the juridico-political order. The sovereign includes the exception by excluding it—"the rule applies to the exception in no longer applying, in withdrawing from it."[80]

The significance of this relationality between order and exception is made clear in Agamben's insistence that sovereignty is not an exclusively juridical or political concept but one that expresses the fundamental relationship between law and life.[81] Agamben adopts Jean-Luc Nancy's connection of "ban" and "a*ban*donment" to specify the relation of law to life in the state of exception. There, life banned by law is abandoned to law and law and life consequently coincide to the point of indistinction. Agamben emphasizes that the kind of life a*ban*doned here, that which is included in the juridico-political order by being excluded from it, is not the natural life of *zoe* but rather "bare life." Bare life is a "politicized form of natural life" that expresses "the irreparable exposure of life to death in the sovereign ban." [82] Or, as Agamben summarizes it with respect to the state of exception:

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[79] Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, 19.
[80] Ibid, 18.
[81] *Ibid*, 28.
[82] Catherine Mills, "Playing with Law: Agamben and Derrida on Postjuridical Justice." *South Atlantic Quarterly* 107 (2008): 15-36.

> There is not first life as a natural biological given and anomie as the state
> of nature, and then their implication in law through the state of exception.
> On the contrary, the very possibility of distinguishing life and law […]
> coincides with their articulation in the biopolitical machine.[83]

The production of life and law via the sovereign decision is therefore an expression of biopolitical machinations. Whereas Foucault's account had stressed that sovereign power evidenced a balance tipped in the favor of death, that is, the sovereign's ability to kill as opposed to grant life, Agamben's sovereign decision produces life as bare life. Sovereign power is the power to produce life as mere survival.

As an illustration of the history and problematic of bare life that follows from the sovereign decision Agamben points to an archaic figure of Roman law, "*homo sacer*" or sacred man. *Homo sacer* is a man whose killing is unpunishable and whose sacrifice is banned. Consequently, the life of *homo sacer* that life exposed to all the violence, yet none of the protections of divine or human law. For Agamben sovereign power is that power that produces the dyad of *homo sacer* and the sovereign as limit cases— respectively constituted and constituting cases—of the relationship between law and life. Since sovereign power involves the violent and irreparable capturing of "life" by the sovereign decision it should not be surprising that Agamben, again diverging from Foucault, claims that biopower is "at least as old as the sovereign exception." What marks the distance from the Greek polis to the threshold of modernity is not the emergence of biopower but rather the elaboration of the state of exception such that the "exception becomes the rule." Biopolitics is realized when we are all effectively *homo sacers*, when the limit figures of *homo sacer* and the sovereign are generalized across the

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[83] Giorgio Agamben, *The State of Exception* (Chicago: The University of Chicago Press, 2005), 87.

entire population. In Agamben's words "If today there is no longer any one clear figure of the sacred man, it is perhaps because we are all virtually *homo sacers*."[84]

From this brief exposition of Agamben's account of biopolitics, it is clear that his purported completion or correction is, in fact, a transformation and altogether different account of biopolitics than that found in Foucault. Nevertheless, the figure of *homo sacer*, by inserting itself amidst a series of figures already uncovered in the genealogy of government—man, *homo economicus*, entrepreneur— provides a promising and challenging point of dialogue. *Homo sacer* is that figure of fabricated life reflective of a "hidden intersection" between biopower and sovereign power, a power that, rather than "making live and letting die," "makes survive." Taken as a genre of fabricated life, *homo sacer* has at least two concrete representatives in Terri Schiavo and Francisco Franco. More than man or *homo economicus*, it is *homo sacer* that captures the kind of life and death undergone by Schiavo and Franco, a life reduced to mere survival and endurance, a life whose killing constitutes neither murder nor sacrifice. For Agamben, however, *homo sacer* cannot be taken as merely another genre of fabricated life because it marks a characteristic of their common production—bare life; If the state of exception is "a contingency into which any political arrangement might dissolve," *homo sacer* is a potential (or "virtual") form of life for man, *homo economicus*, entrepreneur.[85] From this perspective, *homo sacer* is a figure of fabricated life but also a logic that haunts, by underwriting, all fabrication.

Although Agamben describes contingency in dramatic and ontological terms, *homo sacer* can be articulated in terms more amenable to the method of genealogy and

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[84] Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, 115.
[85] Judith Butler, *Precarious Life* (London: Verso, 2004), 68.

more elucidatory of "demonic combinations." On such a reading, what is at stake in *homo sacer* is not a secret and elaborating sovereign violence of biopower but rather the availability of the logic of exception within the field of governmentality, the circulation of a tactic that makes a real contingency of states of exception. Here the co-operation of sovereign power and biopower in "complex edifices" and systems of correlation is understood as the co-operation of tactics of exception and logics of 'all and each.' For instance with respect to Foucault's account of the correlation of racism and the right to kill, the logic of exception can be summoned to help explain racism's re-functioning capacity. The extermination of racial others regenerates the population in virtue of the bare life of racial others whose killing constitutes neither murder nor sacrifice. By de-ontologizing Agamben to explain the lease of racism in the field of governmentality, *homo sacer* itself finds a lease in Foucault's limited account of the relation between sovereign power and biopower.

In her recent book *Precarious Life* Judith Butler provides a similar account of the contemporary conditions of sovereignty— its "anachronistic resurgence" in governmental contexts—while launching a condemnatory challenge of Agamben. She claims that

> [Bare life] does not yet tell us how this [demonic] power functions
> differentially, to target and manage certain populations, to derealize the
> humanity of subject who might potentially belong to a community bound
> by commonly recognized laws; and [it] does not yet tell us how
> sovereignty […] works by differentiating populations on the basis of
> ethnicity and race […][86]

Butler's critique touches the real dangers that attend Agamben's tendency towards an ontological rather than a genealogical method. By rendering the intersection of sovereign

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[86] Butler, 68.

power and biopower "hidden" and "secretive," Agamben describes the elaboration of the sovereign exception as a kind of originative unfolding. In the process, *homo sacer*, as a conceptual resource of Agamben's text, seems to overwhelm other analytics. Detaching *homo sacer* from ontological currents involves exposing the superficiality of its secret, uncovering its status as a tactic or logic of exception. Genealogically speaking, it may be that Agamben's ontological tendencies are themselves tactical. But so exposed, bare life can contribute to the question of how "power functions differentially to target and manage certain populations" precisely because it describes a process of constituting populations as targets and objects of management. Moreover, *homo sacer* need not be over-tasked as a conceptual resource when summoned in correlation and tandem with other concepts that describe the field of governmentality and the technique of biopower.

The understanding of *homo sacer* as marking the tactical logic of exception is alive, tensively, in Agamben's more Foucauldian moments. But perhaps more importantly, it appears to function in, or is at least compatible with, Foucault's description of pre-modern sovereign power. Take Foucault's more extensive description of the right to "take life or let live" in the 1975-76 lecture course:

> in terms of his relationship with the sovereign, the subject is, by rights,
> neither dead nor alive. From the point of view of life and death, the subject
> is neutral, and it is thanks to the sovereign that the subject has the right to
> be alive or, possibly, the right to be dead. In any case, the lives and deaths
> of subjects become rights only as a result of the will of the sovereign.[87]

As Paul Patton observes, the neutrality of the subject "implies the possibility of the withdrawal of that status and along with it the exclusion of the subject form the sphere of

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[87] Foucault, "Society Must Be Defended," 240.

sovereign power."[88] That is, the neutrality implies (or makes possible) the logic of exception. Even as sovereignty is exercised in a largely negative ("take life") fashion, "the life of the subject is entirely encompassed by the sovereign's power." Here two definitions of sovereignty –the right to decide on the exception and the right to kill—work together in a manner that anticipates their co-ordination in the field of governmentality. Before the emergence of governmental reason (as well as biological sciences), the encompassed (neutral, suspended) "life of the subject" is not "biological life," as Patton wrongfully assume. Neither is the encompassed (neutral, suspended) "life of the subject" an exteriority to a relation of power, and thereby an invocation of the distinction between *zoe* and *bios*. Rather, the relation implied in neutral non-relation (and vice versa) situates sovereignty beyond the distinction between *zoe* and *bios* as an element of its very production. More clearly put, the subject of Foucauldian sovereignty marks the fabrication rather the invocation of the *zoe/bios* distinction.

This chapter opened with concerns about the binary suggestions of Foucault's "negative modality," his tendency to define biopower by the "twilight" of sovereignty. To the threat of that modality—a post-dated and thus persistent distinction between *zoe* and *bios*—the resources of genealogy and the thematic of governmentality offer much *indirect* illumination and conceptual relief. The genealogy of government proposes a figural series of the *bio-* of biopower—man and population, *homo economicus* and civil society, entrepreneur and social market—as well as the mutated survival of sovereignty-in-decline. But it is the contribution of a figure of sovereign fabrication—*homo sacer*—

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[88] Paul Patton, "Agamben and Foucault on Biopower and Biopolitics," in *Giorgio Agamben: Sovereignty and Life*, edited by Matthew Calarco and Steven DeCaroli (Stanford: Stanford University Press, 2007), 214.

that completes the relief of Foucault's negative modality. Here, wresting biopower and sovereign power from *zoe/bios* logics follows as much from Foucault's genealogy as Agamben's extensions. At the same time, *homo sacer* does not compose a genealogy of sovereignty as much as it marks another scarcity in Foucault's text. Although biopower and sovereign power are equally detached from the distinction between *zoe* and *bios*, Foucault's genealogy is asymmetrically directed to the "shepherd-flock game." A genealogy of the exception would further elucidate the mutations and mechanisms of the "city-citizen game" in the twilight of binary logics. For now we can see that *homo sacer*, as a marker of sovereign tactics, is not a shadow but a question for "living beings in question."[89] In the following chapter homo sacer marks another scarcity in Foucault's account of biopolitical power. In its status as a mute figure, homo sacer suggests that biopower, in its regulatory and exceptional tactics, places "living [and speaking-] being in question."

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[89] Here I find Mitchell Dean's plain retranslation of Foucault's demonic combination of "city-citizen game" and "shepherd-flock game" supportive: "All versions of what might loosely be called modern arts of government must be articulate a biopolitics of the population with questions of sovereignty." See Mitchel Dean, "'Demonic Societies:' Liberalism, Biopolitics and Sovereignty," in *States of Imagination: Ethnographic Explorations of the Postcolonial State*, eds. Thomas Blom Hansen and Finn Stepputat (Durham: Duke University Press, 2001), 46.

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CHAPTER III

AGAMBEN AND THE BIOPOLITICS OF LANGUAGE

Levi's Paradox, Agamben's Paradigm

Giorgio Agamben's controversial 1999 text *Remnants of Auschwitz* is a

wrenching exploration of a lacuna in Holocaust survivor testimony—the silence of "those

who did not and could not bear witness," those who are, paradoxically, the "true

witnesses." In a powerful and challenging passage that inspires much of *Remnants*, Primo

Levi describes this paradox:

> I must repeat— we survivors are not the true witnesses. […] we are those
> who by their prevarications or abilities or good luck did not touch bottom.
> Those who did so, those who saw Gorgon, have not returned to tell about
> it or have returned mute, but they are the Muslims, the submerged, the
> complete witnesses, the ones whose deposition would have general
> significance. They are the rule, we are the exception […]. We who were
> favored by fate tried, with more or less wisdom, to recount not only our
> fate, but also that of others, the submerged; but this was a discourse on
> 'behalf of third parties', the story of things seen from close by, not
> experienced personally […] We speak in their stead, by proxy.[1]

Levi's words are shot through with a sense of shame in testifying, incompletely and by

proxy, for the "Muslims" or *Muselmanner*. In the camps, the *Muselmanner* were those

who, having reached the devastating advanced stages of malnutrition, lost the ability to

speak and to respond to their environment. "One hesitates to call [the *Muselmanner*]

living: one hesitates to call their death death" but in the camps they are the rule, the

survivor the exception. Herein lies, what Agamben terms, "Levi's paradox": the

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[1] Quoted in Giorgio Agamben, R*emnants of Auschwitz: The Witness and the Archive* (New York: Zone Books, 2002), 33-34.

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Muselmann alone can provide testimony of "general significance," the "true witness" of the camp is the one who cannot witness.

In *Remnants of Auschwitz* Levi's paradox is deepened by the *Muselmann*'s "mute refutation" of humanism and anti-humanism. According to Agamben, the *Muselmann* not only marks the destitution of the human— the fact that "it is possible to lose […] decency beyond all imagination, that there is still life in the most extreme degradation."[2] The *Muselmann* also marks the in-distinction of the human and the inhuman— the "end and ruin of every ethics of dignity and conformity to a norm."[3] In a dramatic attempt to articulate an ethics that "begins where dignity ends," Agamben argues that "human beings are human insofar as they bear witness to the inhuman."[4] For Levi, to speak is to enter "a field of forces incessantly traversed" by the speechless, the submerged; for Agamben, this traversal is neither specific to survivor testimony nor an "occasional turmoil" of the subject. Rather, "humans bear within themselves the mark of the inhuman."[5] Herein lies not "Levi's paradox" but Agamben's paradigm: the double movement of subjectification and desubjectification is a fundamental characteristic of subjection *in general*; the *Muselmann* is the paradigmatic figure of logics intrinsic to the Western politics.

Suspended between Levi's paradox and Agamben's paradigm, the ethics of "bearing witness to the inhuman" has generated substantial criticism vis-à-vis the *Muselmann*. In a widely read condemnation, J.M. Bernstein argues that the slippage from witnessing Auschwitz to witnessing Western subjectivity is an "aestheticization of [the

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[2] Ibid, 69.
[3] Ibid, 69.
[4] Ibid, 121.
[5] Ibid, 77.

Muselmann's] fate for the sake of a metaphysics of language."[6] While others find

immanent non-aesthetic justification in the slippery "hidden matrix" of Agamben's

biopower,[7] most acknowledge that there is little external or historical ground for the

claim that the *Muselmann* represents processes *intrinsic* to (not simply typical of)

Western politics.[8] Such claims seem to betray Agamben's "conceptual fundamentalism,"

the distance between his "epochal concepts" and Foucault's "fine grained, contextual,

and historical analyses."[9] To the extent that Agamben figures the *Muselmann* as an

inexorable or inevitable outcome of Western subjectivity, his "conceptual

fundamentalism" threatens to undermine an ethics that "begins where dignity ends."

In recent attempts to re-articulate and defend his methodology, Agamben argues

that his paradigms are, in fact, an extension of Foucauldian genealogy. *The Signature of

All Things* includes a fascinating reading of the paradigmatic operation of the Panopticon

within Foucault's analysis of disciplinary power. A "diagram of a mechanism of power

reduced to its ideal form," the Panopticon is not merely a "dream building" but an

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[6] J.M. Bernstein, "Bare Life, Bearing Witness: Auschwitz and the Pornography of Horror" in *Parallax* 12.1 (2004): 14.

[7] Jean-Phillipe Deranty offers such a reading: "the connection between witnessing at Auschwitz and witnessing in general is supported by a strong immanent justification within Agamben's work. Many of the disturbing aspects of *Remnants of Auschwitz* dissolve when the book is relocated in this more general context." See Deranty, "Witnessing the Inhuman: Agamben or Merleau-Ponty?" in *The South Atlantic Quarterly*, 107:1 (Winter 2008): 68.

[8] "[…] the claim that […] the Muselmanner are paradigmatic figures of contemporary politics does not in itself justify the logical claim that the danger they represent is intrinsic to Western political thought, nor the claim that this means that the violence of biopolitical sovereignty is an inexorable or unavoidable outcome of that logic. For if history teaches us anything, it may simply be that nothing is inevitable." See Catherine Mills, *The Philosophy of Agamben* (Stocksfield: Acumen, 2008), 87.

[9] Patton, "Agamben and Foucault on Biopower and Biopolitics" in *Giorgio Agamben: Sovereignty and Life* (Stanford: Stanford University Press, 2007), 218.

"epistemological figure."[10] Suggesting that the "great confinement" and the "care of the self" serve a similar epistemic function, Agamben maintains that, in Foucault's work and his own, "paradigms establish a broader problematic context that they both constitute and make intelligible."[11] More specifically, paradigms do not illuminate the relation of particular and general but that of a singular case and its "knowability.'' Moving "from singularity to singularity and, without ever leaving singularity, [the method of paradigms] transforms every singular case into an *exemplar* of a rule that can never be stated *a priori*" and that can never be composed *a posteriori*.[12] In this movement, the paradigm both suspends and exposes its belonging to a group such that its exemplarity and singularity can not separated.[13] In this emphasis on singularity over continuity, Agamben intends to embrace the ruptures of genealogy and to redirect concerns over the slippage between the *Muselmann* and the Western Subject. Nevertheless, without a "total abandonment" of the logic of *origins*, Agamben's paradigms do not amount to or extend Foucauldian genealogy.[14] Where Foucault's exploration of the arts of government can be effectively described as "fine-grained analysis" that moves "from singularity to singularity," Agamben's paradigms yield broad strokes of "kinship" and continuity that originate in the Roman figure of *homo sacer* and unfold to a "final biopolitical substance"—the *Muselmann*.

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[10] Agamben, *The Signature of All Things* (New York: Zone Books, 2009), 17; Foucault, *Discipline and Punish*, 205, 220-221.
[11] Giorgio Agamben, *The Signature of All Things*, 17.
[12] Ibid, 22.
[13] Ibid, 31.
[14] Michel Foucault, "Nietzsche, Genealogy, History," in *Language, Counter-Memory, Practice*, ed. Daniel Bouchard (Ithaca: Cornell University Press, 1977), 139-164.

For all of the provocation and offense of *Remnants of Auschwitz*, as an ethical response to the *Muselmann* or as a methodological application of the paradigm, the text's attention to language and speech is nevertheless unique and invaluable within the literature on biopower and biopolitics. An uncommon treatment, *Remnants of Auschwitz* casts speech as a "precarious and fragile event," one open to the movements of biopower and reflective of mutating political conditions; the contingency of the capacity of speech— and therefore, the possibility of the *in*capacity of speech—structures Levi's paradox and the mute condition of the *Muselmann*. Recalling the diagnosis of the threshold of modernity put forth in *The History of Sexuality*—"for millennia, man remained what he was for Aristotle: a living animal with the additional capacity for political existence; modern man is an animal whose politics places his existence as a living being in question"—the lacuna of survivor testimony betrays the lacuna of Foucault's threshold.[15] That is, in its attention to the contingency of speech, *Remnants of Auschwitz* can be understood as revising and completing Foucault's diagnosis— "modern man is an animal whose politics places his existence as a living- [*and speaking-*] being in question."

This chapter follows upon the foregoing analyses of "living-being in question" (in the previous chapters) to develop the Agambenian thought of "speaking-being in question." Agamben, for his part, claims to have "stubbornly pursued only one strain of thought: what is the meaning of 'there is language'; what is the meaning of 'I speak'?"[16] In Anglophone contexts, where *Homo Sacer* has dominated the reception of his work, the

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[15] Foucault, *The History of Sexuality Volume One: An Introduction*, 143.

[16] Giorgio Agamben, *Infancy and History: Essays on the Destruction of Experience* (London: Verso, 1993), 6.

meaning of 'there is life' has perhaps overshadowed and obscured the questions Agamben describes as the "*motivum*" of his work.[17] Drawing on a diverse selection of texts, including *Language and Death*, *Infancy and History*, *The Idea of Prose* and *The Open*, this chapter demonstrates that, like living-being, speaking-being is, borrowing a Foucauldian phrase, "fabricated in piecemeal fashion from alien forms."[18] Un-grounding speech and uncovering its production, I focus on Agamben's critique of the metaphysics of Voice and his call to jam the anthropological machine. Metaphysical and anthropological machinations figure speech as a faculty, founding the human being only through the movement of negativity. In stubborn pursuit of its meaning Agamben finds that speaking-being is not a "natural given" but a "historical production," one that emerges only through the biopolitical "removal" or exception of non-speaking and the non-human.

In its attention to the fabrication of speaking-being in Agamben's texts, this chapter also considers Agamben's notion of "infancy" as an "*experimentum linguae*" that connects the meanings of 'I speak' and 'there is language'. Drawing from the term's Latin etymology —*infans*, to be unable or unwilling to speak, to be speechless or mute— Agamben imagines infancy as an experience of muteness that conditions speech, a non-speaking that is neither opposed to nor excluded from speaking; neither speaking nor non-speaking, the infant is a figure of "not not speaking" and a marker of the "pure potentiality" to experience the "taking place of language." Although Agamben intends his *experimentum linguae* to "jam" the anthropological machine, the abstraction of infancy (from a developmental stage to a "pure potentiality") seems to resonate with the very

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[17] Ibid, 6.
[18] Foucault, "Nietzsche, Genealogy, History," 142.

metaphysical gestures and anthropological maneuvers under Agamben's critique. As such, this chapter interrogates the "jamming" capacity of infancy. Here I suggest that Agamben's evacuation (or "purification") of *relationality* from the account of "not not speaking" undermines his evacuation of negativity from "speaking-being." For Agamben, undergoing and bearing witness to infancy opens a new experience of language and serves as testimony for lives and voices excluded by the negative; witnessing Auschwitz involves "bear[ing] witness to a time in which human beings did not speak […] in which they were not yet human."[19] But as an ethical or communicative event infancy cannot do without *relations with others* without doing violence to others. If the *Muselmann* is a stark and painful marker of how biopower places living- and speaking-being "in question," in-fancy is not yet a mode of "not not" responding to that question, on behalf of the Musselmann or others silenced by exclusion.

From the Metaphysics of Voice to the Machination of Man

Agamben's text *Language and Death: The Place of Negativity* begins with a Heideggerian thought drawn from the pages of *On the Way to Language*. Heidegger writes:

> Mortals are they who can experience death as death. Animals cannot do so. But animals cannot speak either. *The essential relation between death and language flashes up before us, but remains still unthought*. It can, however, beckon us toward the way in which the nature of language draws us into its concern, and so relates us to itself, in case death belongs together with what reaches out for us, touches us.[20]

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[19] See Agamben, *Remnants of Auschwitz*, 161-162.
[20] Quoted in Agamben, *Language and Death: The Place of Negativity* (Minneapolis: University of Minnesota, 1991), xi (my emphasis).

A thematic investigation of this "flash," *Language and Death* explores the connection between mortality and speech, two "faculties" that have, in the metaphysical tradition, marked the essence of the human in its distinction from the non-human animal. Engaging with Heidegger and Hegel in equal turn, Agamben argues that language and death, "inasmuch as they open for humanity the most proper dwelling place, reveal this same dwelling place as always already permeated by and founded in negativity."[21] In this section I connect what Agamben calls "the place of negativity" in his critique of metaphysics to the *production* of living- and speaking-being in his account of the "anthropological machine." Developed in Agamben's 2002 text *The Open: Man and Animal*, the concept of the anthropological machine describes the historical production of man as speaking man according to the inclusive exclusion of the non-speaking non-man (animal, inhuman, etc). Over twenty years prior to the writing and publication of *The Open*, the "negativity" of *Language and Death* anticipates and participates in the logic of inclusive exclusion at work in Agamben's anthropological machine. Together metaphysical negativity and anthropological exclusion give a picture of the production of speaking being, a fabrication that carries, in its center and as its correlate, non-speaking beings exposed to violence.

To grasp the notion of metaphysical "negativity" we might begin by reading Heidegger's Dasein as "Being-*the*-there," a translation that, for Agamben, locates Dasein as the "place of the negative." In the opening pages of *Language and Death*, Agamben isolates and emphasizes the "purely negative structure" of "Being-towards-death" as the ownmost possibility of Dasein. In that well-known formulation, Heidegger refers to the

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[21] Ibid, xii.

anticipation of the possibility of the impossibility of existence. The authentic experience of this radical impossibility allows Dasein to reach its proper dwelling place;[22] that is, in "Being-towards-death" Dasein accedes to "its most certain and unalterable possibility" in a manner that discloses the *Da* to existence.[23] Agamben's reading highlights the negative and constitutive character of this disclosure. Making much of Heidegger's claim that "in anticipating the certainty of death, Dasein opens itself to a constant threat arising out of its own there," Agamben stresses that the *Da* is the source of a radical and threatening negativity.[24] Since Dasein is "its own there," the negative permeates Dasein "from top to bottom" as a constitutive (not obscure or occasional) quality of "Being-*the*-there." While Agamben's translation of Dasein as "Being-the-there" foregrounds negativity, it does not yet clarify how the negative derives from *Da* in the first place.[25] Why exactly is the *Da* threatening? What is that "something in the little word *Da* that nullifies and introduces negation into [Dasein]"?[26]

In pursuit of an elucidatory analogy, *Language and Death* turns to an account that Agamben claims is "morphologically and semantically connected with *Da*"— Hegel's discussion of the demonstrative pronoun *diese* (this) in the *Phenomenology of Spirit*. Spurred by Hegel's poetic recounting of the Eleusinian mystery and the tale's reappearance in the *Phenomenology*, Agamben connects *diese*, alongside *da*, to the place of the negative. The "Eleusinian mystery" is the story of an Ancient Greek cult that enforced a code of silence upon its initiates, forbidding them to speak of the group's rites

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[22] Ibid, 1-2.
[23] Ibid, 4.
[24] Heidegger, *Being and Time*, 265.
[25] Agamben, *Language and Death*, 5.
[26] Ibid, 5.

and revelations.[27] In a poem dedicated to Hölderlin, Hegel dwells on this "ineffable sentiment," writing of silent Eleusinian priests that preserve "not one note of the sacred initiations" and of scholars that seek in vain for the group's lofty meanings. In the *Phenomenology,* Hegel returns to the theme of the unspeakable in a discussion of sense-certainty's failure to fully grasp objects. As a form of knowledge, sense-certainty attempts to embrace the pure immediate being of things; it asks, "What is the *This*?"[28] But for Hegel, "any attempt to express sense-certainty is to experience the impossibility of saying what one means."[29] To say "*this* piece of paper" fails to reach or capture the sensory *this* that it means to say. As Agamben emphasizes, negativity inheres in all attempts to "take-the-Diese." Every *this* contains a not-*this*; where the Eleusinian mystery is guarded by the silence of its initiates, in sense-certainty, language itself guards the ineffable. The "morphological" and "semantic" association of Heidegger's *Da* and Hegel's *Diese* lies, then, in the involvement, in each case, of a *not-*. In Being-towards-death the *Da* is disclosed to existence only through the experience of the possibility of not-*Da*. In sense-certainty, each act of saying *Diese* carries not-*Diese* at its center.

For Agamben, the "casual" association of *Da* and *Diese* deepens when we consider their common grammatical status as "shifters" and their shared participation in the structure of Voice. Classified as demonstrative pronouns, *Da* and *Diese* perform the special function of "*deixis*" or indication (in Latin, "*demonstratio*").[30] That is, before referring to an object, pronouns like 'I,' 'you,' 'this,' and 'there' indicate the instance of utterance. As Emile Benveniste observes of the personal pronoun, *I* does not signify a

[27] Mills, 13.
[28] Agamben, *Language and Death*, 10.
[29] Ibid, 11.
[30] Ibid, 19.

subject outside of discourse but rather "the person who utters the present instance of discourse containing *I*."[31] Through indication, the *I* and other demonstrative pronouns act as "shifters," grammatical units that are "contained in every code and that cannot be defined outside of a relation to the message."[32] Shifters are immanent to discourse, "empty signs" that become "full" when assumed in the instance of utterance. In effect, they "permit the passage between *langue* and *parole*," making possible what is said and signified (*parole*) and indicating *langue* as that which transcends (and is presupposed by) *parole*. As Agamben describes it, shifters like *Diese* and *Da* allow "that experience of language that, in every speech act, grasps the disclosure of that dimension, and in all speech, experiences above all the 'marvel' that language exists."[33] That is, in virtue of their indication and shift*ing*, language is "presupposed in everything said"; preceding and exceeding the event of *parole* is the taking place of *langue*.[34]

Given their special grammatical function, *Da* and *Diese* are not simply "morphological" or "semantic" associates; *Dasein* and *das Diese nehmen* both signify "to be the taking place of language, to seize the instance of discourse."[35] To be clear, though, it is only by linking *Da* and *Diese* to the "supreme shifter"—"Voice"—that the "marvel" of their indication betrays their "common essence" in metaphysical negativity. The work

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[31] Quoted in Ibid, 23.

[32] Ibid, 24.

[33] Ibid, 25.

[34] Daniel Heller-Roazen, "Editor's Introduction" in *Potentialities: Collected Essays in Philosophy* by Giorgio Agamben (Stanford: Stanford University Press, 1999), 4. Heller-Roazen helpfully explains why the presuppositional structure of language also entails that language cannot say itself. "Only because they always presuppose the fact that there is language are statements necessarily incapable of saying the event of language, of naming the word's power to name; only because language, as actual discourse, always presupposes itself as having taken place can language not say itself. Preceding and exceeding every proposition is not something unsayable and ineffable but, rather, an event presupposed in every utterance, a *factum linguae* to which all actual speech incessantly, necessarily bears witness."

[35] Agamben, *Language and Death*, 31.

of indication relies on the voice that speaks the taking place of language. For example, Benveniste's claim that *I* signifies "the person who utters the present instance of discourse containing *I*" involves a "contemporaneity" that can only be accomplished through the "voice" that speaks the *present* instance of discourse containing *I*. But according to Agamben, "just as the *I* is not simply the psychosomatic individual from which the sound *I* projects," the voice is not simply the "mere sonorous flux by the phonic apparatus." While the voice (*phoné*) can "index the individual who emits it," a different, more ontological *Voice* refers to the instance of discourse as such.[36] This Voice, which is capitalized to distinguish it from voice (*phoné*), is the "originary articulation of human language." Importantly for Agamben, Voice presupposes voice *as removed*, disclosing the taking place of language (*langue*) and the instance of utterance (*parole*). That is, in a gesture of inclusive exclusion, voice is presupposed *in* every act of speech *as excluded* by Voice. "*No-longer* (voice) and *not-yet* (meaning)," Voice is the supreme shifter of the metaphysical tradition, the indeterminate negative ground of *language* and *parole*.[37]

In the case of Heidegger and Hegel's shifters, Agamben contends that, captured in negativity, "'Taking-the-*This*' and 'Being-the-*there*' are possible only through the experience of the Voice, *that is, the experience of the taking place of language in the*

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[36] Agamben also refers to phoné as "mere sound," "animal voice," "animal phone," or "ontic voice."

[37] According to Agamben, Voice helps "measure the acuteness" of Derrida's critique of metaphysics and "the distance that remains to be covered" in order to surpass it. While Derrida was right that "metaphysics is that reflection that places the voice as origin" Agamben claims that "it is also true that this voice is, from the beginning, conceived as removed." Only by recognizing the removal of voice can metaphysics and negativity can be overcome. (Agamben questionably attributes the goal to "overcoming" and "surpassing" metaphysics to Derrida). See Agamben, *Language and Death*, 38-40.

removal of the voice."[38] Such a claim finds a straightforward demonstration in the Hegelian text where speaking the-this contains, in each case, a not-this (voice removed). Moreover, the structure of Voice also extends beyond these Eleusinian moments. For instance, Agamben locates the Voice in Hegel's discussion of spirit's emergence in consciousness through language. There, in the Jena lectures, Hegel describes how animal voice is differentiated from, and transforms into, human language as the voice of consciousness. According to Hegel, "every animal finds a voice in its violent death; it expresses itself as a removed-self."[39] That is, the animal does not have meaningful speech but, in finding a voice in death, it "expresses and preserves itself as dead." Importantly, then, animal voice is not empty or lacking significance. It bears the trace of death. For Hegel, only this trace allows human language to become meaningful language. Language articulates and arrests animal voice and acts as a "tomb of the animal voice that guards it [the trace] and holds firm its ownmost essence: 'that which is most terrible,' 'death.'"[40] Through the structure of Voice and in a clear exhibition of its negativity, Hegel's account of human language includes animal voice (or the voice of death) as removed.

While the removal of voice by Voice appears in unmistakable forms in Hegel's texts, it is less clear how Voice structures Heidegger's Being-the-There. In *Being and Time*, language is not grounded in or derived from animal voice, an anthropogenetic turn of thought that Heidegger aims, precisely, to overcome. Instead, Dasein is located in the place of language, *Da*, "without being brought there by its own voice." Pursuing a radical separation of language and voice, the *Stimmung* of anxiety reveals to Dasein not a voice

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[38] Ibid, 35.
[39] Quoted in Ibid, 45.
[40] Quoted in Ibid, 46.

removed (which would bear, as a trace, the having-been of voice) but a silence "lacking any further trace of a voice."[41] However, according to Agamben, Heidegger's discussion of the call of conscience brings his radical thought to "a limit that he is unable to overcome."[42] Where anxiety revealed a silence beyond any trace of voice, the call of conscience "reverses" the empty silence into Voice. Neither a vocal offering (*phoné*) nor propositional discourse (*parole*), the call is a pure "giving to be understood," the "pure intention to signify without any concrete event of signification."[43] On Agamben's reading, the possibility to understand the call of conscience is more original than the experience of empty silence because it reveals Dasein to be the "negative foundation of its own negativity." Only through the call of conscience can Dasein rise above throwness and authentically think death, which Heidegger here defines as an existential "wanting-to-have-a-conscience." While Heidegger radicalizes the negative ground of language, the call of conscience effects a reversal into silent Voice that is "ultimately analogous to the guarding of the ineffable in language posited by Hegel."[44] Beyond the presupposition of voice (as removed), the call of conscience confirms the inextricable connection between Voice and death.[45]

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[41] Ibid, 57.

[42] Ibid, 58.

[43] Ibid, 59.

[44] Mills, 20.

[45] Supporting this reading of the call of conscience in *Being and Time,* Agamben suggests that the theme of Voice is "completed" in "What is Metaphysics?" There, Heidegger claims that the *Stimmung* of anxiety can only be understood through a soundless voice that "attunes us (*stimmt*) to the terror of the abyss." Further, Heidegger describes the experience of Being as the experience of a voice without sound, through which human language is born "as an echo." In light of this echo, it seems that Heidegger falls back on the horizon of metaphysics that he sought to overcome. For Agamben, the "Heideggerian program for conceiving of language beyond every phone has not been maintained." See Agamben, *Language and Death*, 60-61.

Agamben's notion of infancy as an *experimentum linguae* aims to overcome the

limits of Heidegger's radical thought and, ultimately, to sever the connection between

language and negativity that dominates the metaphysical tradition. For Agamben, infancy

is an experience of muteness that does not "reverse itself" into Voice or fall back into the

horizon of negativity. Before examining infancy more closely, we do well to reiterate and

re-approach the need for its subversion of violence and the negative. According to

Language and Death, negativity emerges through the operation of removal in which

Voice presupposes voice *in* every act of speech as removed. As the negative foundation

of language, Voice is marked by an inclusive exclusion that initiates and perpetuates

violence. As Agamben puts it simply, "the foundation of violence is the violence of the

foundation." In *Homo Sacer*, he proceeds to link the metaphysics of voice to the

production of bare life.[46]

> The question 'In what way does the living being have language?'
> corresponds exactly to the question 'In what way does bare life dwell in
> the *polis*?' The living being has *logos* by taking away and conserving its
> own voice in it, even as it dwells in the *polis* by letting its own bare life be
> excluded, as an exception, within it. Politics therefore appears as the truly
> fundamental structure of Western metaphysics insofar as it occupies the
> threshold on which the relation between the living being and the logos is
> realized. In the politicization of bare life—the metaphysical task par
> excellence—the humanity of living man is decided.[47]

The passage from *phoné* to *logos* corresponds to the passage from *zoe* to *bios*, the voice

(as removed) corresponds to *homo sacer*; by "taking away and conserving" voice/*zoe*, the

living being has language and dwells in the *polis*. Drawing attention to the political

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[46]At the end of *Language and Death* Agamben claims that "it is the sacrificial violence [of Voice]
that sacrifice presupposes in order to repeat it and regulate it within its structure" and more
generally, that "the foundation of violence is the violence of the foundation." Ibid, 104.
[47] Agamben, *Homo Sacer*, 8.

character of the threshold between *phoné* and *logos*, *zoe* and *bios*, Agamben claims that each passage decides "the humanity of living man" in a manner that abandons some lives and voices to violence.

While Agamben's notion of infancy aims to subvert the metaphysical task par excellence, his text *The Open* re-approaches the decision on "the humanity of living man" through the anthropological task of differentiating human and animal. Through the concept of the anthropological machine, *The Open* helps illustrate how the passages from voice to language, living being to political being, intersect one another. Agamben begins *The Open* with an image that, for its mystery, rivals the Eleusinian poem. Found in a Hebrew Bible in the Ambrosian Library in Milan, the image depicts "the messianic banquet of the righteous on the last day."[48] Strangely, though, the righteous are represented with animal heads— "the eagle's fierce beak, the red head of the ox and the lion's head"— instead of human faces. Provoked, Agamben takes the image to suggest that "on the last day, the relations between animals and men will take on a new form, and that man himself will be reconciled with his animal nature."[49] To imagine a new relation between animals and men or a new (beaked) form of the human is to acknowledge the potential mutation of those categories. Consequently, Agamben introduces the notion of the "anthropological machine" to describe the mutating production of human-animal difference and the act of removal by which "the speaking man [attempts to] place his own muteness outside himself, as already and not yet human."[50] Like the relation of voice and

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[48] Agamben, *The Open: Man and Animal* (Stanford: Stanford University Press, 2004), 1.
[49] Ibid, 2-3.
[50] Ibid, 35.

language in *Language and Death*, the removals of the anthropological machine take the form of inclusive exclusions, conserving the animal other in the heart of the human.

Much of *The Open* proceeds as a deconstructive treatment of philosophical and anthropological attempts to properly assign language to man over and against the animal. In each case, language is un-grounded, revealing the operation of the anthropological machine. For example, in the Aristotelian text language-use distinguishes the human as "political animal" from mere animality and this capacity originates in the "gift of speech."[51] However, beyond an ambiguous reference to "Nature," Aristotle does not identify the giver of this gift, nor does he explain why humans, as opposed to other animal species, receive it. Although he identifies the "rational soul" as distinctive of humanity and certainly positions rationality as a condition of speech, lest the question be begged by referring back to language, the origin of the rational soul-as-gift is caught in similar mysteries. The ambiguous origin of the "gift of speech" suggests the work of the anthropological machine in the Aristotelian text and his writings on animals betray it outright. When Aristotle famously defines humans as "political animals," he writes that "man is more of a political animal than bees and other gregarious animals."[52] Any gifted givenness of human exceptionality is challenged by Aristotle's own recognition that the communicative and communal life of "bees and other gregarious animals." Specifically, the Aristotelian text betrays the operation of a pre-modern version of the anthropological machine that, according to Agamben, produces the non-man through the "humanization of the animal."[53]

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[51] Aristotle, *The Politics*, 3.
[52] Ibid, 3.
[53] Ibid, 37.

The Open also uncovers the operation of the anthropological machine in evolutionary accounts of the origin of language. Here Agamben finds and follows an anxiety, in Darwin's texts and others, over a pre-linguistic stage of human evolution—the "ape-man." Agamben quotes Steinhal as he reckons with this anxiety and the contradictions it introduces into evolutionary theory:

> We have invented a stage of man that precedes language. But of course this is only a fiction; for language is so necessary and natural for the human being, that without it man can neither truly exist nor be thought of as existing. Either man has language, or he simply is not. On the other hand—and this justifies the fiction—language nevertheless cannot be regarded as already inherent in the human soul […] it is a stage of the soul's development and requires a deduction from the preceding stages But why the human soul alone builds this bridge, why man alone and not the animal progresses through language from animality to humanity [?][54]

According to Agamben (and in the admission of Steinhal several years later), evolutionary theory is unable to answer the question it poses itself regarding the relation between the animal and the "animal-man."[55] That is, Darwin and his readers fail to explain why the capacity of speech follows from the evolution of *homo sapiens* but not from the evolution of other animals. The distinctively human nature of the bridge from a pre-linguistic to a linguistic stage of existence remains caught in Steinhal's working "fiction." As a machination of the anthropological machine, the animal-man of evolution represents a more modern fabrication, one that produces the non-man through the animalization of the human (rather than the humanization of the animal).

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[54] Quoted in Ibid, 35.
[55] Later Steinhal will write: "I then sought to discover the origin of language in man. But in this way, I contradiction my presupposition: that is, that the origin of language and the origin of man were one and the same; I set man up first and then had him produce language." Ibid, 37.

The ancient and modern versions of the anthropological machine each draw on the logic of "inclusive exclusion." Agamben defines the machine as a function that includes by exclusion and excludes by inclusion:

> the machine necessarily functions by means of an exclusion (which is also always already a capturing) and an inclusion (which is also always already an exclusion). Indeed, precisely because the human is already presupposed every time, the machine actually produces a kind of state of exception, a zone of indeterminacy in which the outside is nothing but the exclusion of an inside and the inside is in turn only the inclusion of an outside.[56]

The humanized animal ("the man-ape, the *enfant sauvage* or *Homo ferus*, but also […] the slave, the barbarian") and the animalized human ("the Jew or the neomort and overcomatose person") are figures of this "zone of indeterminacy" or "state of exception" and the violence that it circulates and supports. "The animal-man and the man-animal are the two sides of a single fracture, which cannot be mended from either side."[57] Like these anthropological machinations, Voice shifts and divides animal voice and human language. In fact, the negativity of *Language and Death* seems to coincide with the notion of the state of exception that Agamben develops in his later work and employs in *The Open*. As an illustration, consider the resonance between the machine's exceptional logic of inclusive exclusion and the presupposition of voice as removed in the structure of Voice. The removal of voice is "always already a capturing" of a silence (or removed voice) in the act of speaking; the "silence" that is included in the act of speaking is "also always already an exclusion" of voice. So described, we might liken the structure of Voice to a "metaphysical machine," one that is "from the beginning" taken up in anthropological strategies that produce states of exception and bare life.

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[56] Ibid, 37.
[57] Ibid, 36.

An analysis of Agamben's extended engagement with Heidegger in *The Open* more directly addresses the relationship between metaphysics and the anthropological machine. In this complicated engagement, Agamben focuses on *The Fundamental Concepts of Metaphysics* and Heidegger's attempt, therein, to define the world-relation of humans and animals. As is well known, in that text Heidegger famously describes the animal as "poor in world" in a manner distinct from both Dasein and non-living material objects. Whereas Dasein is "world-forming" and the stone is fundamentally "without world," the animal is "poor in world" in the sense of deprivation, that is, in the sense of possible, yet denied, access to being.[58] Specifically, the animal's mode of relation is a "captivation" with its environment wherein the animal is paradoxically and respectively open and closed to beings and being-as-such; while animal captivation is an intense form of openness riveted to beings, the captivated animal cannot "disconceal its disinhibitor" and is closed being-as-such.[59] By contrast, Heidegger argues that Dasein can suspend the relation of environmental captivation and open onto being and world.

On Agamben's reading, the account of profound boredom in *Fundamental Concepts of Metaphysics* reveals the close proximity, rather than abyssal distance, of Dasein and the animal. In profound boredom, Dasein is riveted to "something that refuses itself" in a manner analogous to the animal captivated by something unrevealed.[60] For Heidegger, this refusal refers to "possibilities that lie inactive," possibilities that, as unutilized, "leave us in the lurch" of boredom. By being delivered over to inactive

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[58] Martin Heidegger, *Fundamental Concepts of Metaphysics* (Bloomington: Indiana University Press, 1995), 177.
[59] Agamben, *The Open: Man and Animal*, 59.
[60] As Agamben puts it, in boredom "*Dasein is delivered over to something that refuses itself, exactly as the animal, in its captivation, is exposed in something unrevealed.*" Ibid, 65.

possibilities in boredom, Dasein is compelled to break towards the distinctively human experience of pure possibility.[61] Agamben makes much of the "being-compelled"/"being held in limbo"/"being held in suspense" that characterizes this second stage profound boredom. To be compelled towards pure possibility is simply to suspend the captivation with inactive possibilities. Likening boredom to a shifter, Agamben figures it as, effectively, the passage from animal captivation to human world. "Profound boredom appears as the metaphysical operator in which the passage from poverty in world to world, from animal environment to human world, is realized."[62] Instead of a radical abyss between the human and the animal (in which "the open" opens "beyond the limits of the animal environment, and unrelated to it") Agamben uncovers a close proximity of man and animal (in which "the open" opens "*by means of* a suspension of the animal relation with the disinhibitor").[63] In what would appear to be profoundly un-Heideggerian anthropogenetic turn of phrase, Agamben defines profound boredom as the "becoming Da-sein of the living man."[64] Boredom is a metaphysico-anthropological operator in which the question of openness to world and being is folded into the differentiation of human and animal. In another operation of inclusive exclusion, "the jewel set at the center of the human world and its clearing is nothing but animal captivation."[65]

Agamben's critique of metaphysical negativity and anthropological machinations operate in close proximity because they address a single, albeit large, target—the

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[61] In Heidegger's words "to such coming to be left in the lurch by beings' telling refusal of themselves as a whole there simultaneously belongs our being impelled toward this utmost extremity that properly makes possible Dasein as such. We have thereby determined the specific being held in limbo of the third form: being impelled toward the originary making-possible of Dasein as such." Heidegger, *Fundamental Concepts of Metaphysics*, 144.
[62] Agamben, *The Open*, 68.
[63] Ibid, 68.
[64] Ibid, 68.
[65] Ibid, 68.

inclusive exclusion of voice/s through in the grounding of speaking-being. As we have seen, each turn involves critical movements through the Heideggerian text. In *Language and Death*, Agamben find the structure of Voice in Heidegger's account of the call of conscience; in *The Open*, Agamben presents a machinating picture of Dasein as an animal that "has awakened *from* its own captivation *to* its own captivation."[66] But alongside these critiques, Agamben also makes use of the very limits that Heidegger is unable to overcome. Agamben shares Heidegger's desire to stop rather than re-function metaphysical and anthropological machinations. At the conclusion of *The Open*, he announces that

> render[ing] inoperative the machine that governs our conception of man
> will therefore mean no longer to seek new—more effective or more
> authentic—articulations, but rather to show the central emptiness, the
> hiatus that—within man—separates man and animal, and to risk ourselves
> in this emptiness: the suspension of the suspension, Shabbat of both
> animal and man.[67]

To render the machine inoperative is not to redirect its fabrication but to abandon its work altogether. In all of its Heideggerian resonance, Agamben's concept of infancy—an experience of language without Voice, an alternative "double negativity" that opens unto pure potentiality—aims to take the "risk" of suspending the suspension. In this way, Agamben proposes infancy as a mute challenge to the structure of Voice, the anthropological machine and the violence in which they each participate—the production a speaking (human) being that removes or inclusively excludes voice/s.

Infancy, Animality and the Limits of Language

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[66] Ibid, 70.
[67] Ibid, 92.

Agamben introduces the concept of infancy to articulate a new experience of language beyond the removal of voice by Voice. The concept draws on an essay written four years prior to *Language and Death*, "Infancy and History: An Essay on the Destruction of Experience" (1978), in which Agamben diagnoses the poverty of modern experience. There he claims that modern man's "average day contains nothing that can be translated into experience" and argues that this poverty is reflected, at the level of theory, in the split of the subject of knowledge and the subject of experience.[68] In a description that could have easily appeared in the pages of Kristeva's *The Sense and Nonsense of Revolt*, Agamben writes that "experience has its necessary correlation not in knowledge but in authority—that is to say, the power of words and narration; and no one now seems to wield sufficient authority to guarantee the truth of an experience and if they do, it does not in the least occur to them that their own authority has its roots in an experience."[69] While the next chapter will take up the connection between Kristeva and Agamben's accounts of "the power of words and narration," here Kristevan resonances retreat with Agamben's introduction of infancy as an *experimentum langue*. For Agamben, infancy is an ontological concept, one evacuated of psychic/psychological content and mobilized to escape the structure of Voice and the machination of anthropology. In this section I explore the jamming capacity of the infantile "negation of negation" and "suspension of suspension." I argue that ontological infancy is not only de-psychologized (in ways that Agamben intends) but also politicized (in ways that he does not acknowledge). Defining infancy as *human* infancy and abstracting its potentiality from relations-with-others, Agamben removes voice/s—those of women and non-human animals— often silenced in

[68] Giorgio Agamben, *Infancy and History: On the Destruction of Experience*, 15.
[69] Ibid, 16.

humanist metaphysics and anthropology. While infancy helps mark the production of speaking being, ontological infancy undermines Agamben's attempt to jam exclusionary and silencing productions of speaking-being.

In his characteristic play with etymology, Agamben's concept of infancy draws on an archaic Latin term *in-fans* meaning "to be unable or unwilling to speak, to be silent or speechless."[70] Although tied to the figure of the infant child as one who cannot speak, Agamben is careful to emphasize that "in-fancy is not a simple given whose chronological site might be isolated, nor is it like an age or psychosomatic state which a psychology or a paleo-anthropology could construct as a human fact independent of language."[71] The archaic meaning of infancy points beyond the term's indication of a developmental stage and toward its revelation of the contingent character of human speech. Unlike the "natural voice" of non-human animals, human infants do not have a given voice. According to Agamben, "animals are not in fact denied language; on the contrary, they are always and totally language. In them *la voix sacrée de la terre ingénue* (the sacred voice of the unknowing earth) […] knows no breaks or interruptions. Animals do not enter language, they are already inside it."[72] By contrast, the human 'wordless' experience of infancy is an ontological break or interruption that conditions the possibility of speech. Coexisting with a language that appropriates it "in each instance to produce the individual as subject," infancy is a mute undergoing constitutive of the (human) speaking subject.[73] To speak is to be appropriated by language and alienated

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[70] Mills, 24.
[71] Agamben, *Infancy and History*, 4.
[72] Ibid, 59.
[73] Ibid, 55.

from infancy, not as a developmental trauma but as an ontological condition carried within every act of speech.[74]

If infancy is a kind of muteness internal to the act of speaking, Agamben is careful to distinguish it from a genre of the ineffable guarded by the structure of Voice. In order to counter the movement of negativity, Agamben emphasizes that infancy is a "sacrifice of sacrifice" that "touches" the "thing itself" of language. While Voice operates by "inclusive exclusion" infancy expresses the "negation of negation" that renders its muteness as a "not not speaking" (or "*in in-fari*").[75] Speechless but not without relation to language, infancy reflects a "pure" experience of language itself without speech. As we saw in his deep appropriation of the theory of shifters, Agamben maintains that *langue* has an anonymous and pre-suppositional character with respect to *parole*; speech presupposes that there is language and language is presupposed in everything that is said. As Daniel Heller-Roazen puts it, "preceding and exceeding every proposition is not something unsayable and ineffable but, rather, an event presupposed in every utterance, a *factum linguae* to which all actual speech necessarily bears witness."[76] When infancy "touches" the "thing itself" of language it touches not an ineffable or removed thing behind *langue*. For Agamben, "the thing itself is not a thing; it is the very sayability, the very openness at issue in language, which, in language, we always presuppose and forget."[77] To touch or engage the thing itself is not to encounter the site of unspeakable sacrifice or ineffable removal but rather the site of potentiality as sayability.

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[74] Mills, 23
[75] Ibid, 33.
[76] Daniel Heller-Roazen, "Editor's Introduction: 'To Read What Was Never Written.'" 4.
[77] Agamben, *Potentialities*, 35.

Agamben's unique account of potentiality is central to his claim that "not not speaking" opens infancy unto pure potentiality rather than violent indeterminacy. Drawn from an idiosyncratic reading of *Book Theta* of Aristotle's *Metaphysics*, Agamben's potentiality extends the logic of double negation to potentiality's relation to privation and actuality. According to Agamben, the essence of potentiality is maintained in relation to privation. "To be potential means: to be one's own lack, *to be in relation to one's own incapacity*. Beings that exist in the mode of potentiality *are capable of their own impotentiality*; and only in this way do they become potential. They can be because they are in relation to their own non-Being."[78] If potentiality is maintained in relation to impotentiality, the capacity of speech maintains itself in relation to the incapacity of speech. So described, potentiality provides the metaphysical structure for Agamben's claim that every act of speaking maintains a relation to time without speech (infancy) and vice versa. In effect, the double negation "not not speaking" defines infancy through the thought of the persistent relation of potential and impotential . With respect to actuality, then, Agamben claims that potentiality "does not disappear in actuality; on the contrary, it preserves itself as such in actuality […] potentiality, so to speak, survives actuality and, in this way, *gives itself to itself*." [79] Where traditional metaphysics introduces the negative, the threat of nullification between actuality and potentiality, Agamben finds a persistent relation. Daniel Heller-Roazen describes the "gift of itself to itself" in terms that emphasize, again, a double negation

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[78] Ibid, 183.

[79] "[…] *if a potentiality to not-be originally belongs to all potentiality, then there is truly potentiality only where the potentiality to not-be does not lag behind actuality but passes fully into it as such.*" Ibid, 184.

at this point, actuality reveals itself to be simply a potential not to be (or do) turned back upon itself, capable of *not* not being and, in this way, of granting the existence of what is actuality […] in the movement of the 'gift of itself to itself,' potentiality and actuality, what is capable and what is actual, what is possible and what is real, can no longer strictly be distinguished.[80]

Potentiality is not exhausted or extinguished in actuality. Understood as a potentiality "turned back on itself," actuality maintains a relation to potentiality that "survives" and "preserves itself." Agamben's account of infancy extends this thought in order to disengage the potential to speak from the removal of voice and (again, contra-Voice) to affirm sayability instead of ineffability. Infancy is not exhausted in speaking but rather speaking is infancy "giving itself to itself."

Given the picture of infantile potentiality provided by double negation, Agamben's notion of infancy seems strikingly self-relational. Indeed the relations of potentiality enumerated above are in each case relations of "one's own"—"beings that exist in the mode of potentiality are capable of *their own* impotentiality," potentiality "preserves *itself* in actuality" "giving itself to itself," "turning back on itself."[81] Agamben's writings on the "axolotl" in *The Idea of Prose* and "For a Philosophy of Infancy" give a helpful illustration of the auto-directedness of infancy. Agamben takes a recurrent interest in the axolotl, an amphibian native to the freshwater lakes of Mexico, because of its "stubborn infantilism" or neoteny.[82] While other amphibians lose juvenile traits (gills) in order to develop adult traits (lungs and reproductive capacities), the axolotl maintains juvenile and adult traits alongside one another. According to Agamben,

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[80] Heller-Roazen, 18.

[81] Agamben, *Potentialities*, 182-183 (my emphasis).

[82] Agamben, *The Idea of Prose* (Albany: State University of New York Press, 1995), 95.

insights drawn from the life of the axolotl have helped revise understandings of human evolution. Humans are now said to evolve, not from individual adult primates but from a young primate with premature reproductive capacities.[83] Thus, "traits that are transitory in primates have in humans become definitive, somehow bringing to pass, in flesh and bone, the type of the eternal child."[84] Drawing on the axolotl's stubborn infantilism, Agamben proceeds to imagine this eternal child as "abandoned to its own state of infancy, and so little specialized and so totipotent that it rejects any specific destiny and any determined environment in order to hold onto its immaturity and helplessness."[85] Unbound from and undetermined by any destiny or environ, the neotenic child is thrown into "the pre-eminent setting of the possible [*possibile*] and of the potential [*potenziale*] […] What characterizes the infant is that it is its own potentiality [*potenza*], it lives its own possibility [*possibilità*]."[86] Axolotl-inspired infancy is shot through with a potentiality that it gives to itself, being and living its own *potenza* and *possibilita*.

While the child is a common figure of dependency on others, Agamben's eternal-child appears, in a hyperbolic self-relational fashion, to hold or choose its own helplessness. As a contrast, the *in*dependence of Agamben's immature infant can be considered alongside the dependence of Judith Butler and Julia Kristeva's recent writings on "vulnerability." Introduced in her important text *Precarious Life*, Butler's notion of "primary vulnerability" describes the infantile "condition of being laid bare from the

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[83] Ibid, 96.
[84] Agamben,
[85] Ibid, *The Idea of Prose*, 96.
[86] Agamben, "For a Philosophy of Infancy" in *Public* (21) [Accessed: http://www.yorku.ca/public/public/backissu/v21_1.html], 1.

start," of being "given over to the touch of the other."[87] For Butler, primary vulnerability

is an experience of exposure that reflects and conditions social attachments; "without

seeing how this primary condition is exploited and exploitable, thwarted and denied […]

it would be difficult, if not impossible, to understand how humans suffer from

oppression."[88] In *La haine et le pardon*, Kristeva outlines an alternative relational

vulnerability, one that is sited in the specifically *speaking* body.[89] According to Kristeva,

vulnerability lies in the "crossroad" of "biology/language" and is "integral to the identity

of the human species and the singularity of the speaking subject."[90] Failing to

acknowledge the vulnerable junction of bodies and words encourages "rejections caused

by race, social origin or religious differences [that have] taken over the place once

occupied by charity."[91] As the absent fourth term of Enlightenment humanism, Kristevan

vulnerability "inflects" liberty, equality, and fraternity "towards a concern for sharing."

Agamben's auto-relational *in*dependent infancy appears to be an inversion of

Butler and Kristeva's accounts of relational dependent vulnerability. In denying or

thwarting that condition, Agamben performs exclusions that Butler and Kristeva link to

its disavowal. Abstracted from exposure to others, the axolotl-inspired eternal child is

disconnected from the social attachments and losses of others. In fact Agamben's only

mention of infantile relations-with-others is a reference to the "vain" misguided project of

parenting. There Agamben claims that, because the child "risks its whole life" in play, "it

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[87] Judith Butler, *Precarious Life* (London: Verso, 2004), 31-32.

[88] Ibid, 32.

[89] Kelly Oliver, *Animal Lessons: How They Teach Us to be Human* (New York: Columbia University Press, 43.

[90] Julia Kristeva, *La haine et le pardon* (Paris: Fayard, 2005), 113. See also, Julia Kristeva, "At the Limits of the Living: To Joseph Grigley" *Journal of Visual Culture*. Vol 5.2 (2006): 219-225.

[91] Kristeva, *La haine et le pardon*, 114-116.

is in vain that grown-ups attempt to check this immediate coincidence of the child's life

and possibility, confining it to limited times and places: the nursery, codified games,

playtime, and fairy-tales."[92] More dramatically and completing the abstraction of infancy

from vulnerable exposure, Agamben maintains that the child "escapes" the violent

production of bare life because

> *it adheres so closely to its physiological life that it becomes indiscernible*
> *from it.* (This is the true sense of the experiment on the possible that we
> mentioned earlier.) Similar in this respect to a woman's life, the life of a
> child is ungraspable, not because it transcends toward an other world, but
> because it adheres to this world and to its body in a way that adults find
> intolerable.[93]

In an unfortunate and suspicious reduction of the child and the woman to physiological

life, Agamben deepens the picture of infancy as auto-relational and *in*dependent. More

specifically, by figuring the child as in a certain sense its own mother, Agamben obscures

the child's dependent relation to others yet reveals its dependence on maternal sacrifice.

In effect, Agamben's comment suggests that the reduction of relations to auto-relations

supports the reduction of woman and child to ungraspable physiology *and vice versa*.

Like Heidegger, Agamben's "thought reaches a limit that he is unable to overcome." The

escape of infancy from the structure of bare life produces bare life in its own turn.

Following Agamben's analogies and Butler and Kristeva's concerns, what would

happen if the figure of the child were read systematically as the figure of the woman, if

infancy were, in each case, substituted with maternity? Like infancy, maternity is

involved in language development; early maternal relations support the development of

symbolic capacities and are preserved in the act of speaking. Further, like being a child,

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[92] Agamben, "For a Philosophy of Infancy," 1.
[93] Ibid, 1.

giving birth involves a movement of potentiality. For instance, while Agamben describes

the infant's potentiality as "totipotent," actual totipotent cells develop only in the

maternal body, after cell fertilization and before the development of the zygote into

specialized multi- or pluri-potent cells; in a process that can be described as maternity

"giving itself to itself," totipotent cells produce not only the fetus but also placental and

other extra-embryonic cells. Such translations of infancy into maternity are simple if not

straightforward because, in Agamben's text, the child is already a mother-child and the

mother already a child-mother. Recall that Agamben models infancy on the life of the

axolotl, a neotenic figure that links infantilism and reproductivity. Part of the ontological

and evolutionary story of Agamben's infancy, the axolotl is an eternal child that can also

give birth, the animal coincidence of mother and infant that challenges attempts to fully

distinguish one from the other. As a consequence, even the above translation (of infancy

into maternity) tends toward reversals. For instance, much symbolic support takes place

prior to the separation of infant ego and maternal body and, while totipotent cells develop

and divide in women's bodies, they are also indeterminate in the sense of being not-

simply the mother's and not-yet the fetus's.[94] Given the kind of indeterminacy easily set

into motion between woman and child, it seems that maternity is included in Agamben's

concept of infancy by way of exclusion, the very operation that the infantile experience

of language was to overcome. In this way, infancy reflects what Emma Jones has called

the "andrological machine," the capacity of humanist metaphysics to separate the human

(infant) "from 'everything else', everything unfigurable, be it woman, animal, non-white

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[94] Interestingly, since embryonic stem cells are not totipotent but pluripotent (and therefore already specialized towards the fetal development), the indeterminacy of totipotency plays an important role in the stem cell debate. Also, the proceeding chapter will undertake a more extensive discussion of this maternal support, which Kristeva describes as the "semiotic" conditions of language.

person, monster, and so on."[95] The *in*dependence and auto-relational character of infancy

emerges (and unravels) only by the child's dependent relation to the mother's mute

inclusive exclusion.

Having already read the child as a woman, infancy as maternity, what would

happen if infancy were also read as *animality*, the child as the *animal*? In light of the

axolotl's mute figuration of both infancy and maternity, it appears that Agamben's

experimentum linguae participates in the ineffable removal of the animal as well as the

unspeakable sacrifice of woman. An eternal child and a non-human animal, the axolotl,

contradictorily, does "not not speak" and yet it is "always already inside language."

Following these tensions the axolotl should be read not as a metaphorical figure but as a

real animal tied up in the anthropological machine. Such a reading promises to focus on

the evolutionary gestures of the axolotl and threatens to multiply the voices of infancy's

inclusive exclusion—introducing animal-mothers alongside child-mothers. Formulated

over ten years after his axolotl writings and their evolutionary hypotheses, Agamben's

anthropological machine offers a strong critique of evolutionary accounts of human

language. In *The Open*, we recall, Agamben challenges the distinctively human nature of

the bridge between pre-linguistic and linguistic stages of existence. In each evolutionary

formulation of this passage, the human link to language is "presupposed every time" and

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[95] Emma Jones, "In the Presence of the Living Cockroach: The Moment of Aliveness and the Gendered Body in Agamben and Lispector," in *PhaenEx* 2 no. 2 (Fall/Winter 2007), 36. For Kelly Oliver, the multiplication of machines suggested by Jones' andrological/racial/monstrous… machination should also involve a reflexive multiplication, a consideration of the dichotomy machine/non-machine and its inflection across these binaries. She states that "in the computer age, it seems as urgent to investigate our investments in androids and bionic men as subcategories of man as it does to interrogate the man/animal divide as it creates the category human." See Kelly Oliver, *Animal Lessons: How They Teach Us to be Human,* 236.

produces a state of exception.[96] Drawn from the life of the axolotl, Agamben's own

evolutionary hypothesis, which claims that humans developed from young primates with

premature reproductive capacities, also grounds language in the human and produces a

state of exception. For Agamben, the hypothesis supports his account of infancy not only

as an approach to language but also as an approach to the "entire sphere of the

exosomatic tradition which, more than any genetic imprint, characterizes *homo*

sapiens."[97] Linking the somatic to "genetic prescription and the exosomatic to totipotent

potentiality, he proceeds to claim that "animals are not concerned with possibilities of

their soma that are not inscribed in the germen […] they pay no attention to that which is

mortal […] and they develop only the infinitely repeatable possibilities fixed in the

genetic code."[98] Separated only by such false dichotomies (soma/exosoma, genetic

determinism and totipotent potentiality), translating infancy and animality is again simple

if not straightforward. To illustrate one might simply consider the innumerable accounts

of animal play that can be described as a concern with somatic possibilities beyond

germen. Those with close relations to animals of many species can attest to the way that

animals also "risk [their] whole life" in play and the vanity of attempts to check or

confine that activity to limited times and places. Likewise one should be wary of any

picture of *homo sapiens* so wholly detached from the somatic sphere and genetic

imprints.

 To be sure, in *Infancy and History* Agamben draws on Chomsky, Lenneberg and

Jakobsen to offer a more sophisticated account of the "complex interrelation" of

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[96] Agamben, *The Open*, 37.
[97] Agamben, *The Idea of Prose*, 96.
[98] Ibid, 96.

endosomatic and esosomatic inheritance, one that supports his developmental and

ontological hypothesis that animals are "always already in language" whereas humans

lack language and must "receive it from the outside."[99] However, this hypothesis, by

further twists and turns, also operates through the work of inclusive exclusion. Not only

does Agamben cite and disregard important exceptions to it—for instance, the existence

of certain birds that, deprived of hearing a song of their species, can only produce the

normal song in partial form—but the search for a "mediating element" between

endosoma and esosoma returns him, via phonemes, to the "engine" of human infancy.

That is, in a gesture that is evolutionary and ontological (and later wholly deconstructed

by his own account of the anthropological machine), Agamben presupposes the human

character of the phonemic passage between *phone* and *logos*, *langue* and *parole*. Finally,

the circular claims that share in this presumption are not overridden by an attempt to

anchor phonemes in infancy through the *chora*.[100] The *chora* is itself an indeterminate

figure that gathers infancy, maternity and animality, a 'site' that circulates the child-

mothers and mother-animals of Agamben's inclusive exclusions.[101] Whether supported by

crude dichotomies or more insidious procedures, Agamben's infantile distinction between

animals "always already in language" and humans "deprived and receptive to language"

drives rather than jams the anthropological machine.

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[99] Agamben, *Infancy and History*, 65.

[100] Consider the circular claim that "only human language, as something belonging to both the endosomatic and the esosomatic, adds another sense to semiotic meaning, transforming the closed world of the sign into the open world of sematic expression." Belonging by adding sense and adding sense by belonging, Agamben proceeds to link infancy to the chora: "[phonemes] are located in the correspondence-difference (in the *chora*, as Plato would have said) between the two regions, in a 'site' which can perhaps be described only in its topology and which coincides with that historico-transcendental region—before the subject of language and without somatic substance—which we have defined as human *infancy*." Ibid, 67.

[101] The concept of the *chora* will be discussed more extensively in the proceeding chapter's treatment of Kristeva's distinction between the semiotic and the symbolic.

By imagining infancy as maternity and animality in equal turn, an experimental approach to Agamben's *experimentum linguae* finds his thought at "a limit that he is unable to overcome."[102] Infancy promises to challenge the movement of negativity and the machination of anthropology. But in a movement of persistent reversal, the independent auto-relational picture of infancy betrays, each time, its dependence on the inclusive exclusion of maternal and animal voices (and their strange hybridities). According to Agamben, "only on the day when the original infantile openness is truly, dizzyingly taken up as such […] will men be able finally to construct a history and language which are universal and no longer deferrable, and stop their wandering through traditions."[103] But the multiplying voices of infancy's inclusive exclusion—child-mothers, animal-mothers, animal-children— suggest only a deferral that is itself dizzying. On the whole, this excavation of infancy's included others is more than a simple recognition of Agamben's (long acknowledged) anthropocentrism and (less acknowledged) androcentrism. In a widely-read article on the topic of anthropocentric community, Matthew Calarco has shown that the figures of Agamben's new politics are modeled on the refugee and limited to human beings alone.[104] Citing the critical demonstrations of *Language and Death*, Calarco queries after its anthropocentric conclusions

> If one accepts Agamben's argument that man's essence is not to be found
> in his experience of language and death as such, then does not the
> displacement of man's essence simultaneously work to disrupt the strict
> binary that excludes the animal from man's essence? […] if man's proper
> essence and the ground for human community can no longer be found in

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[102] Agamben, *Language and Death*, 58.
[103] Agamben, *The Idea of Prose*, 98.
[104] Matthew Calarco, "On the Borders of Language and Death: Agamben and the Question of the Animal." *Philosophy Today* (2000) 44: 96.

an experience of language and death *as such*, then how can a thought of another coming community not lead to a rethinking of the place of animals in community?[105]

Given the thoroughgoing critique of metaphysical negativity in *Language and Death,* Agamben's withdrawal from the "question of the animal" is, for Calarco, a missed opportunity to rethink the place of animals in community beyond violent logics of mute inclusion/exclusion. In light of the dizzying reading of infancy and its others provided above, it is now appropriate to say that Agamben *more than misses* the opportunity to rethink the place and voice of animals. In line with the violence of humanistic metaphysics and anthropology, infancy inclusively excludes the voices of women and animals. As a new figure and experience of language, infancy does not simply forego the "question of the animal" as much as it renders a more expansive and non-violent response to that question more difficult to achieve.

Understood as a dependent and relational foil to Agamben's infancy, Butler and Kristeva's notion of vulnerability would seem an apt resource for such a response; unlike infancy, vulnerability marks the exposure of the (speaking) body, a condition ineluctably given over to, rather than inclusively exclusive of, others. Careful not to collapse vulnerability and maternity, both authors discuss the dependence of infants on maternal others and early caregivers. Butler writes of newborns "abandoned" to "primary others" in virtue of "bodily requirements" and, throughout her work, Kristeva emphasizes maternal support of symbolic development; the *chora* (where Agamben anchors phonemic passage to the human child) is, in the Kristevan text, linked to maternal semiotic conditions of language. However, while the relational character of vulnerability

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[105] Ibid, 96.

extends to maternal others, it does not extend, for either theorist, to non-human animal others. In her recent text *Animal Lessons*, Kelly Oliver challenges Butler and Kristeva's failure to consider non-human animals as embodied, mortal beings capable of being wounded or wounding others. In a query that runs parallel to Calarco's critique of Agamben, Oliver asks:

> Once we take bodily vulnerability—which is to say the fact that we are mortal and can be wounded—as our starting point, are we delineating what constitutes humanity? Or are we setting out what constitutes all living creatures? And if we are relational, dependent beings by virtue of having bodies, then isn't this also true of animals? Moreover, if we extend the notion of dependence in the way that Butler and Kristeva do to make it a cornerstone of ethics and politics, then aren't we also obligated to consider the (material and conceptual) interdependence of humans and animals?[106]

Like Agamben's account of infancy, Butler and Kristeva's theories of vulnerability invite but do not require that we rethink the place of animals in community. Failing to "extend the notion of dependence" beyond the borders of the human, Butler and Kristeva "derealize" the shared embodiment of non-human animal others.[107]

Following Calarco and Oliver's concerns and in light of Agamben's *experimentum lingaue*, what comes of the deferral of voices and questions, animal and otherwise? In the case of Agamben, resources seem to lie in reflexive rather than jamming capacities of his thought. In this chapter, Calarco's commitment that "the critical promise of Agamben's thought is to be found in its ability to disrupt classical notions of human community" is substantiated by the coordination of the critique of

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[106] Oliver, *Animal Lessons: How They Teach Us to be Human*, 44.

[107] Chloë Taylor also discusses Butler's omission of non-human embodiment in her essay "The Precarious Lives of Animals: Butler, Coetzee and Animal Ethics" *Philosophy Today* 52.1 (2008): 60-72. Taylor highlights the violence of this omission in a discussion of the "derealization" of animal life and death.

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negativity and the anthropological machine.[108] Bridging *Language and Death* and *The Open*, "man's essence is not to be found in his experience of language and death *as such*" because language is a historical production that follows from the removal or inclusive exclusion of voice. While infancy challenges the pursuit of "a language and a history which are universal," it nevertheless reflects the disruptive and radical thesis that language is "fabricated in piecemeal fashion from alien forms." To carry out its critical promise, Agamben's disruptive thesis should be engaged *and* returned to his own texts. The experimental reading of *experimentum linguae* models such a reflexive critique. By pursuing the operation of inclusive exclusion and uncovering the removal of maternal and animal voices, the experiment uses Agamben's own resources to find his thought at a "limit he is unable to overcome." Whether experimenting with an *experimentum linguae* or multiplying (andrological/racist/monstrous…) machines, Agamben's critical promise can be returned to his own text. There, dizzying deferrals are, each time, opportunities to rethink and the limits of language and the production of speaking-being.

Remnants and Relationality

In *Remnants of Auschwitz*, the controversial text with which this chapter began, Agamben links the contingency of the capacity of speech—and therefore the possibility of the incapacity of speech—not to the infant but the *Muselmann*. In the words of Primo Levi, the *Muselmann* is the "true witness" of the camps that cannot witness. Challenged by Levi's paradox, Agamben develops an ethics of "bearing witness" to the inhuman in the human, the de-subjectification in subjectification, the *Muselmann* in the survivor.

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[108] Ibid, 96.

Describing witnessing as testimony Agamben alludes to the concept of infancy as the condition and object of bearing-witness.

> *the authority of the witness consists in his capacity to speak solely in the name of an incapacity to speaking—that is, in his or her being a subject* […] it is because there is testimony only where there is an impossibility of speaking, because there is a witness only where there has been desubjectification, that the Muselmann is the complete witness and that the survivor and the Muselmann cannot be split apart.[109]

And further, "the speech of the witness bears witness to a time in which human beings did not yet speak; and so the testimony of human beings attests to a time in which they were not yet human."[110] Without naming this infantile contingency and muteness, Agamben alludes to infancy as that quiet time of not-yet speaking that structures the possibility of incapacitated, impossible speech in the body of the *Muselmann*. To bear witness to the "complete witness," then, involves bearing witness to infancy as a marker of a fragile openness to the movements of biopower and reflective of mutating political conditions. Infancy, it seems, plays a critical role in responding ethically to biopower and its silencing exclusions. By way of conclusion, I return to *Remnants of Auschwitz* to reiterate its central insight into the "precarious and fragile event of speech" and to consider the critical promise and problems of infancy as witness to "biopolitical machine."

Although Agamben's reading of Levi's paradox is shaped by his method of paradigms and his theory of biopower (each of which is associated with what Paul Patton has termed a "conceptual fundamentalism") it is the theory of shifters that decisively connects the condition of the *Muselmann* to the condition of Western subjectivity.

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[109] Agamben*, Remnants of Auschwitz*, 158.
[110] Ibid, 162.

Adapted from the texts of Benveniste and Jakobsen, the theory of shifters describes the passage between *langue* and *parole* and the movement of negativity in the removal of voice by Voice. For Agamben, then, Levi's paradox is structured by the negativity of Voice that inclusively excludes the *Muselmann* in the testimony of the survivor as well as an ethico-anthropological machine that produces the human and the inhuman. What haunts Levi is that "to bear witness is to enter into a vertiginous movement in which something sinks to the bottom, wholly desubjectified and silenced, and something subjectified speaks without truly having anything to say of its own ("I tell of things…that I did not actually experience')."[111] Linking the structure of testimony to the negative structure of Voice clarifies how infancy is to open a new ethics of bearing witness. Precisely because the *Muselmann*'s muteness is conditioned by infancy it is not equivalent to the unspeakable or ineffable. Never wholly exhausted or destroyed by the shift to speech, infancy is carried within every act of speaking itself as a "not not speaking." Once a child, and never wholly desubjectified or silenced, the *Muselmann* is carried within every act of witnessing as "not not witnessing." So described, *Remnants of Auschwitz* can be taken to navigate an ethical terrain between, on the one hand, theories of witnessing that figure the Holocaust as ineffable or unspeakable and, on the other hand, theories that figure its trauma as merely historical and wholly speakable.[112]

Although an experimental reading of the indeterminate figure of the *Muselmann* suggests itself,[113] the promise and problems of infantile testimony can be marked more broadly in *Remnants*' continuation of the auto-relational logic addressed throughout this

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[111] Agamben, *Remnants of Auschwitz*, 120.
[112] Mills, *The Philosophy of Agamben*, 99.
[113] The *Muselmann* is at one point likened to a "stray dog."

chapter. In an incisive essay on the status of relationality in Agamben's ethics of testimony, Catherine Mills deftly argues that Agamben's "bearing witness" fails to meet the minimum condition of "ethics," that of *bearing on* relations-with-others. Critiquing Agamben's appropriation of grammatical shifters in his account of linguistic subjectivity, Mills reminds us that shifters position speakers vis-à-vis language *and* other living and speaking beings. "Pronouns such as 'I'—and 'you'—necessarily position the speaking subject in relation with those being addressed or identified."[114] Agamben's infancy renders the speaking/witnessing being more fragile but that fragility appears to follow from the abstract "expropriation of language" not concrete relations-with-others. It is this characteristic of infancy that lends the *Muselmann* so readily to Agamben's paradigmatic trajectory and its controversies.

For Mills, a particular moment in *Remnants of Auschwitz*—a citation from the memoir of Robert Antelme— calls out for a relational response that Agamben's "bearing witness" cannot give. In that passage, Antelme recalls the flushing of a prisoner's face after being called forward to his execution. "He turned pink after the *SS* man said to him, '*Du komme hier*!' He must have glanced about him before he flushed; but yes, it was he who had been picked, and when he doubted it no longer, he turned pink."[115] For Agamben, the prisoner's flush is "like a new ethical material" that "like a mute apostrophe [flies] through time to reach us, to bear witness to him."[116] On Mills' reading, Agamben's qualifications of the flush—that it is *like* ethical material, that it *allows* for

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[114] Mills, 104. See also, Catherine Mills, "Linguistic Survival and Ethicality: Biopolitics, Subjectivation, and Testimony in *Remnants of Auschwitz*," in *Politics, Metaphysics and Death: Essays on Giorgio Agamben's Homo Sacer*. Ed. Andrew Norris (Durham: Duke University Press, 2005), 198-222.

[115] Quoted in Agamben, *Remnants of Auschwitz*, 103.

[116] Ibid, 104.

testimony—illustrate his failure to recognize the prisoner's alterity and the possible status of the flush as itself testimony.[117] That is, Mills suggests that bodily affect is one of the inclusive exclusions of Agamben's auto-relational witness and, more broadly, that the apostrophe "flying through time" still hangs in the air.[118] Without a more relational account of the infantile witness, bodies are yet another inclusive exclusion of infancy.

In the following chapter I consider the question of embodied testimony more directly as part of a Kristevan evaluation of the biopolitics of speaking being. There, I return to and re-evaluate the critical promise of Kristeva's vulnerable speaking body in context with her call for the "sacrifice of sacrifice" in relations both psychical and power laden. Here I conclude by suggesting that the critical *reflexive* promise of Agamben's texts may, as in the metaphysical and anthropological cases, be returned to the biopolitical machine. For one thing, "bearing witness" might lend itself the critical concern with inclusive exclusion found in Agamben's critique of the metaphysics of Voice and the machinations of anthropology. But more specifically and following Mills' keen provocation, Agamben might return to the "question which defines the *motivum* of his thought"—"what is the meaning of 'there is language'; what is the meaning of 'I speak'?"[119] It seems that Agamben pursues this question less "stubbornly" in *Remnants of Auschwitz* and to more disastrous results than in other works. But even these failures prove the question a worthy *motivum*, extending its terrain at a dizzying pace. After

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[117] An apostrophe is a rhetorical, and fundamentally relational, gesture "in which the text calls directly to the reader and thereby interpolates the reader into the text itself." Mills, "Linguistic Survival and Ethicality," 207.

[118] In her paper "Resisting Agamben," Lisa Guenther excavates the relational moments of Antelme's text that are excluded from Agamben's citation in *Remnants of Auschwitz*. Focusing on Agamben's figuration of shame as the structure of subjectivity, Guenther also highlights the violence of his auto-relational/a-relational concepts.

[119] Agamben, *Infancy and History*, 6.

Agamben and in biopolitical contexts, can bodies, an animal or a mother speak? If they

can, what is the meaning of 'I speak'?

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KRISTEVA AND THE PSYCHIC LIFE OF BIOPOWER

Melancholia and the Mute Symptom of Biopower

In her 1987 text *Black Sun* psychoanalyst Julia Kristeva describes melancholia as a suffering subjectivity characterized by "the intolerance for object loss" and "the signifier's failure."[1] Unable to lose and symbolically compensate for the archaic maternal Thing, melancholics suffer from "symbolic collapse"—a slowing down of linguistic activity and a feeling of meaninglessness and despair. To illustrate, Kristeva draws on several case studies from her own clinical practice. For one analysand, Helen, depressive episodes are like a mute living death. "I find myself glued to the spot, as if paralyzed, I lose the ability to speak, my mouth fills with chalk, my mind completely empty. [It is] as if I were dead but I do not think of killing myself, nor do I desire to do so, it is as if it had already been done."[2] For another analysand, Isabel, pregnancy exacerbates the quiet suffering. Isabel "gives birth for death's sake," entering the life of motherhood in order to exit her own. Her daughter is a "parenthesis within the depression," a "new speech inhibitor in [Isabel's] already not-so-talkative world."[3] According to Kristeva, the painful not-so-talkative world of melancholia involves an archaic failure to affirm and deny maternal loss. In a double movement within primary narcissism, the *infans* must consent to lose the mother so as to recover her again in signs. Unable to successfully accept and

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[1] Julia Kristeva, *Black Sun: Depression and Melancholia* (New York: Columbia University Press, 1989), 10.
[2] Ibid, 72.
[3] Ibid, 89.

negate loss through language, Helen and Isabel suffer from "an unsymbolizable, unnameable narcissistic wound."[4]

In *Black Sun* Kristeva locates the cause of melancholia's characteristic struggles—the struggle to lose and the struggle to speak— in the changing conditions of symbolic law and the crisis in the paternal function. A wider notion than civil or criminal law, the psychoanalytic concept of symbolic law refers to the form-giving function of social structures and institutions including language itself; symbolic law is that which supports or, more traditionally put, "sublimates" bodily experiences and semiotic drives in meaningful signifying systems.[5] In her 1980s trilogy—*Black Sun* (1987), *Tales of Love* (1983), and *Powers of Horror* (1982)—Kristeva suggests that contemporary symbolic law fails to symbolize and give meaning to the archaic processes of primary narcissism. For Kristeva, the failures of symbolic law reflect a crisis in the paternal function, its lack of (maternal) love.[6] In primary narcissism, the child first encounters love through a process of identification with the "imaginary father" as the site of the mother's love. This encounter counter-balances the stern law of the father and establishes psychic space.[7] Today, the devaluation of maternal love and the reduction of loving forms of social support offer little protection against stern prohibitions and threaten to abolish psychic

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[4] Ibid, 12.

[5] Kelly Oliver, "Bodies against the law: Abu Ghraib and the war on terror." *Continental Philosophy Review* (2009) 42: 63-64.

[6] "There has been too much stress on the crisis in paternity as cause of psychotic discontent. Beyond the often fierce but artificial and incredible tyranny of the Law and the Superego, the crisis in the paternal function that led to a deficiency of psychic space is in fact an erosion of the loving father. It is for want of paternal love that Narcissi, burdened with emptiness, are suffering; eager to be others, or women, they want to be loved." See Julia Kristeva, *Tales of Love* (New York: Columbia University Press, 1983), 387.

[7] See Kelly Oliver, "Kristeva's Imaginary Father as a Screen for the Desiring Mother" in *Subjectivity without Subjects: From Abject Fathers to Desiring Mothers* (Lanham: Rowman & Littlefield, 1998), 55-78.

space. The melancholics of *Black Sun* struggle because, in the absence of effective signs and loving support, the double movement of affirming and negating maternal loss is difficult, if not impossible, to achieve. Women, more deeply identified with the mother and less supported by a patriarchal symbolic order that symbolizes sexist drives and lacks maternal love, are especially prone to melancholia. Seeking refuge from the law of the father in the "flimsy defense" of depression, melancholic women like Helen and Isabel are unloved and consequently unable to lose or to speak.

In the 1980s trilogy Kristeva's attention to the changing conditions of symbolic law begins a critique of the Oedipal model of power and its relevance in contemporary life. Importantly, the erosion of symbolic law that encourages melancholia reflects a weakening of the pre-Oedipal imaginary father *and* a concomitant deformation of the Oedipal law of the father. If the imaginary father is a loving conduit between the maternal body and the law of the father, then the decline of the imaginary father separates drives and affects from law *and vice versa*. As bodies silently suffer the disconnection from a law that gives form, law itself "suffers" the disconnection of drives and affects. Throughout the trilogy, Kristeva emphasizes that the crisis of the paternal function refers not to the lack of law but the lack of love and the lack of love in law. No longer substantive, the empty law of the father bears a "fierce but artificial and incredible tyranny."[8] In a striking resemblance to Agamben's account of the "sovereign ban," empty law is "in force without significance"; in the biopolitical fracture between drives and words, the body is "abandoned to law and remitted to itself."[9] On behalf of Narcissi

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[8] Kristeva, *Tales of Love*, 387.
[9] Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Stanford: Stanford University Press, 1995), 58- 59.

"burdened with emptiness" or perhaps a*ban*doned to emptiness, Kristeva inquires of the dysfunctional Oedipus—"hasn't this logic, which Freud brought to the fore and which characterizes the religious, social, and artistic man, reached a saturation point?"[10]

In ways prepared by the mute symptoms and empty laws of the 1980s trilogy, this chapter uncovers an important *biopolitical* turn in Julia Kristeva's thought. In *The Sense and Nonsense of Revolt* (1996), *Intimate Revolt* (1997), and *The Feminine and The Sacred* (1998), Kristeva connects the emptied mutation of the law of the father to the elaboration of a normalizing power, specifically, a normalizing power that reduces the subject to an owner of bodily organs, *bios* to *zoe*. Here, unloving law is associated with manifold regulatory mechanisms that manage life instead of giving it meaning. Focusing on the production of a "life of death," "life for itself, life without questions," Kristeva warns of the expansion of what is effectively biopolitical power and the rise of biopolitical values, especially the rise of that "supreme value," "life itself."[11] Rarely read in such terms, this chapter aims to make explicit the biopolitical attentions of Kristeva's *The Sense and Nonsense of Revolt*, *Intimate Revolt* and *The Feminine and The Sacred*. Today, the mute symptom is also a biopolitical symptom that reflects normalizing mechanisms and laws "in force without significance." Kristeva's melancholic figures of mute "living death," Helen and Isabel, are not only case studies in melancholia or Oedipal crisis but figures of "a politics that places man's existence as a living and [speaking-] being in question."

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[10] Ibid, 387; Julia Kristeva, *The Sense and Nonsense of Revolt* (New York: Columbia University Press, 2000), 15.
[11] See Julia Kristeva, *The Feminine and The Sacred* (New York: Columbia University Press, 2001), 14; Kristeva, *The Sense and Nonsense of Revolt*, 7.

In its identification of a biopolitical turn in the Kristevan text, this chapter extends

and refocuses earlier explorations of the biopolitical production of life and language.

There, Foucault and Agamben demonstrate that living and speaking-being are not

"given" but rather fabricated or "in question." Here, Kristeva turns toward the question of

resistance: how do "living beings in question" themselves speak and question today? In

her words "who can revolt, and against what? Can a patrimony of organs revolt against a

normalizing order? How?"[12] According to Kristeva, in postindustrial post-Communist

democracies, revolt is still viable on the psychic, if not the political, level. In her texts,

psychic revolt is not the transgression of law but the questioning confrontation and

displacement of authority within the individual psyche.[13] A creative imaginative practice,

revolt returns to the conditions of language and speech, renewing the psychic process of

authorization. Because it supports the "sacred" connection of life and meaning and mends

the fracture of drive and law, revolt is a mode of psychic resistance to normalized "life of

death" and a support for a "life to be told and written," a biography. This chapter

develops an account of psychic revolt as an intimate form of biopolitical resistance and

measures its possibilities alongside another return to the conditions of language —

Agamben's notion of infancy. Unlike the abstract and androcentric movements of

infancy, revolt is an embodied and vulnerable activity that aims to disappear the sexed

distinction between "those who give life (women)" and "those who give meaning (men)."

However, insofar as Kristeva maintains the distinction between *zoe* and *bios*, revolt

threatens to be a psychic version of the biopolitical machine, its process of return and

renewal the "ceaselessly updated decision in which the caesurae and their rearticulation

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[12] Kristeva, *The Sense and Nonsense of Revolt*, 8.
[13] Ibid, 28-29.

are always dislocated and displaced anew."[14] In the final analysis, the status of revolt as an effective form of biopolitical resistance, one that supports lives to be told and written without fabricating also "lives of death," hinges on finding a "less lethal less bloody" proximity between the working through (of psychic revolt) and the refunctioning (of the biopolitical machine).

The "Power Vacuum" and "Soft Totalitarianism"

In *The Sense and Nonsense of Revolt* Kristeva describes the conditions of contemporary power as a "power vacuum," a phrase that captures power's dispersion in manifold normalizing mechanisms and its non-locatable character in post-industrial post-Communist democracies. Where symbolic law once operated and organized, today there is only disorder, the vacuumed "absence of plans."[15] In *The Feminine and The Sacred*, Kristeva describes a similarly regulatory and disseminating power as "a new version of 'soft totalitarianism.'" There she claims that power's ambition to normalize and manage life bears a totalitarian threat: the threat of destroying life after having devalued the question of its meaning."[16] In this section I argue that Kristeva's notions of the "power vacuum" and "soft totalitarianism" form what is effectively, if not explicitly, a picture of biopolitical power. Although Kristeva does not employ the terms "biopower" or "biopolitics" (here or elsewhere), the "power vacuum" and "soft totalitarianism" together theorize the expansion of a power that manages and regulates life, a power that "makes live and lets die." In this way, these texts undertake biopolitical extensions of concerns

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[14] Agamben, *The Open: Man and Animal* (Stanford: Stanford University Press, 2001), 38.
[15] Ibid, 4.
[16] Kristeva, *The Feminine and The Sacred*, 13.

prominent in the 1980s trilogy, while also recasting Foucault and Agamben's own

theories. Suggesting that the "society of the spectacle" participates in the normalization

of life, Kristeva now ties the emptiness of law to the multiplication of norms, the "loss of

values" to the hypervaluation of "life itself."

To grasp the biopolitical extensions of *The Sense and Nonsense of Revolt*, we

might begin by evaluating Kristeva's description of the power vacuum as normalizing,

falsifiable and non-locatable."[17] In its character as a *normalizing* order, the power vacuum

illustrates the connection between the emptiness of law and expanding regulatory power.

Where the 1980s trilogy maps the deforming impact of fierce yet artificial law on the

preverbal child, the power vacuum makes clear that the erosion of symbolic law involves

the proliferation of norms. Today, "in the place of the prohibition or power that cannot be

found, disciplinary and administrative punishments multiply, repressing or rather

normalizing everyone."[18] On this point, Kristeva draws on the writing of French legal

theorist Mireille Delmas-Marty, whose research on globalization and human rights law

links the "soft laws" of neoliberal deregulation to the expansion of normalizing power.[19]

In her text *Towards a Truly Common Law* Delmas-Marty provides a description of the

"anarchical proliferation of norms" in the power vacuum:

> I use "proliferation" to express the impression of being hit by an avalanche
> of norms, a massive quantity without historical precedent, and "anarchy"
> because it is difficult to get one's bearings […] Deregulation is not the
> opposite of regulation but a redeployment of norms according to different,
> less transparent and more complex mechanisms.[20]

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[17] Ibid, 4.
[18] Ibid, 5.
[19] Ibid, 217n9.
[20] Mireille Delmas-Marty, *Towards a Truly Common Law* (Cambridge: Cambridge University Press, 2002), 103.

Delmas-Marty's description of "anarchy" and "proliferation" is strikingly Kristevan. Soft law produces a normalizing order, an "avalanche" of norms in which "it is difficult to get one's bearings." Diagnosing a soft symbolic law, Kristeva's own text describes a kind of regulatory avalanche, a disorienting psychic trauma that leaves analysands suffering from a "lack of reference points."[21]

As a *falsifiable* order, the power vacuum marks the relationship between the growth of regulatory power and the loosening of contemporary authority. According to Kristeva, the reduction of law to normalization undermines agencies of power. Open to corruption and perversion, government and social institutions decline and, more deeply, law itself breaks down. In the power vacuum, "there are no longer laws but measures […] Measures are susceptible to appeals and delays, to interpretations and falsifications."[22] Today, legal interpretation amounts to little more than the pursuit of loopholes, to "finding omissions in the law that allow otherwise unlawful acts to be carried out within the terms of the law."[23] More than substantive codes, crime and transgression reflect (the empty interpretations of) disciplinary tactics. In the place of guilt or innocence, metrics of normality and abnormality, credit and debt, govern social life. "We no longer speak of culpability but of public menace; we no longer speak of fault (in an automobile accident, for example) but of damages. Instead of responsibility, there is liability […] crime cannot be found at the same time as prohibition."[24] Although individuals are no longer culpable,

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[21] Kristeva, *Revolt, She Said* (New York: Semiotext(e), 2002), 32. An interview with Philip Petit originally published as *Contra la dépression nationale* (Paris: Les Editions Textuel, 1998).
[22] Kristeva, *The Sense and Nonsense of Revolt*, 5.
[23] Kelly Oliver, "Bodies against the law: Abu Ghraib and the war on terror." *Continental Philosophy Review* (2009) 42: 67.
[24] Ibid, 5.

they are held liable by measures that repress in indirect and re-directable ways; where there was once punishment, there is now normalization.

In its *non-locatable* character, the power vacuum illustrates the connection between normalizing and falsifiable power and the frustration of political revolt. Today power is everywhere and authority is nowhere; norms are disseminated in regulatory mechanisms yet agents of legitimation are absent or empty masquerades. Drawing on Guy Debord's notion of the society of the spectacle, Kristeva develops these two sides of, what she calls, the "invisibility" of power. Normalizing mechanisms are not only diffuse they are diffuse throughout mass mediated culture; power cannot be located, in part, because a sea of images take up its operation. In this sea, the absence of authority is confirmed on every stage, from the celebrity judges to the incessant and ever-revising judgment of celebrities themselves. In short, the spectacle is a pervertible, normalizing "media-friendly" theatre. As Kristeva puts it, "people are increasingly excited when they think they have unearthed a guilty party, a scapegoat" because we live in "a so called liberal society in which there is no surveillance and no punishment except in these theatrically mediatized cases that become a sort of catharsis of the citizen's nonexistent guilt."[25] In this theatre of blame and shame, invisible power reflects and supports the multiplication of norms and the corruption of authority.

Marking the challenges of psychic as well as political forms of revolt, the power vacuum recasts Kristeva's well-known discussion of the spectacle in *New Maladies of the Soul* (1995). There, Kristeva argues that the intensification of media culture inhibits psychic life and, in particular, frustrates individuals' ability to symbolize and represent

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[25] Kristeva, *The Sense and Nonsense of Revolt*, 5.

psychic trauma.[26] In *The Sense and Nonsense of Revolt*, these "new maladies of the soul,"

symptomatologies that share the "inability to represent" as a "common denominator," are

linked to a normalizing, falsifiable and non-locatable power.[27] Although the notion of

psychic revolt is more thoroughly developed in the proceeding section, with respect to the

spectacle it can be understood as a confrontation and displacement of authority in the

imagination; a creative process, revolt returns to and renews the authorization by which

the individual belongs to the world of meaning. In *New Maladies of the Soul* Kristeva

emphasizes how the spectacle collapses intimacy and exhausts the imagination. Saturated

by media images, "the psychic life of modern individuals wavers between somatic

symptoms (getting sick and going to the hospital) and the visual depiction of their desires

(daydreaming in front of the TV)."[28] In *The Sense and Nonsense of Revolt*, the expiring

imagination and the non-locatability of power bear upon the activity of revolt. As

Kristeva now frames it, how can individuals revolt against authority if they cannot find

it? How can individuals revolt against authority if they are too rapt by the spectacle to

even search for it?

The power vacuum begins a Kristevan sketch of power that resonates with and

recasts Foucault and Agamben's accounts of biopolitical power, especially its

contemporary mutation in so-called liberal society. In its normalizing, falsifiable and

non-locatable operation, Kristeva uncovers conditions characteristic of biopower and

biopolitics—the fierce mutation of empty law, the proliferation of regulatory techniques

and the frustration of resistance. According to Kristeva, the "power vacuum and the loss

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[26] Julia Kristeva, *New Maladies of the Soul* (New York: Columbia University Press, 1995), 8-9.
[27] Ibid, 9.
[28] Ibid, 8.

of values were 'not yet issues'" at the time of *Revolution in Poetic Language* (1974). The

"evolution in question has probably been under way since the end of the French

Revolution and the development of democracy that followed" but it "appeared in a more

obvious, more drastic, more threatening ways after the recent collapse of communism."[29]

Where *Revolution in Poetic Language* relies on a dialectical model of power as

(substantive) prohibition and foregrounds the transgressive potential of the semiotic, *The*

Sense and Nonsense of Revolt (1996) uncovers the flimsy prohibition and the more

drastic and threatening effects of normalization.[30] Although Kristeva acknowledges the

modern roots of the power vacuum, she emphasizes its post-industrial post-Communist

context, specifically, the rise of mass media and consumer culture. Unlike Foucault or

Agamben, for whom ancient logics or modern thresholds require more than passing

appreciation, Kristeva's power vacuum focuses almost exclusively on the most recent

formations and deformations of regulatory power.

      Through her contemporary attentions, Kristeva reckons the power vacuum with

an unlikely but compelling contemporary of biopolitics—the spectacle. In *Discipline and*

Punish, Foucault's delineation of modern discipline and pre-modern spectacular

punishment bears an implicit critique of Debord's spectacle. There, Foucault's

announcement that modern "society is one not of spectacle but of surveillance" is clearly

directed at Debord and reaches, by extension, Kristeva's power vacuum.

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[29] See Kristeva, *The Sense and Nonsense of Revolt*, 25.

[30] On Kristeva's early revolutionary politics and the distance between the power vacuum and
Revolution in Poetic Language, see Joan Brandt, "Julia Kristeva and the Revolutionary Politics of
Tel Quel" in *Revolt, Affect, Collectivity: The Unstable Boundaries of Kristeva's Polis*. Edited by
Tina Chanter and Ewa Plonowska Ziarek. Albany: State University of New York Press, 2005),
21-36; Sara Beardsworth "From Revolution to Revolt Culture" in *Revolt, Affect, Collectivity: The
Unstable Boundaries of Kristeva's Polis*. Edited by Tina Chanter and Ewa Plonowska Ziarek.
Albany: State University of New York Press, 2005), 37-56.

Society is one not of the spectacle but of surveillance. Under the surface of images, one invests bodies in depth; behind the great abstraction of exchange there continues the meticulous, concrete training of useful forces […] it is not that the beautiful totality of the individual is amputated, repressed, altered by our social order, it is rather that the individual is carefully fabricated in it, according to whole techniques of forces and bodies. We are much less Greeks than we believe. We are neither in the amphitheatre, nor on the stage, but in the panoptic machine.[31]

In this dramatic announcement, Foucault conflates the spectacle with the "amputating" anachronistic scaffold of sovereign power and defines discipline—"under the surface of images," "behind the abstraction of exchange"— as the form of power definitive of modern societies. In more mediated and commodifying contexts than that of *Discipline and Punish*, Kristeva's power vacuum highlights the disciplinary capacities of the spectacle. For Kristeva, the import of the spectacle lies in the fact that today the psyche is, "according to whole techniques of forces and bodies," carefully fabricated through mass media and consumer culture. Further, where "invisible" power falls short and abnormal un-useful forces erupt, the spectacle facilitates the empty resurgence of law in theatrical scapegoating. In effect, Kristeva suggests that the normalizing order is a little more "Greek" than Foucault believes. Today, the amphitheatre and the panopticon coexist in dynamic, and sometimes *demonic*, ways.

To follow Kristeva's contemporary line of thought it seems that the spectacle is as much biopolitical as it is disciplinary. Specifically, Foucault's account of liberal and neoliberal biopower resonates with Kristeva's striking claim that "there is no punishment or *surveillance* beyond the spectacle" that economizes social relations. In his reflections on liberalism and neo-liberalism, Foucault distinguishes discipline and biopower

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[31] Foucault, *Discipline and Punish,* (New York: Vintage Books, 1995), 217.

according to their respective modes of surveillance. If discipline "regulates everything" and "lets nothing escape," biopower "lets things happen. Not that everything is left alone, but laissez-faire is indispensable at a certain level."[32] Where discipline holds that "the smallest things must not be abandoned to themselves," biopower "stands back sufficiently so that one can grasp the point at which things are taking place." This mode surveillance, described earlier as the regulatory mode of (neo)liberal deregulation, is precisely that at work in the contemporary spectacle. For instance, with its ever-increasing importance in daily life, the internet appears a unlimited field of free exploration and self-creation. Yet, "standing back sufficiently" in embedded advertisements and the code of search tools, ever-advancing technologies of user-tracking surveil and shape freedom. This genre of laissez-faire regulation undertakes, to borrow another Foucauldian phrase, the "manufacture of freedom." The media spectacle disciplines and scapegoats the abnormal, through the saturation of normalizing images or the mocking circulation of viral videos. But it also presents and promotes an "anything goes" attitude in which normalization parades (and operates) as empty rebellion and fake autonomy. "Letting things happen" without leaving things alone, the power vacuum marks the mediatized and the so-called liberal shape of biopower.

The notion of the "patrimonial individual" ties the power vacuum even more decisively to biopolitical power. Specifically, the patrimonial individual illustrates how the normalizing but falsifiable, surveilling but spectacular form of contemporary power places living-being in question. Reflecting the increasing "primacy of the market economy over the body," the subject of the power vacuum is not a human being with

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[32] Michel Foucault, *Security, Territory, Population* (New York: Palgrave Macmillan, 2007), 45.

rights but "the owner of [their] genetic or organo-physiological patrimony," one who

possesses their organs "and that only in the best case scenario."[33] When an economic

measure of all things applies not only to one's sense of oneself but to one's body,

subjects become owners of organs, this in the "best case scenario." As Kristeva points

out, "there are countries where a person does not even own his own organs" or "where

organs are stolen in order to be sold." For the exposed and economized patrimonial

individual, "the whole question is whether my patrimony can be remunerated or free:

whether I can enrich myself or, as an altruist, forgo payment in the name of humanity or

whether I, as a victim, am disposed of it."[34]

A figure of a post-industrial consumer culture that economizes everything, the

"patrimonial individual" resonates with two representatives of living-being in question —

the entrepreneurial man and *homo sacer*. Foucault's figure of neoliberal biopower, the

entrepreneurial man treats his own life as a perpetual investment opportunity. Making an

enterprise of himself, the entrepreneur understands and develops his capacities according

to their service in the accumulation of wealth and value. Kristeva's patrimonial individual

highlights the exposed, embodied, psychic dimension of this neoliberal subject. For the

patrimonial individual, life as enterprise is reflected in the deformation of early processes

of psychic investment. On the successful completion of primary narcissism, the

movement of loss, abjection and idealization should culminate in a redirection of psychic

investment from the maternal body to language. For Kristeva, this redirection is the "first

sublimation, which becomes intrinsic to the human condition": "the investment of signs

is translated by a surpassing of the depression, by a jubilation […] 'I' do not invest the

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[33] Kristeva, *The Sense and Nonsense of Revolt*, 6.
[34] Ibid, 6.

breast, 'I' do not invest mama; 'I' invest my own capacity to produce signs."[35] Reflecting how power conditions transform that which is "intrinsic to the human condition," the patrimonial individual does not accomplish the "first sublimation." In the power vacuum, individuals struggle to effectively invest drives in signs and spiral into rather than surpass depression.[36] The patrimonial individual makes an enterprise of depression, investing drives in their body, making meaning only in the sense of making market value. If depression is a "flimsy defense" against the fierce tyranny of empty law, the enterprise of depression can be understood as a flimsy—precarious, risky— offense to a normalizing but falsifiable power. In the best-case scenario, investment can "pay off" as privileged bodies enrich themselves towards better market position. In the worst-case scenario, patrimonial individuals are more deeply caught up in the enterprise of others, their patrimony remunerated, "their organs stolen in order to be sold."

In the precariousness of its enterprise, the patrimonial individual also resonates with the bare life of Agamben's *homo sacer*, that figure whose life is a*ban*doned to law in force without significance and whose death constitutes neither murder nor sacrifice. Divested from the world of signs, the life of the patrimonial individual is not a *bios* but rather, as Agamben describes bare life, a *"bios* that is only its own *zoe"* where *zoe* is, depending on its politicized market value, "convertible into cash."*[37]* Marking the disappearance of a human being with rights, the patrimonial individual is abandoned to a law that is empty but occupied by market logics. Both politicized and economized, the

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[35] Ibid, 83.

[36] For a discussion of how oppression in the power vacuum leads to melancholy and depression, see Kelly Oliver, "Social Melancholy and Psychic Space" in *The Colonization of Psychic Space* (Minneapolis: University of Minnesota Press, 2004), 87-152.

[37] Agamben, *Homo Sacer*, 188; Kristeva, *The Sense and Nonsense of Revolt*, 6.

best and worst case scenarios of patrimony hinge on the contingency of market speculation. In the enterprise of life in which bare life is a way of life, "anything goes" and anything can be sold but not all bodies are valued and values rise and fall. Where Agamben speaks, in relation to bare life, of an inner solidarity between democracy and totalitarianism, Kristeva describes the loss (or economization) of values as a "new version of soft totalitarianism." For Kristeva, "the famous loss of values, erects life as the supreme value, […] life for itself, life without questions" and threatens to "destroy life after having devalued the question of its meaning."[38] Producing the bare life of the patrimonial individual, the "soft totalitarianism" of the power vacuum does not support *bios*— "lives to be told and written," lives that bear and give meaning— as much as it manages *zoe*—owners of organs and zoological life

In *The Feminine and The Sacred* Kristeva describes the violence in "soft totalitarianism" in generalizing terms, but she also emphasizes that its dangers weigh more heavily on the lives and psyches of women. That is, given the sexed associations of the "ancestral distinction between those who give life (women) and those who give meaning (men)," women experience the totalitarian threat of the power vacuum in disproportionate ways. In so-called liberal society, political and cultural changes promise to support the lives of women as bearing and giving meaning and to help women "give meaning to the act of giving that is life." However, the reversibility of these promises and can be observed in the rise of technology and access to contraception and artificial insemination. Today, technology often reduces women to being merely possessors of zoological life; the "control of the birth rate" manages and impoverishes the erotics of sex

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[38] Kristeva, *The Feminine and The Sacred*, 14 and 13.

and the spiritual experience of birth.[39] In contexts dominated by the supremacy of life as a political and cultural value, the association of women with "those who give life" reflects and encourages the regulation of "wives and mothers [as] natural executors of zoology."

In her suggestion that soft totalitarianism registers more deeply for women Kristeva implies also that patrimony is gendered. More closely tied to life itself, and more readily encountered as a body to be economized, marketed or managed, "those who give life" are often patrimonial *women*. Here, the "whole question" is again "whether patrimony is remunerated or free," whether one is a victim or beneficiary of dispossession. Among patrimonial women, vulnerability to invasive control and regulation is unevenly distributed. For instance, Catherine Waldby and Melinda Cooper have shown that sexual and reproductive economies are drawn, in a globalized manner, along complex racial and class lines. In much of the sexual and reproductive economy— i.e., sex work, surrogate mothering, oöcyte "vending" and more— women of the developing world provide contractual use of their bodies to consumers from developed countries.[40] In the sale of oöcyte (eggs) poor women with fair skin and coloring (from Romania and Eastern Europe) contribute to the United States reproductive market and dark-skinned women without WASP characteristics (from China and India) contribute to a market in research tissues.[41] The "tissue economy" of patrimonial persons is gendered, as Kristeva would almost exclusively emphasize, but it is classed, raced and globalized as well. In general, these economies testify to the connection between the loss of values (in

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[39] Ibid, 13.

[40] Catherine Waldby and Melinda Cooper, "The Biopolitics of Reproduction: Post-Fordist Bio-technology and Women's Clinical Labour." *Australian Feminist Studies* 23. 23.55 (2008): 57-73.

[41] Ibid, 14-15.

soft totalitarianism) and the patrimonial individuals (in the power vacuum). As reproductive laborers, the life and work of oocyte vendors and surrogate mothers is rarely valued and always managed and exposed to risk.[42] Very often, their contribution to a larger narrative, a *bios*, about the growth of biotechnology or the growth of a single family, is erased.

Waldby and Cooper's "tissue economy" helps illustrate the "threat of destroying life after having devalued the question of its meaning" and the limitations of the term "soft totalitarianism." That is, the notion of "soft totalitarianism" captures the violence of a biopolitics turned thanatopolitics— a destructive attention to life as the "supreme value." But it does not capture, and must be held in close proximity to, the complexity of gendered violence and the normalizing, falsifiable, non-locatable character of power. Today, when value centers reductively on life, power operates in a *de*centered fashion through dense and multiple forms of difference. Mechanisms for controlling and economizing "owners" of reproductive bodies are dispersed throughout the normalizing spectacle. Under the guise of freedom—specifically the freedom to sell and transform our bodies or to buy and take others' bodily material (eggs, organs, etc.) to make our "own" babies etc—the subjectivation process of patrimonial individuals is an "invisible" and falsifiable one, hidden in the images and mediated relations that economize one's embodied sense of self. To speak of "soft totalitarianism" in this context is to highlight the contemporary disconnection between life and meaning. Without the practice of interpretation and the giving of meaning, "life would become a life of death, that is, a life

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[42] In the research tissue economy, "only the intellectual labour of the scientist who manipulates tissues in the laboratory appears as valuable activity." Waldby and Cooper cite Dickenson (2005): "oöcyte donation is more like live kidney donation than sperm donation, in terms of the singularity of the tissue, the risks involved in the process and the possibility of long-term consequences" (12).

of physical and moral violence, barbarity."[43] In the next section I read Kristeva's notions

of the sacred and revolt as an account of resistance to a regulated "life of death," a

biopolitics turned thanatopolitics. With weighty stakes for those most vulnerable to

dispossession and disconnection, revolt is a form of resistance that "gives meaning to the

act of giving that is life."

Psychic Revolt and Sacred Experience as Biopolitical Resistance

In *The Sense and Nonsense of Revolt,* Kristeva offers a bleak picture of the

possibility of resistance in the power vacuum. Given the normalizing, falsifiable and non-

locatable character of power, the future of revolt is in peril. As Kristeva frames the

impasse, if we cannot locate power and authority (and if many are too intoxicated by the

media spectacle to even search for power and authority), how can we revolt against it? In

The Feminine and The Sacred, Kristeva offers a connected and similarly bleak picture of

a sustaining reconnection of life and meaning, a connection that she describes as

"sacred." If soft totalitarianism values only "life itself, life without questions," then the

question of the meaning of life is reduced to its destructive management. For Kristeva,

the alarm sounded by the concepts of the power vacuum and soft totalitarianism spurs an

account of precarious and vulnerable resistance. In *The Sense and Nonsense of Revolt* and

Intimate Revolt, she develops a theory of revolt that is not the transgression of law but the

confrontation, displacement and assimilation of authority in the psychic economies of

individuals.[44] In *The Feminine and The Sacred*, Kristeva celebrates manifestations of

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[43] Kristeva, *The Sense and Nonsense of Revolt*, 7.
[44] Kelly Oliver, *The Colonization of Psychic Space* (Minneapolis: University of Minnesota Press, 2004), 143.

sacred experience that narrate and work through violent exclusions. In this section, I develop an account of resistance that synthesizes her notion of the sacred and revolt. Emphasizing their reciprocal work, I argue that psychic revolt empowers the sacred connection between life and meaning. If biopolitical power manages and regulates the intimate depths of psychic life, sacred revolt takes up the necessity and the promise of an intimate resistance. At once psychic and political, Kristevan resistance strives to mend the severance of life and meaning that characterizes the power vacuum and soft totalitarianism.

To grasp Kristeva's notion of psychic revolt we must begin by wresting the term, etymologically, from its narrowly political meaning in common use. With origins in the Latin verb *volvere*, to turn or return, the French *semes* of revolt suggest its connection to sullying, reversal, detour, cycle, stalling, upheaval, recovery, reassessment among other meanings and mutations.[45] For Kristeva, the etymology of revolt is suggestive of the term's sense and nonsense. Where "revolution" has an etymology of intellectual associations via *revolvere* (to consult, to reread, to tell), revolt has a more surprising trajectory. For Kristeva "surprise is never extraneous to revolt"; "revolt twists and turns—indeed, veers off—depending on history."[46] In the power vacuum, of course, revolt threatens to "veer off" into its very expiration. But in Freud's texts, the notion of revolt operates and surprises in two important themes—oedipal revolt and the return of the archaic.[47] Both themes are in evidence in Freud's account of the murder of the father in *Totem and Taboo*. In this well-known fable for the origin of civilization, primitive men

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[45] Kristeva, *The Sense and Nonsense of Revolt*, 11.

[46] Ibid, 2-4.

[47] Ibid, 32.

live in hordes where the father prohibits his son's access to women. One day, in an act of

rebellion, the sons murder the father, replace him with the totem symbol, feast and, in

their guilt, develop a social bond. For Freud, this murder of the father is an "element of

filial rebelliousness" that forms the social order and that emerges, "in the later products

of religions, often in the strangest disguises and transformations."[48] Here Oedipal revolt is

a part of the archaic formation of social life that, in its success or failure, returns in

surprising disguises, twists and turns.

Freud's rebellious sons and *volvere*'s surprising *semes* prepare the notion of

psychic revolt. For Kristeva, the most important element of the Freudian fable is the

"fruit" of the son's crime—the appropriation of the father's qualities and the social bond.

In their revolt, the sons identify with and appropriate the father's qualities—authority,

law, and value. By taking his place, the sons displace authority and make it their own.

Importantly, Oedipal revolt is not a transgression of law but rather a confrontation with

and displacement of power that authorizes the individual. Describing the "fruit" of

authorization, Kristeva writes from the first person perspective "'I' feel flattered to be

promoted to the level of someone who could, if not be the father, at least acquire his

qualities, identify with his power; 'I' was associated with this power; 'I' was not

excluded."[49] Promoted to one who can, like the father, own authority, the sons "forge the

link that will be the *socius*."[50] Through identification and authorization they earn a sense

of inclusion, a place, in the social order. For Kristeva, this authority and social tie is a

pleasure "subjacent" to the guilt of the crime; alongside bonding feelings of guilt, the

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[48] Quoted in Ibid, 13.
[49] Ibid, 14.
[50] Ibid, 23.

sons feast and celebrate the fruits of revolt. In this way, Oedipal revolt shares in the surprising etymology of revolt; displacing and assuming psychic authority, the sons' revolt is an upheaval that reverses and transforms.

Drawing on the twists and turns of Oedipal revolt, Kristeva celebrates a broader practice of revolt that confronts, displaces and assimilates an authority in the psychic economy of the individual. Psychic revolt makes use of the paradox of Oedipal revolt in which "social authority becomes individual authority through the individual's revolt against that very authority."[51] For the developing child, the rebellious incorporation of social authority is a condition for entering the symbolic order. In adult life, psychic revolt is a regenerative return to the past that questions and displaces old law and renews symbolic ties. In each case, it is a necessary process of authorization by which the subject becomes an agent of power and meaning and accomplishes a sense of belonging in the social-symbolic order. Only through revolt can one find and make meaning; its failure marks the onset of those nihilistic and disempowered "new maladies of the soul" and its "fruits" lie in the social belonging and individual autonomy that enable the capacity to represent. Kristeva describes the return and reward of revolt: "Through a narrative of free association and in the regenerative revolt against the old law (familial taboos, superego, ideals, oedipal or narcissistic limits) comes the singular autonomy of each, as well as a renewed link with the other."[52] As a process of return, revolt regenerates social bonds and empowers the individual to interpret and give meaning anew.

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[51] Kelly Oliver, "Revolt and Forgiveness" in *Revolt, Affect, Collectivity: The Unstable Boundaries of Kristeva's Polis*. Edited by Tina Chanter and Ewa Plonowska Ziarek (Albany: State University of New York Press, 2005), 79.
[52] Kristeva, *Intimate Revolt* (New York: Columbia University Press, 2002), 8.

Today the non-locatability of power upends the promise of revolt and underscores the crime subjacent to its pleasure, the cost of its "fruit." For Kristeva, psychic revolt is tied to the revolt*ing* process of abjection undertaken in primary narcissism. In abjection, the *infans* renders the mother's body abject—disgusting, vomitous, *revolting*—in order to facilitate maternal separation. Abjection is necessary part of the child's rebellion; only by abjecting the maternal body can the child begin to confront, displace and assimilate paternal authority. As Kristeva famously states in *Black Sun*, "the loss of the mother is the first step on the way to becoming autonomous. Matricide is our vital necessity, the sine-qua-non condition of our individuation."[53] When authority cannot be located, subjects struggle to abject the maternal body. Here, the inability to revolt is a sign of societal depression.[54] Disempowered, excluded and lacking social bonds, a depressed culture experiences (and economizes) the symptoms a depressed individual feels in isolation—despair, symbolic collapse, a severance of social ties. Alongside depression, the power vacuum also bears another destructive trajectory—the eruption of abjection in social life. According to Kristeva, when identification with power no longer works "'I' feel excluded" in a depressive mode or, in an effort to abolish the feeling of exclusion altogether, "'I' include myself at the top [and] 'I' exclude those at the bottom [...] renewing exclusions at the lower echelons of the social edifice."[55] Here subjects in search of a non-locatable authority or a purified social order re-invoke violent processes of identity differentiation against the lower echelons of society. In the absence of

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[53] Kristeva, *Black Sun*, 27-28.
[54] Kristeva, *Revolt, She Said*, 83.
[55] Ibid, 23.

resources to give meaning to the archaic processes of loss and abjection "life becomes a life of death, a life of physical and moral violence, barbarity."[56]

Against its depressive failure or barbaric mutations, "the singular autonomy of each [and the] renewed link with the other" is won in association with the imaginary father in the form of loving social support. As noted earlier, the imaginary father is a site of maternal love and a counter-balance to the stern law of the father, a loving conduit that supports the transfer of drives and affects into signification. In the process of separating from the maternal body within primary narcissism, the child identifies with and idealizes the imaginary father as the site of the mother's love, an "accepting or loving third" between an abject mother and the stern law of the father. Kristeva describes this androgynous site as "not a 'pure signifier' but as the very space of metaphorical shifting: a condensation of semantic features as well as nonrepresentable drive heterogeneity that subtends them, goes beyond them and slips away."[57] In effect, the loving third is a figure of the semiotic element of language, "not just the semiotic rhythms of the maternal body, but those rhythms as they show up in the speech of the other."[58] Identifying with the third, the child transfers drives and affects to the site of meaning and begins the entrance into the symbolic order.[59] In this way, the figure of the semiotic in language is an important assistant to the matricide necessary for revolt and symbolic authorization. Providing an accepting space for drives in language, the third promises resources to the symbolization of loss and abjection and thereby protects against depressive collapse or abjecting eruptions. Without supportive sites of transference for drives, with only empty

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[56] Kristeva, *The Sense and Nonsense of Revolt*, 7.
[57] Kristeva, *Tales of Love*, 38.
[58] Kelly Oliver, "Revolt and Forgiveness," 83.
[59] Ibid, 82.

laws and regulatory mechanisms, individuals in the power vacuum lose their sense of belonging to the social order, their openness to finding and making meaning. Understood as a questioning return and displacement of the past, intimate revolt is an attempt to rehabilitate and revitalize processes of authorization that enable one to find and give form to drives and affects.

What Kristeva terms "the sacred" is also an anti-depressant that shares a lineage with, and suggests an avenue of working-through, the violence of abjection. In *The Feminine and The Sacred*, Kristeva casts melancholic and sacred experience as foils of one another. Where melancholia is "flimsy defense" against maternal loss and a fragile shelter from feelings of exclusion in a normalizing order, the sacred is "rooted in a certainty about life" and "a self-assurance here and now."[60] In its precarious hold on meaning-giving life, melancholia precipitates the very suicidal tendency it aims to escape. By contrast, sacred experience celebrates the pleasure of socio-symbolic bonds. If the sacred and melancholia are foils of one another in *The Feminine and The Sacred*, Kristeva presents the sacred and abjection as analogues in *Powers of Horror,* even entitling a section of that text "As Abjection—So the Sacred." As the sacred, abjection is highlighted as a separation process that both constitutes and undermines identity. According to Kristeva, the abject is something "rejected from which one does not part, from which one does not protect oneself as from an object."[61] In abjection, the mother is sacrificed, a victim of the child's abjecting separation. And yet, this sacrifice is not total; the abject mother continues to occupy and even threaten the child in adult life.

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[60] Kristeva, *The Feminine and the Sacred*, 12.
[61] Kristeva, *Powers of Horror* (New York: Columbia University Press, 1982), 4.

In *The Feminine and The Sacred*, Kristeva defines the "self-assurance" of the sacred more directly (and broadly) as the intersection of life and meaning. There, she explains that "the sacred resides in that transition, in that passage, and not in its edges, lower (filth: pubic hair) or upper (the strict prohibition that veils or cuts off heads: the horror of monotheistic fundamentalism)."[62] Neither the abject nor the Law in themselves, the sacred is the passage as a possibility of life with meaning; it is "the borderline between nature and culture, the animalistic and the verbal, the sensible and the nameable." [63] In "soft totalitarianism," the sacred borderline is far from certain or assured. Especially for those lives most vulnerable to dispossession and disconnection, regulatory techniques and empty laws sever the connection of life and meaning and open lives to violence. With respect to sacred life, the patrimonial individual appears more speculative than certain. For many, the economization of life sets off the suicidal tendency of melancholia, seeking subjective shelter in market logic that circulate violence. For others, the economization of life sets off the exclusionary tendency of abjection, sacrificing and consuming bodies (or body parts) from the lower echelons of society. In such conditions, it is clear that the self-assurance of the sacred, its certainty, is not given but produced or accomplished.

Kristeva ties sacred experience to this dramatic upheaval of so-called liberal society, even providing a rallying cry for sacred empowerment, inclusion and pleasure — "Infinite *jouissance* for each person at the intersection of happiness for all…is it anything else but the sacred?"[64] Mirroring her call for "the singular autonomy of each [and the]

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[62] Kristeva, *The Feminine and The Sacred*, 97.
[63] Ibid, 27.
[64] Kristeva, *Revolt, She Said*, 34.

renewed link with the other" through a psychic revolt that revitalizes and rehabilitates,

the happiness of the sacred takes root out of the "fertile moment of depression."[65]

According to Kristeva, the sacred can be found and formed out of the relocation of

refusal in melancholia. Melancholics refuse to lose (the maternal Thing) and are caught

within the passage of life and meaning, adrift from symbolic resources. In sacred

experience, the subject refigures and relocates the refusal to lose. Specifically, the sacred

supports loss by *refusing* to forget it. Martha Reineke captures the spirit of this movement

when she writes that "if the subject can work through and articulate that which has been

barred and concealed in the course of its own formation and division, the subject need not

sacrifice that which has been excluded in order to secure its own being."[66] Sacred

experience is a process of returning and working-through the drive force associated with

maternal sacrifice. In a sense, the sacred is a "sacrifice of sacrifice," an attempt to include

the excluded by symbolically supporting and sublimating that which has been "barred

and concealed."[67] To be sure Reineke appears to overestimate the mastery by which one

can sacrifice sacrifice, even pressing the thought that we "need not" our "vital necessity."

In its redoubled form the sacrifice is, again, not total. The repressed sacrifice returns in a

manner that undermines the identity of the subject and threatens to repeat itself within

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[65] Kristeva, *The Feminine and The Sacred*, 142.

[66] Martha Reineke, "Kristeva's Theory of Sacrifice" in Religion in *French Feminist Thought: Critical Perspectives*. Edited by Morny Joy, Kathleen O'Grady and Judith Poxon. (London: Routledge, 2003), 114.

[67] I borrow the phrase "sacrifice of sacrifice" from Kelly Oliver's description of the sublimatory representation of decapitation in Kristeva's *Visions capitales*. "Moving beyond the abjection and exclusion of others that results in phobic and perverse identities and relations, sublimation enable by representation translates violent impulses into creative life force. Sublimated jouissance replaces violence toward self and others; representations of sacrifice and human vulnerability replace literal sacrifice, which is to say that sacrifice is itself sacrificed to creativity and this sacrifice of sacrifice is definitive of humanity." See Oliver, "Meaning Against Death" in *Psychoanalysis, Aesthetics and Politics in the Work of Julia Kristeva*. Edited by Kelly Oliver and S.K. Keltner (Albany: State University of New York Press, 2009), 60.

symbolic life. Although the sacred cannot "secure our being" it can support it, encouraging (but not completing) the redirection of violent drives into signs.

The insecure "fruit" of the sacred can be grasped in Kristeva's proximity and departure from Freud with respect to the process of "working-through" that sacrifices sacrifice. In his technical paper "Remembering, Repeating and Working-Through" Freud describes "working-through" as a repetition of the drive "modified by interpretation and—for this reason—liable to facilitate the subject's freeing himself from repetition mechanisms."[68] The interpretive modified repetitions of "working-through" stand in contrast with those of "acting out" wherein "the patient does not remember anything of what he has forgotten or repressed, but acts it out. He reproduces it not as a memory but as an action; he repeats it, without, of course, knowing that he is repeating it."[69] In the distinction between working-through and acting-out, Freud links the former to symbolic modification and support of drives, the latter with their violent eruption. As Kristeva presents it, the sacrifice of sacrifice is this interpretive process of working-through vis-à-vis sacrifice. By working through sacrifice, one interpretively redirects drives into signs, repeating (or redoubling) the sacrifice (as a sacrifice of sacrifice) in a manner that changes the very structure of the repeating drive (as sign).

In "Remembering, Repeating and Working-Through" Freud cites the transference relationship (between analyst and analysand) as the main "instrument" for transforming the "compulsion to repeat" in acting-out into a process of working-through. On his picture, the analyst

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[68] Sigmund Freud, "Remembering, Repeating, and Working-Through: Further Recommendations on the Technique of Psycho-Analysis II" in *The Standard Edition of the Complete Psychological Works of Sigmund Freud*. *Volume III*. Edited by James Strachey. (London: Hogarth, 1966), 147.
[69] Freud, 150.

admits [the compulsion] into the transference as a playground in which it is allowed to expand in almost complete freedom and in which it is expected to display to us everything in the way of pathogenic instincts that is hidden in the patient's mind. Provided [that the patient] respects the necessary conditions of the analysis we regularly succeed in giving all the symptoms of the illness a new transference meaning.[70]

For Freud, the transference relationship allows drives to pass from body to symbolic form through a "playground" that offers an initial form via the space of the transferential relationship itself. On Kristeva's picture, the imaginary father or loving third occupies the position of transference within the process of working-through. As we have observed, the loving third marks the site of the child's early drive transfer, the place where the semiotic emerges in the speech of the other. The sacrifice of sacrifice redirects and modifies a repeating drive only by finding an accepting place in language, the resources of which enable the "recreation of the transferential dynamic with other others" (i.e. beyond the analyst). With the support of the loving third, Kristeva suggests the interminable character of working-through marks a virtue rather than a failure of interpretive return.[71] As she puts it, "the interminability, no longer inexorable but open, is a sort of numerical, countable infinity that will continue in the future of a life and generations to come."[72] An interminable sacrifice of sacrifice is a process that is not masterful or "freeing" but open and supportive. In a manner analogous to psychic revolt, it appears that the promise of the sacrifice of sacrifice is won only in association with the imaginary father that links the interminable work of working-through to the infinite openness of loving bonds.

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[70] Ibid, 154.

[71] Nouri Gana, "Revolutionaries without a Revolution: The Case of Julia Kristeva." *College Literature* 31.4 (Fall 2004): 198.

[72] Kristeva, *Intimate Revolt*, 40.

For Kristeva, "the sacred seems both essential to women and very threatened in a world that knows how to do everything except unite 'souls.'"[73] More readily encountered as an abject body to be marketed and managed, the sacred is "essential to women" because they are more vulnerable to sacrifice. For women suffering the disconnection of life and meaning, she imagines how the sacred might amount to a form of resistance

> What if the ancestral distinction between those who give life (women) and those who give meaning (men) were in the process of disappearing? What do you think? It would be a radical upheaval, never before seen […] might women be in a position to give a different coloration to the ultimate sacred, the miracle of human life: not for life itself, but life bearing meaning, for the formulation of which women are called upon to offer their desire and their words."[74]

For depressive patrimonial women reduced to "those who give life," the sacrifice of (maternal) sacrifice promises to "call upon their desire and words," to work-through and mend the disconnection between life and meaning. In the soft totalitarianism of the power vacuum, however, sacrificial logics operate along dense and multiple forms of difference and according to diverse and entangled histories of exclusion. Imagined through a more complicated picture of dispossession and disconnection, the sacrifice of sacrifice could approach its own promise—"infinite *jouissance* for each person at the intersection of happiness for *all*."

While this picture of even more radical upheaval recalls and diversifies the need for loving thirds in psychic and social life, Kristeva complicates this undertaking by linking the sacred even more essentially to women. In a slippage that will be shown to be recurrent in her thought, Kristeva reduces women to "those who give life"

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[73] Kristeva, *The Feminine and The Sacred*, 137.
[74] Ibid, 14.

> The vaginal body, that dwelling place of the species, imposes on woman an experience of the 'interior,' of internal reality that does not allow itself be easily sacrificed by the prohibition, or represented by the codes resulting from the prohibition (language, images, thought and so on). Whether mistress or mother, a woman remains a stranger to the sacrifice she participates in it, she assumes it, but she disrupts it, she can also threaten it. It is therefore understandable how a vital depth also constitutes a social danger.[75]

Here Kristeva suggests that women's vaginal reproductive body is a resistant outside to movements of power. No longer "familiar" with sacrifice, as its frequent victim, women are "strangers to sacrifice" as an interior that "does not allow itself be easily sacrificed by the prohibition." Such a claim essentializes women's claim on the sacred in a manner that would foreclose attention (and resistance to) diverse axes of sacrificial violence. More broadly, it reflects Kristeva's maintenance of an excess to the violence of the power vacuum and soft totalitarianism. While Kristeva celebrates the disappearance of the distinction between "those who give life (women)" and "those who give meaning (men)," she does not abolish the distinction between *zoe* and *bios*. In the Kristevan text the intersection and entanglement of *zoe* and *bios* is clear—from her celebrations of "life bearing meaning" to her outline of normalizing mechanisms that produce the patrimonial individual— but so also is their ultimate heterogeneity. In a recent interview with John Lechte, Kristeva answers the question decisively: "JL: In the end do you accept the well-foundedness of the distinction between *zoe* and *bios*? JK: Yes, entirely."[76] Kristeva's commitment to the *zoe/bios* distinction is examined more directly in the proceeding section. Here the question of resistance is framed by the very fact that, in the power

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[75] Kristeva, *The Feminine and The Sacred*, 16.

[76] John Lechte and Maria Margaroni "Interview: Sharing Singularity" in *Julia Kristeva: Live Theory* (New York: Continuum Books, 2004), 158. 143-164.

vacuum, "interior reality" is *not* given, least of all for vaginal bodies and others vulnerable to intimate and invasive regulation. In the conditions Kristeva describes—a normalizing, falsifiable, spectacular order that (de)regulates psychic life —the locus of resistance is not excess but intimacy.

The sacred and revolt should be thought together as forms of intimate resistance that empower the borderline of life and meaning by producing it anew. As we have seen, the elaboration of normalizing power in the power vacuum and the "loss of values" in soft totalitarianism create conditions in which patrimonial individuals experience, in differential ways, the disempowerment of diffuse power and empty laws and the weak symbolic ties of a "culture" in which "life itself" is the supreme value. In these biopolitical conditions, patrimonial men and women suffer the disconnection of life and meaning. Having shown that the psyche is a political and power laden scene, Kristeva maintains that the "transformation of man's relationship to meaning […] intrinsically concerns public life and consequently has profoundly political implications. In fact, it poses the question of another politics, that of permanent conflictuality."[77] In this way, Kristeva's intimate forms of resistance do not aim to "deliver us" from the political, nor do they imply that the "couch is expected to rise up and take power."[78] In recognition of the depths and non-locatability of normalizing power, psychic revolt and sacred experience return to and renew the conditions by which we become political-beings and subjects of power. Both returns outline a process through which drives and affects find support in signifying systems. This support is endangered in the soft totalitarianism of the

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[77] Kristeva, *Intimate Revolt*, 11.
[78] Gana, 201; Kristeva, *The Sense and Nonsense of Revolt*, 50.

power vacuum where depression, a flimsy defense and an enterprise, is a not-so-talkative way of life.

To be clear, the extent to which psychic revolt and sacred experience amount to resistance hinges on whether their returns repeat *and refigure* the process of authorization. If the sacrifice of sacrifice falls back into sacrifice or if, in revolt, "'I' include myself at the top [and] exclude those at the bottom," then Kristeva's intimate resistance is merely a repetition of the violence of a normalizing falsifiable order. As observed in the earlier discussion of Freud's notion of "acting-out," the compulsion to repeat is itself a form of resistance, a resistance to the process of recollecting and reckoning with formative traumas. The notion of "working-through," which helped clarify the sacrifice of sacrifice in its distinction from compulsive repetition, describes another course of repetition. Working-through repeats and, via interpretation, modifies the drive in a manner that loosens (or "frees") it from the "repetition mechanism" (or the compulsion). The movement of loosening marks a space of interrogation and reflection that distinguishes its repetition from unknowing compulsion and that introduces an internal change in the drive itself. The notion of working-through should describe the goals of the broad project of intimate resistance. Interpreting formative impasses, intimate resistance repeats in return but this repetition must also modify and refigure. Not masterful but interminable, not as much liberatory as supportive, revolt and the sacred must return and repeat only with resources of interpretation.

In the case of both revolt and the sacred, the most important resource of this kind is that of *questioning*. For Kristeva, the sacred intersection of life and meaning is, in a sense, itself a question. In *New Maladies of the Soul* and *Intimate Revolt*, Kristeva

reinterprets symbolic castration beyond the paradigm of lack (characteristic of the Lacanian Symbolic) and argues that castration is essentially a *question*.[79] That is, in a manner consistent with her claim that the child enters language only with support, Kristeva suggests that the symbolic order cannot be founded on lack and negation alone. Importantly, the transition from the pre-symbolic to the symbolic is also spurred and supported by questioning. To be sure, the child develops signifying capacities through the negation of saying "no," trading objects and things (especially the maternal thing) for the representation of the signs. The "no," which reflects the negativity of maternal separation, opens unto all symbols and introduces negativity into language itself.[80] Language bears a lack insofar as signs are not things. However, before the "no," questioning allows an experience of relationality that supports the drives in language and, eventually, supports the reconnection of signs and things in the form of a "negation of negation." In effect, the relational pleasure of questioning counter-balances the impending trauma of negation. Of this transition Kristeva summarizes that "its value lies not in being a brutal cut. It lies in benevolently generating the capacity of thinking itself, precisely since beyond negation, what psychoanalysis calls symbolic castration is a question […] the question opens the *infans* to discourse and allows speech to be taken toward an endless horizon."[81] The value of the sacred cut lies in its connection to questioning and, in the sacrifice of sacrifice, the process of questioning contributes to that of working-through wherein the question helps interpret and modify drives and affects in language.

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[79] Kristeva, *Intimate Revolt*, 146; Kristeva, *New Maladies of the Soul*, 88.
[80] Oliver, *The Colonization of Psychic Space*, 146.
[81] Kristeva, *Intimate Revolt*, 146.

In the repetition of return, the transformative role of questioning is perhaps most clear in Kristeva's writings on psychic revolt. "Opening unto the symbolic in the form of a double negation, an indefinite questioning," psychic revolt is a return to the conditions of authorization that questions and displaces old laws for the sake of the future as a future that authors questions.[82] This process is different from the revolt of the "nihilist" whose repetitions withdraw into old values or un-questioning new ones. "It is not enough to revive the permanence of revolt, which technology may have blocked, in order to recapture happiness or some sort of serene stability of being."[83] Instead, the interrogations of revolt "relentlessly repeat retrospective return so as to lead it to the limits of the representable/thinkable/tenable."[84] At these limits the revolting subject experiences the value of questioning as drives and affects are brought to language in a manner that is conflictual but supportive (not secure and serene). At the borderline of life and meaning, the experience of the value of questioning introduces a change in the repetition of return. The so-called new values of the soft totalitarian power vacuum are "values that have forgotten to question themselves."[85] The life of the patrimonial individual is, we recall, not simply a life without speech but a "life without questions." In the process of renewing and revitalizing the connection between life and meaning, psychic revolt installs the question as the value of this sacred cut. In this way, the indefinite questioning of revolt marks the possibility of another economy, one that interrogates the totalitarian threat of

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[82] Ibid, 213.
[83] Ibid
[84] Ibid, 7.
[85] Ibid, 6.

the power vacuum, "the threat of destroying life after having devalued the question of its meaning."[86]

The picture of psychic revolt as a practice of indefinite questioning should be read in context with the understanding of biopower as a power that "places living [and speaking] being in question." Borrowed and adapted from Foucault's description of the threshold of modernity, the notion of "living [and speaking] being in question" marks how biopower operates through questioning. That is, the question of what constitutes life and language is part of the biopolitical production of an answer to—or to use Agamben's vocabulary, a "decision" on— that question. At the level of the psyche, the questioning of revolt is also linked to an answer or "decision" because it supports the child's "no" and "opens unto the symbolic." In revolt, questioning is critical and interpretive but it is also part of a process that is both repetitive and productive. In intimate resistance, the refigured psychic economy borne of questioning is not one beyond the movement of decision (or, obviously, the sacred cut of the question). Rather it is an economy that might be better able to interpret, critique and work-through the impasses of authorization and the values those impasses circulate and hide (under the guise of "life itself") in the soft totalitarianism of the power vacuum. Clearly, then, Kristeva's account of intimate resistance diverges from that of Agamben, a fact made clear by her celebration of a life that authors questions in order to author biography, "a life to be told and written."

Zoe, Bios, Biography

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[86] Kristeva, *The Feminine and the Sacred*, 13.

The melancholic women of *Black Sun* pre-date and pre-figure the biopolitical turn in the Kristevan text outlined in this chapter. Failed by a flimsy symbolic law, Helen and Isabel suffer from symbolic collapse and occupy a "not-so-talkative world." For each, depression is like a "living death," a "bottomless despair" cut off from language and withdrawn from the social world.[87] In *The Sense and Nonsense of Revolt*, *Intimate Revolt*, *The Feminine and The Sacred* and other later texts, Kristeva argues that the mute symptom and the general "inability to represent" reflect the vacuumed totalitarian character of contemporary power. Making clear the multiplication of normalizing power and regulatory mechanisms that attend soft symbolic law, Kristeva uncovers mutations of Helen and Isabel in the living death of patrimonial men and women. In the power vacuum, the economization of embodied life is another flimsy defense in a depressive culture disempowered and disconnected from meaning-making. In this context and at the borderline of *zoe* and *bios*, intimate resistance is "another politics" because it engages, at the psychic depths of normalization, a practice that eludes Helen, Isabel and others— the practice of biography. Although "it is not a time of great works," the "tiny revolt" of questioning in order to tell our story "resuscitates our innermost depths" and "preserves the life and mind of the species."[88] The connection between psychic revolt and biography highlights resistance as a refiguring displacement and narration of the past, a disruption and recombination of our formative impasses. But it also returns us to a more troubling trajectory in the Kristevan text—the maintenance of the distinction between *zoe* and *bios*. In the discussion of psychic revolt above, Kristeva's tendency to link women's vaginal body to an inherently resistant *zoe* is suspended. However, even when following the more

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[87] Kristeva, *Black Sun*, 76 and 91.
[88] Kristeva, *Intimate Revolt*, 5 and 13.

promising thought of Kristevan resistance—one rooted in intimacy rather than excess—

revolt returns to the question of *zoe* and *bios*. By way of conclusion, this section marks an

excess harbored in Kristeva's intimate resistance and re-frames the capacity of her text to

work-through its own omissions. Specifically, I weigh the differences of Kristeva and

Agamben's strategies of biopolitical resistance, an *infans* to be worked-through and

infancy that jams.

As this chapter has observed, Kristeva is attentive to how lives conflated with

"life itself, life without questions" (*zoe*) are rendered more vulnerable to violence and

exclusion. With a particular investment in disappearing the distinction between "those

who give life (women)" and "those who give meaning (men)," Kristeva's account of the

power vacuum and soft totalitarianism uncovers the metonymic relation of *zoe*-body-

woman-animal and its operation through differential and differentiating power. In

women's reduction to the reproductive dwelling place of the species, their bodies are

opened up to more invasive and violent regulation. However, in another movement she

commits this same reduction, suggesting that the dwelling place "does not allow itself be

easily sacrificed by the prohibition, or represented by codes resulting from the

prohibition."[89] To be sure, Kristeva's critical explorations offer significant resources to

theorize the exclusions of her own text. The notions of abjection and sacrifice can be re-

functioned, in a reflexive manner, to theorize the production of "a vital depth that also

constitutes a social danger," a resistant outside to normalizing violence.

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[89] Kristeva, *The Feminine and The Sacred*, 16.

Nevertheless Kristeva's attention and inattention to slippage suggests that her text is itself ambivalent, especially vis-à-vis *zoe*-body-woman-animal.[90] On the one hand, she critiques the violence of a normalizing power that produces individuals, in differential and differentiating ways, as depressive enterprising patrimonial men and women that struggle to speak. On the other hand, Kristeva has a tendency to link life, women and animals to an excess materiality beyond the reach of prohibitions and the movements of normalizing power. The question of Kristeva's ambivalence can be set in a more biopolitical frame. On the one hand, "life itself, life without questions" is a production of the power vacuum and a reflection of biopolitical power. On the other hand, there is *zoe*, an excess pure and resistant materiality that precedes and exceeds subjection, the "generally biological aspect of life: which would be as it were 'programmed' […] by genetic destiny."[91] Cast and re-cast again, Kristeva's ambivalence marks a regulatory undercurrent to her attempt to recover and produce lives to be told and written, biographies. In the process, Kristeva produces life itself, a life of (one of the least biographical of characteristics) destiny. Returning and repeating again, this production has been observed in the vital necessity of sacrifice maintained in psychic revolt.

As it bears upon the distinction between *zoe* and *bios*, Kristeva's ambivalence diverges from an Agambenian frame. On Agamben's terms, so long as Kristeva accepts the *zoe-bios* distinction, the attempt to recover and support lives to be told and written will produce bare life. For Agamben, "tiny revolts" that displace old authorities and work-through the impasses and traumas of an individual's history, are biopolitical machinations, "ceaselessly updated decisions in which the caesurae and their re-

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[90] Oliver, *Animal Lessons: How They Teach Us to be Human*, 300.
[91] Lechte and Margaroni, "Interview: Sharing Singularity," 158-159.

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articulation are always dislocated and displaced anew."[92] This machination applies as much to the movement of refiguring as repeating, each an effective re-functioning of a "bloody and lethal" logic. If we consider Agamben's own analogous call to return to and renew the conditions of speaking-being, his divergence from Kristeva deepens further. Found in the concept of infancy discussed at length in the previous chapter, Agamben's return aims to jam the logic of inclusive exclusion whereby language guards the ineffable. Infancy is an experience of muteness as "not not speaking" that conditions speech. In a manner that figures every speaker as an "eternal child," every event of speech carries infancy at its center not as silence but as pure sayability. Drawing on Kristeva's account of vulnerability in *Le haine et le pardon*, the previous chapter challenged the invulnerable a-relational character of infancy. Abstracted from relations of dependence and perhaps in demonstration of Agamben's own ambivalence, infancy was shown to take on the very logic of inclusive exclusion that it aimed to jam.

Kristeva's *infans* is linked not to jamming but to working-through, an activity that develops her account of vulnerability and renders her ambivalence more ambiguous. A characteristic of the speaking body, Kristeva locates vulnerability at the sacred crossroads to which revolt returns—"biology/language."[93] That is, Kristeva maintains that humans are vulnerable because they occupy the ambiguous passage between life and meaning through which one is entangled with and exposed to others. As the foregoing explorations of revolt illustrate, the notion of vulnerability characterizes the early trials and impasses of this passage. In primary narcissism, the *infans* is exposed to and undertakes loss, love and violence. A relational yet porous being, maternal separation marks the major event of

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[92] Agamben, *The Open: Man and Animal* (Stanford: Stanford University Press, 2001), 38.
[93] Julia Kristeva, *La haine et le pardon* (Paris: Fayard, 2005), 113.

primary narcissism, a trauma that forms a deep narcissistic wound. At the outer "edges" of this passage, the Oedipal stage fills out the shape of this wound, as the assimilation into language supports and compensates but cannot wholly undo the trauma of separation. In sum, Kristeva presents the *infans* as occupying a "scar" between body and word within which the *infans* is both "wounded and wounding," having undertaken and undergone the crossroads of biology/language.[94]

Understood as the mark of vulnerability, psychic revolt can be read as a return to the conditions of the *infans* that aims to reconcile and heal its wounds. By supporting and reconnecting bodily drives and affects in language, the subject recovers the love and pleasure that also characterize vulnerability. In narcissistic and Oedipal exposure, the *infans* experiences the supportive dependence of the loving third and the pleasurable sublimation of the body in language. In psychic revolt, one returns to the conditions of authorization to mend and renew its connection to loving support and the joys of language. As a process of healing and reconciliation, revolt is a psychic undertaking with "profound political implications." Without the possibility of healing return, the character of vulnerability as wounded and wounding sets up a circuit of violence that is adequately described as ambivalent and summarized in Agamben's notion of a bloody and lethal biopolitical machine. As wounded and wounding, subjects either disavow vulnerability, in a manner that promotes the violence against others, or they are swallowed up by vulnerability, in the sadomasochism of depression and other flimsy defenses. In the Kristevan text, these threats are real but the dilemma is illusory. For Kristeva, vulnerability is more ambiguous than ambivalent because the passage makes possible

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[94] Kelly Oliver, *Women as Weapons of War: Iraq, Sex and the Media* (New York: Columbia University Press, 2007), 138-139.

positive and critical experiences of dependence. Through the indefinite questioning of revolt the subject can work-through rather than act-out the wound of biology/language, *zoe*/*bios*. That is, the questions and pleasures of vulnerability can wrest the regulatory undercurrent of Kristeva's text from wounded-wounding machination and set it in a more ambiguous passage, one wrought with the violence of wounds but also opened unto the possibility of healing. To the suffering of Helen and Isabel, psychic revolt does not promise to jam or transcend the soft totalitarianism of the power vacuum but it suggests a mode of revitalizing psychic life as a vulnerable biography "with and for others."

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CONCLUSION

This dissertation examines the significance of biopolitical power to forms of life and language in the contemporary West. Over the course of its explorations, Foucault's description of the threshold of modernity operates as a helpful anchor in connecting the concept of biopower to the production of *speaking*-being as well as living being. In that famous pronouncement, Foucault remarks that "for millennia, man remained what he was for Aristotle: a living animal with the additional capacity for political existence; modern man is an animal whose politics places his existence as a living being in question."[1] In biopolitical contexts, where "the life of the species is wagered on it own political strategies," *zoe* (the simple fact of living shared by living beings) and *bios* (the way of life proper to persons and *poleis*) are indistinct; as Foucault puts it, biopower places "living being in question." Insofar as the distinction between *zoe* and *bios* had conceptually hinged on the "additional capacity" for language, the distinction between "having" and "not-having" language is also ambiguous; as is argued throughout these pages, biopower places living [and speaking-] being in question." The question 'How does life have language?' is an old mechanism of exclusion but one that finds a mutation and lease in biopolitical contexts where new productions of "having" and "not having" language reflect and contribute to the regulatory support of some lives and the abandonment of others. Today, life and language are fabrications of biopolitical power and what constitutes living and speaking being reflects the regulatory strategies and tactics of a productive power.

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[1] Foucault, *The History of Sexuality* (New York: Vintage Books, 1990), 143.

To map how the question of language operates as a differential strategy of biopower this dissertation turned to the work of Michel Foucault, Giorgio Agamben and Julia Kristeva as well as rich and difficult sites of living and speaking being in question. Prominent among these sites (but not therefore paradigms, in Agamben's sense or otherwise), the figures of Terri Schiavo, the *Musselmann,* and Helen and Isabel help open important dimensions of the language of biopower and access useful theoretical resources of resistance. As singular illustrations each provides an anchor in the challenge of supporting excluded voices when operations of inclusion and exclusion, fostering and disallowing, are caught up in movements of biopower. That is, with respect to the notion of "living and speaking being in question," these figures help open questions that might open unto living and speaking otherwise. Prominent among these questions: How might "other" voices earn support without disallowing the voices of other others? What constitutions of language or movements of power ready or realize this transformation? By way of conclusion, I return to the impasses of these examinations in a manner that synthesizes my hitherto discrete conversations with Terri Schiavo, the *Musselmann,* Helen and Isabel.

As diverse figures of "living death" these sites of living and speaking being in question mark the productive depths of the power to "make live" as well as its apparently contradictory capacity to link with the power to kill. In biopolitical contexts, even the most "intrinsic" features of life, like its distinction from death, reflect the genealogical "secret that [life has] no essence or that [its] essence was fabricated in a piecemeal fashion from alien forms." To capture this level of production found in biopolitical power, as well as its illustration of the indistinction between *zoe* and *bios* I have argued

that Foucault's understanding of biopolitical power as the power to "foster life or disallow it to the point of death" must be coordinated with Agamben's concept of the exception as the power to "make survive." This reading redresses Foucault's inattention to contemporary mutations of sovereignty that underwrite rather than re-function biopolitical power. Understood as a tactic that activates contingency within the field of governmentality as the conduct of conduct, the exception is deactivated from Agamben's own hidden ontologies. As a picture of a normalizing order in which empty laws also circulate fierce tyranny, the Kristevan text echoes my assessment of the "demonic combination" of regulatory mechanisms and exceptional tactics.

The flexible resources accomplished in this coordination and combination help theorize how figures come to differently occupy the indistinction of "living death." In the case of Terri Schiavo, the existence of advanced comatose states reflects the power to foster life via advancements in biotechnology and the expansion of the jurisdiction of medicine from the treatment of illness to the management of chronic illness and death. In this development women's lives are differentially supported and the health conditions of subordinated populations suffer the increased risk, in more and less subtle ways, of illness, death and even living death. Here, Helen and Isabel's self-description as suffering a "living death" marks the psychic impoverishment borne of normalization, the kind of destruction that might have attended Terri Schiavo's bulimia. Seemingly extraordinary, death-bed scenarios reflect everyday normalizing mechanisms that produce eating disordered (or melancholic) women. At Schiavo's bedside, the tactic of the exception operates in an un-subtle way, removing and reinserting her PEG feeding tube but this tactic need not only be spectacular. Although Terri Schiavo's name seems permanently

lodged in American consciousness, the *Muselmann* is distinguished, among these figures, in not having a proper name because his living-death is "submerged" instead of spectacular.

As figures of "muteness," Terri Schiavo, the *Muselmann,* and Helen and Isabel mark the productive depths of biopower with respect to speaking-being. Another intrinsic feature open to the movements and transformations of biopolitical power, speech is revealed to be a precarious and fragile event, one that marks the contingency of the conditions of entering language, on Agamben's account, or the vulnerability of that same process, on Kristeva's. For Agamben, language is fabricated in a process by which muteness is "placed outside oneself" and, in that movement, included within the self as well. In his critique of the fabrication of language within the history of philosophy, Agamben describes this power-laden procedure as the structure of Voice that presupposes voice as removed. With respect to the *Muselmann* as a "mute" figure—the true witness of the camps that, paradoxically, cannot witness— Levi's paradox resituates the production of speaking-being within his attempt to include excluded testimony. To not testify for the *Muselmann* is to repeat the violence of his original (inclusive) exclusion, to testify for the *Muselmann* is to ventriloquize experiences "seen from close by," "by proxy," to not genuinely include the excluded.

If Agamben's account of the biopolitical production of language highlights how the tactic of the exception produces speech by placing muteness outside (and within) language, it also suggests a particularly violent form of including excluded voices—that of "giving voice" in ventriloquy. This possibility is a particularly wrenching thought for Primo Levi, but it is undertaken eagerly at Terri Schiavo's bedside. As I have argued, the

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debate over the fate of Terri Schiavo's life made use of perceptions of her body as a speaking body to direct and redirect its regulation. Ventriloquizing "body doubles" like Kate Adamson, survivor of "locked in syndrome," were particularly salient forces in molding public perception of Schiavo as a speaking-being and also particularly violent modes of advancing political objectives through or on behalf of Schiavo's political will.

To be clear, the case of Schiavo and the *Muselmann* raise the threat of ventriloquy while also confirming the ambiguity of its occurrence. Many advocates that mobilized body doubles also understood events of Schiavo's body—vocalizations, the movement of her eyes—as communicative events. This understanding of Schiavo's body as itself a site of testimony should be held in contrast with the withdrawal of this interpretation in the case of the *Muselmann*. Discussed in reference to Robert Antelme's account of the "flush" of the *Muselmann* called forward to his execution, it was noted that Agamben found this flushing affect to be "like an apostrophe" but not itself testimony. Alongside one another, the unread flush of the *Muselmann* and the over-read symptoms of Schiavo's body remind us that, given the biopolitical production of language, what is taken to constitute language shifts and mutates depending on context. The too secure understanding of a figure as mute loses sight of the ambiguity that attends the production of that muteness; the too secure understanding of testimony as testimony, indeed the thought of "testimony itself," loses sight of its own conditions of production. The notion of ventriloquy is still instructive for attempts to resist and redress the biopolitical marginalization of voices: to avoid the violence of "giving voice" or "removing voice" by remaining attentive to that ambiguity of what constitutes voice.

In contrast with Agamben, Kristeva connects the production of language with vulnerability in a manner that is perhaps more attentive to ambiguity. For Kristeva, one does not enter language by inclusively excluding muteness. Instead the *infans* assimilates language by sacrificing the maternal thing and compensating for that loss with signs. This is a wrought relational process in which the *infans* is wounded, by loss and its incomplete support by the sign, and wounding, in a movement of sacrificial violence against the maternal body. To be sure, language involves a sacred cut, an abjection from which the *infans* does not part. But it would be inapt to describe this cut as an inclusive exclusion because the borders it forms are more ambiguous than inside-outside, outside-inside. The sacred cut marks the in-betweenness of speaking-being, the vulnerability and ambiguity of occupying the passage between body and word. As I have argued, Kristeva's account of psychic revolt provides a compelling model for how to re-constitute language in ways that support marginalized voices. In psychic revolt one returns to the past to question and displace old laws in a manner that revitalizes and refigures the connection of life and meaning. This is not a movement of articulating or "giving voice" to drives and affects but an indefinite and incomplete process of supporting and fostering a space for them in language. For marginalized individuals like Helen and Isabel, for whom the regulatory mechanisms and empty laws of the power vacuum lead to symbolic collapse, the activity of psychic revolt can be one of reconnecting life and meaning. One can imagine how this practice might have played a beneficial role in Terri Schiavo's struggle to overcome with bulimia. Kristeva envisions the work of psychic revolt in a context where, retreating from or abandoned to the symbolic, many turn or collapse into flimsy sadomasochistic

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defenses like melancholia or eating disorders. For these suffering individuals, psychic revolt is an activity that strives to support the connection between life and meaning.

It goes without saying that Kristeva's thought of "another politics" that takes place in psychic space is not the prescription of psychic revolt for a *comatose* Terri Schiavo or the *Muselmann* to revitalize their symbolic ties. But insofar as she suggests that psychic revolt helps mend the wounded-wounding constitution of speaking-being, Kristeva offers a vision of social symbolic life in which healing is possible and witnessing need not remain trapped in a violent cycle of giving and removing voice. As I have argued, Kristeva's account of an *infans* to be worked-through can be understood as a contrast to Agamben's in-vulnerable a-relational notion of infancy. For Agamben, infancy marks an experience of pure potentiality or sayability that conditions, and remains carried within, every event of speech. The notion of infancy informs Agamben's attempt to develop an account of witnessing for the *Muselmann* that resolves Levi's paradox. For Agamben, to witness the *Muselmann* beyond the logic of ventriloquy is to bear witness to the infancy that survives in his muteness. Given my demonstration that infancy is an abstract and a-relational concept, Agamben's account of witnessing seems to bear witness to the most anonymous part of the *Muselmann*. By contrast Kristeva's notion of a vulnerable and ambiguous *infans* suggests a more compelling mode of witnessing for the *Muselmann* one that finds in his destitution not the remaining surge of an abstract potentiality but an ambiguous woundedness—a vulnerability traversed by relations with others and exposed to the most violent declensions of biopolitical power—that might be supported and given space in testimony.

As figures of "living and speaking being in question" in the form of "living *death*" it is appropriate that tarrying with Terri Schiavo, the *Muselmann* and Helen and Isabel brings this project to the other border of life, infancy and childhood, and its biopolitical production. Kristeva's *infans* might be understood as another figure in this series, caught up in the movements of power that variously foster and disallow parts of its being. Given representations of infancy like that of Agamben—totipotent, in-vulnerable, potentiality— it is important to observe how childhood is entangled in relations of power and dependence. When the child stands in excess of these movements, the support and influence of its early relationships, especially with the mother, is covered over. Understood here as a deepening registration of power in subjectivation, Kristeva's long-standing project of developing the role of the maternal function in primary narcissism responds to just this form of erasure and its regulatory effects. Yet Kristeva bears slippages and excesses of her own.

Throughout this dissertation, my account of biopower holds that its productions "go all the way down" and move also through strategies of resistance. The question of resistance is not that of an excess to power, to be found in abstracted potentiality or a vaginal interior, which seem only to redistribute violent regulation and to obscure the vulnerable entanglement. Instead, resistance can only be found within power relations in the (critical but non-masterful) repetition and refiguration of their movement. With respect to resisting voices—those that work-through rather than act out the wounded and wounding production of language—this means reconciling oneself with one's own ambiguous and vulnerable speaking-being in order to support and foster it in others.

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Works Cited

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