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## Biopolitics in Deconstruction

### Another Time

In a chapter entitled “License and Freedom: The Roué” in Rogues, there is a moment when Derrida quotes the famous passage in which Aristotle states that “to govern and to be governed in turn” is one factor of freedom, and by extension of democracy. In the paragraph that follows the quotation, Derrida remarks:

In this text, as in so many others of both Plato and Aristotle, the distinction between bios and zoe--or zen--is more tricky and precarious; in no way does it correspond to the strict opposition on which Agamben bases the quasi totality of his argument about sovereignty and the biopolitical in Homo Sacer (but let’s leave that for another time). (Derrida 2005, 24)

For readers interested in Derrida’s critique of Agamben, it seemed that Derrida’s death in 2004 prevented him from developing it in full, deferring that “other time” alluded to in the passage’s closing parenthesis to a time that would never come.

However, as was perhaps to be expected from a philosopher of the spectral,<sup>1</sup> Derrida is living on, and it seems that the time of his critique of Agamben is now arriving, with the publication of the first volume of his seminars on The Beast and the Sovereign.<sup>2</sup> At the beginning of the twelfth session of the seminar, Derrida takes on the distinction between “zoology” and “biology,” and specifically between “zoe” and “bios”

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<sup>1</sup> See, for example: Derrida, Jacques. Spectres of Marx: The State of Debt, the Work of Mourning, and the New International. Trans. Peggy Kamuf. New York: Routledge, 1994.

<sup>2</sup> All parenthetical page references to this volume are to the French edition listed in the bibliography.

that underlies Agamben's work on sovereignty and biopolitics. Derrida's argument in the session is, perhaps unsurprisingly given the thought with which he is associated, that this distinction cannot hold, neither in Agamben nor in Aristotle, in whose works Agamben in the opening pages of Homo Sacer claims to have uncovered it.<sup>3</sup> Because the session exposes the instability of the opposition between zoe and bios, it is emblematic of the deconstructive readings that Derrida offers throughout the seminar.

The twelfth session is part of a group of three sessions (eleven, twelve, and thirteen) in which Derrida takes up the Foucauldian problematic of biopolitics, even though he only rarely calls it by that name and appears to be hesitant (in the third session, for example; 100) to posit biopolitics as the horizon of his thought. This hesitation is undoubtedly due to the problems Derrida has with the distinction between zoe and bios, a distinction that inevitably structures the problematic of biopolitics (given that the distinction is part of biopolitics' name). Nevertheless, The Beast and the Sovereign can be read as a sustained engagement with his problematic, an engagement that intensifies in the last three sessions of the seminar.

Although session eleven begins with a reflection on "curiosity" (371), this quickly leads into a discussion of the Latin word "cura" (399), translated by Derrida as "soin" (400) or (in English) "care," a problematic that constituted an important dimension of

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<sup>3</sup> Derrida's discussion of Agamben in this session continues his discussion of Agamben in the earlier, third session of the seminar, in which Derrida wittily undermines a signature gesture in Agamben's work, namely the latter's problematic habit of positing "firsts" within the history of thought (for example, Agamben states that Hobbes was the "first" to use the phrase "homo homini lupus," whereas the phrase can actually be traced back further than that, to Plautus). For the relevant pages of Homo Sacer, see: Agamben, Giorgio. Homo Sacer: Sovereign Power and Bare Life. Trans. Daniel Heller-Roazen. Stanford: Stanford UP, 1998. 1-3.

Foucault's lectures on biopolitics and the welfare state<sup>4</sup> and that has recently begun to receive more and more attention not only in philosophy (see, for example, Bernard Stiegler's Prendre soin)<sup>5</sup> but also in literary discussions of biopolitics and the welfare state (see, for example, Szalay's New Deal Modernism and Robbins's Upward Mobility and the Common Good)<sup>6</sup>. This biopolitical problematic then leads into Derrida's discussion, in session twelve, of the distinction between zoe and bios (407), a discussion that will continue into Derrida's discussion of Aristotle and the Bible in the thirteenth and final session of the seminar. The Beast and the Sovereign thus ends on an emphatically biopolitical note that one can expect to resonate in Derrida's second seminar on the same topic.

In the brief time that I have, I would like to begin to sketch out, very summarily, Derrida's significance within this biopolitical horizon, a horizon from which his work has so far remained largely absent. This absence is due, in part, to Derrida's own reluctance to be included in it (I apologize to his specter for forcing it upon him); it is probably also due to the continuing rift between Derrideans and Foucauldians, as well as to Agamben's polemic against Derrida and deconstruction. Nevertheless, I would like to ask here about the significance of The Beast and the Sovereign for the biopolitical tradition as represented by Foucault and Agamben: how does Derrida intervene in this tradition? What does his seminar, and specifically the last three sessions of the volume, do to this

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<sup>4</sup> Cf. Foucault, Michel. The Birth of Biopolitics: Lectures at the Collège de France 1978-1979. Ed. Michel Senellart. Trans. Graham Burchell. New York: Palgrave, 2008.

<sup>5</sup> Cf. Stiegler, Bernard. Prendre soin: De la jeunesse et des générations. Paris: Flammarion, 2008.

<sup>6</sup> Cf. Szalay, Michael. New Deal Modernism: American Literature and the Invention of the Welfare State. Durham: Duke UP, 2000; Robbins, Bruce. Upward Mobility and the Common Good: Towards a Literary History of the Welfare State. Princeton: Princeton UP, 2008.

tradition? My answer to these questions will be, as my title suggests, that Derrida exposes this tradition's deconstruction, by showing (first) that the distinction between zoe and bios cannot hold and, (second) that the distinction between sovereignty and governmental biopolitics that Foucault in his lectures at the Collège de France works so hard to maintain is unstable. Third, and finally, Derrida criticizes both Foucault and Agamben for their insistence on the "typically modern" paradigm of biopolitics.

### The Progressive X of Man

At the heart of Derrida's deconstruction of biopolitics stands "the beast," "la bête" in French: this enigmatic, untranslatable word in which the sovereignty of the biopolitical tradition collapses and biopolitics is made to look a bit "stupid" (or "bête"). Since Derrida at various points in the seminar remarks that the problematic of the seminar is ultimately a problematic of translation (231; 446), I will focus here on a problem of translation in both Foucault and Agamben--a problem that appears in the twelfth session of the seminar, that Derrida underlines but curiously leaves untouched.

I am referring to Agamben's characterization of biopolitics, which Agamben actually borrows from Foucault, and which states that biopolitics produces "une animalization progressive de l'homme" (Foucault qtd. Agamben qtd. 436). This phrase, which is taken from the third volume of Foucault's *Dits et Écrits*,<sup>7</sup> appears in the introduction to *Homo Sacer* and is translated as "the progressive bestialization of man."<sup>8</sup> It also appears in a short article entitled "Non au tatouage biopolitique" that Agamben

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<sup>7</sup> Cf. Foucault, Michel. *Dits et Écrits*. Vols. 3-4. Paris: Gallimard, 1994. 719.

<sup>8</sup> Agamben, *Homo Sacer*, 3.

wrote in the French newspaper Le Monde in 2004.<sup>9</sup> In this article, Agamben explains that he has cancelled a seminar that he was supposed to teach at New York University that Spring because of a new Homeland Security regulation that requires everyone traveling to the United States with a visa to be photographed and fingerprinted upon entering the country. For Agamben, who had made his name some ten years before with a book in which he argued that the concentration camp was the paradigm according to which modern politics needs to be understood, this regulation was yet another example of how modern power by means of evermore sophisticated techniques of regularization and control tightens its grip on the biological life of the people as population, creating living conditions that he considers to be analogous to those of the national-socialist concentration camps. In this article, Agamben once again characterizes biopolitics as “une animalization progressive de l’homme”--translated this time online as “a progressive animalization of man.”<sup>10</sup>

Much could be said here already, and Derrida does so throughout his seminar (see, for example, 202), about the difference between “bestialization” and “animalization,” and about the difference between the “beast” and the “animal.” What is striking about this phrase--“une animalization progressive de l’homme”--is the surprising reappearance of the beast or the animal in Foucault’s, and by extension Agamben’s, characterizations of biopolitics. Given that Derrida in his seminar on The Beast and the Sovereign shows that the beast or the animal is inextricably associated with sovereignty, the power from which Foucault in his lectures is trying to analytically distinguish

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<sup>9</sup> Agamben, Giorgio. “Non au tatouage biopolitique.” Available at <http://www.philosophie.org/giorgio.html>.

<sup>10</sup> Agamben, Giorgio. “No to Biopolitical Tattooing.” Available at <http://www.ratical.org/ratville/CAH/totalControl.html>.

governmental biopolitics,<sup>11</sup> the spectral reappearance of the beast or the animal in Foucault's definition of biopolitics appears to deconstruct precisely the distinction between sovereignty and biopolitics that Foucault works so hard to maintain.

Of course, one does not really need Derrida to reach this conclusion: Foucault himself was to a certain extent already aware of the impossibility of the distinctions he was trying to set up;<sup>12</sup> Agamben in his work starts from this awareness, and tries to graft together Foucault's thought on governmental biopolitics with Carl Schmitt's definition of sovereignty as the power to decide on the state of exception. However, even within the context of Agamben's work, the reappearance of the beast or the animal in Agamben's definition of biopolitics is surprising, for it appears to contribute to one of Derrida's other concerns, namely the ways in which the difference between the human and the animal has been historically constructed.

In the short article that Agamben wrote in Le Monde, his no to biopolitical tattooing is also a no against the progressive animalization of the human being, in other words a no that seems to leave the historical construction of the difference between human beings and animals intact. This is indeed surprising, given that Agamben himself in books such as Homo Sacer but especially in a slender volume entitled The Open has

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<sup>11</sup> See Foucault's lecture courses on biopolitics, in particular "Society Must Be Defended" (Lectures at the Collège de France 1975-1976. Ed. Arnold. I. Davidson. Trans. David Macey. New York: Picador, 2003) and Security, Territory, Population (Lectures at the Collège de France 1977-1978. Ed. Michel Senellart. Trans. Graham Burchell. New York: palgrave, 2007), as well as the volume History of Sexuality: An Introduction (Vol. I. Trans. Robert Hurley. New York: Vintage, 1990).

<sup>12</sup> On this, see: Nealon, Jeffrey. Foucault Beyond Foucault: Power and Its Intensifications after 1984. Stanford: Stanford UP, 2008.

challenged this construction.<sup>13</sup> In Agamben's definition of biopolitics as "une animalization progressive de l'homme," there operates a reductive definition of the animal, a definition that Agamben's insistence elsewhere on "bare life" as different from animal life has done much to undermine. These are, of course, concerns that are central not only to The Beast and the Sovereign, but to Derrida's late work as a whole, especially to texts such as The Animal that Therefore I Am<sup>14</sup> and "And Say the Animal Responded?,"<sup>15</sup> both of which reappear in part or as a whole in The Beast and the Sovereign.

#### Towards a History of Thresholds

What does the spectral reappearance of the beast or the animal in both Foucault and Agamben's definitions of biopolitics reveal?

With respect to Foucault, it shows that the distinction between sovereignty and governmentality, which is inseparable from Foucault's definition of biopolitics, is impossible to maintain. It might be, as Derrida in the eleventh session of The Beast and the Sovereign suggests (388; 402), that sovereignty and governmentality are not opposed to each other, but that governmentality is merely a mode of sovereignty, a historical transformation or intensification of sovereignty and of power's relation to life. Such a

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<sup>13</sup> Cf. Agamben, Giorgio. The Open: Man and Animal. Trans. Kevin Attell. Stanford: Stanford UP, 2004.

<sup>14</sup> Derrida, Jacques. The Animal That Therefore I Am. Ed. Marie-Louise Mallet. Trans. David Wills. New York: Fordham UP, 2008.

<sup>15</sup> Derrida, Jacques. "And Say the Animal Responded?" Trans. David Wills. In: Wolfe, Cary, ed. Zoontologies: The Question of the Animal. Minneapolis: U of Minnesota, 2003. 121-146.

metamorphosis of power would, as Foucault correctly observed, certainly introduce something new. But the power itself, the power that in Foucault's words produces a bestialization or animalization of the human being, would within this perspective be nothing new, and could hardly be presented as typical of the modern age.

In his book Bíos, Roberto Esposito points out that Foucault himself seems to have been at least in part aware of this, when in his lectures he traced back governmental biopolitics to pre-modern pastoral power. Whereas for Derrida, this might lead to the conclusion that biopolitics is not typically modern, for Esposito it becomes an incentive to ask, once more, what might be typically modern about biopolitics.<sup>16</sup>

Although Agamben's work takes issue with Foucault's distinction between sovereignty and governmental biopolitics, it also preserves Foucault's insistence that biopolitics is typically modern, a position that is simultaneously challenged by the historical dimension of Agamben's work, which appears to trace biopolitics back to Roman times. Derrida takes on this part of Agamben's argument in the twelfth session of the seminar. What bothers him is not so much that Foucault and Agamben are saying that there are new biopolitical techniques; this is evident, according to Derrida. What he cannot accept, however, is the statement that biopolitics itself is somehow new:

Je ne dis donc pas qu'il n'y ait pas de "nouveau bio-pouvoir," je suggère que le "bio-pouvoir" lui-même n'est pas nouveau. Il y a des nouveautés inouïes dans le bio-pouvoir, mais le bio-pouvoir ou le zoo-pouvoir n'est pas nouveau. (438)

The scare quotes around "bio-pouvoir," the hesitation between "le bio-pouvoir ou le zoo-pouvoir"--Derrida's unease with the term biopolitics and with the opposition between zoe and bios by which it is structured becomes palpable in this passage. In addition, there is a

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<sup>16</sup> Cf. Esposito, Roberto. Bíos: Biopolitics and Philosophy. Trans. Timothy Campbell. Minneapolis: U of Minnesota P, 2008. 35ff.



concern in this passage with history and with the ways in which history is written by Foucault and Agamben. Derrida is trying to write history otherwise, not by insisting on clearly demarcated borders between zoe and bios, between sovereignty and governmental biopolitics, the ancient and the modern, but by tracing instead power's transformations through time. That is what deconstructive history-writing might achieve.

Towards the end of the twelfth session, it seems that Derrida would characterize such a history not as a history of borders but as a history of thresholds. Indeed, in the closing pages of the session Derrida develops a reflection on the threshold that can be read as yet another critique of Agamben, who separates the different parts of his book Homo Sacer through brief chapter sections called "thresholds."<sup>17</sup> If positing a threshold is one of Agamben's signature gestures, Derrida points out that to theorize biopolitics as a threshold that would separate the ancient from the modern means to do a violence to the very notion of the threshold itself, which separates without separating, divides without dividing, always leaving open possibilities for passages and transformations.

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<sup>17</sup> Cf. Agamben, Homo Sacer, 63, 112, 181.