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**Conceptualizing the European History of State Sovereignty:
Reflections on Agamben, Foucault and Ranke***

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Introduction

This paper is an attempt to explore how Giorgio Agamben adapts the traditional historiographic school's concept of sovereignty and Michel Foucault's concept of biopolitics in his theory of European state sovereignty. Due to formal restrictions, the aim is not to compare their theories of power (although such comparisons, at certain points, will surely be inevitable), but instead will focus on the theory of history that their theoretical works on European state sovereignty imply. It will be argued that Foucault's novel approach to power and to history, although it initially shook the very foundations of many human disciplines, has been successfully reconciled with historiographic theories I term traditional, in the works of Agamben. The argument set out below, therefore, is two-fold. On one hand, it will attempt to show that for European state sovereignty, as conceptualized by Agamben, the population and the body is just as important as the territory and the juridical order is. On the other hand, it is contested that the theory of history that this conceptualization implies is founded on an intertwined notion of time, which introduces the total narrative of European state sovereignty while simultaneously allowing for rupture and human inventiveness.

In terms of recent developments in the humanities, this theoretical reconciliation is presented as a process of an overarching, yet verifiable development. The novelties the New Cultural History, through the works of Foucault, have contributed to historiography and political thinking which has challenged formerly mainstream traditions of historiographic and political thinking. One could argue that they reached their synthesis in Agamben's theory of sovereignty. It is proposed here that analyzing these theories within this novel framework, defined by interactive dynamism, calls for the reconsideration of relations between various historiographic approaches, as well as the opening up of new paths for further interpretations of history of Western state sovereignty.

In terms of methods, this study of these trends and approaches will be limited to three thinkers, due to in part technical necessity. The three thinkers focused on are generally acknowledged as the major representatives of the developments to be investigated here¹. They are: Leopold von Ranke to represent the traditional school of historiography which focuses on diplomatic and political history; Michel Foucault to speak for New Cultural History; and, of course, Giorgio Agamben, whose theory is the principle focus

¹ For Ranke, see for example: Hannah Arendt, *The Promise of Politics* (New York: Schocken Books, 2007), 144. For Foucault, see for example: Patricia O'Brien, "Michel Foucault's History of Culture," in *The New Cultural History*, ed. Lynn Hunt (Berkeley – Los Angeles – London: University of California Press, 1989), 33.

of this study. There is yet another, perhaps more problematic, methodological point requiring clarification. The fact that Ranke, Foucault, and Agamben problematize European state sovereignty (broadly speaking) by utilizing different concepts and approaches makes it problematic to treat them as analytical equals difficult. That is, Ranke speaks strictly about the sovereignty of the state, whereas Foucault refers to the biopolitical character of modern Western politics, and when Agamben writes on the inherently biopolitical character of the sovereign, by which he means political power in general, and not the *raison d'État* of the modern Western nation–state in particular. Nevertheless, it is suggested here that these conceptual differences are precisely those that make it valuable to study the complex theoretical relations, which are assumed here to be multifarious and dynamic, between these three approaches. Hence, due to the conceptual differences that allow for this research, when their subject matter is referred to collectively, the term European state sovereignty will be used. This term is not an exact one, yet it is precisely for this reason that it presents itself as analytically appropriate and comprehensive expression to which each of the thinkers' key political concepts belong to.

The three thinkers' understanding of the concept of sovereignty is such that it is necessary to establish the borders of the research question, that is, to study the theory of history that their works on European state sovereignty implies. As Ranke did not articulate a theory of sovereignty, secondary sources are necessarily exploited to broadly reconstruct his views on this question. Consequently, we will refrain from drawing far-reaching conclusions from this reconstructed and rather putative position but will try to present his theory on history in general. Foucault, as is well-documented, was interested in sovereignty as only one possible power form, specific to certain historical ages, and not as a comprehensive analytical concept through which European history can be studied. Therefore, in his case, his theory of power forms is presented from which his historiographic approach follows. Finally, the discussion of Agamben's theory of sovereignty will be limited to its political context and relevance, as put forth in his book "Homo Sacer: The Sovereign Power and Bare Life", complemented by "Means without End: Notes on Politics." It is acknowledged here that while Agamben also conceptualizes sovereignty in other registers, e.g. theological,² or ethical,³ which are interrelated with his political theory of sovereignty and at the same time extend and complement it. Nevertheless, due to time and space restrictions the focus is solely restricted to the political horizon of his under-

² Giorgio Agamben, *The Kingdom and the Glory: For a Theological Genealogy of Economy and Government*, trans. Lorenzo Chiesa with Matteo Mandarini (Stanford: Stanford University, 2011).

³ Giorgio Agamben, *Remnants of Auschwitz: The Witness and the Archive*, trans. Daniel Heller-Roazen (New York: Zone Books, 1999).

standing of the theoretical problem of sovereignty, and then on the theory of history that it implies.

The argument proceeds in three stages. First, a brief introduction into the traditional school is outlined by summarizing Ranke's understanding of sovereignty and history. Then, an outline of Foucault's theory of power forms and its implications for history is given. Finally, we will embark on Agamben's political theory of sovereignty, pinpointing the traces of both previous approaches but presenting the new theory as a radically new way of conceptualizing both Western political thought and Western history. We will conclude by offering a new framework for interpreting the above theories in a dynamic, interrelated, and correlative way.

Ranke's understanding of sovereignty and the ambiguous political history

Ranke's conceptualization of the European state exhibits apparent similarities with that of Hegel. James Alfred Aho, while tracing the origins of American sociology in the 19th-century German historical and social thinking, presents both Hegel and Ranke as two of the "most notable proponents of Realpolitik."⁴ Inspired by Machiavellianism to formulate their critique of Enlightenment liberalism, the theoreticians of Realpolitik contested that "the state in its essence (*Staatsräson*) is organized power over a territory, rather than an institution whose sole purpose is to protect individual rights and property."⁵

Consequently, "in Ranke's view, while the meaning of the state is sovereign independence, no state in historical fact has ever come into existence of its own accords, independently of other states."⁶ In other words, it is somewhat inevitable that a new state will arise in the milieu of war and violence (and not as a result of rational debate), generated by the tension between the legal right to statehood and the territorial claim of already existing states.⁷ This tension—and the international war resulting from it—, however, is portrayed as a productive force. "War is the father of all things... out of the clash of opposing forces in the great hours of danger—fall, liberation, salvation—the decisive new elements are born."⁸

⁴ James Alfred Aho, *German realpolitik and American sociology: an inquiry into the sources and political significance of the sociology of conflict* (Lewisburg: Bucknell University Press, 1975), 30.

⁵ Aho, *German Realpolitik*, 29, 31.

⁶ Aho, *German Realpolitik*, 35.

⁷ Aho, *German Realpolitik*, 36.

⁸ Ranke, cited in Aho, *German Realpolitik*, 36.

Sovereignty is the pivot around which the political realm is organized into international and domestic spheres. Jens Bartelson, a researcher of international political theory argues that for Ranke, sovereignty is both an organizing principle of the international political system, established at the Peace of Westphalia, as well as an invariant, characteristic only to the modern state.⁹ Therefore, the state, born out of the violent clash of opposing forces of the international and the domestic spheres, seeks to establish and maintain its sovereignty. To preserve it, the state must stand on firm legal grounds. Bartelson points out that “to Ranke, the superiority of Europe consists in its ability to resist hegemony in all guises, this being so since ‘it is not always recognized that the European order of things differs from others that have appeared in the course of world history by virtue of its legal, even juridical nature.’”¹⁰

Briefly, Ranke regards the state as organized power over a territory. For him, it emerges as a sovereign entity from the productive tension, i.e. international war, that results from the inevitably antagonistic interests of the international and the domestic realms, that is, the territorial claim of existing states and the legal right to statehood. Therefore, law and territory constitute the foundations of its sovereignty, and, somewhat paradoxically, also the conditions for further international wars. Sovereignty is thus the key organizing principle for Ranke by which politics at the international as well as the national level becomes comprehensible, and which, at least for the state, determines historical dynamics. All this notwithstanding, no articulate theory of sovereignty can be traced in Ranke’s works.

How did Ranke relate to the study of history? For Ranke, history can be understood at two levels, which are nevertheless in antagonistic position to each other. The Rankean understanding of history, as it is synthetized by Leonard Krieger, a historian of modern Europe in general, and Germany in particular, is to be located at the intersection of the science of history as Ranke propounded, and the philosophy of history he subscribed to. To present the ambiguities in Ranke’s understanding of history by breaking down his “dubious legacy,” Krieger develops a complex analytical framework comprising of two opposing sets of principles. “The four Rankean principles which have constituted

⁹ Bartelson phrases it as follows: “That is, sovereignty not only organizes relations between states by drawing them together into a system of states; it gives the modern state a past proper to its present, and a present proper to its past, and this by drawing them together in a unity. With Ranke, the international is constituted as a genuinely historical mode of being, logically inseparable from the existence of states, but with its own organizing principles that are corollaries to internal sovereignty.” Jens Bartelson, *A Genealogy of Sovereignty* (Cambridge – New York – Melbourne: Cambridge University Press, 1995), 225–226.

¹⁰ Bartelson, *Genealogy of Sovereignty*, 231.

the canon of scientific history are the objectivity of historical truth, the priority of facts over concepts, the equivalent uniqueness of all historical events, and the centrality of politics.”¹¹ Later, Krieger adds that “Ranke announced four principles of philosophical or theological history which may be placed in explicit counterpoint to his four principles of scientific history.”¹² He goes on by pointing out that Ranke had a “profound conjoint belief in both particularity and generality as ultimate forms of truth, in both individuality and universality as ultimate forms of reality, in both freedom and necessity as ultimate conditions of action, and in both national and world history as ultimate frames of disciplined knowledge.”¹³

Probably the best-known contribution of Ranke to history as a science was his unwavering commitment to the objectivity of historical truth. As he put it in his famous book entitled *Histories of the Latin and Teutonic Peoples from 1494 to 1514*, “history has had assigned to it the task of judging the past, of instructing the present for the benefit of ages to come. The present study does not assume such a high office; it wants to show only what actually happened” (*wie es eigentlich gewesen*).¹⁴ Krieger argues that this commitment was countered by Ranke’s critical reflection on the crucial role that the historian assumes, in order to be able to work: “Ranke acknowledged the constructive role of the subject *qua* historian—not merely in the sense of inevitable private limitations, but in principle... The object to be uncovered was not ready-made in the past, lying there to be simply copied by the historian; the historian’s activity was necessary to its constitution as a historical object.”¹⁵

The canon of the primacy of facts over concepts resulted from Ranke’s conviction that meaningful knowledge in history can only be gained through particular facts, not from general concepts, as the former always conveys the latter. He argued that “true doctrine lies in the knowledge of the facts... An idea cannot be given in general; the thing itself must express it.”¹⁶ Elsewhere, he wrote that “from the particular you can perhaps ascend... to the general. But there is no way of leading from general theory to the perception of the particular.”¹⁷ Krieger indicates, however, that Ranke also regarded facts as means to greater knowledge, made available precisely by this greater knowledge: “Not only were historical facts for him instrumental to a kind of understanding that trans-

¹¹ Leonard Krieger, *Ranke: The Meaning of History* (Chicago: University of Chicago Press, 1977), 4.

¹² Krieger, *Ranke*, 10.

¹³ Krieger, *Ranke*, 14.

¹⁴ Cited Krieger, *Ranke*, 4.

¹⁵ Krieger, *Ranke*, 10.

¹⁶ Cited in Krieger, *Ranke*, 5.

¹⁷ Cited Krieger, *Ranke*, 5.

cended factuality, but this larger meaning was what the historian had in common with the otherness of the historical fact and what thus made the knowledge of the fact possible at all... For Ranke, then, what was beyond the fact was more valuable than the fact itself.”¹⁸

Ranke’s praise for individual and unique epochs in history was enshrined in his book *On the Epochs of Modern History*. Here, he states that “every epoch is directly under God, and its value depends not on what comes from it but in its existence itself, in its own self. Thereby the consideration of history, and indeed of the individual life in history, acquires a wholly distinctive stimulus, since each epoch must be seen as something valid for its own sake and as most worthy of consideration.”¹⁹ Contrary to this position, Krieger reminds us of Ranke’s belief in progress and universal history. “He always postulated the idea of a developmental totality which was axiologically superior to his individuals and made some of them more valuable than others in the light of it. Ranke’s commitment to universal history, literally fulfilled only toward the end of his long life, was paramount for him in principle from the very beginning of his career as an historian.”²⁰ Formulated somewhat differently, Krieger argues that Ranke was against synchronic “dominant ideas” as “something conceptual” which reduces men to “mere shadows or schemata incorporating the concept,” and against the diachronic “concept of progress,” which reduces the history of one generation to “a stage of the next.”²¹

The centrality of politics in history, also remarkably characteristic of Ranke, has remained probably the most unchallenged creed of all in traditional historiography. His primary unit in history is the state to which he attributes ontological priority. As Krieger argues, “states, he wrote, are ‘ideas of God.’ By this he meant to indicate both that as ‘spiritual substances’ states are themselves ‘individualities,’ each, like other historical agents, ‘a living thing... a unique self,’ and that states are a special kind of individual through which the collective historical destinies of men can be followed, since each state in its own way manifests ‘the idea that inspires and dominates the whole’ of human institutions, determines ‘the personalities of all citizens,’ and embodies the discoverable ‘laws of growth.’”²² Nevertheless, a glance at Ranke’s works—comprising 54 volumes of “Universal History”—may arise questions with regard to his philosophy of history. As for this latter, Krieger asserts that for him, “the state is a ‘modification’ of both the nation and humanity: it is man in his orientation toward ‘the common good.’ Nations, in this view, are the orga-

¹⁸ Krieger, *Ranke*, 12.

¹⁹ Krieger, *Ranke*, 6.

²⁰ Krieger, *Ranke*, 16.

²¹ Krieger, *Ranke*, 17.

²² Krieger, *Ranke*, 7.

nizations of humanity through which its universal history as a whole must be studied; states are the national organizations... through which the history of nations—and thus of humanity—in modern times must be studied. Nations and states [are] articulations of humanity.”²³

One could conclude that Ranke’s view of history is a peculiar ensemble of dualities. Krieger summarizes vigorously and succinctly that “his inconsistencies, therefore, stemmed from the contradictions within his theory itself, and these, in turn, stemmed from his deliberate neglect of its internal relations; his theoretical propositions were aligned not with one another but rather with the specific facets of actual history that instigated them, and what were differences in the degree of generality for actual history became categorical differences of kind in the derivative theory. Ranke was, in short, an *ad hoc* theorist and an integral practitioner of history; the internal connection between the different levels of history he worked with cannot be found in any logical coherence, which he did not even attempt, but in a temporal coherence, which he could not avoid.”²⁴

Foucault’s theory of changing power forms and the discontinuous European history

One could argue that Foucault did not develop a general theory of power.²⁵ Instead, he divided European history into three ages, analytically speaking, according to dominant pow-

²³ Krieger, *Ranke*, 19–20.

²⁴ *Ibid.* 22.

²⁵ “The analysis of these mechanisms of power that we began some years ago, and are continuing with now, is not in any way a general theory of what power is. It is not a part or even the start of such a theory. This analysis simply involves investigating where and how, between whom, between what points, according to what processes, and with what effects, power is applied. If we accept that power is not a substance, fluid, or something that derives from a particular source, then this analysis could and would only be at most a beginning of a theory, not of a theory of what power is, but simply of power in terms of the set of mechanisms and procedures that have the role or function and theme, even when they are unsuccessful, of securing power.” Michel Foucault, *Security, Territory, Population*, trans. Graham Burchell (Basingstoke: Palgrave Macmillan, 2007), 16–17. Later, at the very beginning of his study titled “The subject and power,” he makes the same statement in relation to his own work of the preceding decades: “I would like to say, first of all, what has been the goal of my work during the past twenty years. It has not been to analyse the phenomena of power, nor to elaborate the foundations of such an analysis. My objective, instead, has been to create a history of the different modes by which, in our culture, human beings are made subjects.” Cited in Hubert L. Dreyfus and Paul Rabinow, *Michel Foucault: Beyond Structuralism and Hermeneutics* (Chicago: University of Chicago Press, 1982), 208.

er forms.²⁶ He distinguished sovereign power, disciplinary power, and regulatory power or biopower. He showed that the theoretical foundations of these power forms was duly established in their respective ages.²⁷ According to Foucault, “the juridico–political theory of sovereignty—the theory we have to get away from if we want to analyse power—dates from the Middle Ages. It dates from the reactivation of Roman law, and is constituted around the problem of the monarch and the monarchy.”²⁸ The sovereign power “consisted in the power to take life,” was exercised primarily through ritual killings.²⁹ The sovereign power is founded by the social contract, therefore it addresses and is exercised over the “contracting individual and the social body.”³⁰

With the emergence of disciplinary power, we are drawing closer to what, for Foucault, is currently the appropriate site for analysing power relations. The disciplinary form of power prevailed over the sovereign form from the end of the 17th century to the end of the 18th century.³¹ Its main end is normalization: “disciplines will define not a code of law, but a code of normalisation, and they will necessarily refer to a theoretical horizon

²⁶ I will refrain from discussing Foucault’s concept of governmentality, not only because Agamben himself does not refer to it, but rather because, as scholar of philosophy Sven-Olov Wallenstein notes it in a book devoted to “Foucault, Biopolitics, and Governmentality” that “‘biopolitics’ ... merges with the problem of ‘governmentality’ to the extent that Foucault, especially in the subsequent ‘The Birth of Biopolitics,’ almost seems to lose interest in the topic.” Sven-Olov Wallenstein, “Introduction: Foucault, Biopolitics, and Governmentality” in *Foucault, Biopolitics, and Governmentality*, eds. Jakob Nilsson and Sven-Olov Wallenstein (Södertörn: Södertörn Philosophical Studies, 2013), 12. Indeed, Foucault himself argues at the first seminar of the course titled “The Birth of Biopolitics” that “the analysis of biopolitics can only get under way when we have understood the general regime of this governmental reason I have talked about, this general regime that we can call the question of truth, of economic: truth in the first place, within governmental reason... So, forgive me, for some weeks – I cannot say in advance how many – I will talk about liberalism.” Michel Foucault, *The Birth of Biopolitics: Lectures at the Collège de France, 1978–1979*, trans. Graham Burchell (Basingstoke – New York: Palgrave Macmillan, 2008), 21–22. This promise was duly kept up to the very end of the course; Foucault acknowledges in the course summary that “this year’s course ended up being devoted entirely to what should have been only its introduction. The theme was to have been ‘biopolitics.’” Foucault, *The Birth of Biopolitics*, 317.

²⁷ Foucault reconstructs the basic tenets of each three from the then contemporary literature on the foundations of political power. Foucault, *Security, Territory, Population*, 111–145.

²⁸ Michel Foucault, “*Society Must Be Defended*”: *Lectures at the Collège de France, 1975–1976*, trans. David Macey (New York: Picador, 2003), 34. He ascribes the development of the “know-how” of the “art of being Prince” to Machiavelli. Foucault, *Security, Territory, Population*, 131.

²⁹ Foucault, “*Society Must Be Defended*”, 247.

³⁰ Foucault, “*Society Must Be Defended*”. He also argues that “sovereignty is exercised within the borders of a territory.” Foucault, *Security, Territory, Population*, 25.

³¹ Foucault, “*Society Must Be Defended*”, 250.

that is not the edifice of law, but the field of the human sciences.”³² Through surveillance and control as means for normalization, it addresses not the subject, nor the social body, but the individual body.³³

With the rise of the regulatory power or biopower, life has entered the conceptual horizon of politics, and this entry, i.e., the inclusion of life into politics, is what defines our days in terms of power. Biopower has emerged at the end of the 18th century, because of the birth of capitalism. Therefore, it aims primarily at maximizing the productive potential in the population, in order to maintain political hegemony.³⁴ As economic production is surmised upon healthy society, biopower is articulated through the state-level care for life: the state observes the biological processes of masses, “a set of processes, such as the ratio of births to deaths, the rate of reproduction, the fertility of a population, and so on.”³⁵ Consequently, it addresses “the population as a political problem, as a problem that is at once scientific and political, as a biological problem, and as power’s problem.”³⁶ These changes in the focus of power result in the emergence of new scientific disciplines: demography, statistics, and social medicine, by which the state could rationally control and manage the natural processes of the population.³⁷

To sum up Foucault’s theory of power, the above scheme outlines a gradual increase in the complexity of power. The power forms did not follow each other in chronological order, the older disappearing with the emergence of the more recent, but instead have layered upon each other, resulting in the coexistence of the various forms.³⁸ Although not dominant, disciplinary mechanisms are still at operation today, and yet there is ample room for the sovereign power to return, or, as Foucault famously put it, “we still have not cut off the head of the king.”³⁹ Nevertheless, political power shifted its focus from juridico–political subjects and society, in order to devote almost sole attention to life, around the end of the 18th century. The modes of its articulation have been tempered from exemplary ritual killings, through surveillance to explicitly provident ways of taking care for

³² Foucault, “*Society Must Be Defended*”, 38.

³³ Foucault, “*Society Must Be Defended*”, 250.

³⁴ As Ádám Takács, a Foucault-scholar notes, “for Foucault, the rise of biopolitics and biopower appears as distinctive mark of the birth of late modernity – or that of capitalism, if you like.” Ádám Takács, “Biopolitika és nemzeti állapot: egy foucault-i problematika rekonstrukciója,” in *Kötőerők*, ed. András Cieger (Budapest: Atelier, 2009), 19.

³⁵ Foucault, “*Society Must Be Defended*”, 247.

³⁶ Foucault, “*Society Must Be Defended*”, 245.

³⁷ Foucault, “*Society Must Be Defended*”, 145–146.

³⁸ Foucault, *Security, Territory, Population*, 25.

³⁹ Michel Foucault, *The History of Sexuality. An Introduction*, trans. David Hurley (New York: Pantheon Books, 1978), 88–89.

the biological well-being of the population. The European state today, for Foucault, is not so much concerned about its legitimacy anymore, as it is about expectable profits resulting from the productive forces of the human resource.⁴⁰

	sovereign power	disciplinary power	regulatory power/biopower
<i>time period</i>	from the Middle Ages	from the end of the 17 th century	from the end of the 18 th century
<i>problematique</i>	legitimate rule of the monarch	normalising the individual body	maximising the productive potential in the population
<i>articulation</i>	ritual killing	surveillance, discipline	care for life
<i>focus</i>	the individual and the society (territory)	individual body	population

Table 1. Power forms of the Western state, according to Foucault

For Foucault, the history of European state sovereignty consists first of all in ruptures and dissimilarities, as Table 1. seeks to demonstrate. The most important rupture for this paper, what Foucault calls the “threshold of modernity,”⁴¹ is to be located around the end of the 18th century, when life enters the sphere of politics and immediately becomes the center of political strategies. This shift results in the reconceptualization of power that Foucault terms biopower.

With regard to historiography, Foucault makes it explicit in the “Introduction of Archaeology of Knowledge” that his interest in the discontinuities and ruptures in history clearly separates him from the traditional form of historiography and philosophy of history. His approach shares several patterns with the what he calls new history (*nouvelle histoire*): its aim to construct series in history (as opposed to “great ages,” “great units,” or

⁴⁰ Of course, Foucault is not naïve to assume that by today, violence would have withdrawn from the realm of politics. Quite the contrary, he argues that biopower, precisely because of considering life as the only value, is in position to expose war (and killing in general) as the legitimate means to defend ourselves, i.e. life, the only value, through the discourse of racism (Foucault, “*Society Must Be Defended*”, 258). Nevertheless, he himself devotes incomparably more attention to the economic rationality of the government, unfolding this theory under the term “governmentality,” than to state-level racism implemented by explicitly violent measures. This is precisely the feature of Foucault’s theory that is later identified as a blind spot by Agamben, and thus addressed and developed into a novel theory of European state sovereignty.

⁴¹ Foucault, “*Society Must Be Defended*”, 143.

“civilizations”), its application of discontinuity both as instrument and object of research, and its dismissal of the possibility of writing a total history, aiming instead to write a general one.⁴²

At the same time, Foucault and the scholars of new history challenge not only the postulates of the internal dynamic and development in history, but also that of “the sovereignty of the subject, and the twin figures of anthropology and humanism,” also characteristic to the traditional form of history.⁴³ Also, human agency and socio-economic structures are no longer in the focus of historical research. As Raymond Caldwell, researcher of agency in organizational theory puts it, “Foucault’s ideas have led to a rejection of agency–structure dichotomies and a move towards process-based ontologies of ‘organizing/changing’ that create new problematics of agency as discourse.”⁴⁴

It is through the analysis of power relations and of discourses that one may gain knowledge about the social world and the subject. “Power is everywhere... Relations of power are not in a position of exteriority with respect to other types of relationships (economic processes, knowledge relationships, sexual relations), but are immanent in the latter. Where there is power, there is resistance, and yet, or rather consequently, this resistance is never in a position of exteriority in relation to power.”⁴⁵ That is, the social subject participates in power relations in various social contexts by both resisting power and at the same time imposing it, being interim dominated and dominant.

But how is it possible that the subject is simultaneously placed in these seemingly antagonistic forms of power relations? For Foucault, it is allowed for by discursive practices that form the subject by decentring it.⁴⁶ The subject is thus not a pre-given, stable

⁴² Michel Foucault, *The Archaeology of Knowledge and the Discourse on Language*, trans. A. M. Sheridan Smith (New York: Pantheon Books, 1972), 7–11. Here, Foucault exposes the projects of total and general history as remarkably distinct from one another: „the project of a total history is one that seeks to reconstitute the overall form of a civilization, the principle – material or spiritual – of a society, the significance common to all the phenomena of a period, the law that accounts for their cohesion – what is called metaphorically the ‘face’ of a period... The problem that now presents itself – and which defines the task of a general history – is to determine what form of relation may be legitimately described between these different series; what vertical system they are capable of forming; what interplay of correlation and dominance exists between them; what may be the effect of shifts, different temporalities, and various rehandlings; in what distinct totalities certain elements may figure simultaneously; in short, not only what series, but also what ‘series of series’ – or, in other words, what ‘tables’ it is possible to draw up.”

⁴³ Foucault, *Archaeology of Knowledge*, 12–13.

⁴⁴ Raymond Caldwell, “Agency and change: Re-evaluating Foucault’s legacy,” *Organization* 14, no. 6 (2007): 769.

⁴⁵ Foucault, *History of Sexuality*, 93–95.

⁴⁶ Foucault, *Archaeology of Knowledge*, 31–32.

and constant element marching through history, but is discursively formed in relation to various fields that do not necessarily converge towards an integrate hidden locus, nor they are historically persistent. The subject is discursively decentred and thus is uncertain. As Foucault's *œuvre* demonstrate, there are multiple fields of discourse: penal institutions, prison, school, psychiatry, sexuality, society, population, security, medicine, self, body, insanity, abnormality—but a few of the sites of discourse. Regarding historical research, this implies that a study may be conducted on the phenomena of everyday life (school, body, sexuality, mental hygiene, for instance) and yet be able to contribute to scientific knowledge with something relevant to say about power relations.

To sum up, the history of European state sovereignty as Foucault frames it is built upon discerned discontinuities and differences, and it has changed fundamentally at the end of the 18th century, as a result of life's entrance into its conceptual horizon. It is indeterminate, its subject is decentred, and considers both human agent and structure secondary from a historiographical point of view. For the major drivers or producers of history for Foucault are power relations and discourse. As a result, history, as he sees it, can be studied using various resources, focusing on various subject matters of everyday life. Nonetheless, the study of history does not conclude in complete narrative for Western politics or Western man but will provide a general framework for understanding and interpreting them.

Agamben's biopolitical sovereign and an intertwined notion of time

Agamben's political theory presupposes the equal importance of the juridico-political concept of the sovereignty of the nation-state and the concept of the biopolitical care for the individual body and the body politic. To reconstruct the very structure of sovereignty, as it is conceptualized in the nation-state, he applies philology, cultural anthropology, legal and political theory amongst other scientific disciplines.

In order to understand the horrific history of 20th century Europe in conceptual terms, when nation-states turned from democracies into predators trying to annihilate their own citizens, and then back to democracies again as welfare states, Agamben returns to Aristotle and the ancient Greek language.⁴⁷ He shows that the Greeks had two words to express what we understand by "life:" *zoe* to denote mere biological existence, shared by all living beings; and *bios* to indicate politically qualified life, the proper way of living for an

⁴⁷ Although Agamben is, among others, a political philosopher, here I am going to present not his philosophy on what politics *should be*, but only his theory on what it apparently *is*.

individual or a group.⁴⁸ He argues that this distinction is reflected in Aristotle's definition of man, the political animal (*zoon politikon*), or, as Foucault famously formulated, a "living animal with the additional capacity for political existence."⁴⁹

Agamben's argument is based on the fact that in conceptual terms, with Aristotle, the relation between life and politics is that of inclusive exclusion. Politics, understood as an "additional capacity" referred to above, is defined by the exclusion of life. Nonetheless, it does not cease to maintain relation with life, as it cannot be made sense of without it. That is, to define politics, we need the concept of life. Therefore, in terms of conceptual history, life from the outset has been the constitutive concept of politics.⁵⁰

This argument on the inclusively exclusive relation between life and politics constitutes the core of Agamben's political theory. He shows that the issues of the *polis* (what does good life consist in? what is the purpose of this community? how to reach the immortal fame?) concern certain problems *beyond* the problematique of the biological existence of man (how to harvest more crops? whom should I marry my daughter to? how to be cured of illness?), which is confined to the household, the *oikos*. Nevertheless, the possibility of the former is always premised upon the wise management of the latter (in technical terms, as Arendt contested),⁵¹ but also upon the separate existence of the latter (in conceptual terms, as Agamben argues).

Therefore, when he writes that "the production of a biopolitical body is the original activity of the sovereign power," he means that to maintain and distinguish the *oikos* and *zoe* from the *polis* and *bios* is the most important task of the sovereign, for otherwise it would conceptually, and hence technically, cease to exist.⁵² To further support this conceptual argument, Agamben turns to cultural anthropology for empirics. He brings legal examples from Antiquity through the Middle Ages, and on up to pre-Modern Europe to cases when a community deprived its own member from his political existence, thus relegating him from *bios* to *zoe*, expelling him from *polis* to *oikos*.⁵³ Agamben exposes these examples as evidence that the production of the biopolitical body has always been a systemic phenomenon (and not merely a set of contingent cases), and served to re-enforce the sovereignty of the community by re-drawing its boundaries, by re-articulating the definition of politics through the inclusive exclusion of life.

⁴⁸ Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, trans. Daniel Heller-Roazen (Stanford: Stanford University Press, 1998), 1.

⁴⁹ Agamben, *Homo Sacer*, 7.

⁵⁰ Agamben, *Homo Sacer*, 7.

⁵¹ Arendt, *Promise of Politics*, 121.

⁵² Agamben, *Homo Sacer*, 6.

⁵³ Agamben, *Homo Sacer*, 71–115.

Nevertheless, the conceptual (and hence technical) indistinguishability of *oikos* and *polis*, *zoe* and *bios* was precisely what was aimed at from the end of the 18th century onwards. As Agamben reads the history of European state sovereignty, “the categories whose opposition founded modern politics (right/left, private/public, absolutism/democracy, etc.)” entered into the zone of indistinction, from the decisive moment when political power appeared as committed to integrate *zoe* into the *polis*, i.e. to concern biological problems as political problems, to turn every human being into a citizen at the moment of their birth (targeting the individual body with means of control and surveillance, and thus creating the body politic), etc. This decisive moment is the emergence of the nation–state, around the time of the publication of the *Des Droits de l’Homme et le Citoyen*, during the French Revolution.⁵⁴ To formulate this commitment as a logical statement, one could say that the nation–state has been authorized to perform the following syllogism: it is the citizen who is the sovereign; but every man is a citizen; therefore, every man is sovereign.

Although the head of the king had been cut off by then, and sovereignty was shared among the collective of citizens, sovereign power has proven remained, both in conceptual and in technical terms. Despite the steps that were taken to reduce omnipotent sovereign power by means of the law (through the constitutional establishment of the rule of law), sovereign power itself could not be weakened. The reason for this is that there are exceptional cases for every community when, for the sake of its survival, the rule of law must be suspended and direct sovereign rule be applied. And since it is the sovereign who decides on the state of exception, as Agamben argues in line with Carl Schmitt, at the end of the day “the sovereign is, at the same time, outside and inside the juridical order.”⁵⁵

This means that on every site which is normally regulated by law – which, since the rise of what Foucault calls biopower, have belonged first and foremost to life – under the state of exception, the sovereign is free to exercise power which in legal terms is limitless. Normally, under the rule of law, it is the legal order that is exclusively entitled to rule within the nation–state, and the sovereign power is suspended. But, as the sovereign is authorised to decide on the state of exception (that is, the suspension of law), it may at any point in time return to “produce a biopolitical body,” that is, bodies over which sovereign power is not mediated by law.⁵⁶

⁵⁴ Giorgio Agamben, *Means without End: Notes on Politics*, trans. Vincenzo Binetti and Cesare Casarino (Minneapolis: University of Minnesota, 2000), 19–20.

⁵⁵ Agamben, *Homo Sacer*, 15.

⁵⁶ Agamben, *Homo Sacer*, 15–29.

For Agamben, the sovereign is who decides on the relation of law and life, that is, who decides which regularities or areas of life it wishes to bring under legal control.⁵⁷ To give just a few examples, these areas cover euthanasia, abortion, eugenics, definition and care of incurable patients, but even the official, medical definition of death—and consequently, life itself.⁵⁸ Once brought under legal control, the application of law on these areas can be suspended at any time, and direct sovereign power can be exercised upon it, without the need to justify it in any terms. Thus, the sovereign of the nation–state does not aim to carry out economic calculations to maximize the potential in the population, as it would with Foucault, but instead to take care of the individual body *and* to safeguard the survival of the body politic—by any means, be that, paradoxically, the individual body itself.

As the founding principles of the nation–state, “the trinity of the state–nation–territory” were exposed as invalid after the First World War (as a result of the Peace of Versailles which testified to the fact that the actual sovereign is not man, as part of a nation, but the strongest, the victor),⁵⁹ the nation–state has sought to consolidate its sovereignty by any means, which was, as argued above, the continuous interruption of the legal order, and thus the production of biopolitical bodies.⁶⁰ 20th-century Europe bore witness to the fact that this means was often exploited; most remarkably when, having risen to power through democratic elections, the Nazi government in 1933 suspended the application of the law for some 12 years,⁶¹ constructed the legal categories of first- and second-class citizen, and established the concentration camp.⁶²

For Agamben, the paradox of the nation–state can be explained only at this conceptual level. The nation–state is only considered legitimate insofar it is committed to the pursuance of the syllogism according to which every man is citizen and is thus sovereign. The nation–state has been equipped with all the necessary means to carry out this task, the history of which is written by Foucault: administration, state medicine, disciplines of statistics, demography etc. At the same time, the sovereign power is free to suspend the

⁵⁷ With regard to the definition of the sovereign, what Agamben does is the logical completion of the Schmittian definition (the sovereign is he who decides on the state of exception by suspending the law). Agamben points to the fact that law can be suspended only if it has formerly been introduced. So, the logical order is the introduction of law first, and its suspension only later. Therefore the *differentia specifica* of the sovereign for Agamben is the decision on the relation of law and life, i.e. that it decides on which regularities of life it wishes to apply law to, which then later may be suspended.

⁵⁸ Agamben, *Homo Sacer*, 137, 162.

⁵⁹ Agamben, *Means without End*, 21.

⁶⁰ Agamben, *Homo Sacer*, 12.

⁶¹ Agamben, *Homo Sacer*, 168.

⁶² Agamben, *Homo Sacer*, 149.

application of law at any time it pleases, and if it does so—Agamben asserts that it certainly does, as it is the only site for the application of its power—it produces biopolitical bodies (which in this case means that it produces men that are citizens of no state, i.e., men who are not sovereigns). It is only by looking at this paradox from this historical and conceptual position that we can understand why and how democracies caring for the lives of their citizens were able to become totalitarian regimes annihilating their own citizens, and then turn back into democracies again.

What does this theory of sovereignty imply for historical studies or historiography? If at all, what kind of theory of history can be extracted from it? It appears that for Agamben, time does not induce qualitative change on its subject matter, as if only quantitative changes occurred throughout history, with all the creative work being done already. As he argues in his early essays, “our culture should conceive from its very origins a split between two different, correlated and opposed notions of time,” that history is to be found at the intersection of cyclical time and linear time.⁶³ Cyclical time is “measured by the movements of the stars, motionless, synchronic temporality,”⁶⁴ with fixed structures in which no proper actions are performed. Linear time, on the other hand, is cumulative, diachronic temporality with fluid structures and events taking place, one after the other. As Agamben summarises, “the Western experience of time is split between eternity and continuous linear time.”⁶⁵

From the point of view of the cyclical experience, it seems that Western history is nothing but the total and fatally determinate narrative of the continuous unfolding and realization of the Aristotelian definition of man. This definition (man as “political animal,” or as rephrased by Foucault, “animal with the additional capacity for political existence”) points straight to the fact that what is political in man is necessarily metaphysical and thus has no empirical existence, which makes its precise analytical understanding highly problematic.

This problem, at least in Agamben’s argument, has not been overcome in the past two millennia. This is not the result of the incapacity of political thinkers after Aristotle to reflect on the meaning of politics but demonstrates rather the adequacy of the Aristotelian definition. Exposing Western political thinking in this light would amount to the recognition of the Aristotelian definition as the “best we can ever have,” the “furthest we can ever go.” Nevertheless, what his definition performs, as we tried to demonstrate above, is

⁶³ Giorgio Agamben, *Infancy and History: Essays on the Destruction of Experience* trans. Liz Heron (London – New York: Verso 1993), 73–74.

⁶⁴ Agamben, *Infancy and History*, 73.

⁶⁵ Agamben, *Infancy and History*, 104.

rather the critical delimitation of the problem of politics than the precise denomination of what exactly it is. Therefore, what has been left to be done is the theorization of this critical delimitation, that is, the relation of politics to life.

This is precisely the point where the linear experience of time enters play, that is, where intervention in the cyclical motion becomes possible. For there is at least one shift that this theory appears to identify. Agamben does not state, as Foucault does, that life entered the conceptual horizon of politics only at the end of the 18th century, as for Agamben, life has been present there from the very outset by definition. Nevertheless, the mission that modernity assumed (i.e., integration of *zoe* into the polis, i.e. the performance of the syllogism of man/citizen/sovereign) had not been formulated beforehand. Therefore, the juridico-political conception of the sovereignty of the nation-state—central for traditional historiography—which first appeared as the carrier of this mission, is certainly worthy to be further studied.

So, for Agamben, there is an exit from the gloomy and totalizing narrative of European state sovereignty. The exit way, which sometimes appears only as a theoretical possibility perhaps, presents itself as a rupture of the cyclical order, a breaking point, a window of opportunity for intervention. This intervention must address the conceptual relation of politics to life, to establish what he calls “form-of-life” or “happy life.” By form-of-life, Agamben denotes a way of overcoming the distinction between bare biological existence and political life, between *zoe* and *bios*, “in which it is never possible to isolate something like a naked life.”⁶⁶ Form-of-life is “a life over which sovereignty and right no longer have any hold,”⁶⁷ which thus implies an “irrevocable exodus from any sovereignty.”⁶⁸ That is, what a potential intervention has to address is the abandonment, or at least the fundamental reconceptualization, of the concept of sovereignty.

⁶⁶ Agamben, *Means without End*, 8.

⁶⁷ Agamben, *Means without End*, 114.

⁶⁸ Agamben, *Means without End*, 7.

	Ranke	Foucault	Agamben
<i>stable element in the history of European state sovereignty</i>	state	discourse and power relations	the conceptual–linguistic threshold separating and connecting politics and life
<i>driver in the history of European state sovereignty</i>	productive tension (often war and violence) between opposing international and domestic forces	discourse and power	the conceptual–linguistic barrier (yet, we are within the Aristotelian conceptual horizon)
<i>foundation of the sovereignty/ legitimacy of European state</i>	law and territory	life	law, life and territory
<i>focus of historic study of European state</i>	sovereignty	population	the sovereign and the biopolitical body
<i>lineage of history</i>	meaningful, developing, but neither synchronic nor diachronic	unknown, consists in ruptures, indeterminate with no stable focal point	emanates from the split between cyclical, synchronic and linear, diachronic time

Table 2. Comparison of the implications for historiography of Ranke, Foucault and Agamben's political theory of sovereignty

As Table 2 above tries to show, Agamben's political theory of sovereignty and theory of history refer both to traditional historiography founded by Ranke and to the new history established by Foucault. He regards the state as a significant historical executive of the logic of sovereignty, which is based on the conceptual barrier separating and connecting politics and life. But the state is by no means the only executive, as the same logic conceptually appears in various historical and linguistic contexts, from the distinction of *bios* from *zoe*, the citizen from the man, the first-class citizen from the second-class citizen, to name only a few. Therefore, one can conclude that from the point of European state sovereignty, the conceptual–linguistic threshold comprising the unequal conceptual pair

of life (undefinable but empirically existent) and politics (undefinable and empirically non-existent) is determinant in historical terms. Also, it is this threshold that should be abandoned or reconceptualised by addressing a form-of-life.

The foundations of sovereignty are both law and territory, which are the tenets of the Rankean state, and biological life as well, fundamental for Foucault as legitimacy of the biopower—this is what for Agamben “the trinity of the nation–state–territory” means. Consequently, while it is sovereignty for Ranke and population for Foucault that is the ultimate *raison d’État*, Agamben argues that both are fundamental for the European state, as they mutually refer to and posit each other. Regarding the lineage of the history of European state sovereignty, Ranke holds the peculiar duality of rejecting both synchronic and diachronic temporality, and at the same time assumes history to be the meaningful and developing narrative of individual ages. For Foucault, this history cannot be known *a priori*, can be studied from various angles, and exhibits several discontinuities. For Agamben, history emanates from the split between cyclical and linear time, results from the opposing but correlated experience of synchronic and diachronic temporality. With regard to European state sovereignty, historical time has not yet exceeded the Aristotelian conceptual horizon of the threshold of life and politics, but apparently allows for such an exit.

Concluding remarks

Agamben’s political theory of sovereignty seems to be radical, as it is able to apply the concepts and approaches of both traditional historiography (universal history, sovereignty, state, juridico-political order, territory) and that of New Cultural History (discursively formed subject, life, biopolitics, individual body, body politic), but combines them in a qualitatively new way, which produces a theory of sovereignty and of history that is unlike either of its forerunners. Our aim was not so ambitious as to draw far-reaching conclusions concerning historiography in general. Instead, we were trying to provide a new analytical framework for understanding, on the one hand, Agamben’s political theory of sovereignty, building on both the traditional and the new conceptualizations of European state sovereignty and power, and on the other hand, his theory of history, relying on mainstream as well as postmodern historiography. What is yet to be done, at least if we take Agamben’s insights seriously, is the theorization of the threshold of politics and life, which in other words is the identification of points of intervention in the cyclical motion of the Western experience of time.

References:

- Agamben, Giorgio. *Homo Sacer: Sovereign Power and Bare Life*. Translated by Daniel Heller-Roazen. Stanford: Stanford University Press, 1998.
- Agamben, Giorgio. *Infancy and History: Essays on the Destruction of Experience*. Translated by Liz Heron. London – New York: Verso, 1993.
- Agamben, Giorgio. *Means without End: Notes on Politics*. Translated by Vincenzo Binetti and Cesare Casarino. Minneapolis: University of Minnesota, 2000.
- Agamben, Giorgio. *The Kingdom and the Glory: For a Theological Genealogy of Economy and Government*. Translated by Lorenzo Chiesa with Matteo Mandarini. Stanford: Stanford University, 2011.
- Agamben, Giorgio. *Remnants of Auschwitz: The Witness and the Archive*. Translated by Daniel Heller-Roazen. New York: Zone Books, 1999.
- Aho, James Alfred. *German Realpolitik and American Sociology: An Inquiry into the Sources and Political Significance of the Sociology of Conflict*. Lewisburg: Bucknell University Press, 1975.
- Arendt, Hannah. *The Promise of Politics*. New York: Schocken Books, 2007.
- Bartelson, Jens. *A Genealogy of Sovereignty*. Cambridge – New York – Melbourne: Cambridge University Press, 1995.
- Caldwell, Raymond. “Agency and change: Re-evaluating Foucault’s legacy.” *Organization* 14, no. 6 (2007), 769–791.
- Dreyfus, Hubert L. and Paul Rabinow. *Michel Foucault: Beyond Structuralism and Hermeneutics*. Chicago: University of Chicago Press, 1982.
- Foucault, Michel. *Security, Territory, Population*. Translated by Graham Burchell. Basingstoke: Palgrave Macmillan, 2007.
- Foucault, Michel. “*Society Must Be Defended*”: *Lectures at the Collège de France, 1975-1976*. Translated by David Macey. New York: Picador, 2003.
- Foucault, Michel. *The Archaeology of Knowledge and the Discourse on Language*. Translated by A. M. Sheridan Smith. New York: Pantheon Books, 1972.

Foucault, Michel. *The Birth of Biopolitics: Lectures at the Collège de France, 1978–1979*. Translated by Graham Burchell. Basingstoke – New York: Palgrave Macmillan, 2008.

Foucault, Michel. *The History of Sexuality. An Introduction*. Translated by David Hurley. New York: Pantheon Books, 1978.

Krieger, Leonard. *Ranke: The Meaning of History*. Chicago: University of Chicago Press, 1977.

O'Brien, Patricia. "Michel Foucault's History of Culture" In *The New Cultural History*, edited by Lynn Hunt. Berkeley – Los Angeles – London: University of California Press, 1989.

Takács, Ádám. "Biopolitika és nemzeti állapot: egy foucault-i problematika rekonstrukciója" In *Kötőerők*, edited by András Cieger. Budapest: Atelier, Budapest, 2009, 15–28.

Wallenstein, Sven-Olov. "Introduction: Foucault, Biopolitics, and Governmentality" In *Foucault, Biopolitics, and Governmentality*, edited by Jakob Nilsson and Sven-Olov Wallenstein. Södertörn: Södertörn Philosophical Studies, 2013, 7–43.