

REVIEW ESSAY

Critical Encounter Between Giorgio Agamben and Michel Foucault: Review of Recent Works of Agamben: *Il Regno e la Gloria: per una genealogia teologica dell'economia e del governo*, *Il sacramento del linguaggio: Archeologia del giuramento*, and *Signatura rerum: Sul metodo*¹

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Following the trajectory of Giorgio Agamben's work since the mid-1990s not only offers a fascinating exposure to this productive period, and an important political turn, in his work, it also makes evident that it is proceeding by an ongoing interpretation of the thought of Michel Foucault. This review offers a chance to evaluate several of his texts, including the most recent ones, together in a manner that allows at least a partial exposition of Agamben's engagement with Foucault. These texts, some long translated in English, some newly translated (with attendant considerations that are noted here), and some not yet translated from Italian, show an intellectual itinerary followed in the developing work of Giorgio Agamben: one which, by his own insistence, is heavily indebted to Foucault.

These texts also indicate that Foucault scholarship will continue to be influenced by the interpretations carried out in them—with the associated benefit of clarifying some of the earlier speculations about the relation between these two thinkers (which has often, as in the case of writing about the first volume of *Homo sacer: Il potere sovrano e la nuda vita* {*Homo Sacer: Sovereign Power and Bare Life*},² lacked subtlety in insisting on an absolute difference between them while failing to pay heed to significant overlap and theoretical engagement).

Agamben himself has revisited and revised some of his earlier accounts (such as the omission of any reference to Foucault's analysis of the camp figure or of the Nazi state which he had earlier insisted upon in 1995) as he has read and drawn upon the Collège de France lecture courses at the IMEC and included them increasingly in his writings.³ While he has not penned tomes analogous to the *Nietzsche* volumes in their size and focus, Agamben's interpretation of Foucault might in some respects be compared to Martin Heidegger's engagement with Friedrich Nietzsche. Agamben frequently returns to the texts of Foucault and places a premium upon the philosophical interpretation of certain concepts and passages. Also, like

¹ *The Reign and the Glory: For a Theological Genealogy of Economy and Government, The Sacrament of Language: Archaeology of the Oath, Signatura rerum (The Signature of All Things): On Method.*

² Giorgio Agamben, *Homo sacer: il potere sovrano e la nuda vita* (Torino: Einaudi, 1995).

³ Anecdotal accounts indicate that Agamben has frequently visited the Foucault Archives and worked his way through the lecture courses in the span of the last decade or so.

Heidegger (with whom, like Gilles Deleuze, he studied),⁴ he sometimes reads the works to fit within his own philosophical trajectory in ways that subtly or profoundly challenge the original texts.

This review picks up with Agamben's pronounced shift toward Foucault in 1995 in the first volume of *Homo sacer*, where he begins an ongoing and repeated interpretation of Foucault's thought. This review does not formally consider at length that book, nor the second volume *Stato di eccezione (HS II,1) {State of Exception}*,⁵ or the third part *Quel che resta di Auschwitz: L'archivio e il testimone (HS III) {The Remnants of Auschwitz: The Archive and Testimony}*, as there has already been ample attention to them in English language scholarship, except as the decisive first points in the *Homo sacer* series. That series now has five parts, all of which seem to be heavily indebted to Foucault.⁶ This raises the salient questions of whether these parts are intended to be read together as a single work, and regarding the manner in which it should be interpreted vis-à-vis Foucault. Thus this review considers the two other parts of the *Homo sacer* series (*Il Regno e la Gloria: per una genealogia teologica dell'economia e del governo (HS II, 2) {The Reign and the Glory: for a Theological Genealogy of Economy and Government}*, *Il sacramento del linguaggio: Archeologia del giuramento (HS II,3) {The Sacrament of Language: Archaeology of the Oath}*),⁷ as well as the methodological treatise *Signatura rerum: sul metodo {The Signature of All Things: On Method}*.⁸ The essay *Che cos'è un dispositivo?*, is considered at length in the essay "What is a Dispositive?" in this issue. The English translations of the last two Agamben works are only tangentially considered here, partly in terms of specificities of translation that English readers should be aware of due to important conceptual issues at stake. Agamben's recent book *Nudità* will not be considered here, although it does have a brief engagement with Foucault's thought about confession, which seems conceptually important to Agamben's enterprise in that book.

By way of a general characterization, one might break down the Foucauldian concepts taken up in Agamben's works in the following way, with the caveat that several of the concepts do cross over or crop up in several texts. The first two volumes (sequentially) of *Homo sacer*, *Il potere sovrano e la nuda vita {Sovereign Power and Bare Life}* and *Stato di eccezione {State of Exception}*, are primarily concerned with taking up, exploring, and critically engaging with the concepts of biopolitics, sovereignty, and biopower. The particular claims about biopolitics and sovereignty in the first volume have both been modified by Agamben in later texts and have been seized upon and amplified in too-uncritical ways by a passel of commentators. While explicit analysis of biopolitics is less present (although certainly not absent) in the second

⁴ Correspondence with Giorgio Agamben July 2010.

⁵ Giorgio Agamben, *Stato di eccezione: Homo sacer II, 1* (Torino: Bollati Boringhieri, 2003).

⁶ Agamben has indicated that he plans a sixth part, formally called Part IV, dealing with what he calls 'form of life' and 'use,' after which "the decisive significance of 'inoperosità' (inactivity, inoperativity) as properly human and political practice will be able to appear in its appropriate light" (*Regno e la Gloria*, 11).

⁷ Giorgio Agamben, *Il Regno e la Gloria: per una genealogia teologica dell'economia e del governo* (Milano: Neri Pozza, 2007); Giorgio Agamben, *Il sacramento del linguaggio: Archeologia del giuramento* (Bari-Roma: Editori Laterza, 2008).

⁸ Giorgio Agamben, *Che cos'è un dispositivo?* (Roma: Nottetempo, 2006); Giorgio Agamben, *Signatura rerum: sul metodo* (Torino: Bollati Boringhieri, 2008).

volume, the overall thrust of the book is concerned with the articulation of sovereignty and biopolitics.

In *Quel che resta di Auschwitz* {*The Remnants of Auschwitz*}, published earlier (1998) than *Stato di eccezione* {*State of Exception*} (2003) but designated as the third volume of *Homo sacer*, Agamben partly corrects an earlier oversight he had made in claiming that Foucault had considered neither the concentration camp nor the Nazi state in terms of biopolitics—this is largely due to his exposure to Foucault’s lecture course *Il faut défendre la société* {*Society Must Be Defended*} in the intervening period.⁹ Consideration of Foucault’s course *Naissance de la biopolitique* {*The Birth of Biopolitics*} might well result in further interesting emendation on this account, though Agamben has not yet commented on that course in writing.¹⁰ In the *Auschwitz* book Agamben is concerned to elucidate the actions and effects of biopolitics in terms of subjects and state sovereignty. In *Che cos’è un dispositivo?* {*What is a Dispositive?*} Agamben sets out precisely to analyze the term *dispositif* as it is used in Foucault, much as Gilles Deleuze had done earlier.¹¹ Agamben focuses on the dispositive concept as both a continuous development in Foucault’s thought and a key turn in the mid 1970s as Foucault began to focus more explicitly on biopolitics and considerations of sovereignty.

In *Il Regno e la Gloria* {*The Reign and the Glory*} Agamben is concerned especially with governmentality, and with interpreting and furthering Foucault’s concept of it. For him, the correct understanding of governmentality is also indispensable to understanding properly the articulation of biopolitics and sovereignty. *Signatura rerum: sul metodo* {*The Signature of All Things: On Method*} takes up Foucault’s concepts of the *signature* and the *énoncé* in *Les mots et les choses* {*The Order of Things*}, and *L’Archéologie du savoir* {*The Archaeology of Knowledge*} to form what Agamben identifies as a more ontologically robust concept of analysis in his *signatura*. That book is also characterized by the explicit fealty that Agamben identifies between his method and those of Foucault, Hannah Arendt, and Walter Benjamin. Agamben devotes the three chapters of the book to the paradigm, the *signatura*, and archaeology, clearly situating the analysis within a Foucauldian frame. *Il Sacramento del linguaggio: archeologia del giuramento* {*The Sacrament of Language: Archaeology of the Oath*} makes use especially of Foucault’s concept of veridiction, and furthers the linguistic and ontological exposition of the prior works in exploring it. He is interested in the relationship between words and things (*parole* and *cose*, *mots* and *choses*), and “the consistency of human language and even human nature as ‘speaking animals.’”¹² All of the works mentioned here in one way or another bear upon Agamben’s ongoing considerations and theorization about secularization and secularism. In general, he is much more in a Foucauldian line of considering earlier religious traditions as exerting a continuing influence through the inertia of political institutions and practices, despite important and pronounced ‘breaks’ and transformations.

⁹ Michel Foucault, *Il faut défendre la société: Cours au Collège de France, 1976* (Paris: EHESS, 1997).

¹⁰ *Naissance de la biopolitique* would also, it seems, contain interesting points of comparison for Agamben’s treatment of economy in *Il Regno e la Gloria*. Michel Foucault, *Naissance de la biopolitique: Cours au Collège de France, 1978-1979* (Paris: EHESS, 2004).

¹¹ Deleuze had done so in ‘Qu’est-ce qu’un dispositif?’, in *Michel Foucault: Philosophe* (Paris: Seuil, 1989).

¹² Agamben, *Sacramento*, 12. All renderings from Italian or French sources are by me.

Il Regno e la Gloria (Homo sacer II, 2)

Il Regno e la Gloria, the English title of which should be *The Reign and the Glory: for a theological genealogy of economy and government*, was published in Italian in 2007. Although "kingdom" is attested, *Regno* in this context is more accurately rendered by "reign," which maintains ties to the French *règne*, an important term in Rousseau and Foucault, and resonant concept in Erik Peterson, Carl Schmitt, Ernst Kantorowicz, and others—kingdom is a more limited term referring to the geographical and temporal extent of monarchical authority; reign, while encompassing this, also includes wider concerns about sovereignty and power. While kingdom figures substantially in the concepts of the Kingdom of god and the Kingdom of heaven, at least as prominent are references to god's reign. Indeed, notions of divine reign seem to have more to do with the engagement and administration of the world.

Il Regno e la Gloria is one of Agamben's longest books, perhaps his longest, and it primarily concerns the early centuries of the Christian church and the emergence of the trinitarian doctrine, although it also, as a genealogy of the present, does contain considerations on public opinion and contemporary mass media. Much of the book is devoted to a meticulous interpretation of early Christian sources, though the book opens with Agamben indicating that he sees it as located "in line with the work of Michel Foucault on the genealogy of governmentality."¹³ Indeed, Agamben's claim is that the trinitarian model is a crucial point in the genealogy of governmentality, as it concerns the articulation of transcendent authority with the administrative management of populations. In this respect he also sees the trinitarian model as decisive for understanding the complicated articulation of sovereignty and biopolitics, a concern that has drawn a great deal of attention from Foucault and other thinkers. Further, Agamben maintains that this is an important field of consideration since the genealogical horizon should be pushed back further than Foucault had done, to the earliest centuries of the Christian era, claiming that "the shadow of the theoretical investigation of the present projected on the past here reaches, in fact well beyond the chronological limits Foucault had assigned to his genealogy, the first centuries of Christian theology, which see the first, uncertain elaboration of the trinitarian doctrine in the form of an *oikonomia*."¹⁴

Economy

Agamben's account is important for the way in which it foregrounds "economy" (οἰκονομία), a concept also decisively used by Foucault. His claim is that this "divine economy" is important for understanding the distribution of powers and authority in governmentality; and, in fact, that governmentality and the particular combination of sovereignty and administration in it cannot be understood without attention to the trinitarian economy. While Foucault was interested in the "economy of power," and he devoted attention to the οἰκονομία ψυχῶν (*oikonomia psuchon*), especially as an aspect of the pastorate, Agamben's claim is that he could

¹³ Agamben, *Regno*, 9.

¹⁴ Ibid. Of course Foucault himself had done this in several locations, including *Les aveux de la chair* and *Du gouvernement des vivants*, but I take Agamben's point here to be that Foucault identifies a crucial political turning point with respect to the pastorate in the 16th century in *Sécurité, territoire, population*, which Agamben sees as somewhat inadequate to a fuller account of governmentality.

have delved even further into this concept as a crucial aspect, perhaps the crucial aspect, of governmentality. This is even more the case given that, when he takes up the οἰκονομία ψυχῶν (*oikonomia psuchôn*, *regimen animarum*, *l'économie des âmes*, "the economy of souls"), Foucault makes the point that he believes the French term *économie* is poorly suited as a translation, and he proposes the term *conduite* as a better one, opening the way to his considerations about conduct.¹⁵ At just the point where he most decisively takes up the concept of economy, he immediately makes a shift from it, rather than performing an exhaustive genealogy of "economy" itself. Agamben believes that this track of economic genealogy is important to follow, and he seeks "to understand the internal reasons for which it (Foucault's research on governmentality) did not reach a conclusion."¹⁶ Agamben considers some of the same sources as Foucault, for instance Gregory of Nazianzus, but maintains that Foucault devoted insufficient attention to this tradition.

The first chapter of *Il Regno e la Gloria* identifies what Agamben refers to as "the two paradigms" which "derive from Christian theology... in a broad, antinomous but functionally connected way: political theology, which finds in the one god the transcendence of sovereign power, and economic theology, which substitutes for this the idea of an *oikonomia*, conceived as an immanent order—domestic and not political in the strict sense—as much of the divine life as of the human one. From the first derives political philosophy and the modern theory of sovereignty; from the second, modern biopolitics up to the current triumph of economy and government over every other aspect of social life."¹⁷ He maintains that economic theology, despite its importance in the second to fifth centuries of the church, has remained understudied by intellectual historians and theologians to the point that it has almost been forgotten. As such he believes that its constitutive influence has been made even more obscure, with neither its proximity to Aristotelean economy nor its connection to 17th century political economy being noted.

Agamben points out that his theological genealogy is closely related to considerations about secularization, and indicates that he is closer to Carl Schmitt than to Max Weber ("theology continues to be present and to act in the modern world in an eminent way" versus the progressive disenchantment of the world). He also identifies secularization as "not a concept, but a *segnatura* in the sense of Foucault and Melandri," and says that "signatures defer and dislocate concepts and signs from one sphere to another (in this case, from sacred to profane or vice-versa) without redefining them semantically."¹⁸ Agamben describes a tradition of "sciences of the signature, which run parallel to the history of ideas and concepts, and must not be confused with it."¹⁹ He says that "The archaeology of Foucault and the genealogy of Nietzsche (and, in a different sense, also Derrida's deconstruction and Benjamin's theory of dialectical images) are sciences of the signature."²⁰ This is an important addition to the literature on the signature inasmuch as it considers theology and secularization.

¹⁵ Michel Foucault, *Sécurité, territoire, population: Cours au Collège de France, 1977-8*, 196.

¹⁶ Agamben, *Regno*, 9.

¹⁷ *Ibid.*, 13.

¹⁸ *Ibid.*, 16.

¹⁹ *Ibid.*

²⁰ *Ibid.*

As Agamben further lays out the economic theology paradigm, he identifies several key issues and several key debates that establish the content of much of the rest of the book. He refers to a debate about secularization in Germany in the 1960s involving Hans Blumenberg, Karl Löwith, Odo Marquard, and Carl Schmitt, and via Schelling he draws on an important distinction: "the ancient theologians distinguished between *akratos thelogia* and *oikonomia*. They belong together. It is toward this process of domestic economy (*oikonomia*) that we have wanted to point".²¹ This interrelated distinction between *theologia* and *oikonomia*, the being and the activity of god, is decisive in Schelling who "introduces personality and action into the being of god, and renders him this way 'the lord of being'".²² The articulation is crucial for Agamben's pushing back of the horizon of Foucault's governmentality, and for understanding the articulation between sovereignty and governmentality—something that has also heavily concerned Foucault, and in relation to theology and economy, in the Collège de France lectures recently released and upcoming. It relates to theological debates about divine monarchy, and whether god, as the presupposed entity for any action and power in the universe, is also in essence synonymous with this force. Drawing on a favorite phrase of Schmitt, Peterson says that here "the king reigns but he does not govern."

The split between reign and government, authority and rule, has been a decisive component in different formulations of the state of exception. Here Agamben sees a theological *signatura* or underpinning for such concerns, in the earlier considerations as to god's being, god's authority, and god's action. If god, creator and ruler of the universe, were to be directly involved in the affairs of humans, in their direction and bodily management, would it taint god's ultimate authority and essence? Such concerns give rise to intense debates in the early centuries of the church, particularly in the 3rd century, over the monotheistic or polytheistic characteristics of god.

In addition to defining a kind of middle way between one and many gods, there was a pressing concern to preserve the transcendent authority and essence of god from the debasement of actual involvement in the fallen world and flesh. Hence the motivation to split god into a transcendent authority and first cause on the one hand, and a god responsible for the administration of the human flock on the other. However, as Agamben points out, these theological discussions were in turn heavily influenced by very real political concerns. He quotes several passages indicating that fear of *stasis*, civil uprising or strife, within god was a key consideration in the early formulators of trinitarian doctrine. While the civil uprising or revolt, along with the event of external invasion, is part of the notion of the state of exception since its inception, it is in a sense the 'true' state of exception since, as a number of commentators have noted, it involves the direct attack of state institutions and authority: they are immediately called into question.²³

Agamben quotes several passages from Gregory of Nazianzus indicating how seriously the fear of civil war and strife within god animated the discussions around the trinity. This

²¹ Ibid., 17.

²² Ibid., 18.

²³ I write more about this relation to civil war in "Ongoing Founding Events in Giorgio Agamben and Carl Schmitt," *Telos*, Winter 2011.

was so much the case that Carl Schmitt claimed Gregory "had introduced a real theory of civil war into the heart of trinitarian doctrine."²⁴ Gregory argues that there have been three main conceptions about god: anarchy, polyarchy, and monarchy. He notes that anarchy is truly without order, and that polyarchy is in civil war, so anarchic and without order. Both these lead to dissolution. There remains monarchy, which he says if conceived as one only could be at war with itself, and still in a state of civil war. Thus he advocates for the trinity, which would seem to divide and balance the forces and authorities in a way to mutually enhance them, rather than letting them fight and diminish one another:

But that which is held together by an equal dignity of nature, by an accord of thought, of identity, and of movement, to converge in the unity of that which come from it, in a way that is impossible for generated nature. Thus, even though it differs in number, as substance it is not divided. In this way the monad, in principle moving toward the dyad, stops at the triad.²⁵

Agamben further notes that Gregory makes use of an already-established discursive framework to say that such concerns could only be properly understood by someone who had learned to distinguish between the "discourse of nature and the discourse of economy."²⁶ Agamben interprets this and other passages to mean that in Gregory "economy" has the specific function of avoiding, through the trinity, the introduction of a civil war or "stasiological fracture" in god, and that the only way of truly doing so is to shift from a political rationality to an "economy."

Having laid out some of the primary concerns and methodological and theological foundations, Agamben proceeds to interpret and expand the theological genealogy of economy. Starting from the definition of *oikonomia* as "administration of the house," he traces the significations and understandings that this term has borne. In addition to this administration of the household, he notes that the concept has to do with an ordered functioning, and has often been associated with a managerial or operational focus. All of these aspects illustrate why he sees *oikonomia* as a valid object of study in the genealogy of governmentality. He says that the term keeps the sense of ordered disposition of material in other contexts including rhetoric. He points out that Cicero translated the term as *dispositio* which strengthens his argument in *Che cos'è un dispositivo?* that there is an important tie to the concept of the dispositive in his work and Foucault's.

Although the concept of *oikonomia* never fully loses its association with the organization of the domestic space, it takes on the meaning of "the divine plan of salvation" when it is transposed into a theological context in Christianity. Nevertheless, it also has the meaning of a task or assignment in the theological context, and of a kind of administration or ordering (as in the task of stewardship and ordering of the earth assigned to humans by god). The term also comes to be associated closely with "mystery," so much so that it is frequently referred to as "the mystery of economy." Agamben shows that this may be apocryphal, resulting from the

²⁴ Ibid., 24.

²⁵ Ibid., 25.

²⁶ Ibid., 26.

contraction of the longer phrase "the *oikonomia* of god, that given to me to complete the word of god, the mystery hidden for eons," and that in any event it does not lose its administrative denotation even in this association with mystery.²⁷

Although it can be applied at different levels (the household, matter, the human body, the earth, humanity in general, the universe), "economy" maintains a central tie to ordered organization and management. Hence its ready association with political concerns, where disorder (inherent in the anarchic and polyarchic views of god) threatens civil war, while the monarchic view of god (understood properly as the trinitarian three-as-one) is meant to guarantee a check against this internal strife. *Oikonomia*, adapted from the Gnostic context into trinitarian formulations, is presented as crucial for understanding the articulation of transcendent authority and worldly administration.

Having noted that *oikonomia* is etymologically and conceptually linked to "dispositive" through the Latin *dispositio* and *dispensatio*, Agamben also notes the crucial, and somewhat shocking, valence of the term as "exception."²⁸ Here *oikonomia* signifies not only the mysterious incarnation of the *Logos*, but also the "occasional restriction or suspension of the effective rigor of the law and the introduction of attenuations which 'economize' the command of the law."²⁹ With this accumulation of exegeses it is clear that the concept of *oikonomia* is not an incidental or a fashionable one picked up by Agamben, but one that hovers in important relation to key thinkers who have influenced him, among them Michel Foucault and Carl Schmitt.

Essence and activity: sovereignty and governmentality

Via chapters on "Being and Acting" and "Reign and Government," Agamben further elucidates the complex articulation between essence and activity, between sovereign authority and engaged worldly management. Originally revolving around the theological impetus to avoid a fracture in monotheism, which would have reintroduced polytheism and civil strife, *oikonomia*, and the "mystery of economy" are crucial to explaining the simultaneous split-and-unity in god, and as such the doctrine received a great deal of attention. Agamben says that this was less concerned with the split between two divine figures than with the split between god and god's government of the world. Further he notes that the real weight of the "mystery" was not as much in the being of god as in god's salvific practices and their action in the world. Further, he argues that this fracture is the "anarchic character of *oikonomia*" since a providential government of the world can have no foundation in being, and since *oikonomia* is intrinsically anarchic—anarchy is that which government must presuppose as its origin and horizon.³⁰ Disorder is that which must be administered in ordering activity. Agamben says that the management paradigm of the *oikonomia* was used to re-articulate this fracture and argue for a complex joining-in-division of being and acting.

Agamben draws on the figure of the *Roi mehaignié*, the wounded or ailing king, who reigns over a devastated land, to illustrate the ready political translation of this theology of the

²⁷ Ibid., 37.

²⁸ Ibid., 63.

²⁹ Agamben quoting Photios, Ibid.

³⁰ Ibid., 80.

fracture. He is a mutilated and impotent king, a divided sovereign who is separated from his powers and activity and reduced to impotence, prefiguring the modern sovereign. He notes that Carl Schmitt was hostile to any attempt to divide reign and government, and this heightened his concerns about the liberal-democratic doctrine of the separation of powers. Agamben interprets this distinction between the king as full sovereign and the "wounded king" in terms of his thinking of operativity and inoperativity, which he plans further to develop in the last part of the *Homo sacer* series, though it has a sustained presence in this book as well.

Agamben further considers the parallel and founding debates in theology that underlie these political issues, studying a form of theology, originally heavily influenced by Gnosticism, that posited a division between Reign and Government. This theology recognized two gods, one external to the world, transcendent, and inoperative; the other god was held to be active, concerned with the government of the world. He says that this "opposition between Reign and Government is part of the gnostic heredity of modern politics,"³¹ and sees clear political implications to this account as in the distinction between the *basileus* and the *hegemoniein*. The first referred to the first god, while the second pertained to the second god and had to do with a specific function of guidance and command—the root *hegemon* meant animal that guided the flock, the driver of a cart, a military commander, or the governor of a province. Connections with Foucault's accounts of pastoral power and of "conduct" are certainly intended here.

Via an interpretation of Aristotle and his influence, Agamben indicates the importance of the concept *taxis*, order, to these formulations of government. *Taxis* is understood as a "reciprocal order" or "the idea of an immanent reciprocal relation," and is therefore seen as "a relation and not a substance."³² He calls "order" a *signatura* that deals with genuinely ontological concepts, crediting it with producing a shift in ontology from the category of substance to that of relations and practices.³³

In addition, order has a quite important place in thinking *oikonomia* and the trinity. He says that "*taxis*, order, is the dispositive which renders possible the articulation of separate substance and being, of god and the world. It names their aporetical relation."³⁴ Interpreting Augustine he draws on a model of god defined by activity and ordering. But he specifies that this ordering is in the sense of *disporre*, or setting out and arranging, an activity rather than a substance. He says that the *dispositio* (which is the Latin translation for *oikonomia* and, in turn, the root for Italian *dispositivo*, French *dispositif*, and English "dispositive"), the arrangement or setting of things in order signifies nothing else than the *dispositio* of things in god.³⁵

As such Agamben says that *Ordo* refers to an incessant "activity of government which presupposes, and at the same time continually recomposes (*ricomporre*), the fracture between transcendence and immanence, between god and world".³⁶ Divine governance acts to cover

³¹ Ibid., 92.

³² Ibid., 97.

³³ Ibid., 102.

³⁴ Ibid., 98-9.

³⁵ Ibid., 104.

³⁶ Ibid., 105. Foucault's interpretation of the Ordoliberal economists is in this respect salient.

over, or fill, the split between being and acting, transcendent god and immanent-active god, just as, he says, government as ordering is pursued to cover over the primordial split in sovereignty and the constitutive relation to anarchy. On this basis he says that *oikonomia*, *ordo*, and *gubernatio* belong together as a triad. He relates the split between being and acting to creation and conservation of the world, and thus to the distinction between constituting and constituted power via Carl Schmitt's quasi-Spinozistic formulation as *ordo ordinans* and *ordo ordinatus*. Agamben says that this relation defines what he calls the "providential machine" of divine government.

In describing the providential machine Agamben closely interprets parts of Foucault's 1977-1978 lecture course *Sécurité, territoire, population*, paying attention to the way that Foucault specifies that the three modalities of power (sovereignty, disciplinary mechanisms, and dispositives of security) do not absolutely succeed or exclude one another, but coexist and articulate. Agamben finds Foucault's description of the way that pastoral power takes charge of humans *omnes et singulatim* to be of import. He says that this double-articulation, both individualizing and totalizing, was transmitted to the governing activity of the modern states. Furthermore, at around the same point in the lecture Foucault discusses the pastorate as an economy and makes the famous point that the introduction of economy into political practice will constitute the decisive scope of government—he speaks of exercising power in the form of an economy.³⁷

While Agamben agrees with much of Foucault's formulation—enough, as we know, to situate his own work in the same track—he believes that Foucault did not go far enough in his historical exegesis of the pastorate. Agamben points out that Foucault does cite Gregory of Nazianzus for his economic definition of the pastorate, however, he writes that Foucault "seems entirely to ignore the theological implications of the term *oikonomia*."³⁸ He finds it strange that, in his genealogy of pastoral power and governmentality, Foucault does not mention or analyze providence. As Agamben puts it, "Providence is the name of '*oikonomia*' when it is presented as government of the world."³⁹ He indicates that *gubernatio*, to govern, is also synonymous with providence. Providence is concerned with god's government of the world, the management and direction of humans and other living beings, and it is part of a "binary ontology" of the transcendent and the immanent. As such it is part of the older debates he referred to over the essence and action of god.

However, Agamben also considers this providential machine to be the paradigm for the modern doctrine of the separation of powers. Beyond this he also claims that the modern distinction between legitimacy and legality has its archetype in the double structure of providence. And, that which Schmitt calls the "legislative state," presented as application and execution of impersonal law, is seen as the extreme unfolding of the "providential paradigm in which Reign and Government, legitimacy and legality coincide."⁴⁰ Agamben thus holds that the split between general power of administration and executive power appears first in a

³⁷ Ibid., 126.

³⁸ Ibid., 127.

³⁹ Ibid.

⁴⁰ Ibid., 152.

theological context and later in a political one. He says that this is something like *an ontology of the acts of governing*, and that, therefore, the economic-providential paradigm is essentially the paradigm of democratic government.⁴¹

In a chapter on "Angelology and Bureaucracy," Agamben says that Angels were the guarantee of the original relation between the Church and the political sphere, because of the public and politico-religious character they were charged with administering. As the people of the "flock" constituted both the *ekklesia*, the church, and the denizens of the city of god, one can see the important role that angels would play in the articulation of the two sides of god at issue in the fracture discussed above. Nonetheless, the split shows up in taxonomies of the angels as well, into those concerned with glory and those concerned with execution. He notes, too, that this draws in the figure of the "inoperative angel," whose powers will cease, along with human power, when Christ consigns Reign to god and to the Father. Hell, according to one interpretation, would be the lack of such an event, and the permanent providential government of the world.

Glory

Agamben analyzes the important practice and figure of the acclamation, drawing on research by Peterson, Kantorowicz, and others in which they see a parallel between political ceremony and ecclesiastical liturgy.⁴² Agamben says that Peterson, in his dissertation, had studied the history of the ceremonial aspects of power and public right, "a sort of political archaeology of liturgy and of protocol... 'archaeology of glory'."⁴³ The acclamation is an exclamation of laud or disapproval, and a performative utterance that could have juridical significance, as in the Roman republican troops who accorded their victorious commander the title of Emperor. It was accompanied by gestures such as raising the right hand.

Peterson argues that the acclamation carries power because it expresses the consensus of the people, and a number of commentators write about the connection between people and acclamation. Peterson holds that the acclamation and the doxological liturgies express the juridical and public character of the people, while for Schmitt the acclamation is an immediate expression of the people as constituent democratic power. Following Kantorowicz, Agamben writes that the "imperial ceremony of pagan Rome was progressively 'litanized' and transformed into a type of divine service, of which acclamations were an integral part."⁴⁴ He maintains that the theology of glory is the secret point of contact through which theology and politics incessantly communicate and change places, and identifies glory as a *segnatura*.

If glory has occupied such a special place, theologically and politically, Agamben argues this is because it permits the holding together of the essence and action of god, Reign and Government, and the father and the son.⁴⁵ Noting a link between glory and the Sabbath, he argues that the center of the governmental dispositive, where Reign and Government com-

⁴¹ Ibid., 157-8.

⁴² This study of the acclamation will find some parallel in his analysis of the oath in *Il sacramento del linguaggio*.

⁴³ Ibid., 188.

⁴⁴ Ibid., 210.

⁴⁵ Ibid., 253, 223.

municate and are distinguished, is in fact void due to the inoperativity of glory, which must be kept at the center of the machine. As such he calls *oikonomia* the "theological dispositive of the government of the world," and says that ordering is governmentality.⁴⁶ He also explicitly relates the acclamation, and therefore glory, to the contemporary realms of public opinion and media, arguing via Schmitt that opinion polls are a modern version of acclamation, noting that it is no coincidence that the Greek term for glory, *doxa*, means also "public opinion."⁴⁷ He maintains that "consensual democracy, also known as the society of the spectacle, is a glorious democracy, in which *oikonomia* has resolved into glory and the doxological function, freeing itself from liturgy and ceremonies, has absolutized itself to an undreamed of degree and penetrated into every aspect of social life."⁴⁸

In two dense and suggestive appendices, Agamben develops concepts which are of importance to the work as a whole: the relationship between law and miracle, and the invisible hand. Rousseau and Schmitt had earlier cited the miracle as the theological paradigm for the state of exception—a situation in which god decides to suspend or contravene the normally-operating laws of nature. Agamben draws on Foucault's interpretation of Rousseau's political project from *Sécurité, territoire, population* to show that the problem of sovereignty did not go away when the arts of government came to the fore in Europe, but instead became more intense.⁴⁹ The distinction and articulation of sovereignty and government becomes decisive in Rousseau.

In the section on the invisible hand Agamben traces the reemergence of the term "economy," this time under the Latin form *oconomia* in the 18th century, concerning the "management and government of things and people."⁵⁰ Although presented at the time as something new, Agamben argues that this "re-presentation" of economy was heavily indebted to the Greek and theological traditions studied in the book. Citing Linnaeus' pursuit of an economy of nature which would discern the aspects of natural beings put there by god, he indicates that this new "economy" had plenty to do with the former one. He notes that a similar notion of the economy of nature was pursued by the physiocrats, but with the crucial shift of object from the natural order to the government of society.⁵¹ He writes that the modern *oikonomia* has assumed its own sovereignty separate from its divine origins, but that in doing so it maintains the theological model of the government of the world. In this sense, of the ongoing ordering and administration of the world, he says that "modernity, while taking god from the world, has brought the project of providential *oikonomia* to a completion."⁵²

Il sacramento del linguaggio: Archeologia del giuramento (Homo sacer II, 3)

The next book in the *Homo Sacer* series as they are numbered is *Il sacramento del linguaggio: archeologia del giuramento* {*The Sacrament of Language: Archeology of the Oath*}. As noted pre-

⁴⁶ Ibid., 275.

⁴⁷ Ibid., 280.

⁴⁸ Ibid., 283.

⁴⁹ Ibid., 299.

⁵⁰ Ibid., 305.

⁵¹ Ibid., 312.

⁵² Ibid., 314.

viously, Agamben's analysis here clearly crosses over in important respects with that of the acclamation in *Il Regno e la Gloria*. The primary Foucauldian concept that he draws upon here is that of veridiction. This book is decisive, too, because, although he analyzes religious usages and aspects of the concept, Agamben here points toward a more-primordial relationship of language and naming that undergirds even religion and politics in important respects. This shifts some of the focus away from the notion that he grounds everything in some kind of unavoidable theological regress. He says that "Religion and law do not preexist the performative experience of language which is in question in the oath, rather they were invented to guarantee the truth and the trustworthiness of *logos* through a series of dispositives, among which the technicization of the oath in a specific 'sacrament' —the 'sacrament of power' —occupies a central place".⁵³

Agamben describes how the oath is at the intersection point between religion and politics, and how it is the foundation of the political pact in the history of the West.⁵⁴ Highlighting the decline of the oath in our times, he sees this inquiry as opening up the possibility for new forms of political association. He specifies that the method of this inquiry is "not an inquiry into the origin, but a philosophical archeology of the oath."⁵⁵ As such he says, following Foucault, that it cannot help but put the present into question. Building upon his analysis of *oikonomia* in *Il Regno e la Gloria*, he explains, via exegeses of Paolo Prodi and Hierocles, that the oath does not create or originally set in place (drawing on the verb *porre* which is the root for *disporre* and *dispositivo*), but that it is concerned with holding together, maintaining unity, and conserving that which someone else has set into being.⁵⁶

Citing Émile Benveniste he notes that the oath's function consists in the relation that it institutes between words and power, rather than in the affirmation it produces. Above all, Agamben writes, ancient and modern commentators agree that the oath has the function of guaranteeing the truth and the efficacy of language.⁵⁷ Initially and for the most part, this seems to be concerned with guaranteeing the trustworthiness of humans, who are notoriously capable of deception and lack of faith. As such, many emphasize the oath as an institution designed to confirm this faith in the fallible word of one human or another.

Citing Samuel Pufendorf from 1672, Agamben points out another related line of interpretation in terms of the reliability of language itself, which Pufendorf says undergirds (necessarily) the oath.⁵⁸ Confirmed in the oath are not only political pacts, but our simple language and its fealty to "reality." Citing Nicole Loraux and Plato, he notes that the oath is ill-suited as a measure against lying (Plato advised against its use in trials as it would reveal half the citizenry to be perjurers). This points to the likelihood that the oath is aimed more at a specific weakness of language itself: "the ability of words to refer to things, and that of humans to take cognizance of their condition as speaking beings."⁵⁹ It is clear, in this respect, why the concept

⁵³ Agamben, *Sacramento*, 80.

⁵⁴ *Ibid.*, 3.

⁵⁵ *Ibid.*, 4.

⁵⁶ *Ibid.*, 6.

⁵⁷ *Ibid.*, 7.

⁵⁸ *Ibid.*, 8.

⁵⁹ *Ibid.*, 12.

of veridiction from Foucault is of importance to Agamben, as that which guarantees or maintains the truth and efficacy of language, or that which permits certain things to be seen or said.

The oath would seem to consist of three elements: an affirmation, an invocation of the gods, and a curse against perjury (in the event that one should break the oath). It is this inclusion of the threatened curse that has resulted in the interesting double-meaning to "oath" present in several languages considered, according to which it can mean either a solemn vow or denunciation, profanity, and the like. Since they were part of the same performative declaration, this association has persisted.

The oath has a crucial verbal dimension (even though, like the acclamation, it was often accompanied by a gesture such as raising the right hand). Agamben says that Georges Dumézil noted three decisive realms or fundamental functions in his study of myth and epics: religion (the sacred), war (the warriors), and economy (the farmers or shepherds). He analyzes the "plagues" or "scourges" which can befall each of these, noting that the pestilence which can afflict religion (and obviously by association the other two) is the dissolution of oral contracts, lying, and not keeping to the spoken word.⁶⁰ This can in some respect be compared to the plagues and afflictions, including plague itself, smallpox, and famine, which Foucault analyzes in *Sécurité, territoire, population* in terms of their influence on the formation and development of dispositives of security. Yet Foucault himself draws on a different text of Dumézil's in *Le courage de la vérité* {*The Courage of Truth*} to discuss the "malady" which threatens veridiction through false or inaccurate speaking.⁶¹ While it might appear, as Agamben notes, that the fundamental problem is one of dishonesty and lying, in fact the issue is one that lies deeper than that: "a weakness that afflicts language itself, the capacity of words to refer to things and that of humans to take account of their condition as speaking beings."⁶² Echoing Foucault's descriptions of biopolitics in relation to Aristotle, he writes that the oath "contains the memory of a more archaic stage, which had to do with the consistency of human language itself and the nature of humans as 'speaking animals'."⁶³ He also notes that in the *Metaphysics*, Aristotle "situates the oath among the 'first principles' of pre-Socratic philosophy, almost as if the origins of the universe and of thinking it covers entail the oath in some way."⁶⁴

Asking how the *arché* of this archaeology of the oath is to be understood, Agamben draws upon a concept from linguistics and comparative grammar, that for certain questions the only sources of information we have are based on the analysis of language, and that, like the theoretical Indo-European word forms denoted with an asterisk like **deiwos*, it would be "possible, through etymology and the analysis of signification, to go back to stages otherwise inaccessible to the history of social institutions."⁶⁵ He also draws in part upon Dumézil's characterization of his own work as history "of the oldest history and of the ultra-historical

⁶⁰ Ibid., 10.

⁶¹ Michel Foucault, *Le courage de la vérité* (Paris: Seuil, 2009), 87-105.

⁶² Ibid.

⁶³ Ibid.

⁶⁴ Ibid., 27.

⁶⁵ Ibid., 13-4.

fringe."⁶⁶ But, he notes that the "consistency" of this fringe is "only an algorithm that expresses a system of correspondence between the existing forms in historical languages."⁶⁷

On the basis of such concerns, Agamben says that this *arché* cannot be understood as a chronological date: "it is clear that the *arché* towards which the archaeologist seeks to reach can not be understood in any way as a date situated on a chronology" nor an "intemporal metahistorical structure," but a "force operating in history" like the Indo-European words, the baby in psychoanalysis, or the big bang.⁶⁸ As such it concerns not just 'closed-off' historical events, but those which have a dynamic relation to the present. He describes it as "not a date, a substance, or an event, but a field of historical currents held between anthropogenesis and the present, ultra-history and history."⁶⁹ The resonances with Foucault's historical reflections on the archaeological method are evident here. Although this is a method which can allow the decipherment of historical phenomena, it is also and especially one which is about history of the present. This is in part because these elements of "ultra-history" are not "finished once and for all, but are still ongoing, as *homo sapiens* never ceases becoming human, is still not finished acceding to language and swearing on its nature as a speaking being."⁷⁰ Agamben's description of the dynamic historical relation and the ongoing performance of historical transformations relates strongly to Foucault's description and analytical use of the dispositive.⁷¹

Sacred Substance versus Zone of Indistinction

Agamben draws on Benveniste's re-interpretation of the Greek term for oath, ὄρκος, *horkos*, via ὄρκον ὀμνύμαι, *horkon omnumai* (to swear an oath, call to witness), as "sacred substance," rather than the traditional etymology in terms of ἔρκος, *herkos*, which means "fence, barrier, bond," in order to clear the ground of a "prejudicial misinterpretation" that he says impedes the archaeology of the oath.⁷² Benveniste writes that *horkos* signifies, via his alternate etymology, "not a word or an act, but a *thing*, the material invested with the malevolent potency which confers to the promise its binding power."⁷³ This would seem to be attested given that one of the meanings of *horkos* (Horkos the son of Eris) is "the witness of an oath, the power or object abjured."⁷⁴ Nevertheless, Agamben wishes to counter the almost-unanimous interpretation according to which the "force and efficacy of the oath are sought in the sphere of magico-religious 'powers' to which it belongs in origin and which is presupposed as the most archaic: they derive from it and decline with the decline of religious faith."⁷⁵ He finds this unsatisfying since it relies on an "imaginary" notion of the *homo religiosus*, a "primitive" hu-

⁶⁶ Ibid., 14.

⁶⁷ Ibid.,

⁶⁸ Ibid., 16.

⁶⁹ Ibid.

⁷⁰ Ibid.

⁷¹ Further consideration on this is contained in the "What is a Dispositive?" article in this issue, especially Section 1 on "Foucault's Usage of the Concept."

⁷² Ibid., 17.

⁷³ Ibid.

⁷⁴ Liddell and Scott, *Greek-English Lexicon*, Abridged Edition, Oxford, Oxford, 1997, (1891), 498.

⁷⁵ Ibid., 18.

man intimidated by the forces of nature and the divine. This is unsatisfying because the sources treated, Agamben points out, present a human who is both religious and irreligious—both loyal to the oath and capable of perjury.⁷⁶ Thus he believes that this traditional explanation is in need of further exploration, and in particular he wishes to dispel the interpretation in terms of recourse to a “magico-religious sphere.”

Agamben notes that even scholars as “perspicacious” as Benveniste and Bickermann have erred in uncritically repeating the explanation by recourse to the sacred, indicating that they several times refer to that explanation as one which is “always and everywhere” given to account for the oath.⁷⁷ The problem with this explanation refers back to Agamben’s earlier work on the sacred (*sacer*), especially in *Homo sacer: il potere sovrano e la nuda vita*. At issue are the insufficiency and the contradictions of the doctrine of the ‘sacred’ elaborated in the scientific and historical studies of religion in the late 19th and early 20th centuries. Much of the confusion, he says, comes from the encounter and uncritical mixing between the Latin *sacer* and the Melanesian concept of *mana* seized upon by anthropologists. Citing Robert Henry Codrington and Max Müller, Agamben indicates that *mana* became the way in which “the idea of the infinite, of the invisible, and of that which we will later call the divine, can appear in vague and nebulous terms among the most primitive peoples.”⁷⁸ Agamben attributes this to a lack of historical and interpretive knowledge on the part of the scholars, rather than to any actually-existing concept or category. He also points out that, by uncritically joining the concepts (*sacer* and *mana*), such commentators failed to pay heed to both contexts of study.

He says that *mana* pertained to contexts outside the cultural frame of reference of these European scholars and *sacer* to contexts beyond their historical knowledge (often, specifically, as that which was cast as “pre-history” or “pre-law” or the like). As, by the end of the 19th century and for those seeking to establish a science or history of it, religion in Europe had become something so “extraneous and indecipherable,” these scholars sought the keys to it in concepts such as *mana*.⁷⁹ They found it easier to assume that the “primordial” religious contexts of Europe must be similar to the “magico-religious” life of the so-called “primitives,” thus failing carefully to examine the historically specific genealogy of religion in each context. Because of this he says that “they could not help but to reestablish, as if in a specter, the same extravagant and contradictory imagination that these scholars had projected.”⁸⁰ A more fruitful understanding of the concept, he says, would await the pivotal interpretation of Claude Lévi-Strauss.

Agamben maintains that Lévi-Strauss put the understanding of the concept of *mana* (and associated ones like *orenda* and *manitou*) on new ground because, unencumbered by the same attachment to the notion of the “sacred substance,” he was able to recognize the crucial facet of the concept: its indeterminateness. Lévi-Strauss equates the term to those such as *truc* and *machin* in French (which Agamben renders as *coso* and *affare* in Italian)—“thing” and

⁷⁶ Agamben, *Sacramento*, 18.

⁷⁷ *Ibid.*, 19.

⁷⁸ *Ibid.*, 20.

⁷⁹ *Ibid.*, 22.

⁸⁰ *Ibid.* He says that the sway of this interpretation was such that it manifests in different ways in the work of Durkheim, Freud, Rudolf, Otto, and Mauss (page 21).

"contraption, thingamajig, doohickey, gadget" in English—words which, notably, stand in for something else, or refer to an unspecified quality. Agamben says they are "unknown objects or objects whose use we can't explain... a void of meaning or an indeterminate value of signification... whose sole function is to fill a gap between signifier and signified."⁸¹ So, rather than a pervasive magical force, Agamben, following Levi-Strauss, thinks that such concepts have more to do with an indeterminate, ad hoc, function in language on the part of anthropologists and historians of religion. It is on this basis that Levi-Strauss commented that in the thinking of the scholars, *mana* really is *mana*, implying that there it did function as a pervasive magical force.

Citing Louis Gernet's concept of pre-law and Paolo Prodi's "primordial indistinction," fuller understanding is given to the "ultra-historical fringe" as a phase in which law and religion were indistinct. The difficult part, says Agamben, is using these concepts in a way that doesn't simply involve the simple retrospective projection of current notions of religion and politics onto this fringe, such that we see it as the simple addition of two parts. He recommends "a type of archeological *epoché* to suspend, at least provisionally, the attribution of predicates with which we usually define religion and law."⁸² Instead he'd like to pay heed to the zone of indistinction between them, trying to understand this as an internal limit that may give rise to a new interpretation.

As against the interpretations of the oath that distinguish between an ancient religious rite and a modern inclusion in law, Agamben notes that the oldest documents in our possession show it to have an unmistakably juridical function, even if also serving religious ones.⁸³ He says that "in the oldest sources the Latin tradition allows us to reach, the oath is a verbal act destined to guarantee the verity of a promise or an assertion," and that the "same goes for the Greek tradition."⁸⁴ He also reminds us that for the Romans the sacred sphere was considered an integral part of law. On the basis of several examples he maintains that

the entire problem of the distinction between the juridical and the religious, in particular for the oath is, therefore, wrongly put. Not only do we not have grounds to postulate a pre-judicial phase in which the oath belonged only to a religious sphere, but perhaps our whole habitual mode of representing to ourselves the chronological and conceptual relation between law and religion should be reexamined.⁸⁵

Credence and credibility: language and action

Agamben identifies two texts which allow the study of the oath to be taken up on new grounds. He writes that a passage from Philo's *Legum Allegoriae* is important because it "puts the oath into constitutive relation with the word of god."⁸⁶ In the passage, due to our ignorance of god, the only definition we can give is "the being whose *logoi* are *horkoi*, whose words

⁸¹ Ibid., 21.

⁸² Ibid., 24.

⁸³ Ibid., 25.

⁸⁴ Ibid., 26.

⁸⁵ Ibid., 27.

⁸⁶ Ibid., 28.

attest with absolute certainty of themselves."⁸⁷ This is relevant since it is the reliability of the words given in the oath that is always potentially at issue. Human language, both in terms of its description of the world and its veracity, is subject to a persistent doubt. The oath offers a possibility to join the realms of divine and human language, "rendering it possible, *pistos*, credible."⁸⁸

The second text identified by Agamben for putting the analysis of the oath on new grounds is Cicero, in a famous passage from *De Officiis*. In his own investigation of the oath, asking why Attilio Regolo would keep an oath to enemies even though knowing they'd kill him, Cicero wrote that: "In the oath it is important to understand not so much the fear it generated, but its efficacy." This is why Regolo would return to his enemies despite certain death—the obligation to maintain one's word. Agamben says that this is the *vis* (strength) of the oath, according to Cicero, and that it derives not from the fear of the gods, but from *fides* (credence, credibility). He says that the obligation of the oath is "found in a vaster institution, *fides*, which governs as much the relations between humans as it does those between the people and the city."⁸⁹ This credence is also said to be "essentially the correspondence between language and actions," which supports the argument that the oath addresses the fealty of language itself and our status as speaking beings.⁹⁰

Agamben says that the relation between credence and the oath has long been noted by scholars (as the prior argument by Cicero shows). Dumézil and Benveniste studied personal credibility in concepts such as *fides*, the Greek *pistis*, and the Sanskrit *sraddha*. They emphasize the lines of attachment and lines of obligation entailed in these ideas. In a particularly interesting interpretation, Meillet notes that the Italian *credere*, like its Latin antecedent, are formed from "dare il *kred" to give credibility or trust to something.⁹¹ It is precisely this turn in interpretation that is important for Agamben, deemphasizing the explanation of the oath in terms of a nebulous religious force, or fear of the gods, and replacing it with attention to the institution of *fides*, credibility and trust. This turn foregrounds the fundamental relation to words and things in the oath,⁹² the social ties of obligation and power attendant in it,⁹³ and how it necessitates a reconsideration of our conceptions of law and religion.⁹⁴ He even maintains that the oath is "the threshold through which language enters into law and religion."⁹⁵ These aspects indicate why the oath is so intimately related to veridiction; the study of the oath casts valuable light upon the understanding of veridiction and truth telling in Foucault.

Indicating the complicated interrelation of religion and the law in the oath, Agamben notes that it was, in early sources, considered a sacred institution (as much as it had clearly

⁸⁷ Ibid., 30.

⁸⁸ Ibid.

⁸⁹ Ibid., 32.

⁹⁰ Ibid.

⁹¹ Ibid., 36.

⁹² Ibid., 37.

⁹³ Ibid., 35-7.

⁹⁴ Ibid., 38.

⁹⁵ Ibid., 39.

juridical functions). In fact, revisiting some of his earlier considerations about the *sacer*, he says (drawing on Hirzel) that perjury, breaking the oath, was "none other than the Roman *sacer*... able to be excluded from every religious or civil community" on account of breaking the oath.⁹⁶ It is as such that he highlights the central importance of the "curse" (*maledizione*) in the oath, as that which demonstrates the consequences of breaking it. Incidentally, this also helps to explain why terms such as "oath" and "curse" have to do with blasphemy and profanity—as those utterances which cancel out the divine function of language and break the relation between words and things inherent in credibility.

Plutarch held that "all oaths conclude with a curse against perjury."⁹⁷ And Schrader that "to swear an oath means first of all to curse, to curse oneself in the event that one should tell a lie, or not maintain that which is promised."⁹⁸ Agamben mentions a type of standard benediction/malediction attached to an oath—that the one who follows the oath should prosper while the one who breaks it should suffer ruin—and says that, although the benediction can be omitted, the curse remained an invariant. He also cites such a standard formulation in Faraone, "If I swear well, many goods to me; if I swear badly, by contrast, many evils in place of many goods."⁹⁹ This is the rule in Homer, and he calls attention to the exchange of oaths between the Trojans and the Greeks before the duel between Paris and Menelaus: "To those who should first transgress these oaths, that their brains should pour out on the ground like this wine."¹⁰⁰ Although the benediction may be omitted, it is nonetheless implied, and Agamben holds that the benediction and the curse are co-original and constitutively co-present in the oath.¹⁰¹

On the bases of these analyses, Agamben says that the "oath would seem, then, to result from three elements: an affirmation, the invocation of the gods to witness, and a curse directed against perjury."¹⁰² He says that scholars treat these three things as a single institution (perhaps similar to the unity-in-division of the trinitarian doctrine discussed in *Il Regno e la Gloria*), and that they are strictly linked factually and discursively (in the series *pistos-horkos-ara* in the Greek world and *fides-sacramentum* in the Roman one). He points out that these series "lead back to a single institution, certainly archaic, both juridical and religious (or pre-juridical and pre-religious) the meaning and function of which we are trying to understand."¹⁰³ In this light Agamben thinks that the supposed link to the divine word in the oath can be better understood as the appeal to an account that can't be contested or verified, or as the performance of a guarantee. He says that the institution "of which the gods are witnesses and caretakers cannot but be that which joins words and things, that is *logos* as such."¹⁰⁴

⁹⁶ Ibid., 41.

⁹⁷ Ibid.

⁹⁸ Ibid., 42.

⁹⁹ Ibid., 50.

¹⁰⁰ Ibid., 43.

¹⁰¹ Ibid., 50.

¹⁰² Ibid., 43.

¹⁰³ Ibid., 43.

¹⁰⁴ Ibid., 46.

Warning once again about the importance of avoiding recourse to the "magico-religious sphere," this time in the explanation of the curse, Agamben says that it should be understood on its own terms. He notes that it concerns, "the relations between words and the facts (or actions) which define the oath. In one case the name of god expresses the positive force of language, the just relation between words (*parole*) and things (*cose*), in the second case a weakness of *logos*, which is the breaking of this relation."¹⁰⁵ Underneath the common recourse to magic or a simple religious explanation Agamben sees a more fundamental relation between words and things. The oath plays a decisive role as that which continually strives performatively to guarantee this relationship, while the curse breaks it.

Via Ziebarth, Agamben points out the political role of the curse in Greek legislation. It served to support the efficacy of the law by subjecting transgressors to the political curse. The *homo sacer* is an example of one who is subjected to a political curse—outside and inside the political community, killable and inappropriate for sacrifice. This aspect of the curse is important in political terms because it has to do with "the sanction that sets down the structure of the law itself, its way of referring to reality (*talio esto/sacer esto*)."¹⁰⁶ Like the decision on the exception, this involves determining the applicability and span of the law, as a development "of the curse through which the law defines its environment. The 'political' curse delimits, then, the locus in which penal law will be, even if in a subsequent period, established."¹⁰⁷

To further investigate the political function of the oath, Agamben points out the often-discussed relation between the curse and blasphemy. Citing Benveniste he notes that just as the oath is a *sacramentum*, an appeal to a god, so is blasphemy, which also calls upon a god to witness. He calls blasphemy an "oath of outrage."¹⁰⁸ Blasphemy plays into Agamben's account because it is the literal taking of god's name in vain. If the function of the oath disclosed in the archaeology is to performatively join words and things through the invocation of the name of a god, blasphemy undoes that work by offending the god and breaking the relation. He says that "blasphemy is an oath in which the name of god has been removed from its assertive or promissary context and is offered by itself, in a void, independent of a semantic context... isolated and pronounced 'in vain,' it corresponds symmetrically to perjury, which separates words from things."¹⁰⁹ As a result the oath and blasphemy are co-present and implicit in the same act of language. He also notes that certain forms of magic and incantations are born from the oath, or better from perjury. The name of god, separated from the oath and from things, becomes a word of power or maleficence.¹¹⁰

Performative aspects of the oath: veridiction

Taking stock of the aspects of the archeology of the oath so far, Agamben further clarifies the reach and implications of the study, that the oath is not merely a dusty archaic tradition that amounts to a curiosity, but that:

¹⁰⁵ Ibid., 50.

¹⁰⁶ Ibid., 52.

¹⁰⁷ Ibid.

¹⁰⁸ Ibid., 54.

¹⁰⁹ Ibid., 56.

¹¹⁰ Ibid., 59-61.

Every naming, every act of language is, in this sense, an oath, in which the *logos* (the speaker in *logos*) pledges to fulfil her word, swearing on her truthfulness, on the correspondence between words and things which is realized in it.¹¹¹

If he is interested in the oath it is because he sees it as related to this fundamental issue of veridiction—the seeable and the sayable. The relationship between words and things entailed in our position as speaking beings, and the political consequences of it.

Further following Benveniste, Agamben notes that blasphemy has been treated as an exclamation or an interjection, and that as such it functions differently than declarative speech. These types of speech, like insults, are performative rather than descriptive, "can be opposed point for point to normal classificatory terms... and produce, through their simple pronunciation, particular pragmatic effects."¹¹² The performative power of these utterances was illustrated in Roman warfare, where it was sometimes believed that uttering the name of a city's deity could reduce the city to dependence on invaders (by "evoking" the loyalty of the deity). For this reason Rome had a secret name for its patron deity, and Dionysus in the mysteries was called Pyrigenes. In monotheism Agamben says that "the name of god names language itself... the divinization of the *logos* itself, to the name of god as archi-event of language."¹¹³ Pronouncing the name of god is to recall that experience of language in which it is impossible to separate name and essence, words and things.¹¹⁴

Drawing on Wittgenstein, Agamben wonders further about the nature of this security between words and things. Here he observes that, in light of the considerations on language in the archaeology of the oath, the theory of the performative, and of speech acts, must be reread: "The performative is a linguistic proposition which does not describe a state of things, but immediately produces a fact, achieving its significance." The study of the oath bears on the theory of the performative since it relates to a stage of language in which the relationship between words and things was performative rather than denotative. It is not a throwback to a magico-religious sphere, but points to "a structure antecedent (or contemporary) to the distinction between meaning and denotation."¹¹⁵ It is not an original and eternal aspect of human language, but a historical production. The performative, as in the oath, also has a self-referential quality, which comes by result of the suspension of the normal denotative character of language (*dictum*). In this way he relates the oath to the state of exception where the law's application is suspended in order to demonstrate its force.¹¹⁶

Agamben relates the oath specifically to Foucault's concept of veridiction. Setting aside predominant views on the nature of the oath, he clarifies that it is "neither an assertion nor a promise, but something which, taking up a Foucauldian term, we could call 'veridiction,' which

¹¹¹ Ibid., 63.

¹¹² Ibid., 65.

¹¹³ Ibid., 68.

¹¹⁴ Ibid., 71.

¹¹⁵ Ibid., 75.

¹¹⁶ Ibid., 76.

has to the subject that pronounces it the sole criterion of its performative efficacy."¹¹⁷ Recalling the subjectivizing effects that are discussed in Foucault and that he has discussed elsewhere, for instance in the *Dispositive* essay, Agamben indicates that "in veridiction the subject is formed and put at stake as such in being performatively tied to truth of its own affirmation."¹¹⁸ In this respect he says that the oath resembles the affirmation of faith. It is here that he makes the significant observation, mentioned earlier in the review, that religion and law do not preexist the performative experience of language in the oath, but are invented to guarantee its truth and reliability. He says that,

from veridiction come, even if through crossing and overlapping of every kind... law, religion, poetry, and literature. Their medium is philosophy which, holding them together in truth and error, seeks to safeguard the performative experience of language without giving over to the possibility of the lie and, in every assertive discourse, experiences first off the veridiction which has a place in it.¹¹⁹

He says that the performative power of the oath was shown in the form of the trial in both Greece and Rome, where it took the shape of two opposing oaths presented against one another. Judgement lay in deciding between the competing claims. The *sacramentum* was the central decisive point of the trial.

On this basis Agamben returns again to the question of what precisely this "force" of the oath is that has been considered. Recalling a frequent citation of this force as *vis*, he notes that this term (and related *vindicta*, *vindex*, *vindicere*) "come according to the usual etymology from *vim dicere*, or to 'say or show force.'"¹²⁰ In analyzing this winning side of the *sacramentum*, he cites Noailles who recalls that the interpretation of this has overwhelmingly emphasized "force or violence, that is force put materially into action... It is not clear, in fact, if the force or violence which it expresses is his (the victor's) own, put at the service of law, or violence of the adversary, which is denounced as against justice."¹²¹ This is another way of showing the constitutive relation between violence and politics studied elsewhere. Noailles nonetheless maintains that the force at issue must be the force of the ritual. Developing this, Agamben claims that it is the force of the effective performative word. This effective word that names, also has the power of delimiting and circumscribing—deciding upon applicability as in the law and the exception. Naming is the original form of the command.¹²²

In a fascinating etymological turn, *sacramentum* was not immediately synonymous with the oath but was in fact, originally, the sum of money that was put up "at stake" in the trial by each party, and which was held in abeyance as *sacro* during the process. The winner would receive their stake back, while the loser's would join the state funds.¹²³

¹¹⁷ Ibid., 78.

¹¹⁸ Ibid.

¹¹⁹ Ibid., 81.

¹²⁰ Ibid., 84.

¹²¹ Ibid.

¹²² Ibid., 87.

¹²³ Ibid., 88.

Agamben encapsulates much of the archaeology of the oath in a series of theses. First he recalls that scholars have tended to treat the oath in terms of a nebulous magico-religious sphere or an ill-defined religious power. His concept is precisely opposite: the oath is more primordial and can explain the emergence of religion and law.¹²⁴ Second, he maintains that the proper place of analysis for the oath is in terms of wider institutions like *fides*, or credibility, which have widespread social and political dimensions, and whose function is performatively to affirm the veracity and the reliability of language. Third, the close relation between the oath and *sacratio* must be understood in terms of the fundamental relation between words and things. This is of import because:

Law is, in this way, constitutively linked to the curse, and only a politics which has broken this original nexus with the oath can eventually one day permit another use of language and of law.¹²⁵

This obscured yet persistent relation still functions powerfully and primordially in the law, and must be understood in the terms laid out by Agamben to disengage it.

On this basis Agamben returns to the question of anthropogenesis, and notes that it has often been considered as an exclusively cognitive problem, having only to do with intelligence or brain size. For him, by contrast, it is fundamentally an issue about guaranteeing the nexus between words and things and as such it presents problems of the ethical and political order. Reprising Benveniste's (and others') question about what makes human language different from nonhuman animal language, he returns to the biopolitical point: language has put human nature into question. He refers to Foucault's concept that humans are animals whose politics come from their life as living beings, and adds that we are animals whose language comes from our lives as living beings. He says that for such speaking beings as us, the oath is possible, indeed necessary, because (like the trinity) it "distinguishes, and articulates in some way together, life and language, actions and words--and this is precisely that which the animal, for which language is still part of its vital practices, cannot do."¹²⁶ Drawing explicitly on Heidegger's notion of the animal here Agamben makes a distinction in terms of biopolitics between human and nonhuman animals.

Just when it seems, though, that he may be losing some ground on the animal question with relation to earlier work, he concludes with a series of considerations about language, animals, and politics. Apparently not wishing further to underscore the notion of language as the elevating mark of the human, he writes that:

It is perhaps time to put into question the prestige which language has held and holds in our culture, inasmuch as instrument of incomparable power, efficacy, and beauty. Rather, considered in itself, it is not more beautiful than the songs of birds, more effective than the signals which insects exchange, not more powerful than the roar with which the lion an-

¹²⁴ Ibid., 89.

¹²⁵ Ibid., 90.

¹²⁶ Ibid., 94.

nounces her reign. The decisive element which confers human language its peculiar virtue is not in the instrument itself, but in the place that it leaves to the speaker.¹²⁷

With this turn it is evident that he has indeed been seeking to analyze the sacrament of language through his archaeology of the oath. If it is time to put the prestige of human language into question, this is because, as he notes, it is deeply tied to a subjectivizing process which leaves the speaker in an untenable relation between words and things, but institutes a sacrament of power. It is precisely this *ethos*, this ethical relation, that language constituted along the lines he analyzes—in the shape of the oath which attempts to suture the rift between words and things—cannot apprehend and describe.

He maintains that philosophy begins, contrary to the ritual formula of the *religio*, when the speaker calls into question the primacy of names, an operation he saw at work in Heraclitus: "philosophy is, in this way, constitutively critical of the oath: that is to say it puts into question the sacramental victory which ties humans to language, without by this simply speaking into a void, or falling into the vanity of language."¹²⁸ He finds this operation to be all the more important when politics cannot but assume the form of an *oikonomia*, or a government of the empty word over bare life. He seeks for a line of resistance and of turning away.

Signatura rerum: Sul metodo:

Agamben's recently-published methodological treatise, the collection of three lectures and essays on method he had given over the prior years, indicates an unmistakable indebtedness to the work of Michel Foucault in terms of the development and practice of Agamben's method. While he also points out that Hannah Arendt and Walter Benjamin have been deeply influential on his thought and his method, it is Foucault who accounts for the deepest influence, and to whom Agamben constantly returns when elaborating his own project. As mentioned previously, the three essays of the book, "What is a Paradigm?", the "Theory of the Signature," and "Philosophical Archaeology," all draw upon significant methodological concepts from Foucault. Outside of the political appropriations of Foucault by Agamben which some have found controversial (themselves interpreted differently in light of newer works in this review), here he demonstrates a deep and meticulous attentiveness to Foucault, and a particular allegiance to some of Foucault's methods of analysis. Although the strict attestation of the Latin title *Signatura rerum* would be "the signature of things (or of the thing)" the English version was rendered as *The Signature of All Things* in keeping with the translation of the book by Jakob Böhme named *De Signatura rerum*, which is also an important source for Agamben.

Agamben says that the three essays bear on three specific methodological problems. He highlights the relationship between archaeology and history at hand in the third essay. While he notes that all three essays show clearly the influence of Foucault, this is in part because a methodological idea of Benjamin's is not explicitly discussed here, though it is applied in the analyses: namely that this form of work can be legitimately expressed only in

¹²⁷ Ibid., 97.

¹²⁸ Ibid., 98.

the form of interpretation.¹²⁹ He points out that reflection on method in the human sciences frequently comes after, rather than preceding, empirical research. Like Foucault, he seems to be interested in devoting serious attention to methods of inquiry that is not simply a posteriori, but integrally related to the conduct of research itself. He says that there is no single, universally-valid method, and that the method of inquiry cannot be separated from the context in which it operates. In this respect he follows Foucault's "Rule of Immanence" that he describes in the "Dispositive of Sexuality" chapter of *Histoire de la sexualité I: La volonté de savoir* [*History of Sexuality I: The Will to Knowledge*].¹³⁰ Although he is deeply indebted to Foucault here, Agamben also follows the strategy he borrows from Feuerbach of the *Entwicklungsfähigkeit*, that is, of drawing especially on those aspects with the capacity to be developed further in the work of other thinkers.¹³¹ As such, his interpretations of Foucault, like those of Benjamin, Arendt, Benveniste, and others, demonstrate both a fealty and a departure—or a development—which may disgruntle some commentators.

Paradigm

Agamben indicates that he has studied a number of paradigms in his work, such as the *homo sacer*, the Muslim, the state of exception, and the concentration camp. He says that a certain amount of confusion has arisen among critics because he does not treat these as positive historical phenomena, but as paradigms, "the function of which was to build or to render intelligible an entire, more vast historical-problematic context."¹³² While he has found the use of these paradigms to be illuminating for deciphering certain problems, he also believes that they can be elucidated further by treating some aspects of the philosophical function of the paradigm. Although Foucault frequently used the term, Agamben says that he never fully or systematically defined it. He did, however, use a number of other terms to distinguish the objects of his research from those of the historical discipline, traditionally defined. Among these other terms are: "'positivity,' 'problematization,' 'dispositives,' 'discursive formations,' and more generally 'knowledges'."¹³³ To define these "knowledges" he indicates that they "indicate all the procedures and all the effects of understanding/awareness that a specific field is disposed to accept at a certain time."¹³⁴ Thus these are contingent relations, subject to continual change and perpetual inventiveness over time, but which produce tangible material effects—in the forms of subjectivation and in terms of specific modes of construction (of buildings, etc.) and treatment (of people, environment, etc.).

It is frequently observed that there is an analogy between Foucault's concept and that of Thomas Kuhn. Noting Kuhn's development of Fleck's *Denkstil* and emphasis on prac-

¹²⁹ Agamben, *Signatura*, 7.

¹³⁰ See the discussion of this in the 'Foucault's Usage,' section (especially the parts on History and Power) of the essay "What is a Dispositive?" in this issue.

¹³¹ See the discussion of this concept and its application in the essay by Anke Snoek in this issue.

¹³² Agamben, *Signatura*, 11.

¹³³ Ibid.

¹³⁴ Ibid., 11-2.

tices,¹³⁵ Agamben illustrates some points of similarity between Kuhn and Foucault. However, ultimately he thinks that the comparison is based on a confusion, with important differences existing between the paradigm concepts of the respective thinkers. Foucault explicitly opposes the paradigm to "discursive regimes" in a 1976 interview.¹³⁶ Agamben says that the decisive thing for Foucault is, "the movement from the epistemological paradigm to the political one, its dislocation on the basis of a politics of propositions and discursive regimes."¹³⁷ One of the most constant features of Foucault's research is the setting aside of the traditional analysis of power in terms of institutions and universals (law, the State, the theory of sovereignty) in favor of "an analysis of concrete dispositives through which power penetrates the bodies of subjects, and governs their forms of life."¹³⁸ Agamben says that Foucault's attention especially was on "the multiple disciplines and political technologies through which the State integrates in itself the care of the lives of individuals."¹³⁹ Thus it seems that it is this dimension of bio-political analysis that makes Foucault's concept of the paradigm distinct.

In seeking to elaborate a concept able to accommodate this particular view of power and of politics, Agamben says that Foucault used terms such as "epistemological figure" and "threshold of epistemologization" resonant with his concept of the *episteme*. Defining the *episteme* in *L'Archéologie du savoir* {*The Archaeology of Knowledge*} Foucault calls it a "set of relations able to bring together, in a given epoch, the discursive practices which give place to epistemological figures, to sciences, at times to formalized systems."¹⁴⁰ Within the horizon of analysis of power in terms of multiple forces and changing application in different configurations, Agamben observes that Foucault seems to be interested above all in "the positive existence of 'figures' and series."¹⁴¹

Agamben takes the Panopticon as a concrete example of this. Recalling Foucault's description from the third part of *Surveiller et punir* {*Discipline and Punish*} and quoting from it at length, Agamben says that the Panopticon is "a singular historic phenomenon," and that it is, "also, a 'generalizable model of function,' 'panoptism,' 'principle of a set,' and 'panoptic modality of power'."¹⁴² Quoting Foucault to show that the Panopticon is a figure of technological power and a diagram of a mechanism of power in its ideal form, he then observes that "it functions in brief as a paradigm in the strict sense: a single object which, together with all the others of the same class, define the intelligibility of the set of which they are part of and, at the same time, create."¹⁴³

The paradigm is a concept to give methodological and theoretical purchase in the research of Foucault. But it also follows his "Rule of Immanence" in terms of relating to cer-

¹³⁵ For more on this point see Babette Babich, "From Fleck's *Denkstil* to Kuhn's paradigm: conceptual schemes and incommensurability," *International Studies in the Philosophy of Science*, vol. 17, no. 1, 2003, 75-92.

¹³⁶ *Ibid.*, 15-6.

¹³⁷ *Ibid.*, 16.

¹³⁸ *Ibid.*, 14.

¹³⁹ *Ibid.*

¹⁴⁰ *Ibid.*, 17.

¹⁴¹ *Ibid.*, 18.

¹⁴² *Ibid.*

¹⁴³ *Ibid.*, 19.

tain determinate contexts. Despite their specificity, Agamben says that paradigms are not isolated instances in Foucault, and that "on the contrary that the paradigm defines, in this sense, the Foucauldian method in its most characteristic gesture. The *great confinement*, confession, the inquest, the examination, the care of the self(...). Paradigms which shape a vaster problematic context that they also constitute and render intelligible."¹⁴⁴ Agamben maintains that the epistemological status of the paradigm will be made more incisive through radicalizing Aristotle's notion of the paradigm and realizing that it calls into question the dichotomy between the particular and the universal.¹⁴⁵

As illustrative of this concept Agamben takes up the example of the "rule." From a form of life or example to follow in monastic settings, it becomes more formalized as a written text, such that the life of each monk becomes paradigmatic, constituted as a form of life. Noting the methodological implications of this, he notes:

This signifies that, uniting the considerations of Aristotle and of Kant, we can say that the paradigm involves a movement which goes from singularity to singularity and which, without exiting from this, transforms each single case into an exemplar of a general rule which it is never possible to formulate a priori.¹⁴⁶

Drawing on Victor Goldschmitt's interpretation of the paradigm, and the "paradigm of paradigms," in Plato, Agamben points out that the paradigm is a relation between the sensible and the mental, and that the "paradigmatic relationship" runs between a singularity and its exposition.¹⁴⁷

Agamben maintains that only the concept of the paradigm properly treated can yield the correct understanding of Book VI of Plato's *Republic*, where Plato indicates that the paradigm has its place in dialectics, and that dialectics is where hypotheses are treated properly as hypotheses. Agamben says that, following Plato's explanation, this means they are treated as paradigms. He emphasizes the aspect of intelligibility that Foucault noted in relation to the paradigm.¹⁴⁸ Similarly, he holds that the method of the human sciences, the hermeneutic circle, can only be properly understood as a paradigmatic one against this philosophical backdrop. He says that the hermeneutic circle is in fact a paradigmatic circle, and that intelligibility does not precede the phenomenon, but that they are nearby or contiguous with one another.¹⁴⁹ He also considers the nymph as a kind or paradigm, or ur-phenomenon.¹⁵⁰

Agamben draws the main lines of his inquiry on the paradigm into a series of theses that define the paradigm. First, the paradigm is neither inductive nor deductive as knowledge, but moves from singularity to singularity. Second, it suspends the dichotomy between general and particular and substitutes an analogical bipolar model. Third, it is never possible

¹⁴⁴ Ibid.

¹⁴⁵ Ibid., 21.

¹⁴⁶ Ibid., 24.

¹⁴⁷ Ibid., 25.

¹⁴⁸ Ibid., 26-7.

¹⁴⁹ Ibid., 28-9.

¹⁵⁰ Ibid., 30-1.

to separate exemplarity and singularity in the paradigm. Fourth, Foucault's "Rule of Immanence" is to be applied to paradigms in terms of their cohesion and form. Five, there is not an origin or *arché* to the paradigm. And six, the historicity of the paradigm is based upon a crossing of the diachronic and the synchronic.¹⁵¹ In these ways he thinks that the sense of working through paradigms, for him and Foucault, becomes clearer. It is important because of its capacity to "render intelligible a series of phenomena, the relationship of which has slipped or could slip from the view of the historian."¹⁵²

Noting that the use of the paradigm is an ontological method, a paradigmatic ontology, Agamben leaves this as a concept which is best summed up in a poem from Wallace Stevens:

It is possible that to seem — it is to be,
As the sun is something seeming and it is.

The sun is an example. What it seems
It is and in such seeming all things are.¹⁵³

Theory of the Signature

In Paracelsus' *episteme* everything carries a sign that points to its invisible qualities, and "nothing is without a sign."¹⁵⁴ According to him the *signatura* is the science of deciphering and interpreting them. The science of these signs can reveal valuable knowledge, but like all knowledge, it is "a consequence of sin, since Adam in Eden was absolutely 'non-signed' and would have remained so if not for the 'fall into nature,' which 'leaves nothing unsigned.'"¹⁵⁵ Paracelsus speaks of three "signifiers:" humans, the Archeus, and the stars.¹⁵⁶ He also names a *Kunst Signatura* which Agamben describes as a paradigm for every signature—a first signature.

This first signature is language, which Adam used to give things their right names. The relationship between signature and signified should be seen as one of similarity. This similarity is not physical but "analogical and immaterial. Language, which is the custodian of the archive of immaterial similarities, is also the case (frame) of the signatures."¹⁵⁷ Agamben makes a fascinating exposition of Paracelsus' medicine, in which plants, via a signature, could be read to indicate their effect on the body—such as the image of an eye on a leaf indicating that the plant could be used to treat maladies of the eyes.

Agamben says that Paracelsus contributed a major aspect to the concept of the signature, a decisive place for humans as signifiers, that had gone largely unnoticed until some discussion by Foucault and by Melandri.¹⁵⁸ Agamben cites two examples of human signatures: the signing of works of art by artists and the stamping of metal to make coins. One

¹⁵¹ Ibid., 33.

¹⁵² Ibid.

¹⁵³ Ibid., 34.

¹⁵⁴ Ibid., 35.

¹⁵⁵ Ibid.

¹⁵⁶ Ibid., 36.

¹⁵⁷ Ibid., 38.

¹⁵⁸ Ibid., 39.

serves to put a painting into relation with the name of a person, and the other determines the value of the coin.¹⁵⁹ He also notes that the knowledge of the inadequacy of the sign to take account of the situation has long been evident in the study of the signature, and that it is no longer just that which points to hidden qualities, but "the decisive operator of every consciousness, that which renders the world intelligible, that is, in itself, silent and without reason."¹⁶⁰ For some thinkers such as Böhme, the signature was essential to animating and qualifying the signs. He even describes it musically as that which must be played like a lute.¹⁶¹ Agamben notes that the aporia of the theory of the signature echoes that of the trinity—just as god could shape everything through the word, which is an instrument of creation, the signatura is that which, staying in itself, makes silent signs speak.

The theory of the signature was so widespread and persistent that it figures prominently in the work of Leibniz and Kepler, for instance. Agamben argues that the concept has its *locus* not in medicine or magic, but in theology, in terms of the theory of the sacraments, which were early conceived of in general as those things in us that can unite us with god or the divine.¹⁶² Here again the sign is inadequate to explain the experience or issue at hand. Thomas Aquinas considers this lack of fit in his *Summa Theologica*. The sign by itself cannot transmit or cause grace or character: for these the operation of another operator, a signifier, is necessary in order to animate the signs and make the dynamic into a signature.¹⁶³ Sacrament for him thus functions as a signature.

The considerations in Aquinas give rise to a fascinating debate in the semiotics of the sacrament according to whether a sacrament can be legitimately performed or passed on by someone who is lacking grace (a heretic). While one side maintained that it could not be, the sacrament would be invalidated by the impurity of the performer, another strain held that the sacrament held its own type of signification, and that it would mark the soul of the recipient regardless of the purity of the performer of the sacrament. Like the signs awaiting their animation by the signature, these marks on the soul would be laid down and could be later acted upon, sounded, or activated, by the spirit. This led to the fascinating notion of the "zero signature," which was "a pure identity without content," and which "expressed the event of a sign without meaning."¹⁶⁴ This relates to a line of interpretation in Aquinas and others about the "special signature," a sign which exceeds the sign and a relation that exceeds and founds every relation.¹⁶⁵ Resonances to Roland Barthes and a whole set of semiotic analysis are present here.

Agamben notes that this idea of the effect of practices and signs independent of the subjects involved predates Augustine. He cites Iamblichus' *De mysteriis* as a clear example of this, and indicates that theological doctrine of the sacramental character and the medical

¹⁵⁹ Ibid., 41-2.

¹⁶⁰ Ibid., 43.

¹⁶¹ Ibid., 44.

¹⁶² Ibid., 45.

¹⁶³ Ibid., 47-8.

¹⁶⁴ Ibid., 50.

¹⁶⁵ Ibid., 50-2.

doctrine of signatures both likely owe their origin to a magical-theurgical tradition.¹⁶⁶ This proximity is indicated in the history of baptismal rites. Magical images and talismans were baptized in order to increase their potency. This posed a threat structurally similar to that of perjury or blasphemy vis-à-vis the oath; while breaking the oath ruptures the performative linkage of words and things in it, baptizing idols profanes the sacrament and produces demonic power.¹⁶⁷

In noting that astrology has been an important place for the signature, he notes that the *ymagines* described in the *Picatrix* article act as signatures—the forces of the heavenly bodies are aligned and concentrated in such a way as to act on terrestrial bodies.¹⁶⁸ Just as the signature that makes the signs sing, here the celestial forces make earthly ones speak. Agamben points out that “this means that the signature is the place where the gesture of reading and that of writing invert their relationship and enter into a zone of undecideability.”¹⁶⁹ Highlighting Aby Warburg’s work *Bilderatlas Mnemosyne* and his associated concept of *Pathosformel*, Agamben says that it functions as a signature which is the object of a “science without name” and an “archaeology of the signature.”¹⁷⁰

Referring to Foucault’s citation of Paracelsus in *Les Mots et les choses*, Agamben notes that it occurs when he is describing the theory of the signature in the Renaissance *episteme*. He recalls how Foucault looks in particular at the role of similarity, observing that “there is no similarity without a signature. The world of the similar cannot but be a signed world.”¹⁷¹ Foucault speaks of a hermeneutics of similarity and a semiology of the signature, and of the oscillation between them—if they were to coincide perfectly all would be evident, but as they oscillate we are in a perpetual zigzag between them.¹⁷² Melandri picked up on this disconnection between hermeneutics and semiology and related it to the signature: “The *signature* is a kind of sign of the sign; it is that index that, in the context of a given semiology, refers univocally to a given interpretation.”¹⁷³ While the Renaissance *episteme* emphasized similarity between sign and signified, modern science is more interested in its relation to other signs. But, in “each case ‘the type of *episteme* depends on that of the signature,’” and that “this is ‘that character of the sign, or of the system of signs, which gives away, by means of its crafting, the relation that it holds to the signified.’”¹⁷⁴ Agamben notes that Benveniste also pointed out this disconnection between hermeneutics and semiology—he called it that between the semiotic and the semantic.¹⁷⁵ On this basis he argued against Saussure that the interpretation of language only in terms of signs couldn’t account for the passage from sign to word (language).

¹⁶⁶ *Ibid.*, 52-3.

¹⁶⁷ *Ibid.*, 54-5.

¹⁶⁸ *Ibid.*, 55-7.

¹⁶⁹ *Ibid.*, 57.

¹⁷⁰ *Ibid.*, 58-9.

¹⁷¹ *Ibid.*, 59.

¹⁷² *Ibid.*, 60.

¹⁷³ *Ibid.*, 61.

¹⁷⁴ *Ibid.*

¹⁷⁵ *Ibid.*, 61-2.

Agamben holds that the incomparable novelty of Foucault's *L'Archéologie du savoir* is to have taken "statements" explicitly as its objects of inquiry. Foucault described the statement in terms reminiscent of the dispositif or the paradigm, as heterogeneous assemblages:

The statement does not exist either in the form of a language (though it is made up of signs which, in their individuality, are not definable except inside a system of a natural or artificial language), nor in the form of objects given to perception (though always given to a certain materiality and always able to be situated according to spatio-temporal coordinates) ...the statement is not a unity of the same type as sentences, propositions, or the linguistic act; it is not definable with the same criteria, but nonetheless it is something like a material object with its limits and its independence.¹⁷⁶

Echoing the analysis of the signature in Paracelsus as making the signs sing, Foucault describes the statement as "making sense" of the sign according to a certain field of interpretation.

Given that the statement is difficult to recognize, Foucault indicates that it should be investigated where signification takes place and that it is necessary to "interrogate language not in the direction that it points, but in terms of its givenness."¹⁷⁷ He looks for a certain contingent configuration, line of force, or heterogeneous network that is constituted of that "set of anonymous rules, histories, always determinate in time and space, which define, in a certain epoch and a certain social, economic, geographical and linguistic environment, the conditions of exercise of the enunciative function."¹⁷⁸ This is designed to remedy the insufficiency of a purely semiotic analysis. The signs themselves can't be accounted for, in terms of their sense, sounds, and meaning, without the signature. It is as such that Foucault insists upon the existential character of the statement. He says that it is not a structure, but a "function of existence."¹⁷⁹ Agamben says that the "statement is the signature that marks language by the pure fact of its givenness."¹⁸⁰

Agamben notes other attempts to link the doctrine of the signature to ontology, such as in Herbert of Cherbury, and prominent strands of theology in several religions. He also points out the dispersion and influence of the concept of the signature, explicitly or implicitly, in locations as diverse as the Morelli method, the techniques of Sherlock Holmes, the methods of Freud, and the notions of Galton and Bertillon.¹⁸¹ All of them in one way or another focused on a signature that exceeded the semiotic frame in order to make sense of a determinate phenomenon.

Agamben argues that a philosophy of the signature is contained in the two brief pieces of Benjamin's on the mimetic function. That which Benjamin calls the "mimetic element" or the "immaterial similarity," refers explicitly to the sphere of the signature.¹⁸² This immaterial

¹⁷⁶ Ibid., 64.

¹⁷⁷ Ibid., 65.

¹⁷⁸ Ibid.

¹⁷⁹ Ibid., 66.

¹⁸⁰ Ibid.

¹⁸¹ Ibid., 71.

¹⁸² Ibid., 72.

similarity, reminiscent of the considerations in Paracelsus, is important for Benjamin because for him "it functions like an irreducible complement to the semiotic element of language, without which the passage to discourse would be incomprehensible."¹⁸³ However for Benjamin, he says, at least from starting upon his *arcades* project, the proper locus for the signature is history. He speaks of "'indices' ('secret,' 'historic,' or 'temporal') or of 'images' (*Bilder*), often qualified as 'dialectical'."¹⁸⁴ Benjamin's description of the dialectical images is consonant with the fluid ontology of Foucault's description of the episteme: "It is not that the past casts light on the present nor that the present its light on the past, but the image is that in which that which was unites as if in a flash of lightning with the now in a constellation. In other words: image is the dialectic in a stalled position."¹⁸⁵ A consequence of this is that a historical object is never given neutrally, but always accompanied by a signature, which forms it as an image and determines its intelligibility in time. Benjamin believes that it takes a certain practice, or being, as a researcher to read these ephemeral phenomena.

In an interesting observation, Agamben writes that fashion is an important site for the signature, and that we can understand its genuinely historical nature in that way. He says that fashion is devoted to a certain type of innovation—or perpetual production and management of the new—so that it introduces a peculiar discontinuity in time. This division has to do with that which is, or is not, in fashion, and whether it is "now."¹⁸⁶ Within each quasi-determinate frame (the twenties, the seventies, the eighties) there is a certain signature, or set of signatures, that permits the meaning of certain signs and gestures to seem to belong to the present.

Agamben points out that "index" derives from the Latin *dico* which means "to show," and that it has frequently been noted that this is part of the same lexical family as *diritto*, law or right.¹⁸⁷ He refers to other related concepts such as *iudex*, *vindex*, and *vim dicere*, and, in an analysis that parallels part of his *Sacramento* book, he draws on Pierre Noailles who pointed out that these had to do especially with showing or demonstrating force. Noailles specified that this was not any force or simple violence, but that it referred to the force of the rite, that is, the force of the effective word and the ability for words to refer to things. Agamben says that this shows the law to be the place of the signature par excellence (in which the efficacy of words prompts action) and that all of language shows its relation to the signature.¹⁸⁸ He says, too, that all of the human sciences—especially those dealing with history—have to do with the signature. Noting that Deleuze wrote that philosophical research involves the elements of identifying a problem and choosing which concepts are appropriate to it, Agamben adds that concepts imply signature, without which they'd remain inert.

Agamben points out so many uses and aspects of the theory of the signature in the 20th century that he says that "we might even be able to speak of something like an absolutization of the signature."¹⁸⁹ Among a number of approaches that recognize and depart from the ex-

¹⁸³ Ibid., 73.

¹⁸⁴ Ibid., 73.

¹⁸⁵ Ibid., 73-4.

¹⁸⁶ Ibid., 75.

¹⁸⁷ Ibid.

¹⁸⁸ Ibid., 77.

¹⁸⁹ Ibid., 79.

cess of the signifier over the signified, he returns to Foucault's archaeology, where, as there is never a pure sign without a signature, it is also never possible to extract the signature and put it in an originary position. It concerns the historical conditions of veridiction that enable certain signs to become animated and to make sense. It concerns "the non-semantic inscribed in every signifying discourse and surrounds and limits acts of language like an obscure and un-signifying margin. It defines, however, also the set of rules which decide the conditions of existence and exercise for signs."¹⁹⁰ Referring to Foucault's essay "Nietzsche, Genealogy, History" and to Nietzsche's own genealogy, Agamben repeats that this archaeology is not concerned with seeking out an origin, but in "maintaining events in their dispersion."¹⁹¹ For him this is intimately tied to the theory, the study, of the signature, since archeology looks in any event for the signature that determines it and in the signature for the events that condition it.

Philosophical Archaeology

The concept of philosophical archaeology first appears in Kant, according to Agamben, where he seeks for the possibility of "a philosophical history of philosophy," which "must treat the nature of human reason as a philosophical archeology."¹⁹² It enters early into a peculiar relationship where it is also a "history of things that didn't happen," as Kant, after warning of the difficulties of writing a history of that which did not happen, notes that in the history of philosophy, "nothing can be said about that which happened, without first knowing what should have or could have happened."¹⁹³ Agamben characterizes Kant's archaeology as a "science of the ruins, or a 'ruinology,'"¹⁹⁴ As such this means that here the *archai* is the ruins of what should have or could have been, that which could return one day but is presently ruined.

A different conception of the *arche* emerges in Foucault's "Nietzsche, Genealogy, History." Here the idea is an "essential dishomogeneity present in every authentic historical practice."¹⁹⁵ Agamben says that Foucault's strategy in the essay is to redirect Nietzsche's genealogy against every research of an origin. Interpreting the concepts used in Nietzsche, Foucault likewise sets aside *Ursprung*, 'origin,' for *Herkunft*, 'provenance,' and *Entstehung*, 'point of emergence.' He also wants to be able to take account of the constitution of knowledges, discourses, and the like without recourse to an origin or to a subject.

Although it exists in his work, Agamben notes that the identification of a heterogeneous aspect to all historical research is not so much due to Nietzsche as to his friend Franz Overbeck.¹⁹⁶ He called "prehistoric" this aspect that all historical research would have to confront. It doesn't simply equate to the chronologically older. It is a constitutive heterogeneity rather than an objective date, yet it has a special relationship to the past. Agamben says that all historical research eventually confronts this constitutive heterogeneity in the form of a

¹⁹⁰ Ibid., 80.

¹⁹¹ Ibid., 81.

¹⁹² Ibid., 82.

¹⁹³ Ibid., 82-3.

¹⁹⁴ Ibid., 83.

¹⁹⁵ Ibid., 84.

¹⁹⁶ Ibid., 86.

critique of tradition and of the sources.¹⁹⁷ He mentions Heidegger's "destruction of the tradition" in Chapter 6 Book I of *Sein und Zeit*. There Heidegger differentiates between history and historicity. Overbeck, for his part, "calls 'canonization' the dispositive through which tradition impedes access to the sources."¹⁹⁸

On the basis of these considerations of other thinkers, especially Foucault, Nietzsche, Overbeck, and Heidegger, Agamben comes to a provisional definition of archaeology as "that practice which, in every historical investigation, has to do not with the origin, but with the point of emergence of a phenomenon and must, therefore, come to grips again with the sources and the tradition."¹⁹⁹ This operation on the origin is equally an operation on the subject. Noting another possible pitfall in this historical research, Agamben echoes a concern he raised in *Il sacramento del linguaggio*, namely that in research involving the so-called 'pre-historic,' for instance the period before the distinction between religion and law, care must be taken not to project the added visions of our religious and legal spheres onto this "primordial indistinction."²⁰⁰ He recommends a kind of archaeological *epoché* to prevent this projection.

Via exposition of Dumézil and Meillet on the "ultra-historical fringe," Agamben takes note of developments in comparative mythology of value to archaeological research. He says that: "The 'oldest history' and the 'ultra-historical fringe' that archaeology seeks to reach cannot be located in chronology, in a remote past, but neither, beyond this, in an intemporal meta-historical structure."²⁰¹ Dumézil jokes presciently about locating it in the "hominid neural structure," precisely what Agamben points out has happened in cognitive approaches.

Agamben indicates that the term "archaeology" is tied to Foucault's research. He says that Foucault was already developing this line of thinking in *Les Mots et les choses*, where Foucault calls the episteme "an epistemological field in which knowledges, considered outside of every criteria which refers to their rational value or their objective form, emphasizes their positivity and sets up this way a history which is not that of their progressive perfection, but that of their conditions of possibility."²⁰² He relates this to Foucault's thought about the historical *a priori*. He notes that this too would be inscribed in a certain historical constellation. This would "make true the paradox of an *a priori* condition inscribed in a history which cannot be constituted except as *a posteriori* with respect to this and which research—in the case of Foucault, archaeology—must discover."²⁰³

To try to understand better the temporal structure in this archaeological relation Agamben turns to a brief and fascinating exposition of Henri Bergson's explanation of *déjà vu* as a peculiar moment when, rather than memory following perception, instead the two are simultaneous, leading to false recognition. To account for this Bergson says that the memory "belongs to the past in terms of form and to the present in terms of material."²⁰⁴ In the same way

¹⁹⁷ Ibid., 88.

¹⁹⁸ Ibid., 89.

¹⁹⁹ Ibid., 90.

²⁰⁰ Ibid., 91.

²⁰¹ Ibid., 93.

²⁰² Ibid., 93-4.

²⁰³ Ibid., 95.

²⁰⁴ Ibid., 96.

Agamben says that the conditions of possibility for a piece of historical research are contemporary to the real and the present and immanent to it, once again emphasizing Foucault's "Rule of Immanence."

Agamben credits Enzo Melandri with having early on understood the philosophical relevance of Foucault's archaeology. Commenting on the temporal and immanent aspects of it Melandri commented that, against the search for the origin "archaeological research sets instead to overturn the process or, better, to render the explication of phenomena immanent to their description."²⁰⁵ Melandri relates it to Freud's schema of the conscious and the unconscious, as Ricoeur had done in his "archaeology of the subject." He explicitly relates the process of archaeological research to regression analysis. Agamben contrasts Melandri's figure of "dionysiac" regression, which moves toward the past with its gaze set on the future, with Benjamin's angel, which moves toward the future looking at the past.²⁰⁶

Despite some similarities, Agamben ultimately highlights a distinction between regression and archaeology. He says that rather than seeking to bring back a preceding state, archaeology seeks "to decompose it, to move it, or to bypass it, to go back to, not its contents but to the modalities, the circumstances, and the moments of tension which, obliterating them, constituted it as an origin."²⁰⁷ Agamben says that the text which best describes the gestures and strategies of archaeology may be the first one published by Foucault, his long preface to Ludwig Binswanger's *Dream and Existence*. He highlights Foucault's descriptions of the dream and imagination, indicating that they are aimed toward a "movement of liberty."²⁰⁸ Foucault says that the dream fragments the world of reality and allows imagination more ground. This emphasis on the imagination is key to a transition from anthropology to ontology, and "existence itself, in the fundamental direction of the imagination, shows its own ontological foundation."²⁰⁹ Imagination is integral to a movement beyond images and fantasies.

Attempting to think the temporal structure in archaeological philosophy, which has to do not with a past but with a point of emergence, Agamben proposes the concept of *the future anterior*. It is "that which will be, which will become accessible and present, only when the archaeological operation will have completed its operation."²¹⁰ This is also related to Foucault's introduction to Binswanger's text, where the dream is oriented toward the future and it anticipates the moment of liberation. The future anterior which is in question in archeology is "that *past which will have been*, when the gesture of the archaeologist (or the power of imagination) *will have cleared out* the field of the phantasms of the unconscious and the hairshirt of tradition that impede access to history."²¹¹

Agamben closes by noting the way in which comparative grammar, so influential in the first half of the 20th century, has been all but totally eclipsed by generative grammar. He points out that the human sciences underwent a period of growth and expansion while

²⁰⁵ Ibid., 97.

²⁰⁶ Ibid., 99.

²⁰⁷ Ibid., 103.

²⁰⁸ Ibid., 104.

²⁰⁹ Ibid.,

²¹⁰ Ibid., 106.

²¹¹ Ibid., 107.

comparative grammar was popular. However, he writes that both comparative grammar and generative grammar pay insufficient attention to the issues of "ontological anchorage" and "the tie to ontological underpinnings implicit" in them.²¹² While he thinks that further attention to this ontological dimension, along the lines that he has indicated, is necessary, Agamben also clearly wants to hold on to, or to re-value some aspects from comparative grammar, such as the idea of performing historical, or archaeological, research on the basis of linguistic analysis and etymology. He closes on terms that indicate his hope for future research even as he underscores again the fluid, multiplicitous ontological philosophy he draws from Foucault: "The human sciences will regain their decisive epistemological threshold, however, only when they will have rethought altogether the idea of the ontological anchorage to see existence as a field of essentially historical tensions."²¹³

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²¹² Ibid., 110.

²¹³ Ibid., 111.