Sovereignty, Linguistic Imperialism and the Quantification of Reality

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Abstract. The events of 9/11 have underlined the relevance of the thought of Georgio Agamben in so far as he attempts to explain the genesis of an authoritarianism that increasingly implements extraordinary measures and enhanced surveillance. This can be understood in terms of the expansion of a biopolitical regime. Biometric analysis: finger printing, iris and retina scans etc., are to be understood in their relation to the individual as bare life, the individual stripped of his/her political legal identity and thus identified without reference to the latter. The camp, according to Agamben, is said to be the ultimate space, a lawless zone, where questions of legality and illegality become irrelevant. However, this paper argues that Agamben fails to underline the importance of the Cartesian legacy that initiated a form of conceptualization in which the ordering of reality replaced qualitative distinctions with mathematical quantification. Biometric analysis, which relies heavily on mathematized quantification of biological features, is integral to the biopolitical regime, as described by Michel Foucault and Agamben. This paper argues that a rejection of this Cartesian inheritance is necessary if we are to overcome insidious forms of control based on surveillance, biometric identification or even managerial oversight through supposedly quantifiable metrics of performance.
Keywords: biopolitical, biometrics, Descartes, state sovereignty, Foucault, Agamben

INTRODUCTION

It is widely noted that Giorgio Agamben further developed Foucault's concept of the biopoltical in elaborating on a reality in which states of exception declared by sovereign authority create exceptional spaces where legal personality loses its meaning. Within these spaces the distinction between bare life and legal identity finds its application as individuals, designated as mere bare life, are exposed to an unconstrained sovereign will. Agamben holds that this state of affairs can only be ultimately overcome when sovereign decision making becomes inoperable as the law is robbed of its force. This can only occur when the law is no longer maintained by a linguistic system that functions according categories that

can never be fully determined and thereby susceptible to sovereign decision making.

This paper argues that Agamben fails to underline the importance of the Cartesian legacy that initiated a form of conceptualization in which the ordering of reality replaced qualitative distinctions with mathematical quantification. Certainly biometric analysis, which relies heavily on mathematized quantification of biological features, is integral to the biopolitical regime, as described by Foucault and Agamben. This paper proposes a rejection of this Cartesian inheritance is necessary if we are to overcome insidious forms of control based on surveillance, biometric identification or even managerial oversight through supposedly quantifiable metrics of performance.

MICHEL FOUCAULT AND THE BIOPOLITICAL

Subsequent to the events of 9/11 the thought of Georgio Agamben grew to prominence as an insightful attempt to address the emergence of a regime that increasing implements extraordinary measures and enhanced surveillance. Agamben unites Carl Schmitt's discourse, which understands parliamentary rule as by passed by executive decision-making through extraordinary measures, and Michel Foucault's development of the so-called disciplinary power that emerges out of classical archaic sovereignty.

Foucault uses the term "biopower" to describe the situation in which the mechanisms and calculations of power focus on our biological existence. Disciplinary power is applied to observe the body and produces knowledge about the body in order to produce docile bodies. In Foucault's understanding the law no longer relies on the sovereign's methods of distinguishing enemies from obedient subjects, but increasingly operates through the disciplinary "norm".

On the other hand, Carl Schmitt had emphasized in earlier writings that sovereign decision making can never be entirely erased, as the sovereign necessarily constitutes the law and paradoxically through the exceptional decision suspends the law creating a threshold of indistinction in which the sovereign decision is both outside and within the law (Schmitt, 2005 [1922]).

In relating the political centrality of Schmittian *states of exception* with techniques of panoptic surveillance and discipline articulated by Foucault,

Agamben interprets the recent events since 9/11 as a significant instance in which a state of emergency or exception has been declared, and in fact the rule of law has been suspended. In so doing individuals have lost the protections of the law and the support of legal rights, while subjected to enhanced technologies of surveillance and control. In this state of affairs the exception has become the norm as extraordinary measures become familiar aspects of social existence. *The state of exception*, in which law and politics merge, is no longer the extreme case but the rule.

Agamben perceives a pervasive regime of observation, as articulated by Michel Foucault, developed as a technique of control originally exercised by the emerging 19th century institutions: the prison, the school, the hospital and so on, intended to identify and control particular individuals within these particular institutional contexts, expands and inclusively embraces the entire citizenry. He observes that at present

> […] a new European norm imposes biometric apparatuses on all its citizens by developing and perfecting anthropometric technologies invented in the nineteenth century in order to identify recidivist criminals (from mug shots to fingerprinting). Surveillance by means of video cameras transforms the public space of the city into the interior of an immense prison. In the eyes of authority-and maybe rightly so-nothing looks more like a terrorist than the ordinary man. (Agamben, 2006: 23)

As Foucault uses the paradigm of the modern prison to explain the emergence of the disciplinary techniques that permeate the social organizations of modern society, so Agamben introduces the paradigm of the prison camp, an exceptional space, to explain how our normal lives are being subjected to extraordinary realities previously reserved for incarcerated recidivists. The camp, the contemporary *nomos*, is said to be the ultimate space, a lawless zone, where questions of legality and illegality become irrelevant.

For Agamben, the most dangerous aspect of the state of exception is its capacity to define and create spaces of exception where sovereign power can operate without restraint. But it is not entirely correct to hold that Foucault attempted to banish the concept of Sovereign authority from the exercise of power and control. For Foucault, the first technology of power that emerges out of classical archaic sovereignty is disciplinary power in which the individual body comes under surveillance and in observing the body produces knowledge about the body in turn producing docile bodies. But Foucault also speaks of a second technology, a

form of biopolitics that uses statistics, in Foucault's terms, the science of the state that calculates random and or probable events that may befall a given population. The purpose is to intervene and control events in order to create favorable outcomes. The first technology of power is occupied with manufacturing individuals and is thus individualizing, whereas the latter is totalizing and concerned with the masses of docile bodies that it observes and acts upon. Whereas at the micro level individuals are produced through disciplinary networks (prisons, schools and so on) at the macro level the political body is constituted in the form of a population/species (Foucault, 2003: 243).

For Foucault, sovereignty, which Foucault describes as the old-right to take life, was not replaced but complemented by this new right which does not erase the old right, but it penetrates and permeates it. The old right does not exclude disciplinary technology but "… it does dovetail into it, integrate it and modify it to some extent and above all use it by sort of infiltrating it, embedding itself in existing disciplinary techniques" (Foucault, 2003: 242).

AGAMBEN, SOVEREIGN DECISION MAKING AND THE CAMP

In developing his investigation, Agamben makes much use of Foucault's concept of the biopolitical and emphasizes the insidious distinction between the individual as bare life or the biological self and the individual's political legal personality. Foucault, as we have seen, discussed this "bio" aspect in a number of ways – in anatomo-politics it is the life of the individual docile body, rendered amenable to various disciplines; in biopolitics it is the life of population, understood as simultaneously the biological species and a national and political-economic entity.

Biometric analysis – finger printing, iris and retina scans, etc. – are to be understood in their relation to the individual as bare life (*zoe*), the individual stripped of his/her political legal identity and thus identified without reference to the latter. Without a political legal identity and its protections, the bare life of the individual is exposed to mistreatment and even death. In this situation the individual as bare life may be entirely subject to the will of the sovereign, who acts with impunity, without the restraints of the normal operation of the law or a code of human rights.

It is Agamben's conceit that the biopolitical nature of modern existence in which identity is increasingly a matter of biometric identification is closely associated with a state of affairs in which we are all potentially bare life and can be dealt with in a manner exemplified in the inmates of Guantanamo, or worse still, in the Nazi death camps. Thus he connects the Schmittian concept of the states of exception declared through the sovereign will with the reduction of humanity to bare life within spaces of exception.

For the ordinary person such treatment becomes acceptable because he/she relies on the belief that he/she would not commit acts that would lead the sovereign to treat him/her accordingly. For Agamben this is illussory, because he/she does not realize that states act arbitrarily, just as declarations of states of exception can be entirely arbitrary designations. At the same time, Agamben would appear to hold that states must at times act arbitrarily – in the sense that the declaration of the state of exception is necessarily discretionary – thus demonstrating that they are the author and stand superior to the norms and laws that regulate the population. Paradoxically decisions of the state which are outside the legal norm become themselves legal, illustrating the paradoxical sense in which such acts are both outside and inside the law, or as Agamben asserts, "The rule applies to the exception in no longer applying, in withdrawing from it" (Agamben, 1998: 5). Thus, *the state of exception* for Agamben achieves its "maximum worldwide deployment" by creating a "threshold of indeterminacy between democracy and absolutism" (Agamben, 2008: 3, 87).

In these passages one observes that Agamben is entirely consistent with Schmitt's view of law and the legal system. For Schmitt the sovereign is the ultimate source of the legal system and as its source is itself independent of normative controls. Schmitt pronounces that norms, which could possibly constrain the sovereign's decision, don't exist a-priori and antecedently to the sovereign decision. Looked at normatively the legal decision emanates from nothingness (Schmitt, 2005: 32).

Thus, Schmitt contested Hans Kelsen's articulation of the law as a system derived from basic norms (Grundnorms). Moreover, even an existing norm depends on sovereign decision making for its application, or as Schmitt argued, the legal idea cannot translate itself independently.

AGAMBEN, OVERCOMING THE BIOPOLITICAL WITH THE *COMING COMMUNITY*

For Agamben, the solution to state control and surveillance lies in resistance to the apparatus of the state. As Ronald Jennings observes, for the Italian scholar, modernity, sovereignty and exception are essentially synonymous and, thus, what is needed is a reconceptualization of the political that rejects the categories of modernity and its associations with sovereignty. If this rejection is not complete any attempt to found political liberties on the rights of the citizen will be in vain (Jennings, 2001: 46). Jennings notes that Agamben's thought is both "radically postmodern and radically anarchistic" (Jennings, 2001: 47). Therefore, the present order of things must be rejected and the political reconceived.

Catherine Mills, in turn, underlines that for Agamben the resolution involves the achievement of what he calls the "happy life" over which sovereignty will no longer have a hold (Mills, 2008: 109). In *Means without End*, Agamben posits the necessity of a "life that can never be separated from its form, a life in which it is never possible to isolate something such as naked life" (Agamben, 2000: 130). Thus the danger of biopolitics is not that it collapses forms-of-life into natural life, but rather that it relentlessly separates one from the other. This separation of *zoē* and *bios* provides the conceptual condition for the production of bare life as "natural life exposed to death," a distinction that is also the theoretical starting point for Agamben's positive theory of political liberation, since, he argues, a coming politics must consequently be founded on a conception of life in which such a distinction is no longer possible (Agamben, 2000: 130).

This re-conception necessitates a refusal to accept the identities and distinctions that divide society. In this project Agamben seeks to recapture the concept of the "will of the people," the undivided will of the *Demos*, which is to say the people of a collectivity regarded as a political unit, unitary and undistinguished by particular interests. Agamben conceives the non-identitarian nature of the coming community in its opposition to the state and state political forms, and argues for a community and politics of "whatever singularity" (Agamben 2000, 130). This, he believes has been foreshadowed in the events of Tiananmen Square, when thousands of Chinese students, workers and others demonstrated for about six weeks against government corruption and various reforms of

the Deng Xiaoping government. Agamben finds significance in part because of the lack of clearly articulated demands on the part of the protesters, indicating that the demonstrations were not driven by a common interest derived from a shared identity. The lack of shared identity and interests suggests a politics of being as such, without reference to either identity or difference.

Agamben's projected future is closely tied to the possibility of a linguistic existence that is unrecognizable to the law and thus immune to its force (Livingston, 2009: 297-325). What is called upon therefore is a parallel reformation of language. Agamben states that the Kantian theory of judgment is wrong in that the general rule is first given and the particular case is subsumed under it. He states: "In reflective judgment it is instead the particular that is given and the general rule that must be found" (Agamben, 1998: 28). As with language, the legal norm presents itself in its abstract universality, though the application of the norm to its concrete particular is undetermined by the norm itself. Ultimately sovereign decision making must constitute the particular case as either conforming to the norm or exception to the norm. The maintenance of the legal system itself necessitates the existence of an absolute power of decision that originally constitutes and applies the legal order.

This authority that names, distinguishes and identifies must be superseded if we are to achieve a social existence in which identities no longer clash and powerful authorities determine the areas of exception and exclusion. The force of the law, dependent on sovereign decision making, becomes inoperable when no longer maintained by a linguistic system that functions according to categories that can never be fully determinate, and which thereby create the spaces for sovereign decision making.

Ultimately, this is a project that eschews universals, and engages in reforming linguistic use such that "universal" will not tolerate being assigned to any particularity. It entails freedom from the use of universals, which divide, distinguish and order social existence so that the singularity of the particular cannot be captured by the universal. In a sense, Agamben appreciates as did Roquentin in Sartre's *Nausea* that universal categories inadequately capture the unique overabundance of reality. The universal cannot capture that which is in excess of the universal subject.

In moving beyond identitarian politics and the distinctions of western political and legal categories, one does not formulate another more encompassing universal such as the universal concept of humanity but ra-

ther, moves beyond the practice of universalizing. The universal is inherently dangerous in so far as it reduces distinctness to a sameness thereby draining it of any singular value. Agamben understands both Western politics and metaphysics as tending towards the empty and indeterminate, exposing western subjects to the violence of sovereign power accordingly (Agamben, 1998: 182). Implicit within sovereign power is the production of a savage equivalency finding expression in the radical equality of bodies, such as those menaced by death in Nazi extermination camps. In overcoming this linguistic framework that underpins the dichotomies of the legal and the illegal, freedom from the law is achieved. In this state of affairs, Agamben believes, the Pauline ideal of freedom is realized in contrast to "subjection to a codified system of norms and articles of faith" (Agamben, 2011: 135).

To summarize, one interprets that Agamben sees the resolution of sovereignty in a reconstructed political landscape in which the divisive politics of inclusion and exclusion no longer apply. In order to achieve this end, it is necessary that linguistic existence, which grounds the legal categories and accordingly the politics of exclusion and inclusion, be transformed. Consequently, this identitarian politics grounded in a linguistic process of naming, identifying, and characterizing must be superseded.

Thus, there appears to be two issues here, firstly our current social, political existence with its emphasis on identities ineluctably promotes distinctions, opposition and the arbitrary exclusions. At the same time the universal terms that distinguish separable identities reduce those identified to a sameness, a radical equality in which any particular or singular personal value is lost.

It is true that universals do subsume numerous particulars as belonging to a distinct class, but does this necessarily entail that the content be incapable of any singular value. For Plato the universal itself was a "form," a unique particular imperfectly reflected in individual instances rather than denoting a commonality of features that obviates recognition of the unique existent. Agamben does agree stating "According to a Platonic tautology, which we are still far from understanding, the idea of the thing is the thing itself…" (Agamben, 1993: XVII). One might argue that one needs to emphasize that universals in themselves are most perspicuously drained of all meaningful value when we attempt to reduce qualitative difference to a quantitative definition. An abstraction can assume

different forms. The modern mind constructs abstractions whose value is heavily dependent on their instrumentality, where the universal ideal has been replaced by a universal that denotes the common possession of a mathematized variable. Universals, as understood by classical thinkers, were far removed from the modern propensity to define and order reality through statistical systems and quantified relations that radically reduce individual identity to a content less, value free equivalency.

It is arguable that it is the Modern propensity to quantify a reality of natural and social relations that has most significantly promoted a reality of conceptual sameness and equivalency. The reduction of identity to definitions based on statistically generated quantitative relationships is endemic to a modern linguistic life, and has meant that our thought can no longer contemplate the distinct value, unless reduced to a quantified relation in which any distinct value lacks representation and disappears.

BIOMETRICS AND THE QUANTIFIABLE REALITY

Moreover, is the abolition of a linguistic existence that facilitates the language and politics of categorization sufficient to move us beyond the inheritance of modernity into a more satisfactory postmodern future? One might somewhat object and stress that other aspects of modernity appear to be overlooked. One might draw attention to the Cartesian inheritance and the emphasis on the so called innate capacity of the mind to creatively construe and quantify reality, including social relations.

One needs to look more closely at the biopolitical regime that necessarily utilizes biometric systems. It has been explained that the reduction of existence to bare life entails an identification in which qualitative distinctions are disregarded as biometric systems operate to translate information about human features into mathematical constructions. Human identity is reduced accordingly by quantified biological differences expressed as mathematical constructions abstracted from their original physiological or biological meaning. There exists subsequently only an *indirect* relation between the information generated by the computer and the related physiological features (Kruger, Magnet and Van Loon, 2008: 104).

For example, if one deployed iris recognition systems to identify an individual or verify their identity, this requires extracting a mathematical representation of the iris of a sample of the population. The representation would not be an actual image of people in the database, but a two-dimensional representation of the elements of iris-

> es. Once the pattern information has been extracted and stored, analysts run computer analyses of the data to find the relationships in the patterns that would consistently allow differentiation of individual irises from the group. (Kruger, Magnet and Van Loon, 2008: 104)

This means that the particular biological feature under study becomes supernumerary as biometric systems translate information about human features into mathematical constructions. In this alternative reality, qualitative biological distinctness is displaced and replaced by a quantifiable identification tied to statistical variables. This replacement of qualitative characteristics by quantified relationships appears to be underemphasized by Agamben. One is struck by this lack of attention to an important aspect of the intellectual inheritance of Modernity, specifically the Cartesian legacy that initiated a form of conceptualization in which the ordering of reality replaced qualitative attributes with mathematical quantification. Descartes in his conclusions re-formulated the traditional ontologies inherited from the Greek philosophers by distinguishing thought from Being, when the latter is realized in physical substrate. This move entailed the ontological distinctness of human beings as thinking beings (*res cogitans*), profoundly severing the physical (*res extensa*) and the intellectual (*res cogitans*) into separable ontologies.

As Jacques Maritain explained, for the scholastics there is communication first by means of the sense with things outside ourselves and then by means of the intellect and ideas actively drawn from the senses by the mind to the essential nature of reality. The Cartesian, however, relies solely on its own ideas which are not dependent on a known reality outside itself (Maritain, 1946: 38).

The earlier tradition, of which Maritain speaks, conceived the form or idea as qualitatively defining and ordering the material world, but the thought or idea ensconced within the human intellect is now independent of the physical reality, instead

> […] Descartes, whose place is at the starting point of many specifically modern philosophical and scientific conceptions, tried to define matter in terms of extension, and to make his definition the principle of quantitative physics […] (Guenon, 2004: 20).

Thus, Descartes sought to reduce the qualitative nature of bodies, expressed in the form or idea, to extension, a purely quantitative attribute that could serve as the basis of an exclusively "mechanistic theory".

In the period of modernity, the purely quantitative attribute, one might argue, has increasingly come to dominate Western thinking. One might think of a form of government allegedly run by an accountancy system in which preferences are quantified and policy determined by the greater number. But equally, and in actuality, it is monetary wealth that controls the political options offered to the *demos* and undeniably the monetary principle that dominates calculations similarly erases all qualitative heterogeneity and substitutes a quantified equivalency. As Alain Badiou observes, this abstract equality is actually "no more than a demeaning subjection to quantifiability" (Badiou, 2004: 11).

Returning to the issues of biometrics, the point is that biometrics erases even the qualitative aspects of biological identity representing them in purely quantified relationships. It is, thus, misleading to assert that political identity is reduced to bare biological life, rather the reduction proceeds even further to mere statistical representation as identity is defined in terms of deviation from statistically generated norms.

Above all one might argue, the reduction of qualitative differences to quantitative representations has been central in the unfolding of the social and environmental crises experienced in late modernity. Maritain explained that the inheritance of Cartesianism leads us to delight in our acquired knowledge and dominion over the real (Maritain, 1946: 38). Moreover, he adds that Descartes' thought appears as a "sort of demigod fabricating the cognoscible world with its concepts" (Maritain, 1946: 38). Within this tradition, the human mind, rather than extracting meaning form the external reality itself, is understood as imposing its own concepts on the external reality whether it is the natural environment or social relations in an effort to dominate environmental and social relationships. This is achieved most effectively through mathematical representations which allow for the manipulation of the quantitatively represented relationships functioning as directional guides in facilitating control and the achievement of desired outcomes. Accordingly, our thinking proceeds in an allegedly value free instrumental form of calculation which dispenses with the qualitative aspects of the real world. This, *inter alia*, allows for the decidedly anthropocentric approach to the natural environment in which the latter is viewed as an intrinsically valueless means to

the satisfaction of the unlimited needs and wants of the human population. Social relations are similarly reduced to matters of calculation and control as statistical manipulations elide issues of value and qualitative distinctions. This is entails the imposition of a regime in which human behavior is quantitatively measured and increasingly utilized to impose conformity in the instrumental pursuit of narrowly defined objectives.

Disciplinary power, as described by Foucault, would have been unachievable without the recording of sequences of behavior statistically represented and endowed with mathematical meaning. Equally, the second technology of power, the biopolitical produced at the macro level in which the political body is constituted in the form of the population/species, is effectively realized within a system of mathematically generated biometrics, as previously discussed (Foucault, 2003: 243). The pervasiveness and obsession with quantification can also be recognized by the fact that the practice of auditing has migrated from the financial world into other areas and facets of public life. An audit, essentially a evaluative practice of assigning quantified measurable outcomes to human behavior, now includes, *inter alia*, the environmental audit, the value for money audit, the management audit, the forensic audit, the data audit, the intellectual property audit, the medical audit, the teaching audit, and the technology audit. Auditing, according to Michael Power, is the explosion of an idea, an idea that has become central to a certain style of controlling individuals, which has permeated organizational life. He describes it as a "central condition for talking about the prospective realization of a regulatory programme" (Power, 1997: 7).

CONCLUSION

Agamben has significantly developed Foucault's original articulation of the biopolitical as apparatus through which sovereign agency operates. His prescription for the resolution of present political can be understood in the creation of a linguistic project that renders language immune to the force of law. On the other hand, Foucault's understanding of the biopolitical through calculated control of living existence presupposes a Cartesian world view in which qualitative values are overcome by quantitative distinctions. In an important sense any future society that intends to evade the divisiveness of contemporary politics and the insidious forms of control based on surveillance, biometric identification, or even

managerial oversight through supposedly quantifiable metrics of performance, needs to rediscover a reality of environmental and social relations that is allowed to express itself without being interpreted through the apparatus of mathematical and digital instrumentality.

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