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## ARTICLE

### **Agamben's Foucault: An overview**

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**ABSTRACT:** This article gives an overview of the influence of the work of Michel Foucault on the philosophy of Agamben. Discussed are Foucault's influence on the *Homo Sacer* cycle, on (the development) of Agamben's notion of power (and on his closely related notion of freedom and art of life), as well as on Agamben's philosophy of language and methodology. While most commentaries focus on Agamben's interpretation of Foucault's concept of bio-power, his work also contains many interesting references to Foucault on freedom and possibilities—and I think that it is here that Foucault's influence on Agamben is most deeply felt. This article focuses on the shifts Agamben takes while looking for the *Entwicklungsfähigkeit* in the work of Foucault.

**Keywords:** Foucault, Agamben, art of life, freedom, *Entwicklungsfähigkeit*

"I see my work as closer to no one than to Foucault"

- Giorgio Agamben

### **Introduction**

The way Agamben uses the work of Foucault is controversial. Some speak of an 'agambenisation' of Foucault, others see a revaluation of Foucault's works through Agamben's analyses. Agamben himself often emphasizes the importance of Foucault for his work. But where in *Homo Sacer*<sup>1</sup> he speaks of correcting or at least completing one of Foucault's theses—a phrase that irritated many of Foucault's fans—more than ten years later his tone has become more modest, stating in *Signatura Rerum*<sup>2</sup> how much he has learned from Foucault. A study of Agamben's references to Foucault offers a glimpse of the depth and broadness of this influence, which can hardly be overestimated.

In Agamben's early works from the seventies to the early nineties, Foucault is remarkably absent. In his first six books, only one short reference to Foucault is found (in *Infanzia e storia*, 1979). This changes with the publication of *Homo sacer: Il potere sovrano e la nuda vita* (1995), which was the first of a cycle of books, and was Agamben's philosophical

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<sup>1</sup> Giorgio Agamben, *Homo Sacer. Sovereign Power and Bare Life* (Stanford, CA: Stanford University Press, 1995/1998), 12.

<sup>2</sup> Giorgio Agamben, *The Signature of All Things. On Method* (New York: Zone Books, 2008/2009), 7.

breakthrough. In *Homo Sacer* Agamben gives an alarming analysis of the contemporary political situation, and in this analysis Foucault's notion of biopolitics plays an important role. Since 1995 Foucault has been a well-known guest in the work of Agamben, especially throughout the *Homo Sacer* cycle. Deladurantaye calls Foucault the single most decisive influence on Agamben's later works.<sup>3</sup>

Agamben once stated that he prefers to work with the *Entwicklungsfähigkeit* in the work of the authors he likes. With *Entwicklungsfähigkeit* he means that which the author had to leave unsaid, undeveloped, or as a potential.<sup>4</sup> So in Foucault's work, Agamben seeks to elaborate the undeveloped aspects. Agamben's contribution is not meant as criticism, although it sometimes radically changes Foucault's concepts.

### 1. Foucault's influence on the *Homo Sacer* cycle

The influence of Foucault on the *Homo Sacer* cycle as a whole is hardly ever commented upon. Most commentaries focus solely on the first book, in part because the last parts have not yet been translated into English. As of now, the *Homo Sacer* cycle contains the following books (the chronological publication of the different volumes differs from the numbering of the books):

- I. *Homo sacer. Il potere sovrano e la nuda vita* (1995)
- II.1. *Stato di eccezione* (2003)
- II.2. *Il Regno e la Gloria. Per una genealogia teologica dell'economia e del governo* (2007)
- II.3. *Il sacramento del linguaggio. Archeologia del giuramento* (2008)
- III. *Quel che resta di Auschwitz. l'archivio e il testimone* (1998)

A closer look at the titles of the *Homo Sacer* cycle shows the apparent influence of Foucault. In the first place on method: Agamben refers to a 'genealogia teologica dell'economia' and an 'archeologia del giuramento.' In *Homo sacer II.2*, the term *regno* seems to relate to Foucault's use of *règne* and *governo* to *gouvernement*.<sup>5</sup> In *Homo Sacer III*, the notion *archivio* refers to Foucault archive. While in *Homo sacer II.3* only one short explicit reference to Foucault is found (with regard to man as political animal), the sustained concern with veridiction indicates a close association with Foucault. The notion of the oath (*giuramento*) is also mentioned in another prominent citation of Foucault (on his distinction between two forms of veridiction or truth-telling: the confession and the oath),<sup>6</sup> which probably put Agamben on the trail of the importance of the oath.

In *Homo sacer I* (1995) Agamben mainly focuses on Foucault's concept of biopower in relation to sovereign power and the concentration camps. In an interview almost ten years later, Agamben remarked:

<sup>3</sup> Leland Deladurantaye, *Giorgio Agamben. A Critical Introduction* (Stanford, CA: Stanford University Press, 2009), 208.

<sup>4</sup> Giorgio Agamben, "What is a Paradigm," Lecture at *European Graduate School* (2002).

<sup>5</sup> Jeffrey Bussolini, "Michel Foucault's Influence on the Work of Giorgio Agamben," in Sam Binkley and Jorge Capetillo (ed.), *Foucault in the 21st Century* (Cambridge: Cambridge Scholars Publishing, 2009), 117.

<sup>6</sup> Giorgio Agamben, *The Time that Remains* (Stanford, CA: Stanford University Press, 2005), 133.

I sought to apply the same genealogical and paradigmatic method practiced by Foucault. On the other hand, Foucault worked in many areas, but the two that he left out were precisely the law and theology. It seemed natural for me to address my two latest studies in this direction.<sup>7</sup>

In *Homo sacer II.1—Stato di eccezione* (2003), Agamben shifts his analysis to the field of law, and in *Homo sacer II.2—Il Regno e la Gloria* (2007) to theology. Although in *Stato di eccezione* only one reference to Foucault is found, *Il Regno e la Gloria* shows great explicit indebtedness to Foucault.

In *Homo sacer I* (1995) Agamben had wondered why Foucault never brought his insights on biopolitics to the concentration camp.<sup>8</sup> Contrary to what may be expected, *Homo sacer III—Quel che resta di Auschwitz* (1998)—published only three years after *Homo sacer I*—cites Foucault not only in relation to biopower, but also with regard to notions of resistance and freedom (this is repeated in *Stato di eccezione*, 2003).

In the homo-sacer-cycle the main themes that Agamben makes use of from the work of Foucault emerge: biopower, sovereignty, art of life and freedom, methodology, and language. All these influences by Foucault will be further explored in this article.

## 2. Foucault's influence on (the development) of Agamben's notion of power

Early in the nineties Agamben's philosophy made a shift from metaphysics, language and esthetics to politics. This is also the first time Foucault made a serious entrance in the work of Agamben. The influence of Foucault is most explicit in two books (*Homo sacer I*, 1995; *Il Regno e la Gloria*, 2007) and an essay ("Che cos'è un dispositivo?," 2006). But references to Foucault's theory of power also appear in other books published in this period, such as in a beautiful essay called "In this exile," which can be found in *Mezzi senza fine* (1996), in *Quel che resta di Auschwitz* (1998), and *L'aperto. L'uomo e l'animale* (2002). It is interesting that between the publication of *Homo sacer I* (the first *Homo sacer* book) and *Il Regno et la Gloria* (chronologically one of the latest *Homo sacer* books), Agamben's notion of power makes a decisive turn; a turn which is highly influenced by the work of Foucault.

### *Biopolitics and sovereignty*

The starting point of *Homo Sacer* (1995) was Foucault's analysis that "modern man is an animal whose politics calls his existence as a living being into question." This is a revision of Aristotle's claim that "man is a living animal with the additional capacity for political existence."<sup>9</sup> Agamben transforms Foucault's claim in stating that we are also—inversely—citizens whose very politics is at issue in our natural body. In *Homo Sacer* Agamben develops a notion of biopower inspired by Foucault. Much is written about this topic, for example in *Foucault Studies* 2005 (2), and the apparent irreconcilability in Foucault's and Agamben's accounts of biopower

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<sup>7</sup> Gianluca Sacco, "Intervista a Giorgio Agamben: dalla teologia politica alla teologia economica," *Rivista* (2004): <http://rivista.ssef.it/site.php?page=20040308184630627&edition=2005-05-01>.

<sup>8</sup> Agamben, *Homo Sacer*, 76.

<sup>9</sup> *Ibid.*, 105.

has not gone unnoticed within the critical literature. It has even been suggested that a dialogue between Foucault and Agamben is impossible.<sup>10</sup> Agamben himself, for his part, always states his indebtedness to Foucault: "I first began to understand the figure of the *Homo sacer* after I read Foucault's texts on biopolitics."<sup>11</sup> For this overview on biopolitics, I will only focus on the three points at which Agamben revisited Foucault's notion of biopower.

The first point at which Agamben revisited Foucault's notion of biopower is the time span. In the final chapter of *The History of Sexuality*, Foucault argues that the regime of power that emerged from the *seventeenth century* onwards involved a fundamental reversal of the principle of power's operation: "for the first time in history, no doubt, biological existence was reflected in political existence."<sup>12</sup> Against Foucault, Agamben claims that bare life has long been included as the "original—if concealed—nucleus of sovereign power," such that biopolitics and sovereignty are originally and fundamentally intertwined.<sup>13</sup> Agamben thus extends the field of Foucault's biopolitical inquiry to the origins of Western political experience in Greece and Rome. In a 2005 interview Agamben explains his shift of time-span with the metaphor of a shadow:

Foucault once said something quite beautiful about this. He said that historical research was like a shadow cast by the present onto the past. For Foucault, this shadow stretched back to the seventeenth and eighteenth centuries. For me, the shadow is longer... There is no great theoretical difference between my work and Foucault's; it is merely a question of the length of the historical shadow.<sup>14</sup>

As Patton remarked, in the end the difference between Agamben's approach and that of Foucault is not so much a matter of correction and completion as a choice between epochal concepts of biopolitics and bare life.<sup>15</sup>

The second point pertains to the role of sovereignty in relation to biopower. Agamben's analysis of biopolitics is closely related to the concept of sovereignty. In *Discipline and Punish* Foucault shows on the contrary how a sovereign model was replaced by a disciplinary model of power. Resistance against the disciplinary model of political power is not to be found in returning to a sovereign model as opposed to the disciplinary one. Foucault even suggested that historians abandon their focus on sovereignty, and in the first volume of his *History of*

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<sup>10</sup> Mika Ojakangas, "Impossible Dialogue on Bio-power. Agamben and Foucault," *Foucault studies* 2 (2005), 5-28. Catherine Mills, "Biopolitics, Liberal Eugenics, and Nihilism," in Matthew Calarco & Steven DeCaroli (ed.), *Giorgio Agamben. Sovereignty & Life* (Stanford, CA: Stanford University Press, 2007).

<sup>11</sup> Hanna Leitgeb & Cornelia Vismann, "Das unheilige Leben: Ein Gespräch mit dem italienischen Philosophen Giorgio Agamben," *Literaturen* 2 (2001), 16-21.

<sup>12</sup> Catherine Mills, *The Philosophy of Agamben* (Durham, UK: Acumen Publishing Limited, 2008).

<sup>13</sup> *Ibid.*, 64-65.

<sup>14</sup> Abu Bakr Rieger, "Der Papst ist ein weltlicher Priester. Interview with Giorgio Agamben," *Literaturen* (2005), 21-25.

<sup>15</sup> Paul Patton, "Agamben and Foucault on Biopower and Biopolitics," in Matthew Calarco & Steven DeCaroli (ed.), *Giorgio Agamben. Sovereignty & Life* (Stanford, CA: Stanford University Press, 2007), 218.

*Sexuality* he called for a “liberation from the theoretical privilege of sovereignty.”<sup>16</sup> According to Deladurantay,

Agamben listens carefully to this advice—and does precisely the opposite. Instead of liberating his reflections from a theoretical privilege accorded to sovereignty, he radically intensifies them.<sup>17</sup>

In contrast to the historical succession of sovereignty and biopower that Michel Foucault posits at times,<sup>18</sup> Agamben sees a tight integration between sovereign power and biopower. For Agamben the production of a biopolitical body is the original activity of sovereign power. In this sense, biopolitics is at least as old as the sovereign exception.<sup>19</sup>

This conception also implies that modern politics does not represent a definitive break from classical sovereignty. The biopolitical regime of power operative in modernity is not so much distinguished by incorporating life into politics as Foucault claimed—this is as old as politics itself. What is decisive for our modern politics is that

together with the process by which the exception everywhere becomes the rule, the realm of bare life—which is originally situated at the margins of the political order—gradually begins to coincide with the political realm, and exclusion and inclusion, outside and inside, *bios* and *zoē*, right and fact, enter into a zone of irreducible indistinction.<sup>20</sup>

The third point concerns the relation with the concentration camps. In *Homo Sacer I*, Agamben wonders why Foucault never brought his insights on biopolitics to the most exemplary place of modern biopolitics: the great totalitarian states of the twentieth century and the concentration camp.<sup>21</sup> Agamben’s inquiry in *Homo Sacer* concerns the hidden point of intersection between Foucault’s juridico-institutional and biopolitical models of power: the relation between the production of a biopolitical body and the sovereign exception.<sup>22</sup>

While Agamben speaks of correcting and completing Foucault, he is careful to characterize Foucault’s choice as a conscious, methodological one that makes perfect sense in light of Foucault’s aims, but that for his own study a treatment of legal structures could “complement” and “integrate themselves” into the line of speculation opened by Foucault, and that he tried to bring “Foucault’s perspective together with that of the traditional juridical

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<sup>16</sup> Deladurantaye, *Giorgio Agamben*, 209.

<sup>17</sup> *Ibid.*, 209.

<sup>18</sup> Foucault modifies his position on biopower and sovereignty in the lecture courses *Sécurité, territoire, population* and *Naissance de la biopolitique*, where he no longer maintains that biopower and sovereignty are distinct, nor that biopower displaces sovereignty, but that there is a more complicated interrelation and interpenetration between them. This is presumably closer to Agamben’s stance.

<sup>19</sup> Catherine Mills, “Agamben’s Messianic Politics: Biopolitics, Abandonment and Happy Life,” *Contretemps* 5 (2004), 46.

<sup>20</sup> Agamben, *Homo Sacer*, 9.

<sup>21</sup> *Ibid.*, 76.

<sup>22</sup> *Ibid.*, 11.

and political ones," adding that "there is no reason to keep them apart."<sup>23</sup> As Bussolini remarked, Agamben seems to overlook the significance of Foucault's brief analysis of the military camp in *Discipline and Punish*, which shows close parallels with the analysis of Arendt that Agamben cites,<sup>24</sup> as well as Foucault's explicit treatment of the camps and the Nazi state in *Il faut défendre la société*. Agamben partly corrects this in *Quel che resta di Auschwitz* by drawing heavily from the Foucault lecture, but he does not fully indicate that he had unfairly accused Foucault of overlooking this topic in *Homo Sacer* — so much for *Homo Sacer I*.

#### *Auschwitz and caesuras in life*

In *Homo sacer III—Quel che resta di Auschwitz* (1998), which was published before the volumes of *Homo sacer II*, Agamben further develops Foucault's analysis of biopower with regard to Hitler's Germany, stating that Foucault offers an explanation of the degradation of death in our time.

Power in its traditional form (as territorial sovereignty), defines itself as the right over life and death. This right is asymmetrical: the right to kill is more important than the right to let people live. This is why Foucault characterizes sovereignty through the formula *to make die and to let live*. When sovereign power progressively transformed into biopower, the care for the life and health of subjects became increasingly important in the mechanisms and calculations of states. The ancient right to kill and to let live gives way to an inverse model which defines modern biopolitics: *to make live and to let die*. This degraded death:

While in the right of sovereignty death was the point in which the sovereign's absolute power shone most clearly, now death instead becomes the moment in which the individual eludes all power, falling back on himself and somehow bending back on what is most private in him.<sup>25</sup>

But in Hitler's Germany biopolitics coincides immediately with thanatopolitics: an unprecedented absolutization of the biopower *to make live* intersects with an equally absolute generalization of the sovereign power *to make die*. How is it possible that a power whose aim is essentially to make live instead exerts an unconditional power to death, Agamben wonders.

Foucault gives the answer to this paradox in his 1976 Collège de France lecture, where he poses the same question: In so far as biopolitics is the management of life, how does it make die, how does it kill? In order to re-claim death, to be able to inflict death on its subjects, its living beings, biopower must make use of racism. Racism is the thanatopolitics of biopolitics. Foucault states that racism is precisely what allows biopower to fragment the biological domain whose care power had undertaken.<sup>26</sup> Agamben sees this fragmentation, this caesura in life, not only between Germans and Jews, but also more generally between animal life and organic life, human and inhuman, and conscious life and vegetative life. But as there is no given humanity of the human, this caesura is a moving border.

<sup>23</sup> Deladurantaye, *Giorgio Agamben*, 209; Leitgeb & Vismann, "Das unheilige Leben."

<sup>24</sup> Bussolini, "Michel Foucault's Influence on the Work of Giorgio Agamben," 107.

<sup>25</sup> Michel Foucault, *Il faut défendre la société* (Paris: Gallimard-Seuil, 1997), 221.

<sup>26</sup> Giorgio Agamben, *Remnants of Auschwitz. The Witness and the Archive* (New York: Zone Books, 1999), 82-84.

According to Agamben, the formula that defines the most specific trait of twentieth-century biopolitics is no longer either *to make die* or *to make live*, but *to make survive*. This survival is a mutable and virtually infinite survival, the absolute separation of animal life from organic life until an essential mobile threshold is reached.<sup>27</sup> What survives is the human in the animal and the animal in the human. To “make survive” means to produce naked life, which is subjected to death, but also, as we will see later, it means a change for resistance. This survival is a dehumanization of the human in order to find his or her humanity—which can never be found in any event as there is no human essence according to Agamben.

#### *Governmentality and economic theology*

After a silence of four years, Agamben published a new volume of the *Homo Sacer* cycle (2007): *Homo sacer II.2—Il Regno e la Gloria*, which marks a decisive turn in Agamben’s notion of power in relation to *Homo Sacer I*. This turn can be marked as a shift from political theology to economic theology. Agamben explained this shift in focus in an interview:

It became clear to me that from Christian theology there derive two political paradigms (in the wide sense): political theology, which locates in the one God the transcendence of sovereign power, and economic theology, which substitutes the idea of *oikonomia*, conceived as an immanent order—domestic and not political in the strict sense, as much a part of human as of divine life. From political theology derives the political philosophy and modern theory of sovereignty; from economic theology derives modern biopolitics, up until the current triumph of the economy over every aspect of social life.<sup>28</sup>

Negri characterised this shift as moving away from the analysis of the nature of sovereignty toward the practice of government.<sup>29</sup> For Agamben,

The true problem, the main Arcanum of policy is not sovereignty but government, not the king but the minister, not the law but the police force, that is, the state machine that they form and keep in motion.<sup>30</sup>

This shift seems to be closely related to Foucault’s work in its turning away from—or fundamentally modifying—the analysis of sovereignty.

In a broad sense *Il Regno e la Gloria* is not as much a turning away from sovereignty, as an attempt to formulate the complex relation between sovereignty and biopolitics (governmentality) and to understand the complicated, if fractured, fusion between sovereignty and biopolitics. Zartaloudis writes that in *Il Regno e la Gloria* Agamben reconsiders Foucault’s analysis of biopolitics by suggesting that instead of first having an “era” of supreme power and then a transformation to nation-State and geopolitical sovereignty or “post-sovereignty,” what

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<sup>27</sup> Ibid., 155-156.

<sup>28</sup> Sacco, “Intervista a Giorgio Agamben.”

<sup>29</sup> Antonio Negri, “Sovereignty: That Divine Ministry of the Affairs of Earthly Life,” *Journal for Cultural and Religious Theory* 9 (2008), 96-100.

<sup>30</sup> Giorgio Agamben cited in Antonio Negri, “Sovereignty: That Divine Ministry of the Affairs of Earthly Life,” *Journal for Cultural and Religious Theory*, 9 (2008), 99.

there has always been since at least the second century is a bipolar system where sovereignty and government have always worked *in tandem*.<sup>31</sup>

*Il Regno e la Gloria* "proposes to investigate the ways and the reasons for which power came to assume, in the West, the form of an *oikonomia*, that of a government of humans. It is situated therefore in the track of Michel Foucault's research on governmentality."<sup>32</sup> But just as in *Homo sacer I*, it is also a search for the *Entwicklungsfähigkeit* in the work of Foucault, or in the words of Agamben: he "seeks to understand the internal reasons for which it [Foucault's study] did not come to completion." This *Entwicklungsfähigkeit* concerns the following points especially.

First, Agamben approvingly references Foucault's *Sécurité, territoire, population* with regard to the problem between reigning and governing:

I was led to designate or see something relatively new(...): the privilege which government starts to exercise with respect to the rules, to the point that one day we could say, to limit the powers of the king, "the king reigns but does not govern," this inversion of government in relation to rule and the fact that government would be, at base, much more than the sovereignty, much more than rule, much more than the *imperium*, is the modern political problem.<sup>33</sup>

Agamben explores the same topic as Foucault, but just as in *Homo Sacer I*, the time span Agamben uses is longer than Foucault's: "The shadow of the theoretical interrogation of the present projected on the past here reaches, well beyond the chronological limits which Foucault assigned to his genealogy, the first centuries of christian theology."<sup>34</sup> Agamben seeks to use Foucault's method in important respects, but push back the historical time frame, or shadow, of the inquiry. He notes that Foucault's "lesson of March 8, 1978 is dedicated, among other things, to an analysis of Aquinas' *De regno*, showing that, in medieval thought and especially in the Scholastics, there is still a substantial continuity between sovereign and government."<sup>35</sup> Agamben tries to show, on the contrary, "that the first seed of the division between Reign and Government is in the trinitarian *oikonomia*, which introduces into the divinity itself a fracture between being and praxis."<sup>36</sup> Foucault's "methodological choice of leaving aside the analysis of juridical universals does not permit him to fully articulate" what Agamben calls the bipolar character of the governmental machine.<sup>37</sup>

Second, Agamben stresses the important insight gained from Foucault, according to which the notion 'economy' is closely related to governmentality:

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<sup>31</sup> Thanos Zartaloudis, *Giorgio Agamben. Power, Law and the Uses of Criticism* (New York: Routledge, 2010), 164.

<sup>32</sup> Giorgio Agamben, *Il Regno e La Gloria: per una genealogia teologica dell'economia e del governo* (Roma: Neri Pozza, 2007), 9. This selection roughly translated by Jeffrey Bussolini (parts of the book pertaining to Foucault), available at (<http://macaulay.cuny.edu/eportfolios/biogeo/2009/10/19/agamben-on-foucault/>), accessed September 25, 2010.

<sup>33</sup> *Ibid.*, 126.

<sup>34</sup> *Ibid.*, 9-10.

<sup>35</sup> *Ibid.*, 127.

<sup>36</sup> *Ibid.*

<sup>37</sup> *Ibid.*, 300.



Foucault situates the origin of governmental technologies in the Christian pastorate... Another essential trait which the pastorate and the government of humans share is, according to Foucault, the idea of an “economy,” that is of a management organized on the familial model of individuals, things, and riches. If the pastorate presents itself as an *oikonomia psychon*, an “economy of souls,” “the introduction of economy into political practice will be... the essential scope of government.” Government is nothing other, in fact, than “the art of exercising power in the form of an economy” and the ecclesiastical pastorate and political government are both situated within a substantially economic paradigm.<sup>38</sup>

But, Agamben remarks, “Foucault seems to ignore altogether the theological implications of the term *oikonomia*,” which he sets out to analyze in detail in *Il Regno*.<sup>39</sup>

Third, Agamben criticizes the absence of the term *providence*—which he considers extremely important—in the 1977-1978 course of Foucault:

The theories of Kepler, Galileo, Ray, and of the circle of Port-Royal which Foucault cites, do not, as we have seen, but radicalize this distinction between general providence and special providence, into which the theologians had transposed in their way the oppositions between Reign and Government. And the passage from the ecclesiastical pastorate to political government, which Foucault strives to explain, to tell the truth in a none too convincing manner, through the emergence of a whole series of counterconducts which resist the pastorate, is all the more comprehensible if it is seen as a secularization of that minute phenomenology of first and second, proximate and remote, occasional and efficient causes, general and particular will, mediated and immediate concurrence, and *ordinatio* and *executio*, through which the theorists of providence tried to render intelligible the government of the world.<sup>40</sup>

The influence of the work of Foucault on the philosophy of Giorgio Agamben is marked on the one hand by indebtedness and on the other by *Entwicklungsfähigkeit*. In the words of Anton Schütz:

Schmitt’s theologisation of sovereignty has been subjected, 50 years later, to a ‘quarter turn’ by Foucault’s move from issues of domination to issues of government. After a further 30 years, radicalizing Foucault, Agamben’s archaeology of economy adds another ‘quarter turn’: ...the old legal-theoretical problem of rules unsuspending from a ruler who would authorize them, with a new, unexpected, political content and with a change of epistemic paradigm.<sup>41</sup>

Schütz not only notes the well-known interpretive influence of Schmitt on Agamben, he also, crucially, locates Foucault as a hidden term in this relation. Although Foucault did not explicitly comment on Schmitt as Agamben has done, he was concerned with many of the

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<sup>38</sup> Ibid., 126.

<sup>39</sup> Ibid.

<sup>40</sup> Ibid., 128.

<sup>41</sup> Anton Schütz “Imperatives without imperator,” *Law and Critique* 20 (2009), 233.

same political currents. In this way Schütz has identified Agamben's as a Foucauldian reading of Schmitt which strives, nonetheless, to further develop the line of inquiry.

### *Dispositives and the study of law*

In 2006 a short essay by Agamben was published: *Che cos'è un dispositivo?* (What is an apparatus?). The word *dispositivo* is, according to Agamben, a decisive term in Foucault's strategy. Agamben explores the genealogy of this term, first within Foucault's oeuvre but also in broader context. The essay *Che cos'è un dispositivo?* gives a first glimpse of Agamben's turn from political theology to economic theology, as he states that *dispositio* is the Latin translation of the Greek word *oikonomia*. But the essay not only marks this transition in Agamben's work, but also a transition between power and resistance.

Agamben distinguishes three dimensions of Foucault's definition of the *dispositivo*:

First, the *dispositivo* is a general and heterogeneous set. It includes virtually everything, linguistic and non-linguistic, discourses and institutions, architecture, laws, police measures, scientific statements, philosophical and moral propositions, and so on. The *dispositivo* is the network or the web established between those elements. Second it always has a strategic function, it's always inscribed in a power game, so it has a strong relationship to power. Third it appears at the intersection of power relations and relations of knowledge, the *dispositivo* is in a margin.<sup>42</sup>

Agamben's definition of *dispositivo* concerns "Literally anything that has in some way the capacity to capture, orient, determine, intercept, model, control, or secure the gestures, behaviors, opinions, or discourses of living beings."<sup>43</sup>

Agamben not only describes the dehumanizing work of the *dispositivo*, but also what strategy we can develop against it:

At the root of each apparatus (*dispositivo*) lies an all-too-human desire for happiness ... this means that the strategy that we must adopt in our hand-to-hand combat with apparatuses (*dispositivos*) cannot be a simple one.<sup>44</sup>

It's not about the destruction of the *dispositivos*, nor using them in the right way; the strategy we must maintain consists of rendering the *dispositivos* inoperative by liberating that which has been separated by them, i.e. liberating them by returning them to the common use.<sup>45</sup>

An example of liberation from the violence and power of the law is discussed in Agamben's review of Kafka's story "The new attorney." This new attorney does not practice the law, but only studies it. This study renders the law inoperative.

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<sup>42</sup> Giorgio Agamben "What is an Apparatus," in *What is an Apparatus?* (Stanford, CA: Stanford University Press, 2009), 3.

<sup>43</sup> *Ibid.*, 14.

<sup>44</sup> *Ibid.*, 17.

<sup>45</sup> Giorgio Agamben, *Qu'est-ce qu'un dispositif?* (Paris: Éditions Payot & Rivages, 2006/2007), 34.

There is, therefore, still a possible figure of law after its nexus with violence and power has been deposed, but it is a law that no longer has force or application, like the one in which the “new attorney,” leafing through “our old books,” buries himself in study, or like the one that Foucault may have had in mind when he spoke of a “new law” that has been freed from all discipline and all relation to sovereignty.<sup>46</sup>

Parallel with his exploration of the concept of biopower, Agamben explores possibilities for “resistance,”—for ways of being free. This undercurrent mostly goes unnoticed. Foucault’s shift from politics to a theory of art of life has puzzled many of his scholars, and the same goes for Agamben’s considerations on freedom. Foucault’s and Agamben’s analyses of the power which we are subjected to are so powerful that they mostly overshadow their efforts to work on theories of freedom (which differ from the common view on resistance). Or, in the words of David Butin while retrieving Foucault’s notion of resistance within education research, “If this is resistance, I would hate to see domination.”<sup>47</sup> Nonetheless, the theory of freedom that Foucault develops, with Agamben following in his footsteps, is fascinating.

### 3. Foucault’s influence on Agamben’s notion of freedom and art of life

In *Homo Sacer I*, Agamben remarks that the point at which Foucault’s two faces of power (political techniques and the technologies of the self) converge remains strangely unclear in his work, as these two lines converge but never cross.<sup>48</sup> Agamben searches for the nexus in which the two powers intertwine, and he finds it in the production of “bare life”: life that is subjected to power through the exclusion of its essential element. But this point of intersection is also the place where Agamben develops his notion of resistance and ethics. Bare life is closely related to the “art of life,” or what Agamben calls a form-of-life. Foucault’s technologies of the self are in themselves not a solution or response to political techniques. While the modern state functions as a de-subjection machine, there is always a re-subjection of the destroyed subject:

This is what Foucault showed: the risk is that one re-identifies oneself, that one invests this situation with a new identity, that one produces a new subject... but one subjected to the State; the risk is that one from then on carries out again, despite oneself, this infinite process of subjectivation and subjection that precisely defines biopower.<sup>49</sup>

Agamben’s notion of freedom thus is closely related to Foucault’s idea of destruction of the subject.

The references to Foucault concerning freedom, resistance, and art of life are more scattered in Agamben’s work, but mostly they can be found in the books *Quel che resta di Auschwitz* (1998), *L’aperto. L’uomo e l’animale* (2002), and the essay *Absolute Immanence* (1996).

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<sup>46</sup> Giorgio Agamben, *State of Exception* (California: California University Press, 2005), 63.

<sup>47</sup> David Butin, “If This Is Resistance I Would Hate to See Domination: Retrieving Foucault’s Notion of Resistance Within Educational Research,” *Educational Studies* 32 (2001), 157.

<sup>48</sup> Agamben, *Homo Sacer*, 76.

<sup>49</sup> Stany Grelet & Mathieu Potte-Bonneville, “Une biopolitique mineure. Entretien avec Giorgio Agamben,” *Vacarme* 10 (2000), 116.

*Art of life*<sup>50</sup>

Just as Foucault had, Agamben rejects the idea of an a-priori subject, there is no given "humanity of the human." What politics and human sciences try to do is to decide about the humanity of living man, to produce, in a human body, the absolute separation of the inhuman and the human.<sup>51</sup> In exactly the same movement wherein biopower tries to create a subject, a naked life, Agamben sees a movement in which the subject turns this subjectivation inoperative in a pure immanence, in a being-thus, in a form-of-life wherein it is impossible to distinguish between an essence and an existence, a life that is showed but never represented or possessed. Ethics must be based on the simple "being-thus" of whatever beings.

For Agamben the notion of "resistance" against power (or an art of life) is tightly connected to Foucault's notion of an author, or the absence of an author:

The idea that one should make his life a work of art is attributed mostly today to Foucault and to his idea of the care of the self. Pierre Hadot, the great historian of ancient philosophy, reproached Foucault that the care of the self of the ancient philosophers did not mean the construction of life as a work of art, but on the contrary a sort of dispossession of the self. What Hadot could not understand is that for Foucault, the two things coincide. You must remember Foucault's criticism of the notion of author, his radical dismissal of authorship. In this sense, a philosophical life, a good and beautiful life, is something else: when your life becomes a work of art, you are not the cause of it. I mean that at this point you feel your own life and yourself as something "thought," but the subject, the author, is no longer there. The construction of life coincides with what Foucault referred to as "se prendre de soi." And this is also Nietzsche's idea of a work of art without the artist.<sup>52</sup>

In another interview Agamben further elaborates on this *aporia* in Foucault's last works:

There is, on the one hand, all the work on the 'care of self'... But at the same time he often states the apparently opposite theme: the self must be let go. He says so on many occasions: 'life is over if one questions oneself about one's identity; the art of living is to destroy identity, to destroy psychology.'<sup>53</sup>

Agamben argues for a new structure of subjectivity—that is, being a subject only within the framework of a strategy or tactic. Central to this idea is to make sure not to relapse into a process of resubjectivation that would at the same time be a subjection. Agamben identifies this as a practice, not a principle.

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<sup>50</sup> It will be interesting to compare Agamben's notion of art of life by Foucault with that of Joep Dohmen, who focuses on Foucault's techniques of the self in relation to his art of life instead of letting go of the self. See also: Joep Dohmen, "Philosophers on the 'Art-of-Living'," *Journal of Happiness Studies* 4 (2003).

<sup>51</sup> Agamben, *Remnants of Auschwitz*, 156.

<sup>52</sup> Ulrich Raulff, "Interview with Giorgio Agamben – Life, A Work of Art Without an Author: The State of Exception, the Administration of Disorder and Private life," *German Law Journal* 5 (May 2004 – Special Edition), 613.

<sup>53</sup> Grelet & Potte-Bonneville, "Une biopolitique mineure," 117.

*(Non)authorship and the life of the infamous*

The Foucauldian concept of non-authorship is central to Agamben's idea of freedom and resistance. Agamben's text "The author as gesture"<sup>54</sup> profoundly illustrates the influence of Foucault. The title's two notions are important in this analysis: Agamben's notion of gesture and Foucault's notion of an author. What is a gesture? A gesture is a kind of movement that stands beside the traditional relationship of means to an end, it is not a relation in which an actor is in command of a tool to achieve a goal. The body, the physical, the human vulnerability, has a central role in the gesture.<sup>55</sup> A gesture puts your life into play, irrevocably and without reserve—even at the risk that its happiness or its disgrace will be decided once and for all.<sup>56</sup> A political example of a gesture is the student at Tiananmen Square who stood before the tank. The student made no demands, but gestured. This gesture had no specific goal—a human cannot stop a tank—but opened a mediality. This is an entirely different type of resistance than, for example, Che Guevara, which is very focused on a person who makes certain demands.

Agamben explicitly connects this notion of gesture with Foucault's notion of an author—or more accurately, the indifference toward the author—to emphasize the point that a gesture is not only a different relationship between means and end, but also between actor and act: the agent remains deliberately obscure in the texts of Foucault.<sup>57</sup> Let us first look at Agamben's interpretation of Foucault. In 1969 Foucault presented the lecture *What is an Author*, in which he uses a quote from Samuel Beckett: "what matter who's speaking, someone said what matter who's speaking," to illustrate how an author as individual is transformed in an author as functional. Here on the one hand, the author is deprived from all relevant identity: "what matter who's speaking." On the other hand, the same gesture affirms his irreducible necessity: "someone said." "The author is not an indefinite source of significations that fills the work; the author does not precede his work. He is a certain functional principle."<sup>58</sup> This does not mean that the author, beside his function, does not exist—Foucault explicitly states that there is an author-subject—but it can only remain unsatisfied and unsaid in the work. The trace of the author is only found in the singularity of his absence.

Agamben connects this notion of the author to another text by Foucault: *La vie des hommes infames*<sup>59</sup> (which he also discusses in *Remnants of Auschwitz*<sup>60</sup>). This text is an introduction that Foucault wrote for a collection of early-18th-century internment records. These

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<sup>54</sup> Giorgio Agamben, *Profanations* (New York: Zone Books, 2005/2007), 61-73.

<sup>55</sup> Giorgio Agamben, *Infancy and History. The destruction of experience* (London/New York: Verso, 1993). Giorgio Agamben, *Means without end* (Minneapolis/London: University of Minnesota Press, 1996/2000). René ten Bos, "On the Possibility of Formless Life: Agamben's Politics of the Gesture," *Ephemera: theory & politics in organization*, 5 (2005), 26-44.

<sup>56</sup> Agamben, *Profanations*, 69.

<sup>57</sup> *Ibid.*, 67

<sup>58</sup> Michel Foucault, "What Is an Author?," in James D. Faubion (ed.), *Aesthetics, Method and Epistemology*, (New York: New Press, 1998), 207.

<sup>59</sup> Michel Foucault, "Lives of Infamous Men," in James D. Faubion (ed.): *Aesthetics, Method and Epistemology*, (New York: New Press, 2000).

<sup>60</sup> Agamben, *Remnants of Auschwitz*, 141-143.

“infamous lives” appear only through quotes in the discourse of power, which fixes them as responsible agents and authors of villainous acts. But to whom do these lives belong? Foucault concludes that the real lives were “played out (*jouées*).” But, according to Agamben, who played them out remains unclear. In French the word ‘*jouée*’ also means ‘put at risk’ in terms of ‘playing.’ Agamben states:

The infamous life does not seem to belong completely to the infamous men, or the people in charge of their internment. The infamous life is only played; it is never possessed, never represented, never said—and that is why it is the possible but empty site of an ethics, of a form a life.<sup>61</sup>

Agamben concludes:

The subject – like the author, like the life of the infamous man – is not something that can be directly attained as a substantial reality present in some place; on the contrary, it is what results from the encounter and from the hand-to-hand confrontation with the apparatuses in which it has been put – and has put itself – into play... And just as the author must remain unexpressed in the work while still attesting, in precisely this way, to his own irreducible presence, *so must subjectivity show itself and increase its resistance at the point where its apparatuses capture it and put it into play.*<sup>62</sup>

### *Plebs*

Close to the concept of the lives of infamous men, is Foucault’s notion of plebs as a form of resistance. In *Il tempo che resta* (2000) Agamben refers to an interview between Jacques Rancière and Michel Foucault from 1977, where Foucault spoke of the pleb as a non-demarcatable element absolutely irreducible to power relationships, not simply external to them but marking their limit in some manner:

The pleb does not exist in all probability, but there is something of the pleb, nevertheless (*il y a de la plèbe*). Something of the pleb is in bodies, in spirits, in individuals, in the proletariat, but, with each dimension, form, energy, and irreducibility, it differs in each and every instance. This part of pleb does not represent some exteriority with regard to power relationships as much as it represents their limit, their ruin, their consequence.<sup>63</sup>

Just as in the study of the law and in the dispositive, a kind of resistance is developed that marks another use and a rendering inoperative: the pleb also marks an end. But just as in non-authorship and bare life, the pleb cannot be distinguished: it isn’t a property, an essence or an existence.

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<sup>61</sup> See also: Charles Barbour & Greg Bowden, “The Subject as Author: Agamben’s Ethics,” presentation at the *Annual Meeting of the Canadian Sociological Association*. University of British Columbia, Vancouver BC, June 2008.

<sup>62</sup> Agamben, *Profanations*, 72, emphasis AS.

<sup>63</sup> Foucault cited in Agamben, *The time that remains*, 57/58.

*Sex and life as pure immanence*

In *L'aperto* (2002, *The Open*) at the beginning of a chapter concerning the relationship between man and nature and between creature and redeemed humanity in the work of Benjamin, Agamben starts by citing Foucault: "All the enigmas of the world seem slight to us compared to the tiny secret of sex."<sup>64</sup> Yet in *Homo Sacer*, Agamben warns against Foucault's plea at the end of the first volume of the *History of Sexuality* for a "different economy of bodies and pleasures" as a possible horizon for a different politics. Agamben is cautious in regard to this statement because like

the concepts of sex and sexuality, the concept of the 'body' too is always already caught in a deployment of power. The 'body' is always already a biopolitical body and bare life, and nothing in it or the economy of its pleasure seems to allow us to find solid ground on which to oppose the demands of sovereign power.<sup>65</sup>

But Agamben's own solution concerning the powers which we are subjected to also has an important role for bare life as a possible impossibility of being grasped by these powers. And here Agamben sees an analogy with Foucault's phrase about sex:

What serves – not solves – the secret bond that ties man to life, however, is an element which seems to belong totally to nature but instead everywhere surpasses it: sexual fulfilment. In the paradoxical image of a life that, in the extreme vicissitudes of sensual pleasure, frees itself of its mystery in order to, so to speak, recognize a nonnature, Benjamin has set down something like the hieroglyph of a new in-humanity.<sup>66</sup>

Here the importance of a non-subject or a non-author in relation to freedom and resistance is emphasized.

Not only the body, but also the definition of (human) life plays an important role in relation to power—reckoning the limits and confines of life is intricately tied to the definition and exercise of power:

As Foucault has shown, when the modern State, starting in the seventeenth century, began to include the care of the population's life as one of its essential tasks, thus transforming its politics into biopolitics, it was primarily by means of a progressive generalization and redefinition of the concept of vegetative life (now coinciding with the biological heritage of the nation) that the State would carry out its new vocation.<sup>67</sup>

Any thought that considers life shares its object with power and must incessantly confront power's strategies. As Foucault states in *La volonté de savoir*, the forces that resist rely for support on the very object of investment, that is, on life and man as a living being. A new notion of life is necessary behind the division between organic life and animal life, biological life and contemplative life, or bare life and the life of the mind. In the essay "Absolute Immanence"

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<sup>64</sup> Giorgio Agamben, *The Open. Man and Animal* (Stanford, CA: Stanford University Press, 2002/2004), 81.

<sup>65</sup> Agamben, *Homo Sacer*, 120.

<sup>66</sup> Agamben, *The Open*, 83.

<sup>67</sup> *Ibid.*, 15.

(1996) (chronologically closely related to *Homo Sacer I*), Agamben finds in the work of Foucault "a different way of approaching the notion of life" which can be a counterpart for biopower, a point of departure for a new philosophy. Agamben discusses one of the last texts of Foucault: "Life: Experience and Science." What interests him is a curious inversion of what had been Foucault's earlier understanding of the idea of life. While in *The Birth of the Clinic* Foucault defined life (under the inspiration of Bichat) as "the set of functions that resist death," in "Life: Experience and Science" Foucault considered life instead as the proper domain of error:

At the limit, life... is what is capable of error... With man, life reaches a living being who is never altogether in his place, a living being who is fated "to err" and "to be mistaken."<sup>68</sup>

Agamben claims that what is at issue here is surely more than pessimism: it is a new experience that necessitates a general reformulation of the relations between truth and the subject.

Tearing the subject from the terrain of the *cogito* and consciousness, this experience is rooted in life: "Does not the entire theory of the subject have to be reformulated once knowledge, instead of opening onto the truth of the world, is rooted in the "errors of life?"<sup>69</sup> Agamben argues for a genealogical inquiry into the term 'life', which will demonstrate that 'life' is not a medical and scientific notion but a philosophical, political and theological concept, and that many of the categories of our philosophical tradition must therefore be rethought accordingly.

In Agamben's art of life, the work of art has no author. Life is a contemplation without knowledge, which will have a precise correlate in thought that has freed itself of all cognition and intentionality.<sup>70</sup>

### *Tiqqun*

In 2009 Agamben spoke at the (re)publication of some texts by a Paris collective named Tiqqun. Tiqqun was founded in 1999 as a space for experimentation with the aim of recreating the conditions for another community. The term 'Tiqqun' is derived from the Lurianic Kabbalah wherein it refers to the redemption of the world. According to Agamben, Tiqqun tries to radicalize and blur together the two strategies of Foucault which never seemed to find a point of junction in his work: the analysis of techniques of governance and the processes of subjectivation. With Tiqqun there is no longer a relationship between mechanisms of power and the subject. Tiqqun fully understood Foucault's notion of non-authorship and non-subject. Not only is nothing in Tiqqun signed, all articles are more or less written collectively, but Tiqqun also proposes a radical posture that is not concerned with the finding of a subject. The gesture is not about looking for a subject that would take on the role of savior or revolutionary subject; it begins with this flattening, symptomatic of the society in which we live, and tries to search for unsuspected potentialities in it. In Tiqqun the anthropological critique that is pre-

<sup>68</sup> Michel Foucault, cited in Giorgio Agamben, "Absolute immanence," *Potentialities. Collected essays in Philosophy*, edited by Daniel Heller-Roazen (Stanford CA: Stanford University Press, 1999), 220.

<sup>69</sup> Michel Foucault, *Dits et écrits (Vol. 4)* (Paris: Gallimard, 1994). Cited in Agamben, "Absolute immanence," 220-221.

<sup>70</sup> Agamben, "Absolute immanence," 239.



sent in the work of Foucault reemerges in a radical form: thinking political action without the anthropological reference to a subject.<sup>71</sup>

#### 4. Foucault's influence on Agamben's philosophy of language

One of the first references to the work of Foucault that Agamben makes concerns language. But with regard to Agamben's philosophy of language, Foucault stays remarkably absent, except in *Infanzia e storia* (1979) and *Quel che resta di Auschwitz* (1998). Analogous with the idea of a form of life in which biological life and contemplative life cannot be distinguished, Agamben develops an idea of language in which "language itself, and the limits of language become apparent not in the relation of language to a referent outside of it, but in the experience of language as pure self reference."<sup>72</sup> Agamben calls this an *experimentum linguae*, which he sees closely related to a Foucauldian concept:

To carry out the *experimentum linguae*, however, is to venture into a perfectly empty dimension (the leerer Raum of the Kantian concept-limit) in which one can encounter only the pure exteriority of language, that "étalement du langage dans son être brut" of which Foucault speaks in one of his most philosophically dense writings.<sup>73</sup>

The text Agamben refers to is "la Pensée du dehors."

In *Quel che resta di Auschwitz* (1998) Agamben connects Benveniste's notion of enunciation to Foucault's foundation of a theory of statements (énoncés) in *The Archaeology of Knowledge* (1969). Agamben also elaborates further on the concept of enunciation in *The Signature of all Things* (see the next section). *Il sacramento del linguaggio* is also heavily concerned with the enunciation, with Benveniste, and with theory of language in relation to political and existential questions.<sup>74</sup> Benveniste's enunciation concerns not what is said in discourse but the pure fact that it is said—the event of language as such—which is by definition ephemeral. Benveniste argues for a "metasemantics built on a semantics of enunciation."<sup>75</sup> The incomparable novelty of *The Archaeology of Knowledge* consists, according to Agamben, in having explicitly taken as its object neither sentences nor propositions but precisely "statements," that is, not the text of discourse but its taking place.

Like absolute immanence, or the plebs, enunciation is not a thing determined by real, definite properties; it is rather pure existence, the fact that a certain being—language—takes place. In the words of Foucault: "the statement is not therefore a structure ...it is a function of existence." Foucault's archeology perfectly realizes Benveniste's program for a "metasemantics built on a semantics of enunciation." But the novelty of Foucault's method, accor-

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<sup>71</sup> For Agamben's lecture see: [www.contretemps.eu](http://www.contretemps.eu). For an (unauthorized) transcription of the text and the following discussion, see <http://anarchistwithoutcontent.wordpress.com/2010/04/18/tiqqun-apocrypha-repost/>. To read more about Tiqqun: <http://tiqqunista.jottit.com/>.

<sup>72</sup> Agamben, *Infancy and History*, 11.

<sup>73</sup> Ibid., 6.

<sup>74</sup> This book is heavily concerned with veridiction (and performative speech), which is a key concept for Foucault, although Foucault is only cited once in relation to man as political animal (and concerning the relation between politics and language).

<sup>75</sup> Agamben, *Remnants of Auschwitz*, 138.

ding to Agamben, consists in its refusal to grasp the taking place of language through an "I." The ethical implications of this theory of statements—how a subject can give an account of his own ruin—is illustrated by Foucault in the text *The Lives of Infamous Men*.

After connecting Benveniste's theory of enunciation to Foucault's theory of statements, Agamben connects Foucault's notion of the 'archive' to the positive dimension that corresponds to the plane of enunciation. The archive is a set of rules that define the events of discourse, the archive is situated between *langue* (as the system of construction of possible sentences—that is, of possibilities of speaking) and the *corpus* (that unites the set of what has been said, the things actually uttered or written). The archive is the fragment of memory that is always forgotten in the act of saying "I." It is the relation between the unsaid and the said.<sup>76</sup> Agamben transfers the problem that Foucault had sought to eliminate, namely, "how can a subject's freedom be inserted into the rules of a language?" to a matter of situating the subject in the disjunction between a possibility and an impossibility of speech: "how can something like a statement exist in the site of *langue*?" Therefore Agamben develops the notion of the *testimony*: the relation between a potentiality of speech and its existence. The relation between language and its existence—between *langue* and the archive—demands subjectivity as that which, in its very possibility of speech, bears witness to an impossibility of speech.<sup>77</sup> This very dense analysis contains in a nutshell Agamben's ideas of freedom: non-authorship, potentiality, language, and existence.

### 5. Foucault's influence on Agamben's methodology

The way Agamben uses historical phenomena like the Nazi concentration camps has puzzled many readers. Although he has stated that he uses historical examples as paradigms and not in a historiographical way, this did not resolve a lot of questions in terms of what he meant by "a historiographical way." In *The Signature of All Things* (2008/2009) Agamben elaborates on his method, on which he says Foucault is the most decisive influence. Agamben extensively underlines his indebtedness to Foucault in the preface. But what belongs to the author of a work and what is attributable to the interpreter becomes, in the light of the *Entwicklungsfähigkeit*, as essential as it is difficult to grasp: "I have therefore preferred to take the risk of attributing to the texts of others what began its elaboration with them, rather than run the reverse risk of appropriating thoughts of research paths that do not belong to me."<sup>78</sup>

The book consists of three essays: on archeology and genealogy, on paradigms, and on a theory of signatures. All three of these show the indication of deep influence from Foucault. Via the *Entwicklungsfähigkeit* Agamben sees himself as not necessarily verbatim repeating the conceptual moves of Foucault, but following a line of inquiry and research produced through his reading of the possibilities for development and further thought in Foucault's texts.

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<sup>76</sup> Ibid, 144.

<sup>77</sup> Ibid, 146.

<sup>78</sup> Agamben, *The Signature of All Things*, 8.

*Philosophical archaeology*

Central in Agamben's method is, as he emphasized in an interview, archaeology: "I believe that history—or better what Foucault called the archaeology of one's own culture—is the only way to reach the present."<sup>79</sup> Agamben uses the terms genealogy and archaeology interchangeably, as they also remain unclearly distinct in Foucault's body of work.<sup>80</sup> Both terms can be explicitly found in the titles of Agamben's last publications of the *Homo Sacer* cycle, *Archeology of the oath* and *The Reign and the Glory: A theological genealogy of economy and government*.

In the last essay of *The Signature of all things*, "Philosophical Archaeology,"<sup>81</sup> Agamben illuminates three points of the concept he derives from Foucault. First the idea of an essential dishomogeneity between the *arché* and a factitious origin, which Foucault develops in his essay of 1971, "Nietzsche, la généalogie, l'histoire." Foucault distinguishes two terms used by Nietzsche: *Ursprung*, which he reserves for origin, and *Herkunft*, which he translates as "point of emergence." Genealogy is not about *Ursprung* but about *Herkunft*: what can be found at the historical beginning of things is never the preserved identity of their origin. Agamben makes a first definition of archaeology:

We could provisionally call "archaeology" the practice which, within any historical investigation, has to do, not with the origin, but with the question of the point from which the phenomenon takes its source, and must therefore confront itself anew with the sources and with the tradition.<sup>82</sup>

The second point is the historical *a priori*, for Agamben philosophical archaeology is about grasping the historical *a priori*, as described by Kant and Mauss. As Murray writes, thought is never empirical and cannot have origins except those bequeathed to it. So philosophy cannot reach back into the past and pinpoint an *arché*, a first principle from which the world develops; instead it can only grasp the history of thought by positing a structure of thought, conditions of possibility, from which it will explore the very nature of that thought.<sup>83</sup>

Agamben recovers this idea of historical *a priori* in Foucault's *Les mots et les choses* in which archaeology presents itself as the research of a dimension both paradigmatic (see next paragraph) and transcendental, in which learning and knowledge find their condition of possibility. The *a priori*, which conditions the possibility of knowledge, is its history itself, seized at a particular level. This level is the level of its simple existence at a given moment in time and in a certain way—that of its point of emergence:

The *a priori* inscribes itself in a determined historical constellation. It makes true, there, the paradox of an *a priori* condition inscribed in a history which cannot be constituted other than

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<sup>79</sup> Rieger, "Der Papst ist ein weltlicher Priester. Interview with Giorgio Agamben."

<sup>80</sup> Alex Murray, *Giorgio Agamben* (London/New York: Routledge, 2010), 58. For an analysis of Foucault and Agamben's use of the terms archaeology and genealogy, see also: Sophie Fuggle, "Excavating Government: Giorgio Agamben's Archaeological Dig," *Foucault Studies* 7 (2009), 88-89.

<sup>81</sup> The article on philosophical archeology is also published in *Law and Critique* 20 (2009), 211-231.

<sup>82</sup> Agamben, "Philosophical Archaeology," 217.

<sup>83</sup> Murray, *Giorgio Agamben*, 27-28.

*a posteriori* in respect to itself, a condition in which inquiry—in the case of Foucault, archaeology—must discover its object.<sup>84</sup>

Foucault describes a special kind of past which does not chronologically precede the present as an origin, and which is not simply exterior to it. The archeologist, who chases an *a priori*, retreats back, so to speak, towards the present. In “What Is the Contemporary?” Agamben also refers to this point, paraphrasing Foucault, who said that: “his historical investigations of the past are only the shadow cast by his theoretical interrogation of the present.”<sup>85</sup>

The third point Agamben derives from Foucault for his concept of archaeology consists of the relationship between the past and the future. Important here is the analogy between archaeology and psychoanalysis. In both archaeology and psychoanalysis it is a matter of accessing a past which has not been lived but which has, on the contrary, remained present in some way. The only way to access this past, is by going back to the point in which it has been covered and neutralized: the point of emergence. In his preface to Binswanger's *Dream and Existence* Foucault describes the dream and imagination as strategies and gestures of archaeology:

The essential point of the dream is not so much what it resuscitates from the past, but what it announces of the future. It foresees and announces the moment in which the patient will reveal finally to her analyst that secret that she does not yet know and that is nevertheless the heaviest load of her present ...the dream anticipates the moment of liberation. It is the omen of history, even before being the obligatory repetition of the traumatic past.<sup>86</sup>

The point of emergence, the *arché* of archaeology, is that which will happen, that which will become accessible and present only when the archeological inquest will have fulfilled its operation. It has, therefore, the form of a futural past that is of a future perfect. It is that past which will have been, once the gesture of the archaeologist has cleared the field. Only in the form of this “will have been” can historical knowledge become effectively possible.

In the other two essays of the book *Signature of All Things* Agamben describes two other strategies of archaeology which he derives (partly) from Foucault: the paradigm and the signature.

#### *The paradigm as an archaeological gesture*

In the first essay, “What is a paradigm?”, which is based on a lecture given at the European Graduate School in 2002, Agamben explores the notion of the paradigm. He claims that paradigms define the most characteristic gesture of Foucault's method.<sup>87</sup> Foucault frequently used the term (and synonyms for it), although he never defined it precisely. In a lecture in May 1978 at the Société Française de Philosophie, Foucault defines a paradigm as “all procedures

<sup>84</sup> Agamben, “Philosophical Archaeology,” 220.

<sup>85</sup> Giorgio Agamben “What is the Contemporary,” in *What is an Apparatus?* (Stanford, CA: Stanford University Press, 2009), 53.

<sup>86</sup> Michel Foucault, *Dits et écrits, volume I* (Paris: Gallimard, 1994), 127.

<sup>87</sup> Giorgio Agamben “What is a Paradigm?,” in *The Signature of all things. On method* (New York: Zone Books, 2009), 17.

and all effects of knowledge which are acceptable at a given point in time and in a specific domain." At first glance Foucault's notion of the paradigm resembles that of Thomas Kuhn in *The Structure of Scientific Revolutions*, but Foucault almost never refers to him. This has a practical reason: Foucault declares that he had read Kuhn's book only after he had completed *The Order of Things*. And maybe also a personal reason: Kuhn never cites Georges Canguilhem as an historian of science who molded and inspired his thought. By not referring to Kuhn, Foucault repays him for this discourtesy and cites only Canguilhem, who was a friend of his. But the most important reason why Foucault does not cite Kuhn is that he wants to distinguish his concept from that of Kuhn.

According to Agamben the analogy between the two concepts is only superficial: both notions correspond to different problems, strategies and inquiries.

What is decisive for Foucault is the movement of the paradigm from epistemology to politics. Unlike Kuhn's paradigm, Foucault's notion does not define what is knowable in a given period, but what is implicit in the fact that a given discourse or epistemological figure exists at all:

It is not so much a matter of knowing what external power imposes itself on science as or what effects of power circulate among scientific statements, what constitutes, as it were, their internal regime of power, and how and why at a certain moment that regime undergoes a global modification.<sup>88</sup>

Agamben gives Foucault's description of the Panopticon as an example: a model for a prison as an annular building in the center of which a tower is built from which every cell can be observed. The Panopticon not only performs a decisive strategic function for the understanding of the disciplinary modality of power, but it becomes an epistemological figure that, in defining the disciplinary universe of modernity, also marks the threshold over which it passes into the societies of control.<sup>89</sup>

Apart from Foucault, Agamben also investigates Aristotle's and Plato's definitions of the paradigm, as well as Victor Goldschmidt's analysis of Plato's use of paradigms (Goldschmidt was an author Foucault knew and admired). Two important insights for Agamben's definition of the paradigm are derived from Foucault: first, the movement of the paradigm from epistemology to politics, and second, the connection between the paradigm and archaeology. In the paradigm, there is no origin or *arche*; every phenomenon is the origin, every image archaic. Archaeology is always a paradigmatology. The paradigm determines the possibility of producing in the midst of the chronological archive the cleavages that alone make it legible.<sup>90</sup>

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<sup>88</sup> Foucault in an interview with Alessandro Fontana and Pasquale Pasquino, 1976. Michel Foucault, "Truth and Power," in James D. Faubion (ed.), *Power: Essential Works of Foucault 1954-1984* (New York: New Press, 2000), 112-113.

<sup>89</sup> Agamben "What is a Paradigm?," 17.

<sup>90</sup> *Ibid.*, 32.

*Signatures as an archaeological gesture*

In the second section of *Signatura rerum*, "Theory of the signature," Agamben describes archaeology as the science of signatures. Central is Paracelsus's idea of signatures and Foucault's interpretation of it. The original core of the Paracelsian episteme is the idea that all things bear a sign that manifests and reveals their invisible qualities. Paracelsus names three signators: man, the Archeus (the vital principle or force which presides over the growth and continuation of living beings) and the stars. Examples of signatures of the stars are the signs that stars have imprinted on men's faces and limbs or the lines of their hands which physiognomy and chiromancy try to decipher. But, as Paracelsus writes, we are not only subjected to the stars, we can also dominate the stars. So the relation expressed by the signature is not a causal relation, but has a retroactive effect on the signator which needs to be understood. Examples of signatures of the Archeus are the resemblances between plants and human body parts which reveal their therapeutic power. Pomegranate seeds, having the shape of teeth, alleviate their pain. Here the relation is not between a signifier and a signified, but entails the following components: the figure in the plant, the part of the human body, the therapeutic virtue, the disease, and the signator. Signatures, which should appear as signifiers always already slide into the position of the signified, so that signum and signatum exchange roles and seem to enter into a zone of undecideability.

Agamben claims that the examples Paracelsus provides of signatures whose signator is the human being remained a sort of dead end in the Paracelsian episteme, before being provisionally resurrected in the thought of Foucault and Melandri.<sup>91</sup> Examples of the signature provided by man are the insignia that soldiers on the battlefield wear, signs that indicate the value of coins, and signatures of an artist to mark his own work. Letters of the alphabet are signatures. This refers, according to Agamben, to a use of language that is constituted not by sentences but by paradigms, similar to what Foucault must have had in mind when, to define his enunciative statements, he wrote that A,Z,E,R,T is, in a typing handbook, the statement of the alphabetical order adopted by French keyboards.<sup>92</sup>

What is essential of signatures whose signator is man is that they add no real properties to the object at all, but decisively change our relation to the object as well as its function in society. The signature on a painting does not change in any way the materiality of Titian's painting, but inscribes it in the complex network of relations of 'authority', the signature on coins transforms a piece of metal into a coin, producing it as money. In this way, the signature resembles the paradigm.

Foucault elaborates on Paracelsus's idea of signatures in two places in his work: directly in *The Order of Things* and more indirectly in *The Archeology of Knowledge*. In *The Order of things* Foucault cites Paracelsus's treatise, and remarks that signatures introduce into the system of resemblances a curious, incessant doubling:<sup>93</sup>

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<sup>91</sup> Giorgio Agamben "Theory of Signatures," in *The Signature of all things. On method* (New York: Zone Books, 2009), 38.

<sup>92</sup> *Ibid.*, 40.

<sup>93</sup> Michel Foucault, *The Order of Things* (New York: Vintage Books, 1966), 26.

Every resemblance receives a signature; but this signature is no more than an intermediate form of the same resemblance. As a result, the totality of these marks, sliding over the great circle of similitudes, forms a second circle which would be an exact duplication of the first. ...The signature and what it denotes are of exactly the same nature; it is merely that they obey a different law of distribution; the pattern from which they are cut is the same.<sup>94</sup>

Foucault distinguishes between semiology (the set of knowledges that allow us to recognize what is a sign and what is not) and hermeneutics (the set of knowledges that allow us to discover the meaning of signs, to make the signs speak). Between the two there remains a gap where knowledge is produced. Signatures find their own locus in the gap and disconnection between semiology and hermeneutics. Signs do not speak unless signatures make them speak. This means that the theory of linguistic signification must be completed with a theory of signatures.

Foucault does this in *The Archaeology of Knowledge*. According to Agamben, the incomparable novelty of this book is to explicitly take as its object what Foucault calls "statements."<sup>95</sup> Statements are not merely reducible to the semantic sphere, nor to the semiotic sphere, but enable groups of signs to exist, and enable rules or forms to become manifest. Agamben's hypothesis is that the statement in *The Archaeology of Knowledge* takes the place that belonged to signatures in *The Order of Things*.

The theory of signatures (or of statements) rectifies the abstract and fallacious idea that there are, as it were, pure and unmarked signs, that the *signans* neutrally signifies the *signatum*, univocally and once and for all. Instead, the sign signifies because it carries a signature that necessarily predetermines its interpretation and distributes its use and efficacy according to rules, practices, and precepts that it is our task to recognize. In this sense, archaeology is the science of signatures.<sup>96</sup>

Foucault's archeology starts with the signature and its excess over signification. But, as there is never a pure sign without signature, it is never possible to separate and move the signature to an originary position. The archive of signatures in *The Archaeology of Knowledge* defines the whole set of rules that determine the conditions of the existence and operation of signs, how they make sense and are juxtaposed to one another, and how they succeed one another in space and time. Foucauldian archaeology does not seek origin, but seeks in every event the signature that characterizes and specifies it, and in every signature the event and the sign that carry and condition it.

#### *Criticism on Agamben's Foucauldian method*

Despite a number of points of relation, not all readers believe that Agamben's interpretations of Foucault are accurate or astute. Some of Agamben's critics show more skepticism about his Foucauldian method. Not everyone is convinced that his readings of Foucault are accurate, or that he fairly makes use of the same methodological approaches as Foucault. Alison Ross

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<sup>94</sup> Ibid., 28-29.

<sup>95</sup> Agamben "Theory of Signatures," 62; Agamben, *Remnants of Auschwitz*.

<sup>96</sup> Agamben "Theory of Signatures," 64.

finds that Agamben's "approach reverses Foucault's ascending methodology and leaves us to ask what the reasoning from extreme instances tells us about the hold of Agamben's analysis of the phenomena it wishes to decode."<sup>97</sup> Mills writes that "Foucault's methodological approach to the concept of biopower is genealogical and historical, while Agamben strives for an ontologization of the political."<sup>98</sup> Agamben's heritage is not so much the Nietzschean emphasis on relations of force that informs Foucault's genealogical approach but the ontological concerns of Aristotle and Heidegger.<sup>99</sup> According to some, while Foucault's genealogy rejects the search for origins and instead traces the emergence of particular configurations of relations of force, Agamben seeks to illuminate the "originary" relations (though Agamben may well dispute this claim, especially given his analysis of the *arche*).<sup>100</sup> Neal claims that "Agamben reads Foucault structurally rather than genealogically" —namely that he draws on concepts and terms in Foucault, but that he largely leaves aside the meticulousness of the genealogical accounts.<sup>101</sup> For Neal, as for the critics above, this would constitute an important point of divergence between the two thinkers.

Agamben looks for the *Entwicklungsfähigkeit* in the work of the authors he likes. He focuses especially on those points in their thought which seem amenable to, indeed to call out for, further development and elaboration. Perhaps this accounts for the peculiar tension in which his interpretations, of Foucault above all, are held to be both close appropriations and disloyal breaks. His approach is a guarantee for unorthodox interpretations and "quarter turns in basic concepts." His interpretations of Foucault's work are rich and dense and almost always develop in an unexpected way. Given Agamben's insistence of Foucault's importance to his thought and the myriad and increasing citations of Foucault's writings in Agamben's work, it will remain important to philosophically account for the influence between them. I have tried here to give a general yet philosophically rigorous overview of the main points of conceptual crossover between them.

Anke Snoek<sup>102</sup>  
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<sup>97</sup> Alison Ross, "Introduction," *South Atlantic Quarterly* 107 – Special Issue: "The Agamben Effect" (2008), 6. Cited in Deladurantaye, *Giorgio Agamben*, 422.

<sup>98</sup> Mills, "Biopolitics, Liberal Eugenics, and Nihilism," 180.

<sup>99</sup> Mills, *The Philosophy of Agamben*, 60.

<sup>100</sup> *Ibid.*, 60.

<sup>101</sup> Andrew W. Neal, "Foucault in Guantánamo: Towards an Archaeology of the Exception," *Security Dialogue* 37 (2006), 39. Cited in Deladurantaye, *Giorgio Agamben*, 422.

<sup>102</sup> The author wants to thank Gijbert van der Heijden for the numerous discussions on Agamben.