

Thanatopolitics: Reading in Agamben a Rejoinder to Biopolitical Life

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“Does he know his sentence?”

“No,” said the officer. . . . “It would be pointless to inform him of it. After all, he’ll learn it on his body.”¹

It is telling that Giorgio Agamben’s editorial is only now being published in the United States, when media outlets as divergent as *The New York Times* and *commondreams.org* declined to publish it more than four years ago. And while *The New York Times* did publish a brief article *about* the editorial, how this story was framed is perhaps even more telling. Under the title, “In Protest, Professor Cancels Visit to the US,” we might expect an account of Agamben’s protest; instead, the article restages the terms of protest as a protest of Agamben himself. The substance of Agamben’s criticism is silenced. We read, for instance, how the Dean of Arts and Science at NYU characterizes Agamben’s decision as “a matter of conscience for him.”² But this at once belies any wider political concerns, privatizing what is properly public by suggesting that this is a personal refusal, a matter of one man’s conscience and no more. The concluding lines of the article are dismissive and condescending in tone, citing with authority the general counsel for the American Council on Education who derides Agamben’s “overreaction” and qualifies his decision as “massive paranoia that is speculative and anticipatory.” This individual then protests that Agamben’s particular brand of paranoia “is seemingly permeating some elements of the professoriate.” We are meant to infer, I believe, that “some elements” include American academics on the Left, those who are *seemingly* critical of US policy, or who *seemingly* see in such policy any matter of public concern. If there is any doubt, these elements too must be derided and dismissed.

Ironically enough, here is a sobering instance of what Agamben means when he writes that “the media apparatus controls and manipulates public speech.” It is not simply that *The New York Times* declined to publish a translation of Agamben’s editorial, but that its content has been remediated as a story ostensibly *about* the editorial, framed in such a way as to mock and protest the position it takes. Agamben’s words are disembodied, subject to the control and manipulation of the

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media apparatus; his original editorial, which might count as “public speech,” is censored. Is it so “massively paranoid” to assume that the media apparatus and the technological apparatus work together to produce “speech without a body and a body without speech”? By manipulating Agamben’s response, controlling the uptake of such “matters of conscience” or “massive paranoia,” *The New York Times* casts Agamben himself as a body without speech, a body whose speech says nothing and means nothing, a body that has already been identified and registered as one worthy of proscription from public life, whether on US territory or in the US newspaper of record.

How should we understand this “technological apparatus” that “identifies and registers bare life”? In keeping with Agamben’s earlier work, we might see it as opening a “zone of indistinction,”³ an “ambiguous zone,”⁴ or “a zone of indifference”⁵ that produces a form of death. Here, we might recall the prisoner in Kafka’s penal colony. Deprived of public speech, language is co-opted by the machine [*der Apparat*] that violently inscribes the law on his body, simultaneously identifying and registering what Carl Schmitt would call the juridical norm and the sovereign decision.⁶ While the “technological apparatus” renders the body speechless, Agamben suggests that the “media apparatus” effects a similar death, transforming language into bodiless speech, pure spectacle, propaganda. These are the gears and mechanisms of biopolitical power. And I believe we are invited to read “biopolitics” not in Agamben’s usual sense of the term but as Foucault understands it. Agamben’s conception of biopolitical power draws on Schmitt, and is understood as negative: namely, the decisive power of the sovereign ban that he sees as continuous from antiquity to the present. Foucault, on the other hand, sees a shift occurring in modernity, when modern biopolitics becomes productive or enabling. And as Rey Chow has argued,⁷ Foucauldian biopolitics is more resonant with the high tech identification and registration that Agamben mentions, including biometrical data derived from such technologies as retinal scanning and the digitization and storage of human fingerprints. Indeed, in his editorial, Agamben points to the productive power of the media to act biopolitically—through the indirect but productive manipulation and control of language, of public speech, and of communicative and cultural practices more generally. And as I suggested above, the article in *The New York Times* is, perhaps, an unwitting instance of just how public perception is massaged.

Foucault marks the important shift from classical biopower to modern biopolitics. Classical biopower is summed up as the sovereign decision “to take life or let live,” whereas modern biopolitics is conceived as “the power to ‘make’ live and ‘let’ die.”⁸ The decision to kill *or* let live is replaced with a productive biopolitics that is twofold, that “makes live” *and* “lets die.” Death becomes a consequence—a necessary part—of living. Such death is too easily elided and dismissed. Nobody is killed, at least not directly, and nobody’s hands are bloodied, at least not that we can see; the crimes are outsourced to penal colonies, through “extraordinary rendition” become ordinary, obfuscated by State bureaucracy, and covered up by one media spectacle after another. These deaths are never “caused” as such; officially, they are merely “allowed,” a passive event, collateral damage. But biopolitical logic requires them. In order that

“we” may live, live well and live fully, “they” must die, the distinction between the virtuous citizen and the other excluded as bare life, disposable life. Here we might think of the neomort kept “alive” for organ harvesting, the deaths resulting from pharmaceutical testing in poorer parts of the globe, or the repatriated corpses of US soldiers forbidden from entering “public speech” through a media moratorium.

In the space that remains, I will take up the question of death in order to protest the biopolitical logic that continues to define its terms. I believe that Agamben’s conception of biopolitics is not radical enough because it is informed by the logic of the exception—essentially a juridical logic derived from Schmitt. Agamben states that the exception is an inclusive-exclusion or an exclusive-inclusion,⁹ both included and excluded from the juridical.¹⁰ Here the juridical appears to be more ordinary and encompassing than the political. This follows from what some might call a problematic reading of Aristotle on Agamben’s part, and so I will return to Aristotle to suggest how both the living *and* the dead fall within the sphere of the political, marking a “threshold” (one of Agamben’s frequently used terms) that is perhaps not just within the sovereign’s power to bridge juridically. In other words, Aristotle’s more radical conception of the political allows us to see how death exceeds, in some sense, the juridical logic of the exception. Following recent work,¹¹ we might look toward what I would call the productive bafflement of death as a way to interrupt, to momentarily suspend, or to meaningfully subvert biopolitical logic through thanatopolitics.

While space does not here permit a full discussion of whether Aristotle includes *zoē* within the sphere of the political, it is worth citing a passage that Agamben himself cites when he distinguishes “the simple fact of living” from “politically qualified life,”¹² *zoē* from *bios*. The *polis*, according to Aristotle, “comes into being for the sake of living [*tou zēn*], but continues to be for the sake of living well [*tou eu zēn*].”¹³ Thus, it is the good life, happiness, or Aristotelian *eudaimonia* that binds a community together, and sustains that community over time as a *polis*, politically. While Agamben begins with and focuses exclusively on life and its negation through juridical decisionism (“to take life or let live”), it is important to note that for the Ancient Greeks life and death go hand-in-hand. Attic tragedy makes this clear, and we glimpse this in Aristotle, too, when he reflects on *eudaimonia* in the *Nicomachean Ethics*.

Should *eudaimonia* be attributed to the dead? While he defines *eudaimonia* as virtuous activity of the soul, and thus not properly a part of death, Aristotle nevertheless admits that he is baffled when describing what causes *eudaimonia*: “It would be odd . . . if the dead man were to share in these changes and become at one time happy, at another wretched; while it would also be odd if the fortunes of the descendants did not for *some* time have *some* effect on the happiness of their ancestors.”¹⁴ Certainly, these effects make sense if we believe that our honors and disgraces are intimately entwined with those of our friends and relatives, both living and dead. Surely we lose some of our humanity if we see death as no more than the cessation or negation of life, little more than the registration and identification of determinate biometrical data. Indeed, Aristotle proceeds to claim that we who are

living must be mindful of our actions and how they will affect the dead because to fail to do so would be “too unfriendly [*lian aphilon*]” and would contravene accepted beliefs.¹⁵ *Eudaimonia* seems to cross the threshold of life and death, suggesting a kind of political agency in death itself, a power that might act on us to bind together or to sustain a living community in friendship and shared beliefs and values. While we might deride or dismiss this as ancient superstition, we must wonder why we turn our faces from the dead, why the Bush Administration forbids us to see images of the war dead, why they cover up photographs from Abu Ghraib and Guantánamo, and why there is a taboo against the defilement of the dead. And what should we make of those lives that are martyred and exalted only in death? How are they memorialized? Do we not have a responsibility, a calling, a regard for the dead? Might this ethic promise an alternative political representation, one that refuses the negation of embodied experience and challenges the seemingly absolute morality of biopolitical life?

A politics of death might, then, be a strategy for the productive rethinking of biopolitics, from the technological apparatus that kills to the media apparatus that defines its terms and mobilizes public perception and morality. Agamben writes: “What the State cannot tolerate in any way . . . is that the singularities form a community without affirming an identity, that humans co-belong without any representable condition of belonging.”¹⁶ Across the threshold that separates life and death, we might accept the living and the dead as co-belonging in such a way that thwarts the concretion of identity, identity politics, and representability. We might appreciate in death a pre-political community ethic that is more than the negation of life or the moral failure to live, more than the production of biopolitical life that is presumed to be foundational.

Notes

- [1] Franz Kafka, “In the Penal Colony,” *Best Short Stories*, ed. and trans. Stanley Appelbaum (Mineola, NY: Dover Publications), 125.
- [2] Karen W. Arenson, “In Protest, Professor Cancels Visit to the US,” *The New York Times*, Late Edition, January 17, 2004, sec. B.
- [3] Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, trans. Daniel Heller-Roazen (Stanford, CA: Stanford University Press, 1998), 25.
- [4] Giorgio Agamben, *State of Exception*, trans. Kevin Attell (Chicago: University of Chicago Press, 2005), 2.
- [5] Agamben, *State of Exception*, 23.
- [6] Carl Schmitt, *Political Theology*, trans. George Schwab (Cambridge, MA: MIT Press, 1985), 10.
- [7] Rey Chow, “Sacrifice, Mimesis, and the Theorizing of Victimhood,” *Representations* 94 (spring 2006): 133.
- [8] Michel Foucault, “*Society Must Be Defended*”: *Lectures at the Collège de France, 1975–1976*, trans. David Macey (New York: Picador, 2003), 241.
- [9] Agamben, *Homo Sacer*, 21.
- [10] I thank Babak Bakhtiarynia for this insight.

- [11] See, for instance, Andrew Norris (ed.), *Politics, Metaphysics, and Death: Essays on Giorgio Agamben's Homo Sacer* (Durham, NC: Duke University Press, 2005); and my essay, "Thanatopolitics: On the Use of Death for Mobilizing Political Life," *Polygraph* 18 (2006): 191–215.
- [12] Agamben, *Homo Sacer*, 2.
- [13] Aristotle, *Aristotle's Politics*, trans. W.D. Ross (Oxford: Clarendon Press, 1957), 1252b29–30.
- [14] Aristotle, *Nicomachean Ethics*, trans. W.D. Ross (Oxford: Oxford University Press, 1925), 1100a.
- [15] Aristotle, *Nicomachean Ethics*, 1101a22–24. Also see Kurt Pritzl, "Aristotle and Happiness After Death: Nicomachean Ethics 1.10–11," *Classical Philology*, vol. 78, issue 2 (April 1983): 101–11.
- [16] Giorgio Agamben, *The Coming Community*, trans. Michael Hardt (Minneapolis: University of Minnesota Press, 1993), 86.