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ENG 473Q - Literary Theory

Paper 2

**Comparison of Systems of Control in Foucault and Agamben**

Foucault’s “Discipline and Punish” and Agamben’s “State of Exception” take two distinctly different methods of describing a similar phenomena: The inevitable development of ubiquitous systems of control in modern society in order to maintain order. Agamben takes a scholarly approach, with extensive references to related works and clear historical examples from different countries showing that the state of exception is becoming the rule. Foucault takes a much more metaphorical approach, using the extreme examples of measures taken when a town is hit by the plague, and using Bentham’s idea of the Panopticon to describe how society is moving from use of exceptional discipline towards use of constant surveillance. While Agamben takes a much more critical approach and is a clear advocate of democracy over exceptional control, Foucault seems to celebrate the movement towards Panopticism, for streamlining discipline and making it more subtle. Both passages however describe a society where control is constant and inescapable.

The specific systems described by Foucault and Agamben and their evolution over the course of the past couple hundred years have both similarities and differences. Agamben defines the state of exception and how in the majority of countries in western society, it has become the rule. This state of exception is defined as suspension of the distinction between the judicial, legislative, and executive branches of government, with the executive assuming the powers of all three. This is due to an event such as rebellion, natural disaster, or war that is either real or fictitious. Agamben writes that “the modern state of exception is a creation of the democratic-revolutionary tradition and not the absolutist one” but also that “the state of exception appears as a threshold of indeterminacy between democracy and absolutism”. This shows that even though democratic societies are created in response to absolutism, this system is inescapable as democracies eventually return to dictatorship through excessive use of the state of exception. This system is also inescapable because it “appears as the dominant paradigm of government in contemporary politics” and Agamben describes its evolution in the European powers as well as the United States. While the state of exception is employed at first to address a particular event, the system of discipline that Foucault describes emerging in western culture is used subtly in everyday life in order keep order and increase the productivity of the individual. This idea of Panopticism, originally proposed by Bentham, is based on the idea of constant surveillance in order to keep order, as opposed to delivering exceptional discipline to those who break the law. This system is inescapable because the discipline is applied to every individual, not just law breakers. Also, it is employed through many different venues in society, such as the school, the hospital, religious organizations, and the police. While both these writer’s systems are inescapable, the key difference is that Agamben focuses on where gubernatorial lies, while Foucault focuses on the role social institutions of society have on discipline.

The writing style of these two passages are highly contrasting and serve distinctly different purposes. Agamben writes “State of Exception” in a very scholarly manner, drawing equally from the writing of his predecessors such as Schmitt, De Martino, and Rossiter as he does on his own ideas which are supported by historical fact. He examines several different meaning of the “state of exception” and acknowledges that it is a highly ambiguous and paradoxical concept. In order to prove his thesis that the state of exception is becoming the rule in western culture, he examines the evolution of its use in each western country over the course of the last several hundred years. Though Agamben eventually interjects his own opinion into his writing, it is not after introducing the idea of the state of exception and examining it from several angles. This occurs in section 1.5, where he criticizes Rossiter’s acceptance of constitutional dictatorship as a temporary replacement of democracy in order to save democracy. Though it can be inferred from the passage that Agamben is an advocate for democracy, he doesn’t explicitly state preference of one system over another, just criticizes Rossiter for accepting constitutional dictatorship to protect democracy, when Rossiter himself states that these emergency powers have become the rule and not the exception, therefore not actually protecting democracy. The first half of the excerpt from “Discipline and Punish” is highly metaphorical and theoretical and serves as a striking contrast to “State of Exception”. Foucault begins his “Panopticon” section by discussing the highly centralized method of surveillance and control used in towns infected with the plague, and then comparing this method to that of dealing with lepers, which was merely to keep them separate from everyone else. Though the connection with modern discipline may not be initially clear, this passage serves many purposes. By providing an extreme example, Foucault shows that highly organized systems of discipline are necessary to preserve order. These extreme examples also help the reader to understand a complex issue, as the old system of discipline, characterized by exclusion, is represented by the treatment of the leper and the new emerging system of discipline, characterized by wide scale disciplinary projects, is represented by the treatment of the plague. Foucault then spends several pages describing the Panopticon, a literal example of a disciplinary system where prisoners are constantly watched, cannot see their observers, and cannot communicate with each other. While the widespread use of the Panopticon in real life is still far from being a reality, this extreme example again serves to illuminate the concept of discipline that Foucault is trying to describe. It is not until well over halfway through Foucault’s “Panopticism” passage that he begins to take on a similar academic tone of “State of Exception”. After the plague and Panopticon passages, Foucault discusses how such a form of discipline is being implemented in practical terms. With distinct sections, he describes how the purpose of discipline has inverted, how the number of disciplinary establishments is growing and becoming deinstitutionalized (schools, hospitals, churches), and how the state run discipline system of police is increasing in everyday use as well. By approaching the ubiquity of systems in two distinct writing methods, Agamben and Foucault’s excerpts complement each other. While Foucault’s use of metaphor and hyperbole helps the reader understand and experience the emotions associated with the disciplinary form of control, Agamben provides well-cited examples of the evolution of the system of control in western culture.

Both “State of Exception” and “Discipline and Punish” have mixed evaluations of the systems of control they describe, but with different undertones. While “State of Exception” has a critical tone of increasing use of state of exception, Foucault praises the evolving use of discipline in all aspects of modern life. As described before, Agamben’s criticism of Rossiter makes it clear that he believes that temporarily sacrificing democracy cannot be used as a means of saving it, especially because this sacrifice of democracy becomes permanent and not just an exception. The examples of the state of exception that Agamben examines, such as Nazi Germany, Fascist Italy, Napoleonic France, and post-911 America have for the most negative connotations historically. In fact, Nazi Germany, often regarded as the archetype of evil, is the very first example of use of the state of exception. The second example, The USA Patriot Act, also has strong emotional connotations for many readers due to its temporal proximity. The treatment of detainees under the Patriot Act is even compared to that of the Jews under the Nazi regime. The use of these two examples at the very beginning of “State of Exception” shows that, though not explicitly stated, Agamben most likely believes extensive use of the state of exception is harmful to democracy and destructive to the lives of citizens. Foucault on the other hand, clearly praises the emerging system of discipline and the model of the panopticon for its ability to make society much more organized and productive. At the beginning of the section “*1 The functional inversion of the disciplines*”, Foucault explicitly states about disciplinary institutions: “now they were being asked to play a positive role”. He then describes that whether it be in the military or education, discipline increases the skill of the individual and makes groups more unified and efficient. In his description of the Panopticon, Foucault extensively praises the model for eliminating any possible danger for any possible application, as well as for lightening the force of discipline by making it unknown to the individual if they are actually being watched. Though these seem to be the authors’ primary evaluations of the systems of control, both the excerpts have undertones that consider the opposite point of view. The later examples of use of the state of exception by Agamben include US presidents who are often viewed by history in a positive light, such as Lincoln, Wilson, and Franklin Delano Roosevelt. Lincoln and Roosevelt in particular are often popularly regarded as the best US presidents and Agamben describes how at times they completely suspended the legislative and judicial branches and acted dictatorially. By including these examples, Agamben seems to show that while the state of exception can be destructive to the individual and harmful to the democratic process, it occasionally can be used to take decisive action for the benefit of the country. However, even Roosevelt’s use of the state of exception had mixed results, as he used it both to revitalize the economy with the New Deal, but also to imprison thousands of Japanese Americans based solely on ethnicity. Foucault on the other hand, despite explicit praise of the system of discipline he outlines, uses imagery so dark and sinister that the reader questions if he is actually fully in support of his ideas. When the “Panopticonism” section began with the plague system description, I predicted that he would be arguing against the system of discipline he was describing due to the tone of the entire section. Foucault writes that “The relation of each individual to his disease and to his death passes through the representative of power…” which creates the impression that under these systems of discipline, the individual is helpless and has their life placed completely into the hands of an unseen system. The original Panopticon system that Bentham devised involves being in an enclosed space with no contact with others, yet always being potentially watched by an outside source. Although Foucault praises this system, the literal Panopticon is not one that most individuals would want to be a part of. Through use of these examples at the very beginning of “Panopticism”, Foucault seems to be implying that although systems of discipline benefit the greater productivity and organization of society, it is at the cost of freedom of the individual.

Both writers see the evolution of the system of control as incomplete in the present, but moving towards a world where escape from the system is impossible. While not every western country is always in a state of exception, Agamben describes how in every country, there has been a significant increase in the instances of state of exception in recent years. The phenomena is also true for the majority of western countries, even neutral countries that were not involved in conflict such as Switzerland. In this sense, according to Agamben, it is impossible to escape the move back towards a system of absolutism due to the nature of the world we live in today. The main difference between the degrees of freedom of each system described is that Agamben’s system is selectively applied, unknown to most but harsh to a few, while Foucault’s system is selectively applied to all. Agamben writes how the majority of citizens do not acknowledge the existence of a state of exception because it does not affect them. However, for those who are suspect or of an undesirable group, separation of power and adherence to a constitution are completely dissolved. This is seen for those detained under the Patriot Act, who are detained without any sort of legal status, as well as undesirable groups in Nazi Germany who were mass murdered. However, the vast majority of the people in these societies were unaffected by the state of exception. In Foucault’s system of discipline, the system affects all, whether or not they are guilty or suspected of a crime, but is applied subtly. The knowledge that someone may be watching, whether that be police, an educational authority, or church figure, will affect the behavior of the individual, making them more orderly and disciplined, even if they do not actively acknowledge the effect these figures have on their actions. While Foucault does not say he expects society to adopt literal mass use of the Panopticon, his chronology of the evolution of Panopticism indicates he believes discipline will continue moving in this direction.

Agamben and Foucault in their respective writings develop slightly different ideas of systems of control, which though developed differently, compliment each other in many ways. Foucault’s metaphorical approach gives heightened understanding of his concepts to the reader while Agamben’s academic approach gives the reader clear cited examples to back up his beliefs. Agamben speaks against the controlling system while Foucault praises it, yet both consider the opposite point of view as well. While Agamben’s system harshly limits the freedoms of a select few and leaves the vast majority unaffected, Foucault’s system subtly shapes the behavior of each individual. Both writers however, acknowledge that for better or worse, there are some powers which we cannot escape from.