

ARTICLE

Care and Abandonment

A Response to Mika Ojakangas' "Impossible Dialogue on Bio-power: Agamben and Foucault"

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Poor naked wretches, whereso'er you are,
That bide the pelting of this pitiless night,
How shall your houseless heads and unfed sides,
Your looped and windowed raggedness, defend you
From seasons such as these? O, I have ta'en
Too little care of this.¹

In his astute reading of Giorgio Agamben's much debated *Homo Sacer: Sovereign Power and Bare Life* Mika Ojakangas provocatively contests two of Agamben's main theses in this book: first, the suggestion that "biopolitics is at least as old as the sovereign exception," a suggestion grounded in Agamben's detailed demonstration that "the production of a biopolitical body is the original activity of sovereign power."² Second, Ojakangas contests Agamben's positing of the ancient Roman figure of the *homo sacer* at the heart of modern bio-power. According to Ojakangas, although *de facto* the two modes of power "have ceaselessly intermingled," one still needs to respect the *de jure* distinction that Michel Foucault establishes between them. It is because Agamben "refuses" to appreciate the difference between the sovereign's power over life and death, on the one hand, and the disciplinarian's pastoral care for "all living," on the other, that he is unable to perceive the nature and stakes of modern bio-politics. In Ojakangas' reading, this failing is reflected in Agamben's privileging of the *homo sacer*, which, as the paradigmatic figure of bare life (*zoe*), is "defined... solely by its capacity to be killed." He argues that "the foundation of bio-power," as Foucault analyses it, is "not bare life that is

1 William Shakespeare, "The History of King Lear," in Stanley Wells and Gary Taylor (eds.) *The Complete Oxford Shakespeare. III. Tragedies* (Oxford: Oxford University Press, 1987), 1,252.

2 Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Stanford, CA: Stanford University Press, 1998), 6.

exposed to an unconditional threat of death," but love and care, "'the care for individual life'."

My aim in this brief response-essay is to offer a more nuanced interpretation of Agamben's *homo sacer*, whose distinct characteristic, I shall argue, is *not* his exposure and vulnerability to an unconditional decision over life and death. What needs to be appreciated here is not, as Ojakangas suggests, the shift from the sovereign's concern with bare life (a life "stripped off and isolated from all forms of life") to the biopolitical investment of a more "synthetic notion" of life, one embracing the multiplicity of its forms, "from the nutritive life to the intellectual life, from the biological levels of life to the political existence of man." What needs to be examined, rather, is how and to what extent bare life remains at the root of the biopolitical synthetic notion of life, rendering possible not only the exercise of bio-power, but also the emergence of its privileged object-cum-subject, namely Man. As Agamben explains, the *homo sacer* needs to be sought at the point of convergence between the totalizing and individualizing processes that produce Man as what Foucault calls an "enslaved sovereign,"³ i.e., as both an object and the supreme subject of modern bio-power.⁴ There is no point, therefore, in juxtaposing the bare life of *homo sacer* to the "plenitude of life" permeating the body of biopolitical Man. For, as I shall demonstrate, *homo sacer* is the surplus body (indeed, the surplus life/ *la sur-vie*) of Man.

An "existence – mute, yet ready to speak"⁵

In an intertextual gesture in the direction of Foucault, Alan Bennett's 1992 play *The Madness of George III* opens on a scene of attempted regicide.⁶ What is striking about Margaret Nicholson's attempt against the King's life is not its ludicrous ineffectuality, but its failure to lead to that symbolic ceremony of torture that Foucault describes at the opening of his *Discipline and Punish*. This is a fact that Bennett's protagonist, King George III, is quick to point out:

She is fortunate to live in this kingdom, hey? It is not long since a madman tried to stab the King of France. The wretch was subjected to the most fiendish torments – his limbs burned with fire, the flesh lacerated with red-hot pincers, until in a merciful conclusion, he was stretched between four horses and torn asunder.⁷

3 Michel Foucault, *The Order of Things: An Archaeology of the Human Sciences* (London: Routledge, 1974), 312.

4 Agamben, *Homo Sacer*, 9.

5 Foucault, *The Order of Things*, 323.

6 See Foucault's discussion of George III in Michel Foucault, *Le Pouvoir Psychiatrique: Cours au Collège de France (1973-1974)* (Paris: Seuil/Gallimard, 2003), 21-32.

7 Alan Bennett, *The Madness of George III* (London: Faber and Faber, 1992), 3.

Yet, he has hardly finished these words when he too finds himself “outstretched” (as his two pages are trying to undress him) and, for a moment, he finds it difficult to speak, “as if he also is tortured,” Bennett tells us in his stage directions.⁸ This is an important moment in the play, pointing to the subtle shift in the function of power that concerns us here. For a brief instant, the body of the King and the body of the condemned man (interdependent but up to that moment separate entities) come together and, indeed, as the play unfolds, the royal subject will be asked to make his own *amende honourable*.⁹

What *The Madness of George III* dramatizes is the gradual huManization of the classical sovereign subject and, along with it, the emergence of a new modality of power, one embodied in the figure of Willis, the clergyman-doctor who is put in charge of the “restoration” of the ailing King. Willis is Foucault’s modern disciplinarian who, despite his claims, seeks not to “cure” but to correct, not to restore but to produce his object anew and, in producing, to govern it. “My medicine... is mastery,” he tells Greville,¹⁰ a fact betrayed by the “tools” of his profession (i.e., the waistcoat and the restraining chair), which have apparently substituted in the exercise of power for the instruments of the old *supplice*. By placing the emphasis on restraint, rather than punishment, on holding and holding together rather than dismembering, these articles become the symbols of the new bio-power, a power whose interests lie (as Ojakangas insists) not with annihilating its victims, but, on the contrary, with producing all the disparate forms of their life and with investing itself in the sovereignty of their “I,” the fiction of their unique self. This is why at the end of the play the restoration of the King takes the form of an *exagoreusis* (a public proclamation/reclamation of selfhood) that departs from the model of *exomologesis* (prostration of the self in acknowledging one’s status as penitent) that forms the basis of the classical ceremonies of power.¹¹

KING [...to Willis]: And do not look at me, sir. Presume not I am the thing I was. I am not the patient. Be off, sir. Back to your sheep and your pigs. The King is himself again.¹²

8 Bennett, *The Madness of George III*, 3.

9 *Faire amende honorable* refers to the ritual of public execution in the context of which the condemned man confessed his crime and demanded pardon.

10 Bennett, *The Madness of George III*, 57.

11 My use of the terms “*exomologesis*” and “*exagoreusis*” is based on their etymology and is slightly different from Foucault’s. See Michel Foucault, “Technologies of the Self,” in Luther H. Martin, Huck Gutman and Patrick H. Hutton (eds.) *Technologies of the Self: A Seminar with Michel Foucault* (London: Tavistock Publications, 1988).

12 Bennett, *The Madness of George III*, 93.

What renders Bennett's play interesting for my purposes in this essay is its suggestion that the classical sovereign subject is no longer himself *alone*. First, because he cannot be separated from the disciplinarian's gaze, which remains with the King even when Willis is dismissed. Secondly, because in the course of a crisis that threatened its annihilation, the sovereign subject has acquired not only a "soul" (the privileged object of the disciplinarian's gaze), but also a surplus body. In what follows, I want to argue that it is precisely this surplus body that Ojakangas (like the modern disciplinarian in the play) neglects.¹³ Unlike the body of the condemned man that never ceases to signify, even in dismemberment,¹⁴ and in contrast to the body of the disciplined subject that assumes the neutral transparency of an "intermediary,"¹⁵ this body is solid and impenetrable. What is more, though it is, as Foucault suggests, the hidden ground for the emergence (and readability) of "Man," it in itself cannot be read and remains mute whenever addressed or interrogated.

It is true that this surplus body is absent from Foucault's account of the biopolitical subject in *Discipline and Punish*. What is at issue in this account is a political economy that targets the body ("its forces, their utility and docility, their distribution and their submission"),¹⁶ but "only to reach something other than the body itself,"¹⁷ namely, Man as both the sovereign subject of modern politics and "the effect of a subjection much more profound than himself."¹⁸ In this light, Ojakangas is right to argue that the distinction Agamben draws between *zoe* (bare life) and *bios* (politicized life) no longer holds. As he puts it, "in the era of bio-politics, life is already a bios" (the functions of the body give

13 Willis is more concerned with the moral digressions of the King than with his physical symptoms (his blue urine is entirely disregarded).

14 During the *amende honorable* the condemned man's body is literally inscribed and presented as a text fit for the edification of all spectators, *including* the condemned man himself. This is what Bouton, the officer of the watch whose account Foucault cites, writes: "After these tearings with the pincers, Damiens, who cried out profusely, though without swearing, raised his head and looked at himself; [...] Then the ropes that were to be harnessed to the horses were attached with cords to the patient's body; [...] The horses tugged hard, each pulling straight on a limb, each horse held by an executioner. [...] He raised his head and looked at himself." See Michel Foucault, *Discipline and Punish: The Birth of the Prison* (Harmondsworth, Middlesex: Penguin, 1991), 4.

15 Foucault writes: "The body now serves as an instrument or intermediary: if one intervenes upon it to imprison it, or to make it work, it is in order to deprive the individual of a liberty that is regarded both as a right and as property. [...] If it is still necessary for the law to reach and manipulate the body of the convict, it will be at a distance, in the proper way, according to strict rules, and with a much 'higher' aim." Foucault, *Discipline and Punish*, 11.

16 Foucault, *Discipline and Punish*, 25.

17 Foucault, *Discipline and Punish*, 11.

18 Foucault, *Discipline and Punish*, 30.

rise to a political economy) and *bios* “is only its own zoe” (for existence becomes political only in so far as it is that of a living, ailing, working, pleasuring body). In *The Order of Things*, however, a much earlier work that traces the temporal as well as political convergence of Man and the human sciences, Foucault offers us a glimpse of an existence which in *Discipline and Punish* seems to disappear in the abyss opened between the “thousand deaths” inflicted on the victim of classical sovereignty and the modern biopolitical technologies of life.¹⁹ This, he tells us, is an “existence – mute, yet ready to speak,” though the “potential discourse” with which it is “secretly impregnated” is bound to animate not itself but the newly-emergent figure of “Man” as at once “an object of knowledge and ... a subject that knows.”²⁰ For Foucault, the very possibility of Man’s-knowledge-of-Man lies in his confrontation with this mute existence, which he understands as Man’s coming to terms with his own finitude. “Modern man,” he writes, “that man assignable in his corporeal, labouring, and speaking existence [“life in general,” in Ojakangas’ terms] – is possible only as a figuration of finitude,”²¹ that is, as the historical formation of our exposure to “the spatiality of the body, the yawning of desire, and the time of language.”²²

This is clearly suggested in Bennett’s play, which traces the birth of Man-*qua*-enslaved-sovereign in the traumatic experience of an all-too physical, all-too finite body. This is how Fitzroy, who sees himself as the King’s official “lens,”²³ articulates the experience: “He soils his clothes. Urine. Excrement. He talks filth, the slops of his mind swilling over....”²⁴ Suddenly, Foucault tells us, things (i.e., “living beings, objects of exchange, and words”) acquire a solidity which is “exterior to [the subject] and older than his own birth.”²⁵ Indeed, the King’s body seems to take on an identity of its own within which the sovereign feels “locked.”²⁶ Similarly, his language ceases to be the transparent medium that expresses and confirms the sovereignty of the self. It, too, acquires an unprecedented materiality verging on nonsense.

Yes. Remember, remember. Remember you. Little boy. Father old. Mad once. Not mad, though, me. Not mad-mad-mad-mad. Madjesty majesty. Majust just nerves nerves nerves sss. (*He hisses into silence, but every silence costs him an immense effort, shaken as he is by unspoken speech*).²⁷

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- 19 Foucault, *Discipline and Punish*, 12.
 20 Foucault, *The Order of Things*, 323.
 21 Foucault, *The Order of Things*, 318.
 22 Foucault, *The Order of Things*, 315.
 23 Bennett, *The Madness of George III*, 56.
 24 Bennett, *The Madness of George III*, 41.
 25 Foucault, *The Order of Things*, 313.
 26 Bennett, *The Madness of George III*, 18.
 27 Bennett, *The Madness of George III*, 41.

In my reading, it is this body (vulnerable to the finitude of its existence, inarticulate and a surplus to the category of Man) that Agamben names “bare life” and situates at the heart of his understanding of modern bio-power. As he explains, what is at stake in modern bio-power is our relation to “the nonrelational,”²⁸ which he associates with the voice as “the sign of pain and pleasure”²⁹ and the “biological body” as “what is incommunicable and mute.”³⁰ According to him, if modern biopolitics needs to be called into question, this is because it conceptualizes this relation in terms of a ban (i.e., the inclusive exclusion of the non-relational) that, as he emphasizes, is “the simple positing of relation,” “the limit form” of it.³¹ Hence, his insistence that the critique of the ban is inextricable from a calling into question of relation itself. As he suggests, our task today may be to re-think the non-relational *without* relation, thus opening up the space for a politics that no longer perceives itself “in the form of a connection.”³² Perhaps it is in this light that we need to read Agamben’s brief appreciation of Gilles Deleuze’s “a life,” for what is hinted at here is a politics “beyond relation”³³ where life converges with Spinoza’s *conatus* (the force of self-preservation) and is simply “let be.”³⁴

A Living Dead Body

In the section above I argued that, rather than an obsolete figure (the archaic residue of classical sovereign power, as Ojakangas suggests), *homo sacer* is indispensable for our understanding of modern bio-power, not because he is the immediate target and object of its care (Ojakangas’ intervention is valuable in this context), but because he is the *reminder of its remainder*, in other words, the signifier of what, according to Foucault, constitutes bio-power’s limit (as boundary and threshold): namely, death or, as we have discussed it, Man’s finitude.³⁵ In this light, it seems to me that the clearest paradigm of Agamben’s *homo sacer* is the figure of the *devotus*. As Agamben explains, the *devotus* is the man who has consecrated “his own life to the gods of the underworld in order to save the city from a grave danger.”³⁶ If, however, he fails to die in battle, he ends up occupying a somewhat paradoxical position with regard to the community of the living. For, “while

28 Agamben, *Homo Sacer*, 29.

29 Aristotle quoted by Agamben, *Homo Sacer*, 7.

30 Agamben, *Homo Sacer*, 188.

31 Agamben, *Homo Sacer*, 29.

32 Agamben, *Homo Sacer*, 29.

33 Agamben, *Homo Sacer*, 29.

34 Giorgio Agamben, “Absolute Immanence,” in Jean Khalifa (ed.) *An Introduction to the Philosophy of Gilles Deleuze* (London & New York: Continuum, 2003), 166-167.

35 Michel Foucault, *The History of Sexuality. Vol. I. An Introduction* (Harmondsworth, Middlesex: Penguin, 1990), 138.

36 Agamben, *Homo Sacer*, 96.

seeming to lead a normal life, in fact [he] exists on a threshold that belongs neither to the world of the living nor to the world of the dead: he is a living dead man."³⁷

In my reading, it is this paradoxical *sur-vival* (this existence-in excess of-death) that characterizes Agamben's *homo sacer*. This, as Agamben tells us, is a limit existence, an existence in abandonment at the threshold between the human and the divine world. In foregrounding the figure of the *homo sacer*, then, Agamben is not simply reviving the classical figure of sovereignty. As I have already suggested, the body on which classical sovereign power is exercised is a signifying body that can be tortured and killed *within* the boundaries of the community and as an integral participant in it. If, as Foucault insists, the dismemberment ritual was structured so that the condemned man "had time to see" his wounds "with his own eyes,"³⁸ this is because he is accepted and addressed as part of (not in isolation from) the community that has condemned him. By contrast, the *homo sacer* is characterized by his separation from the community, his not (no longer) belonging. His death is the result of his abandonment, *not* of any sovereign decision over life and death.

It is true, that in his discussion of eugenics, euthanasia and the concentration camp as the paradigmatic space of modern biopolitics, Agamben underscores the decision which no longer pronounces on life or death, but on the value (and hence the preservability) of specific forms of life. Yet, in thinking about the concentration camp we tend to forget the vast numbers of people who died not in the gas chambers but out of sheer hunger and the cold, exhaustion, in the process of an experiment or on the road to another concentration camp. This is, indeed, the "most profane and banal" death that Agamben talks about,³⁹ an un-heroic, unaccountable death that simply occurs in/because of abandonment and in parallel to the biotechnologies of care. It is this insight, in my view, that remains valuable in Agamben's *Homo Sacer* and that needs to be pursued further. For, it seems to me that he is trying to articulate a mode of bio-power that escaped Foucault, one emerging at the threshold between *patria potestas* (the sovereign's fatherly power over life and death) and what Ojakangas calls "*maternus cura*" (the biopolitical maternal care for all living).

"What is the status of the living body that seems no longer to belong to the world of the living?" Agamben asks.⁴⁰ This question, in all its urgency, needs to be taken seriously. What is more, it needs to be appreciated in the context of the very distinct landscape of today's global Empire where targeted

37 Agamben, *Homo Sacer*, 99.

38 Foucault, *Discipline and Punish* 12.

39 Agamben, *Homo Sacer*, 114.

40 Agamben, *Homo Sacer*, 97.

groups of men and women (i.e., refugees, immigrants, people caught in trafficking networks) survive in “a pure relation of abandonment,”⁴¹ daily exposed to a “banal” death that is not the product of a sovereign decision.⁴² That this “pure relation of abandonment” is the necessary correlative of a biopolitics multiplying and fostering life can no longer be ignored. Neither can the fissure opening, according to Agamben, at the very heart of biopolitics as its privileged object-cum-subject (i.e., the “people”) is increasingly haunted by the bareness of a surplus life (*sur-vie*) and the muteness of an uncared-for body, “needy and excluded.”⁴³ Of course, it is still important (and Agamben does not venture into this territory) to understand the cultural, racial, class and gender specificity of this body. As Judith Butler remarks, Agamben’s “general claims do not yet tell us how this power functions differentially to target and manage certain populations, to derealize the humanity of subjects who might potentially belong to a community bound by commonly recognized laws.”⁴⁴ This is precisely why a dialogue between Foucault and Agamben (far from impossible) is necessary. For, while Agamben helps us take Foucault’s thinking on bio-power further, a return to Foucault’s legacy may be due if we are to attempt a mapping of the concrete histories and geographies of the living dead body, marking at once the possibility and the limits of bio-power. In fact, I would argue, paraphrasing Agamben, that “[t]o read [them] together, [...] is not to flatten out and to simplify; on the contrary, such a conjunction shows that each [philosopher] constitutes a corrective and a stumbling block for the other.”⁴⁵

41 Agamben, *Homo Sacer*, 51.

42 This “pure relation of abandonment” is clearly illustrated in Ghassan Kanafani’s *Men in the Sun*, a short novel focusing on three Palestinian refugees who are trying to get from Basra in Iraq to Kuwait in the belly of an empty water truck. The three men die of asphyxiation when the man driving the truck is detained in conversation in the hot sun. A Sudanese family of three shares the same fate in Slovenian Damjan Kozole’s *Spare Parts*, a film tracing the fate of a group of illegal immigrants destined to be reduced (as the title suggests) into spare parts (i.e., organs to be sold to wealthy ailing Westerners).

43 Agamben, *Homo Sacer*, 177.

44 Judith Butler, *Precarious Life: The Powers of Mourning and Violence* (London & New York, Verso, 2004), 68.

45 Agamben is emphasizing the necessity to “read Foucault’s last thoughts on biopower, ... together with Deleuze’s final reflections... on ‘a life...’ as absolute immanence and beatitude” (“Absolute Immanence”, 168).