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From Zoēpolitics to Biopolitics: Citizenship and the Construction of ‘Society’

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Abstract

Giorgio Agamben’s work on biopower thematizes the biopolitical distinction between what the 1789 Declaration distinguishes as *citoyen* and *homme*. In this contribution, Foucault’s and Agamben’s views on biopolitics are critically discussed. It argues that a crucial distinction exists between what can be called zoēpolitics and biopolitics. Whereas the former takes the biological body as its object and is only indirectly geared towards the social body, the latter more directly has the social body as its object. Citizenship can be regarded a crucial form of population control that is both zoēpolitical and biopolitical in scope. It is zoēpolitical in that it distinguishes citizens from non-citizens. It is biopolitical in that it separates the life of ‘society’ from what is today, for instance, in discourse on immigrant integration, discursively articulated as the ‘outside society’. It is thus crucial to take seriously a discourse on what ‘society’ is, who belongs to it, and who resides ‘outside of society’, instead of taking the sovereign position of defining ‘society’ as a social body existing prior to its biopolitical articulation.

Keywords

Agamben, biopolitics, citizenship, Foucault, immigrant integration

In 2008, Sami al-Hajj, an Al Jazeera cameraman mistaken for an enemy combatant, was released from the US detention facilities at Guantánamo Bay after being detained for over six years. In February 2008, he went on a hunger strike, as a consequence of which he was ‘forced’ twice a day by means of a tube down his throat which at times was bloody from other prisoners’ throats and which roughened his throat and nose. He had

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a Quran, but it was taken from him. In Sami al-Hajj, one finds the example *par excellence* of the modern version of the ancient *homo sacer*, on which the important work of Giorgio Agamben has focused attention. Sami al-Hajj was detained on extra-legal grounds (a recognition of the mistake was implicit in the offer of freedom in exchange for his spying on Al Jazeera for the US military, which he refused), he was thus reduced to bare life and was subject to a biopolitical control 'in which law encompasses human beings by means of its own suspension' (Agamben, 2005: 3). Guantánamo Bay marks a state of exception that defines the limit or threshold of the law. The very fact that al-Hajj was artificially kept *alive* indicates the control over bare life by the state (in its exceptional state). It shows how biopower requires life to remain alive in order to shape it. But in this interpretation, a certain ambiguity remains. The figure of the *homo sacer* designates the banned person, who cannot be sacrificed but can be killed (Agamben, 1998). Yet the latter is too imprecise a characterization of what happens in Guantánamo Bay. The reduction to bare life in Guantánamo Bay has similarly been noted by Judith Butler (2004). But Butler questions the perspicacity of Agamben's perspective and critiques it for being too general. It does not

tell us how this power functions differentially, to target and manage certain populations, to derealize the humanity of subjects who might potentially belong to a community bound by commonly recognized laws; and they do not tell us how sovereignty, understood as state sovereignty in this instance, works by differentiating populations on the basis of ethnicity and race. (Butler, 2004: 68)

A tension remains that may be only adequately resolved through a distinction of two forms of biopower.

On the basis of a comparison between the thoughts of Foucault and Agamben on biopower, I argue that in today's forms of population control a distinction between *zoēpolitics* and *biopolitics* is relevant. Zoēpolitics is primarily externally directed towards persons outside the state, as becomes visible, for instance, in the reduction to bare life of those detained in Guantánamo Bay and in the administrative detention of 'illegal aliens'. Biopolitics is a second form of biopower. It is internally directed and aims at the control of populations occupying the state's territory but which are discursively placed outside the domain of hegemony marked as 'society'. Biopolitics takes as its object the social body, the *bios* that is usually referred to as 'society'. It involves the sorting of populations according to who is deemed part of 'society' and who isn't. Whereas zoēpolitics focuses on the bare life of the person outside the state, biopolitics more immediately tacks onto the boundaries of the social body. Citizenship is a mechanism of population control that has both zoēpolitical and biopolitical aspects. In terms of formal citizenship, it separates citizens from non-citizens who are thereby zoēpolitically reduced to bare life. In terms of moral citizenship, it distinguishes 'good' and 'active' citizens from 'inactive' citizens. The latter is briefly illustrated in the last section of this article in a discussion of Dutch citizenship discourse. This involves a separation between 'society' and the 'outside society' articulated in a state-propagated discourse on moral citizenship, marking, as Butler suggests, an 'ethnic' division between populations that performatively *produces* the populations it controls.

It is therefore crucial to note that the distinction separating *bios* from *zoē* is not necessarily the law, as it remains in Agamben's perspective. Within what Agamben defines as the community, a diagrammar exists that marks the difference between *bios* and *zoē* through a culturalized form of moral citizenship. On the other hand, a focus on the differentiation along the lines of those who are members of the true *bios* and those reduced to *zoē* offers a more finegrained perspective on the use of the concept of 'society' as the product of a biopolitics that discursively constructs the boundaries of the bios of 'society'. The next section discusses the notion of biopolitics as used by Foucault. Subsequently, Agamben's views are discussed, to then work out the distinction between zoēpolitics and biopolitics. That distinction is then applied in a discussion of the zoēpolitical and biopolitical aspects of citizenship, and the last section offers concluding remarks on the application of the differentiation between zoēpolitics and biopolitics to citizenship.

Foucault on Biopolitics

The concept of biopolitics has gained widespread attention through Michel Foucault's work. The relevance of this theme for Foucault's later work is hard to overestimate, since the lectures of the Collège de France from 1976, entitled '*Il faut défendre la société*', start by introducing a break into his work due to dissatisfaction with his work over the last few years, which lacked coherence and consisted of scattered bits and pieces of genealogy. It is in the same year that the problem of life is explicitly dealt with in terms of biopolitics (Foucault, 1997). In his regular works, he gives the first elaboration of the concept in the first volume of his trilogy on the history of Western sexuality, *La volonté de savoir* (1976). Here he discusses the shift in the relation between sovereignty and life and death. While up to the Classical Age, the sovereign decided over life and death in the sense of a letting-live and a bringing-death, the mechanisms of power change in the Classical Age. Death now becomes the inverse of the right of the social body to secure and develop its own life (Foucault, 1976: 179). That is to say that the life of the individual becomes subject to the life of the social body. The power over death becomes an element in a positive power over life, which has as its objective the control, regulation and multiplication of life (Foucault, 1976: 180). Particularly in the nineteenth century, power gains a specific 'hold' over life (Foucault, 1997: 213). Foucault discusses the paradox of this attention to the furtherance of life and the possibility of the Holocaust in the sense that it now becomes possible for entire populations to be trained to exterminate one another (Foucault, 1976: 180). Central to the form of power Foucault dubs *biopower* is the control of biological life. But a distinction is in order between what Foucault calls *disciplines* and *regulatory controls*. The former are characterized by an '*anatomo-politique du corps humain*'; the latter by a '*biopolitique de la population*' (Foucault, 1976: 183; 1997: 216). Biopolitics, Foucault states, started first and foremost with the establishment of a link between economic and political processes with birth rates and mortality rates (Foucault, 1997: 216).

Biopolitics, which will be my focus here, can thus be said to be one of two forms of biopower. Both anatomo-politics and biopolitics are aimed at the biological body, but the first does so in a mechanical sense (*le corps comme machine*) while the second does so in

a more 'speciest' sense (*le corps-espèce*), relating to the body in its reproductive functions and as a lifeform characteristic of a biological species. In modern man, biological being is at stake in his/her political being (Foucault, 1976: 188). Here, Foucault specifically emphasizes the importance of biopolitics, since he says that the 'threshold of biological modernity' of a society lies there where the species becomes the object of its own political strategies (p. 188). And he reiterates that one should speak of 'biopolitics' where life and its mechanisms enter the field of explicit calculation and the complex of power-knowledge becomes a life-changing force (p.188). Biopolitics thus has to do with the entry of biological life into the field of political techniques (pp. 186, 187). Foucault discerns four domains of biopolitics. The first is a natalist policy relating to birth rate control, with fertility and morbidity. The second involves forms of activity and capacity related to old age and accidents. Here, various forms of insurance complement charitable institutions. The third domain of biopolitics involves a focus on the *milieu* of the human species. This entails the problematization of epidemics in relation to geography and climate. In the end, then, biopolitics operates on the basis of a knowledge of birth and mortality rates, biological disabilities and the effects of the environment (*milieu*) (Foucault, 1997: 217–18).

To the extent that biopower is a technology comprised of various techniques, one might get the impression that anatomo-politics and biopolitics are techniques of power, but at certain points in Foucault's later work one gets the impression that biopolitics can itself be seen as a technology comprised of various techniques (see, for the distinction between 'technique' and 'technology', Foucault, 2004a: 10). While Foucault here, as elsewhere, displays a certain conceptual open-endedness (which might be negatively construed as a conceptual sloppiness), it becomes clear that biopolitics has as its object the biological life of the species and, more specifically, of a population. It has therefore, in historical practice, been closely related to what Foucault calls *gouvernementalité* and by which he understands a management of the state construed as the rational policing of the population (Foucault, 1994, 2004a, 2004b; see also Burchell et al., 1991). This link becomes especially apparent in the lectures of 1978–79, entitled *Naissance de la Biopolitique* (2004b). Here, he describes 'biopolitics' as 'the attempt, starting from the eighteenth century, to rationalize the problems posed to governmental practice by phenomena characteristic of a set of living beings forming a population: health, hygiene, birth rate, life expectancy, race' (Foucault, 2004b: 323).

Thus, one might say that Foucault discerns three basic forms of power (cf. Foucault, 1997: 214–16), which are dominant in different periods while they cannot be neatly or exclusively attributed to certain historical epochs (Foucault, 1997, 2004a). Next to sovereign power, he mentions disciplinary power and biopower. But this is somewhat confusing first of all since it is sometimes thought that disciplinary power involves forms of normalization, while biopower, and especially biopolitics, since it does not operate from within panoptic institutions, does not. This is clearly not what Foucault had in mind. For though he first speaks of 'normalization' in terms of 'les normalisations disciplinaires' in his 1976 lectures, he at the same time analyzes a state racism by means of which 'society' exercises a normalizing power over itself (hence 'il faut défendre la société'). 'Society' must, after all, be defended against the biological perils it has itself created (Foucault, 1997: 53). In one of the later lectures that year, he thus describes a 'société

de normalisation' as characterized by a power that is first and foremost a biopower (Foucault, 1997: 228). In the end, Foucault here distinguishes two series which can coincide. On the one hand is the 'body–organism–discipline–institutions' series. On the other is the 'population–biological processes–regulatory mechanisms–State' series (Foucault, 1997: 223). That these series – disciplines and regularizations – can coincide is illustrated, for instance, by the town (where the physical layout involves disciplinary surveillance and hygiene ordinances are regulatory mechanisms) and sexuality, which is at the crossroads of the individual body and the population (Foucault, 1997: 224). Connecting disciplines and regularizations is the *norm*. And Foucault explicitly states that a 'normalizing society' (*société de normalisation*) is only very insufficiently understood when it is taken to be a society of generalized disciplines. It is rather a society in which the norm of discipline and the norm of regularization intersect in an articulation Foucault characterized as orthogonal (Foucault, 1997: 225). Moreover, in his 1977–78 lectures, he discerns two forms of normalization, the one disciplinary, the other typical of apparatuses of security (Foucault, 2004a: 57). The former defines a norm and consequently makes the normal distinguishable from the abnormal; the latter starts from a distribution of the normal and the abnormal and decides which distributions are more normal, and hence more favourable, than others. Here, the distributions themselves are the norm. And Foucault here suggests that this in a sense involves a more true 'normalization', while disciplines were forms of 'normation' (Foucault, 2004a: 59, 65).

Second, the above distinction between forms of power may be confusing because biopower does comprise of the anatomo-political techniques Foucault describes as 'disciplines' (Foucault, 1976: 183). Then, on the other hand, Foucault implies that biopolitical power is integrated in disciplinary power, is embedded in existing disciplinary techniques, while at the same time it has a bearing on a different field of objects and uses different instruments (Foucault, 1997: 215–16). It is then said not to do away with disciplinary techniques, but to exist 'at a different level' (p. 216). Perhaps this is best understood as saying that biopolitical techniques shift the focus on the body that was evident in disciplinary techniques and bring them into a whole new field of objects. Yet it becomes clear that Foucault does call disciplinary power a form of biopower. In fact, in '*Il faut défendre la société*', he explicitly states that 'disciplinary power' is what he calls the 'anatomo-politics of the human body' (p. 216) (in *La Volonté de Savoir*, it was the other way around: there he said anatomo-politics comprised of 'disciplines'). Next to that is biopolitics, which tacks on to man as a member of a species, man as deindividuated into a mass that is susceptible to overall processes concerning birth, death, disease, reproduction, etc. (pp. 216–17). It would then appear that 'biopolitics' is what is really new at the end of the eighteenth century. It is part of apparatuses (*dispositifs*) of security, which involve the statistical delineating of populations, the identification of risks, the reduction to individual 'cases' and the identification of 'danger zones' (Foucault, 2004a: 62–3). The apparatuses of security are thus intricately bound up with the problem of *population*. The power immanent to their workings is not disciplinary anatomo-politics but (regulatory) biopolitics.

Yet conceptual confusion remains, since there are numerous places – also in the same collection of lectures – where Foucault uses 'bio-pouvoir' and 'biopolitique' without distinction. There are times when he sees biopower as aiming at the biological character of

the species of man. He does so, for instance, in *'Il faut défendre la société'* immediately after he has equated disciplinary power with anatomo-politics and has discerned biopolitics as a new form of power. For he then continues: 'dans cette nouvelle technologie du pouvoir, dans cette biopolitique, dans ce bio-pouvoir' (Foucault, 1997: 216). And in his 1977–78 course at the Collège de France (*Sécurité, Territoire, Population*, Foucault, 2004a), he describes biopower as 'l'ensemble des mécanismes par lesquels ce qui, dans l'espèce humaine, constitue ses traits biologiques fondamentaux va pouvoir entrer à l'intérieur d'une politique, d'une stratégie politique, d'une stratégie générale de pouvoir' (Foucault, 2004a: 3). In other words, he is here concerned, he says, with the way Western societies have, since the eighteenth century, taken into consideration the fundamental biological fact that a human being constitutes a biological species. This, he says, 'I have called . . . biopower (*le bio-pouvoir*)' (Foucault, 2004a: 3). And later on in the same text, discussing the text *Recherches sur la population* by Moheau, he speaks of 'the first theoretician of that which one might call biopolitics, biopower (*ce qu'on pourrait appeler la biopolitique, le bio-pouvoir*)' (p. 23).

At the start of his 1977–78 course, Foucault promises an analysis of what he had called, in the previous year, 'a bit out of the blue' (*un petit peu en l'air*), biopower (p. 3). Indeed, the reference is to the course entitled 'Il faut défendre la société', in which the conceptualization of biopower is described. Yet, while one has a fairly good idea of what is meant by 'biopolitics', the relation this bears to biopower in general and to the notion or theory of governmentality remain unelucidated. In his 1978–79 course at the Collège de France, which is significantly entitled *Naissance de la Biopolitique* (2004b), Foucault promises three things. Next to analyses of (neo-)liberalism and of the governmentality specific to liberalism, he promises an analysis of the place of biopolitics in neo-liberal governmentality. Yet at the end of the course, he notes how he hasn't really got round to that (Foucault, 2004b: 191, 323). It appears, then, as if 'biopolitics' really was an open-ended concept, part of a conceptual work-in-progress, analogous perhaps to the ever shifting concepts Foucault deploys in *The Archaeology of Knowledge* (Foucault, 1969). Hence, Giorgio Agamben has stated that 'Foucault's death kept him from showing how he would have developed the concept and study of biopolitics' (Agamben, 1998: 4). Since Agamben has engaged conceptually with the concept, I now turn to his influential writing on the subject.

Agamben on Biopolitics

In the work of Agamben, a perhaps more consistent and conceptually elaborated, although in a sense also a more restricted, notion of biopolitics appears. Agamben uses Foucault's concept in works such as *Moyens sans fins* and *Homo sacer*. Especially in the last book, his most famous (although both books are part of the *Homo sacer* series), the concept of biopolitics takes center-stage. Agamben is, however, informed also by Walter Benjamin and Hannah Arendt. In fact, he wonders why Foucault, in his discussion of biopolitics, leaves out all reference to Arendt, who, in Agamben's eyes, had, in discussing the rise of *homo laborans*, already discussed the entry of biological life into the heart of political life (Agamben, 1998: 3). I believe it is crucial here to understand Agamben's claim that 'the production of a biopolitical body is the original activity of sovereign

power' (Agamben, 1998: 6). Agamben starts from the Greek differentiation between two concepts of life, *zoē* and *bios*. By the former, he denotes bare, naked life, i.e., the biological life of individuals. By the latter, he means the life of a community, the life brought under law. For Agamben, crucial in distinguishing the community from its outside is the law. Therefore, he incorporates his notions of life and biopolitics into a theory of sovereignty based in part on the work of Carl Schmitt. Crucial for Agamben is furthermore that the state of exception – characteristic of the position of the sovereign in Schmitt – is, in modern democracies, becoming the rule (Agamben, 2005). The paradigmatic situation where this applies is the camp, and Agamben has written extensively on the Nazi concentration camps (Agamben, 1998, 1999). Indeed, Foucault already notes, in '*Il faut défendre la société*', that the 'Nazi society' couples a generalized biopower with a generalization of the sovereign right to kill (Foucault, 1997: 232).

Agamben now observes the emergence of the state of exception as the normal functioning of the law, i.e. the increasing incorporation (Agamben here speaks of a 'confusion') of an exceptional order inside the juridical *nomos* (Agamben, 1998: 168). But the person exempt from law – who is paradigmatically the inhabitant of the camp – is reduced to bare life, to *zoē*. He equals the Roman figure of the *homo sacer*, the one exempt from law who can be killed but not sacrificed. This applies, according to Agamben, to the *Muselmann* in the concentration camp (Agamben, 1998, 1999, 2002), but also to those incarcerated in Guantánamo Bay or to so-called 'illegal aliens' in Western European 'detention centres' (Agamben, 1998, 2005). And Agamben concludes that, with the generalization of the state of exception, everybody is potentially a *homo sacer*. That also means, rather provocatively put, that the *bios* itself is reduced to the camp, and that the camp becomes the *nomos* of modern democracy's juridico-political order. Or, as he says in *Moyens sans fins*, 'the camp is the space which opens when the state of exception becomes the rule' (Agamben, [1995] 2002: 49). That is why, for him, the birth of the camp decisively marks the political space of modernity (p. 53). And at the same time,

the very fact that the inhabitants of the camp are wholly ridden of any political status and are entirely reduced to naked life, the camp is also the most absolute biopolitical space ever realized, where power is solely concerned with unmediated, pure biological life. (p. 51)

For him, then, biopolitics is negatively evaluated, a critique rendered, for instance, by Hardt and Negri (2000: 421). It appears primarily as thanatopolitics (cf. Esposito, 2008).

The crucial difference between Foucault's conception of biopolitics and Agamben's is found with respect to the theory of sovereignty. For Agamben, it is the sovereign body which produces the biopolitical body, since it is the sovereign state of exception that separates bare life from the life under law. The question of the law is, thus, for Agamben, intricately tied up with the question of the biopolitical body. Instead, Foucault claims that the question of survival of the population, which is closest to what Agamben calls 'naked life' (*la question nue de la survie*) is no longer a *juridical* question (a question of sovereignty), but a *biological* question (a question of population) (Foucault, 1976: 180, 191). In fact, the development of biopower, according to Foucault, means that the law becomes of increasingly secondary relevance vis-à-vis the norm (p.189). In fact, the law starts to function more and more as a norm instead of as a mechanism differentiating

between friends and enemies of the sovereign (p. 190). Agamben clearly disagrees with this to the extent that for him, the juridical question *is* a question of (naked) life. Recall that it is precisely Carl Schmitt's definition of the state of exception (*Ausnahmezustand*) that is at the basis of Agamben's notion of sovereignty, and that Schmitt's concept of the political, in *Der Begriff des Politischen*, is defined in terms of the friend/enemy opposition (Schmitt, 2002). Foucault now argues that the law no longer has a role in separating inside from outside or friend from foe, but rather that it traces deviations from the norm. For Agamben, the difference between what Foucault calls 'sovereign power' and 'bio(political) power' is that the former was the power to bring death and let live, while the latter produces life and lets die. That has two important consequences: (1) Agamben retains the link between sovereignty and bio(political)power – in fact, for him 'the production of a biopolitical body is the original activity of sovereign power' (Agamben, 1998: 6); and (2) Agamben largely subtracts from the concept of *biopolitics* Foucault's insistence on techniques of population, of demographics, of sexuality, of health and police. For Agamben, biopolitics is less a matter of setting a *norm*, as it is for Foucault, but a matter of *law*. For him, biopolitics operates from the paradoxical position within *and* without the nonetheless given domain of the law. The limits of the law are the limits of the *bios*, separating the life that is *only* 'naked life' (*zoē*) from the life that resides under law and is *also* part of the *bios*. He argues that increasingly, and with the normalcy of the state of exception (Agamben, 2005), *all* life is *potentially* reduced to 'naked life'. Nonetheless, the law designates a domain of the living community that is the *bios*. Agamben's focus is thus more *individualizing* than Foucault's, and he analyzes less the problem of population than the problem of exception. He returns the techniques of bio-power to the question of sovereignty, but only by reducing the scope of the concept described by Foucault, and on the assumption of a seemingly unbreakable law which implies its own exception.

Zoēpolitics and Biopolitics

Clearly, in Agamben's statement that the camp is the 'nomos' of the modern (Agamben, 1998: 20, 166), he subscribes to the model of a disciplinary society (though not to an anatomo-political model of power). His model for the biopolitical control of life is that of confinement, one in which the *exception* from a closed whole is the crucial operation. For Agamben, the 'exemplary places of modern biopolitics' are the concentration camp and the totalitarian state (p. 4). And he sees Western politics as characterized by an exclusion that is at the same time an inclusion (an inclusive exclusion) (pp. 7, 21). Agamben explicitly states that the camp is topologically different from the prison, and hence that 'it is not possible to inscribe the analysis of the camp in the trail opened by the works of Foucault' (p. 20). However, he stresses this difference because the prison is a site remaining within the law, while the camp is a location wholly outside it. But the camp is nonetheless a form of visible localization (namely, of the unlocalizable: p. 20). Considered purely spatially, then, the camp operates on the basis of a disciplinary model of confinement. When interpreted from the point of view of the categorization of a multiplicity (cf. Foucault, 2004a: 13) (which Agamben does not do since he remains focused

on potentiality, not on multiplicity), this localized and spatial character is the crucial element.

I believe this spatial character is there, but in a different form. While Agamben stresses the space ‘outside’ the realm of law, it is possible to observe a governmental rationality operating on the ‘inside’, transforming the interior of ‘society’ into a *milieu*. Foucault’s lectures, especially in *Sécurité, Territoire, Population* (2004a) offer clues in this direction. As Deleuze says, sovereign societies might be seen to correspond to simple mechanical machines, disciplinary societies to thermo-dynamical machines, and control societies to cybernetic machines and computers (Deleuze, 1995: 175). Deleuze emphasizes how Foucault saw this coming and noted the end of the disciplinary societies. Indeed he did, but Foucault spoke of a technology he called ‘sécurité’, which followed both sovereignty and discipline (Foucault, 2004a). He notes how, indeed, discipline entailed a spatial partitioning. Security, on the other, hand, is concerned with what he calls *milieu* (Foucault, 1997: 218). It is concerned with problems of circulation (of capital, goods, people, air) and with the ensemble of natural and artificial givens, a number of effects without some interior space (Foucault, 2004a: 14, 22–3). Thus, security is still in a sense a technology concerned with confinement, but with confinement in the widest sense of a *milieu*, a space in-between quite literally. The technology of security allows the shaping of a *population* (pp. 23, 65). Yet the milieu analyzed by Foucault is still that of the city, and the technology of security tacks on primarily to the space of the city. I believe it is necessary to problematize somewhat the use of the notion of ‘society’, as in ‘disciplinary societies’ or ‘control societies’, and to regard ‘society’ as precisely such a milieu, an interior space which is controlled by biopolitical techniques of power.

Accordingly, I believe it is possible, on the basis of Foucault’s and Agamben’s notions of power, to construct a model of two divergent forms of biopower. I thus propose a distinction between ‘zoo-politics’ or *zoēpolitics* and *biopolitics*. *Zoēpolitics* denotes a form of power focused on *zoē*, on individual bodies as part of a human species. It is the most ‘naturalized’ or anthropological form of biopower (Hardt & Negri, 2000: 421). It equals what Rose calls ‘biopolitics’ (Rose, 2007). *Zoēpolitics* is also what Peter Sloterdijk speaks about in *Regeln für den Menschenpark* when he discusses the ‘domestication of man’ (Sloterdijk, 1999). And it is what Dominique Janicaud speaks of when he discusses the possibility of ‘overcoming man’ (Janicaud, 2005). However, as distinguished from *zoēpolitics*, I suggest *biopolitics* can be regarded as a control of what Agamben denotes by *bios*. It is focused on the life-form (Wittgenstein) (cf. Agamben, 2002: 13–23) of ‘society’, both in a species-biological way and in an ‘ethopolitical’ way. By ‘ethopolitics’, Nikolas Rose denotes ‘attempts to shape the conduct of human beings by acting upon their sentiments, beliefs, and values – in short, by acting on ethics’ (Rose, 2007: 27). *Biopolitics* in that sense encompasses ethopolitics, since crucial to the *bios* is a certain *ethos* which is thought to be enshrined in and defended by the law. The control of ‘society’ is also in large part a communicative and discursive matter. As Luhmann (1997) might say, crucial to ‘society’ is a certain self-observation. That self-observation is discursively pushed in discourses such as politics, law, policy, science. Such discourses or those communicative articulations are part of what Lazzarato (2006) calls ‘noo-politics’. They are focused on the minds of individuals, but at the same time they tack on to the collective body of ‘society’. *Biopolitics* does not entail the

production of a *homo sacer* but of a social schizophrenic, a Janus-faced person who does and at the same time doesn't 'belong'. Unlike the *homo sacer*, this person belongs to the nation/state, but he or she is biopolitically excluded from the *bios* of society. Biopolitics can thus be grasped beyond the naturalized notion of 'bio-logical' that the concept retains in approaches such as Rose (2007), Agamben (1998) or even Esposito (2008). Such a biological concept of power is certainly relevant, but I propose to speak of zoēpolitics in denoting it, in order to clearly differentiate it from a biopolitics that is less naturalized and that aims at the body social. That social body is in modernity readily visible as the *bios* of 'society', the birth of which is discussed by Foucault.

In a text entitled 'The Political Technology of Individuals', Foucault discusses the relationship between governmentality and the state. He states how

the true object of the police becomes, at the end of the eighteenth century, the population; or, in other words, the state has essentially to take care of men as a population. It wields its power over living beings as living beings, and its politics, therefore, has to be a biopolitics. (Foucault, 1994: 416)

Crucial to this is the idea that a population takes shape within an environment (*milieu*). To a certain extent, this is still valid. Although from the eighteenth century onwards, the state took care of the population for its own sake (Foucault, 1994: 416), this can no longer be said to be the case. Rather, an ensemble of techniques only some of which are deployed by the state (cf. Foucault, 1994: 123) today operates to produce the *citizen* that is proper to the 'city' which today is called *society*. If anything is central to the concerns of the state, it is not the state itself, but, as in the neo-liberal governmentality Foucault describes (Foucault, 2004b), it is *society*. That is why Foucault is able to relate the birth of 'society' to the emergence of liberalism, in which the state is no longer a goal in itself, as it was in the governmentality of the *raison d'état*-type. Thus, he says:

What was discovered at that time [the moment the question of liberalism comes up, WS] ... was the idea of society ... government not only has to deal with a territory, with a domain, and with its subjects, but it also has to deal with a complex and independent reality that has its own laws and mechanisms of reaction, its regulations as well as its possibilities of disturbance. This new reality is society. From the moment that one is to manipulate a society, one cannot consider it completely penetrable by police. One must take into account what it is. It becomes necessary to reflect upon it, upon its specific characteristics, its constants and its variables. (Foucault, 1994: 352)

That is not to say that 'society' is the object of biopolitics, the collective body to which it attaches. It is the population, and neither society nor the individual as such that is the object of biopolitics (Foucault, 1997: 218). But it does become possible, by means of the statistical estimation of the normal population and by means of the regularization of the milieu of individuals conceived in their character as members of a biological species, for 'society' to become observable. The 'normalizing society' that is the product of both disciplinary techniques and biopolitical regulatory mechanisms is the society of the most normal distribution of various life-functions.

It is, after all, ‘society’ which ‘must be defended’ (Foucault, 1997). It is, thus, precisely the *bios* that Agamben speaks of that is defended, controlled, as a milieu which is a *lieu* (place) for the good citizen and which expels both the flawed citizen and the non-citizen. The latter is included by its exclusion from the realm of the law, as Agamben says, while the former is included in society by its exclusion from the space of society. The flawed citizen, deemed ‘not a member of society’ is included by being the necessary supplement that society produces as a result of a normalizing technique which clearly demarcates the milieu of society from the ‘outside society’. This topos of the ‘outside’ of society is today heavily discursively articulated in the discourse on immigrant integration and on citizenship. Both ‘society’ and its ‘outside’ are today constituted to a large extent by means of the technique of citizenship.

Citizenship as Population Control

For Agamben, crucial in separating the *homo sacer* from the citizen is citizenship. He regards citizenship as a mechanism of biopower that has the effect of producing the *homo sacer*, as inclusion through citizenship necessarily involves exclusion (Delanty, 1997). Citizenship can be regarded as a technique of population control which operates within the territorialized logic of the nation-state (Marshall, 1998: 108). Citizenship molds subjects as citizens on the basis of either *jus sanguinis* or *jus soli*, either by *Blut* or by *Boden*. It thus attaches to bodies certain territorialized privileges and life-chances, ranging from the freedoms of civic citizenship to the biopolitical possibilities of the welfare state that are part of ‘social citizenship’ (Fraser and Gordon, 1998; Marshall, 1998). As such, citizenship is a technique of population management, as, for instance, noted by Hindess (2000). Hindess notes that citizenship has been predominantly approached ‘internally’, as a state-internal regulatory mechanism, and he analyzes it ‘externally’, as a mechanism of territorialized population control that is a consequence of the emergence of the Westphalian nation-state system. However plausible his analysis is, it omits the fact that citizenship originally has reference to those within the *city*, the *cit * (*citoyens*) or the *burgh* (*burgher*) or *bourg* (*bourgeois*). Citizenship was a highly local affair (Stevin, [1590] 2001; Prak, 1997) and did not extend to the entire realm of feudal sovereignty but, on the contrary, was organized against that realm. Citizens used to be *bourgeois* and the *droit de cit * meant shelter within the walls of the city against the feudal sovereign. Although it is well known that the Western European nations did not appear as such until the late eighteenth century (Brubaker, 1996) or the early or even mid-nineteenth century (Weber, 1976; Anderson, 1991; Hobsbawm and Ranger, 1992), the Westphalian system symbolically marks the end of the feudal organization of the territory. It recoded citizenship as a mechanism of population control first of all by *formalizing* and juridically codifying it, and, second, by *generalizing* it in extending citizenship to all members of the state, better yet, by turning citizenship into the mechanism of membership of the nation-state. Thus, the *D claration des droits de l’homme et du citoyen* entailed the ‘invisibility’ of citizenship. That means that the modern, post-Westphalian evolution of citizenship evaporated the subversity (in the form of the withdrawal from sovereignty) present in the late-feudal notion of the citizen. No longer could citizenship be taken to be a reprieve from the sovereignty of the state. It rather meant the subjection to that

sovereignty through inclusion. In that sense, the generalization of citizenship as the model of international population control indicates all but the end of the dominance of sovereign power. However, citizenship is at the same time characterized by zoēpolitical and biopolitical aspects.

Citizenship as Zoēpolitics

The absence of citizenship, on the other hand, meant the more destructive subjection to the state (in the plural) in the form of exclusion, which today is characterized by Agamben as the inclusion-through-exclusion of the bare life (*zoē*) of what the 1789 declaration terms *homme vis-à-vis* the citizenship rights of the *citoyen* (Agamben, 1996). The nation-state, Agamben notes, is defined by nativity, as the etymology of nation (*nascere*) entails (Agamben, 2002). It thus generalizes citizenship to all subjects on the basis of a territorialized characteristic, be it figuratively territorialized in the zoēpolitical sense of *jus sanguinis* or literally territorialized in the sense of *jus soli*. The figure of the ‘illegal alien’ is thus, for Agamben, like Arendt’s state-less refugee, part of the avant garde of humanity, a sign of the coming community (Agamben, 1990).

For Agamben, therefore, citizenship is crucial to the current biopolitical situation. He notes that ‘le camp est le paradigme même de l’espace politique au moment où la politique devient biopolitique et où l’*homo sacer* se confond virtuellement avec le citoyen’ (Agamben, 2002: 51). Significantly, Agamben here speaks of the *virtual* equation between citizen and *homo sacer* – the point being that, with the generalization of the state of exception, every citizen is potentially reduced to naked life and is thus expelled from the *bios*. To this expulsion conforms, on the one hand, the figure of the ‘illegal alien’. On the other hand, the regular citizen is now drawn into this perspective. Each citizen is *potentially* reduced to bare life. This we might call the zoēpolitical aspect of citizenship. Apart from this, citizenship has a biopolitical aspect, which refers to the way citizens in the formal sense are included and excluded from the domain called ‘society’.

Citizenship as Biopolitics

While citizenship differentiates between members of the *bios* and those reduced to bare life through a form of zoēpolitics, it also functions in terms of an internal differentiation in the *bios* – and then it can be truly said to be a biopolitical technique. Here, citizenship does not produce the bare life of the *homo sacer*, but the Janus face of the social schizophrenic, who is and at the same time isn’t a member of the community. In the wake of a discourse on immigrant ‘integration’, which discursively constructs an opposition between ‘society’ and persons ‘not integrated’, a discourse on citizenship has emerged that is highly focused on culture (Schinkel, 2007). ‘Society’ is thereby juxtaposed to a domain ‘outside society’, in which ‘non-integrated’ individuals reside – marked as such by a spatial metaphor (inside/outside) which rhetorically emphasizes the divide between ‘society’ and its other. In general, discourse on integration in various Western European countries has undergone a shift from socio-economic issues to cultural issues, thematizing especially the incompatibility of the ‘culture’ of Islam with the ‘dominant culture’ of the liberal democratic ‘society’ (Stolcke, 1995; Grillo, 2007; Schinkel, 2007, 2009).

Citizenship discourse operates on the basis of a crucial distinction, which differentiates *active citizenship* from *inactive* or *passive* citizenship. The moral aspects of citizenship have always been stressed, starting with the oldest known thematization of citizenship, Pericles's funeral oratory. Thucydides notes: 'We do not say that a man who takes no interest in politics is a man who minds his own business; we say that he has no business here at all' (Thucydides, 1954: 119). Similarly, for Aristotle, the good citizen actively participates in political affairs (*Politics*: 1275a–1277b). In Dutch discourse, which I briefly discuss as an example here, the stress on 'active citizenship' entails a highly culturalized notion of 'active citizenship'. This not only involves republican duties such as active participation in the public sphere and in politics, but also keeping the streets clean, raising one's children correctly, being tolerant beyond the limits of the law and not 'radicalizing' religiously or politically. Its opposite consists of 'incivility', 'non-societal behavior', etc.

This active/passive distinction is possible on the basis of an implicit and more fundamental distinction. This is the distinction between *formal citizenship* and *moral citizenship*. Formal citizenship denotes juridically codified rights and duties of citizens-members of states. Moral citizenship refers to a counterfactual ideal of citizen participation and citizen behaviour (Kymlicka and Norman, 1994: 353; Habermas, 1998). Formal citizenship refers to both juridical status as membership of a juridico-political order and to social rights. Moral citizenship is something quite different and entails an *extra-legal normative concept* of the good citizen. Moral aspects of citizenship have always been stressed. For the Greek political philosophers, citizenship was an *ethos*. For Roman humanists such as Cicero, it was a *virtus*. Such approaches exist throughout the history of political thought, and they influence current notions of citizenship (Bosniak, 2006: 19). With the *Déclaration des droits de l'homme et du citoyen* (1789), in which 'man' is distinguished from 'citizen', a distinction between 'active' (*citoyen*) and 'passive' (*homme*) is in a sense repeated (Schinkel, 2009). Robespierre indeed regarded citizenship a 'public virtue' (Dunn, 2005: 117). Agamben's discussion of citizenship and the *homo sacer* is confined to formal citizenship. But citizenship discourse has lately undergone a relative shift in focus from formal to moral citizenship, and there it gains biopolitical relevance next to its zoēpolitical aspects.

Since 1994, the Dutch policy definition of 'integration' has been 'citizenship'. That brings with it a *virtualization of citizenship*. There are, in the Netherlands, a significant number of people who are formal citizens but who are at the same time the object of problematizations of 'integration'. Since 'integration' equals 'citizenship', the citizenship of this group is downplayed, in effect virtualized, and they are thus discursively disenfranchised. Citizenship thereby becomes, instead of an *actuality* (a juridical status), a *virtuality* (a contingently possible but absent actuality in diffuse and shifting moral terms). This also means that citizenship has increasingly become a *virtus*, as in the Roman humanist notion of citizenship. The 'messier' and more diffuse concept of moral citizenship blurs the formal side of citizenship through the discursive framing of the idea that one is only a *real* citizen when one is an *active* citizen. The equalization between 'integration' and 'citizenship' entails a *virtualization of citizenship* to the extent that the citizenship of those who are citizens in the formal sense but are construed as insufficiently integrated, is reduced from actuality to virtuality. Hence the production of a social schizophrenic

who is a 'member' of the nation-state but not of 'society'. He or she is not reduced to *zoē*, but neither is (s)he a member of the *bios* of society.

The differentiation between formal and moral citizenship allows the state-propagated biopolitical control of life in the *bios* also within the confines of generalized citizenship. Within the collection of subjects who are citizens in the formal sense, a new boundary is constructed that separates the true citizens from those whose citizenship is 'only' formal. The bureaucratic apparatus of the state now operates on the basis of a reverse logic in defining immigrant integration. It no longer propagates the formal, the juridically codified, as the operative mechanism of inclusion and the marker of distinction between *zoē* and *bios*, but it valorizes the non-formal, subjugating the formal to the moral, returning to classical, privileged notions of citizenship as a virtue.

The Biopolitical Diagrammar of 'Society'

Agamben recalls how, for Foucault, state politics has in the modern age become biopolitics, and he adds that today, all persons appear as virtual *homines sacri* (since for him the ban is the original structure of sovereign power) (Agamben, 2002: 122). And Foucault stresses that a normalizing society is the result of a technology of power centred on life (Foucault, 1976: 190). I believe we should take seriously a discourse on what 'society' is, who belongs to it and who resides outside of society, instead of taking the sovereign position of defining 'society' as a social body existing prior to its discursive articulation. For, as Laclau and Mouffe have argued, 'the incomplete character of every totality necessarily leads us to abandon, as a terrain of analysis, the premise of 'society' as a sutured and self-defined totality. 'Society' is not a valid object of discourse. There is no single underlying principle fixing – and hence constituting – the whole field of differences' (Laclau and Mouffe, 2001: 111). Nevertheless, 'society' is discursively produced. What 'society' is, cannot be formally laid down. It surfaces in a moral discourse that today involves the culturalized distinction between 'active' and 'inactive' citizenship.

This discourse on what 'society' is, is therefore not mere speech. It involves speech acts and has the performative effect of sorting the population belonging to 'society'. By individualizing 'integration' as 'citizenship', a separation between 'society' and the 'non-integrated' becomes possible. By deindividualizing 'integration', certain 'cultures' are rendered visible as the reason for the lack of integration. This is facilitated by a selective attribution of 'modernity' and the 'pre-modern'. By only problematizing 'integration' and hence 'citizenship' in case of 'allochtons', Dutch 'autochtonous' citizens gain a dispensation of integration (Schinkel, 2007) as well as a dispensation of ethnicity, as they are constructed as a neutral, 'non-ethnic' category. On the basis of such techniques, the virtualization of citizenship becomes possible and gains instrumental value in sorting, within the juridical framework of the *bios* of society, who *actually* belongs to 'society', and who in fact remains 'outside society', while being citizens in the formal sense. This occurs by rendering parts of the population observable as different, which is crucial in the biopolitical normalization of the post-disciplinary society (Foucault, 2004a). The individualization of integration allows for the observability of problematics of integration at the level of the citizen. The deindividualization of integration allows for

the observability of groups of (formal) citizens that supposedly remain culturally unadjusted to the norm. Here, the norm is in a sense no more than the mean, since the sociology of integration statistically outlines deviations from the mean and designates them as in need of integration, thus rendering them visible to the state (Foucault, 2004a: 65).

Conclusion

William Walters (2006) has argued that control should not be regarded as a defining feature of a 'society' or a 'stage of society', but rather as a diagram. This concept, which comes closer to Foucault's notion of *dispositif*, expresses 'something at work in many different institutions and situations, spread out in several countries, working in a manner not given in the map of social policies and prescriptions, planned as such by no-one' (Rajchman, 1999: 47, quoted in Walters, 2006: 193). Yet one might imagine localized diagrams, operating on the basis of what can be called a *diagrammar* (Schinkel, 2007) that separates a social body from its outside, in the sense in which Luhmann's description social function systems are fenced off from their environment through binary codes (Luhmann, 1997). Diagrams may thus be highly territorialized, and yet they function as 'abstract machines' (Deleuze, 1986). Deleuze has emphasized Foucault's shift from archive to diagram, and although Foucault does not use the latter term much, Deleuze sees it as the term 'most precise' to name the panoptic training of a multiplicity (Deleuze, 1986: 41–2). The diagram 'ignores every distinction between . . . a discursive formation and a non-discursive formation' (p. 42). Yet Deleuze continues to speak about 'society' in a sociologically problematic way, for instance, when he states that each 'society' has its diagrams (p. 43). As in his text on control societies (Deleuze, 1995), 'society' appears as a given, and furthermore as a container of diagrams, much like Peter Sloterdijk mentions how societies have always been thought as containers of being, as morphological spheres of being-together (Sloterdijk, 2004: 293ff), or in another sense as 'uterotechnical projects' (Sloterdijk, 1999: 205). Indeed, Deleuze's own remarks on the diagram warrant a more complex view of 'society' as well: 'every diagram is intersocial, and becoming. It never functions for the representation of a pre-existing world' (Deleuze, 1986: 43). The diagram is an immanent and non-unifying cause, coextensive with the social field (p. 44).

It is in such a sense that I wish to regard 'society' as the *product* instead of the cause of a diagram operating on the basis of a zoēpolitical differentiation between man and citizen and a biopolitical differentiation between 'active citizen' (moral citizen) and 'inactive citizen' (merely formal citizen). In that sense, a Marxist notion of 'society' as the container of class-conflict must be abandoned (Deleuze, 1986: 44), but the same goes for a more general sociological concept of society as a container for all social life. 'Society' is an articulation not fixable through juridical codification, as Agamben's notion of *bios* is. It is rather a discursive immunological device (Sloterdijk, 1999) that is the result of a diagrammar of citizenship, first of all in the formal sense which differentiates 'citizens' from 'men' or 'human beings' (to which 'universal human rights' are applicable), and, second, in the moral sense in which 'active citizens' are differentiated from 'inactive citizens'. In these cases, 'society' is temporarily fixed by means of discursive and non-discursive practices, some of which are part of a state-initiated problematization

of the moral citizenship of formal citizens. Current Dutch debate on 'integration' posits 'citizenship' as the expression of a certain culture which is associated with the *active* and leads to 'active citizenship' over against the *passive* and failing 'citizenship' engendered by the many cultures (Eagleton, 2000). It is therefore highly problematic to sociologically speak of 'society' as the realm in which all of this takes place. Instead, social science should continually rethink its core concept of 'society', that 'modern universal' (Williams, 1985), which, far from being the container of a social process such as the virtualization of citizenship, is the subject and output thereof. Such an observation becomes possible only on the basis of a differentiation between two forms of biopower. Zoēpolitics appears as the most 'naturalized' form of biopower, i.e., as a power separating the life from the *bios* from the naked, bare life of the *homo sacer*. But beyond that, a biopolitics is active in immunizing the social body of 'society' as a *bios* that is never formally circumscribed, but only discursively. Citizenship thus has both zoēpolitical and biopolitical aspects. Such aspects are worthy of consideration in currently fashionable pleas for 'world citizenship' or 'cosmopolitan citizenship'. Any inclusion through citizenship entails an exclusion (Delanty, 1997). And if anything, citizenship functions as a mechanism of population control that enables the exercise of biopower on both the zoēpolitical and the biopolitical dimension. This need not be seen wholly negatively, as Agamben suggests, but it does warrant a highly critical stance towards contemporary uses of citizenship.

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Bio

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