Foucauldian Resonances: Agamben on Race, Citizenship, and the Modern State

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Abstract

This paper analyses Michel Foucault's conception of the relationship between race and the modern state. Foucault claims that the modern state makes substantive assumptions about the racial identity of "legitimate" members of the body politic. Modern political power thus operates on essentially exclusionary grounds based on racial identity. This paper develops Foucault's analysis of the relationship between race and the modern state into a critique of Georgio Agamben's characterization of the category of the sacred, *homo sacer*. Although Agamben offers an insightful account of how different groups are excluded in modernity, this paper argues that Agamben fails to consider how one's vulnerability to falling into the category of the sacred is mediated by one's racial identity. This paper concludes by showing the racialized way citizenship functions in modern states, even in a constitutional democracy such as the United States.

Introduction

Until the recent publication of the lectures that Michel Foucault delivered at the Collège de France in the mid 1970s, the question of the nature of race and racism in his analysis of the modern era had hardly surfaced, although there was some mention of Nazism and eugenics in *The History of Sexuality*.[1] In his lecture series, entitled *"Society Must be Defended"*, he begins to engage the question of race and racism in modernity in a more systematic way. He employs a genealogical analysis of the concept of race, tracing its development through Western political

[1] Chloe Taylor, "Race and Racism in Foucault's College de France Lectures," *Philosophy Compass* 6, (2011): 746.

history. In order to investigate the modern concept of race and the accompanying form of racism to which it gives rise, he believes that it is crucial to emphasize the form of political power in modernity. He highlights in particular governmental rationality founded on biopower. In his discussion of these topics in his lectures, he has in mind the National Socialist state of Nazi Germany and pays little attention to other kinds of racism around the world, especially in the North American and postcolonial context.

In spite of the narrow focus of Foucault's lectures, there has been a recent flurry of research extending his analysis of race and racism to the North American and postcolonial context.[2] The recent engagement with Foucault shows that his work offers rich insights into the modern form of racism. His analysis is especially helpful for understanding how certain assumptions about racial identity characterize the foundation of the state and its relationship to the body politic. His work is also useful for showcasing how the concept of race is a contingent development that has assumed social reality because of certain historical and political factors. For Foucault, modern racism is linked to the emergence of modernity; it is tied to a particular distribution of political power, which is intimately connected with a certain hegemonic discourse or "regime of truth" that, among other things, makes the distinction between "them" and "us" on racial grounds. This distinction lies at the (bio-)political heart of the modern state. He argues that modern states that share a biopolitical model of power are essentially racist. Such a state necessarily excludes some groups and includes other groups on the basis of race.

Giorgio Agamben is a preeminent political theorist who develops Foucault's analysis of modernity in his book *Homo Sacer*. He borrows and expands upon Foucault's notion of sovereign power and biopolitics, exploring the way sovereign power distinguishes "them" from "us." It creates a legitimate body politic, as well as a new category of people: *homo*

[2] Ann Laura Stoler. *Race and the Education of Desire: Foucault's History of Sexuality and the Colonial Order of Things* (Durham: Duke University Press Books, 1995).

sacer, those who can be killed but not sacrificed.[3] They are the people who fall outside the juridical order of the state and whose death would not count as murder under any circumstances. His exploration of *homo sacer*, however, has a theoretical lacuna that his predecessor, Foucault, would have found problematic: Agamben says little about the connection between *homo sacer* and race in modernity.[4] Theorizing race in light of the sovereign power of the state is crucial for understanding the political history of the West and the United States in particular. Such an analysis could illuminate the factors motivating the historical exclusion of African-Americans and Native Americans from the "legitimate" body politic at the inception of the United States.

In this essay, my principal concern is to trace how racial identity influences the organization of the modern state and its relationship to the different racial groups that make up its body politic. I argue that sovereign power's creation of a "legitimate" body politic, as well as the category of *homo sacer*, is profoundly influenced by racial identity. The foundation of a state often presupposes the category of "legitimate" citizenry, as well as those who are politically, economically, and socially disenfranchised on racial grounds. I hope to develop Agamben's account of *homo sacer* by engaging Foucault's conception of modern racism in his lectures, *"Society Must be Defended"*. Such an analysis brings to light the implicit normative dimension of citizenship with regard to race. It shows how the privileges of citizenship, which at least in the political history of the United Sates, amounts to the following edict: to be a full citizen, entitled to the privileges and protections of the state, is to be a white citizen.

In the first section of the essay, I present Foucault's analysis of sovereign power, racism and the modern state. I discuss how the biopolitical model of governmental rationality replaced the sovereign model of power and how Foucault thinks it functions in modernity. In the following section,

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[3] Georgio Agamben, *Homo Sacer: Sovereign Power and Bare Life* (Stanford University Press: Stanford, 1998), 73.

[4] Agamben says little about race and he says even less about the status of women in modernity. This is something he shares with Foucault. Due to space constraints, this essay will only engage the question of race.

I present Agamben's account of *homo sacer* in the context of Foucault's formulation of the racialized foundation of the modern state. I show that Agamben's model is indebted to Foucault but departs from him in some fundamental respects, namely, by neglecting to account adequately for questions of race and racism in the modern state. I conclude the essay with a discussion of citizenship. Debates about citizenship in the United States betray serious anxieties about the racial makeup of American national identity. I hope to demonstrate the fruitfulness of Agamben's arguments once questions of race and racism are brought to the fore.

I. Foucault on Sovereign Power, Race, and Modernity

> *Turks are conquering Germany in the same way as Kosovars conquered Kosovo – with a high birth rate.*
>
> Thilo Sarrazin, former Bundesbank board member

In his collected lectures in *"Society Must Be Defended"*, Foucault traces the development of racism in continental Europe. In doing so, he offers a genealogy of the concept of race, which shows how it evolved through Western political history. He thereby highlights its historical contingency.[5] As different governing models prevailed, they expressed their political power in new ways; as a consequence, race and racism took on new forms. Foucault begins his analysis of race with a discussion of sovereign power, which was the prevailing form of governmental rationality prior to the rise of modernity. Before moving on to a discussion of Agamben's notion of *homo sacer*, it is helpful, first, to articulate Foucault's account of sovereign power and how it is ultimately replaced by a new governmental rationality: biopolitics.

In *Discipline and Punishment*, Foucault identifies three key features of the governmental rationality of sovereign power: the spectacular display of power in the name of the sovereign, the use of myth as history, and the unity of the people and the sovereign. The exercise of sovereign power is most

[5] Kim Su Rassmussen, "Foucault's Genealogy of Racism," *Theory, Culture, and Society* 28(34): 2011, 34.

evident in capital punishment. Punishment's aim – its "justice" – "was to deploy its magnificent theater, the ritual praise of force, on a corpse."[6] In committing a crime, the prisoner was neither expected to reform, to offer justifications for her wrongdoing, nor to express remorse. Rather, the prisoner surrendered her body to the spectacular force of sovereign power. The body was the focal point of punishment, there to be subject to horrific forms of state violence: torn, mangled, and ultimately annihilated. The prisoner's physical suffering and death were necessary to restore the political hierarchy of power that her crime had unsettled. Only the sovereign could intervene on the bodies of the citizenry and their property, but the citizens could not intervene upon each other, or more importantly on the sovereign himself.[7] Crime was therefore a contestation of sovereign power, which only extremely violent capital punishment restored.

Understanding the unity of myth and history under sovereign power is important for grasping the eventual emergence of discourses of race. Foucault contends that the sovereign held a monopoly on truth. He employed a cadre of court poets and chroniclers who, in composing lyrical praise for the sovereign, were also writing the history of the state. That the mythological blandishments of poetry were taken to be history helped secure the sovereign's power; it bolstered the legitimacy of his rule, since the people could not appeal to history to contest it. Consequently, under the sovereign model of power, there was a unity between the history of the state and the history of the people. The people identified themselves as subjects of sovereign right and, at least at the discursive level, did not contest sovereign power's monopoly on truth.[8] For "in general terms…until a very

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[6] Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (London: Penguin, 1991), 51.

[7] Citizens' intervention upon the sovereign (e.g., regicide and treason) was of course the most offensive crimes. Citizen's crimes against each other were an indirect affront to sovereign power, but a direct affront warranted the most painful and violent punishment.

[8] Foucault does not think the sovereign model of power created a completely complaisant citizenry. He remarks on instances when the people turned against the executioners dispatched by the sovereign to carry out capital punishment. These were contestations not at the level of discourse, but practices that countered the will of the sovereign.

late stage in our society, history was the history of sovereignty, or a history that was deployed in the dimension and function of sovereignty."[9]

Once the sovereign model of power collapsed, warlike social and political relations emerged. The unity between the people and the state disintegrated. The people stopped identifying themselves with sovereign right and enlisted history as a weapon for contesting it, seeking political recognition based on their own unique social, historical, and political differences. Foucault writes that these struggles invoked the concept of race and ethnicity as a means for undermining state power, but these invocations were discontinuous and decentralized. "The discourse of race struggle…when it first appeared and began to function in the seventeenth century was essentially an instrument used in a struggle waged by decentered camps."[10] People began to speak from outside sovereign power – "from the side that is in darkness, from within the shadows"[11] – and offered their own politico-historical formulation of their identities, which amounted to a type of discourse that sought to affirm their race or ethnicity. In being discontinuous and decentralized, these discourses on race were not seeking hegemony and did not desire to take over sovereign power as the new governing body.

According to Foucault, with the emergence of modernity, the relationship between the discourse of race and the state takes on a perverse form. The modern state harnesses the discourse of race, which was once used to contest it, in order to bolster its legitimacy and power. "Race becomes the discourse of a centered, centralized, and centralizing power."[12] This new form of governmental rationality demonstrates the "polyvalent mobility" of race discourses.[13] Discourses do not have an essential meaning. A discourse that was at one historical moment progressive and challenged state power in another historical moment could be recuperated by the state

[9] Foucault, *"Society Must be Defended"*: *Lectures at the Collège de France, 1975-76*, trans. David Macey (London: Allen Lane, 2003), 68.
[10] Ibid., 61.
[11] Ibid., 69.
[12] Ibid., 61.
[13] Ibid., 89.

and used to extend its legitimacy and power. The state began to employ a master narrative of race, arguing that the flourishing of the social whole required that the body politic maintain a single, clearly defined racial identity. Part of the functioning of the state was to disenfranchise or altogether eliminate the social elements that undermined the state's racial homogeneity. Although Foucault focuses on continental Europe in the mid-20th century, his analysis of the connection between the modern state and racism is not limited to Fascist states. He argues that the normative foundation of the modern liberal state also makes substantive assumptions about the race of the "legitimate" citizenry that constitutes its body politic, for both the Fascist state and the liberal state share a biopolitical model of governmentality that distinguishes legitimate from illegitimate members on the basis of race.

Maintaining a homogenous racial identity requires tremendous state intervention into the day-to-day lives of the citizenry at the biopolitical level. The state and doctors collude to monitor the birth and mortality rates, mental illnesses, and genetic heritage of the citizenry. Various statistics are kept and disciplines, government committees, and institutional practices are invented that oversee the biological makeup of the citizenry. These kind of governmental practices "create" an ideal population that at the same time identifies themselves as the state's legitimate subjects and right bearers. The historical moment when the modern state begins to use the hegemonic discourse of race is also the point at which biological racism takes shape and the kind of state racism that characterizes the Nazi state emerges. Although not all modern states endorse such an explicit and extreme form of racism, Foucault thinks that the normative foundation of the state, including liberal constitutional democracies, at least tacitly embrace racist (and racializing) forms of political power as a way of "normalizing" society. Foucault describes this development:

> [Race] become[s] the discourse of a battle that has to be waged…by a race that is portrayed as the one true race, the race that holds power and is entitled to define the norm, and against those who deviate from the norm, against those who pose a threat to the biological heritage. At this point, we have all those biological-racist discourses of

> degeneracy, but also all those institutions within the social body which make the discourse of race struggle function as a principle of exclusion and segregation and, ultimately, as a way of normalizing society.[14]

Charged with the defense of the "biological heritage" of the state, modern governmental rationality seeks to define and safeguard the "true race." The disciplinary practices of institutions ensure that citizens conform to and ultimately identify with racial norms. "Subraces" that fall outside the normalizing master discourse on race are excluded as "illegitimate" members of the biopolitical state. "Foucault's genealogy of racism is thus situated precisely at the point of the intersection of biopolitics and governmentality."[15] The biopolitical model of power underpins the functioning of a state whose essential objective is to distinguish "them" from "us," enabling the flourishing of the social whole.

Modern racism is characterized by an internal bifurcation of those who are part of the social whole and those who are outside of it. Governmental rationality consequently acquires a new objective in modernity: "To defend ourselves against society." The state is to defend society against "all the biological threats posed by the other race, subrace, and the counterrace."[16] The latter, in a totalitarian state, which is completely permeated by the biopolitical model of power, must die in order to preserve the unity of the social whole. In a liberal state, they often suffer a social, economic, and political death as the dregs of society.

[14] Ibid., 61.
[15] Rassmussen, "Foucault's Genealogy of Racism," p. 35.
[16] Foucault, "*Society Must Be Defended*," p. 61-2.

II. Agamben on *Homo Sacer*

> *The nation – the term derives etymologically from* nascere *(to be born) – closes the open circle of man's birth.*
>
> Agamben

Agamben's concept of *homo sacer* seeks to develop Foucault's account of the relationship between the subject and the modern state, but he departs from Foucault in several significant ways. For Agamben, sovereign power does not characterize the pre-modern era exclusively. Biopolitics does not replace sovereign power; the two are inextricably fused together. "The production of a biopolitical body is the original activity of sovereign power."[17] Like Foucault, he is interested in how biopolitics excludes certain groups of people from the privileges and the protections of the state. Unlike Foucault, however, he fails to theorize the way racial identity profoundly influences the political disenfranchisement of *homo sacer*. Bearing Foucault's discussion of sovereign power, race, and the modern state in mind, this section evaluates how Agamben's conception of *homo sacer* fails to develop adequately the connection between racial identity and the category of the sacred. In the following section, I engage Foucault's lectures in "*Society Must Be Defended*" in order to expand Agamben's category of the sacred and show the racialized way citizenship functions in modern liberal states, particularly in a constitutional democracy such as the United States.

Agamben begins his discussion of *homo sacer* by analyzing the exclusion of natural life from politics. He traces this exclusion back to ancient Greece. In the ancient Greek city-state, natural life (*zoe*) is banned from politics because it showcases nothing distinctive about humanity, for it is what we share with plants and animals. Distinctive life assumes a cultural or social form as *bios*. As Hanna Arendt argues in the *Human Condition*, one of the necessary conditions for entrance into the political realm was property ownership and the effective management of a household. One's

[17] Agamben, *Homo Sacer*, p. 6.

basic needs had to be met before one became a political agent. The reproduction of life occurred in the private realm and ostensibly did not concern politics. One entered the political realm by transcending the private realm, and by implication, one's own natural life, which was sublimated through political action in the pursuit of the common ethical good. One transcended *zoe* in order to exist as *bios* in the political realm.

Agamben questions whether bare life and politics were ever really separate in the political history of the West or even whether one can ever transcend one's own natural life. He ultimately hopes to show with his analysis of *homo sacer* that bare life lies at the *foundation* of politics, from the Ancient Greeks to the modern period, and that the ban is actually a type of inclusion. He introduces the notion of sovereign power, which judges bare life and decides who will be excluded from the juridical order. Exclusion actually amounts to a type of perverse inclusion in the state, since systematic oppression and disenfranchisement are normalized for a group of people by the state.

Contrary to the thinking of the ancient Greeks and Arendt, Agamben claims that the exclusion of bare life from politics actually serves to politicize, rather than depoliticize, it. Exclusion is "inclusive" because the ban on bare life provides a particular normative standard of humanity. The latter mediates access to the privileges and protections of the state through citizenship. Sovereign power judges man's physical being (*zoe*) and on that basis decides who merits the privileges and protections of full citizenship (*bios*). "In the 'politicization' of bare life – the metaphysical task par excellence – the humanity of living man is decided."[18] The implication is that those who are not accorded full citizenship are not fully human. Those who fall outside the normative model of humanity are politically, socially, and economically disenfranchised; this disenfranchisement also constitutes a type of integration. As the juridical order withdraws from the lives of the people who fall into the category of *homo sacer*, biopolitics steps in and regulates the lives of these people. For Agamben, however, biopolitics is usually the politics of death and dying, rather than life. For his focus is on

[18] Agamben, *Homo Sacer*, p. 8.

totalitarian states, in which biopolitical regulation usually results in the use of a state apparatus of death. The politicization of bare life justifies the annihilation of the group of people that sovereign power decides as being merely bare life and not fully human. Once natural life is exposed to the judgment of sovereign power it becomes bare life. As Catherine Mills puts it,

> The question arises, then, of how life itself or natural life is politicized. The answer to this question is through abandonment to an unconditional power of death, that is, the power of sovereignty. It is in this abandonment of natural life to sovereign violence…that "bare life" makes its appearance. For bare life is not natural life *per se*—though it often confused with it in critical readings of Agamben, partly as a consequence of Agamben's own inconsistency—but rather, it is the politicized form of natural life.[19]

Bare life is what is subject to "sovereign violence" without disturbing the juridical order, for bare life by definition falls outside it. Agamben equates biopolitics with thanatopolitics because part of the essential expression of biopolitical power involves deciding who will live and who will die insofar as one fails to meet sovereign power's standard of humanity.[20]

The assessment of political worth in general begins with a judgment of the physical body and mediates the value of natural life as such.[21] As with Foucault's conception of biopolitical governmentality, this results in the collusion of the state and doctors "in which the physician and the sovereign seem to exchange roles."[22] The state intervenes to assess the health of its (potential) citizens. Its treatment of the mentally ill, the terminally sick, and others with a physical handicap are good examples of how biopolitics works in the modern context. The totalitarian state exterminates a group of people

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[19] Catherine Mills "Agamben," *Internet Encyclopedia of Philosophy* (October 10, 2005). Accessed at http://www.iep.utm.edu/agamben/ on 5 May 2013..
[20] Agamben, *Homo Sacer*, 122.
[21] Ibid., 8.
[22] Ibid., 143.

who threaten the "health" of the state, whereas a liberal society sanctions the systematic oppression and disenfranchisement of a group of people by, for example, defunding mental health institutions and privatizing access to health care.

In both the liberal and the totalitarian state, there is a sense in which bare life is *produced* by sovereign power.[23] Which groups become associated with bare life is a result of sovereign power's judgment. The category of bare life is thus as politically mediated as the category of citizenship. Bare life is no closer to "nature" than are juridical constructions such as citizenship. Bare life should not be confused with the natural life of *zoe*; it is *zoe* politicized. It is a political ascription divvied out by sovereign power. Biopolitics often uses natural fitness as the model for humanity. It invokes the concepts of able-bodiedness, pure genetic heritage, and general physiological vigor as the grounds for its evaluation of people. However, this model is a political construction and flourishes only within a certain constellation of political power – one founded on biopolitics. Like Foucault, Agamben shows how the concept of humanity as such is constructed and mediated by political power.[24] He illustrates how through the normalizing effects of biopower, certain subjects or populaces are constituted that either conform or fail to conform to the standard of humanity sovereign power proffers.

Agamben characterizes the category of the sacred in multiple ways. He sometimes thinks of it as referring to an isolated group: the euthanized, Jews under fascism, and the mentally and terminally ill. He also thinks of it in terms of the discontinuous effects of sovereign power insofar as the sacred is "disseminated into every individual body."[25] Each person as a citizen still carries within themselves their kernel of "bare life" – physical existence as such, which is mediated by political structures, including

[23] Mills, "Agamben."

[24] To be sure, Agamben retains an account of human life as such. He wants to hold on to and ultimately save the "sweetness" *zoe* that has been destroyed by biopolitics. Foucault is hesitant to endorse explicitly a normative account of human flourishing based on *zoe*.

[25] Agamben, *Homo Sacer*, 124.

citizenship, law, and rights. But those political structures cannot expel our bit of bare life. Sovereign power continuously redefines the normative standard of humanity. Its designation of *homo sacer* is not fixed. Because everyone carries within themselves their kernel of bare life, we *all* run the risk of falling into the category of those who must die. It is in this sense that Agamben thinks that we are all "living dead men [and women], [and potentially the] new sacred ones."[26]

If one places Agamben's discussion of *homo sacer* in the context of Foucault's analysis of modernity, an obvious question looms: how does racial identity mediate – or how is it mediated by – the category of the sacred? Agamben says little about how our racial identity increases our vulnerability to becoming "the new sacred ones," or how the category exacerbates racial differences. This question becomes even more paramount in context of Agamben's analysis of the state. Like Foucault, he argues that biopolitics is integral to the functioning of the modern state, but fails to explain what kind of assumptions about racial identity inform its foundation. We will now turn to these issues.

III. A Foucauldian Engagement of Agamben on Race, Citizenship, and the State

Agamben writes that in the modern era political differences begin to lose their relevance and meaning. As biopolitics permeates the practices and institutions of the state, political differences become more indistinct: the right and the left of the political spectrum, democracy and totalitarianism, freedom and servitude shed their clearly defined conceptual boundaries. He fails, however, to underscore one distinction that the modern era has rendered clearer: whiteness and non-whiteness.[27] This begs the question of how the foundation of the modern state – both in liberal and totalitarian societies – makes substantive assumptions about the racial identity of its "legitimate" body politic, a question that deeply concerns Foucault. Conservative political scientist, Samuel Huntington, argues that the core values and principles that constitute the heart of American liberalism are

[26] Ibid., 131.
[27] Ibid., 122.

neutral to race and that different racial groups can slowly assimilate to the dominant American political culture.[28] The burden is on immigrants not to come all at once and thus strain the assimilation process. As we have already seen, Foucault rejects the claim that the values, principles, and activities of the state are neutral with regard to race. For Foucault, it is not a matter of marginalized peoples assimilating to the political status quo, but a matter of the latter consistently excluding and targeting certain groups, often on racial grounds. His analysis helps us to reframe the problem from one about assimilation to one about the about the essentially exclusionary ways state power functions in modernity. But where does Agamben stand in this discussion?

To be sure, Agamben's work is an obvious contribution to the problem of state racism. His engagement with Fascism and the phenomenon of the concentration camp demonstrates his concern with anti-Semitism and shows that he thinks that the category of *homo sacer* relates in some way to race and racism. However, his discussion of bare life ignores the way racial identity makes one more vulnerable to falling into the category of *homo sacer*. Although he pays special attention to the lives of Jews under Fascism as part of the category of *homo sacer* and offers some insights into the concept of biological racism, he does not explicate how the decisions of sovereign power are mediated by racial identity. He also does not account for the manner in which the exercise of sovereign power often entrenches people into a racial hierarchy. In fact, he writes that "'racism' is not the most correct term for the biopolitics of the Third Reich."[29] Instead, the "care of life" is the most appropriate theoretical lens for grasping biopolitics.[30] So, several questions remain with regard to the relationship between *homo sacer* and race: What is the relationship between citizenship and race? Does race inform who "deserves" political, social, and economic disenfranchisement and thus death on Agamben's scheme? How is the construction of race associated with the political ascription of bare life? I will discuss each of

[28] Samuel P. Huntington, *Who Are We: The Challenges to America's National Identity* (New York, London, Toronto and Sydney: Simon & Schuster, 2005).
[29] Agamben, *Homo Sacer*, 146.
[30] Ibid.

these questions in turn and draw from Foucault's lectures in my analysis. Namely, I will assume – as did Foucault – that racial identity is an indispensible component of the way biopolitics works in the modern era.

As we've already seen, Foucault thought that the modern state exploited existent ethnic and racial differences as a means for consolidating its power. In doing so, it exacerbated those differences and made a single, homogenous racial identity the foundation of the state. For Agamben race is not "a simple natural given that had merely to be safeguarded."[31] Whatever is taken to be natural is actually the result of sovereign power's judgment. "The novelty of modern biopolitics lies in the fact that the biological given is as such immediately political, and the political is as such immediately the biological given."[32] If one thinks of this from the point of view of race, one sees that racial categories are neither natural nor are racial and ethnic differences inherently problematic. Only within a certain constellation of power, which affirms whiteness and disparages groups that fall outside that racial norm, does it assume a negative connotation. For Agamben, sovereign power distinguishes "them" from "us," the citizen from the sacred one. He believes that each of us – insofar as we continue to carry our kernel of bare life – is in danger of falling into the category of the sacred. Because we are constantly reevaluated by sovereign power and are always in danger of becoming the new sacred ones, we have to prove our worth as human beings, and, by extension, as citizens, in order to retain the privileges of full citizenship. Under Fascism, "even citizens of Aryan blood had to prove themselves worthy of German honor (which allowed the possibility of denationalization to hang implicitly over everyone)."[33] Yet, racial difference mediates the expression of sovereign power such that the danger of becoming the new sacred ones is not as diffuse as Agamben thought; once the state is founded, the danger is not equally parceled out to persons insofar as we are embodied and have natural life. His emphasis on the totalitarian state, where "all politics becomes the exception" and every citizen is haunted by the sacred, neglects what Foucault calls the "normalizing" effect

[31] Ibid.. 148.
[32] Ibid.
[33] Ibid., 149.

of race discourse. In this context, sovereign power is not "absolutized" as a burden all citizens share equally but is concentrated on certain groups on the basis of their race and their historical exclusion at the inception of the state. The state has different relationships with different groups. Only with regard to certain groups is politics very close to "a state of exception." The absence of full protections of citizenship and rights is a much more graded phenomenon than Agamben allows. It is graded in the sense that there are some groups who fall further away from the racial norm and as a consequence suffer more hardships than those groups closer to the racial norm. For the former group the effects of biopolitics feel more like a state of exception than for the latter group. All life is not in danger of becoming sacred in the same way and to the same degree.

Agamben writes that before the implementation of the Final Solution in Nazi Germany Jews first lost their citizenship.[34] In becoming bare life and sacred, they lost their standing within the juridical order. This suggests that for Agamben there is an implicit normative dimension of citizenship that is based on race. Although the category of the sacred is not limited to race and is much more comprehensive in its formulation of the "subhuman," it is nonetheless profoundly informed by racial identity. In the case of the Jews, we see that the biopolitical exercise of power links citizenship with racial purity, for it illustrates how being of the Jewish faith was incompatible with being a German citizen. This suggests that on Agamben's own account the laws themselves operate with substantive assumptions about race – in this case, in a biopolitical state the laws were meant to protect the racial purity of an *ethnic* German of the *white race*. Even though Germans too could have been "denationalized" – especially insofar as they aided those who were racially impure and, as a consequence, lost the privileges of their race – they were far less vulnerable to the detrimental effects of biopolitics.

Given the connection between *homo sacer*, bare life, and race, we can use Agamben's framework to shed some light on the way discourses around non-white peoples in the United States historically took form. According to

[34] Ibid., 132.

Agamben, bare life is not fully human life. In the Aristotelian framework, bare life as *zoe* is associated with the merely perceptive soul of plants and animals. Politically *zoe* signifies total lack of civilization, rationality, and morality. In affirming African Americans as bare life, these discourses associated them with the chaos of nature, which is exactly the kind of racial stereotype that has shadowed African Americans for centuries. For example, one could argue that the ascription of bare life by sovereign power promoted racial stereotypes about the hyper-sexualized, animal-like black man and the brawny Amazon black woman. The portrayal of black life as subhuman in turn served to justify blacks' slavery and their subsequent systematic disenfranchisement from social, economic, and political life. These racial narratives make sense in the context of Agamben's analysis of *homo sacer*, for the latter by definition is not fully human. They helped push certain racial groups into the category of the sacred and the category then informed the racial stereotypes surrounding them.

Agamben emphasizes that the judgment of the physical body is "immediately political" such that race "is not a biological given" but a contingent historical construction. He also writes that race is not evinced by "measurable characteristics."[35] The new modern emphasis on biological heritage, which as a political category often transcends any "measurable characteristics," affirms difference (as subhuman degeneracy) at a more fundamental, almost metaphysical, level. Although the biological is "immediately" politicized, what Agamben fails to see is the consequences of that politicization "stick" when it comes to racial differences, especially when biopolitics serves to integrate groups into a racial hierarchy that is linked to the founding of the state.[36] The normative racial group that has full

[35] Ibid., 147.

[36] I do not mean to insinuate here that racial difference is somehow irreversible or impossible to overcome and minimize. What I mean to suggest here is that racial identity is much less permeable than other categories of the sacred. In the case of immigration to the United States, for example, European immigrants who suffered enormous prejudice in the 19th and 20th century eventually attained recognition before the American state and society in a way that African Americans never have. European immigrants' were eventually accepted as whites, with whiteness being one of the conditions for full citizenship and recognition before the law.

citizenship reflects the founding moment of the state when sovereign power "decided" on the racial makeup of its legitimate and illegitimate members. From the point of view of the biopolitical state, there is a sense in which the citizen and the sacred one are two different *substances* by virtue of their racialization, even though both are equally political constructions of sovereign power. At the inception of the United States, for example, the politicization of black life served to construct and affirm their racial identity in opposition to the "legitimate" citizen and at the same grounded their exclusion from the state as fundamentally different, inferior, and non-human beings. This puts not only blacks, but also other non-white immigrants in a more precarious position with regard to the category of the sacred in the United States.

Instead of the outright extermination of a people that occurred in Europe during WWII, biopolitics in the United States disenfranchises people without outright killing them. There were, of course cases, when outright extermination occurred, as with Native Americans during colonialization and the immunity enjoyed by lynch mobs in the American South. Yet, the racialized expression of sovereign power is evinced in more subtle but systematic ways. Agamben tends to reduce biopolitics to thanatopolitics without offering an analysis of the graded way biopolitics operates in the modern liberal state. Such an analysis would have to pay closer attention to the importance of racial identity as a mediating factor in the exercise of state power. Take for example the degradation of the black labor force that persists to this day, increasing income and wealth disparity between white, black and Latino households, the insistent attempts to discount the vote of certain racial groups. These are not disconnected episodes of racial injustice, but indicate an inherent and systematic problem in the political order that one could trace back to the normative foundation of the state.

If we see that citizenship and racial identity are intimately connected, we unravel how the contemporary discourse around immigration in the United States betrays certain anxieties about the racial makeup of American national identity. The debate on immigration reflects the historical exclusion of non-whites from the "legitimate" political body of the United States at its historical inception. In the context of the political history of the United

Sates, being a citizen is equated with being white, the normative model of humanity. Although neither Foucault nor Agamben saw integration into the state as the solution to exclusionary biopolitics, their assessment nonetheless help us identify the problematic manner by which the state relates to different racial groups and the constellation of political power that maintain those relations. Their work teaches us that we have to become more self-conscious about the oftentimes implicit normative foundation of the state with regard to race. It also proves the importance of engaging the state. The power of the state should not be ignored in its capacity to impact upon our lives. There is a need to reevaluate and contest its normative foundation, as well as juridical concepts such as citizenship, making them more open to difference and plurality, especially at the racial and ethnic level. Such a reevaluation would first have to confront the fact that, indeed, our state is not neutral with regard to its behavior toward racial groups and that it does privilege some groups more than others on the basis of race.

I would like to conclude by saying that I hope the arguments that I have offered here indicate the importance and the underlining meaning of the contemporary political discussions about American national identity. Anxieties about the perceived threat to the latter seem to come to the fore once different racial groups begin to vie for citizenship and the full protection of their rights, instead of staying in the shadows of our political history as the sacred ones. This is an especially pressing political problem in light of the fact that within three decades whites will no longer be the racial majority in the United States. It is therefore urgent that we reconstruct, as an open and ongoing political project, the meaning of American national identity without fear and apprehension of racial and ethnic differences, and perhaps also with some humbleness on the part of those who enjoyed certain privileges because they fit the dominant racial norm. Agamben believed that in an age when politics is biopolitics, totalitarianism would not leave us. What he failed to see is that unless we begin to transform the normative foundation of the state with regard to race neither will racism leave us.