

Sovereign Exception. 'Multiculturalism's failure' between the Camp and the People

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Abstract

This research will present of the paradox of the simultaneous failure of multiculturalism in a number of countries with very different multicultural strategies. After a contextualization of this discourse, the argument explains this puzzle in a Foucauldian framework of war and politics. The first part will modify this relationship by considering what we define as the coexistence of two opposite dynamics of biopower: that of visibility of subjects and that of concomitant opacity of the population. The next step will move this initial tension more explicitly in the discussion of the war inside society and of the enemy by re-formulating Giorgio Agamben's concepts of the *sovereign exclusion* and the *homo sacer* inside this war-within-the-civil-peace. In this dialogue between Agamben and Foucault a new path will be suggested to understand the mutually constitutive strategies of, first, the identification of the enemy within society in a security regime and, second, the embodiment of a People. Here, the notion of the 'people' allows a modification of Agamben's problematic of the camp by re-formulating the terms in which citizenship is played out in the discourse of societal security.

The third part will restate this conceptual framework into the inside/outside debate in IR and show how the sovereign decision over 'bare life' is increasingly displaced in a new realm of the 'transnational' illuminating the present stakes of multiculturalism as a fight over the sovereign decision over the terms of citizenship as that which keeps bare life from becoming the general rule.

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Introduction

Between July 2010 and February 2011 Nicolas Sarkozy, Angela Merkel and David Cameron have each declared the failure and thus the necessary cessation of the French, German and British models of multiculturalism, and most specifically of that multiculturalism issued from immigration policies, and have been ever since approved by a number of other European leaders. If we are to concentrate for a while on these three cases of major European states, the almost simultaneous conclusion dealing with the apparently patent failure of policies which were initiated decades before and which seemingly bear their sour fruits at the same time in all three cases could appear quite extraordinary at a first look.

Indeed, in each of these instances the collapse of the state strategies of integration of foreigners has been assumed as such: not as an unexpected crisis provoked by the sudden surfacing of an obstacle, which could immediately explain this simultaneity in the three leading EU states, but as the result, or better said, the conclusion, of an extended process initiated by previous political generations, going back decades ago. This initial puzzle could be for a while appeased by a rather pragmatic characterization of these moves as simply political strategies of scapegoating made necessary by the common predicament of an economic crisis in need of a temporary deflection towards some shores more easily manageable by a populist discourse in need of a common enemy easily provided by an ingrained xenophobia or racism of some parts of the society.

Although the question of scapegoating should not be dismissed too easily, I suggest that a short analysis of the context in which these conclusions have been uttered should advise us against an immediate connection between the economic crisis and the cynical recourse to the

stirring of popular feelings of chauvinism. Indeed, if this simultaneity can be problematized in order to make visible a subject that is of any interest for international relations, and I think It can be construed so as to render evident a critical predicament lying at the core of the question of sovereignty, then this is because the apparent paradox of this simultaneity will be restate the discourse on the failure of multiculturalism not as the effect of a common cause or problem, but as a common approach or solution to this predicament made urgent today by causes that the so-called late 2000s economic crisis makes only more visible but could hardly be said to constitute a cause in itself. Thus, after shortly contextualizing these political utterances, I will return to a more detailed theoretical discussion of the predicament of sovereignty of late modern European nation states and will try consequently to explain how its formulation by major political leaders emerged and is made possible or maybe even necessary in the present political condition.

The “failure of multiculturalism”. Three instances

Nicolas Sarkozy’s Grenoble discourse on July 30 2010 is the immediate reaction to public strife in the Isère department during which several policemen and a police commissariat are attacked by unknown persons and shot at with gunfire. The French president immediately replaces the prefect with a former policeman, a very controversial move as this political function is not usually conflated with the police corps, and pronounces a lengthy discourse during which he is seconded on stage, in front of numerous cameras which will air this address in its entirety (almost 60 minutes), by a number of ministers and representatives of the police forces of the Isère department. In it, he will pronounce his already famous verdict regarding immigration policies, declaring that “we are now enduring the consequences of 50 years of immigration

insufficiently regulated, which lead to a failure of integration (...) this system of integration once functioned. It no longer does.”¹

This discourse is to be carefully analyzed for the manner in which the French president conflates in it themes of public security and surveillance of public places with national identity, the republican order and the preservation of the State and the singling out of some collective actors (Roma people, immigrants and young Frenchmen of foreign origin or “Français d’origine étrangère”), whose identity is a container of an unsettling mix of danger and social precarity resulting from their un-rootedness in the national and social fabric, their unwillingness or incapacity to integrate. What is suggestive is that Sarkozy includes in this five decades of inadequate policies of immigration his own project, and a core one for that matter for his first mandate, whose bold strategy was articulated four years before by the crucial distinction between a willed or selected immigration (*immigration choisie*) of highly skilled and/or educated workers and a put-up-with immigration (*immigration subie*) of those unskilled, which should be reduced because of the burden it constitutes on the expense of tax payers.

In setting the terms of the failure of multiculturalism the president focuses on the practical obstacles in the integration of those who don’t or no longer feel French and defy the French culture and public authorities because their identity and interests have been displaced or are impossible to root in the ethos of French society. Thus, he states that “young men of the second or third generation (of migrants) feel less Frenchmen as their parents (...) We no longer have the right to sit back concerning this, we all know it” and he enumerates a series of problems that are linked with them, among which the high rates of unemployment and the burden they constitute on the system of social services, after which the solution is suggested: “we have to

¹ My translation of the presidential discourse, available at <http://videos.tfl.fr/infos/2010/le-discours-de-nicolas-sarkozy-a-grenoble-dans-son-integralite-5953237.html>, accessed last time on June 1, 2011.

master the migrant flow” and “initiate an important reform to improve the fight against irregular immigration.”

Thus, Sarkozy affirms simultaneously that the integration policies worked for a long time until they revealed their powerlessness over the descendents of those integrated and, as a solution, he suggest that the reaction should be directed towards those who are yet to come, who aspire to enter into the French society. However, what constituted the boiling point of this discourse was another move that Sarkozy made by linking the problem of delinquency with the bigger problems of integration and offered as a solution a number of reforms most specifically in the policy of French nationality. First, he announced an initiative that would be proposed to the consideration of the National Assembly to de-nationalize those Frenchmen who attack any state functionary and have acquired the right of nationality in the last 9 years. Moreover, Sarkozy suggested that the policy which makes the young descendents of foreigners born on French soil citizens once they turn 18 should be revised, in order to restrict this right to those who prove to be worthy of and explicitly wish to acquire this identity.

The political reactions against such a possibility have met legal obstacles that, Sarkozy’s opponents argue, could not have been ignored by the French president, thus revealing his populist strategy. The first obstacle is inscribed in the first article of the French Constitution: “France shall be an indivisible, secular, democratic and social Republic. It shall ensure the equality of all citizens before the law, without distinction of origin, race or religion.”²In other words, any distinction between French citizens on the ground of their seniority in this identity is arbitrary. Two other objections were raised by jurists who pointed, first, at the extremely

² The text of the Constitution of the 5th Republic was consulted at <http://www.conseil-constitutionnel.fr/conseil-constitutionnel/francais/la-constitution/la-constitution-du-4-octobre-1958/la-constitution-du-4-octobre-1958.5071.html>, last time accessed May 1 2011.

restrictive possibility of withdrawing the rights of citizenship mentioned in the Civil Code only in extremely serious cases like crimes of terrorism or state treason and, second, at a tradition that can be traced back to the 1954 New York convention on the statute of the stateless people, which has been internalized by the French legal system as an obstacle against the withdrawal of the right of citizenship to a person that would thus remain without the protection of the citizenship of another state.³

Other measures that president Sarkozy also suggested in order to fight against this proteiform problem of delinquency were delineated along this axis on which young Frenchmen from the immigration were relegated to the statute of “Frenchmen of foreign origin”, which in the light of the first constitutional article appears already problematic, Roma people were accused of refusing to live in the spaces allocated for them by the prefects and the urgency of resisting the growing “migratory waves” was declared a priority.

This conflation of multiple and quite heterogeneous problems of the French public authorities is, however, even more interesting if we approach this discourse from a different angle, focused on the elements that have been raised by Sarkozy dealing with a problem of national security. The key elements in this respect are two remarks in this discourse. First, he states that « whoever shoots at a policeman no longer deserves to be a Frenchman” and, second, that “those who attempted to harm the authority of the state have injured the very heart of the nation”. The set of relationships in Sarkozy’s discourse identifies, thus, a natural linkage between the State and the Nation and, second, between citizenship and the police or security. If we read this in the context of the street fights in the summer of 2010 between the police and persons which at that time were not yet identified, in this second mode of association, the paired elements

³ The entire reasoning of these arguments is discussed by the jurist Benjamin Brame at at <http://www.village-justice.com/articles/decheance-nationalite-Nicolas,8328.html>, last time accessed May 28 2011.

of the two polarities are both threatened because one element in each balance has been attacked, namely the state and the police, or sovereignty and security. By an enemy which is rather explicitly defined by the French president.

The measures proposed by the president to solve this problem of security also deserve attention. First, because the register in which the normalization of the situation is imagined is one of massive occupation of the public space with increased police forces and technology of surveillance, because this is what the delinquents fear most. Second, and maybe the most important point, Sarkozy stresses more than once that this is not a political problem, because no one could come up with an alternative interpretation to what is given as fact: the policemen have been attacked and no debate can bring further contributions on this fact. Therefore, he adds, the solution will be a lengthy battle against this proteiform criminality, which goes beyond any political affiliation, any political majority and even the government itself. It is a “national war”, Sarkozy concludes.

Moving shortly to the other two cases I indicated above, the German chancellor Angela Merkel very much surprised a significant part of the German political class by her remarks in October 2010 at a reunion of the CDU-CSU youth, during which she observed that “multiculturalism in Germany has completely failed” in a very much similar strategy of depiction of this category of the recent “other” as refusing integration and some sort of appropriate repay or reciprocity at the measure of that which they have received (“Migrants should also give back, not just receive”⁴). A major criticism addressed against this discourse formulated in this most partisan context was that Merkel seemed to explicitly embrace a more encompassing and explicit strategy deployed earlier by the CSU vocal leader Horst Seehofer,

⁴Der Spiegel, ‘Merkel erklärt Multikulti für gescheitert’, my translation, <http://www.spiegel.de/politik/deutschland/0,1518,723532,00.html>, last time accessed on 28 May 2011,

who had already suggested clear restrictions of naturalization of newcomers as a necessity imposed by their lack of “willingness and capacity” to accept the dominant culture (Leitkultur) of the host country.

Here again the most visible targets are the young immigrants and their insulation in parochial cultures. Although the details of this context could speak volumes, with a chancellor addressing the German youth and future political elite on the topic of this other incoming or precarious youth which sits in a problematic relationship with the German Leitkultur because it apparently refuses to integrate and reciprocate to the efforts of the host country, for the moment we will just extract from this the fact that this address was seen as a divisive move even inside the political majority (CDU-CSU-FDP) and important figures of the political elite have accused a ‘populist’ and dangerous closeness to the discourse of xenophobic circles. In this sense, it is interesting to note that the chancellor’s speech came only days after the speech held by the German president on the occasion of 20 years of German unification, during which he also addressed the issue of the integration of foreigners, but in the spirit of an explicit appreciation of the diversity of cultures making Germany a richer country. Thus, he concentrated his message in the motto: “Cherishing diversity, closing gaps/fostering cohesion.”⁵ In this sense, Merkel’s address to the young future political generation, addressing the most critical obstacle in the “utterly failed multiculturalism” as the inability or unwillingness of the migrants to integrate is to be analyzed as a direct response to what Wulff had depicted in much more optimistic notes as a historically successful project that has to be deepened.⁶

The last example and the most recent one, is David Cameron’s February 2011 discourse at the Munich Security Conference, a discourse allegedly dealing with the issue of terrorism but

⁵ The discourse can be found at www.bundespraesident.de, consulted May 28 2011

⁶ Ibid.

in its content much more similar with the thematic horizon of the two instances already discussed to the extent that it outlined the same logic of a tensioned rapport between a majority, the British society, and practically young Muslims in danger of being absorbed by a dangerous ideology – Islamist extremism. This ideology, the new prime-minister argued, haunts them because of a more originary problem – their difficult identity with Britain, which in its turn has been provoked by the mollification of the latter. What is really at stake in their lack of integration is not simply individual anomie because of this detachment from the bigger society, he argued, but their potential for recruitment in the service of Islamism. And in this sense, Cameron continued, the state vigilance and intervention should start not from acts of violence, but from this initial situation of unrootedness or alienation, which is *potentially* the ground for future violent (terrorist) acts. This conflation between present forms of criticism of everything British (even critical opinions against anything British expressed in internet chatrooms are thus already marked for the potential, and thus probable, radicalization of the future Muslim terrorist⁷). In other words, potential violence becomes imminent violence in need of being counteracted by a preventive action of the state, which in this discourse of Cameron is only incidentally Great Britain, because in reality, he stresses, this is a larger, European predicament which in the end needs a collective solution, in other words, a war on terror or, more specifically, a war on all potential predictors of terror, which can be traced back to any opinion expressed in the public space.

Again, the context in which this discourse is formulated is very important. First, Cameron is the leader of a majority recently brought to power and not in search of immediate electoral support, like Sarkozy or Merkel's majority. Second, he addresses not a national constituency, but

⁷ The full transcript of the discourse at <http://www.number10.gov.uk/news/speeches-and-transcripts/2011/02/pms-speech-at-munich-security-conference-60293>, consulted May 28 2011

diplomats and foreign leaders, and most explicitly European ones and his recurrent theme is the need to close ranks in the international arena against terrorism and the rebuke of European values of liberal democracy. His fight is against a fanaticism of an ideology defined more in civilizational terms than national or domestic ones and the security he envisages in this respect is equally circumscribed by this civilizational imaginary of liberty and individualism which goes beyond the borders of Great Britain. And equally suggestive in this sense is that his solution, although apparently formulated in terms of domestic security, is actually providing a set of best practices for all Europeans, defined by an assertion of a “muscular liberalism” which unties itself from the obviously failed passive tolerance of coexisting cultures and strongly asserts its own values.

This vitalization of liberalism is actually opposed only as an intermediary step to the barbaric vitality of the extremist islamists, but actually is formulated as a response to the democratic society whose decay allowed until now these spaces of alienation to emerge and thrive. Thus the two faces of the multiculturalist coin are, first, alienation (especially of the youth) and, second, the very cause of this estrangement, which resides in the mollification of liberalism itself, in a form of delusion that took as a solution of co-existence the presupposition of the parallel existence of various cultures. What emerges as the solution is, thus, an imposition of the values of liberal society so as to make of the incoming cultures only temporary attachments.

We can obviously see the emergence in these three discourses of some common themes, which point at the un-rootedness of the youth of the immigration, even if already in its second or third generation, the danger that this disloyalty poses to the societal order and the public space at large as a form of precarity they embody and potentially spread further, and the difficult cultural

and socio-economic integration, which has transformed these people in a burden for the social services of the nation states. However, what underpins all these three discourses most specifically is a certain bellicose note that raises the theme of the necessary offensive of the indigenous, Western liberal values in the face of this growing heterogeneity of cultures that refuse to arrive at the common denominator of liberal democracy. And this refusal or inability, in its turn, is advanced in the public debate as a potential danger – of delinquency, of fanaticism and fundamental Islamism, thus the imminent danger that only physical threat can pose and which constitutes the bridge from the need to stand erect in face of this challenge to the next stage in which is made explicit use of terms like danger, violence, security and (national) war.

In very simple terms, the wider horizon in which some questions seem to impose themselves in the context of this simultaneous discovery of a state failure that threatens the very being of the societal order and this, most importantly, stated from the highest political levels, by representatives of the state itself, go as follows: how can we understand the failure of this policy that “worked, but no longer does”, that functioned for the parents but seems to fail in the integration of the sons and granddaughters of those who were successfully integrated? And how come this discourse of failure has these obvious bellicose undertones? What makes possible, legitimate, welcomed as necessary the formulation of this predicament in terms of survival of the society or the nation and thus, as a corollary, equally explicitly stated, the call for the mobilization of the nation in the service of the state and vice versa, of the state (through the police) in the rescue of the nation? How is this war drawing the lines between us and them, between two groups that inhabit the body of this society and this juridico-political order but of which one is malicious, precarious in itself and in danger of spreading its disruptive disloyalty to further layers of the society? And similarly, what are the connections between the danger within

the civil order of these nation-states and the looming danger packing the borders, pushing the disorder of the heterogeneous outside (migrants, nomads, terrorists) in the already fragile and ailing cohesion of the inside? In the end, and only by means of a prior consideration of the questions already stated, how come that the solution to this societal problem is suddenly formulated by the French president as a sufficient reason, moreover, the necessary and legitimate reason for suggesting that the universality of the French citizen is no more than a fiction, or rendered less urgent than the protection of a part of the French citizenry through the virtual elimination of another? How come, in this French context, that the sins of a “very small minority” in Sarkozy’s words when referring to the petty delinquency emanating from the alienated ghettos should open the gate to the possibility of forbidding the right of nationality to the children of the immigrants as a whole? How, thus, is an individual crime mutating into the foil on which a collective guilt seems to loom over the destinies of all those who are suddenly called Frenchmen “of foreign origin”?

The cases under consideration are still very much unfolding to the extent that the exact means by which this ‘problem’ is still in search of adequate ‘solutions’ in order to take off from where multiculturalism as integration has failed. The dominant presence of the element of national security, foreignness (especially Muslim peoples) and the protection of liberal value seems to indicate a good start in the literature on the relation between liberalism and war (on terror) done in the work of Michael Dillon and Julian Reid (Dillon 2008, 2007, 2006, Reid 2005, 2004) and which address the problem of security in both its political and juridical aspects when this new form of war seems to produce a security regime in which specific people are singled out along these lines of intelligibility that pose as the root cause of conflicts the resistance of smaller cultures to the integration into the liberal dominant discourse (Butler 2009, Balibar 2002) and the

security regime that envelops this resistance (Bigo 2007, 2008a, 2008b, Bigo and RBJ Walker 2008).

However, a limit of this literature which, the exception of Bigo's work, has identified this core predicament in the relationship between liberalism and growing regimes of war or war-like global states is to stop short of addressing the modalities of this new global war that seem to suggest the re-negotiation of the very social contract inside liberal societies. However, as our interest in this paper is not to research the problem of 'multiculturalism' or 'integration' proper, but to suggest a contribution in this productive space, theoretically and presently also empirically, delineated by the possibility of war inside the liberal society, of its terms of distinction between the good society and the pernicious part and, by this, to imagine appropriate solutions along a process of constant construction of borders between groups, between so-called ascriptive identities, even across bodies of peoples. It is in this space, we suggest that further work can be made on the basis of these recent events so as to better account for the new modes in which the enemies of liberal values and polities are re-articulated inside Western societies and at their multiform borders. Here our research will address this last question by asking three questions and suggest lines of reflection in their margins: first, how the society is constituted inside the discourse of security? Second, given the dominant theme of danger as social decay inflicted by an internal cause to the society, how is the solution advanced or in what terms the exclusion of this part is formulated? Third, we will address the question of war and politics, from the perspective of the present predicaments by bringing the theoretical arguments delineated by the first two question inside the field of a present regime of security in which war and politics seems to render futile one essential distinction in international relations between domestic politics and the realm of the international. Here, we will see that the question of war inside

society is actually mutually constitutive of this new realm in which the terms of global war are presently negotiated.

The structure of the thesis will re-situate these questions in a theoretical debate that will first draw from Michel Foucault's work focused on the concept of biopolitics and a necessary discussion of its historical emergence and development and, finally, of its present conditions of manifestation. In doing this, I will consider his reflections on the disciplinary and the normalization society and the relation between the two in the development of the liberal biopolitical project and use this point of inflection in order to make more amenable to the context set above his crucial question dealing with the relations between politics and war, racism and the paradox at the heart of biopolitics. This, simply put, poses as ineluctable the simultaneous caring for the life of the population in its most encompassing form and at the same time produces increasingly murderous effects on a scale whose progress is very much dissonant with the liberal dream of a world without war, of eternal peace.⁸

In a second part I will reformulate the terms of the war inside society and of Foucault's notion of racism as a paradox of two simultaneous and contradictory logics of biopolitics whose lethal effects can only progress towards further forms of exclusion. However, this exclusion is in need of a separate problematization in the present historical context and here I will bring one crucial debate in the Foucauldian scholarship dedicated to the problem of security in this field of the sovereign decision to exclude, which drawing on Giorgio Agamben's concept of homo sacer I will define as the sovereign decision to kill (be this the physical death of subjects or their

⁸ Julian Reid, War, Liberalism, and Modernity: The Biopolitical Provocations of 'Empire', Cambridge Review of International Affairs, Volume 17, Number 1, April 2004.

political death through, for instance, policies of de-nationalization⁹). This insertion into the debate on the evolution of the biopolitical project on a global scale will address the problem of security, which is central for the Foucauldian literature, in order to make sense of the new forms of war at the global scale fought in the name of the protection of a population as that mass of bearers of human rights.

In the last part of this study I will move the question of the sovereign/ultimate decision to kill in the context of a foundational debate of international relations, that of sovereignty or, in other terms, of the separation between two mutually exclusive realms, between an ‘inside’ of domestic politics, of peace, civilization and progress and an ‘outside’ of the chaos, war, barbarity and constant cycles of history-repeating which have been traditionally considered to be mutually exclusive. I will not dwell on this classic debate too long, but concentrate instead on a Foucauldian reading of the biopolitical global regime of governance in which the lines of the inside/outside gain different functions, but still circumscribed by the simultaneous production of life and death, of caring for life and putting-to-death of increasingly larger layers of (global) population. From this last discussion the notion of sovereign decision over the exception should again change its shape and be re-stated consequently, which in turn will suggest necessary reconsideration of the meaning of politics and contemporary wars and, maybe most importantly, of the new condition of the homo sacer which results from this overlap.

⁹ Michel Foucault, *Society must be defended*, Lectures at the Collège de France, 1976-76, translated by David Macey, Picador, New York, 2003, 241., Used as ‘Society’ from now on.

1. The Sovereign, the Disciplines, the Normalization

1.1 The Disciplinary Sovereign

The real, corporal disciplines constituted the foundation of the formal, juridical liberties. The contract may have been regarded as the ideal foundation of law and political power; panopticism constituted the technique, universally widespread, of coercion.¹⁰

In *Discipline and Punish* Foucault analyzes the processes by which the disciplinary modalities of control and coercion have become more and more complex and applied to increasing spheres of the lives of individuals as a corollary of the development of the juridico-political liberal model along which the modern form of state will build its legitimacy starting with the 18th century. What is essential in these parallel and mutually constituting processes is that the disciplines that will take the bodies of the citizens into their ordering rationality exceed the visible domain attributed to politics, they act as that infrastructural network that makes possible the preservation of a limited form of power¹¹ (liberalism) exercised through laws, precisely by reversing the logic of the law. If society is becoming increasingly egalitarian under the rule of law, this state of

¹⁰ Michel Foucault (1995) *Discipline and Punish, The Birth of the Prison*, translated from the French by Alan Sheridan, Vintage Books, New York, 1995, used as ‘Discipline’ from now on, 222.

¹¹ Michel Foucault “Governmentality” in Graham Burchell, Colin Gordon, and Peter Miller (1991) *The Foucault effect: studies in governmentality: with two lectures by and an interview with Michel Foucault*, University of Chicago Press for what he discusses as an “economic form” of “government of men and things” and later a ‘conduct of conduct’. For an illustration of this rationality of governmentality today, see Louiza Odysseos (2010) ‘Human Rights, Liberal Ontogenesis and Freedom: Producing a Subject for Neoliberalism?’, *Millennium - Journal of International Studies*, Vol. 38, No.3, pp. 747–772

equality is made possible by a continually negotiated web of disciplines whose task is to constantly regulate deviations which might destabilize the bigger order. And precisely because the disciplines are responding to what is irregular, they have to work their technology of normalization by inscribing themselves in the fabric of the social as relations of total inequality. Because the relation circumscribed by any discipline is one between someone who betters and someone to become better, this technology implies constraint and the absence of reciprocity, describing in fact a rigidly hierarchical rapport¹². Thus, Foucault's argument is that the progression of the idea of equality in the society of citizens is built and constantly preserved by a tiring process of innumerable, overlapping technologies of normalization defined first and foremost by the necessity of utter inequality of those engaged in them. This is why Foucault sees disciplines as

“counter-law” par excellence:

And, although the universal juridicism of modern society seems to fix limits on the exercise of power, its universally widespread panopticism enables it to operate, on the underside of the law, a machinery that is both immense and minute, which supports, reinforces, multiplies the asymmetry of power and undermines the limits that are traced around the law.¹³

Thus, once this relation of the infrastructure preserving the contractual appearance of the juridico-political order is posed, one question emerges, which needs to be formulated in two steps. First, the counter-law logic of any technology of normalization is given by the very presupposition founding its necessity, that is the presence of something abnormal in an otherwise normal series. This, in other words, brings in the discussion the element of unpredictability, the un-known which constitutes the material for disciplines. For instance, Foucault offers a detailed

¹² Discipline, 222.

¹³ Ibid., 223

description of the manners in which the discipline in school imagines all sorts of modes of organization of pupils according to their features (inscribed in bodies, behavior, origin etc.) so that the group can function as a whole in the best way possible. For instance, as Foucault cites this rule: “those whose parents are neglectful and verminous must be separated from those who are useful and clean; that an unruly frivolous pupil should be placed between two who are well behaved and serious, a libertine, either alone or between two pious pupils.”¹⁴

Thus, the discipliner has in his hands a material that initially appears as something unruly, unpredictable, which has to be molded so as to occupy his or her rightful place in a given series. Therefore, we can go on, the counter-law rationality of the disciplines is given first not by the hierarchical and non-reciprocal relationship between the professor and the pupil, but by the very necessity imposed by this unpredictable, illegible material that presents itself in the very beginning to the authority of the regulator. In this sense, given the unpredictability of that which has to be molded, the disciplines, in spite of their ambition to have a law-like form¹⁵ are actually technologies. Their *technè*, both an art and a craft, or maybe better said their craftsmanship resides in the art they put into practice in order to bring forth the normal from whatever is given to their rationality, consists in the adjustment according to the challenge at stake. Thus, their very rationality is an accumulation of practices, their perfection lies not in a law already stated, although they function according to rules, but in the constant adjustment of means to ends. The problem can also be stated as an undecidability concerning the substance of both means and ends and thus we can ask whether the ends themselves are not actually defined in this lengthy process of ever more minute development of a *technè*, be this the military discipline, the hospital practice

¹⁴ Ibid., 147

¹⁵ Ibid., 222

or the teaching of French or German language and culture to the newcomers from Maghreb or Anatolia today.

In other words, this *technè*, stated in Foucault's terms, is the response the power is able to imagine vis-à-vis its subjects given the manner in which these subjects are conceived, how they are seen by the state and all the institutional logics revolving around it, even when they are not actually state institutions:

[I]n the 17 and 18th centuries, we saw the emergence of techniques of power that were essentially centered on the body, on the individual body. They included all devices that were used to endure the spatial distribution of individual bodies (their separation, their alignment, their serialization, and their surveillance) and the organization, around those individuals, of a whole field of visibility. They were also techniques that could be used to take control over bodies.¹⁶

I stress for a moment the importance of this visibility-as-corporeality in Foucault's conception of the disciplinary figure of power because it is inextricably linked to its action on its subjects as individuals or to the man-as-body. It is this body, the only thing that the state has at its disposal as the sovereign with the 'right to take life or let live', that has to be tamed through processes of regularization, constant surveillance and appropriate punishment that makes the panopticon the paradigm of this age.¹⁷ In this sense, the paradigmatic character of Bentham's model of the panopticon¹⁸ resides not in its ubiquitous application but in its capacity to exemplify the dominant way in which subjects are subjected to the control of disciplinary power (and the agents of the disciplinary power in no lesser degree) as bodies in permanent surveillance, constantly traceable in the contexts to which they are confined, so that their

¹⁶ Society, 243

¹⁷ Society, 241.

¹⁸ See the chapter Panopticism in Discipline.

molding can be always controlled along an axis of rules and occasional punishment in order to bring the faulty back in line. And in this sense the ‘spatial distribution’ of individuals, done along a logic of allocation of fitting contexts (the place where one is most useful, productive, valuable for the whole) is the essential mode of organization of disciplinary techniques. In this allocation not only the individuals are made visible and thus controlled most efficiently, but, most importantly, the controllers themselves are in their turn visible.

In discussing Bentham’s model of the panopticon Foucault considers this element in the end: the observer himself is in no lesser degree caught in this logic of permanent visibility. Foucault seems to hesitate between two visions of the Benthamite panopticon. In discussing this theoretically, he arrives at the conclusion that the observer is never seen, although his presence is everywhere, materialized in the virtuality of the constant surveillance, of his potential to see at any time. However, he also offers a striking example of the internal arrangement of the Mettray prison in the 19th century, an exemplary case of disciplinary order for Foucault, where the distinction between inmates and monitors disappears and the transparency of all bodies is the natural consequence of the very logic of the institution. Everybody is simultaneously observed an observer.¹⁹ What is crucial in this passage discussed by Foucault is, thus, not that much the minute control of bodies, but the intuition it offers us about the all-encompassing vocation of the disciplinary rationality, which cannot function without disciplining first the very discipliners. We have here, in other words, an infinite imbrications of layers of disciplines and discipliners in which no one is really invisible.

Thus, restating the argument, these two elements, first that of the unpredictability of the material to be molded by the discipline and, second, that of the very logic of the discipline as a

¹⁹Ibid., 293

craft which perfects itself by repetition and learning from ‘good practices’ in an infinite circulation of disciplines lead to the following question: how can we understand the failure of a discipline? In other words, if means and ends of any technology of normalization are not fixed, but constantly adjusting, can a process of normalization be ever detected in its failure and the failure pinned down by its very agents of disciplining? The finding, on the contrary, will always be pronounced as a political act, within a realm in which the sovereign is able to decide over the life of the society understood as the good life. This decision, however, cannot be understood in the absence of a discussion of the very transformation of the understanding of society which is operated according to Foucault in the second half of the 18th century as a progression of the functions of the state in the domain of the life of its subjects as a species. In other words, the growing importance of biology will redefine the role of the state vis-à-vis its subjects and this change is nowhere more visible as in the instruments which are becoming the privileged means by which the society is seen and ordered towards the good life: statistics and forecasts.²⁰

1.2 Biopower and governmentality

The passage from the disciplinary power to the biopower is succinctly put by Foucault as “the right to make live and to let die”.²¹ This is the next stage of power which develops later but without eliminating the disciplinary rationality. Actually, what I think is truly significant in this axis and maybe insufficiently reflected upon in the Foucauldian scholarship on governmentality is the manner in which Foucault is framing the mutual production of power and modes of subjectivity along the passage from the age of sovereignty, to that of discipline and concluding

²⁰ Discipline, 218

²¹ Society, 241

with the onset of biopolitics.²² Although their rationalities and legitimacies and, most importantly, their subjects are different, they are not mutually exclusive, but co-exist at times in relationships that are negotiated. Moreover, we can argue that what is always at stake after considering co-existence is to analyze the transformations acted upon subjects from one form of rationality to the other. As Foucault argues: “Sovereignty and discipline are only concerned with multiplicities (their end is to be obtained on the basis of these multiplicities).”²³

On the other side, biopower can only act when its subjects are indistinct members of a mass amenable to the statistical analysis of tendencies, variations that have to be constantly adjusted so as to enhance the life of the population and not of men as individuals. But it is precisely here, in the fact that the biopower will continue to act within territorial borders and will profit from the effects of disciplinary technologies all along the 19th and 20th centuries and today still, that this fluctuation from one subjection to the other, as a mirroring of different manners in which the subject is counted and taken into account, that Foucault’s maybe most dramatic puzzle is revealed in all its consequences. The paradox, as he frames it, is the following: « How will the right to kill and the function of murder operate in this technology of power, which takes life as both its object and objective?.”²⁴

Biopolitics’s rationality is that of enhancing life, which is its sole sphere of action. Again, it should be stressed, this is not a matter of agency, but simply the corollary of a specific modality of seeing the subjects in a massifying account of life. Death, Foucault argues in order to

²²Michel Foucault (2007) *Security, territory, population* : lectures at the Collège de France, 1977-1978; edited by Michel Senellart, Houndmills, Basingstoke, Hampshire; New York: Palgrave Macmillan. Foucault makes the distinction between the three modes of power as follows : Sovereignty, exercised within the borders of a territory ; discipline-on the bodies of individuals ; security-on the population, 11.

²³ Ibid., 12

²⁴ Society 254.

make the distinction from the old power of “taking life and letting live”²⁵ of the sovereign is a space in which biopolitics is rendered pointless, at least to the extent that individuals are concerned. And it is precisely at the point when the existence of the human species is taken as the objective of power, of bio-power, that death changes its function from that horizon which eludes the authority of the sovereign to the essential tool of bio-power in order to legitimize itself. In other words, death changes its rationality, and from its traditional function as a passage from one realm to another, and from one earthly power to a divine one²⁶, it is transformed in the pure negative of life, death is non-life without rest.

In other words, and recontextualizing what Hannah Arendt characterized as the ethos of modernity as ‘life as the highest good of man’, the limitless space, agnostic of any transcendental, in which life should be enhanced and prolonged as much as possible will pose a new challenge to the rationality of biopower.²⁷ Now, statistics becomes the supreme science through which subjects become visible to power and only as tendencies (mortality instead of individual deaths, fertility instead of birth²⁸ etc.). If the bodies of subjects are no longer immediately relevant, although their capture in numerous disciplinary technologies continues, it is because the very logic of the new power imposes this ignorance about what happens inside the mass. This is maybe why Foucault insists so much on the changing meaning of death in his ‘Society must be defended’. Actually the heuristic of this example is quite illuminating of the new rationality of biopower. If death is just a void, the negative of life, that moment when power

²⁵ Society, 241

²⁶For an account of the radical function of death from a public matter to the most private and shameful moment in one’s life, see Society, 248

²⁷Hannah Arendt, *The Human condition*, University of Chicago Press, 1958,,316.

²⁸ Society, 248

itself loses its meaning, then the ability to keep life alive is what makes biopower stand or fall. And here comes the crucial transformation of the temporal horizon in which power unfolds itself. Biopolitics is a preventive power, constantly trying to adjust, to normalize life so that the population can optimally avoid death. It is preventive precisely because its attention goes not towards each and every death or birth, which will always be mere accidents by which men come and go from this world, but towards mortality and fertility, which are constructs of the manner in which statistics are done and read by biopower's specialists and thus amenable to various methods of intervention at the level of the mass. Disciplinary power, on the other hand, precisely because its logic is driving it to transform opaque multiplicity into perfectly visible series of individuals (again, the paradigm of the panopticon in schools, the army, factories etc.) manifests its transformative capacity by reacting to something given, by taking that given into its regulatory rationality and making it comprehensible as a fragment of a series.

This transformation of both means and ends of power is to understood, Foucault argues, in the context of multiple transformations that happen somehow at the same time in the discourse about nation, society and the linkages they have with the state, and it is here, I suggest, that the discussion should re-state the paradox set above concerning the lethal effects of a power that assumes as its essential prerogative the caring for the life of the population. Death, in this stage, should also be somehow connected to the massifying logic in which power makes visible for its own mechanisms of normalization its very subjects and here comes, Foucault argues, the simultaneously transforming discourse about race and society.

It is in this overlapping passages from individuals (man-as-being) to population (man-as-species), from death as a communication between the realm of the sovereign and that of God to that extinction of life which annuls the prerogative of the sovereign rendering him useless, and

from reaction to prevention, that the crucial matter of the race has to be re-stated in order to move towards a wider perspective on how society is seen and sees itself in modern times. In other words, it is here, in this conjuncture, that the sovereign prerogative to kill, never extinguished in the progression of biopower, has to be reformulated in the context of a war of races which will be the struggle of the life which deserve to live against life which has to die, a “caesura of a biological type inside a domain which presents itself precisely as a biological domain”.²⁹ This, in itself, is a paradox that reveals a productive tension at the heart of biopower, given by this very impossibility to draw a stable line between the two realms, between the two groups, one destined to live, and the other to die.

1.3 The enemy-within. Racism and the constant re-enacting of society

When the life of the species becomes the ultimate stake, racism as a biological comprehension of the harmful part is only the corollary, but a necessary one, of the very definition of the sphere of action and ends of bio-power. This transformation in which power is progressively oriented towards the protection of life of the human species (*l’homme-espèce*) is simultaneous, Foucault argues, with a process in which the meaning and the vocation of war itself changes radically.³⁰ This is the transformation of war from that which constitutes the society at all times, that is constantly boiling somewhere underneath the social order, ‘constantly re-enacting the balance of forces’, or maybe visible in the constant struggles for power and the perpetual renegotiation of the balance of force, or, thirdly, Foucault observes, by understanding the very fact that the final

²⁹ Society, 255.

³⁰ For a larger discussion of the question of war in Foucault’s work, see Julian Reid, ‘Life Struggles. War, Discipline and Biopolitics in the Thought of Michel Foucault’, *Social Text* 86, Vol. 24, No. 1, Spring 2006, pp. 127-152.

decision of the sovereign as a form of war³¹, to another interpretation of war as that form of struggle in which the society is embodied as a whole in a total war against that which threatens its survival. In other words, this second mode of war will displace the idea of a war of races in which the political surges as the very form of that struggle and will be supplanted by a war of a superior race against an inferior one. This is thus the place from where the enemy surges as that presence inside the political body which surreptitiously works its effects so as to bring forth the decay of the society, all in a biological registry which will pose the terms of the new war as one of annihilation. Foucault defines this new meaning of the race and the context in which it became dominant at the same time with the rise of the nation-state:

[The] idea – which is absolutely new and which will make the discourse function very differently – that the other race is basically not the race that came from elsewhere or that was, for a time, triumphant and dominant, but that it is a race that is permanently, ceaselessly infiltrating the social body, or which is, rather, constantly being recreated in and by the social fabric. In other words, what we see as a polarity, as a binary rift within society, is not a clash between two distinct races. It is the splitting of a single race into a superrace and subrace..³²

A discourse which will inverse the old apprehension vis-à-vis a repressive power apparatus which could be employed by the competing races in order to subjugate Us, but quite to the contrary will constantly discover this race at work against the state, and thus the state itself will become the object of protection of the worthy race in its struggle to constantly discriminate the subrace from its own body, to isolate it from all those place from where it might pose a threat to

³¹ Society, 15-16.

³²Ibid., 61.

the life of the society: “we have to defend society against all the biological threats posed by the other race, the subrace, the counterrace that we are, despite ourselves, bringing into existence.”³³

Thus, Foucault draws a direct link between the emergence of state racism and the new processes of social normalization, in which the state is not primarily the agent of this racism, but first and foremost its object, that which has to be protected against the constant pressure of the sub-race emerging from the very body of the society.

It is this primacy of the nation, or the container of the race, that has to be thus underlined not only as that agent which protects the state, but as that untiring source from where the enemy springs out and poses the origins of the degeneracy of the whole. This danger, which at the same time will make possible the use of an absolute war of extermination against this enemy is also showing an absolute limit of the life of the Race which will push to evermore violent means of the battle. This limit can be expressed as the question of where to draw the threshold between the good race and the malicious race, thus, a very undecidability concerning the line, the definitive line, between what is good and bad, between us and the enemy. The very production of the enemy from within will set the terms of the new battle as a form of war whose tentacles will actually extend all over the society or the dominant race itself. The population, in order to be able to respond to the permanent war, a war which will last as long as the society itself will last, although the dream of purification will constantly haunt the new strategies of power, Foucault underlines³⁴, is becoming thus the very object of processes of normalization. The Race itself is captured in the apparatus of racism. And it is here also, at the heart of this haunting danger that society grows inside it, that the normalization processes will reveal their true horizon: their functioning is not reactive, but preventive, precisely because the enemy is not given, at the

³³, 61

³⁴ Ibid., 257.

extreme he is not even discernible immediately, but constantly produced and in need of being rendered visible.

This is the third mode in which visibility plays a role in the logic of this paper. If the sovereign power strives to annihilate the opacity of the multiplicity by keeping the individuals in constant surveillance through the localizations assigned to each and every one and the biopower assumes in its very logic a certain ignorance concerning this zone of opacity precisely because it can only operate on masses, the problem of the enemy within poses a problem that has to be reformulated in the preventive or securitary logic as follows: this malicious part produced in the very body of the society is dangerous as a group and , first, the constant task of the war is to disentangle it from the majority and render it visible. At the same time biopower's logic, operating in a biological continuum along which lines of separation are drawn according to biological criteria, will have to disentangle the dangerous part, the subrace, from the opaque mass of the population it has under its care. To put it more concretely, the enemy is localized, framed³⁵ in an identity which makes him visible in a certain manner and thus traceable according to the possibilities of specific technologies of identification and control of this figure. At the same time, the biopolitical age which progresses towards the inclusion of more and more realms of the life of its population by constantly de-contextualizing identities, subordinating them to the figure of the mass-man, is defined by an inherent de-localization of identities and contexts, their fluctuation, constant re-shaping and mutual influence being the necessary foundation of the very

³⁵ I use this concept drawing on Judith Butler's notion of the 'frame' as that condition of possibility of rendering an object amenable to recognition and intelligibility as given by the norm. In my reading, Butler's projects is congruous with Foucault's tireless questioning of the modes of subjectification of human beings. Butler Judith (2009) *Frames of War: When is Life grievable?*, London : Verso, especially the Introduction, pp. 1-33.

efficiency of the biopolitical project.³⁶ Stating this in a manner that will become clearer in the next chapter, the figure of the enemy appears thus in its essence as a constantly negotiated field or body which, in extremis, could include each and every member of the society.

³⁶ A point that Butler also stresses in *Frames* cit., 25.

2. Biopolitics, security and war. The sovereign right to kill

What is at stake in this polarity of the political understood as biopower in its tensioned relationship with the disciplinary is to place the present possibilities of putting-to-death in Western democracies inside this paradox which presupposes at the same time the imaginary of a biological continuum which constitutes the field on which biopower constantly multiplies its interventions in the life of the species and at the same time the lethal caesurae, of the same biological type, that are constantly created in order to draw the line between life and death. In other words, racism itself is a notion in need of constant specification in order to understand how it makes possible the biological fragmentation of life and at the same time the killing of one part for the sake of the preservation of the other.

It is here, in this point of tension, that Giorgio Agamben's discussion about the distinction between biological life and political, qualified life, or between *zoe* and *bios*, can be used in order to explain the political exclusion as the moment in which the victim, the *homo sacer* is at the same time constituted as the sovereign who excludes him.³⁷ What I want to argue concisely in the next section is the possibility of reading Foucault's state racism as that form of racism of the society against itself or part of itself along the lines drawn by the genealogical approach of Agamben, who defines the state of exception as the moment of pure decision of the sovereign ban. After shortly reformulating Agamben's argument and explaining the key terms

³⁷ Giorgio Agamben (1998) *Homo Sacer, Sovereign Power and Bare Life*, translated by Daniel Heller-Roazen, Stanford University Press, 153.

that he uses in order to make sense of the present form of politics as the biopolitics of societal security, I will come back to the discussion about the preventive or securitizing logic of biopower by means of a globalizing regime of police in the final chapter and finally restate the issue of the failure of multiculturalism in this context.

2.1 Homo sacer

Giorgio Agamben's theory of the state of exception and his conclusion concerning the age of modernity as the age in which the camp becomes the nomos, the general rule, cannot be understood without clarifying first a methodological point he stresses. The camp is defined as the general, although virtual, rule of our political existence today in virtue of its paradigmatic value. A paradigm, for Agamben, is a singular object which is taken out of a set of objects in virtue of its exemplarity. And as an example, it will function so as to "[define] the intelligibility of the set to which it belongs and that, at the same time, it constitutes".³⁸ In other words, Agamben argues, just like Foucault used the model of the panopticon as an example which rendered more intelligible the mechanisms of disciplines in the 19th century, the camp's function is to be put aside to a number of present practices or strategies of biopower in order to make their working more intelligible in what makes them intelligible as a set.³⁹

Departing from a hermeneutic of the Foucauldian distinction between the sovereign power and the biopower, which emerges in the 19th century as a biological account of subjects as populations, Agamben makes an essential observation, by restating the traditional Aristotelian

³⁸ Giorgio Agamben, *The Signature of all Things. On Method*, Zone Books, New York, 2003, 27

³⁹ *Ibid.*

distinction between two forms of life: *bios*, the good life inside a community, which is a political form of life, and *zoe*, the life of the organism, which is shared by humans, animals and vegetation as pure existence without other qualifications other than this naturalness of simple existence.⁴⁰ His departure from the Foucauldian notion of biopolitics can be formulated as an original insertion of the *zoe* or bare life in the *bios politikos* of any form of good life in Western politics. Moreover, this presence of the *zoe* at the heart of the polis is not accidental, but constitutes the very terrain on which the sovereign is always embodied in its absolute form of decision over the destiny of this *zoe*. In other words, the discrimination of the bare life and the creation of the state of exception in which this life is captured in a condition of abandonment of the law is the essential operation by which the good life becomes visible and the sovereign is embodied as sovereign: “(i)n Western politics bare life has the privilege of being that whose exclusion founds the city of men.”⁴¹

However, what makes the camp in modernity the ‘hidden matrix and the nomos of political space’⁴² is the transformation of the state of exception into the general rule and the superposition without rest of the realms of nature and politics, outside and inside, law and fact, inside and outside’.⁴³ What is crucial in this transformation or, better said, progression of the exception until its identification with the general, the law, is that the sovereign right to operate on the bare life is no longer localized, in time or space, but it becomes the very logic at the heart of authority. The authority will be that which constantly produces separations in the biological body

⁴⁰ Agamben *Homo Sacer*, 1.

⁴¹ *Ibid.*

⁴² *Ibid.*, 166.

⁴³ *Ibid.*, p. 153.

it has under its care and thus discriminate successive layers of *homines sacri* in a dynamic which is theoretically infinite:

[t]he political system no longer orders forms of life and juridical rules in a determinate space, but instead contains at its very center a dislocating localization that exceeds it and into which every form of life and every rule can be virtually taken. The camp as *dislocating localization* is the hidden matrix of the politics in which we are still living.⁴⁴

2.2 The camp, the bare life and the People

What I want to argue at this point is that at the heart of Agamben's thought on the constant negotiation of the lines between inside and outside, between the sovereign political body and the bare life of the *homo sacer* lies a certain tension dealing precisely with the paradigmatic value of the camp. He argues, in stating his point about the paradigmatic character of the camp by considering simultaneously the ineradicable existence of a People, thus of a good life, surging from this mutually constitutive dynamic of the inside of politics and the outside. In his words: "Where there is bare life, there will always have to be a People' – on the condition that one immediately adds that the principle also holds in its inverse formulation – 'where there is a people, there will be bare life.'⁴⁵

What we are going to take from Agamben's revision of the Foucauldian notion of biopolitics will revolve around this problematic of the fluctuating lines separating the good life from the bare life in its potentially infinite or unbounded capacity to generalize a state of

⁴⁴ Ibid., 175, my emphasis.

⁴⁵ Ibid., 179.

absolute indistinction between the two in which all lives are in the state of exception, thus laying bare the urgency of a discussion of the dislocation of all borders in the free space in which inside and outside become mere operational terms for a biopower which actually has no use of such distinctions. In other terms, the very notion of a People will have to be re-stated in the terms of this new field of global biopower. However, an intermediary step has to be discussed, which constitutes a bridge between the Foucauldian reading of biopower and Agamben's revision, if we are to understand how this purely biological global field functions at the same time as we witness the vital weight that the notion of a People plays today more than ever in contemporary forms of war and exclusion.

In other words, if the exclusion is made legitimate as necessary in order to preserve the life of the worthy species, this putting-to-death is nevertheless what Agamben calls the political moment *par excellence*. And this political embodiment in itself will constitute the species inside the political order as the sovereign or, in other words, as qualified political life. Therefore, the rationality of the war inside the "civil peace" and the line drawn between life worthy of being lived and life which is not will have to be discussed in each context of exclusion. At the same time, the terms in which the qualified life are set should also result from this contextualization.

If, as Michael Dillon argues, "the bio of biopower, how human material must be construed to be amenable to different idioms of power mutates across different racial and cultural, as well as digital and molecular registers"⁴⁶, then racism is not that which explains the caesura in the first place, but that which has to be problematized in order to make sense of each form of war, of the weapons employed, be they physical weapons, legal regulations, economic measures or cultural

⁴⁶ Michael Dillon, 'The security of governance' in Wendy Larner and William Walters, *Global Governmentality. Governing international space*, Routledge, London and New York, 2004, p.78

symbols. In this sense, Dillon argues further: “Different problematisations of security and war will depend on how species life is known and classified.”⁴⁷

Thus, classifications are forms of knowledge, inscribed in socio-economic, legal and political instruments of biopower and their use will delineate the figure of the homo sacer at each point in time. And in this sense, I think he makes an important point by suggesting, with Foucault, that the conditions of exclusion are always detectable in those moments of rupture or of visible transformation of the function of specific terms of the dominant discourse.

How is one to punish? Who is it permitted to kill? A Foucauldian analytic of security would investigate a given regime of security, noting how it differs from others. The sources of those differences would most likely be found in changing understandings of truth and power, the redefining of security as an epistemic object, and the changing moral economies concerning the bodies subject to security practices as well as the political rationalities in which all these are bound up.⁴⁸

This strategy of research I think is a very good approach, favoring the moments of rupture, the visible inflection of political discourses and practices which tend to suggest that the lines of separation between life worthy of being lived and life destined to death are again negotiated and the sovereign inside is about to embody itself in what makes it really sovereign – its lethal action through which a part of the inside is ‘taken outside’ in Agamben’s terms⁴⁹.

Thus, the discussion should delineate in the present context the terms in which the war inside the civil peace is played out by the identification of the enemy in what constitutes its dangerous potential menacing the society itself. In this sense, as stated in the beginning of this chapter, the horizon of this war within society is inextricably linked to the question of the social

⁴⁷ Ibid.

⁴⁸ Ibid. p.80

⁴⁹ Agamben, Means without ends, 40.

contract, both from a perspective of political theory but also, and most emphatically, as this theme emerges from political discourses that accuse precisely this failing of newcomers in their new host societies.

And it is in this sense that the notion of “virtual” in the possibility of the activation of the conditions of the camp according to Agamben has to be problematized as such, as virtuality or degrees of vulnerability which is triggered by specific causes or mechanism rendering suddenly visible the “gap between birth (naked life) and nation-state”⁵⁰, the “new fact of politics of our time [and] what we are calling ‘camp’ is this disparity.”⁵¹ If the vulnerability in face of the possibility of the opening of a camp (be this in arbitrary mechanisms of detention or expulsion of border regimes, in zones d’attente in airports and train stations⁵² or in the increasing number of camps of semi-internment in which Roma nomads are confined to, this has to be taken at face value. Agamben himself suggests this when, following Arendt’s argument in her “The rights of man and the end of the nation-state”⁵³ argues:

It is important to note that the camps appeared at the same time that the new laws on citizenship and on the denationalization of citizens were issued (not only the Nuremberg laws on citizenship in the Reich but also the laws on the denationalization of citizens that were issued by almost all European states, including France, between 1915 and 1933.⁵⁴

⁵⁰ Agamben defines it as : the “new fact of politics of our time(and)what we are calling ‘camp’ is this disparity””, In *Means without ends*, 44

⁵¹ Agamben, *Means without ends*, 44.

⁵² Ibid.

⁵³ Hannah Arendt (1975) *The Origins of Totalitarianism*, New York : Harcourt Brace Jovanovich.

⁵⁴ Agamben, *Means without ends*, 43.

However, what is also fundamental in Agamben's argument about the materialization at various points in time of the distance between birth (bare life) and the nation-state is his take on the lethal effects of biopolitics as a sign of malfunction which will bear its lethal effects:

[I]f the structure of the nation-state is defined by three elements – territory, order, and birth – the rupture of the old *nomos* does not take place in the two aspects that, according to Carl Schmitt, used to constitute it (that is, localization, *Ortung*, and order, *Ordnung*), but rather at the site in which naked life is inscribed in them (that is, where the inscription turns birth into nation). There is something that no longer functions in the traditional mechanisms that used to regulate this inscription, and the camp is the new hidden regulator of the inscription of life in the order – or, rather, it is the sign of the system's inability to function without transforming itself into a lethal machine.⁵⁵

At the same time, this malfunction itself – presenting itself in all its urgency in the question of citizenship and the possibilities of denationalization for instance, requires further specification for the present context in which the inscription is no longer feasible and seems to lead to exclusion as the sovereign strategy for the protection of life itself. The very point of inscription in the juridico-territorial and political space is problematic because of the inconsistency of the latter dimensions. This point is better addressed from the field of political geography, which could also contribute to a better understanding of the notion of de-contextualization as de-localization by various forms of nomadism or different insertions in the present juridico-political space of sovereign states. Simply stated, their very existence is at stake in a historical context of the unsettling negotiation concerning the displacement and the re-territorialization of the political in a fuzzy space between local and global. John Agnew suggests something in this sense when he problematises the notion of place as mutually constituted, and not necessarily in a consensual manner, by three different contextualizations of human beings inhabiting space:

⁵⁵ Agamben, *Means without ends*, p.43

[T]he *locale*, the settings in which social relations are constituted (these can be informal or institutional), *location*, the geographical area encompassing the settings for social interaction as defined by social and economic processes operating at a wider scale; and *sense of place*, the local structuring of feeling.⁵⁶

Agnew's argument is illuminating at this point precisely because it displaces the terms in which territory and citizenship are traditionally used⁵⁷. The sovereign exclusion, Agamben's homo sacer, is that existence which is placed neither inside, nor outside the political order. If he is excluded, his existence is not under the form of absolute separation from the law which abandons him, but his very existence is at stake in the relationship of exclusion. In other words, between the inside of the law and the outside of it there is not a dichotomous relationship, the two sides are not that much mutually exclusive but rather in a relationship maintained by the productive space in between, circumscribed by this existence of the bare life. Thus, the very shape and regime of each of these spaces of exclusion is given by the moving line between inside and outside and they can be placed at various scales in which territory (the juridico-political) and life meet and subjectivities are created. As already stated in the introduction of this chapter, Agamben stresses that the exclusion is constitutive of the very body of the sovereign, such that the one who is taken outside cannot be sacrificed but can be killed by anyone inside or bearer-of-sovereignty.

At this point we should be sufficiently safe from conflating this space of exception delineated by the sovereign decision with any geographical location, although Agamben offers some examples in this respect also, like Auschwitz or Guantanamo. However, he argues that the present historical condition places all humans in a virtual state of the camp precisely because at

⁵⁶ John Agnew (1987) *Place and politics : the geographical mediation of state and society*, Boston : Allen & Unwin, 28.

⁵⁷ William Connolly, 'Tocqueville, Territory and Violence' in Shapiro and Alker, cit.

the moment when the state of exception starts to become the rule, with its general “indistinction of nature and politics, outside and inside, fact and law”⁵⁸ the geographical localization becomes futile by the very fact that the general is exceptional and the lethal exception susceptible of indiscriminately applying itself to any existence. In this sense, Agamben constantly offers us instances of the homo sacer and, by arguing that modernity produces this figure in increasingly big numbers he is constantly stressing that the biopolitical project shows its lethal face in those moments when the fiction of the traditional triangle of state territory and nation is disturbed, when the insertion of life into politics becomes visible as insertion of the biological life and the material molded by biopower is taken under its care as such, as biological matter, a life without further qualifications. And in this sense it is no coincidence that Agamben’s privileged example is the same as the one advanced by Hannah Arendt in *The origins of totalitarianism*. Agamben argues, thus:

[By] breaking the continuity between man and citizen, nativity and nationality, they [the refugees] put the originary fiction of modern sovereignty in crisis. Bringing to light the difference between birth and nation, the refugee causes the secret presupposition of the political domain – bare life – to appear for an instant within that domain.⁵⁹

Thus, the refugee or the stateless embodies that figure of life which lacks any other specification or particularity than what it carries with it: its very bodily suffering and needs. This is maybe also what makes Arendt’s paradoxical remark, triggered after the internment of those who did flee from Germany in the 1930s in countries like France: “it seems that we live in an age when no one wants to know that enemies put you in a concentration camp and friends put you in an

⁵⁸ p.153

⁵⁹ Agamben, *Homo Sacer*, p. 129

internment camp” in the end less paradoxical.⁶⁰ In this sense, we have to understand this potentiality of the sovereign decision to exclude in the terms of a reaction, and a violent one for that matter, precisely when this fiction is suddenly unveiled. In Arendt’s terms again: “With the rise of the stateless people (...) the transformation of the state from an instrument of law into an instrument of the nation had been completed”.⁶¹ This last point is actually pointing to an alternative direction of research, which should address directly that category of the good life which seems to embody the best (or thickest) veil covering the rupture or the gap between life and politics, namely citizenship. And by using the metaphor of the veil I don’t mean to imply that this identity is actually hollow, but on the contrary, I would like to suggest that it actually represents a productive cover, and that it should constitute as such the entry point into the discussion of the possibilities, both juridico-political and normative, of the exclusion as the putting to (political) death that we are witnessing today.

This is another way of suggesting an explanation for the apparent paradox set by Foucault who observes that biopower will employ biological mechanisms precisely because its field is characterized as a biological one, and still it will be able to draw lines of absolute distinction so as to establish which lives are to be kept and which not inside a discourse of war in which, in the end, any life can be sacrificed.

Here we can return for a moment to what Dillon is referring as a Foucauldian analytic of regimes of security by restating the war for the preservation of society as a strategy of security. In this sense, Julian Reid notes that what is at stake in the change of the problematic of war once this is the modality through which the society is employing the state in a securitizing attempt is

⁶⁰ Hannah Arendt, ‘We refugees’ in Marc Robinson ed. (1994) *Altogether Elsewhere. Writers on Exile*, Faber and Faber, Boston and London

⁶¹ Hannah Arendt, *The Origins of Totalitarianism*, New York : Harcourt Brace Jovanovich, 1975, p.275

not war itself, but the problem of peace in whose service absolute war is implicitly inscribed.⁶² In other words, he restates Foucault's horizon resulting from the displacement of the modern idea of war as a question of "how to disengage from the processes of subjectification by which life comes to be variably pacified and mobilized" inside an imaginary not of reaction, but of prevention.⁶³ And although Reid's argument is oriented more towards wars between bounded societies, the argument holds equally well for an analysis of intra-societal wars, which represented Foucault's initial project and, most importantly, for the manner in which the war inside the bounded community is constantly shaped and shapes in its turn, the understanding of war outside.

Thus, concisely re-stating the central paradox, the constantly re-shaping enemy, surging as recurrent embodiments of that which society itself produces as the malicious part, will be taken under consideration by the essentially arbitrary process through which biopower constantly produces biological separations in a biological material par excellence. Here, historically, the discourse of the nation and patriotism on the one side, and that of the state and the security (enforced either by the police or the army) met at various points and produced massacres of entire populations. This is one of the paradoxes of the intricate requirement of constant visibility and localization on the one side and, on the other side, the necessary opacity and futility of localizations where the sovereign and the biopower meet. This paradox traverses many other questions, like the negotiation of the public and the private in any society, and sometimes its effects are lethal.

⁶² Reid, *Life struggle*, cit. , 150.

⁶³ Ibidem.

3. The ‘transnational’. The Inside/Outside of global biopolitics and war

In this chapter I will draw on the paradoxes of the co-existence of the territorial sovereignty, the disciplinary society and the biopower in the terms set above by reformulating the question of war and politics in one core distinction that structures still our understanding of international relations, the inside/outside problematic centered on the notion of state sovereignty. In this, the Foucauldian literature on global governmentality has inserted an important challenge to this divide by an-ongoing debate over the space in which traditional sovereignty is still relevant and, as a corollary, to what extent its own biopolitical logic is actually functioning in the service of the global governmentality expansion, thus working towards the erosion of its core source of legitimacy and, most importantly, of its remaining context of bounded, national subjectivity - citizenship.

In the light of the conclusion of the second chapter, what this new tension between on the one side, a global tendency towards de-contextualization through the production of a massifying global population of human rights bearers and, on the other side, the resistance of the sovereign nation-state in its strategy at maintaining its relevance for a bounded community would seem to announce an even more lethal effect of the paradox of the visible in the body of that which becomes more and more opaque as a global society/population. In this sense, the present events we are discussing should show that the inside/outside debate should be reconsidered increasingly, as this has already been addressed recently, having at its core the very bodies across

which this divide is most visibly fluctuating, negotiated today.⁶⁴ What is suggestive in the ongoing literature that brings in a dialogue the Foucauldian biopolitics and a reflexion on the modalities of political exclusion today is the increasingly relevant conceptualization of a third space between the traditional realms of the domestic and the international, in which specific actors employ their new art of government in the management of the populations inhabiting this third space or that should be relegated to this space.

3.1 The inside of the sovereign state

In a very schematic manner, the question can be posed along the following lines. The biopolitical project underpinning modern western polities is driven by a productive tension at its core. All by having as its material a biological continuum, its functioning is the constant working of multiple separations in this continuum so that the good life, the worthy life can appear as that form of life for which death is not too big a price. If we follow the path that seems to be opening by problematizing the “virtual” in Agamben’s theory of the camp and of homo sacer vis-à-vis the People, that is if we take as a cornerstone the idea of citizenship in what this contains as both juridico-political and symbolic promises and guarantees, a theory of the inside/outside delineated by the sovereign exception appears inextricably linked to the parallel discussion of the inside/outside constituting the mode of understanding of the international system today. At the intersection of these two processes of belonging and exclusion, the questions of violence,

⁶⁴ Michael Dillon, ‘The scandal of the refugee: some reflections on the ‘inter’ of International Relations and Continental Thought’ in David Campbell and Michael J. Shapiro, *Moral Spaces: rethinking ethics and world politics*, University of Minnesota, 1999.

security and legitimacy have to be addressed in their dialogue as the landmarks of what a sovereign is still thought to be.

This last point brings us closer to the present task at hand, that is the understanding of the present imaginary of war inside society as a regime of security, in which the modalities of self-preservation are inextricably linked to the specific figure of the enemy and of the danger it poses to the continuation of the good life and, in last instance, to the instruments which are to be employed in this war. In other words, if the biological continuum constituting the space of biopolitics is in this way reformulated not only as constantly fragmented space of identities, eventually going with Agamben by always changing lines of inside/outside by the opening of a space of exception, the manners in which qualified life is characterized in each instance of production of a caesura is what would constitute the task of any critique of the “changing moral economies concerning the bodies subject to security practices as well as the political rationalities in which all these are bound up”.⁶⁵

In 1993 RBJ Walker set succinctly as the terms of the traditional common place of this line of separation that founds Western politics as a fundamental distinction between the political, good life and the anarchical, Hobbesian existence of the outside.⁶⁶ What Walker also observed in the same context and which is quite suggestive for our purposes here is that the very solution to some of the predicaments of such an imaginary of politics inside brings forth a specific solution to dilemmas surging from it, like for instance the key of the problem of inclusion in a political form of life, which would reproduce at a larger scale the solution of the state in the form of a

⁶⁵ Michael Dillon, ‘The security of governance’ cit., p.78.

⁶⁶ RBJ Walker (1993) *Inside/outside : international relations as political theory*, Cambridge University Press, 174

global cosmopolis.⁶⁷ Thus, in other words, a global peace can only be formulated in the terms set by this imaginary of politics inside the civil peace.

However, we can also reflect upon this argument in another way: if this imaginary of politics is the origin of any solution deemed legitimate or feasible on the bigger, international or global scale, than contemporary forms in which peace is exported and implemented across the globe by a discourse of a global war on terror for instance, its imaginary of a global regime of policing with greater and greater webs of collaboration of ‘professionals of security’⁶⁸ bring forth the conclusion that the very terms in which peace is imagined as possible and desirable today seems to be the cause of the multiform and apparently unending mode in which we are all, today, in a state of potential war and under the threat of a specific enemy whose presence is looming everywhere, inside and outside, in the Afghan hills and the local supermarkets, where a bomb could at any time be about to explode.

This last reflection goes against the apparent consequence that could be drawn from Walker’s theoretical reflection and actually inverses Walker’s point. While in his view the two realms of an inside and an outside are mutually constitutive to the extent that there is the very border in-between, our suggestion is to look at the manner in which the border transforms itself into the space of biopolitics par excellence and, moreover, its progressive growth restricts in the same rhythm the very relevance of the two realms as a consequence of the temptations of global peace modeled on the image of the ‘civil peace’.

⁶⁷Ibid., 179.

⁶⁸ Bigo, Didier, Sergio Carrera, Elspeth Guild, R.B.J. Walker (2007). The Changing Landscape of European Liberty and Security: Mid-Term Report on the Results of the Challenge Project. Research_Paper n°4. Bruxelles, CEPS, available at <http://www.ceps.be>

3.2 The Security of Biopolitics in the in-between of the “transnational”

The Foucauldian literature that continued the governmentality model set up by Foucault has displaced this question in a form that can be formulated from the very tension of the tendency towards a bounded community under the rule of a sovereign form of power and the global vocation of biopolitics operating on the indiscriminate biological bodies of man-as-species. In this sense, a paradox can be suggested in order to make more clear this problematic coexistence. This paradox is constituted by a radical change in the understanding of the inside/outside of international relations theory and practice which makes, on the one hand, the outside more and more a space of policing and administration along bureaucratic, governmentalized strategies, and the inside of domestic politics a more and more opaque space in which political subjects become so heterogeneous for the sovereign that their living together seems to be progressively menaced by a rather Hobbesian conflict in which people no longer speak a common language and are less and less inclined to respect the civil contract meant to protect them from the nasty life of the outside/state of nature. In this sense, the inside is more and more formulated in the terms of the outside, while the outside is progressively enveloped in and traversed by managerial strategies of pacification and ordering along a logic of the police⁶⁹. In this sense, it is no wonder that the problem of security has provided a privileged point of insertion into this problematic of the indistinction in terms of both means and ends between the ‘inside’ and the ‘outside’.

And here Balibar’s suggestion to reconsider not only where borders are, but, more importantly, what borders are made of and by whom today, can be put in a dialogue with a theme

⁶⁹ Bigo, Didier (2008). *EU Police Cooperation: National Sovereignty Framed by European Security? Security versus Justice? Police and Judicial Cooperation in the European Union*. E. Guild and F. Geyer. Aldershot, Ashgate, pp. 91-108.

raised more recently by Didier Bigo and RBJ Walker in a very much similar manner when they discuss the new “universe of professionals of (in)security at the transnational level”.⁷⁰ The transnational in their reading becomes increasingly a separate space in which neither the institutions of the international system nor those of the domestic system (with its constraints of legitimacy and accountability, rights and liberties of the citizens etc.) are actually prevailing, but a new regime in which the actors have re-invented their identities, their rationality in the name of security and the very limits of their action in a progression of contingent reactions to the figure of the new enemy – terrorism.

What is striking in their detailed discussion of this contingent construction of the new regime of global security is the convergence of two dynamics that illustrate at a different scale what we set in the previous chapter as the lethal tension of the coexistence of the disciplinary and the normalizing rationalities of the sovereign and the biopolitical power. Shortly restating the argument made by Bigo and Walker, the new regime of global security is worked through by two tendencies and, again, the contingency of their construction is essential. First, the figure of the enemy par excellence, the terrorist, exceeds the logic of the territorial separations of states in the international system. In this sense, it seems that the protection of each member of the system stands in a common defense of the good life against the anarchical, murderous actions of this enemy. And this collaboration in the name of the common protection is nowhere more visible as in the immense growth of lists of dangerous persons. These lists are composed by states but also by various, sometimes competing infra-national agencies, public and private, they are then negotiated bilaterally, at regional levels and also in the biggest international forum, the UN,

⁷⁰ Bigo, Didier, R.B.J. Walker (2008). *Le régime du contre-terrorisme global. Au nom du 11 septembre... Les démocraties à l'épreuve de l'antiterrorisme*. D. Bigo, L. Bonelli and T. Deltombe. Paris, La Découverte, 12

although at this level no agreement on a common list has yet been reached.⁷¹ And these lists, in turn, have visible effects which show a laborious growth of strategies by which these enemies are to be identified, their circulation blocked, their access to various goods impeded.

At the same time, the authors underline, this effort of permanent disentanglement of the enemy, “potential or actual terrorist”, meets the other logic that allowed the development of this regime of global security. This is the more obviously biopolitical account of the global population threatened by this pernicious enemy.⁷² Once the danger is formulated in the terms of a permanent production of terrorists by the very (global) population that needs protection, in a logic that tries to prevent the growth, the proliferation of this danger, the lethal effects seem to confirm what we posed as the core paradox at the intersection between the disciplinary and the normalizing and preventive logics in the production of not only *homines sacri* in increasingly high numbers, but also, and most importantly, in the even bigger category of collateral victims. The two examples that they offer : the famous case of the young Brazilian suspected of being a terrorist and killed in the London tube by the British antiterrorist forces (“the shoot to kill policy”⁷³) or the case of innocent people arrested in unclear contexts in Afghanistan and sent without trial in detention as ‘enemy combatants’ without any legal protection, stand actually not for simple accidents, given that the very rationality of the new war is founded on the fuzzy borders between innocents and criminals and the ambiguous space in which the innocent could become the next terrorist.⁷⁴

⁷¹ Ibid., 10.

⁷² Ibid., 1-5.

⁷³ Ibid., 9

⁷⁴ Ibid. Bigo and Walker discuss at length the productive category of ‘potential suspects of terrorism’, how this identity is assigned, how states negotiate the number of their nationals on the list of other states, 10-12.

It is here, thus, in this fuzzy space in which governmental agencies, secret services and other actors negotiate the quotas of enemies on each of these lists that a new state of exception seems to be opening, so inclusive as to illustrate how the paradox we set initially between the competing urgency of visibility which secures for the sovereign the contexts in which it can always trace its subjects and make use of their potential in a cumulative logic of the whole, and, at the same time, the opacity of the massifying logic of biopolitics, necessarily leading to a sovereign decision to kill the lives caught in this ambiguous space. In Bigo's terms, the state of exception seems more familiar to the present situation of the growing numbers of migrants, refugees and nomadic peoples which seem to converge into a new form of the stateless, captured in a productive space in which their identities are ambiguous, which makes them at the same time victims in need of protection and potential sources of danger.⁷⁵

The other productive space in which *homines sacri* can be produced in potentially limitless quantities is what Bigo and Walker define as the security regime enveloping the category of 'home grown terrorists'.⁷⁶ The word 'home' in this formula is no longer signifying in reality any home or bounded location that much, but seems to suggest precisely the pervasive presence of that being which knows no borders, the enemy within the society which actually renders transparent the very vulnerability or maybe even futility of this category in the context of the global war on terror. The massifying threat of biological annihilation thus renders each and every one at the same time a potential victim and, no less so, a potential terrorist.

⁷⁵ Didier Bigo 'Detention of Foreigners, States of exception, and the Social Practices of Control of the Banopticon' in Prem Kumar Rajaram and Carl Grundy-Warr, *Borderscapes : hidden geographies and politics at territory's edge*, University of Minnesota Press, 2007, 5.

⁷⁶ Bigo and Walker, cit., 8.

Thus, restating the initial point about the present regime of global governance, biopower, in order to work through its biopolitics at a global scale needs to generalize this governmentality which is the combination of the sovereign rule over the exception with police as its channel of action. However, in order to function as a truly global governmentality, precisely in order to become global, it needs the artifice of a separation of an inside from an outside, playing the survival of the inside on the challenges to be overcome in the outside and, as a corollary, the policing of the outside by the same means as the inside. The best illustration of this growing indistinction is the circulation of the same type of enemy between inside and outside.

These arguments lead then to a number of questions if we want to understand how this indistinction between the sphere of domestic politics and the realm of the inter-national is functioning without making apparent the futility of either of the two realms, but their very consolidation in this reciprocity. Here, we reconnect with the observation made in the previous chapter on the necessity of understanding the figure of the new enemy by means of an intermediary step in which to consider the privileged modalities of political exclusion today. Simply put, the explanation could be stated along these lines: the similar means of policing both realms under the ambiguous but overarching discourse of the need for security, its apparently paradoxical discovery that actually the enemy is the same in both realms, is made possible by the growing predicaments posed by this collective figure of populations whose identity or allegiance is difficult if not impossible to trace back to a single citizenship and a clear belonging to a state recognized in the community of the civilized world as a legitimate actor.

This collective, faceless actor whose volatility, or delocalization along the territorial imagination of Western nation-states is evident in its constant circulation across border mirrors the present discourses on the failure of multiculturalism that touch upon a so-called cultural

obstacle allegedly impeding most of the newcomers to integrate precisely in virtue of their unrootedness. They refuse to assume the set of values of the liberal democratic societies of the West. And it is in this sense that the looming danger posed by their potential volatility or capacity to create linkages with their volatile kins , their lack of loyalty, is amenable to a reading of the new societal struggle along these cultural-civilizational (and maybe most importantly religious) lines.

In this sense, the argument of this paper strives to bring forth the necessity in any consideration of the discourses on the failure of multiculturalism to analyse the reformulation of the means and ends employed in this increasingly indistinct sphere neither inside nor outside, and of the figures of those most vulnerable to the threat of being relegated to the condition of inhabitants of this space. The task thus should be to question, along these terms ,each context in which politics is increasingly defined as the war of society in its own defense or in the defense of the state or maybe of humanity, the modes of construction of the enemy and the concomitant embodiment of the ‘inside’.

In this inversion of the traditional understanding of the inside/outside, as formulated in Walker, and of the legitimate means of action in each sphere we should question the very terms in which this “real” obscurity becomes suddenly visible as a problem for the sovereign state which thus would recognize being exceeded by a change whose inner workings are somehow independent from the intended outcomes hoped by the “traditional” sovereign biopower. On the contrary, this inversion has as its sole function to underline a progressive transformation of the modes in which the inside is formulated as a sphere of political action in which means and ends are to be adapted in order to answer the challenge of a dysfunctional heterogeneity of the body politic. Moreover, this dysfunctionality is far from being addressed by means of a political

dialogue and instead, as this was clearly illustrated recently in dilemmas of “naturalization” of older and newer generations of migrants in European states, it was posited as already a failure and the terms of the retrenchment formulated in a security logic against new-comers and, most importantly in the argument of the present study, by new means of exclusion of those who already slipped in.

Conclusion

The puzzle that opened this study was suggested by the very terms in which European discourses on the ‘failure of multiculturalism’ seem to communicate immediately, thus naturally, with a more ambiguous but nevertheless almost tangible discourse on threat, societal danger and precariousness of the civic bond, and further toward the theme of the societal mobilization in defense of the state and of the state at the rescue of society in tones that almost recall the horizon of a draft in a war in which we are all soldiers against a new figure of the enemy. This context seemed to nicely fit into the vast literature on the ‘war on terror’ and Islamic fundamentalism, but once we placed the question of the failed multiculturalism so as to mirror its polar opposite – the question of citizenship and the nation-state, a new path seemed more promising by re-visiting the question of war within society in Michel Foucault’s work. In this initial theoretical stage our contribution was to re-situate what Foucault argued it is still our historical condition, that is the coexistence of a disciplinary society with a biopolitical rationality that operates on a different level, on a different mode of subjectification, but in a mutually consolidating way most of the time. At this point, the restatement of this coexistence of two rationalities was formulated as the double imperatives of visibility and massification/opacity in which subjects are caught (by means of different apparatuses) which, we argued, can only be lethal, although the moments when they intersect each other are always to be defined in the context of their possibility of becoming a ‘problem’ to which a ‘solution’ can be brought.

From this stage on, the predicament of the possibility of identifying the moment in time and the terms of the failure of a discipline like the integration of foreigners inside liberal societies was moved in this Foucauldian universe structured by the themes of war and politics,

politics-as-war and later the war-for-the-sake-of-politics or the good life. And because this second stage raised another dilemma, simply stated, that of the political decision over the start of the war, in the description of its terms and means, in the identification of the enemy and, most importantly, in the condition of exclusion from the body of the 'civil peace' required a theory of the (sovereign) decision as this is provided in a very eloquent manner by Giorgio Agamben's genealogical projects (*homo sacer*, the camp).

The contribution we suggested in this stage was to bring this reflection upon the sovereign decision, which is sovereign or absolute only in the moment when it embodies itself as the 'power of the sword' in Agamben's terms again and identifies that form of life which should be excluded/killed, inside the Foucauldian state/nation racism as that discourse of the danger of the race always surging from within the society or the worthy, superior race. And here the terms of this superiority are always historical and the lecturer can maybe identify some of them inside the discourse of the universal value of liberalism, which should impose itself even when and where is not desired. What this insertion of the sovereign decision inside the Foucauldian problematic of politics and war revealed was actually a potential way in which the Agambenian paradigm of the camp as a virtual condition in which we are all caught could be weakened by the very logic which he presupposes: the *homines sacri* will always have a counterpart in a People, in a qualified life of the *bios*, the good life. We posed here and identified the cornerstone of this good life as the quality of citizen and the guarantee, however shifting, precisely because it is now shifting, of citizenship/nationality.

The third step then revealed itself necessary more like a challenge to this dialogue of genealogies and political theorists. War and politics, society and the enemy as the other race inside the civil peace sound interesting, but how can we ignore the agglomeration of scholars in

this space which is no longer the ‘national’, the ‘domestic’ order of the civil peace but dominated by this other, so much vaster war on terror on a global scale? And at this stage the already intricate reasoning focused on the figure of the enemy inside the discourse of war, of its surreptitious presence eroding the life of the society seemed to impose itself again in order to clarify its own relevance both as an intellectually viable questioning and also, maybe most importantly, as a relevant perspective on a real predicament of real men today.

At this point the argument shifted its attention to the very conditions of possibility of naming the enemy by identifying the locus occupied by the sovereign today? It is clear that Sarkozy is the ‘boss’ of the French state and he defined the enemy of the nation and the state in this quality, but the figure of his enemy is in not significantly different from that of Cameron or Bush for that matter. If we re-consider for a moment the terms of these discourse on multiculturalism, the enemy is clearly named by identifiable state leaders, but they have been caught in a regime of international, supranational management a long time ago and the apparatuses in which they are increasingly framed have to dig deeper in order to discover the real locus of sovereign decision on bare life. This, we argued in the last part by drawing on a growing and significant scholarship on regimes of security, is to be found maybe in the most unexpected places: in the secret meetings of these growing ranks of ‘professionals of (in)security’ in Bigo’s terms, in the secret prisons spread all over Europe or in the camp at Guantanamo, as Butler⁷⁷ and Agamben argue very convincingly.

In a final reconsideration of this trajectories of the research, we can argue as follows: precisely because citizenship is today that which prevents bare life from appearing in the body of the politès, the bios of the members of a People, we witness the expanding terrain in which the

⁷⁷ Butler Judith (2009) ‘Guantanamo Limbo’, *The Nation*.

struggle over the prerogative (public or, more importantly, increasingly secret or private) to define who is bare life and how he should be excluded is fought so hard. The real question appears thus as such: how is the sovereign exclusion confining this contemporary bare life in the field delineated by secret services and secret prisons, in which people are arrested and detained without being judged⁷⁸ or are defined as ‘combatant enemies’ and thus are suddenly suspended in a state of exception, in a condition in which they are ignored by law but not freed from its agents? In this, the final mode in which we hope this paper has made a contribution was to show that the scholarship on global governance should orient increasingly not only to those wars fought in faraway places in the name of ‘our’ values, but precisely on these new wars that surge within-society and the civil peace against an enemy who has to be identified in this realm of the ‘inside’ in order to make visible the ‘true’ society, the ‘big society’ by this new embodiment of the sovereign: the police. It is less surprising then when we recall Sarkozy’s warning: whoever shoots at the police, hurts the nation. Indeed, what would our ‘nations’ today be without police?

⁷⁸ see for instance the administrative tribunals organized during sarkozy’s mandate to filter the presence of people on the French territory

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