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POST-STRUCTURALISM AND RACE

Giorgio Agamben and
Michel Foucault

Ladelle McWhorter

Race today is a field of problematization—to use a term of Michel Foucault's. It arises both as what must be thought and as what defies many of the categories and techniques of thought. Its importance is undeniable, and its impacts inescapable, no matter what our particular racial identities happen to be. Yet, race does not confront us as a definable object with which to grapple; rather, it pervades our situation, seemingly without limit, as ubiquitous disparity, wound, demand, fear, and provocation. Race is where we are and who we are, and where and who we have been all our lives. Yet, it seems untenable—perhaps intolerable.¹

Whether anything in the writings of Giorgio Agamben or Michel Foucault has value for us as we struggle with how to live in/as/through this field of force relations depends entirely upon where we seek to intervene and what maneuvers we seek to perform. There is no truth in the work of these thinkers—that is, there is nothing in particular in their writings that we *must* know—but there may well be plenty there to help us think, to aid our experiments and strategies.

Accordingly, this chapter is a survey of a range of potential tools. It does not aim for thorough representation of Agamben's or Foucault's ideas about race. Instead, it aims only to consider a few of their concepts' relevance and power for certain sorts of transformative work. The first half of the chapter takes up Agamben's concepts of state of exception, the camp as *nomos*, and *homo sacer*. The second half examines Foucault's normalization and biopower.

Agamben

A state of exception, says Agamben following Carl Schmitt, is established when someone invested with power to do so suspends the law in an effort to preserve the state, nation, or people and, indeed, the law itself. When, for example, in the name of preserving liberty against the threat of terrorist attack a president suspends habeas corpus and

allows individuals to be detained indefinitely without trial, we have a state of exception. On its face, a state of exception is paradoxical, a legal suspension of law ushering in a new order that appears, against the background of the order immediately preceding it, as illegality. But it is not illegality; law is simply out of play, so that authorities' actions unfold in a zone of juridical undecidability.

Agamben bases his concept not only on that of Schmitt but also on that of Walter Benjamin, who declared (with horror) that under the Nazi regime a state of exception, which was supposedly established as a response to national emergency, had become no longer an exception but the rule; emergency measures had become normal routine, temporary had become permanent. Agamben, however, extends Benjamin's declaration far beyond the Nazi regime to include, for example, the USA Patriot Act and the US detention center at Guantanamo Bay (Agamben 2005: 3–4). When the state of exception begins to make itself into a permanent arrangement, he maintains, the space that is opened is the camp. "In the camp," he writes, "the state of exception, which was essentially a temporary suspension of the rule of law on the basis of a factual state of danger, is now given a permanent spatial arrangement, which as such nevertheless remains outside the normal order" (Agamben 1998: 169).

Camps are becoming ubiquitous today, whether detention camps for enemy combatants or undocumented immigrants or refugee camps for the millions streaming forth from regions devastated by invasion, civil war, and famine, a fact that prompts Agamben to declare that "the birth of the camp in our time appears as an event that decisively signals the political space of modernity itself" (1998: 174). "The camp . . . is the new biopolitical *nomos* of the planet" (1998: 176). If law is in suspension within the camp, those whose lives unfold there embody the figure of *homo sacer*, the living body set outside the law by sovereign decree, which, as a result, can be killed with impunity but cannot, as Agamben puts it, be sacrificed. Such a life will have, therefore, a death without meaning, to no end; it will be killed (or die of deprivation) simply "as lice" (Agamben 1998: 114).²

On a visit to Turkey in 2010, UK Prime Minister David Cameron accused Israel of turning Gaza into a "prison camp." "People in Gaza are living under constant attacks and pressure in an open-air prison," he declared (BBC 2010). Jerome Roos offers Cameron's remarks as reinforcement for Agamben's claim (Roos 2014); according to Roos, the state of exception has globalized and its techniques are routinely shared across borders and regimes. Roos notes, further, that through the Law Enforcement Exchange Program (LEEP), American sheriffs and chiefs of police are routinely sent to Israel to learn militaristic anti-terror techniques (Roos 2014), and since 2004, 12 regional LEEP conferences for police officers have been held in the United States, training more than 9,500 officers from around the country in Israeli techniques (Empowering Law Enforcement, n.d.: 31). Among those so trained were the St. Louis, Missouri, chief of police in February of 2008 (Empowering Law Enforcement, n.d.: 34) and two of the four police forces deployed to Ferguson, Missouri, during the rioting that broke out after Officer Darren Wilson shot and killed Michael Brown, an unarmed 18-year-old African American, in September of 2014 (Roos 2014).

While Roos acknowledges that Ferguson is not Gaza, he does assert that the parallels are close and drawing nearer, and that Agamben's concepts readily apply to both. Ferguson, too, is or at least has been made a zone of legal indistinction, a state of exception. Roos's case is aided by the fact that Agamben himself has suggested that the poor of the

third world, whether dispossessed of their land or not, have been effectively abandoned by government to live without protection of law.³ A “camp,” it seems, need not be physically cordoned off from the domain of legality that surrounds it as a prison must be; it must only be a kind of ghetto. That being the case, Roos asserts,

Today, the ghettos of Detroit and the outer neighborhoods of St Louis, like the townships of Johannesburg and the favelas of Rio de Janeiro, increasingly take on the form of open-air prison camps, in which the police permanently act as temporary sovereign, and in which poor blacks—and male youths in particular—are simply considered free game for the racist fantasies of white officers.

(Roos 2014)

Silvia Grinberg makes similar use of Agamben’s concepts of the camp, the state of exception, and *homo sacer* in her analysis of Buenos Aires shantytowns. “Of course,” she writes, “shantytowns are not concentration or refugee camps; their inhabitants are not prevented from coming and going, or from working. But they live on the symbolic border of the nation, occupying an ambivalent ‘inside/outside’ citizenship status” (Grinberg 2012: 206). Shantytowns are distinguished from other regions of Buenos Aires not by their poverty, which abounds elsewhere in the city as well, but by the illegality of their occupancy. The land on which they sit is not owned by those who live there (or rented from legal owners), although many residents have paid previous occupants for their small pieces of it or pay regular rent to someone who claims it.⁴ The city water contractor does not provide water except through one open pipe; there is no electrical power; in fact, there are no streets and the city does not include the region on its maps (Grinberg 2012: 205). Police do not routinely patrol through the shantytowns but remain at the border. When they do come in, they may injure or kill residents with impunity (Grinberg 2012: 218). While the state claims the right to impose any regulations it chooses in the shantytowns, it does not accept any responsibility for the well-being of the residents, many of whom have never even been issued the standard Argentine identity card that all citizens are supposed to receive; they are undocumented in their own country.

While life in a favela is a lot different from life in any US city or suburb, most Argentinians living in shantytowns—like most of the residents of Ferguson, Missouri—are marked as racially other to the larger, surrounding population. The ground upon which the shantytowns stand was once marsh and grassland where Native people hid from the invading Spaniards. Impassable on horseback, it was the borderland of the Spanish territorial conquest. Residents of shantytowns are descendants of those Indigenous people, but they are mostly of mixed race now to a great extent because of Spanish capture and rape of Native women.⁵ Still, they are typically darker than other residents of Buenos Aires (Grinberg 2012: 210). Their status, as well as the status of the territory they inhabit, is marked not only by current practices but also by that colonial and racist history.

If Agamben’s concept of the state of exception can apply to shantytowns and ghettos as well as camps (and he would no doubt accept such an application even if he would disagree with Grinberg that the shantytown is a *more* suitable paradigm than the concentration camp), we can also use the related concept of *homo sacer* to name the residents of such places. *Homo sacer* is a term Agamben takes from ancient Roman

law. The status of *homo sacer*, conferred upon an individual by a sovereign power, placed that person outside the protection of the law, leaving him prey to anyone who might injure or even kill him with impunity. Yet he was not simply set free of the law; he remained subject to it—inside it and outside it simultaneously. Agamben asserts that this ancient violence of the ban is a founding gesture of sovereignty and as such has always existed and can never disappear. Sovereign establishment and continued existence requires the status of *homo sacer*. Such people are abandoned by the law, outside its protection, and vulnerable to the violence its supposed “enforcers” can launch against it with no repercussions for themselves. Insofar as these vulnerable residents are racialized—whether even apart from their localization in these areas or simply because of it—we may say that the paradigm of the camp/the shantytown is increasingly the blueprint that states use to govern raced populations. As the state of exception becomes the norm, it does so first of all and primarily for those raced other to the white European/American.

This last is a point that Agamben himself does not make. In fact, as Falguni Sheth has argued, Agamben’s own analysis works against this idea, for he presumes that each subject stands in the same relation to sovereign authority as every other subject does, each in danger of abandonment, of becoming *homo sacer*. Regardless of one’s race and regardless of the history of racial oppression in a given region, those who are members of the historically oppressed race and those who are members of the historically oppressing race are equally at risk in their relation to the sovereign power. Thus, as Sheth emphasizes, “there is no acknowledgement of a power differential between *different subject populations* in relation to each other or to the sovereign, that is, the unit of analysis is an individual subject” (Sheth 2009: 45). With no exploration of the origins and histories of states of exception, Agamben’s analysis cannot explain why there are in fact pre-existing racial differences between populations under the same sovereign who are and are not abandoned by law. Agamben’s individualization of *homo sacer* covers over other racial facts as well, as Mark Rifkin’s work points out.

Rifkin agrees with Agamben that modern sovereignty constitutes itself by exercise of the ban. He contends that, as a settler state, the United States was only able to found its sovereignty by rendering Native peoples “peculiar,” that is, by excepting them from (the protection of) the law (Rifkin 2009: 91). Reservations are a prime example, he contends, of Agamben’s state of exception. His analysis thus agrees with Grinberg’s that a “camp” need not be a sealed area; people may exit and enter. What is essential to the state of exception is that sovereign law does not apply within the territory of abandonment, so that people living within are outside the law’s protection. Rifkin traces the juristic contortions required for courts to maintain US authority to regulate the reservations while at the same time recognizing sovereignty of tribal nations. He quotes Justice Clarence Thomas from a 2004 decision: “In my view, the tribes either are or are not separate sovereigns, and our federal Indian law cases untenably hold both positions simultaneously” (Rifkin 2009: 107). But what seems to Thomas to be anomalous is, according to Rifkin inspired by Agamben, foundational.

The jurisdictional imaginary of the United States is made possible only by *localizing* Native peoples, in the sense of circumscribing their political power/status and portraying Indian policy as an aberration divorced from the principles at play in the rest of US law, and that process of exception quite literally

opens the *space* for a legal geography predicated on the territorial coherence of the nation.

(Rifkin 2009: 97)

US territory *includes* the reservations—thus making it one continuous sovereign territory—while it *excludes* tribes from its officially recognized polity—thus simultaneously occluding and maintaining its status as conqueror and occupying force.

Like Sheth, however, Rifkin has serious criticisms of Agamben's concepts. The quotation in the previous paragraph emphasizes the spatial—literally, the geographic—dimension of the reservation as state of exception. Although for decades the United States made treaties with Indian nations, treating them as separate sovereignties, it makes laws that apply to people on Native lands and regulates political entities that pre-date its own existence. How is that legal? “The official answer . . . is that Native populations and lands are within the domain over which the United States is sovereign.” This answer, Rifkin points out, is “tautological, self-serving, and resting on nothing more than outright assertion” (Rifkin 2009: 106), but it indicates the extreme importance of location in relation to the state of exception. Rifkin proposes to amend Agamben's analysis to address ways in which sovereign power produces not only *homo sacer*, bare life, but also what he calls “bare habitance” (Rifkin 2009: 90). Sovereign power regulates proper embodiment—relegating those who do not appear or comport themselves properly to zones of indistinction without protection—but it also regulates “legitimate modes of collectivity and occupancy” (Rifkin 2009: 90). Native peoples are not living in states of exception simply because they are, as individuals, Native Americans; they are living in states of exception because they are not merely individuals. They are tribes, nations, collectivities. As Sheth holds, Agamben's analysis does not easily encompass groups or populations with histories vis-à-vis other groups; his treatment is individualizing. Over against Agamben, Rifkin insists on the importance of groups as well as—and as in part constituted by—their historical modes of habitation. For it was Native peoples' anomalous—by European standards—modes of inhabiting land that “justified” European expropriation in the first place, at least in North America. Native people did not divide and fence off land for agricultural production; where agriculture was practiced in eastern North America prior to 1607, it was by girdling and burning trees in small areas of forests for a few seasons of planting and then moving on to a new spot, leaving the last to regenerate. Agriculture was a tribal effort, not the work of individuals and families. And living space was to some extent mobile and multiple, with encampments for seasonal hunting and fishing in addition to more permanent structures in villages or compounds. John Locke notoriously denigrates these practices in *The Second Treatise of Government*, insisting that European agricultural methods are the only practices that constitute a legitimate claim to ownership of land. He writes:

God, when he gave the World in common to all Mankind, commanded Man also to labour, and the penury of his Condition required it of him. God and his Reason commanded him to subdue the Earth, *i.e.*, improve it for the benefit of Life, and therein lay out something upon it that was his own, his labour. He that in Obedience to this Command of God, subdued, tilled and sowed any

part of it, thereby annexed to it something that was his *Property*, which another had no Title to, nor could without injury take from him.

(Locke II.V.32 1960: 332–333)

Native peoples' collective habitation and use of resources and their seasonal mobility did not count, in Locke's view and those of many of his countrymen, as obedient occupation and improvement, which could only be individualized and stationary. Such collective, mobile techniques and modes of life were ungodly and unreasonable. Such populations were "peculiar," as Rifkin says, to put it mildly, and they posed a threat to US sovereignty that could only be contained if they were immobilized. As Rifkin points out, placing Native peoples on reservations was not a self-confident sovereign gesture, as Agamben's analysis would lead us to imagine. It was a gesture born of anxiety (Rifkin 2009: 90).

Rifkin's critique of Agamben on the basis of his study of Native peoples in the United States leads him to suggest that Agamben must be "indigenized" before his work can be useful. We must adjust

the persistent inside/outside topology he uses to address the exception, specifically the ways it serves as a metaphor divorced from territoriality; the notion of "bare life" as the basis of the exception, especially the individualizing ways that he uses that concept; and the implicit depiction of sovereignty as a self-confident exercise of authority free from anxiety over the legitimacy of state actions.

(Rifkin 2009: 90)

Along with Grinberg's and Sheth's insistence that the states of exceptions in racialized ghettos and shantytowns must be understood against a historical background of shifting networks of power vis-à-vis multiple populations, it seems that Agamben's value for critical thought and analysis of race and racism has some significant limitations. In light of these criticisms, we may turn to the work of Michel Foucault.

Foucault addresses the issue of race at least twice in his *oeuvre*. The first comments to make a published appearance are in Part Five of *The History of Sexuality, Volume 1*, published in the fall of 1976. There Foucault introduces the concept of biopower, his name for the vast and complex network of power relations resulting from the "explosion of numerous and diverse techniques for achieving the subjugation of bodies and the control of populations" in the West through the late eighteenth and nineteenth centuries (Foucault 1980: 140). As networks of biopower assembled, the primary target of knowledge and power altered.

Power would no longer be dealing simply with legal subjects over whom the ultimate dominion was death, but with living beings, and the mastery it would be able to exercise over them would have to be applied at the level of life itself.

(Foucault 1980: 142–143)

Management of individual bodies took the form of normalizing disciplinary techniques designed to direct and channel developmental processes to bring living beings into conformity with statistical norms (or at least to identify them as abnormal in some measure and to husband that abnormal developmental trajectory). Management of populations

took the form of techniques of security designed to influence population trends—birth and death rates, crime rates, and so forth. Living bodies and living populations were two separate types of target, but both were dynamic and developmental—that is, *living*—beings. Strategies that bring these differing targets and techniques close together promised and proved to be exceedingly effective. Sexualization (of both bodies and populations) is such a strategy, and racialization is an integral aspect of it (and vice versa, with emphasis falling on one or the other depending on analytic context).⁶ By the twentieth century, bodies were sexualized, constrained, and cultivated in the name of racial hygiene, and populations were racialized in eugenic purification campaigns designed to ensure the continued vitality and development of the species.⁷ This is the point, Foucault asserts, where racism emerges—“racism in its modern, ‘biologizing,’ statist form” (Foucault 1980: 149). Nazism was only the most obvious manifestation of this racism; similar, if somewhat less dramatic, manifestations can be found in all the biopolitical nation-states of twentieth-century Europe and America.

In the spring semester before the publication of *The History of Sexuality*, Foucault gave a course at the Collège de France (now published as *Society Must Be Defended*), in which we find a much longer discussion of race. He introduces race in Lecture 3, where he locates its emergence in seventeenth-century England. With an increasingly unpopular king on the throne, an underclass began to tell itself a story about the origins and mechanisms of its own felt oppression: once upon a time, before the Norman Conquest, the Saxons had lived under an ancient constitution that protected their liberty. But then, the Normans imposed their laws on the conquered Saxons, laws that were nothing more than another form of Norman weaponry. On the surface, England might seem to be a multitiered monarchy, but appearances are deceiving. In reality, there were two mass collectivities pitted against one another—an ongoing war between Normans and Saxons, a race war. Race war discourse began, Foucault argues, as a counter-discourse, a way of resisting the legitimacy of the state and the power of sovereignty.

Like almost all weapons, however, race war discourse can be put to contradictory uses. Boulainvilliers used it in eighteenth-century France to justify and reinstate the power of the nobility (see Foucault 1997: 128ff). Still, different as these deployments’ purposes may be, neither is racist in any contemporary sense—that is, they do not posit a natural hierarchy of races or racial morphologies or characters, nor do they assert the existence of a superior or an inferior race. Race is a matter of lineage, language, religion, and law, not a matter of health, intelligence, or moral worth.

Only when race is absorbed into biopower do we begin to see racism of a familiar sort.⁸ Foucault does not delve into the process by which lineal race became morphological race, which became a field of problematization in eighteenth-century anthropology, but this process set the stage for race to be absorbed into developmental discourses. Accounting for morphological races by way of migration and the effects of climate, anthropologists claimed that mild temperatures and abundant year-round sources of food resulted in biological, intellectual, and moral stagnation in southern races, while environmental adversity fostered foresight, diligence, and self-restraint in those of the north. Races then represented developmental stages along the way toward human perfection, which meant that some were superior and some inferior to others.⁹ Superior races approached the human ideal, while inferior races moldered in developmental retardation or total arrest; some might even be regressing toward savagery and extinction. It was only rational that law and public policy should take account of these alleged scientific facts and

discriminate on the basis of them. Public safety and well-being demanded it. Incivility, let alone savagery, poses a threat to life and property. Furthermore, there is no point in expending valuable resources on large numbers of people who cannot learn or contribute to the advancement of society (whatever race they may be members of); they are best relegated to the realm of menial labor to produce for the support of their superiors' endeavors. Should they prove useless for that purpose—for reasons of ill-health, mental deficiency, or simply numerical superfluity—or if they prove too costly to control, they will have to be forcefully subdued and perhaps eliminated.

Forceful elimination of human beings—whether through active killing or through deprivation and neglect—seems antithetical to the aims of a biopolitical state. Yet the protection and management of life also involves the judicious administration of death. Resources, sometimes scarce, must be allocated; some people may have to suffer for the preservation of the whole. For this very reason, race and the racism it underwrites are indispensable tools, Foucault asserts: “What is racism? It is primarily a way of introducing a break into the domain of life that is under power’s control: the break between what must live and what must die” (Foucault 1997: 254–255). The field of life is continuous; all individual members of the state’s population are living beings. But the invention of a hierarchy of races serves to fragment that biological field. All are living beings, yes, but these lives are not equally valuable—not equally worthy. In fact those who are inferior are threats to the lives and health of those who are superior—and therefore of the whole. Population managers can thus justify their life-supporting or life-depriving resource allocations even when it means some will suffer; it is legitimate to allocate and act in ways that will eliminate inferior individuals and tend toward the elimination of inferior races: the health of the living population requires their hastened deaths. Foucault writes,

The fact that the other dies does not mean simply that I live in the sense that his death guarantees my safety; the death of the other, the death of the bad race, of the inferior race (or the degenerate, or the abnormal) is something that will make life in general healthier: healthier and purer.

(Foucault 1997: 255)

How biopolitical racism will manifest or be deployed and play out differs across different political and cultural situations. Sometimes individuals will be more or less abandoned, as Agamben’s analysis suggests, removed from the protection of the law and left vulnerable to abuse and death. This is clearly happening to many populations of color around the world today as well as to some poor and disabled white populations. But Foucault’s analysis allows for other, very different scenarios. States can become intensely involved with some segments of populations of color, captivating them, micromanaging them, molding them. Loïc Wacquant has argued that, post-1996, “welfare” in the United States entails unprecedented levels of surveillance over impoverished populations, especially women of color. The purpose is not to “free” people from impoverished dependency but to normalize them, to discipline them to fit into a new type of mass workforce for the modern world—not the world of information technology that politicians so often reference but the neoliberal world of the chronically sub-employed, a world without full-time contracts, health and retirement benefits, union support, living wages, paid sick leave, or even regular shifts, a world where one’s day-to-day livelihood is always precarious and one’s life is, therefore, always at risk. Success (if it can be so

called) in this work-world requires careful time management (juggling inconvenient and unreliable public transportation with employers' unpredictable part-time scheduling and make-do child care arrangements, for example), calculated budgeting and restrained purchasing, and foresight and resourcefulness far beyond that practiced by a typical middle-class householder. Although the reality is that neoliberal governments have not allocated the kind of money that would be necessary to make these normalized disciplinary regimes function effectively,¹⁰ the ideal does exist in bureaucratic outline form and to some extent in the life experiences of those who struggle to survive in the system.

Foucault's analysis of biopower, contrary to Agamben's, does not privilege the state. The state is a set of institutional structures that function within large networks of power relations, and in some, but only some, strategic regimes those institutional structures are paramount. Increasingly, however, as Foucault noted in his lectures series in the late 1970s, biopower is deployed through largely non-state market mechanisms. Fragmentation of the biological continuum into races can serve market purposes very well. Races become niche markets. Pharmaceutical corporations advertise and sell diagnostics and drugs to raced consumers. Fashion and entertainment industries produce styles and content for raced audiences. Likewise racism: when raced populations are not themselves significant as markets because their ability to consume is constrained by their relative lack of disposable income, they can become the object of or ground for other kinds of markets—such as (predominantly white) markets for the consumption of security. The existence of impoverished populations of color sells guns, home surveillance and alarm systems, and—of course—prisons. Politicians found they could win campaign contributions and votes with calls for more prisons, but sitting legislators and executives were loath to increase public spending to staff and maintain them adequately. That confluence of events led to the rise of private prisons in the United States, first introduced in Kentucky in 1981.¹¹ By 2008, 8% of all prisoners in the United States were in private facilities. By 2010, Corrections Corporation of America, established in 1983, was one of the United States' largest employers and was traded on the New York Stock Exchange (Harcourt 2011: 235). The racialized poor might not be high-dollar consumers, but trafficking in racialized confinement could prove quite lucrative.

For Foucault, relations of power form networks of varying strengths and densities. Whereas for Agamben, at least as interpreted by Sheth, each individual stands first of all in relation to the sovereign power and all individuals' relations to the sovereign are initially the same, for Foucault relations of power may be not only hierarchical but lateral and even multidirectional. There is no paradigmatic power relation. Each situation must be examined, therefore, without the presumption of a center or a hierarchy. There are camps—Guantanamo for example—and there are reservations, ghettos, prisons, and any number of other sites in which race is reproduced or reiterated and mobilized. No one type of site serves as model for the others. Across them we find similarities and differences, and both are significant for anti-racist analysis and action.

Furthermore, all situations have a history—a history of prior power relations that may reverberate within them still, as Grinberg's analysis of Buenos Aires' shantytown illustrates. Eric Garner died at the hands of a police officer not just because of the racial situation on Staten Island in 2014 but because of decades and centuries and their millions and billions of interactions among black, white, and brown people in highly complex and differential relationships—variously gendered and raced relationships among citizens and subjects and between citizens and subjects and officials of the state.¹² What

Rifkin identifies as sovereign anxiety can also be read as a power network's awareness of its own radical contingency manifest in its drive to reproduce itself.

Foucault's approach, unlike Agamben's, can enable us to form plausible and useful answers to the question of why it is so often raced individuals and communities that are abandoned, impoverished, intensively managed, persecuted, or otherwise maltreated.¹³ Useful answers lie in our development of the specific genealogies of situations. There are continuities across different racial situations because those different situations are historically entangled with one another at multiple points. But the fact that there are differences in how what we now identify as racism arises and operates means that there is also reason to believe that these situations can be brought to change. We are not doomed forever to repeat the scene of abandonment in the state of exception.

Foucault's genealogical analytics of biopower and race provide possibilities that Agamben's sovereign analysis does not, although it does not offer a definitive account of race or racism or even of power dynamics. Nevertheless, as stated at the beginning of this chapter, the value of either approach lies not in its approximation to some extra-theoretical truth but in what measure of assistance it affords us as we oppose racist oppression and create alternatives to racist practices and styles of life. As the anti-racist uses to which they have been put demonstrate, both bodies of work have something to offer, and both have limitations. Only when we examine the specifics of our own situations and possibilities for change will we be able to render an informed political and philosophical judgment adequate for our own geographical specificity and moment in history.

Notes

- 1 This is not to say that racial identities cannot also, at times, be sources of strength, solidarity, community, and enjoyment. I would argue, however, that when this is so, it occurs in the face of the kinds of suffering and oppression that the more general mechanisms of racial identification impose; it occurs as an effect of countermoves in resistance to prevalent oppression—or occasionally as a means of bolstering a failing sense of power, as in the “heritage not hate” displays of confederate battle flags in some parts of the United States.
- 2 The relation between sovereignty and *homo sacer* is complex and constitutes the heart of Agamben's 1998 book, but it is not necessary to analyze that relationship in this chapter. I refer interested readers to *Homo Sacer* itself and to the essays contained in Norris 2005.
- 3 For some discussion, see Parfitt 2009.
- 4 Hernando de Soto's take on shantytowns is quite different from Grinberg's. Rather than states of political and legal exception and zones of intense suffering, he sees them as areas of amazing, if undercapitalized, entrepreneurship. He does not examine Buenos Aires, but based on his analysis of Lima, Peru, and other shantytowns around the globe, I believe he would see Buenos Aires in a similar light. See de Soto, 2000, chapter 2.
- 5 Not all unions were involuntary on the part of the Native women, of course. But many were, and the Spaniards certainly had the upper hand in any case.
- 6 This is an historical, not a logical or ontological claim; these strategies, as they formed and developed in Anglo North America intimately informed one another, as I argued in my 1999 monograph.
- 7 This happened with more or less intensity throughout Europe and North America but also in Australia, Japan, and some parts of South America.
- 8 Foucault concedes that racisms existed long before this period, if by racism we mean simply treating people according to membership in a race (however defined) rather than as individuals. Modern racism is a much more complex phenomenon, however. See Foucault 1997, 254.
- 9 For an in-depth account of this process, see McWhorter 2009.

- 10 Wacquant notes that the US Congress never approved money to train and install the number of government workers and the data tracking systems necessary to enforce the five-year life cap. See Wacquant 2009, 104.
- 11 I have seen conflicting dates and locations for the establishment of the first in the latest wave of private prisons. Whereas Harcourt, as cited in the text, gives the location as Kentucky and the year as 1981, Wacquant gives the location as Chattanooga, Tennessee, and the year as 1983. He says this construction began at the behest of the Immigration and Naturalization Service. See Wacquant 2009, 168.
- 12 Garner was a 43-year-old African American resident of Staten Island, NY, who died as a result of a choke hold placed on him by a police officer on July 17, 2014. His death was ruled homicide by the medical examiner. A bystander's video of the event went viral. See the *New York Daily News*: www.nydailynews.com/new-york/nyc-crime/eric-garner-death-ruled-homicide-medical-examiner-article-1.1888808.
- 13 As an anonymous reviewer of this chapter pointed out, Foucault does not give us answers to the question of why the particular people who are raced have become raced in the ways that they are. I do think, however, that Foucault's genealogical method or approach can help us develop such answers. I offer my own work as an example; see McWhorter 2009, especially 2.

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