Shame, Identity and Modernity:
On the Politicization of the Subject

Fabricio Pontin

Introduction

Nowhere in modern political thought is the notion of political and ethical identity more sharply distinguished than in Kant. In the Prussian author we see an attempt to cast two "realms" of action for the individual; on the one hand we see the individual trying to make sense of his own conceptions of values and reasoning about what "is" right and wrong. These conceptions of values will, in time, create a sense of personal identity and values that constitute an identity – a "self". On the other hand, these same conceptions will be in tension with the public realm in which the individual is inserted: even if personal convictions take the communitarian insertion of the self as a starting point, they are, in Kantian language, "abstracted" in order to build a sense of morality in the self. Still, the self that comes out of this program of "abstraction" enters in direct conflict with that same political reality he was attempting to abstract. In this sense, individual conceptions of good are mitigated (and limited) by public coercion. My individual life is constrained in a public space.

There is no way to overestimate the impact of Kant's reflections on identity and subjectivity. In fact, his analyses of political philosophy have dominated the discussion on these matters, especially when we talk about identity and the rights that come associated with a certain conception of individual. After Kant we seem to have made our peace with the fact that we are ourselves as we conceive of ourselves, but that our self is also affected and limited by our political surroundings. The discussion on political philosophy – and moral philosophy, to a lesser extent – has been a discussion on how to mitigate this situation.

However, when we use the terms used by Kant to analyze our current situation as subjects, as individuals trying to make sense of our identity (say, Brazilian, student of philosophy, foreign, Italian, anarchist, pro-choice, etc.), we also find out that these conceptions are limited for the complexities of contemporary life. Contemporary life seems to defy any static notion of being-a-subject. Classical categories of political philosophy, the "private" and "public" space, the individual and the political life, the "right" and the "left" ideology, the class divisions and even the state boundaries have lost much of their relevance as categories for analysis and comprehension of politics. Our private space has been politicized deeply, and the public space has been left para-

doxically private. Any one might be under surveillance in New York, but the cameras cannot really control much. We have the complete description of our biological constitution in the Genome Project, but what does that really say about our personal constitution? It seems we have never had so much information about our surroundings and about ourselves, and yet there is a sense of nausea that comes with how little we actually know.

Michel Foucault arises, in this context, as an interesting way into the debate of liberalism and modernity. Foucault's main concern, it seems, was with the space that the expression of one's own identity had once the idea of the subject became normative. That is, once the individual is defined and constrained by sovereign decisions, how is it possible to "recover" the space for expression? Emotional tonalities, in this context, become increasingly important. Are we going to reduce the modes of expressions of determined experiences to the definition of the "proper" use of these expressions? It seems to me that Foucault pointed at a relationship between emotional tonalities and political philosophy, one that situated the importance of an emotional tonality "q" to a certain political action or phenomena. For Foucault, not only do emotional tonalities have a role in social action, but they are also fundamental for our understanding of the structure of social action and organization.

In order to illustrate this relationship, I will take as an example the case of shame. My contention is that the notion of "nuda vita" (bare life; Bloss leben), as developed by Giorgio Agamben, is an attempt to find in the structure of shame the most fundamental emotional tonality for the understanding of self-identity and the development of our identity as it relates to others – better yet, how others participate in the development of the "self". But in order to understand the development of Agamben's notion of bare life, we need to first investigate into Foucaultian biopolitics that are, in Agamben, operative in the processes of "subjectivation" and "desubjectivation". In what follows, I want to stress the importance of shame as an operative concept and experience in the political philosophy of Foucault and Agamben. In order to do so, I will defend that, already in Foucault, the passage of anatopolitics into biopolitics draws the emergence of the politics of bios as a politic of shame, that is, the use of the dispositifs of power, in the state, as dispositifs of desubjectification – of a weakening of the subject into the so-called "docile" and "exposed" bodies that will be disposed by

governments. Subsequently, I will take on Agamben's re-appropriation of Foucaultian vocabulary and his unique reading of biopolitics under the lights of Levinas' philosophy. My intention is to show that Agamben's take on Foucault expose both the advantages and limitations of working with a "weak" notion of immanence (such as it is the case in Foucault) and an ontology of political thought (as Agamben clearly seems to attempt). Finally, I want to point at the first appearance of the term *biopolitics* in Foucault's philosophy in order to investigate how Foucault could give us not only a critical clue of interpretation of political liberalism, but also offer a way into understanding the historical emergency of subjectivity.

1. From anatopolitics into biopolitics

I want to dislocate the discussion of anatopolitics and biopolitics from the usual field wherein these discussions operate. Usually, the discussion of the passage from anatopolitics into biopolitics, in Foucault, focuses on the relationship between knowledge and power, and how the establishment of determined forms of knowledge is taken over by the government as a mechanism of domination. In anatopolitics, the main concern of the sovereign is with the creation of dispositifs that will control the body and the movement of subjects – prisons and mental hospitals are Foucault's favorite examples here. From crime up to etiquette, the social framework is marked by this structure of power – Foucault calls it a technology of power. Very well, biopower, conversely, is a new "phase" of anatopolitics, where governments are no longer concerned with the physical coercion of its subjects, but the structure of the subjects themselves. That is, the power of the sovereign is no longer focused on the bodies, but on the definition of who is allowed protection and how protection is fulfilled. It is interesting to note that both anatopolitics and biopolitics are operating on a grammatical level, that is, on the definition of the linguistic limits of what constitutes a body and what is life and what is a subject. I realize this is already clear in the biopolitic phase of Foucault's work, since the bios is only under the control of the sovereign once it is reduced to a definition, but on the level of the body this is not so clear: Foucault wants to hold that

the disposition of bodies by the government is only possible because the definition of the normal and the abnormal is also under the control of the sovereign. That is, the normal conduct, the normal person, is something which is defined by psychiatric and judiciary power – both under the control of the sovereign.

My interest, however, is somehow marginal to the discussion on the relationship of power and knowledge in Foucault. Though I do not dispute this narrative, I want to take it a bit further in order to investigate how both modes of control operate directly into the subject. It seems to me that both the power over bodies (anatopolitics) as well as the power over life itself (biopolitics) indicate the exploration of a determined emotional tonality in the self that will be depleted in order to allow the process of desubjectification in which governments can take over the space of individual expression. In a sense, both disciplinary and normative power over life operate negatively into the space of individual expression, first (in a disciplinary dimension) defining the space wherein expression is possible, and later (in a normative, biopolitical, dimension) defining what is the self that can possibly express its own subjectivity.

Perhaps this is not persuasive enough. Just claiming that a determined emotional tonality is being depleted by a sovereign power is too vague, and I still need to show how this is the case. If one looks at the history of torture, for example, the political relevance of the process of desubjectification becomes denser. Let us see the procedures that are defined as "Harsh Interrogation Techniques" by the CIA:[1]

1. The Attention Grab: The interrogator forcefully grabs the shirt front of the prisoner and shakes him.
2. Attention Slap: An open-handed slap aimed at causing pain and triggering fear.
3. The Belly Slap: A hard open-handed slap to the stomach. The aim is to cause pain, but not internal injury. Doctors consulted advised against using a punch, which could cause lasting internal damage.

---

[1] These are the descriptions that the CIA provided for ABC Networks in 2005. See: http://abcnews.go.com/WNT/Investigation/story?id=1322866, last access: 03/28/2011.

4. Long Time Standing: This technique is described as among the most effective. Prisoners are forced to stand, handcuffed and with their feet shackled to an eye bolt in the floor for more than 40 hours. Exhaustion and sleep deprivation are effective in yielding confessions.

5. The Cold Cell: The prisoner is left to stand naked in a cell kept near 50 degrees. Throughout the time in the cell the prisoner is doused with cold water.

6. Water Boarding: The prisoner is bound to an inclined board, feet raised and head slightly below the feet. Cellophane is wrapped over the prisoner's face and water is poured over him. Unavoidably, the gag reflex kicks in and a terrifying fear of drowning leads to almost instant pleas to bring the treatment to a halt.

As forms of disciplinary punishment, all these conducts would fall, in Foucault, under the definition of anatopolitics. Certainly, we can all agree that they aim at inflicting pain and terror in the subjects, but is that all there is to these processes? It seems to me that it is possible to point at a process of desubjectification at play here. How so? The individuals are not only exposed to physical pain and an immediate sensation of horror – they are indeed faced with the limits of their own bodies and expression. Every one of these punishments have in common a radical restraint in the prisoner's body in order to "weaken" the power of the individual and cause a "break" in the resistance of an uncooperative subject. However, the critical element is not the defacing of the identity of the self, but the political exploration of this process. Interestingly, Foucault seems to have pointed out that shame, in this sense, is already operational in the government and protection of society as a way of creating the "docile" bodies that government can dispose of for war, interrogation, incarceration, and so on.

The movement into biopolitics will dislocate the "place" of the sovereign in the sense that the power over the subject is no longer located in establishing a "docile" body by external force, but by domesticating life by defining the stances in which life is worthy of protection and how it is worthy of protection. In this sense, the processes of subjectification and desubjectification are from the beginning limited by a sovereign imposition of modes of living and normative differences for different "profiles". Please note that Biopolitics is not only negative – it grants

an important set of rights, such as social security, public healthcare, and public hospitals – but Foucault is quick to point that the right to social security, public healthcare and public hospitals (just to point out some examples) is dependent on whether or not one is contemplated as having rights. Racial and social identity are not a matter of an individual making sense of his own history, but rather a matter of external imposition of a profile that will grant you more or less protection – or, in some cases, no protection whatsoever.

Just as disciplinary power had operated on the level of desubjectification by imposing constraints to the individual, now a normative imposition defines the limits wherein expression will occur in order to be granted protection. Now the dispositive of power is no longer a physical object (the instrument of torture, the hospital, the hospice, etc.), but a form of law imposing the forms of living. Legislation operates directly on the bios, and the most sophisticated form of biopolitics – and, consequently, of desubjectification – will attempt to regulate sexuality and the expression of sexuality.

2. Biopolitics and the play of immanences in Foucault: an interlude

Still, sexuality is also a way *out* of the dynamics of domination and control in Foucault. In Foucault shame is operational, in a less structural sense than what we usually find in immanent narratives. I will need to spend some time here on the Foucaultian take on immanence in order to explain how it is possible for individuals to turn the process of desubjectivation and domination inside-out.

In *On the Archeology of Sciences*, Foucault looks back at the project of The Archeology of Knowledge and its discursive practices of truth. It seems that a particular passage in that article summarizes what is at stake both in the Foucaultian conception of truth:

These discursive sets should not be seen as a rhapsody of false knowledges, archaic themes and irrational figures which the sciences, in their sovereignty, definitively thrust aside into the night of a prehistory. Nor should they be imagined as the outline of future

sciences that are still confusedly wrapped around their futures, vegetating for a time in the half sleep of silent germination. Finally, they should not be conceived as the only epistemological system to which those supposedly false, quasi- or pseudo-science, the human sciences, are susceptible. To analyze discursive formations, positivities and the knowledge which corresponds to them is not to assign forms of scientifically but, rather, to run though a field of historical determination which must account for the appearance, retention, transformation, and, in the last analysis, the erasure of discourses, some of which are still recognized today as scientific, some of which have lost that status, some have never pretended to acquire it, and finally, others have never attempted to acquire it. In a word, knowledge is not science in the successive displacement of its internal structures; it is the field of its actual history.[2]

This is one of the few places in Foucault's oeuvre that one is able to find a direct definition of what knowledge is and how it is posited as an available form. The first thing we know about knowledge in the Archaeological method, then, is that it is discursive. The author is concerned with the discursive practices that seek to establish knowledge as truth. However, it is important to stay attentive to the multiplicity of knowledge in Foucault. In the aforementioned quote, Foucault informs the reader that sciences have a claim of sovereignty on what is knowledge. One who is familiar with Foucault will clearly identify an imposition in this claim, since the act of sovereignty is an imposition of knowledge from the outside – as the form of rationality that imposes the discourse on madness, or the Order of Resemblances that imposes relation of things and ideas-of-things as necessary.

For Foucault, the condition of possibility of knowledge is not some transcendental Being or in a dialectical relation of past and present points given in revelation. Knowledge is singular in its relation to itself, but it is multiple in its narrative relevances. It is also invented as a narrative practice, as a field of illimitable possibilities of truth and knowledge that are subsequently posited from different conceptions of truth and

---

[2] Foucault, 2000, p. 326.

narration. Everyone who has a language will have a different claim at a "truth" from within one's own discourse.

When I speak of a weak notion of immanence in Foucault, this is the main point at view: The forms of knowledge that are had as actual are actual insofar they arise from certain discursive practices. Had Foucault developed a strong notion of immanence, we would find a substantial form of knowledge that would pertain to all forms of regional knowledge. Such a condition of possibility is not had in the archaeological period of Foucault's philosophy. However, Foucault does develop a weak notion of immanence in the sense that forms of knowledge trust the relevance of discursive practices and the individuals that are performing these practices. Foucault will defend that certain aesthetic practices imply different regimes of desire and power that are more or less relevant to conceptions of truth.

Maybe it is still not clear why such implications are understood as a weak-immanence. The key here is Foucault's regional use of actual positing of history. Actual History, in Foucault, is not had as a stable form that establishes a strong sense of Reality. It is rather had as an actual history of *a* form of knowledge, *a* determined conception of truth. Any attempt to super-impose these local practices and conceptions of truth is met with the accusation of sovereignty, of imposition of forms of knowledge against practices of the self. Sovereign power, in the form of scientific positivism or grammar, will try to "pacify" this multiplicity of claims into a standard form of truth.

In short, Foucault's epistemological perspectivism is overall incompatible with a strong notion of immanence; it is also incompatible with a notion of transcendence. Honneth points this out very well when he writes that for Foucault, every type of knowledge "must be seen as being so closely bound up with a given relation of power that a transcendent perspective from which these processes could be defined as deviations from an ideal situation is no longer possible".[3]

This discussion brings direct consequences for the understanding of emotional tonalities in Foucault, especially as they refer to politics and power. For Foucault, it is clear that there is not a single structure

---

[3] Honneth, 2007a, p. 40.

that will enable us to speak of shame, for example. Foucault is more interested in how shame appears in discourse, that is, when one claims to feel shame or to be ashamed of something; the discursive practice already constitutes the feeling as truth. This is clearly a consequence of what I called a "weak" notion of immanence in the author: truth is constituted by discourse, and in this discourse we can analyze how shame is operative in that subject.

However, because we are dealing with discursive practices and not with regular or static structures that hold this process of "constitution" of truth together, Foucault manages a way out of the riddle of control and desubjectification. This way out is characterized by an inversion of the mechanisms of domination – the dispositive.

But how is that possible? This is possible because the emotional tonalities that are explored by sovereign power in order to constitute a repressive regime of truth can be turned upside down as mechanisms of resistance. In this sense, Foucault does not accept the idea of a static structure for emotions – or for knowledge in general, for that matter – turning the project of enlightenment into a project of resignification of practices.

Again, I must get back to the example of torture. In the last volume of *The History of Sexuality*, Foucault spends a long time describing the practices of domination and submission in sadomasochism. Regardless of what one might think of Foucault's choice of example and lifestyle, he is trying to point out the redefinition of dispositifs of punishment into dispositifs of pleasure. The care of the self appears as an antidote to the technologies of power. The shame of being "subjected" or "reduced" is now reconstituted as a form of re-approaching the limits of one's own body as something to be celebrated. This is the emergence of the technologies of the self as a "positive" side of biopolitics, the care for one's own body, one's own identity and the exploration of one's relationship with others as something that does not need to be mediated by the pre-defined conceptions established – grammatically and constitutionally – by a sovereign power. Freedom, in Foucault, will be embracing the limits of one's own self while at the same time emancipating the construction of one's own identity and expression from the restrains of an external power.

But this is only possible because Foucault operates outside the realms of a substantial notion of knowledge and a structural defini-

tion for emotional tonalities. This undoubtedly moves him away from the grounds wherein Agamben will take the discussion on shame and politics. And we should trace this difference directly to the influence of Levinas in Agamben.

3. Radical Passivity and Shame as essentially negative: Agamben's take on Foucault

To be ashamed means to be consigned to something that cannot be assumed. But what cannot be assumed is not something external. Rather, it originates in our own intimacy; it is what is most intimate in us (for example, our own physiological life). Here the "I" is thus overcome by its own passivity, its ownmost sensibility; yet, this expropriation and desubjectification is also an extreme and irreducible presence of the "I" to itself. It is as if our consciousness collapsed and seeking to flee in all directions were simultaneously summoned by an irrefutable order to be present at its own defacement, at the expropriation of what is most its own. In shame, the subject thus has no other content than its own desubjectification; it becomes witness to its own disorder, its own oblivion as a subject. This double movement, which is both subjectification and desubjectification is shame.[4]

> Remnants of Auschwitz is not the first place where Agamben speaks of shame. Interestingly, the topic appears in the essay "In this exile"[5] which deals with the question of the terror squads in Italy. Agamben starts with the question of the experience of traumatic events and the emergence of political life and biological life in the same space. Here, he anticipates the interpretation that will be forwarded in Remnants of Auschwitz, which is that the camp and the situation of the subject in the camp exposes the bare structure of the I as one's biological body becomes

---

[4] Agambem, 2002, p. 105–106.

[5] Agambem, 2000, p. 120–142 ("In this exile (Italian Diary, 1992–94)").

the place where politics occur.[6] Previously, I tried to show how both anatopolitics and biopolitics, in Foucault, expose the impossibility of speaking of a "private" body or a "private space" of subjectivity. Intimacy is invaded by a politics of bios, a politics of the most bare and interior aspect of subjectivity.[7] There is something intolerable about this aspect of politics, but this experience of disgust beyond the intolerable is paradoxical, because you speak of it while you are at the same time being-immersed in this situation.[8] I find the idea of a young man being kept in a small prison cell, without clothes and being deprived of sleep to be intolerable, but at the same time I put up with it.

In a sense, when Agamben writes *Remnants of Auschwitz*, the Foucaultian considerations regarding the government of bodies are presupposed. When he reads Levinas and the question of shame within the context of the concentration camps he is, in fact, situating the discussion on shame as a political situation.

But political here is not a modality of thought, but a modality of space. In Agamben, politics are considered the field where subjectivity is immersed in its bareness. After a number of essays pointing at the concept of bare life from the late eighties until the early nineties, Agamben started with the development of his main work on what I will call a political ontology. This work became a trilogy called *Homo Sacer*, where Agamben seeks to provide a history of the sovereign subject and the impossibilities of the sovereign subject.

The question of the placement of the subject is immediately politicized by Agamben; the body of the subject becomes the place where politics occur and the situation of this body is immersed in a point of indistinction between private and political life. The political subject that was inserted in a polis is now exposed in a camp. For Agamben, the reality of this point of indistinction is found in its utmost bareness in the concentration camps

---

[6] Agambem, 2000, p.122.

[7] *Ibid.*

[8] *Ibid.*, p. 124–125.

From these fields there is no possibility of returning to any classical conception of political philosophy;[9] any illusions that made the modern separation of a private and a public space possible are left aside when the process of desubjectification arises.[10] Our own physiological life becomes the object of a political experiment.

In *Remnants of Auschwitz*, the last part of the trilogy, Agamben focuses on the way these political experiments of oblivion, where the subject is exposed to its own disorder, allow us to speak of shame, the trace of this disorder, as the most proper emotive tonality of subjectivity.[11] The Italian philosopher takes Levinas as the main reference for his development of shame at this point. If in his earlier work he was mostly concerned with Foucault and Gramsci, now the dynamics where identity arises are set differently. This is because Levinas points at the limitations of being-in-language (Dasein) as a matter of intimacy alone. The I who speaks is always subject to the limitations of language. The event of language is precarious, and being, as being-in-language, finds in its intimacy this limitation. Becoming a subject is to become conscious of this discourse while at the same time being exposed to the trauma of the limitation of language.

However, it is still somewhat counter-intuitive to think of the description of shame that Levinas provides in a political sense, as Agamben seems to suggest. I must stress that the philosopher wants to focus on politics as the placement of a determined form of being. In a way, Agamben accepts the anarchical placement of the subject in Levinas, but unlike Levinas he doesn't seem to resist the idea of politics. Rather, he suggests that being-in-language, in its process of identity – which is a process of desubjectification – is in an anarchical position which is, at the same time, political. In doing so, he will identify that all politics are, from start, biopolitics. They are always dealing with the *bios* of the individuals – there is not, in Agamben, a passage from the disciplinary power into biopolitical power. Sovereign power is always operating on the essence of the individual, on restraining the modes of expression of an individual and his relation to others.

---

9 *Ibid.*, p. 138–139.

10 Agambem, 2002, p. 107.

11 *Ibid.*, p. 110.

For Agamben, our language attempts to give testimony to the emergence of this strange, but because language still reproduces intimacy, it seems it is not enough. The affected subject can never completely make sense of its own passivity. The proximity of the other is never identical to the self, and the history of my being becomes the history of this conflict between trying to be a sovereign subject and being-subject. As we move into a more "political" exegesis of what Agamben has to say, we can see that our demographic dislocation of the "undesirable" expresses an attempt at "domesticating" this process of desubjectification. Even as violence and poverty have decreased – and they have decreased much in the last hundred years – we seem to have dislocated the placement of the poor in our cities. We seem to have created small pockets of poverty (or, in the developing world, "pockets of development") that are dislocated to the margins of the city, in an attempt to separate – once again – the Camp from the City. This is a classical view in political philosophy, even in Aristotle: the political relevant life lives in the city – slaves and foreign live in the fields outside. Locke justified slavery in terms of "being outside" the "scope of protection" of the law. Recently, we have a project of law in Arizona that states that if you do not have the proper documents at hand when you are stopped by a state officer, you might be arrested or even deported. If we compare the number of violent deaths in the peripheral region of any major city with the global number of deaths in the city, this is even more clear: the number of violent deaths in the south side of Chicago amount for almost five times the average of the city, the number of deaths in the favelas of Rio de Janeiro in the last landslide amounted for nearly 95% of the total in the city, black and Latino citizens in the United States have the standard of living of a third world country – even though they are, geographically, in one of the richest and best developed democracies in the World.

These ambivalences seem to be the political phenomena Agamben is trying to point out when he takes the issue of shame and desubjectification. The situation of our own political bodies is ambivalent, and even if we aren't ourselves victims of a determined failed policy or social experiment (as are those who live in favelas and the projects), we are exposed to the intolerable situation of these events. The limit situation of the Concentration Camps, in Agamben, explicit the bare life which is potential in all of us – the naked and hungry bodies of the

survivors, when they face the liberator of the camps, expose a mutu-al shame. An impossibility to master one's own broken subjectivity.[12] Agamben never provides us with a way out of this situation where the subject is exposed as bare; he is quick to provide a grim description of the political situation and point at the need for an anarchic return to a notion of eudemonia.

IV. Modernity and Anarchy

When Virgil finds Branca Doria in hell his first reaction is one of sur-prise: how can Branca Doria be in Hell if he eats, drinks, and wears his clothes in Genova? After a while it becomes clear that Branca's body is in Genova, but his soul already breathes in Hell. His existence had already drowned into oblivion.

The romantic period in literature is rich in these sorts of paradoxes: in *Paradise Lost*, the condemned can only see the world through cracks in the walls of hell. In a way, all these examples are trying to make sense of our own position as both active subjects that seek to understand something about that which surround us while at the same time being affected by phenomena that cannot be quite reduced to words. The unspeakable horror of the situation in the camps and the beauty of a loved person are both always in tension with ourselves.

For Agamben, the only way by which to mitigate this tension is to drop the idea of external government, or sovereign power, as a tool for the administration of people. Agamben follows Levinas in identifying a structure to the subject and a fundamental emotional tonality that places this same subject in immediate relation with others. Shame is not essentially negative in itself; it is essentially negative *provided that there is a government*. As long as there is a structured organization of power and domination, for Agamben, the dynamics of totalization will be at play. But here Agamben moves away from Levinas since, as I have mentioned, politics do not *require* sovereign government. In this sense,

---

[12] *Ibid.*, p. 87–94.

dropping government for the exploration of the "experiment" of one-self with others is the main quest of the "emancipated" individual. In this sense, even Democracy and Liberalism will still be dimensions of that same totalitarian power that ultimately seeks to erase expression.

But from a philosophical standpoint there is plenty to be said about the problems in both analyses. If Levinas is successful in describing the limitations of the self and the need to account for the Other within a different discursive framework, it is still not clear what we can really do about it. This is perhaps a criticism that goes outside the scope of the Levinasian analysis, but it seems to me that if his concern is with the field of Ethical Theory and the modes in which we can account for the other in philosophy, it is not enough to describe how our forms of description or relation with the other ought to be. It is, of course, an interesting exercise in philosophical abstraction, but if we want to insist on the concreteness of the situation of the poor, the widow, and the refugee, we also need to focus on the need of developing policies in order to deal with these situations. Levinas does not propose any policy. He rather suggests that thinking policies through might even indicate an attempt at totalization – but I am not sure that any policy would fall into this problem. At least not for Levinas – and perhaps that's the bridge that needs to be thought of: one that takes the Levinasian take onto political philosophy (or at least a kind of policy towards those who need government).

However, if Agamben is proposing a sort of Levinasian take on political philosophy, I am increasingly convinced that it is not a profitable one. In both *Homo Sacer*, I, II, and III along with "In this exile" and several other essays, Agamben takes a number of false premises as the justification for his arguments. For example, the question of the place-ment of the poor and the failure of modernity is taken according to an assumption that poverty, violence, and sickness have been increasing.[13] There is no way one can take this argument to be the case. All statistics indicate that the world is less poor, less violent, and less sick than it was 70 years ago. Even with two world wars and two major economic collapses, the twentieth century marks an improvement in the global

---

[13] Agambem, 2000, p. 128; 133.

condition of life. We have plenty of issues to take care of, but we also need to acknowledge that within the last 20 years, 400 million people left the poverty line in China. Plenty of people – way more than it is tolerable, for that matter – live below the poverty line, but we will not understand their condition by assuming that the global situation has been getting worse.

This is not to say that Foucault gives us a more satisfactory conclusion than Agamben. It is true that Foucault is less conservative than Agamben and his conclusions at least allow some saving grace for the role of government. Foucault himself said that if power was only repressive, then no one would actually want to follow rules. In a sense, there is a possibility of building an identity in the set of rules established by the government and creating one's identity inside the framework of institutions. However, Foucault wants to leave some space out of these institutions wherein individuals can also seek different forms of expression and identity.

Foucault understands the dimension of freedom within modernity, and he tries to increase the scope of equality to also contemplate different narratives. But his lack of structural ground to implement such a process brings complicated consequences. It is well known, for example, that Foucault used examples that were simply not truth in *Madness in Civilization* (the ships of fools were never a *fact*, as he seemed to indicate. They were urban legends). Perhaps this would be of no consequence for Foucault, since the narrative is more important than "facts". But don't we want to be able to say that waterboarding is torture regardless of the discursive appropriation that calls it an "enhanced interrogation technique"? Don't we want to be able to say that a certain situation is shameful, regardless of the narrative that attempts to describe it as something else?

For all his interesting insights and suggestions, Foucault seems to fall into an epistemological trap in denying the importance of a general structure which allows us to speak of phenomena. Of course, I am at fault here myself, since I criticize Foucault from the standpoint of a Transcendental (and structural) Phenomenology – something that Foucault could never accept.

But both Agamben and Foucault, and to a lesser extent Levinas, point at the importance of understanding the role and structure of

emotions – shame, especially – in order to make sense of the ongoing process of identity in the unfinished project of modernity. If we are to understand the ambivalences and problems of contemporary politics – and the surprising absence of a liberal philosophy that takes the body seriously is an important issue to be taken here – we also need to admit the benefits of modern and liberal philosophy.

V. An early preoccupation: Foucault and the limits of the modern state

In 1974, Foucault gave a lecture titled "The birth of social medicine" in the Institute for Social Medicine of the State University of Rio de Janeiro. This was the first instance in which Foucault used the term *biopolitics* in a public lecture. Curiously, this is situated somewhat before what is generally identified as the "genealogical" turn in Foucault, what Rabinow has called "the move towards power", in 1975-6 with the development of the now famous course in the *Collége* – Society must be defended – and his first full text on the matters of biopolitics, *The history of sexuality*.

But this early text is more than just an introduction of the term *biopolitics*. It is also a completely different interpretation, given on a more intense Marxian verve, of the phenomena. In this sense, this short paper, dedicated to the great Roberto Machado (who also translated this article into Portuguese), gives us some interesting insights into the interpretation of what Foucault understands as biopolitics.

I want to take advantage of the context wherein Foucault presents the paper in order to explain what is at stake here. Of course, by the time he presented his paper in the State University, Michel Foucault could not know what the future held for Rio de Janeiro. Back then, Rio was a different place. The military regimen was at the peak of the repression, the so-called projects of urbanization and relocation of the population into the Collective Habitations were still ongoing, and the biggest safety concern of the government were guerrilla groups in the countryside and student/union protests in the city.

Still, Foucault might have been able to realize that there was an

ongoing project of *territorialization* going on in Rio. Nobody would claim that the "favelas"[14] had not been a part of the geography in Rio since the 19ᵗʰ century; the novelty, at that moment, was the attempt to situate the favelas within a certain zone. The local government in Rio (and in many other cities in Brazil) decided to take issue with the uncontrolled dissemination of unauthorized housing, moving entire populations from one zone to another, moving the poor populations outside the downtown zone and attempting to "domesticate" the process of migration that was causing the overpopulation of the metropolitan area of Rio.

In this sense, the solution given for the problem of overpopulation and poverty in Rio was to treat the individuals affected by this situation as a "group" and to insert this group into the body of a society. By the time Foucault gave his lecture in the State University, this was the core of the definition of Biopolitics: the control of population moves from the singular individual into the population. The migrant, the poor, the sick, as individuals, do not concern the government. It is society, as a whole, that demands protection. At this stage of his work, Foucault understands "biopower" as a way by which capitalist society *invests* in this form of power as something that constitutes the social body. At first, Foucault tries to show how the history of biopolitics is tied with the history of capitalism; with the emergence of cities, the emergence of health *policies*. The leading clue here is the emergence of these policies within the German state, better yet, as a unifying force for the German state. Foucault tries to point out that the development of capitalism in Germany happens because the German state lacks the tools that England and France had at hand to develop a state. Where England and France could count on strong armies and strong economies, Germany had to count on a different aspect: the medical.

But why is this noteworthy? It is noteworthy in the sense that it creates a different form of expression for sovereign power. The focus, for Foucault, is not in the change of mode of production – though this is important – but in the change of *strategy* in order to enable governance. This strategy of power is identified in Foucault as a first "phase" of biopolitics, that is, medicine of state. This is peculiar to the devel-

---

[14] Some translate "favelas" as "shanty towns". I prefer to keep the original term.

opment of capitalism as it relates to the modern, Westphalian, State and the Westphalian mode of sovereignty. For Foucault, this mode of governance is the most important historical feature for our understanding of the period, as the *Staatswissenschaft* are perfected in the Prussian state as a meticulous control of the general health of the population.

Wherein previous models of sovereignty were concerned with individual bodies – domesticated by the army, controlled by the police, and punished in the prison – now we have the emergence of the sovereignty as the manager of a population, a group of individuals under a same rubric. In Germany, the first individual to be "normatized" is the doctor – the State establishes general norms, criteria, to allow the construction of medical schools, and the State issues the final stamp that permits one to practice medicine legally. It is also the State that will verify the means and conditions that qualify an epidemic and how to deal with one – but in order to identify the "sick", first the State will need a model for the normal. This model was the physician, so now we had a concept of sick and a concept of health, both under control of a sovereign structure. Surely, Foucault is aware of the *necessity* of such a move in a Europe that still suffered the consequences of the plague; but we also need to be aware that this move also plays a part in the transformation of the government.

How exactly does it change the role of the government? The movement into biopolitics will dislocate the "place" of the sovereign in the sense that the power over the subject is no longer located in establishing a "docile" body by external force, but by domesticating life by defining the stances in which life is worthy of protection and how it is worthy of protection. There is a sovereign imposition of modes of living and normative differences for different "profiles". Please note that Biopolitics is not only negative, it grants an important set of rights, such as social security, public healthcare, and public hospitals, but Foucault is quick to point out that the right to social security, public healthcare, and public hospitals (just to give some examples) is dependent on whether or not one is contemplated as having rights. Racial and social identity are not a matter of an individual making sense of his own history, but a matter of external imposition of a profile that will grant you more or less protection – or, in some cases, no protection whatsoever.

In this early paper, this strategic imposition of a *mode of living* was thought so that individuals would pursue occupations that do not serve

their own interests, but the interest of society. The dislocation of the population from farms and into industrial areas, in the first moments of Capitalism, denotes this biopolitic. The State first develops the science that will allow for the identification of a profile, and later it uses this profile in order to create a workforce. And note that Foucault doesn't express any moral judgment about this movement – at this moment, biopolitics is neither negative nor positive. Rather, he seems to want to point out how this creation of a workforce, and the consequential urbanization of the modern space, are dependent on the birth of social medicine. Or, if you prefer, on the birth of biopolitics.

But how could the State protect the entire labor force? Certainly, not as individuals. As the number of individuals moving into urban areas increases, so does the necessity for a system of sanitation. The chaotic design and jurisdiction of the feudal cities (Paris, for example, had more than seven different authorities and regulations for different parts of the city) had to be unified under a same system of sanitation, education, police, and so on. The concept of a municipality was born from the need to create the conditions in which a society could be understood and controlled homogeneously.

In this sense, the idea of health becomes a dispositive, as it is used as a tool, a technology, that enables the State to identify those who are fit to work, to serve, and to govern. More importantly, it allows the State to identify those who *do not fit*. On the one hand, this is a realm of protection, a realm of *rights*, if you wish. On the other, it is also a realm of alienation or exclusion (often of alienation *and* exclusion). Now the biopolitical turn starts to acquire the density that will allow us to speak of "positive" and "negative" biopolitics, or, technologies of power *versus* technologies of the self.

Make no mistake: at first, even in its most positive moments, the realm of rights here is strictly of subsistence. The labor force would be given the bare minimum so it wouldn't starve; preferably it would be so minimal that they would also not have enough force to rebel. This strategy, somewhat unsurprisingly, backfires and leads to a number of socio-political revolutions. As a result, some space is eventually conceded to labor unions and the circulation of goods is more dynamic. More importantly, fresh air and water will be more widespread within the city.

Thus, urban medicine is not a medicine of *people*, but rather a medicine of *things*. It is a medicine of the *conditions* of life and the *means*

of existence. Though these means and conditions are somewhat distributed within the city, they are not distributed in the same way. Only in the 20th century were potable water and sanitation homogeneously available in most cities in Europe, North America, Japan, and Oceania. Elsewhere, it remains somewhat present, but still hugely unequal. However, the *means* for the distribution are there, and they are regulated by a central power. This would be a persistent element in any city that we would identify as going through a process of "modernization".

We can now divide biopolitics, *qua* social medicine, in three phases:

1) Medicine of State: wherein the sovereign power develops a concept of medicine as a technology that will allow us to speak of a "citizen" whose health is defined from a set of concepts under the control of the State. The life of the individual becomes the space wherein the sovereign acts. Let us call this the emergence of a "normative concept of person" which is dependent on the establishment of this Medicine of State.

2) Urban Medicine: wherein the citizen, as part of a population, is dislocated onto a homogeneous space wherein basic means and conditions of existence will be given. This basic means will build the framework wherein the modern city will be built.

3) Popular or Labor Medicine: In this paper, Foucault calls it the *poor men's medicine*. Given that the doctrine of the bare minimum backfires in the social revolutions of the 18-19th century, governments provide a system of protection and division of the population. The geographical divide between rich and poor becomes more well-defined within the city, as does the scope of protection. Poor populations are given a special kind of assistance, since they cannot provide for their own health with their own means – in this sense, the rich sectors of the population will pay for the healthcare of the poor population and hopefully avoid another revolution. In a way, this movement is at first a reconsideration of the doctrine of the bare minimum, which is not the "bare minimum to avoid revolution".

For Foucault, different countries within Europe will go through these phases in a different manner, with different justifications and ultimately different technologies behind the movement. But it is still the case

that these three phases are historical conditions for our understanding of the formation of the modern state.

You must have noted, by this point, that the history of biopolitics is the history of political liberalism, as society becomes an issue for the state – that is, the government becomes the government of the living, who are governed in a homogeneous whole called a "society". The development of a "reason of the state" is then the biopolitical project *par excellence*.

But why is it that Rio matters?

It matters because it expresses the very tension Foucault is describing in this paper.

Rio, since 2011, has been going through a marked process of re-territorialization. The strategy for the government has been clear: it was necessary to introduce "satellite" police stations inside the favelas, so the movement of police and the control of those parts of the city would be simpler. The local government had realized that the situation in some of the favelas was completely out of control, with policemen stopping at barricades armed with anti-artillery and AK rifles before they could enter the favelas.

In a sense, then, the state had lost control of those territories. And if one sees the pictures of the favelas that the police was trying to control, one would hardly find anything resembling pavement, sewer or even legal housing.

When Foucault was in Rio, in 1975, these areas were still being populated. The government was moving into the third phase of biopolitics, wherein the poor population was drastically separated from the rich. But the corruption of the police forces, allied with 30 years of administrative neglect, transformed these zones that were at first idealized as controlled territories where the poor could receive some degree of protection, into zones where the state is nowhere to be found. The introduction of police stations into these zones, in a certain sense, is a recognition that the process of integration of these populations is in the square zero. They are hardly part of the homogeneous unity called Rio de Janeiro. At this point, there hardly exists a homogeneous unity called Rio de Janeiro.

But Rio is a leading clue to a more universal problem. The outskirts of Detroit, Paris, or London – just to name a few that are, obviously, much less violent than Rio – are also going through a similar process of exclusion and abandonment. The scope of *rights* that was somewhat integrated within our understanding of political liberalism is dropped in favor of the scope of domination and alienation, which was *the* ghost of political liberalism, as Marx pointed out so well – and so decisively.

Rio, where Foucault introduced the idea of the history of liberalism as the history of biopolitics, has become a kind of living symbol of modernity as an ongoing and unfinished project, a project that Foucault so interestingly notes, as he talks about a philosopher called Jurgen Habermas, allows for a different kind of technology, a different form of existence, techniques that

> "permit individuals to effect, by their own means, a certain number of operations in their own bodies, their own souls, their own thoughts, their own conduct, and this in a manner so as to transform themselves, modify themselves, and to attain a certain state of perfection, happiness, purity, supernatural power. Let us call these techniques 'technologies of the self'".

For Foucault, these technologies meant that we are not doomed to alienation and fetish in the modern, capitalist, state. Rather, it means technologies can always be flipped upside down. As we see the history of the Westphalian state as a history of a permanent crisis of subjectivity and sovereignty, we also see that even individuals within the society are struggling to keep some sort of order, some sort of structural framework. The discourse of minorities or of repressed individuals does not usually call for an *end* of the regimen of rights – it calls for more equality, for an expansion of the *domain* of rights. Foucault was not an anarchist, he was a historian of the crisis of political liberalism. In Rio, he found a venue wherein this ongoing crisis was, and still is, exposed.