

# CITY / STATE

*Foucault Urbanism & Risk*

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## Attestation of Authorship

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I hereby declare that this submission is my own work and that, to the best of my knowledge and belief, it contains no material previously published or written by another person (except where explicitly defined in the acknowledgements), nor material which to a substantial extent has been submitted for the award of any degree or diploma of a university or other institution of higher learning

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# Abstract

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## CITY / STATE *Foucault Urbanism & Risk*

*The State is the coldest of all cold monsters. Coldly it lies, too; and this lie creeps from its mouth: "I, the State, am the people."*

–Friedrich Nietzsche, *Thus Spoke Zarathustra*.

*The city model already dominates the global markets. With the influence of urban violence and warfare, we might find ourselves back with the political system of the city-state.*

–Eyal Weizman, "Military Operations as Urban Planning."

The short epigraph from Eyal Weizman is taken from a 2003 publication on the future of the city, *Cities Without Citizens*. Its editorial opens with a kind of simple or naive questioning that resonates strongly with the thesis of this research: "What is a city? What are the laws or constitution that make a city a city, that prevent it from becoming something else, even as it inevitably undergoes transformation and change?" Of course, *Cities Without Citizens* is neither simple nor naïve. It is an astute and political series of writings on some of the most pressing concerns of human rights, inflecting profoundly on a question of habitation and the urban. This would be my claim for this thesis as well. Its originality and trajectory trace, principally through the political philosophy of Michel Foucault and many theorists of the urban who have engaged Foucault, what that thinker called a "history of the present." By this he meant how we trace successive relations of power and knowledge such that what we take to be our present, in its contingency and fragility, violence and happiness, has its governmental reason, its conduct of conduct, and its normative techniques for managing risk and contingency.

There is another touchstone by which I could present an overview of the critical concerns of this research. It is the September 2011 issue of the journal, *Urban Studies*, a special issue on the theme,

“*Renewing Urban Politics*,” edited by Gordon MacLeod and Martin Jones. This issue addresses the panoply of concerns in contemporary understandings of urban planning in contexts that the editors and contributors term post-democratic and post-political governmentalities. Address is given to cities in crisis, in bankruptcy, and to widespread movements from welfare to entrepreneurial urban financing, and ontological considerations as to what now constitutes the urban, particularly in contexts where urbanization can no longer be modeled on those academic and professional frameworks that have grown from Eurocentric and Anglo-American traditions.

The question remains how do we plan, design, or construct, which is to say, invent futures? What is proposed here is not an imagining of an *other city*, a city that responds, with greater utility, to crisis. Rather, what is explored is how the present is constructed. What are the contingencies that affect us now, and how are they contingent in their historicity? Foucault proposes that it is through analyzing these events that we see the various historical moves that determine our present. Genealogy shows the historical dimension to a reason that determines our present and in this shows that our future may be opened otherwise than as we assumed it to be. Key to our understanding of what shapes our cities, as they are now and their possible futures, is not simply or exclusively found in the design philosophies of architects and planners but, rather, in the policy books of bureaucrats. For this task the thesis engages Foucault’s analyses of knowledge, power, governmentality and self, which it argues are particularly advantageous for the analysis of policy and spatialising technologies and practices of the urban. It is through the relatively recent publication of Foucault’s lectures at the *Collège de France* that we gain new insight into his research of the liberal art of government. This is particularly relevant in the context of the current global economic crisis, which revealed its weaknesses most palpably in American housing finance policy, coupled with ‘liberalisation’ or deregulation of the U.S. banking industry.

Foucault’s work is central to analyses undertaken in this thesis. However, the thesis utilises theorists such as Giorgio Agamben, Antonio Negri and Michael Hardt, in terms of how they have extended Foucault’s research in its appropriations, critiques, and transformations, as well engaging the philosophical works of Maurice Blanchot, Gilles Deleuze and Jacques Derrida for their formative engagement with Foucault’s thought. This is particularly the case with respect to critical engagements with two late developments in Foucault’s thinking, on the governmentality of population and on the biopolitical threshold of modernity. What we propose, when aiming at giving definition to the contemporary city, is akin to Foucault’s understanding of *conduct*, as operational assemblages of practices that articulate other practices, rather than defining the city as a distinct territorial, institutional or governed entity. From this perspective, conduct is central to political practice, while techniques of governmentality seek to manage the conduct of conduct. In his writings on the birth of liberalism, Foucault emphasised the aleatory, the management of risk, contingency and uncertainty at the threshold of the birth of political economy.

This thesis engages our contemporary crises of risk management, effected by global deregulation of banking industries, coincident with unprecedented escalation of global surveillance technologies, as a crisis of urbanism, housing and city financing, or the spatialising effects of the built environment, such that risk and uncertainty are recognised as spatial practices. The thesis concludes on the question of calculability and probability as key contemporary questions in urban political theory, making reference to Blanchot, Foucault, Deleuze and Derrida, and the recent work of Elie Ayache and the Foucauldian legal theorist, Pat O’Malley.

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# Introduction

*Foucault Urbanism Risk*

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Over the past three decades, research in urban politics or increasingly urban governance reveals a landscape powerfully reflecting what might now be defined as a post-political consensus. (MacLeod, 2011: 2629)

Being a ‘green citizen’ implies being submissive to the demands of neoliberal governance and the dictates of individualized and marketized social relations, with the environment constructed as a dispositive for social regulation and an ethical template of subjection. The social space of the city—the most distant form and most radical transformation of ecological space—is where such governmental practices and political effects are at their strongest. (Brand, 2007: 629)

Urban planning concerns several *dispositif* problematics: first, urban planning concerns the relation between the articulated and the visible; the discourse and the material. Second, urban planning is predetermined on relations and connections between the said (plans, texts, communication) and the unsaid (strategies, intentions with regards to effects and affects, prejudices and so on). Third, urban planning is, due to its public activity, truly dependent on relations between an ensemble of lived discourses, institutionalized discourses and architectural discourses, which are all dimensions of the spatialization of a population’s ‘living together’ with planning’s regulatory decisions (plans), scientific statements (on the effect and affect of ‘things’), and (not least) the institutionalization of the public participatory planning process. (Pløger, 2008: 52)

This window onto the utopian imaginary of recovery entrepreneurs allows us to sketch the expansion and inculcation of recovery discourse into the many forms of the ‘do-it-yourself’ welfare state. Recovery house actors have capitalised on the hybridity of the recovery project to advance a new politics of citizenship, a burgeoning informal housing market and a new mode of poverty management. In this light, recovery houses can be explored on their relationship to wider social and economic forces, in addition to being scrutinised as microtechnologies that put into play certain assumptions and objectives concerning the selves that inhabit them. (Fairbanks, 2011: 2562)

## Post-democratic Cities

In September 2011 the journal *Urban Studies* published a special issue devoted to what it termed the “new urban politics.” Edited by the U.K. based urban geography researchers,

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Gordon Macleod and Martin Jones, this special issue unsettles any of the foundational notions we might have concerning the entities we demarcate as ‘cities’ or the ‘urban’, the notions of polity or the political, the agents and agencies we associate with the exercise of power and governance structures within urban milieu. Their agenda is ontological, questioning the entities that we assume we study when we pose the city as an object of study. Their agenda is also epistemological, asking for new methods and methodologies, new ways to question and to say we ‘know’ these entities we define as urban: “A city may also be designated an *object* of political intervention by the national state and supranational levels, not least via the governmentality of a definitively ‘urban’ policy. It should further be acknowledged that officially recognised territories like cities and regions, far from being ontologically pre-given, are enacted out of political struggle before themselves being implicated in the constitution of the political process” (MacLeod and Jones, 2011: 2446). MacLeod and Jones recognised there to be a discourse that emerged during the late 1980s and early 1990s around a ‘new urban politics’ that primarily concerned itself with questions of economic growth and “entrepreneurially oriented governing regimes” (MacLeod, 2011: 2629). This includes city renewal processes enacted through significant land privatisations and what became commonly designated as “Business Improvement Districts,” with consumption-led drivers as primary definers of public benefit (2629). This special issue of *Urban Studies* calls for a “renewing” of urban politics in contexts where the policies over the past twenty years have led to crises in the governmentality of the urban, increases in post-governmental welfare cultures, post-democratic regimes of governance and post-political processes for the distribution and exercise of power. As MacLeod suggests concerning his contribution to the journal: “This paper suggests that recent theorisation on post-democracy and the post-political may help to decode the contemporary landscape of urban politics beyond governance, perhaps in turn facilitating a better investigation of crucial questions over distributional justice and metropolitan integrity” (2629). It needs to be stressed that the conceptualisation of a post-political or a post-democratic social agency or agent does *not* suggest an end to either politics or democracy, just as post-modernism does not refer to closure to modernism. Rather, these dislocating governmental practices are precisely those that most call into question how we define and work with political democratic process, especially in governmental contexts of neo-liberalism. Concerns with post-politics and post-democracy are discussed especially in Chapter Five of this thesis.

This thesis shares the critical concerns and political imperatives emphasised by MacLeod and Jones with respect to the ontology of urban governmentality, political process, economic determinations and welfare structures. A key aim of this thesis is to trace a

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genealogy of our present with respect to those governance structures, exercise of power, and forms of knowing that have constituted our understandings of the management of cities. At first glance this seems an impossible task, for the sheer volume of material that would need to be analysed, for the manifold disciplines and sub-disciplinary approaches to the analysis, planning and defining of the urban, and for the complexity of the historical dimensions to such a study, the cultural and sub-cultural determinations, and the Eurocentric biases. Then there is the unevenness of the development of archives, along with Anglo-American dominance in discourses of urban planning in the twentieth century. Further, there are contemporary crises that are global, on the one hand, and engage such radical cultural differences, on the other, when we recognise the failings of urban strategic planning in nation-states as divergent as consumerist China, debt-ridden cities in the United States, the radical heterogeneity of conurbations such as Sao Paulo, and governmental enclaves such as the City of London. What would such a genealogy of the emergence of contemporary governmental rationalities of the urban look like, and what would it deliver?

It is the work of Michel Foucault to which we principally turn for a number of reasons in defining such a genealogy and in defining where an original contribution to the field might be found. As Pløger (2008) emphasises, Foucault's early research into confinements, with respect to madness, disease and criminality, each engage an important and radical approach to understanding the urban. Urban theorists and planners have taken up this aspect of Foucault's work in defining particularly the role of medical and legal discourses on the strategies and practices of distributing populations in cities, along with the very regulatory processes in building those cities. Since the publication of Foucault's *Collège de France* lectures, especially the 1977-78 and 1978-79 lectures that engage an elaboration of biopolitics, governmentality and the city as site of government rationality of the State, there has been an explosion of publishing on the political rationality of the State, urbanism and city habitation, that accesses and extends Foucault's thinking. Coupled with this are the philosophical and critical writings of a series of thinkers who have taken up and worked through Foucault's understanding of biopolitics. This is especially so with Giorgio Agamben and Antonio Negri. Agamben addresses the urban directly while Negri, along with his co-author Michel Hardt, engage the supranational directly. These series of thinkers establish the critical field of investigation in developing a genealogy of the political rationality of the city. Though I emphasise the work of Foucault is pivotal, along with a broad literature on the urban that has accessed and worked with Foucault's thinking.

While Foucault offers an intensive engagement with the critical milieu of the thesis, he also offers a methodological procedure, or panoply of strategies and tactics for developing this analysis. The research moves between close analyses of Foucault's own methods, along with the historical dimensions he brings to the emergence of the modern rationalities of the urban, from sixteenth-century European concerns with the governmentality of sovereign territory to the 1970s neo-liberalism of the American political economist, Gary Becker. In this sense, the chapters of the thesis initially engage Foucault's own philosophical concerns and methodological approaches in order to then work through particular disciplinary terrains that align with his major publications in opening to strategic analyses of the urban, along with writings by others that access and extend the concerns of those publications. The thesis offers two moments of close analysis of urban crisis, one in early nineteenth-century accounts of London's Cholera epidemics. This occurs halfway through the thesis, and forms a transition between discussion on disciplinary mechanisms of governmental regularity and the governmentality of biopolitics. The second moment of analysis comprises the final chapter of the thesis. It provides an early twenty-first century accounts of the disintegration of the housing market in the United States, and marks the moment of analysis that suggests the long trajectory of apparatuses of security, emerging at the end of the eighteenth century as the governmental rationality of political economy, has itself found a crisis in its foundational ontology, concerned with the calculability, as such, of risk. Both 'historical' accounts have had a discourse of 'contagion' as a defining moment, that leads us to some of the key understandings Foucault offers with respect to disciplinary mechanisms, apparatuses of security and governmental rationality.

We recognise from Foucault's early writings on the philosophical and literary figures of Georges Bataille, Pierre Klossowski, Raymond Roussel, and particularly Maurice Blanchot, whose concerns with language and existence understood as chance or essential risk. An emphasis throughout this thesis is to take Foucault's concern with the aleatory, and to recognise the extent to which Foucault's early engagement with Blanchot, and with Blanchot's own understanding of spatiality, impacted on his political genealogies of the city. It is for this reason that we engage so closely in our final chapter with the current global financial crisis, linked as it essentially is with a crisis in the urban, in welfare politics and financing, and in the very question of what constitutes the calculability of risk. And it is for this reason that we conclude the thesis with a postscript that squarely addresses the question of probability as such with respect to derivatives markets, suggesting an ontological disclosure of place that perhaps goes some way to offering an ontological horizon for

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MacLeod and Jones's aporetic concerns with the city as milieu or site for a renewing of a politics that can be neither simply projected nor derived.

### Stratifying Our Games of Truth

In the first two chapters of the thesis, I aim to set out the critical contexts of the thesis, along with the methodological processes, or strategies of the research. In doing so, I adopt a Foucauldian approach, or approaches, to what we could call his questions of method. I emphasise, somewhat against the grain of some Foucauldian scholarship, that Foucault did not move from his concerns with writing, literature and political philosophy, to take up concerns with an archaeology of the human sciences or structuralism, then to a pressing influx of Nietzsche in a genealogy of relations of force and bodies as practices, to then discover the State as his object of political rationality. Rather, and I think we see this throughout all of Foucault's reflections on just what he does. He experiments, makes proposals, drops research if it moves into dead ends, transforms problematics, maintains continuities as much as proclaims the discontinuous, refuses consistency, totality, fixed identities or rigid and confirmed outcomes. Foucault, in thinking our forms of knowing as the forever partial sifting of an archive of stratifications, recognised that knowledge is for cutting, and also for games of truth, for the production, not of *truth* but the effects of telling or speaking the true. That's what we do. We speak the true. Hence the confessional and hence the opening to his enigmatic text on Blanchot, on the "liar's paradox." The thesis unfolds its object of study slowly, the aim of this thesis is not find a stable ground for what the urban is, or could be. Nor is it to find the correct definition of a succession of proper names or their various interrelationships, or at what particular scale they operate whether city, state, or territory. My concern with the urban is how it is caught in discourses and practices of knowledge and power, life and the milieu, practices of conduct, and how we come to know as such. As such how might we know the real of urban that is imagined, and how this imagination is itself governed, which is precisely immanent to itself. Here I present here a summary of the chapters of this thesis. They are more like strata than the logical unfolding or progression of the truth to something, to the city or the urban; they are more like games of truth, insisting and existing in differential milieus, not particularly asking for a totalising gaze, or the assured and deeply etched signature of an interlocutor, scribe or author, notwithstanding that curious discursive practice that precedes this Introduction, with its official heading "Attestation of Authorship."

With *Chapter One: Jurisdictions*, I explore Foucault's understanding of method and our understanding of a methodical procedure for the thesis. His method is not orthodox, but rather a series of strategies by which one may target analysis, in our case concern with the city. As such, research is not empirical, but provisional and hypothetical, practiced before known. We explore Foucault's diverse influences in the work of Gaston Bachelard, Maurice Blanchot, and Georges Canguilhem along with his philosophical inheritance from Friedrich Nietzsche and Martin Heidegger. We emphasise what Foucault calls *the history of the present*, concerned with eventalisation, veridiction and jurisdiction, problematisation and conduct, between the discursive and non-discursive, forms of knowing and relations of power. As such, the city or the urban is not thought as a definitive or totalising object of study, but as locus or loci of analysis. A key thematic to the thesis is the role of risk and uncertainty, which we argue is key to Foucauldian analysis and to our research into the city. The chapter addresses *Requiem for the City*, a short book by the architectural theorist, Sanford Kwinter. He explores from the 1970s to the millennium how the city has undergone a paradigm shift in its political and phenomenal understandings, from a city of things to a city of flows, a period of change in financial deregulation, information flows, and market liberalisation. This constitutes an architectural shift from a welfare-state, or collectivised insurance model of political management, to liberal governmentality based on economic market self emergence and, for Kwinter, the re-emergence of sovereignty since the events of 9/11. I note that while Foucault's understanding of discontinuity or break in *episteme* differs in scale from Kwinter's periodization, they cohere in recognition of fundamental de- and re-stratifications with respect to power and knowledge that, for Kwinter, engage shifts in the fields of architecture, urban planning, and political rationality. I also introduce, in this chapter, key periods in Foucault's thought and analysis, from what is described as his *archaeological period*, with its ontologies of archive, episteme, discursive regularity and understandings of continuity and discontinuity in thinking as practice. Of particular concern for us is how this addresses spatiality.

*Chapter Two: Veridictions* explores Foucault's shift from analysis of the *archive* or critical thought concerning the *true*, to *genealogy*, analysing shifting contingences that transform discourses and discursive rationalities, and how this affects non-discursive practices, in particular the exercise of power in urban strategies. Foucault's analysis of power concerns what he terms *conduct*, and the exercise of conduct on the conduct of others. This differs significantly to Marxist and contractualist analytics of power. This is best demonstrated by his well-known analyses of *discipline*, whose concern was not the legal set of rights of subjects in relation to a sovereign, but the series of differential practices of power and knowledge on

the body, such that these practices also ordered new spaces of examination. Such an analysis can be thought of as a type of spatial history. Here we discuss a familiar figure to Foucauldian research, namely Jeremy Bentham's *Panopticon* with its operational logic of space, body, and power. Furthermore, we explore how this diagram of power shifts an orthodox history of the Enlightenment from discourses of liberalism and humanism, to contemporary practices of power. While certain analyses of *panopticism* see an abundance of Panopticon-like structure in the urban<sup>1</sup>, the significance to the study is that the Panopticon is what Foucault understands as a *dispositif* or apparatus or diagram of power, a type of mechanism of knowledge and power that operates within society, congruent to the structuring of the urban. Foucault contrasts discipline with what he calls the liberal art of government or *governmentality*, which is concerned with how to best manage a population within a milieu such that it does not overly interfere with systems of exchange. Through Foucault's analysis of power we see that architecture and urban planning are inherently caught up in microphysics of power, whose concern is far beyond *representationalism* in aesthetics or a form of benevolent humanism. I suggest that the city is a non-discursive manifestation, what Gilles Deleuze understands as an 'ontology' of power—the city as milieu of power and political management. Central to this question, I suggest, is the problem of the aleatory and governance, concerned with how best to calculate risk of future events, with the aim of minimising negative affects, and optimising positive affects on the polity.<sup>2</sup>

*Chapter Three: Subjects of Power* introduces a discussion on Deleuze's engagement with Foucault and his analysis of Foucault's conception of power, especially in Deleuze's text *Societies of Control*. This aims to further extend the discussion on governmentality in Chapter Two. Deleuze's analysis and the relatively recent publication of Foucault's lectures at the *Collège de France*, which especially discuss governmentality, has led to a somewhat skewed analysis in Anglophone research. I note Foucault's analyses of power in two early publications, Colin Gordon's collection *Power/Knowledge* (1980) and Foucault's *Afterword* in Dreyfus and Rabinow's book (1982). While they were translated and published within a two-year period, the subject matter that Foucault discusses is separated by a decade. It is only with the publishing of *The Foucault Effect* (1991) that a collection engaging Foucault's

<sup>1</sup> In particular certain readings associated with security studies namely the role of *closed-circuit television* [CCTV].

<sup>2</sup> Foucault describes this in *The Birth of Biopolitics* (2008) in a series of examples of problem of governance, in terms of calculation and risk (4), *Raison d'Etat* (10-11, 29), *liberalism* (20), as Bentham's *utilitarian calculus* (43, 251; Bentham, 1911: 3).

governmentality appeared. I further analyse Foucault's understanding of power, distinguishing coercive or violent approaches to political management, with those concerned with conduct and productivity. This articulation of strategy and power is further examined in Foucault's analyses of life and power. The nineteenth century saw developments in defining an essential nature to population, along with the role of statistics and probability theory in discerning this nature. I introduce and explore this role of *biopolitics* and the urban, in particular the role health, sexuality, disease management, and concerns with norm, normativity and techniques of normalisation. The first of my 'case studies' is introduced—a detailed engagement with the discursive regularities accounting for the Cholera epidemics in London of 1831 and 1854. These two events document the changing strategies in managing disease in the nineteenth century. This, I argue, is not anthropology, nor simply an historical account, but addresses an ontological disclosure for understanding historical change. In amplifying this I discuss at some length the critical engagement by Agamben on the methodological procedures of Foucault, in particular Foucault's genealogical structures and the understanding we derive from them with respect to synchrony and diachrony. Agamben draws on the work of Nietzsche's colleague, Franz Overbeck, to give strong definition to Foucault's own deciphering of what constitutes the present in a *history of the present*. This opens the possibility that tradition, as in genealogy's descent, can become other to itself. I further discuss this through primary source material in newspaper reports of the Cholera epidemics, where we seek to contextualise the role of early nineteenth-century media with respect to liberalism and self-governance.

In *Chapter Four: Strata of the Biopolitical*, I further examine the Cholera epidemics in London in the nineteenth century, as presented by news media of the day, in a more granulated manner, outlining various speculative discourses on causes and cures offered by those writing on the disease. While the conjectures as to cause, offered by leading experts, seem implausible to us today, there is remarkable familiarity for us with *administrative* techniques utilised by those combating the disease. These biopolitical strategies coincide with the emergence of modern health administration, concern with urban population, sanitation, demographic mapping and segmenting. Perhaps less familiar for us is the moral concern with health and cleanliness emphasised by religious groups in helping the poor.<sup>3</sup> I further analyse the 1854 outbreak by exploring the investigations by the physician and epidemiologist, John Snow. Snow's analysis is remarkable for the scientific approach he took

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<sup>3</sup> This may initially strike us as foreign, though it is not so remarkably different to NGOs concerned with disease outbreaks, or public 'wellness' campaigns that make the maintaining of one's health not just a personal good, but a civic and moral responsibility of good citizenship.

to locate the origin-point of outbreak, and the conclusions he reached on the nature of the disease's transmission. While we today recognise the correctness of his analysis, Snow's findings were almost entirely discounted at the time, conflicting with the dominant medical discourses on Cholera. This is related to the problematic, defined by Foucault in *The Birth of the Clinic*, of the spatialising of disease with respect to discourses of disease, the diseased body and regimes of practices that bring the two into relation. Snow's innovations happened in the spatialising practices of medicine he invented that in turn required, on the one hand, a renovation of the discursive milieu and, on the other, the management of the diseased body. However, though we are able now to recognise Snow's analysis as correct, we need to avoid the risk of projecting our discursive regimes onto past events, as Snow's findings were largely forgotten until the twentieth century.

I extend this discussion by analysing the role of plague as a type of allegory of civic perfection, discussing the normalisation of disease through statistics, allowing for the growth of biopolitics. This marks a shift in governmental reason where biopolitics and liberalism form a new approach to the risk of disease in urban milieus by the management of the somatic and population. Though, the biopolitical is not a universal relation and is constituted by a series of discontinuities, neither purely a form of liberalism, nor State-interventionism. The discussion of biopolitical governmentality is extended to Foucault's analyses of neo-liberalism, its concern with naturalism and exchange, and how this concern differs between the German Freiburg School's *Ordoliberalism* and American *anarcholiberalism*. We note its relevance to urban studies, and how American neo-liberalism transforms domains not considered governable by microeconomic laws into domains of economic rationality, such as criminality or the education of children. Such innovation in the domain of economic rationality re-conceives the individual in purely economic terms, as in Gary Becker's conceptualisation of *human capital* based on a calculus of risk and benefit whereby we see the emergence of *the self as enterprise*. I end the chapter by locating a series of contemporary examples of neo-liberalism's impact onto the urban, namely the economic rationalism of environmental practices of recycling, and the role of post-political welfare practices in Philadelphia.

*Chapter Five: Cities and States of Exception* analyses the role of the post-political and the post-democratic with respect to the urban. I discuss a range of examples, from Weizman's *urbicide* and his analytics of military strategy on the city, to brief discussion on the idiosyncratic Australian political group *Citizens Electoral Council* [CEC] and their analysis of Detroit's bankruptcy and bailout proposals, whereby normal democratic processes and structures are

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suspended to facilitate its economic recovery. CEC's pronouncements require measured scrutiny, veering at times toward conspiracy theory. Yet their analysis of Detroit's bankruptcy does correlate with analytics of the post-political. I briefly reference Blanchot's 1948 novel, *The Most High*, and the collection edited by Levy and Cadava, *Cities without Citizens*, leading to a sustained engagement with Agamben's *Homo Sacer* (1998). Agamben's analysis offers a somewhat different emphasis to the problem of the biopolitical, suggesting that its origins are not found in medical practices of the nineteenth century but with Aristotle's *political animal* and the classical understanding of *life*. This problem of life and power, for Agamben, has a distinct spatial relation, with the classical understanding of politics divided between private and public realms, biological life and political life, or between *oikos* and *polis*. Modernity, for Agamben, constitutes the point where this distinction between biological life and sovereign power blurs, producing new forms of spatial and bodily relations. Agamben's critique differs considerably from Foucault's analyses of power and the biopolitical. He traces the emergence of this indistinction to the early modern era and contractualist readings of the State, with individual citizenship founded on birthright.

This, he suggests, raises significant political and ethical problems for the contemporary political community. I trace Agamben's analysis of this indistinction through his examples of limit-figures and liminal spaces, with the figure of *the camp*, for Agamben paradigmatic of the blurred relations of life and power. Crucially, this is not a moralising analysis but rather an exploration of the juridical order and deployments of power, such that the political is now decisive for the non-political. Here we argue that Agamben's analysis of the camp is somewhat akin to Foucault's analysis of the Panopticon, namely that is a concern with an ontology of power. The camp, for Agamben, operates in the space of *the state of exception*. However, it is only one type of *dislocating localisation*, external to normal political ordering. Agamben sees that these liminal spaces are key elements to political belonging in the nation-state. Hence his critique: that the model of biopolitical order is no longer the city but the camp. Recognising the ubiquity of the camp in contemporary nation-states may open a possibility for change. Though this will not return us to the polis. Architecture and urban planning are already caught in the milieu of the biopolitical ordering of life, and we further reference Weizman's analyses of military operations where architecture and urban planning are key concerns for the management of life. The chapter concludes with a comparison of Agamben's and Foucault's analyses of the biopolitical, and the open possibility for a community to-come.

With *Chapter Six: Policity & Empire*, my analysis commences with Derrida's critique of Agamben's reading of the biopolitical, in particular the supposition in Agamben's writing of an original event, along with the difference between *bios* and *zoe*, *life* and *living*. Derrida is highly sceptical of the original event in Agamben's analysis of biopolitics and similarly he is critical of Agamben's analysis of Aristotle's *political animal* and the apparently clear distinction to be drawn between life and living. Derrida opposes Agamben's reading of history, questioning its synchronic basis. This is further complicated with Derrida pointing to the largely unacknowledged Heideggerian legacy of the biopolitical in both Agamben and Foucault. In deconstructive fashion, he unpicks the series of binaries that exist in Agamben's text. I suggest that Foucault's analysis of the biopolitical has parallels in Heidegger's ontological disclosure of technology, and the Heideggerian *gestell*. While I question Agamben's "corrective" analysis of Foucault's biopolitics, I recognise that Agamben's analysis of the camp retains validity, in particular for its analysis of power and life. In discussing Negri and Hardt's approach to the biopolitical, I introduce Negri's analysis of power, in particular his distinction between *constituent power* and *constituted power*. Fundamental for Negri's analysis is Spinoza's conception of politics, which is contrasted to contractualist readings of power, such as with Rousseau. Spinoza sees power as both a State-like structure and as its own potentiality. Therefore Spinoza's 'political' is conceived as the power relations of the multitude or mass, in terms not of domination, but of potentiality or capacity, which Negri will link to Marx. We further analyse Negri and his appraisal of Heidegger and Spinoza, recognising Heidegger's break with transcendence, and his understanding of community as *mit-dasein*. For Negri this suggests the possibility for an immanent relation to community. In contrast to the Heideggerian legacy in Agamben's analysis of the biopolitical, Negri's theoretical background is largely Marxian and, as such, shapes his approach to the question of the biopolitical whereby it is essentially part of modern capitalism.

If Agamben's analysis of modernity centres on the shift from the *polis* to the camp, Negri and Hardt in contrast see a significant shift in how the political is actualised from what formerly had its locus in the nation-state. Political and economic liberalisations have transformed this ordering such that it constitutes a new reality, which they call *Empire*. This, they argue, has significant spatial ramifications in transformations from the effectively bounded relations of the nation-state to the de-territorialisation of *empire*. This is not only a spatial relation but extends to social relations. Central to this is their analysis of biopower and the biopolitical. If Agamben's critique of the biopolitical is located on the question of life with respect to sovereign power, Negri and Hardt's analysis focuses on the distinction

between power as *potenza* and as *potere*. This difference shapes their analysis of biopower and the biopolitical such that it differs considerably from Foucault's initial conceptualisation, whereby biopolitics and biopower are now conceived in terms of a Spinozian reading of politics. I further analyse Agamben and Negri, in particular their interconnectedness and their differences around the problem of the *actual* and *potential*. Here we turn to the short essay by Agamben in the Levy and Cadava book, tied to his analysis in *Homo Sacer* regarding the city, the State, citizenship and the status of the refugee. If Agamben's *Homo Sacer* emphasises the ubiquity of the camp, his analysis of the refugee points to potential ways forward to re-conceive the polity. I conclude the chapter with a short discussion on the biopolitics of risk and its relation to potentiality, and finally Negri's reading of the architect Rem Koolhaas' concept of *junkspace* where the city is a by-product of capitalist production, rather than suggesting a simple return to either communism or democracy. Following Negri, I suggest this asks us to explore the difference between *potere* and *potenza*, or power and potential. Chapter Seven explores some of the ramifications of this difference with respect to the complex scenarios that led to the 2008-2009 global financial collapse.

*Chapter Seven: Space Security & Risk* undertakes a case study analysis of the changing strategies for housing low-income American households, from the Welfare economics of Keynesianism of post-World War Two, to 1970s movements toward neo-liberalism, concluding with an analysis of the subprime mortgage crisis and the global financial meltdown. I suggest that key to understanding these shifts are the changing strategies of government with respect to the calculation of risk. To contextualise the origins of the subprime collapse and the subsequent global financial crisis we need, in part, to explore the crisis that occurred in modern architecture in the 1970s. I cover the familiar critique by the architectural theorists Charles Jencks and Oscar Newman regarding the failure of the Pruitt-Igoe social housing project. In their respective critiques, they place emphasis on architectural *style* as a reason for the failure. We seek to contextualise the origins of mass social housing in America, and further explore the series of political and economic contingencies that shaped the failure of Pruitt-Igoe. It is these contingencies that we argue offer us both an understanding of architectural and governmental approaches to housing low-income households. They manifest the changing logic of governmental strategies in the exercise of power. During the 1980s, mass social-housing schemes, as an urbanising strategy of dwelling-stock renewal, were systematically replaced by what I argue are neoliberal approaches to housing low-income families. Increasingly, after the 1970s, the poor are seen in terms of *self-as-enterprise*, shifting policy against social housing, in favour of de-concentrating the poor. Two approaches are discussed: HOPE VI, based on the architectural theorist Oscar Newman's

*defensible space*, and its series of disciplinary strategies to maintain order. The second is *Section 8 Housing Vouchers*, currently America's largest strategy for social housing. Section 8 is a good example of neoliberal approaches to return welfare to the market as an apparatus of control. While we do not suggest that low-income Americans caused the failure of the subprime market and the global financial crisis, we point to an emphasis on the market as the solution to a range of political and economic problems through a series of changes to legislation, policy directives, and deregulations that allowed for greater access and supply of housing loans for low-income households. This emphasis on the market, we argue, coincided with the diminishing of the problem of risk, through deregulation of mortgage markets, the development of secondary mortgage markets and high-risk and often predatory loans, the development of types of derivatives that apparently removed or at least obscured or buried the problem of risk, and the shopping of credit-ratings on derivatives, along with overconfidence by some in the securities market in their risk models. These series of regulatory and legislative changes made the market exceptionally vulnerable to risk and volatility, in particular the problem of uncertainty or unforeseen events.

The *Postscript: Blank Swans*, provides a short conclusion to the thesis, briefly introducing Elie Ayache's *The Blank Swan: The End of Probability* (2010), a book that discusses the failure of the derivatives market in terms of an ontology of place that Ayache calls the market. I suggest that Ayache's analyses uncannily return the genealogy undertaken in this thesis to the moment recognised by Foucault when Physiocratic thought invented the modern discipline of political economy, along with the notion of population, in order to render apparent what had precisely become obscure or opaque to the sovereign gaze of *Raison d'État*. It was the emergence of the science of statistics, correlative with the emergence of the biopolitical State that founded new modes of governmentality based on the calculation of risk, and the implementation of a political rationality of security. With the derivatives failure and the prognoses of Ayache, we recognise the extent to which the ubiquitous reliance on the calculability of risk via probabilistic algorithms, has led the governmentality of our present into crisis. It is now precisely apparatuses of security that produce a blind obscurity to the actual mechanisms of the market, with nothing that suggests an alternative other than another horizontal disclosure of the event of taking place as such. It is this that we have suggested lies essentially in the ontological engagements with place in Foucault, Agamben and Negri. It is, perhaps, Blanchot who most decisively recognised this peculiar locus of a taking place, that Foucault recognised as the *Outside*, and Ayache recognises in the coincident absolute contingency of writing and pricing, language and exchange as the taking place of the local.

# Chapter One

## *Jurisdictions*

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## *Jurisdictions*

### Questions of Method

Eventualising singular ensembles of practices, so as to make them graspable as different regimes of ‘jurisdiction’ and ‘veridiction’. That, to put it in exceedingly barbarous terms, is what I would like to do. You see that this is neither a history of knowledge-contents (*connaissances*) nor an analysis of the advancing rationalities which rule our society, nor an anthropology of the codifications which, without our knowledge, rule our behaviour. I would like in short to resuscitate the production of true and false at the heart of historical analysis and political critique. (Foucault, 1981: 9)

In 1977 Michel Foucault engaged in a round-table debate with a group of historians, a number of whom were close friends and allies, including Francois Ewald, Pasquale Pasquino and Michelle Perrot. This discussion was subsequently edited, translated and published in English in 1981 under the title “Questions of method: an interview with Michel Foucault.” It appeared in the important, though short-lived, journal edited by Colin Gordon, *Ideology & Consciousness*. That journal title itself purports to say much about the peculiar moment of reception of Foucault in the U.K., as the title seems to hark from an earlier paradigm, that of Marxism and, perhaps, Althusser, a Marxism strongly rooted in British cultural and political theory, and a Marxism quite at odds with what was essential to the work of Foucault.<sup>1</sup> We will come to recognise how Foucauldian studies took root in

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<sup>1</sup> Exemplary of the complexity in Britain of the adoption of Althusserian Marxism and its sudden transformation to discourse theory is the short but influential book by Paul Hirst and Barry Hindess, *Mode of Production and Social Formation: An auto-critique of Pre-capitalist Modes of Production* (Hindess & Hirst, 1977). Hindess & Hirst subject their earlier Althusserian Marxist analysis in *Pre-capitalist Modes of Production* (1975) to a radical epistemological critique from the view point of introducing discourse theory. Thus they suggest a transformation in conceptualization of the relations between a discourse and its conditions of existence. Theoretical, political or other forms of discourse are determinate forms of social practices with their conditions of existence in other social practices. We recognize the close resonance to Foucault’s emphasis on practice in his “Question of method” interview (Foucault, 1981): “It is a question of analyzing a ‘regime of practices’ — practices being understood here as places where what is said and what is done, rules imposed and reasons given, the planned and the taken for granted meet and interconnect” (5). It is also the case that Paul Hirst was one of the first theorists to write expressly on Foucault and architecture, “Foucault and Architecture” (1984). He taught briefly at the Architecture Association in London in the early 1980s, delivering a course on Foucault.

Britain and the extent to which, in the past ten years in particular, there has been an explosion of Foucault studies coming especially from British academics that have a focus on the urban.<sup>2</sup> It was Colin Gordon who edited, at a somewhat strategic moment in 1980, a collection of Foucault essays under the title *Power/Knowledge*. We may note the emphasis given in this collection to Foucault's repeated engagements with power and space, or a fundamental understanding of the exercise of power through analyses of spatial distributions.<sup>3</sup>

But, to return to “Questions of method,” I want to emphasise in more detail what Foucault says here as to how he researches, or the peculiar ‘objects’ that emerge in his studies. I want to emphasise this for the importance it has to this research project that takes the ‘city’ as its object. Three preliminary precautions need to be stated before going into detail on Foucault, though. The first is that Foucault often will take explicit note of his methodological procedures, state them or reflect on them. One of our aims, explicitly in the first two chapters of this thesis, is to work through some of these methodological drifts, from Archaeology to Genealogy and, then, in Chapter Three I aim to indicate a further shift to what are now the most significant legacies of Foucault's work on the biopolitical and on governmentality. These two latter themes dominate much of contemporary theorising on the urban and its governance (Brand, 2007; Collier, 2009; Elden, 2007, 2010; Jessop, 2007; Keans & Philo, 1993; Kornberger, 2012; MacLeod & Jones, 2001; Mayhew, 2009; McKinlay, 2009; Murdoch, 2004; Osborne & Rose, 1999, 2004; Pløger, 2001, 2004, 2008, 2010; Rose, 2007; Stein & Harper, 2003).<sup>4</sup> There is not any particular consistency with

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<sup>2</sup> This reference to British reception to Foucault is not inflected to a colonial mentality acknowledging its commonwealth capital. Rather, we may recognise how practices of reception are concretely realised, noting that the first anglophone translations of Foucault, and anglophonic reception came from the U.K., and thence to journals and bookshops in Australia and New Zealand. Though in Australia some very original early critical work and translation was also done with the work of Foucault, by theorists such as Paul Patton and Meghan Morris.

<sup>3</sup> Thus we note the key texts explicitly engaging with spatiality, “Questions on Geography,” an interview with the editors of *Hérodote*, that opened Foucault's work to the various fields of geography, particularly urban geography; there was also “The Eye of Power,” concerned explicitly with architecture and power, introducing the transformative understanding of architecture as a technology of power. But we also note his extended essay on the politics of health in the eighteenth century and the extent to which Foucault's engagements between relations of force, forms of knowing and institutional practices fundamentally concern the spatializations of practice. Hence, all of these essays develop an understanding of spatiality that at once localizes the agencies of power/knowledge.

<sup>4</sup> We note in particular, “Historical Geography 2007-2009: Foucault's Avatars Still in the Driver's Seat,” Mayhew (2009). Appearing in the journal, *Progress in Human Geography*, this is a comprehensive literature search in the field of human geography that overwhelmingly maintains an open approach to the work of

respect to Foucault's notations or reflections on his methods. That is to say, Foucault saw a fundamental necessity to maintain an immediate response to the materials with which he was engaging, and the specific situatedness of those engagements, not the rationality of a research process but the reasons for moving in this or that direction.<sup>5</sup>

Hence, the 'methods' of "Questions of method," like all of Foucault's engagements with research, are provisional. The second precaution concerns the extent to which this research thesis becomes or 'is' 'Foucauldian'. Inasmuch as this research aims to construe a responsiveness to the immediacy of its situatedness, which includes an encounter with a plethora of 'Foucaults', an agonistics of Foucauldian engagements, and a movement beyond Foucault to other key intellectuals whose work is to be understood in proximity to Foucault, the precaution is against a hypostatizing of Foucault, even in his many guises, as an essential thinking to which we are bound to return, a centric sway that circumscribes the orbit of our research trajectory. A third precaution is to be acutely aware of strata always already embedded in Foucault's work. By this I mean neither the abrupt changes or drifts we associate with the methodological shifts that are necessarily negotiated, nor the agon of Foucauldian studies, legacies and 'camps' that equally have to be negotiated in a way that does not turn Foucault into a discursive holy font. By this third precaution I mean the extent to which we need to be cognizant of the heterogeneity of legacies in Foucault's own thinking that construe some of the originality and complexity: the peculiar way in which the thinking of Maurice Blanchot, Gaston Bachelard and Georges Canguilhem are brought into relation (Gutting, 1992; Gordon, 1979; Johnson, 2006)<sup>6</sup>. There is, as well, Foucault's late admission

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Foucault. It discusses the literature according to a series of axes: governmentality/disciplinary axis; space/knowledge axis; and discourse/identity axis.

<sup>5</sup> Foucault famously wrote at the conclusion to his introduction to *The Archaeology of Knowledge* (1970): "What, do you imagine that I would take so much trouble and so much pleasure in writing, do you think that I would keep so persistently to my task, if I were not preparing—with a rather shaky hand—a labyrinth into which I can venture, in which I can move my discourse, opening up underground passages, forcing it to go far from itself, finding overhangs that reduce and deform its itinerary, in which I can lose myself and appear at last to eyes that I will never have to meet again" (Foucault, 1970: 17).

<sup>6</sup> Gary Gutting's exploration of Foucault's archaeological method, *Michel Foucault's Archaeology of Scientific Reason* (1992), focuses on his relationship to the influences of Gaston Bachelard's philosophy of science and Georges Canguilhem's history of science, both of whom were at the time fairly unknown in Anglophone theory. Gutting thus seeks to demonstrate that rather than primarily being a social theorist and critic it might be advantageous to think of Foucault as a historian and philosopher of science (1992). Gutting's proposal is threefold: firstly, rather than thinking of Foucault's understanding of archaeology as being an "...isolated method reflecting his idiosyncratic approach to the history of thought." (1992: x), he contends that it has its origins in a French tradition of history and philosophy of science and developed out of relations to Bachelard and Canguilhem (1992: x-xi). Secondly, Gutting contends that Foucault's archaeology is "...essentially grounded in historical practice rather than philosophical theory" (1992: xi).

of the singular significance of Heidegger, and in particular Heidegger's Nietzsche, or Nietzsche and Heidegger in combination (Elden, 2001).<sup>7</sup> Foucault's persistent focus on the

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Rather than being totalising, it is a method of historical analysis, which deals in particular specific historical problems posed by the history of thought and is, thus, pragmatic and evolutionary (1992). That is not to say that Gutting regards Foucault's historical analyses as not having a philosophical intent or having philosophical issues. Rather, Gutting sees Foucault's archaeological method as arising from his historical engagement rather than philosophical commitments: "[this is] closely linked to Foucault's radical reconception of the philosophical enterprise. He rejects the traditional goal of ultimate, fundamental Truth and instead construes philosophy as an instrument for realising concrete and local objectives in the struggle for human liberation" (Gutting, 1992: xi).

Thirdly, Archaeology is not a form of "...universal scepticism or relativism, undermining all pretensions of truth and objectivity" (xi). For Gutting, Foucault's archaeology was not a form of relativism or for its own sake rather, but rather his historical work was guided by a "philosophical *ethos*" (1992: 1) which was derived from Enlightenment values of human liberation and autonomous human thought as an instrument of that liberation (1). While Foucault warns: "... as we must free ourselves from the intellectual blackmail of 'being for or against the Enlightenment', we must escape the historical and moral confusionism that mixes the theme of humanism with the question of the Enlightenment" (Foucault, 1984: 45). Foucault sees positive content in this philosophical ethos, which consists of a critique of what we enunciate, think and do "...through a historical ontology of ourselves." (45).

In Gutting's account, in the immediate years after World War Two, the philosophy of the subject was dominated by the phenomenological readings of Sartre and Merleau-Ponty, while Bachelard and Canguilhem developed a philosophy of the concept independent from the phenomenological work of Husserl (Gutting, 1992:12). Hence we see Foucault's development as contrary to much of the intellectual background of France at the time: "I have never been a Freudian, I have never been a Marxist, and I have never been a structuralist." (Foucault, 1998: 437). For Gutting, Foucault positions himself with the tradition of French history and philosophy of science from Comte to Bachelard and Canguilhem; the influence of Canguilhem for Foucault is especially through his "history of concepts" and the status of norms in science and in the history of science, which Gutting contends is the "...most immediate and strongest influence" on Foucault's historical work (Gutting, 1992: 12). Bachelard's influence can be felt in Foucault's work in Bachelard's reading of "... reason is best known by reflection on science, and science is best known by reflection on its history" (13). The twin arguments Bachelard raised are, firstly, rather than looking at abstract principals for understanding the structure of reason, that structure is best explored via its concrete utilisation, as in the case with science; secondly, science is best understood in relation to its history which "...lies in the repeated refutation of a priori philosophical ideals of rationality by historical developments" (cited in Gutting, 1992:13).

<sup>7</sup> In the interview "The return of Morality" (Foucault, 1998), Foucault explains the influence that Nietzsche and Heidegger had on his thought:

For me Heidegger has always been the essential philosopher. I began by reading Hegel, then Marx, and I set out to read Heidegger in 1951 or 1952; then in 1952 or 1953—I don't remember anymore—I read Nietzsche. I still have here the notes that I took when I was reading Heidegger. ... My entire philosophical development was determined by my reading of Heidegger. I nevertheless recognise that Nietzsche outweighed him. I do not know Heidegger well enough: I hardly know *Being and Time* nor what has been published recently. My knowledge of Nietzsche certainly is better than my knowledge of Heidegger. Nevertheless, these are the two fundamental experiences I have had. It is possible that if I had not read Heidegger, I would not have read Nietzsche. I had tried to read Nietzsche in the fifties but Nietzsche alone did not appeal to me—whereas Nietzsche and Heidegger: that was a philosophical shock! But I have not written anything on Heidegger, and I wrote only a very small article on Nietzsche; these are nevertheless the two authors I have read the most. I think it is important to have a small number

late eighteenth century in European history in relation to a history of the twentieth century, or what he at times nominates as a “history of the present,” requires our recognition of those strata of philosophical thinking that seem to occupy at once a margin of concern for Foucault in as much as they do not become an object of study, yet subtend a radical and immediate influence on how his predominant concerns are thought (Gordon, 1980: 229-259).

With those three precautions in mind, what does Foucault say on this occasion concerning his methods and to what extent do we want to claim them as our own? Foucault is asked a question concerning his notion of ‘eventalisation’. We see that the epigraph quotation above commences with the word ‘eventalising’. Perhaps an inelegant word, it does refer to an essential concern with the situatedness of one’s research, and the way one engages with it. The question asked of Foucault is one that attempts to see an overarching link between the various episodes of his research as the locating of a “general history of rationalisation as it progressively takes effect in our society” (Foucault, 1981: 8). Foucault begins to respond by suggesting that he is not a researcher who looks for intrinsic notions of rationalisation. On the contrary, there cannot be an absolute against which one begins to compare more-or-less rational systems. Rather, one looks to practices that inscribe rationality as reasons:

Rather than measuring this regime against a value-of-reason, I would prefer to analyse it according to two axes: on the one hand, that of codification/prescription

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of authors with whom one thinks, with whom one works, but about whom one does not write. Perhaps I will write about them one day, but at such a time they will no longer be instruments of thought for me. (250)

This extended citation is one of the few instances where Foucault mentions Heidegger at all. It nonetheless suggests the major impact that Heidegger’s thought, with particular reference to Nietzsche, had on Foucault’s theoretical development (Elden, 2001: 1). Stuart Elden argues that Foucault’s acknowledged debt to Heidegger suggests that the Foucauldian notions *Power/Knowledge* parallel Heidegger’s *ontic-ontological difference* (Elden, 2001: 153). Dreyfus (1992) agrees, though in his colloquium presentation of this, he had audience disagreement (95). Hans Sluga, however, suggests we need to proceed here with more caution. While there are affinities between the two thinkers and their thought, the encounter of the pairs of terms *power/knowledge* and *ontic/ontological* also suggests a series of differences: for example, for Foucault discourse operates at the level of the *historical a priori*, rather than at the level of ontology (Sluga, 2003: 219). I agree with Sluga to the extent that while Foucault claims that Heidegger and Nietzsche are instruments of his thought (Foucault, 1998: 250), this does not “...imply that the substance of his thought is Heideggerian or Nietzschean.” (Sluga, cited in Gutting, 2003: 220). The importance of Heidegger for Foucault is perhaps found toward the end of the quote, that an *unwritten* influence is found in the “instruments of thought” that are Heidegger and Nietzsche (Foucault, 1998: 250). This thesis seeks to explore these unwritten influences with particular reference to history and spatiality, and how this can give rise to fruitful readings with regard to the city. Its methods work in the interstitial spaces between Foucault, Heidegger and Nietzsche.

(how it forms an ensemble of rules, procedures, means to an end, etc.), and on the other, that of true or false formulation (how it determines a domain of objects about which it is possible to articulate true or false propositions). ... To put matters clearly: my problem is to see how men govern (themselves and others) by the production of truth (I repeat once again that by production of truth I mean not the production of true utterance but the establishment of domains in which the practice of true and false can be made at once ordered and pertinent). (8-9)

Hence we have Foucault's understanding of 'jurisdiction' and 'veridiction' in terms of a domain of possible objects about which we can have deliberation, and the procedures or methods we employ in order to construct this ensemble or milieu and make it operational so to speak. Jurisdiction and veridiction are easily assimilable as discursive, as what we understand as 'findings' or outcomes. However, they do not at all relate to this. They are entirely concerned with practices, with the procedural methods whereby things are encountered, inscribed and affected.<sup>8</sup> Jurisdiction and veridiction do not refer to themes or topics, but rather conducts and problems, not to what we know or aim to know but how we proceed with what is at hand. In this sense, we aim to provisionally adopt these notions as a way to proceed such that our aim is not so much to have a prescribed object of study ready-formed, but rather our enquiry is as much concerned with how such an object of study might emerge and transform. Thus, if we say 'the city' or the 'urban' is central to our concern, this is less to say we have a starting point that demarcates this specific object from others than to ask how does this concern emerge on our horizons of knowing. Indeed, in what follows we may well ask if the 'city' is still a possible object of study or whether we need to find other means to define what we normally understand this name to describe with respect to conduct (Foucault, 1983: 220; Gallagher, 2008: 397; Donzelot, 2008: 121).<sup>9</sup>

<sup>8</sup> To emphasise again what is crucially stated in "Questions of method" with respect to Foucault's shift in the specific objects of his enquiry (theoretical production) and procedures for research (rationalities for methodological choices): "in this piece of research on the prison, as in my other earlier work, the target of analysis wasn't 'institutions', 'theories' or 'ideologies', but *practices*—with the aim of grasping the conditions which make these acceptable at a given moment; ... To analyse 'regimes of practice' means to analyse programmes of conduct which have both prescriptive effects regarding what is to be done (effects of 'jurisdiction'), and codifying effects, regarding what is to be known (effects of 'veridiction') (5).

<sup>9</sup> Gallagher (2008) emphasizes in "Foucault, Power and Participation" that the notion of 'conduct' as articulation of practice, or "action over action" has been essential for Foucault in his understanding of power and its exercise. In his work on governmentality, Foucault continues to emphasise this understanding of conduct, noted in his "Question of method" interview, in defining governmentality as the "conduct of conduct." Donzelot (2008) notes concerning Foucault's introduction of political economy as a new technique of government: "Instead of commanding men's actions, one should act on the interactions between them, conduct their conduct, in short, manage rather than control through rules and regulations" (121).

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We do not want to separate the question of this object ‘the city’ from a certain procedural understanding of Foucault’s methods or, indeed, Foucault as a procedural method. In this sense, we commence with an encounter with Foucault’s work precisely as concerns with jurisdiction and veridiction. Or, in our case, with an engagement with Archaeology as that which concerns codifications and prescriptions, ensembles of rules and so on while veridiction will concern us with Genealogy, successive games of the true and the false by which our rationalities are inscribed into practices. Hence we fold Foucault’s concern with ‘eventalising’ to our specific concern with discerning the situatedness of Foucault to our particular problematic of a contemporary analytics of the city. Again, to emphasise, we are uncertain as to what we are naming with this word. That uncertainty, not knowing, as a risk at the heart of knowing seems to construe, in a curious way, what is most contemporary with respect to a philosophical engagement with the conduct of conduct that governs the milieu we would name the city. Risk is the most philosophically lively notion at the moment, and what we will eventually come to in this thesis conclusion. It would behove us, then, not to begin as if there was no risk involved. Foucault was never done with such a question of risk at the level of research or analysis. In this we feel close.

## Requiem

In 2010 the American architectural theorist, Sanford Kwinter, published a small book, a series of essays that covered an urban architectural period spanning the last three decades of the twentieth century. The book is curiously titled *Requiem for the City at the End of the Millennium*, with essays that start with reflections on the appearance of the Centre Georges Pompidou in Paris in the early 1970s and conclude with a commentary on the destruction of the World Trade Centre in 2001.<sup>10</sup> There is an insistent Foucauldian reading to this short

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<sup>10</sup> Other essays in the book critically discuss the city in terms of information architectures, global markets and image saturation, neo-liberal markets and knowledge economies, all of which suggest: “The poverty of much urban thought can be traced to a persistent fallacy: that the city, or Metropolis, expresses itself preeminently in its physical form and that it is amenable to analysis and intervention as a finite concrete object alone. The city, however, is not this but rather a perpetually organizing field of forces in movement, each city a specific and unique combination of historical modalities in dynamic composition” (58).



*Figure 1.* Riboud, M. (1977). *The Centre Georges Pompidou viewed from the Saint Jacques Tower.* Magnum Photos.

series of essays and the periodicity it establishes. If I suggest a Foucauldian reading, it is not Kwinter's. His trajectory is, perhaps, more Deleuzian in an emphasis he gives to assemblages and flows, to the immateriality of forces than the fixed nature of forms. There is a brief preface, "Articles of Faith," by Thomas Daniell, an architect, theorist and critic. Daniell notes: "Kwinter's city is a historical process rather than a stable object, and his focus is on the ominous and optimistic implications of global economic, social and technological systems: the abstract urban field without the concrete metropolitan form, the historical materialism of Karl Marx filtered through the new materialism of Gilles Deleuze" (Kwinter, 2012: 10-11). My initial Foucauldian response concerns the periodicity the book encounters, from Beaubourg to Ground Zero, delineating with two architectural figures the temporality of a fundamental discontinuity within the space of about thirty years. Beaubourg's emergence coincides with the famous destruction of the Pruitt-Igoe urban housing project between 1972 and 1976. The demolition of this complex was 'celebrated' by the architectural critic, Charles Jencks, in one of the first books on postmodern architecture, *The Language of Postmodern Architecture* (1984) as the starting moment for postmodernism, or the death of modernism—3.32 PM, July 15, 1972—in St. Louis, Missouri. His somewhat ironic comment becomes tragically ironic when we recognise that the designer for this massive housing project was the American architect, Minoru Yamasaki. Yamasaki also designed the World Trade Centre buildings.<sup>11</sup> We might well speculate on September 11, 2001 as the finitude to what Jencks would have called postmodernity. Pruitt-Igoe signalled for many a paradigm shift from the strictures of modernist architectural planning. The architectural critics, Colin Rowe and Fred Koetter, in their important book, *Collage City* (1978), noted: "The city of modern architecture, both as a psychological construct and a physical model, has been rendered tragically ridiculous ... the city of Le Corbusier, the city celebrated by CIAM and advertised by the Athens Charter, the former city of deliverance is found increasingly inadequate" (Rowe and Koetter, 1978: 4-6).<sup>12</sup>

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<sup>11</sup> Minoru Yamasaki (1912-1986) was an important twentieth-century formalist architect in the United States. Though the designer of a number of iconic modernist buildings, his legacy is imprinted with what are perhaps the two great demolitions of international modernism, each heralding something powerful by way of change. Indeed, the World Trade Centre buildings were completed in the year the Pruitt Igoe housing project (completed in 1955) was demolished. At the time of Pruitt Igoe's construction, the architecture journal, *Architectural Forum*, recognized the project as the fruition of the urban planning principles of Le Corbusier and the International Congress of Modern Architects (CIAM), which is to say, international modernism (Ramroth, 2007: 164). We return in greater detail in the concluding chapter to this thesis, in discussing Pruitt Igoe in terms of the governmentality of public housing in the United States in the twentieth century and up to the present crisis in housing finance.

<sup>12</sup> Rowe and Koetter's *Collage City* is certainly a book on the failed project of architectural modernism, resonating thematically with much of Kwinter's *Requiem*. However, there the comparison stops. This 1978

Beaubourg, contemporaneous with this destruction, would be the antithetical moment, a moment that heralds another paradigm for how one is to understand a city, galvanized not simply and in a surface way through the iconicity of a building, but through something that this building enables us to understand.<sup>13</sup> For Kwinter, throughout this book, that understanding concerns, in a sense, the dematerialisation of architecture and the city as concerns with modernist form. The shift is to force, flows, connectivities, media and space understood no longer as ‘function’ but as programme, programmable space, spaces that are designed for continuous modulations or modifications. Hence, Kwinter suggests concerning the Beaubourg ‘effect’:

No more than a couple of times in an era, a building comes along that fully transcends its specialized context—that is, that challenges and intervenes within developments taking place across an entire society. Such a building forces us to acknowledge that the shaping of subjectivity and the organization of (productive and other) forces in a society are dynamic activities, which can be understood as somehow ubiquitous design processes that are guided by invisible hands” (Kwinter, 2012: 19).<sup>14</sup>

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publication constitutes its critique within all of those frameworks and obsessions with form and form making that Kwinter will precisely identify as the definitive blockage to a necessary recognition of the city as flow.

<sup>13</sup> Though we will see Kwinter argue for Beaubourg as a paradigmatic shift, its local reception was anything but that. It was seen as a continuation of modernist *tabula rasa* planning by many Parisian locals, especially the Situationists and their followers who saw it as a continuation of Corbusier and the destruction of the beloved Les Halles area. Then there is Jean Baudrillard’s attack on it (Baudrillard, 1992). Guy Debord refused to visit Beaubourg and the irony was that it was the location for the first exhibition of the Situationists, which he would have hated.

Debord (1993: 35) called the Pompidou Centre, a “néo-musée” while Richard Rogers and Renzo Piano insisted on calling the Pompidou Centre “Beaubourg,” rather than after a politician (Powell, 1999: 93). They insisted that the project was born from ‘68. Richard Rogers is quoted as saying: “The building expressed the hopes of ‘68 ... What happened then still mattered a lot to some of us” (cited in Powell, 1999: 93). The essence of Beaubourg would be flexibility, responding to the ever-changing needs of its users, moveable within the frame. This would be posited as a playful, anti-elitist public forum, “an ever-changing framework, a meccano kit, a climbing frame for the old and young, for the amateur and the specialist so that the free and changing performance becomes as much an expression of the architecture as the building itself” (96–97). The English group Archigram seems an obvious precedent here, though Rogers considered them “disturbingly apolitical” (94). Baudrillard wrote of the Pompidou Centre, “The whole of social discourse is there and on both this level and that of cultural manipulation, Beaubourg is—in total contradiction to its stated objectives—a brilliant monument of modernity. There is pleasure in the realisation that the idea for this was generated not by a revolutionary mind, but by logicians of the establishment wholly lacking in critical spirit, and thus closer to the truth, capable, in their very obstinacy, of setting up a basically uncontrollable mechanism, which even by its success escapes them and offers, through its very contradictions, the most exact reflection possible of the present state of affairs” (Baudrillard, 1992: 221).

<sup>14</sup> This “transcending of a building of its specialized context” is a further indicator for developing a Foucauldian problematic with Kwinter’s discussion of the city. Beaubourg, like the *absence* of the World Trade Centre, signals not so much a particular formal arrangement with a defined set of functions, in this

Ground Zero, the radical absenting of the World Trade Centre, the concern that closes Kwinter's book, would similarly mark one of those transcending moments. Ground Zero signifies a fundamental change in how we have come to think about our planet and the possibilities for its future. Kwinter asks successively through each of the sections of this small book how the shifts in global communications, finance and understandings of nation-states have impacted fundamentally on how we understand cities to be practices: "From today's perspective these apparently fecund and anarchic years [the 1970s and 80s image-driven explosion of aesthetic and technical innovation, driven by neo-liberal market deregulation] were simply what Lewis Mumford would have called 'cultural preparation', since the City of the 1970s and 1980s was arguably the laboratory—testing and training ground—for the internet-driven, image-glutted, global, deregulated market capitalism of the 1990s" (39). So, what has died and for whom is the requiem?

There are, perhaps, three ways to approach these questions, all of which are intimated in Kwinter's essays. Certainly, the paradigm shift happens in the recognition that so much modernist rhetoric, so much appeal to a kind of rationalism of form, had failed to deliver its social promise of equity and habitability, of what Le Corbusier enthusiastically called "radiant" cities (Le Corbusier, 1967). Kwinter explores what happens when we see the wholesale overtaking of physical form with image saturation and excessive circuits and flows of immateriality, the city as data streaming. Hence, a second encounter is with the political economy of modernist architectural hope in welfare planning, in social or socialist approaches to equity of advantage and what happens in the steady usurpation of liberalism in successive nation-state economic rationality, deregulation of State-sanctioning or control

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sense a monument to be read in its orthodoxy. Rather, this signals what we will come to define, in Chapter Two, with Deleuze's discussion of Foucault, as a diagram of power. Hence, for example, while Foucault makes reference to an architectural figure at the end of the eighteenth century, the Panopticon prison, his understanding of panopticism is as a diagram of power, which means as a defining network of relations of a heterogeneity of unformalized matter and non-finalized functions (Deleuze, 1986: 36). This is how we suggest we need to read Beaubourg and Ground Zero as strategic urban structuration. We cannot dissociate this "Beaubourg effect" from the 1982 text by Baudrillard, "The Beaubourg-Effect: Implosion and Deterrence" (Baudrillard, 1992). This is the author of *Forget Foucault* (1987), a response to Foucault's *History of Sexuality, Volume 1: Will to Knowledge* (1978) and, more generally, the relations developed by both Foucault and Deleuze between power and desire. On Beaubourg, Baudrillard begins: "Beaubourg-Effect ... Beaubourg-Machine ... Beaubourg-Thing—how can we name it? The puzzle of this carcass of signs and flows, of networks and circuits ... the ultimate gesture toward translation of the unnamable structure: that of social relations consigned to a system of surface ventilation (animation, self-regulation, information, media) and an in-depth, irreversible implosion" (Baudrillard, 1982: 3). This is arguably Kwinter's dematerialized city of flows, and Deleuze's understanding of relations of power in the non-formalized and unfinalized functions of diagrams.



*Figure 2.* Fairbanks, E. (2001). *Plane going into Second Tower.* Magnum Photos.

of markets, and an increasingly pronounced emphasis on globalization concomitant with a radical questioning of the definition of the nation-state.<sup>15</sup> The third register happens in Kwinter’s approach to Ground Zero, which turns this event, on the one hand, into a new global order with respect to war on terror, which is to say a total war effort against a non-identifiable or indistinct enemy, a war that cannot be sanctioned or declared directly as there is no enemy nation-state one can explicitly define. One is globally at war with an immaterial materiality.<sup>16</sup> The second aspect of Ground Zero is the rapidity with which this actual site became a piece of real estate: “While architects cannot be blamed for the mediocrities that ensued, their failure to pierce the culture of imagery to reconfigure the terms of engagement and set the tone of the discourse, thereby claiming to lead the speculation about cities and what their place in the coming brave new world might be, represents an opportunity lost and one uncertain to come again” (108).

I mentioned earlier a Foucauldian reading of Kwinter’s book. There are two aspects to this, one stemming from Foucault’s early work and one from his later work. We note in his studies of the clinic and the prison how Foucault, in the opening pages of *The Birth of the Clinic* and *Discipline and Punish*, provides a graphic account of practices, in the first instance of a medical gaze and in the second of practices of punishment in relation to an economy of the spectacle. Foucault notes in each case that over the period of eighty years there is a fundamental discontinuity, a break in an epistemic framework such that the entities sought, found, examined and practiced are simply not the same. In one respect it is possible to read Kwinter’s small book as exacting such a chronicle of epistemic change such that, between the 1960s and the first decade of the new millennium, how we come to understand what a city is, how we come to govern it, define its characteristics and the conduct of its inhabitants undergo some irreversible transformation. I would not say this is a strong correlation with

<sup>15</sup> See, for example, the work of Chantal Mouff and Ernesto Laclau: Laclau & Mouffe (2001); Mouffe, (1999, 2000, 2005). See also discussion on Mouffe’s understanding of a democracy of the *agon* in Ploger, “Strife: Urban Planning and Agonism,” (2004). On post-democracy in urban planning theory also see MacLeod, “Urban Politics Reconsidered: Growth Machine to a Post-Democratic City?” (2011). The September, 2011 issue of the journal *Urban Studies* is devoted to a series of critical investigations into what is termed the “new urban politics.” Some of the articles of this Issue will be discussed in subsequent chapters of this thesis.

<sup>16</sup> The French urban and cultural theorists, Baudrillard and Virilio developed throughout the last decades of the twentieth century critical directions that emphasised an increasing de-materialization of political strategy, from concerns with territories or objects and their mapping or placement, to what Baudrillard popularly termed simulacra and hyper-reality. Virilio’s prognosis, with respect to deterrence technologies, famously suggests in terms of surveillance tactics that if targets are considered locatable or visible, they must be assumed to be already lost. See, for example, Baudrillard (1994, 2002) and Virilio (2002, 2007).

Foucault in the sense that Foucault will come back time and time again throughout his various projects to that period at the end of the eighteenth century and the early nineteenth century as the period of transformation. This is certainly far from Kwinter's project and perhaps overstates what can be read into his *Requiem*, or perhaps contrasts markedly their historiographical enquiries.

However, we yet see something homologous, and perhaps more so with respect to a second register relating to Foucault's late work on the biopolitical and governmentality, with its careful analyses of the emergence of neo-liberalism and the impact of this on how we come to understand the State, the economy and the conduct of conduct, or how the problem of government happens. It is this latter work of Foucault's that now dominates so much contemporary critical and theoretical literature on the city, its planning, and its future, which also concerns notions such as post-democracy and the post-political. Kwinter's theoretical journalism opens us to these kinds of considerations. They will be taken up more explicitly in this thesis as we engage closely with a significant body of contemporary writing on the city that invokes the philosophical contributions of Foucault. What follows, though, is a detailed introduction to Foucault's work, commencing with his archaeology, and then moving, in the next chapter to his genealogy.

## Archaeology

This book is about space, about language, and about death; it is about the act of seeing, the gaze. (Foucault, 1973: ix)

This is the opening sentence of Foucault's 'Preface' to his *The Birth of the Clinic*. What concerns Foucault is the difficult register of how things and words find their simultaneous space of encounter and how what we find to be visible emerges from the invisible. And with the Clinic, Foucault is particularly concerned with a spacing of the pathological or how we bring the pathologies of living things into the orbit of practices of reason. Thus he says a little further into the Preface, where he notes the mutation in a medical gaze that happens between the mid-eighteenth century and the early nineteenth century:

In order to determine the moment at which the mutation in discourse took place, we must look beyond its thematic content or its logical modalities to the region where 'things' and 'words' have not yet been separated, and where—at the most fundamental level of language—seeing and saying are still one. We must examine the original distribution of the visible and invisible insofar as it is linked with the

division of what is stated and what remains unsaid. ... We must place ourselves, and remain once and for all, at the level of the fundamental *spatialization* and *verbalization* of the pathological, where the loquacious gaze with which the doctor observes the poisonous heart of things is born and communes with itself. (xi-xii)

Foucault here refers to “that *full* space in the *hollow* of which language assumes volume and size” (xi). He italicizes ‘full’ and ‘hollow’, a kind of reciprocity in which discourse constitutes a doubling and complicating spacing: there is a plenitude construed in the very ways that language hollows out things, filling their radical exteriority with meaning. Language is at once empty and full, a spatializing enigma. We need to read in conjunction here Foucault’s early essay on Maurice Blanchot, “Maurice Blanchot: The Thought from Outside” (1987), along with Blanchot’s powerful understanding of space in his collection of essays, *The Space of Literature* (1982).<sup>17</sup> We also need to read Foucault’s introduction to the work of Georges Canguilhem on the normal and the pathological, “Georges Canguilhem: Philosopher of Error” (1980).<sup>18</sup> In this conjunction we begin to recognise how the said and the unsaid find

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<sup>17</sup> During the 1960s Foucault published a series of essays that appeared in the journal *Tel Quel*, concerned with analyses of literary figures. A number of these were collected in *Language, Counter-Memory, Practice* (Foucault, 1977), edited by Donald Bouchard, under the heading “Language and the Birth of ‘Literature’.” These include essays on Bataille, Blanchot, Hölderlin, and Flaubert. There were other essays as well, on Artaud and Klossowski. Particularly important for Foucault at this time was the writing and theoretical texts of Blanchot, engaged by Foucault in “Maurice Blanchot: The Thought from Outside” (1987). Foucault makes no later reference to these early engagements in developing a radical approach to language. Deleuze (1986) briefly notes Blanchot’s influence, when discussing Foucault’s understanding of the speaking subject: “Here Foucault echoes Blanchot in denouncing all linguistic personology and seeing the different positions for the speaking subject as located within a deep anonymous murmur. It is within this murmur without beginning or end that Foucault would like to be situated, in the place assigned to him by statements. And perhaps these are Foucault’s most moving statements” (7). This anonymous murmur is the primordial possibility for archaeology. Ann Smock, translator of Blanchot’s 1955 *The Space of Literature* (1982), suggests concerning the enigmatic difficulty of approaching the spacings of this ‘space’: “Although words such as ‘region’ or ‘domain’ or ‘realm’ are often used to designate this zone, it implies the withdrawal of what is ordinarily meant by ‘place’; it suggests the site of this withdrawal. ... No-one enters it, though no one who is at all aware of it can leave: ... it is frequently called *le dehors*, ‘the outside’” (10). It is this space that occupies Foucault in determining how words and things find their cohering, how thinking the outside of what has been thought is at all possible.

<sup>18</sup> Georges Canguilhem was the supervisor for Foucault’s major thesis, research that led to the publication of *History of Madness* (2006). We have already referenced, via Gutting, Canguilhem in the context of his and Bachelard’s formative influence on Foucault’s archaeology from the viewpoint of philosophy of science and a history of ideas. Canguilhem’s field of research was the biological sciences, which cannot be formalized in the manner of the physical sciences, or sciences of the inorganic, i.e., with mathematical exactness (Gordon, 1979: 31). Rather, the question of truth and falsity follows a different path, one Canguilhem defines, after Bachelard, as “veridical discourses” (31). Gordon notes: “[These are] practices governed by the norm of a specified project for the formulation of true propositions. Such discourses are scientific not directly through the actual truth-content of their proposition but through the veridical normativity of their organization as a practice: not their truth but their relation towards a truth” (Gordon, 1979: 31). If we use the notion of “veridiction,” its application references precisely what Foucault learns

their possibility in a fundamental spatialization and verbalization of the pathological. Foucault suggests that modernity is founded on this essentially biopolitical relation of things to words, that a medical gaze as a regulating and defining discourse enables a complex series of spatial practices, and in fact brings into concert juridical and medical discourses that establish a whole series of spatializings, from the planning of hospitals as spaces of confinement, to civic ordinances that define building codes related to hygiene and habitation.

With archaeology Foucault has not as yet developed a principal concern with an analytics of power, but rather is concerned with how discursive regimes constitute distributions of the true and the false. Initially, in what follows, I want to provide a somewhat general overview of Foucault's work and then move into more detail on his archaeological phase. Thus, by the time of his death in 1984, Foucault had made a significant impact on a broad range of different research fields and practices. His work traversed a range of disciplinary boundaries from psychiatry to history and philosophy. This ability to traverse discursive boundaries and his ability to question supposedly self-evident beliefs maintain the relevancy of his thought in contemporary critical theory nearly thirty years after his death. With the recent translation into English of Foucault's series of annual lecture courses given at the *Collège de France*, where he held the Chair of *The History of Systems of Thought* from 1971 to 1984, we have the opportunity to engage his research with potentially useful insight into issues that surround the city and the various practices that concern it, such as planning and architecture.

James Faubion, the editor of the English language edition of Foucault's collected short works and interviews, describes the difficulty of trying to narrowly classify or define his work:

Who, or what, is Michel Foucault? The possibilities already seem endless: structuralist, idealist, neoconservative, post-structuralist, anti-humanist, irrationalist, radical relativist, theorist of power, missionary of transgression, aestheticist, dying man, saint, or if nothing else 'post-modern' (1998: xi).<sup>19</sup>

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from Canguilhem concerning 'truth' as veridical normativity, an opening to a cleave in the understanding of power as that constituted by judicial-political structures, which is to say sovereign State powers, to one determined from below with respect exclusively to practices determinable through normativity and techniques of normalization.

<sup>19</sup> See Faubion's introduction to *Aesthetics* (1998), volume two of the three-part series of the *Essential Works of Foucault 1954-1984*, edited by Faubion. This collection is a selected translation based on the collection of Foucault's works, *Dits et écrits, 1954-84*, first published in 1994, and edited by Daniel Defert and François Ewald.

Gilles Deleuze, in *What is a dispositif?* (1992), reiterates this multifaceted character of Foucault’s work, suggesting that it is Foucault’s “repudiation of universals” that allows for his work to be read in a number of ways: “It is in this sense that Foucault’s philosophy can be referred to as pragmatism, functionalism, positivism, pluralism” (162).<sup>20</sup> Similarly, in that there have been a wide range of Foucault’s supposed political views or political affinities, as Gary Gutting suggests, Foucault enjoyed the fact that he was difficult to define politically (2005: 20). In “Polemics, Politics, and Problematisations” (1997), Foucault points out that while he prefers not to define himself, he is “...amused by the diversity of ways I’ve been judged and classified” (113). He adds that he has been positioned politically in a variety of often-divergent positions:

I think I have in fact been situated in most of the squares of the political checkerboard, one after another and sometimes simultaneously: as an anarchist, leftist, ostentatious or disguised Marxist, nihilist, explicit or secret anti-Marxist, technocrat in the service of Gaullism, new liberal, and so on... None of these descriptions is important by itself; taken together, on the other hand, they mean something. And I must admit that I rather like what they mean. (1997: 113)

Foucault’s self-reflective interlocutor in *The Archaeology of Knowledge* (1972), spits out “Aren’t you sure what you’re saying? Are you going to change yet again?” (17), to which Foucault responds, “Do not ask who I am and do not ask me to remain the same: leave it to our bureaucrats and our police to see that our papers are in order” (17).

These range of different responses to Foucault’s work are perhaps, as Gutting explains, part of a desire that when we typically seek to interpret a work, or a writer, we have a tendency to try and find “... a unifying schema through which we can make overall sense of an author’s work.” (Gutting, 2003: 1). However this is contrary to the aims of Foucault to “...escape general interpretative categories.” (1). As Gutting notes:

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<sup>20</sup> The close friendship of Foucault and Deleuze is well documented and is evidenced by “Theatrum Philosophicum” (Foucault, 1977), Foucault’s review essay of Deleuze’s major texts, *Difference and Repetition* (1994) and *The Logic of Sense* (1990), both appearing in French in 1969, with its famous epiphany in its opening paragraph: “... and perhaps one day, this century will be known as Deleuzian” (165). If that indeed may be the case, then Deleuze, in turn, repays a certain homage by writing one of his most concise elaborations of Deleuzian thinking in a careful and, perhaps the finest, reading of Foucault’s thinking in his short book from 1986, *Foucault* (1988). Though things did not go smoothly for Deleuze and Foucault in the late 1970s. In an extended note to Foucault’s *Security, Territory, Population* (2007), the publication editor, Michel Senellart, provides a detailed account of their irreconcilable falling out in the context of resistance to the extradition from France to Germany in 1977 of the lawyer for Andreas Baader’s Red Army Faction (better known as the Baader-Meinhof Group), Klaus Croissant (Foucault, 2007: 373 & 393).

... work is ad hoc, fragmentary, and incomplete. Each of his books is determined by concerns and approaches specific to it and should not be understood as developing or deploying a theory or a method that is a general instrument of intellectual progress. In Isaias Berlin's adaptation of Archilochus's metaphor, Foucault is not a hedgehog but a fox. (2; see also n.2: 25)

Importantly, Foucault's work is shaped by specific concerns rather than by trying to develop a totalised theory or method of approach (2). Methods and theories developed in one work may be discarded or significantly revised in the next. Foucault conceived of theory not as the globalised reading of everything, schematised as a grand unified theory, but as a type of toolkit to explore specific mechanisms of power (1980: 145).<sup>21</sup> Each of these processes seeks to explore the role of the historical relationship between knowledge and power with regard to bodies. Crucial for this study is how this is, for Foucault, a spatial problem. Gutting furthermore fames two main types of interpretation of Foucault's work: firstly, Foucault the philosophical historian who engages and develops two key and complementary types of historical methods which he employs through his work, as the archaeology of discourse in *The History of Madness* (2006)/*Madness and Civilisation* (1965), *The Birth of the Clinic* (1973), *The Order of Things* (1970) and *The Archaeology of Knowledge* (1972), and genealogy in *Discipline and Punish* (1977) and *The History of Sexuality Volume One* (1978), and to a lesser extent the problematisation of ethics in *The Uses of Pleasure* (1985) and *The Care of the Self* (1985).<sup>22</sup>

Secondly, as a 'historicist' or, in a Benjaminian corrective to this notion, a 'historical materialist' philosopher, parallel to his methodological innovation, is the theorisation of knowledge, power and the self (Gutting, 2003:2). What is fundamental for Foucault is his critique of historical reason and how it has affected the past and, importantly, how it effects

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<sup>21</sup> The 'toolkit' is first broached in a discussion between Deleuze and Foucault, published in 1972 under the title, "Intellectuals and Power" (Foucault, 1977). It is Deleuze who introduces it: "Precisely. A theory is exactly like a box of tools. It has nothing to do with the signifier. It must be useful. It must function. And not for itself. If no one uses it, beginning with the theoretician himself (who then ceases to be a theoretician), then the theory is worthless or the moment inappropriate" (208). This 'toolkit' approach is followed up by Foucault in an interview in 1977, published as "Power and Strategies" in Foucault (1980). Foucault is questioned with regard to Deleuze's mention of the 'toolkit'. He replies, in closing remarks to the interview: "The notion of theory as a toolkit means: (i) The theory to be constructed is not a system but an instrument, a logic of the specificity of power relations and the struggles around them; (ii) That this investigation can only be carried out step by step on the basis of reflection (which will necessarily be historical in some aspects) on given situations" (145).

<sup>22</sup> Note that Foucault's *History of Madness* (2006) is the full translation of the 1961 publication in French of his doctoral thesis under Georges Canguilhem with the title *Histoire de la Folie*. A significantly truncated version of this publication was translated and published in English in 1965 under the title *Madness and Civilization*.

the present. While Foucault has been described in a number of different ways, Gutting finds a converging motif in his work: “With one exception, all his major books are histories of aspects of Western thought, and the exception (AK) [*The Archaeology of Knowledge*] is methodological reflection on his historical work” (Gutting, 1989: 1).

### Foucault and Method

When reading Foucault, it is important to keep in mind that the conceptual innovation, even at its most prolix as in *The Archaeology of Knowledge* (1972), is not seeking to initiate or develop a science or discipline, but to explore how it is possible to think in a certain way and how far a specific language can be used. This is why so little of what Foucault was to write could be described as an application of concepts or methodological principles and why, having offered accounts of method at certain points, he appears to jettison them or take them up in an entirely different fashion. Methodological codification, in this regard, is best regarded as a summary that revisits and clarifies analysis after the event rather than a rationalistic plan put into practice by analysis. (Dean, 1994: 2)

Anyone familiar with research in the human sciences knows that, contrary to common opinion, a reflection on method usually follows practical application, rather than preceding it. It is a matter, then, of ultimate or penultimate thoughts, to be discussed among friends and colleagues, which can legitimately be articulated only after extensive research. (Agamben, 2009: 7)

The development of Foucault’s thought and general methodological approach changes through his career and has been divided by Davidson and others into three main phases, archaeology, genealogy and ethics (Davidson, 1986). The first of these is described as his archaeological period of the 1960s in which Foucault explored the development of the “human sciences” and their discourses in the seventeenth and eighteenth centuries. Key texts from this period include the 1966 *Les Mots et Les Choses - The Order of Things* (1970) and the 1969 *L’Archéologie du Savoir – The Archaeology of Knowledge* (1972) but also his studies of madness and the clinic as the “birth” of the modern discourses of psychiatry and medicine.<sup>23</sup> Secondly, there is his genealogical work of the 1970s where he moves away from his earlier focus on discursive practices, to look at power as a diffuse relation that constitutes the forces

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<sup>23</sup> See also Foucault’s own pseudonymous entry for the *Dictionnaire des Philosophes* in an English version reprinted in Foucault (1998: 460-461). It is also worth noting that reception of Foucault’s work did not necessarily correlate with his own understanding and he famously rebuked accusations of him being a structuralist. Though his work has been characterised at times as falling into a structuralist phase in the 1960 and, with the emergence of a Nietzschean influence in the 1970s, a post-structuralist phase.

of institutional practices to shape the subject as an entity that becomes an object of knowledge: the 1975 *Surveiller et Punir – Discipline and Punish* (1977). It is this understanding of power which takes into account the role of knowledge and production of subjects shifting from more traditional liberal and Marxist frameworks for reading power (Foucault, 1998).<sup>24</sup> The final phase of Foucault’s work, from the end of the 1970s to the early 1980s, again shifted its focus to self-examination, or what Foucault calls the history of subjectivity (Foucault, 1998b: 461), which explores the various procedures which “... led the subject to observe himself, analyse himself, recognise himself as a possible domain of possible knowledge” (461).

Each of these periods of research should not be taken as dramatic shifts in methodological procedures but rather as shifts in emphasis.<sup>25</sup> Underlying each phase of work is a systematic questioning of a range of practices, which seek a stable ground of knowledge whether it is to do with history, specific behaviour or subjectivity. Foucault’s questioning of relations between truth and subjects is, perhaps, a guiding principal of his research. Gutting suggests that to undertake such research implies three methodological procedures (Gutting, 2003: 12-15). There is, firstly, scepticism toward anthropological universals, though Foucault notes it does mean that specific behaviours or arenas of research are not nothing but rather they are *chimeras* or historical constructs (Foucault, 1998b: 461). Secondly, there is a questioning of the philosophical tendency to move from the specific to the general. Here Foucault conversely works back from the institutionalised practices of knowledge to the point where the subject comprises “...the immanence of a domain of knowledge.” (462) Again, Foucault qualifies this by questioning the ground of object/subject relations. Finally, he questions the historical role of specific practices as an arena of research in itself. By doing so, he offers a

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<sup>24</sup> Foucault’s relation to Marxism is a complex one that needs to account for his dissatisfaction with and, at times, hostility to institutional Marxism with respect to, for example, the French Communist Party or the particularly Maoist strands of Marxism popular in France in the late 1960s and early 1970s. See, for example, Foucault (1980), “On Popular Justice: A Discussion with Maoists.” Contrasted with this is Foucault’s own work with the writings of Marx, particularly Volume II of *Capital*. See, for example, Foucault’s “Meshes of Power” published in Crampton & Elden (2007): “How can we try to analyze power in its positive mechanisms? It seems to me that we can find, in a certain number of texts, the fundamental elements for an analysis of this type. ... we can obviously also find them in Marx, essentially in Volume II of *Capital*. It is there, I think, that we can find several elements on which I can draw for the analysis of power in its positive mechanisms” (156).

<sup>25</sup> See Gutting (2003), “Introduction to Michael Foucault: A user’s manual.” Gutting argues that globalised unifying schemas for an interpretation of Foucault’s corpus are “guaranteed to distort his thought” (1).

way of understanding specific paradigms of thinking and conceiving the relationship between subjects and objects such that one can ascertain “...the different modes of objectification of the subject that appear through these practices, one understands how important it is to analyse power relations” (463). The subject is ‘objectified’ by various forms of “government,” through these power relations (463). The significance of this is in how Foucault approaches history, which he terms a *critical history of thought* constituting not a ‘history of ideas’, which would look to analyse the mistakes or errors of understanding the world made in the past, or the misinterpretations which would lead people to think such ideas, but rather a form of critical historical interpretation on notions of subjectivity, from the point of view of how we have come think or act in a particular way (459).

While this research closely addresses the writings of Foucault, it does so to engage a Foucauldian methodology, notwithstanding the provisional nature of such a term or the instability of a fixed ground to it. We reference Foucault’s methods of archaeology and genealogy as concerns with that which structure discursive formations at the level of the “said” and that which construe relations of force at the level of practices or agencies. That is to say, this research engages the pivotal relations between our forms of knowing of the urban and the relations of force that produce those discursive forms. We need to emphasise what we have earlier noted, that Foucault’s use of method is not the kind that seeks irrefutable truths or universals. By his own admission, Foucault’s use of history is selective and has a distinct aim and agenda that is alien to orthodox historiography (Gutting, 2003: 15). Methodologically speaking, Foucault’s use of history does not aim to just represent events as they were in their positivities, the “it is said” of enunciative modalities. As Gutting points out with respect to Foucault’s histories of the present:

... [they] do not aim at a full and balanced reconstruction of past phenomena in their own terms. They focus selectively on just those aspects of the past that are important for understanding our present intolerable circumstances. (15)

It is precisely these “intolerable circumstances,” as Gutting calls them that are the targets of Foucault’s analyses. Foucault sees his own work not as dogmatic assertions “...that have to be taken or left en bloc,” (1981a: 4), or thought as treatises in philosophy or studies of history. Rather, Foucault sees his work as philosophical fragments put to work in a historical field of problems (4). As he describes in the 1977 interview that opened this chapter: “My work takes place between unfinished abutments and anticipatory strings of dots. I like to open up a space of research, try it out, and then if it doesn’t work, try again somewhere

else” (Foucault, 1981: 4). In an interview given in 1978, Foucault discusses the process of writing new works as explorative, both conceptually and methodologically:

Each of my books is a way of carving out an object and of fabricating a method of analysis. Once my work is finished, through a kind of retrospection on the experience I’ve just gone through, I can extrapolate the method the book ought to have followed—so that I write books I would call exploratory somewhat in alternation with books of method (2000b: 240).

Foucault’s somewhat explorative and reflective approach may at first be seen as methodologically problematic, or overly experimental.<sup>26</sup> However, we may consider Foucault’s methods, principally those of archaeology and genealogy, not as a general methodology to be applied to this or that subject for analysis, but rather as serving different tactics or strategies within one’s conceptual toolbox. As Gutting emphasises, Foucault’s distinctiveness as an historian of thought does not lie in his invention of new methods but in his willingness to use whatever methods are at hand to the specific subject matter with which he is engaged, and these can shift and change with context (Gutting, 2003: 14). Furthermore, Flynn suggests that with archaeology and genealogy, there is the tracing of a philosophical approach to history and an exploration into the historical shifts regarding the question of power relations (Flynn, 2003: 29). Foucault sees these both as complementary and supplementary approaches rather than as a disavowal of one for the other (Gutting, 2003: 14). Each offers a differing form and aim of analysis. In the interview, “Questions of method,” Foucault comments on his research practices:

I don’t try to universalise what I say; conversely, what I don’t say isn’t meant to be thereby disqualified as being of no importance. ... On many points — I am thinking especially of the relations between dialectics, genealogy and strategy — I am still working and don’t yet know whether I am going to get anywhere. What I say ought to be taken as ‘propositions’, ‘game openings’ where those who may be interested are invited to join in; they are not meant as dogmatic assertions that have to be taken or left en bloc. My books aren’t treatises in philosophy or studies of history; at most, they are philosophical fragments put to work in a historical field of problems. (Foucault, 1981: 4).

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<sup>26</sup> In his Introduction to *Foucault: A Critical Reader* (1986), David Couzens Hoy points to a series of prominent theorists who suggest that Foucault becomes “trapped” in his methodological procedures. Hoy mentions Jürgen Habermas, Michael Waltzer, Steven Lukes, Charles Taylor, Fredric Jameson, Clifford Geertz (8-11). This ‘trap’ leads to irrationalism and crypto-normativism on the one hand (Habermas) and “no independent standpoint, no possibility for the development of critical principles” (Walzer) on the other hand (10). The series of essays in Hoy’s edited book go some way to precisely address and counter these hostile critics.

The Foucauldian theorist, Sara Mills (Mills, 2003), points to a deficit approach when engaging Foucault that we are keen to recognise and avoid in our research on the urban. For example, rather than seeing the panopticon as an image of a particular system of power in modernity, Mills suggests an easy wholesale and somewhat superficial approach to Foucault, is when: “the panopticon is examined as a structuring principal in the layout of libraries, railway stations, supermarkets and so on ...” (110).<sup>27</sup> Mills suggests six general modes of engaging with Foucault’s work: (i) analysing archival material; (ii) being sceptical, and questioning predominate viewpoints; (iii) not making second-order judgements or allowing political bias to cloud the analysis; (iv) looking for contingencies rather than falling back on simple or simplified causation; (v) investigating problems rather than a subject or particular historical period; (vi) not over-generalising the findings (111-116). In his rough outlines for an approach toward a method of the study, Foucault liked to think of his work as an opening of research, rather than an orthodox tome with rigid declarations (Foucault, 1981: 4). A further key to understanding Foucault’s research methods is what Dreyfus and Rabinow term an *interpretative analytics* that they use to describe the methods employed in Foucault’s work (Dreyfus & Rabinow, 1982: 125). These methods, they argue, incorporating Foucault’s archaeology and genealogy, are informed by but distinct from prevailing methods of hermeneutics and structuralism (xxvii). Dreyfus and Rabinow maintain that Foucault’s methods form an interpretative analytic as a “history of the present” (Foucault, 1977: 31) and that he is:

... performing an interpretative act, which focuses and articulates, from among the many distresses and dangers, which abound within our society, those which can act as paradigmatic. The resulting interpretation is neither a subjective invention nor an objective description, but it is an act of imagination, analysis and commitment. (Dreyfus & Rabinow, 1982: 253)

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<sup>27</sup> We become especially attuned to this complexity in, for example, encountering panopticism as a formal model that is replicated in myriad building types that each in some way invoke surveillance, discipline and production. The emphatic default happens in settling on a question of form as what is essentially at stake in a model and its simulacra. Deleuze, in his writing on Foucault, is particularly sensitive to this in his discussion of panopticism as a diagram of power and not as a form expressed in building type. As a diagram of power, panopticism concerns not the formalization of matter and the finalizing of functions but the receptivity of unformed matter and spontaneity of unfinalized functions. See Deleuze (1988): “Strategies or the Non-stratified: the Thought of the Outside (Power).” We would make the same criticism of a text such as *Heterotopia and the City: Public Space in a Postcivil Society* (2008) that, while productively exploring Foucault’s understanding of the heterotopic, tends to do so reductively by a securing focus on formal analysis rather than an analytics of relations of power constitutive of the normalizing processes constituting the horizon of visibility of the heterotopic as such.

It is, perhaps, Agamben who has most thoroughly or critically approached the question of method in Foucault's work, in part for a way to broach the question of method in his own. Agamben sees some essential alignment of his research and Foucault's, notwithstanding a great deal of heated objection to this by critics of his extending and correcting of Foucault in *Homo Sacer* (1998).<sup>28</sup> Presently, I want to make brief reference to Agamben's discussion of Foucault's method, in the short text, *The Signature of All Things: On Method* (2009). In particular I want to introduce, briefly, Agamben's discussion of the understanding of "paradigm" in Foucault's work as a way of engaging with method. Agamben commences with an understanding of the notion of paradigm in his own research and the ways this notion was discussed (or not) and applied by Foucault:

In the course of my research, I have written on certain figures such as Homo sacer, the Muselmann, the state of exception, and the concentration camp. While these are all actual historical phenomena, I nonetheless treated them as paradigms whose role was to constitute and make intelligible a broader historical-problematic context (Agamben, 2009: 9).

Agamben suggests that commentators mistook these paradigmatic figures for offering "merely historiographical theses or reconstructions" (9). Agamben sees the work of Foucault doing something similar: "Foucault frequently used the term 'paradigm' in his writings, even though he never defined it precisely" (9). This notion of paradigm suggests that in the course of historical enquiry, particular actual figures are drawn out in order to present a find of exemplarity. The mistake is to read them too literally. Thus, when Agamben references the concentration camps of National Socialism as paradigmatic of contemporary frameworks of the city, we should not read this so much as an anthropology, looking for the camp in each city, but ontologically, as a radical and essential or primordial question of the relations of an existent to its existence. This would also be the case for Foucault's panopticism. We emphasise in this thesis Foucault's early encounter with existential phenomenology in writing on Ludwig Binswanger (Foucault, 1984-85), and the emphasis Foucault himself gives to moving from anthropology to ontology.<sup>29</sup> Agamben suggests the

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<sup>28</sup> We will be engaging in extensive discussion on Agamben and Foucault in later chapters of this thesis, including further discussion on questions of method, but also Agamben's adoption and extension of Foucault's notions of biopower and the biopolitical.

<sup>29</sup> Agamben discusses directly the importance of Heidegger's thinking for an ontological approach to an understanding of "paradigm" in terms of the hermeneutic circle: "The aporia [of the vicious circle of hermeneutic pre-understandings that depend on their own existential structures] is resolved if we understand that the hermeneutic circle is in actually a paradigmatic circle. There is no duality here between 'single phenomeon' and 'the whole' ... In the paradigm, intelligibility does not precede the phenomenon; it stands, so to speak, 'beside' it (para)" (Agamben, 2009: 27).

proximity of Foucault's "paradigm" to that of Thomas Kuhn, in the latter's notion of "scientific paradigm," whereby the constitution of knowledge, its veracity and jurisdictions, is contingent on the sway of its embedding or situatedness in a "norm process" (10). Agamben suggests that neither he nor Foucault aimed at historically tracing back modernity in order to find its cause or historical origin (31). Rather, he suggests: "... each time it was a matter of paradigms whose aim was to make intelligible series of phenomena whose kinship had eluded or could elude the historian's gaze" (31). In this, there is archaeology that has the semblance of historical enquiry, though such historicity is genealogical, concerned with forces more understood in Nietzschean terms than in a sense of *arche* as first cause. Thus, the "paradigmatic character" is not to be found in the thing to be investigated but nor is it in the mind of a researcher. Rather, suggests Agamben: "The intelligibility in question in the paradigm has an ontological character. It refers not to the cognitive relation between subject and object [anthropology] but to being. There is, then, a paradigmatic ontology" (32).

Though he articulates things a little differently, Dean (1994) also folds something essential to his methodological concerns with those of Foucault. In some introductory comments, Dean establishes what we might now term three "paradigms," or what Dean calls "forms of intellectual practice" in contemporary uses of "theory" (Dean, 1994: 3). These are, firstly, "progressivist theory," invoking the teleology of reason, orthodox historiography in the most general sense (3). The second is critical theory, developed from the Frankfurt School analyses of instrumental reason, the culture industries, communicative action, establishing a "critical modernism" (3). The third is a "problematizing" theory, concerned with how truth and knowledge themselves are constituted in the milieus of their formation. As Agamben suggests of Foucault (and himself), this problematizing, in Dean's words: "has the effect of the disturbance of narratives of both progress and reconciliation, finding questions where others had located answers. ... it becomes what Foucault (1977), following Nietzsche, called an "effective history," and sets itself against what might be called the colonisation of historical knowledge by these synthetic philosophies of history" (4). Hence, Dean aligns his own project on Foucault's methods and their rapport to the fields of the social sciences, to Foucault's own "critical and effective history" that "interrogates progressivist narratives of social progress or critical ones of human emancipation" (4). Our own methods also aim to fold with those of Foucault, though under those fragile and fading names, momentarily illuminating something concerning Foucault's practices, his paradigms and ontologies, that we momentarily seize upon in their singularity, *jurisdictions* and *veridictions*.

## Spatialization & Verbalization: Spaces of Discourse

In a 2008 article, “Foucault’s Dispositif and the City,” the Danish urban theorist, John Pløger, opens a discussion on some of the implications of Foucault’s *The Birth of the Clinic* for planning theory (Pløger, 2008). We have introduced *The Birth of the Clinic* above in terms of Foucault’s engagement in the 1960s with language and space or, in his terms, “spatialization and verbalization.” A number of Foucault commentators have emphasised the importance of structuralism for Foucault at that time, which means the centrality given to language and its structuration as that which, from a position of radical exteriority to a self, determines the structuring possibilities for what that self is, how it may understand its world and how it may find meaningful action in that world.<sup>30</sup> In general, Foucault’s archaeological ‘period’ engages highly original studies of discourse, understood as a language-formation that defines and distributes the very possibilities of utterance, though ‘language’ not entirely reduced or reducible to a structuralist paradigm.<sup>31</sup> Initially I want to orientate our brief discussion of archaeology to aspects of Pløger’s text and then draw more general inferences from, in particular, Foucault’s key work at this time, *The Archaeology of Knowledge*.

Pløger commences his discussion, under a heading “Space and the social (body)” in a way similar to our earlier brief discussion, emphasising Foucault’s concern with tracing the

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<sup>30</sup> In 1970, Foucault wrote a special “Foreword “to the English translation of *The Order of Things* (1970). In this he provides a succinct “Directions for Use” (ix). The final ‘direction’ is an abrasive one: “This last point is a request to the English-speaking reader. In France, certain half-witted ‘commentators’ persist in labelling me a ‘structuralist’. I have been unable to get it into their tiny minds that I have used none of the methods, concepts, or key terms that characterize structural analysis” (xiv). Those ‘commentators’ still persist. Certainly Dreyfus and Rabinow (1982) is a working through of this vexing issue. But we also note, for example, Saldanha (2008), making a very detailed analysis of the emergence of Foucault’s understanding of the heterotopic precisely from his structuralist work in the 1960s. As we will emphasise in our reading of Foucault’s predominant engagements with language in the 1960s, it is not Saussure that constitutes the grounding influence but, rather, Blanchot. See, for example, Foucault’s “The Language of Space” (2007), a Blanchotian engagement with the writings of Roger Laporte, J.M.G. Le Clézio, Claude Ollier and Michel Butor, written in 1964 for the journal *Critique*.

<sup>31</sup> Foucault does go on to say in that acerbic “Forward” to *The Order of Things*: “There may well be certain similarities between the works of the structuralists and my own work. It would hardly behoove me, of all people, to claim that my discourse is independent of conditions and rules of which I am largely unaware, and which determine other work that is being done today” (Foucault, 1970: xiv). In that respect, Foucault sees his own research as a field that in part attempts to engage the very emergence of structuralism itself as a determinant human science. As Dreyfus and Rabinow (1982) suggest in their Preface: Foucault told us that the real subtitle of *The Order of Things* was *An Archaeology of Structuralism*” (vii).

transformation of a spatializing and a medical gaze. He goes on to note that Foucault defines three spatializations in eighteenth century medicine, making further reference to a 2004 publication by Osborne and Rose that extends this discussion to concerns with the social sciences (Pløger, 2008: 60; Osborne and Rose, 2004). The problem for Foucault was to understand how two differing orders of space could be superimposed or be assumed to be coincident and how they need to be thought together and in their specific differences. These are what might be termed the ‘space’ of the disease, how it is conceptualized, its space of configuration within a particular order of knowing and field of discourse. That other space is that of localization of an illness, how a body in its specificity and singularity finds contiguity with the space of configuration, or how a medical science and an individual who is ill find their locus of convergence (Foucault, 1973: 3).

Hence, Foucault defines three different spatializations that may account for a certain dynamic movement between the body of a disease and the body of the sick (3). The primary spatialization, then, is the classificatory space of a disease, a certain space within our order of knowing. Yet, such a ‘space’ does not at all coincide with the space a disease occupies in a body: “The space of the body and the space of the disease possess enough latitude to slide away from one another. ... The system of points that defines the relation of the disease to the organism is neither constant nor necessary. They do not pass a common, previously defined space” (10). Hence, from the point of view of the body, one must understand the disease according to entirely new procedures, such that between localization and configuration we find not the converging of a set of characteristics but the definition of their reciprocal freedom (11). We recognise a medical gaze caught between, on the one hand, a medicine of species, of general codifications and on the other hand the patient whose body conceals and reveals, or distorts and gives free play to what was considered the ordered form of a disease and its functioning. Thus a tertiary spatialization opens in order to manage, so to speak, the thresholds that distend and bring close the other two spaces. This is a space of practices or “gestures,” practical spaces of confinement and action, concrete spaces of procedures and techniques, designed spaces for managing the threshold spaces of medicine and the ill (16). This is the formation of a social space of medical practice whose laws of formation are of a different order to those that defined the spaces of configuration and the spaces of localization.<sup>32</sup>

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<sup>32</sup> The invention of the institutional site for this social space of medicine is the key theme of *The Birth of the Clinic*. The clinic or hospital in its modern form did not simply emerge as the logical convergence of the three problematic spaces just mentioned. Far from it. Hospital spaces in the seventeenth and eighteenth

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Osborne and Rose, as discussed by Pløger, suggest a more general form for this trinity of spatializations outlined by Foucault. In general they recognise that spaces of codification concern precisely the ordering of discourses; secondary spatializations concern a particular recognition of things such that the opacity of things becomes increasingly transparent to a representing capacity; tertiary spatializations concern investigatory practices which may well include the concretion of techniques or technologies, and procedures. They thus suggest the first concerns modelling of phenomena in the social realm, that all phenomena are able to be engaged spatially; the second concerns realization, giving recognition to how space is made thinkable and space materialized. The third concerns what they call demarcation, the concrete recognition of spatial topologies and differences: for example, how spatial practices demarcate, in their differences, a hospital, a ghetto or a prison (or at times cannot so differentiate these) (Pløger, 2008: 61). Pløger extends this analysis specifically to urban planning: “Extending further, modelling is concerned with how urban life is thought in politics and planning, the secondary realization is the plan and its thought-representation of urban life, and the tertiary is the plan’s materialization in place. Architects and urbanists design the spatial forms that should ‘ensure a certain allocation of people in space, a *canalization* of their circulation, as well as the coding of their reciprocal relations’ (Foucault, 1984: 253)” (61).

It is important to note that these three spatializations remain essentially with Foucault’s thinking, though undergo transformations, as Foucault shifts his methodological concerns to the veridictions of Genealogy, and then to concerns with normalization and techniques of the self. Hence, in the mid-to-late 1970s, Foucault establishes a fundamental relation between three modalities or expression of power: programmes of power, technologies of power and strategies of power. If we explore the essential differentiations between these three, we recognise a spatialization and articulation that very much reflects the primary, secondary and tertiary spatializations determined in *The Birth of the Clinic*, which is to say, firstly, a domain of discursive formation concerned with rational determinations of the true and the false and hence defining the norm with respect to pathologies (for example, disease,

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centuries did not recognize the coincident ordering of medical knowledge and the spatializing of the hospital. For a comprehensive discussion of this see Foucault’s, “The Incorporation of the Hospital into Modern Technology” (1974: 141-151). Importantly, the 1974 lecture engages Foucault more with questions of techniques of power, disciplinary mechanisms and the twin concerns of individuation and population that was the case with his analyses in *The Birth of the Clinic* with how the spatializations and verbalizations of disease are made to be seen and to speak.

delinquency, ignorance, habitation); secondly a domain of techniques, technologies and procedures, also rationally determinable, aimed at normalization of a field or milieu of pathologies, whether they be the sick, the criminal, the uneducated or the poorly housed and planned-for; and a tertiary field of practices which aim to find a determination between the spaces, for example, of planning discourse and the techniques and procedures of planning such that the aberrant or abnormal is encountered and normalized (Gordon, 1979: 35).

Gordon (1979) emphasises, with respect to *The Birth of the Clinic*, that Foucault's method is not concerned with determining causal principles for the transformations of medical knowledge during the nineteenth century, principles such as economic analysis or class interest:

Instead it analyses a multiplicity of political, social, institutional, technical and theoretical conditions of possibility, reconstructing a heterogeneous system of relations and effects whose contingent interlocking makes up what Foucault calls the historical a priori of the 'clinical gaze'. What it thus achieves is a form of historical intelligibility whose concreteness and materiality resides in the very irreducibility of the distinct orders of events whose relations it plots (33).

This small, pithy summary of Foucault's text is as well an excellent summary of the aims of archaeology for Foucault. Indeed, Gordon suggests that *The Archaeology of Knowledge* precisely reworks the procedures in *The Birth of the Clinic* into a more general approach concerning "history, ideas and ideology" (33). He also notes, contrary to some readings of Foucault, that the fundamental methods of archaeology remain with Foucault (as we suggested above), when he moves to concerns with power and genealogy (34).

### Continuities & Discontinuities

There are key notions introduced in *The Archaeology of Knowledge* (1972) that become technical terminology for Foucault, that require discussion. These include the notions of the "discursive" and the "non-discursive," which entail further elucidation of the notions of "enunciation" and "enunciative modalities." As well, Foucault innovates or renovates what Kant meant by the term *a priori*, inventing a new way of understanding the *a priori* as exterior to a self, and as historical. Foucault opens *The Archaeology of Knowledge* by evoking how orthodox historians sought to explore and map history as a stable system with an underlying coherence that can be studied and analysed via inherited models from the

techno-sciences. For Foucault, the use of statistics, population data, climatic studies, economic modelling and forms of quantitative research allows the historian to read this data as various strata of the sedimentation of history (Foucault, 1972: 3). His approach to history seeks to shake the stability of such analyses by countering implicit assumption of progress. In the ‘Introduction’ Foucault suggests there were at the time two concurrent formations within a general field of history. On the one hand, there are those he associates with the *Annales* School, concerned with continuities:

For many years now historians have turned their attention to long periods, as if, beneath the shifts and changes of political events, they were trying to reveal the stable, almost indestructible system of checks and balances, the irreversible processes, the constant readjustments, the underlying tendencies that gather forces, and are reversed after centuries of continuity, the movements of accumulation and slow saturation, the great silent, motionless bases that traditional history has covered with a thick layer of events. (3)<sup>33</sup>

Foucault contrasts this immediately with the emergence of something different that has centred on those researching a history of science, history of ideas or history of philosophy. He associates this contrast with contemporary thinkers, as with Bachelard’s “epistemological acts and thresholds,” Canguilhem’s “displacements and transformations,” Michel Serres’s “recurrent distributions” or Martial Gu eroult’s “internal coherences ... compatibilities” (4-5). In short:

[T]he problem is no longer one of tradition, of tracing a line, but one of division, of limits; it is no longer one of lasting foundations, but one of transformations that

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<sup>33</sup> The *Annales* School dominated French social history and historiography for much of the twentieth century. Key figures were Lucien Febvre, Marc Bloch, Fernand Braudel, with a fourth generation led by Roger Chartier. Its historiography focused on pre-Revolutionary France and Europe and was concerned with long durations of cultural and economic patterning discerned particularly through quantitative data analysis. We may also contrast Foucault’s archaeology to the historian, Niall Ferguson, and his reading of the British Empire as an agent for the development of Modernity. Ferguson’s question “...is not whether British imperialism was without blemish. It was not. The question is whether there could have been a less bloody path to modernity.” (2003: xxviii). While recognising the British Empire’s role as a conquering power, Ferguson sees empire as having a positive agency, which ties into his critique of modern development. He recognises the role of geographic and economic factors, which he intrinsically links to the positive role the British Empire had on development via the introduction of British common law as well as the economic and political philosophy of Anglophone liberalism towards colonised nations (371). Ferguson traces this by reviewing historical texts and explores economic growth with the use of statistical analysis (379), though little attention is given to why modernity emerged at this period or how it was possible for it to take the formation that it did. While both thinkers have radically different aims, both are dealing with an issue of the emergence of modernity. Ferguson links this to Britain being a stabilising economic and political power (373) whereas Foucault seeks to critique contemporary claims to knowledge by means of historical analysis (1970).

serve as new foundations, the rebuilding of foundations. ... How is one to specify the different concepts that enable us to conceive of discontinuity (threshold, rupture, break, mutation, transformation)? (5)

From this emphasis many commentators recognised Foucault as the great historian of discontinuities. Yet we see on the following page of *The Archaeology of Knowledge* the precise moment when Foucault will define the object of analysis that suggests the proximity and distance he has to both the continuists and discontinuists. He would count himself strictly as neither one nor the other. Thus Foucault suggests: “But we must not be taken in by this apparent interchange. Despite appearances, we must not imagine that certain historical disciplines have moved from the continuous to the discontinuous ... that these two great forms of description have crossed without recognising one another” (6). Perhaps Foucault saw a unique contribution he made to what he will call the history of systems of thought, in delineating that meeting point of recognition, that great space where a certain materiality of practice for each of these discursive fields comes to find the spaces of its otherness.

Thus, and this is the crucial beginning for archaeology: “In fact, the same problems are being posed in either case, but they have provoked opposite effects on the surface. These problems may be summed up in the word: the question of the *document*” (6). The continuists encounter the document as a voice silenced, and their aim is to enable that document to speak, to enable a memory, a memorializing, a becoming-monument: “history is that which transforms *documents* into *monuments*” (7). Hence history is concerned with unities and totalities where documents comprise memory.<sup>34</sup> Opposed to this, the discontinuists see the document in another light. Documents are no longer the memory traces for a consciousness that needs to be resuscitated from out of the past. Rather, documents are the working materials of history or, rather, history is not some account waiting to be rediscovered and verified, but precisely the work done on documents:

History is the work expended on material documentation (books, texts, accounts, registers, acts, buildings, institutions, laws, techniques, objects, customs, etc.) that exist, in every time and place, in every society, either in a spontaneous or a

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<sup>34</sup> Thus architectural histories become histories of monuments, in Walter Benjamin’s terms, ‘histories of the victors’ that an historical materialist reads against the grain (Benjamin, 1973: 255-266). As Benjamin suggests in “Excavate and Remember”: “Memory is not an instrument for the reconnaissance of what is past but rather its medium. It is the medium of that which has been lived out just as the soil is the medium in which old cities lie buried. Whoever seeks to gaze more closely at one’s own buried past must proceed like a man who excavates. Above all, he must not shy away from coming back time and again to one and the same object—scatter it just as one scatters earth, root it up just as one roots up the soil” (cited in Frisby, 1985: 223).

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consciously organized form. ...history is one way in which a society recognizes and develops a mass of documentation with which it is inextricably linked. (7) <sup>35</sup>

Foucault draws four key consequences from these coincident approaches to an understanding of the document, four consequences that constitute the grounds for understanding archaeology, and indeed what follows for Foucault in successive transformations or discontinuous approaches to the field of documents that determine his research. Firstly, he mentions the proliferation of discontinuities within the research fields of histories of ideas. Continuities, unities and totalities no longer form the basis, foundation or starting or end point for historical understanding but rather key concerns become the question of how to establish series, boundaries, thresholds, and regularities with respect to transformations. Secondly, for classical history discontinuity was always considered precisely as that which required explanation, or overcoming. It was precisely where historical consciousness had an unfortunate gap that needed all the more focus with respect to causalities and origins. This new history no longer sees discontinuity as an “obstacle”: “... where it no longer plays the role of an external condition that must be reduced, but that of a working concept” (9). The third consequence is a transformation of the project or discourse of history from that of a total history to that of what Foucault calls a “general history”: “A total description draws all phenomena around a single centre — a principle, meaning, a spirit, a world-view, an overall shape; a general history, on the contrary, would deploy the space of a dispersion” (10). Let us momentarily hold back on the fourth consequence, which is less easy to briefly summarise than these first three. I want to return to the three spatializations we have discussed from *The Birth of the Clinic*, and begin to recognise some correlations with what Foucault is concerned with in this introduction to *The Archaeology of Knowledge*. As Gordon (1979) emphasises, *The Birth of the Clinic* does not seek to find unities and totalities, causes and teleologies with respect to the transformations of medical practices it vividly describes. Rather, it maintains its specific object, a medical gaze, in its dispersion (33).

We may begin to read Foucault’s first consequence aligning with what he considered the first spatialization of a medical gaze, a space of configuration of disease as an object of discourse, where that space is thought not in terms of its causal origin but in terms of its

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<sup>35</sup> Thus history is immanent to practices of documenting rather than being work done to the inert matter of things.



*Figure 3.* Marlow, P. (2008). *Family Records Office, Islington, London.* Magnum Photos.

boundaries, limits, threshold and transformation, or how ‘disease’ becomes systematised discursively as an object of thought. Secondly, Foucault is concerned with a space of localization, where a specific body becomes the object of a medical gaze, or where the localization of disease may enter into a dispersion that is, for example, proper to its fields of contagion or milieu of incubation, hence, again, an unstable space of transformation. It is here that a medical gaze is not so much a specific object of a discursive strategy but an operational technique that acts on things, where the patient’s body is a document that presents precisely a problem of transparency and opacity. We recognize Foucault’s second and third consequences, outlined in the ‘Introduction’ to *The Archaeology of Knowledge*, where discontinuity becomes a working concept and not an obstacle, and specific objects of analysis are understood not in their unity but in their dispersion, as that which construes precisely an understanding of ‘localization’ as a problem space for the historical, determined by a new encounter with the material conditions of documents, their discontinuities, ruptures and dispersions.<sup>36</sup>

It seems to me that Foucault’s tertiary spatiality in *The Birth of the Clinic* correlates with the fourth consequence he outlines in *The Archaeology of Knowledge*. We re-encounter that tertiary spatiality, “the locus of various dialectics: heterogeneous figures, time lags, political struggles, demands and utopias, economic constraints, social confrontations” (Foucault, 1973: 16), which is to say the complicating and discontinuous spaces of possible recognition of configurations and localizations, when Foucault introduces his fourth consequence, the emphasis he gives to the methodological procedures of archaeology. These new procedures open spaces of enquiry freed from the overarching rationalities and teleologies of historical developments. They also encounter precisely the open field of contingency or possibility in determining how spaces of configuration and spaces of localization coincide. We go on to discuss these procedures and their consequences.

### Archive, Episteme, Discourse, Historical a priori

Foucault uses the term archaeology as an open-ended project which forms a horizon of enquiry exploring discursive formations, analyses of “positivities,” “enunciative fields” and

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<sup>36</sup> This, in a sense, is how we need to approach the emphasis given by Kwinter to the notion of ‘flows’ in *Requiem for the City*: “the city [as] a perpetually organizing field of forces in movement, each city a specific and unique combination of historical modalities in dynamic composition” (58).

“historical a prioris” (Foucault, 1972). He links this to the idea of the archive: “Archaeology describes discourses as practices specified in the element of the archive” (131). This notion of ‘archive’ does not adhere, philologically, to our understanding of archive as *arche* or the idea of origins or beginnings, nor does it refer to geological excavation. Rather, as Elden suggests: “... in the sense he understands his research, it is closer to being an *archiveology*” (Elden, 2001: 54). Foucault notes in his ‘Introduction’ to *The Archaeology of Knowledge*:

There was a time when archaeology, as a discipline devoted to silent monuments, inert traces, objects without context, and things left by the past, aspired to the condition of history, and attained meaning only through the restitution of a historical discourse; it might be said, to play on words a little, that in our time history aspires to the condition of archaeology, to the intrinsic description of the monument (Foucault, 1972: 7).

Foucault begins by introducing a peculiar notion of discourse, a notion that, perhaps, had been most formalized by Émile Benveniste in his highly original publication, *Problems in General Linguistics* (1967, 1974).<sup>37</sup> Discourse becomes central as a theoretical rather than procedural problem within the general space of what Foucault terms those unsure frontiers of “the history of ideas, or of thought, or of science, or of knowledge” (21).<sup>38</sup> A first task was

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<sup>37</sup> Benveniste’s pioneering work on linguistics in the early to mid twentieth century placed a particular focus on what became known as ‘shifters’ or the performative role of pronouns and adverbial expressions such as ‘here’ or ‘there’ which are context dependent. This led Benveniste to a fundamental distinction between the ‘*énoncé*’ and the ‘*énonciation*’, a distinction famously taken up by the French structuralist psychoanalyst, Jacques Lacan, as the fundamental split in the subject constituted on the fact that the subject of enunciation never coincides with the enunciating subject. Thus, for Benveniste, there is a fundamental distinction between the context-free statements of language and the context-embedded discursive instances in the actualization of discourse. Language itself is thus fundamentally discourse. We recognise the extent to which Foucault engages, in his ‘discursive formations’, the statement as the anonymity of an ‘it is said’ of language that constitutes the subject position of a speaking being. We recognise the difficulty in separating archaeology from structuralism in the coincidence of Foucault’s engagements with discourse, *énoncé* and statement, all taken up in aspects of structuralism following from the work of Benveniste, though equally recognise that discourse, statement and enunciation cannot be reduced to the Saussurian categories of *langue* and *parole*. See particularly the Conclusion to *The Archaeology of Knowledge* for a peculiar exchange-with-himself by Foucault on the relation of Saussure’s *langue* and structuralism in general to his notion of discourse (Foucault, 1972: 199-201).

<sup>38</sup> Roberto Machado, in his essay “Archaeology and Epistemology” (1992), points out that in *The Order of Things* (1970), Foucault extends his previous readings of medicine and psychiatry which “...constitute what amounts to a general theory of human sciences” (1992:12). Foucault applies and formulates the archaeological method, which, for Machado, is quite distinct from the rest of his work prior or after. Central to the understanding of archaeology as a methodology is the role of *episteme*, best understood in terms of *savoir* or ‘theoretical’ knowledge (12). *The Order of Things* is presented as a history of theoretical knowledge (12). What is new to archaeology is that theoretical knowledge [*savoir*] has a positive nature: “... the sense attributed to it by epistemology – that is to say, as a quality specific to scientific discourse” (12). This positive science was to be distinguished from the positivism of structuralism, with which Foucault vehemently refused to be associated. Elden perhaps is correct to suggest that Foucault’s archaeological

to rid the notion of discourse of a range of negativities, all of those notions of unity, totality, spirit, origin, authorial intention, *oeuvre*, all of the configurations that would lead to continuities, causalities and finalities. What is then left of discourse? What is left is the evidential document in its positivity, what Foucault will call the “statement,” the “it is said”:

Once these immediate forms of continuity are suspended, an entire field is set free. A vast field, but one that can be defined nonetheless: this field is made up of the totality of all effective statements (whether spoken or written), in their dispersion as events and in their occurrence that is proper to them (26-27).

We commenced this chapter with a short epigraph from Foucault’s “Question of Method” interview and that quote commenced with the awkward term ‘eventalizing’. There is something essential to an understanding of discourse, statements, archive, enunciation and the ‘it is said’ that hinges on this notion of event, the ‘that it happens’ in its positivity of what will come to be encountered as documents. From the beginning, within the orbit of a concern with a ‘history of ideas’, Foucault’s focus was never on codifications of knowledge as the more or less totalising account of what would amount to truth. He was concerned with discourse, not as systematic recounting of what is, but as a practice among other practices. Hence an emphasis on ‘event’ is an emphasis on practices that determine in their heterogeneity, in what is, perhaps, an assumed or ideal space of their convergence but actually is in the radicality of their dispersions, how it is that formations of knowing or, more basically, words and things find their intersections. Hence, in *The Archaeology of Knowledge*, Foucault defines the statement, and again in three key modalities:

A statement is always an event that neither the language (*langue*) nor the meaning can quite exhaust. It is certainly a strange event: first, because ... it is linked to writing or the articulation of speech ... to the field of memory ... or other forms of recording; secondly, like every event, it is unique, yet subject to repetitions, transformations, and reactivations; thirdly because it is linked not only to the situations that provoke it, and

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work owed much to the French intellectual scene of the 1960s. However, Elden identifies two fundamental differences between structuralism and Foucault’s work (2001: 101). Firstly, structuralism tends to seek out *atemporal* structures minimising the importance of history, which is contrasted to Foucault’s archaeological method that approaches its target from a historico-ontological perspective (101). Secondly, while certain structuralists used spatial metaphors, Foucault conversely investigated actual spaces such as the prison, the clinic or the ship to contextualise the spaces of history (101). Rather than being shaped by structuralism, Foucault’s archaeological method is shaped by thinkers such as Althusser, Bachelard and Canguilhem. The other major influence is that of Nietzsche and Heidegger (97). Whilst much of his analysis focuses on the sciences, Foucault is able to analyse not only the epistemological figures and sciences through archaeology, leading to quite a different set of questions and orientations than a more orthodox history of ideas: “it is by questioning the sciences, their history, their strange unity, their dispersion, and their rupture, that the domain of positivities was able to appear, it is in the interstice of scientific discourses that we were able to grasp the play of discursive formations.” (Foucault: 1972: 195).

to the consequences that it gives rise to, but ... to the statements that precede and follow it. (28)

Without wanting to appear at all reductive with respect to Foucault's thinking, we may again find a resonance between these three conditions of the statement as event, and the three spatializations outlined in *The Birth of the Clinic*, spaces of configuration, as with the events of discursive formations of statements and constitutions of archives; spaces of localization, in the unique and singular encounter that is at the same time open to repetitions, variations and transformations; and spaces of procedures that enable situated emergence of statements, and their effects in constituting discursive regularities.<sup>39</sup> The archive is not a repository for the systematic storing or housing of statements. Rather it is the system of formation and transformation of statements. As Foucault suggests: "It designates the general theme of a description that questions the already said at the level of its existence: of the enunciative function that operates within it, of the discursive formation, and the general archive system to which it belongs" (1972: 131). The role of archaeology is at the level of the already-said. Hence the archive is a system that constitutes the space of what can be said: "The archive is the first law of what can be said, the system that governs the appearance of statements as unique events" (129).

Yet, we cannot separate Foucault's understanding of archive from the determination he made concerning the *a priori*. We understand by this term, precisely that which must come before experience in order that there is an essential systematicity to our forms of knowing. Hence, the Kantian *a priori* of Intuition, space and time, are 'innate' so to speak, and make possible any intuition of extension, or any experience of temporality.<sup>40</sup> Equally, the *a priori* of

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<sup>39</sup> On the issue of Foucault's 'thinking', whether we are 'reductive' or otherwise, we need to proceed with caution. This is the philosopher who opens his "Discourse on Language" (1972) with an appeal to an enigmatic anonymity: "I would really like to have slipped imperceptibly into this lecture, as into all the others I shall be delivering, perhaps over the years ahead. I would have preferred to be enveloped in words, borne away beyond all possible beginnings. At the moment of speaking, I would like to have perceived a nameless voice, long preceding me, leaving me merely to enmesh myself in it ..." (Foucault, 1972: 215). This is also the philosopher who concludes his text "What is an Author?" with suggesting on the one hand the "tiresome repetitions" of "Who is the real author? Have we proof of his authenticity and originality?" and "new questions" to pose: "What are the modes of existence of this discourse? ... What matter who's speaking?" (Foucault, 1977: 138). This is also the philosopher who read with Nietzsche that it is the body that forms the surface into which history is inscribed (Patton, 1979: 117). Thus we want to avoid approaching Foucault as if he is constituted in the continuity of an authorial presence, exemplified in the empirico-rationality of a transcendental ego.

<sup>40</sup> The standard reference here is Kant's *Critique of Pure Reason* (1985). In the "Transcendental Doctrine of Elements," Kant provides Part I and Part II. Part I concerns the "Transcendental Aesthetic" dealing with space and time and the *a priori*s of intuition. Part II deals with the "Transcendental Logic" whose First

Understanding are universal determinants whereby any particular intuitions are brought within the certainty of determinant judgement. Kant's transcendental Faculties rely on the internal systematicity of the *a priori*s, which are thus, as what comes before experience, atemporal and universal. Thus there is something quite incongruous with Foucault's introduction of the notion of 'historical a prioris'. Elden suggests:

Foucault accepts that juxtaposing these two words produces a 'rather startling effect' as the standard understanding of *a priori* is that it is ahistorical, absolute. Foucault's term does not simply mean that the *a priori* is also endowed with a history, rather he is introducing a notion of pluralism into the history of ideas, in that there have been several *a priori* structures in various disciplines, that conditioned possibilities in those subjects. This bears definite comparison with the understanding of the history of science found in Nietzsche and Heidegger. Foucault is, like Nietzsche and the later Heidegger, historicising the Kantian question. Foucault's understanding of the historical *a priori* does not function as 'a condition of validity for judgements, but a condition of reality for *énoncés*'. In other words he is not looking to see whether *énoncés* are true, but how they are possible. (Elden, 2001: 96)

While it is possible to have an archive of a particular period, culture, society, or civilisation it can never be totalising. Importantly, Foucault points out that it is not possible for us to discuss "our" present archive, as it is from the rules with which we speak that it gives to what we say the object of our discourse, with various modes of appearance, existence, co-existence and systems of accumulation, historicity and disappearance (Foucault, 1972). It is these that are shaped by historical *a prioris*, combining the objectivity of "*a priori*" which is *atemporal* and absolute, with the relativity of the "historical" (126-131). Foucault is able to illuminate the historical formations of *discursive practices* as not *atemporal* universal truths, but rather as shaped by the frameworks of knowledge, which exist within a particular epoch (Elden, 2001). It is this exploration of discursive formations and underlying structures of thought that led some commentators to link Foucault's work on archaeology with structuralism (Foucault, 1970: xiv). Foucault points out in *The Archaeology of Knowledge* that a single discursive field (such as architecture, or planning, or urban design) with its range of authors overlapping and communicating, forms a positivity of their discourse "...and the conditions of operation of the enunciative function" whether conscious of it or not, "... which defines a field in which formal identities, thematic continuities, translations of concepts, and polemical interchange may be deployed. Thus positivity plays the role of what might be called a *historical a priori*" (Foucault, 1972: 127).

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Division, "Transcendental Analytic" concerns the *a priori*s of Understanding. Hence, for Kant: "Space is not an empirical concept which has been derived from outer experience. ... Space is a necessary *a priori* representation" (Kant, 1985: 68).

## Foucault and Spatiality

In this brief, and partial, account of Foucault’s archaeology, I have been especially focused on bringing discussion back to what seems to me to be an insistent engagement with spatiality in Foucault’s work. In the next chapter, when we introduce Foucault’s understanding of power, and the relation he determined between power and knowledge, we will address more fully Foucault’s account of his orientation to questions of spatiality and the relative neglect given to space by European philosophy since the Enlightenment. Presently, I want to address specifically Foucault’s more overt engagement with questions of spatiality during the 1960s, where ‘space’ may be read as more than a convenient though crucial metaphor, as it possibly could in, for example, *The Birth of the Clinic*, with spaces of configuration, localization and procedure. I want to address specifically the introduction by Foucault of the notion of the heterotopia. Heterotopia is introduced in 1966 in the “Introduction” to *The Order of Things* (1970). Foucault is discussing what set him on the path to produce this book, with its curious approach to the question of a systematicity to knowing. It was a text by J.L. Borges, a certain “Chinese Encyclopaedia” that disturbed what we would take to be a natural order for the classification of things: “the taxonomy it proposes, lead to a kind of thought without space, to words and categories that lack all life and place, but are rooted in ceremonial space, overburdened with complex figures, with tangled paths, strange places, secret passages, and unexpected communication” (Foucault, 1970: xix). Here Foucault contrasts the *fabula* of spacing into utopias and heterotopias:

This is why utopias permit fables and discourse: they run with the very grain of language and are part of the fundamental dimension of the *fabula*; heterotopias (such as those to be found so often in Borges) desiccate speech, stop words in their tracks, contest the very possibility of grammar at its source; they dissolve our myths and sterilize the lyricism of our sentences” (xviii).

In that same year he delivered a two-part radio broadcast on the topic of heterotopias that opened to a different space of encounter than that found in *The Order of Things*. If this initial mention refers to textual space, or discursive spaces, his radio broadcasts engaged more with social space, or what Foucault comes to differentiate at the opening of *The Archaeology of*

*Knowledge* as the difference between the theoretical and the procedural.<sup>41</sup> Peter Johnson (2006) notes, concerning these broadcasts:

The brief 12-minute broadcast is fascinating as it follows the same shape as the later better-known lecture but with some distinctive features both in content and style. In particular, his opening illustrations of the concept refer to various children's games played on or under the covers of the parents' bed. The children's inventive play produces a different space that at the same time mirrors what is around them. The space reflects and contests simultaneously. (Johnson, 2006: 76)

On the enthusiastic reception of this broadcast by a number of French architects, in 1967 Foucault delivered a talk on the topic, *Des Espaces Autre*, "Of Other Spaces." It is not a notion that he directly engaged with again by name. It does not feature again as an invented concept in his work, though what that concept invents, I would suggest, never leaves his preoccupations. In fact, he was a little reluctant to have that lecture from 1967 published, and it was only close to his death that he gave permission, the text first appearing in translation in *Diacritics* in 1987. The heterotopic was enthusiastically received once published and appears in a number of further publications, with two alternative English translations and under two titles, the other one being "Different Spaces." Architects and Urban geographers, particularly from the 1990s, began working with this notion. With resurgence in Foucault studies in the first decade of this century, the heterotopic has become increasingly popular. There is a book-length study: *Heterotopia and the City: Public Space in a Postcivil Society* (2008), and numerous articles and references that attempt either to downplay the notion in light of it not being further deployed by Foucault, or to recognize its essential concern with Foucault's work from beginning to end.<sup>42</sup>

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<sup>41</sup> The opening sentence to Chapter One of *The Archaeology of Knowledge* (1972) notes: "The use of concepts of discontinuity, rupture, threshold, limit, series, and transformation present all historical analysis not only with questions of procedure, but with theoretical problems. It is these problems that will be studied here (the questions of procedure will be examined in later empirical studies ...)" (21). Thus, Foucault differentiates this methodological engagement from his earlier studies of madness, the clinic and transformations in the episteme, along with proposed future empirical studies. One then sees the initial introduction of the heterotopic as a 'theoretical problem' and his later presentation to architects more as procedural, though it would be a mistake to definitively draw a distinction here, as we see in his research after *The Archaeology of Knowledge* Foucault does not again attempt a purely methodological exposition.

<sup>42</sup> We have already briefly referenced Saldanha (2008) that engages a thorough critique of Foucault's writing on the heterotopic as enmeshed in structuralist and Hegelian legacies. The text strongly suggests that Foucault saw the dead end he had come to with this notion, which is why he never again referenced it directly: "From a close reading of Foucault's notes, and with the help of Deleuze, Derrida, and Althusser, it is suggested that the spatiality of Foucault's heterotopology repeats certain flaws of the structuralism in vogue in 1960s France" (Saldanha, 2008: 2080). Saldanha discusses critically some of the major adoptions of the heterotopic by other scholars, including Edward Soja's *Postmodern Geographies* (1989), *Thirdspace* (1996) and Soja's discussion of Lefebvre's adoption of the term. As well he discusses Hetherington (1997) and Casarino (2002). Johnson (2006) has an altogether different engagement with the

There's a surface reading to be done, without a doubt, as with the collection of articles in *Heterotopia and the City*, that finds in every shopping mall, gated community, multiplex cinema, theme park, cemetery, or gendered space an exemplary locus for pointing to the heterotopic.<sup>43</sup> Foucault made this surface reading easy. He suggests that we have spatial arrangements that we encounter in an everyday and unproblematic way, whose laws, procedures, norms and disciplines are in a ready-to-hand way, forgotten though enacted. Then there are other spaces, real spaces of occupation and habitation, whose procedures, disciplines, borders and laws have valence in contradistinction to all of the other real spaces we might inhabit. Hence, Foucault proceeds to give exemplars of such heterotopias under headings that include a range of spaces of deviancy, transgression, risk and play, along with what he terms spaces of 'other' times.<sup>44</sup> He emphasizes that heterotopias are not constants

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emergence of the heterotopic with Foucault. It was not the structuralist vogue of the 1960s but rather Foucault's close engagement with the works of Bachelard, Alexander Koyré (1957) and, especially, Blanchot's *The Space of Literature* (1986) and *The Most High* (1996). He also makes detailed comment on both Lefebvre's (2003) and Bakhtin's (1984) engagements with related terms, including a contrast between 'utopia and 'heterotopy' for Lefebvre.

<sup>43</sup> Having said that, I want to emphasise that this is yet an important book engaging essential Foucauldian scholarship. Its premise coincides to an extent with that of Kwinter (2010) on a requiem for the city or, in this case, for a city understood as the expression of civil society: "At the dawn of the twenty-first century, in the face of the war on terror, global warming as a planetary disaster and the obscene spreading of poverty turning our world into a 'planet of slums' (Davis 2006), this debate [over democracy and the welfare state] and the terms under which it was conducted increasingly sound like a requiem for a civil society. ... This requiem for the city, the lament of public space, placed the private-public dichotomy at centre stage, but has at the same time worn out its analytical force. ... It is on this treacherous terrain that Foucault's notion of heterotopia can shed a new light" (Dehaene & De Cauter, 2008: 3). There are three trajectories to this edited collection: (i) the reinvention of the everyday; (ii) the privatization of public space; (iii) post-civil society: heterotopia versus the camp, an allusion to Agamben's *Homo Sacer* (1998). This trajectory is a powerful one when read closely in conjunction with Foucault's lecture courses 1977-1979 at the *Collège de France*, on the emergence of liberalism, and especially neo-liberalism in the twentieth century and its relation to the governmentality of the Welfare State. Indeed, introducing the thinking of the heterotopic into the question of governmentality is original and important. Though the texts in this collection, for the most part, do not engage sufficiently with that material. They are more 'procedural' in Foucault's distinction, than 'theoretical', more empirical and form-analysis driven engagements with urban structuration. This, basically, is my criticism.

<sup>44</sup> "Of Other Spaces" is reprinted in Dehaene & De Cauter (2008). I will use this reference in the following discussion. Foucault offers six "principles" for providing definition of heterotopias (18). The first principle is that heterotopias appear in all cultures that may initially have been "heterotopias of crisis" that are fast disappearing and now becoming "heterotopias of deviation" (18). The second principle holds that a heterotopia, over time, may vary its function within a society. Third principle concerns heterotopias that juxtapose in a single real space "several emplacements that are in themselves incompatible" (19). The fourth principle opens the space of the heterotopic to time, to "heterochronisms" (20). Fifth principle alerts us to the fact that certain real spaces are at once isolated and penetrable, either through constraint or through rites of passage (21). The sixth and last principle suggests that heterotopias have a function in relation to the rest of space, either as a place of illusion, exposing all real spaces as even more illusory, or a

but vary from culture to culture and may emerge and vanish. Examples he gives are cemeteries, motels, military barracks, boarding schools, parks, ships, ports, brothels, libraries, and cultural theme villages. There is little wonder that spatial disciplines have enthusiastically encountered the heterotopic proliferating as the urban itself. This is particularly so given that the laws by which we come to understand urban assemblage have been trembling in seismic registers, under the shock of cultural philosophy's destructuring of foundations everywhere.

Foucault produces this text on the heterotopic at an interesting moment, one that encounters heterogeneity in his own work, construing a *topos*, a spacing that deserves some attention. On the one hand, Foucault was close to a body of writing engaging the philosophico-literary figures of Klossowski, Roussel, Bataille but especially Blanchot.<sup>45</sup> On the other hand, Foucault was deeply engaged in the enormous legacy, in France at least, of the thinking of Canguilhem's *On the Normal and the Pathological* (1978). "Of Other Spaces" construes a peculiar and difficult intersection of essential concerns of Blanchot and Canguilhem, concerns with an understanding of spatiality that come from the most exhausting engagements we see with Blanchot's somewhat Heideggerian encounter with the space of writing, with the withdrawal of Being (the outside) and the locus of the outside of the outside. This is explored in Foucault's "Maurice Blanchot: The Thought from Outside" (1987)<sup>46</sup> But there is also concern with something essential to a question of life, the living,

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space of definite order, in relation to the disorder of all other places as a space of compensation. Foucault concludes: "The ship is the heterotopia par excellence. In civilizations without boats, dreams dry up, espionage replaces adventure, and the police the pirates" (22).

<sup>45</sup> Faubion's edited volume 2 of the *Essential Works of Foucault 1954 – 1984* (Foucault, 1998) has a good collection of Foucault's writings on Bataille, "A Preface to Transgression" (69-87); Roussel, "Speaking and Seeing in Raymond Roussel" (21-31); Klossowski, "The Prose of Actaeon" (123-135); and Blanchot, "The Thought of the Outside" (147-169). For a comprehensive discussion of Foucault's relations to these thinkers, see Eleanor Kaufman, *The Delirium of Praise: Bataille, Blanchot, Deleuze, Foucault, Klossowski* (2001).

<sup>46</sup> I want to draw out the coincident mention in Foucault's text on Blanchot and in his lecture on the heterotopic, of the crucial notion of 'emplacement'. The discussion that mentions emplacement in "The Thought from Outside" (1987) opens a crucial way to think what is ultimately at stake in what Foucault understands as 'other' spaces. As we have emphasized throughout this chapter, there is something crucial for Foucault in engaging spatialization and verbalization that is essential in his encounter with contemporary literature or fiction: "In fact, the event that gave rise to what we call 'literature' in the strict sense is only superficially an interiorization; it is far more a question of a passage to the 'outside': language escapes the mode of being of discourse—in other words the dynasty of representation—and literary speech develops from itself, forming a network in which each point is distinct, distant from even its closest neighbors, and has a position in relation to every other point in a space that simultaneously holds and separates them all" (12). Already we have the dynamic register of the heterotopic, where each real space of otherness has a relation to all other spaces, crucially considered not from the totality of a structuralist framework but rather from a peculiar understanding of language as neutral void: "The reason it is now so

the true and error as Canguilhem engaged fundamentally a reversal of our approach to the normal and the pathological, explored in Foucault's "Georges Canguilhem, Philosopher of Error" (1980). We note the curious reference to "demography" as the milieu in which the "problem of place or emplacement arises" (Foucault, 2008: 15). It is, perhaps, here in a confluence of Blanchot and Canguilhem that we are able to recognise the emergence of "biopower" as a paradigmatic ontology for Foucault. In short, "Of Other Spaces" engages the fundamental pathologies of spatiality, out of which, and through constant errancy, we construe the normal.

Foucault emphasizes the placeless place in Blanchot's fictions: not showing the invisible but showing the extent to which the invisibility of the visible is invisible. One is irreducibly outside the outside. Attraction is precisely that signifying regime that makes clear the outside is there, open but inaccessible: hence, from sign to 'clue' to an enigma. The outside never yields its essence. But it is always distraction and error that carry the person forward. It would have been better to have-stayed-put. Foucault uses the notions of zeal and solicitude to suggest *that* attraction to not staying put, a kind of withdrawal of withdrawal, in finding ourselves on the outside of the outside. What we think concealed we think is elsewhere. We repeat ourselves. There's carelessness to this, negligence, a constant errancy all the while we move with zeal and solicitude. Everything seems to be an intentional sign, secret dialogue, spying or entrapment. Yet negligence remains indifferent to what can manifest or conceal, in that any gesture takes on the value of a sign. This is Foucault on Blanchot. Narrative

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necessary to think through fiction—while in the past it was a matter of thinking the truth—is that 'I speak' runs counter to 'I think'. 'I think' led to the indubitable certainty of the 'I' and its existence; 'I speak', on the other hand, distances, disperses, effaces that existence and lets only its empty emplacement appear" (13). We go now to "Of Other Spaces" (2008): "Today the emplacement substitutes extension [another register for the displacement of a Cartesian 'I think'], which itself had replaced localization. The emplacement is defined by relations of proximity between points or elements ... In a still more concrete manner, the problem of place or the emplacement arises for mankind in terms of demography" (15). Foucault goes on to emphasise that it is not "inner space" that concerns him, but "outer space" by which we understand a radical though real otherness, "absolutely other emplacements" (16-17). We note in passing, though it could be a topic for considered discussion, the series of exchanges between Elden and Jeff Malpas on the relations between Foucault and Heidegger. Their tussle settles at one point on who has the better translation, or nuanced reading of Foucault's deployments of "espacement" (Elden, 2003; Malpas, 2003): "The French word *espace* has a much wider range of meanings than the English "space," and some of those meanings can be understood as akin to our notion of "place." Indeed, the lecture "Of Other Spaces" is a case in point. The French title is "*Des Espaces Autres*," but as this term is a translation of the key term *heterotopias*, we would not be inaccurate to translate it into English as "Of Other Places." To police this largely English distinction in a foreign language is enormously problematic—while it may work in German, or at least here in Heidegger's thought; it would be to read a problematic into Foucault that is not there" (Elden, 2003: 222).

unfolds a placeless place between the narrator and an inseparable companion who does not accompany him; separating a speaking “I” from the “he” he is in his spoken being. It speaks.

As for Canguilhem, life is that which is capable of error, the question of anomaly traverses the whole of biology.<sup>47</sup> Life concludes in man with a living being who never finds himself wholly in his place, a living being dedicated to err at the root of what makes human thought and its history: error intrinsic to life. Yet error is the permanent chance, tracing out the presence of value and the norm. It is that chance, in errancy, that we see played out in Foucault’s discussion of the possibility of other spacings. And it is for this reason that we must suspend in a way what we might simply take to be a metaphorical allusion to spatiality, with respect to the question of knowing, as distinct to practices or gestures. As we are by now aware, Foucault precisely problematizes the spatialities of ‘configuration’ and ‘localization’. Thus the heterotopias of ‘other’ spaces, real other spaces, apply as much to his concerns with *The Order of Things*, as they do with a medical gaze or disciplinary procedures. This double spacing of errancy that we find in Blanchot and that is essential to Canguilhem gives us the specific approach to an understanding of Foucault’s analytics of the episteme in *The Order of Things*:

...such an analysis does not belong to the history of ideas or of science: it is rather an inquiry whose aim is to rediscover on what basis knowledge and theory became possible; within what space of order of knowledge was constituted; on the basis of what *historical a priori*, and in the element of what positivity, ideas could appear, sciences be established, experience be reflected in philosophies, rationalities be formed, only, perhaps, to dissolve and vanish soon afterwards. I am not concerned, therefore, to describe the progress of knowledge towards an objectivity in which today’s science can finally be recognised; what I am attempting to bring to light is the epistemological field, the *episteme* in which knowledge, envisaged apart from all criteria having reference to its rational value or to its objective forms, grounds its positivity and thereby manifests a history which is not that of its growing perfection, but rather that of its conditions of possibility; in this account, what should appear are those configurations within the *space* of knowledge which have given rise to the

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<sup>47</sup> Foucault (1980) suggests: “The biologist has to grasp what makes of life a specific object of knowledge and, through this, what brings it about that there are, within the realm of living beings, beings which, because they are living, are susceptible of knowing, and of knowing, in the final account, life itself” (59). We can again recognise a displacing of the Cartesian tradition of the certitude of an ‘I think’ in Canguilhem’s philosophy of error: “Phenomenology may well have introduced the body, sexuality, death, the lived world in the field of analysis: the Cogito still remained central here; neither the rationality of science nor the specificity of the sciences of life were able to compromise its founding role. It is to this philosophy of meaning of the subject and lived experience that Georges Canguilhem has opposed a philosophy of error, of the concept and of the living” (61-62).

diverse forms of empirical science. Such an enterprise is not so much a history, in the traditional meaning of the word, as an ‘archaeology’.” (Foucault, 1970: xxi-xxii)

“Jurisdictions” is hardly the last word on Foucault. The word itself was destined to disappear, just as the heterotopic did in the spaces of the said of a Foucauldian archive. We need to remember that the archive is not the totality of things said or recorded but the line of variation or systemic ordering of transiency and appearance in a language that approaches not the interiority of an essential thinking but the outside of a voided emplacement. It is in the figure of that radical exteriority that Foucault will come to discern how force engages force as productive capacity, how power is to be understood in relation to language and space.

This chapter, “Jurisdictions,” has focused especially on Foucault’s work of the 1960s. My aim has been twofold in doing this. On the one hand I have aimed at introducing the degree to which Foucault’s concerns, from the beginning, have been with fundamental questions of how spatializations and verbalizations find a coincidence, and hence the extent to which Foucault is a critical thinker of spatiality. In this his thinking is a provocation to questions of thinking the urban. On the other hand, I have been concerned with drawing out a question of method, or methodological procedures that engaged Foucault and that I want to draw on for this thesis research. Early in the chapter, I emphasised that the terms “jurisdiction” and “veridiction” do not refer so much to themes or already determined forms of knowing, but rather they refer to procedures, conducts and problems: to how we proceed with what he have at hand. This suggests that our object of research, “the city,” is provisionally determined in a study that problematizes precisely the frailty of our methods for uncovering its contours.

I have emphasised, from Foucault’s *The Birth of the Clinic*, three frames or registers that appear paradigmatic for much of his engagement, concerning a problematizing of relations between three heterogeneous locales: those of particular discursive rationalities, those of localizations of practices, and those of procedural and regulatory spacing. I have suggested that Foucault’s engagements with Blanchot and Canguilhem established the complexity of his understanding of spatiality and language in terms of the determination of a history of practices that at once constitute a history of errancy rather than truth, and a history of exclusions, or margins, rather than stable grounds. In the following chapter, “Veridictions,” I focus especially on Foucault’s shift to questions of power, the influence of Nietzsche on his understanding of genealogy, and the development for Foucault in the late 1970s of the

notions of “governmentality” and “biopower.” In discussing these developments in Foucault’s work, we recognise the extent to which his research increasingly comes to engage the urban as object for analysis.

# Chapter Two

## *Veridictions*

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### *Veridictions*

#### Aleatory Language

Here is the hypothesis I want to advance, tonight, in order to fix the terrain—or perhaps the very provisional theatre—within which I shall be working. I am supposing that in every society the production of discourse is at once controlled, selected, organized and redistributed according to a certain number of procedures, whose role is to avert its power and its dangers, to cope with chance events, to evade its ponderous, awesome materiality. (Foucault, 1972: 216)

On the second of December 1970, Foucault delivered his inaugural address, “The Discourse on Language,” in taking up his Chair at the *Collège de France*, at that time vacant due to the death of the distinguished Hegel philosopher, and supervisor of Foucault’s minor thesis, Jean Hyppolite.<sup>1</sup> In an extraordinary delivery, Foucault set out his agenda and directions for the future contributions he intended to make at the *Collège*.<sup>2</sup> We see in one of his opening remarks, quoted above, what is perhaps the first clear conjunction of discourse and power, discourse that is “at once controlled, selected, organized and redistributed ... to avert its power and danger” (216). He introduces the notions of a “will to truth” and a “will to knowledge” that: “thus relies upon institutional support and distribution, tends to exercise a sort of pressure, a power of constraint upon other forms of discourse” (219). We see here the early formulation of what comes to preoccupy Foucault’s research, the development of

<sup>1</sup> Foucault’s minor thesis on Kant’s anthropology was undertaken under Jean Hyppolite. It is published by Semiotext(e) under the title, *Introduction to Kant’s Anthropology* (2008).

<sup>2</sup> In a Foreword to each volume of the publication of Foucault’s *Collège de France* lectures, François Ewald and Alessandro Fontana provide a brief summary of Foucault’s tenure at the *Collège* (for example, Foucault, 2008: xiii-xvii). His Chair, “The History of Systems of Thought” was created in 1969, replacing Hyppolite’s “The History of Philosophical Thought.” Foucault taught from January 1971 until his death in June 1984 (xiii). He was required to provide 26 hours of teaching a year, divided between lectures and seminars, disseminating research undertaken during the previous year. Hence, no lecture series could be repeated. Foucault’s lectures generally commenced early January and concluded in March.

an understanding of the complex of relations that operate between an exercise of power and forms of knowing.

Already in “The Discourse on Language,” at this moment we recognise how Foucault considers that relation between power and knowledge to implicate the institutional. The term Foucault will come to use is “dispositif,” a word variously translated, often as “apparatus,” or at times in English translations left in its original French. In this chapter we will discuss this notion and various critical engagements concerning its meaning and centrality to Foucault’s thinking and the ways it has been problematized in discourses on the urban and urban planning, particularly in the articulation of the notion of “apparatus” in Foucault’s “apparatuses of security” central to his problematic of the emergence of liberalism and governmentality. However, initially I want to introduce succinctly the radical innovation Foucault develops for an understanding of power, and the manner whereby his primary concerns with spatialization and verbalization in archaeology become, more so, concerns with spatialization and the *productions* of ‘verbalizations’ as a will to knowledge via an exercise of power, at once diffuse, general and unknowable.

I have named this chapter ‘Veridictions’ as a complement to Chapter One’s ‘Jurisdictions’. I am aware of the methodological precision with which Foucault will have defined these two terms, in a general though concise summary of his overall project: how it is that discourse at once fills and empties our encounter with things, and finds those spaces in which words resound with the character of providing substance and sustenance to a will to knowledge; and, on the other hand, how such a will to knowledge cannot escape an exercise of power that is also a will to truth, thus how words in the hollow they carve into things, through that empty spacing of language, also become, through an exercise of power, the fullness of games of the true and the false. If jurisdictions concern themselves with the resounding spaces that cohere verbalizations in their configurations, localizations and procedures, then veridictions concern that exercise of power, those forces or force against force that is productive of a will to know coincident with a will to truth. Hence, our concern in this chapter is with genealogy, power and self. And, as we emphasised at the conclusion to Chapter One, neither of these terms, as concise and definite as they were momentarily in an interview in 1977, ever really found their expression again in Foucault’s pronouncements on methodology or on an understanding of relations between truth and power.<sup>3</sup>

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<sup>3</sup> We need to recognize the significance of Nietzsche for Foucault at this time. In 1971 he had published a brief essay on Nietzsche, “Nietzsche, Genealogy, History,” in a collection of essays in memory of Jean

## Truth and Power

In a 1977 interview, “Truth and Power,” that appears in translated form in Gordon’s *Power/Knowledge* (1980) Foucault notes:

In defining the effects of power as repression, one adopts a purely juridical conception of such power, one identifies power with a law which says no, power is taken above all as carrying the force of a prohibition. Now I believe that this is a wholly negative, narrow, skeletal conception of power, one which has been curiously widespread. If power were never anything but repressive, if it never did anything but to say no, do you really think one would be brought to obey it? What makes power hold good, what makes it accepted, is simply the fact that it doesn’t only weigh on us as a force that says no, but that it traverses and produces things, it induces pleasure, forms knowledge, produces discourse. It needs to be considered as a productive network which runs through the whole social body, much more than as a negative instance whose function is repression. (Foucault 1980: 119)

We note, initially, Foucault’s early understanding of power in relation to discourse, developed in 1970, which saw power as primarily a controlling mechanism in the production of a will to truth. We may contrast this to the position outlined above, wherein power has become a positive notion in the sense that power is primarily not that which curtails freedom, but that which produces knowing subjects. But in this formulation it is necessary to radically reconsider the very notion of freedom.<sup>4</sup> We need to account for that

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Hyppolite. This is an important text, indicating the extent to which Foucault now begins to concern his understandings of archaeology, the document and the anonymity of the statement in terms of a Nietzschean understanding of power, expressed in Nietzsche’s own understanding of ‘genealogy’. Thus Foucault’s text opens: “Genealogy is gray, meticulous, and patiently documentary. It operates on a field of entangled and confused parchments, on documents that have been scratched over and recopied many times. ... [Genealogy] opposes itself to the search for origins” (Foucault, 1998: 369-370). It is with this essay we recognize a shift from archaeology’s concerns with a spatialization and verbalization, the “it is said” of statements and discursive formations, to an altogether different localization of the anonymity of bodies and modes of inscription: “The body is the surface of the inscription of events (traced by language and dissolved by ideas), the locus of the dissociation of the Me (to which it tries to impart the chimera of a substantial unity), and a volume of perpetual disintegration. [Genealogy’s] task is to expose a body totally imprinted by history and the process of history’s destruction of the body” (375-376). Concern is no longer with the time of origin but with a particular understanding of space, an understanding of space we have already encountered in Foucault’s reading of Blanchot: “As descent qualifies the strength or weakness of an instinct and its inscription on a body, emergence designates a place of confrontation, but not as a closed field offering the spectacle of a struggle among equals. Rather, as Nietzsche demonstrates in his analysis of good and evil, it is a ‘nonplace’, a pure distance, which indicates that the adversaries do not belong to a common space” (377).

<sup>4</sup> In a pair of lectures delivered in 1976, published in *Power / Knowledge* (1980) as “Two Lectures,” Foucault provides a detailed account of a moment of transformation in his thinking on power and its

rethinking of an understanding of power and its relation to knowing. We note that between the publication in France of *The Archaeology of Knowledge* in 1969 and Foucault's next major publication, *Discipline and Punish: The birth of the prison*, there is a seven-year 'gap'. It is the researching of *Discipline and Punish* that constituted the fundamental ground for Foucault's shift. On the face of it that book's title is not so different from his book on the clinic or even his book on epistemic shifts, each with a subtitle on a 'birth'. Yet there is something that significantly shifts in his analysis, and there is something that is central to a concern with architecture and the urban at the core of this shift. Initially we will say something more about Foucault's understanding of 'power' and then discuss further how these are engaged in his research on what he will term "disciplinary mechanisms" (Foucault, 1977: 211).

Our inherited ontologies of power suggest clearly that it is a substance. The sovereign has power invested in his (mostly it is 'his' rather than 'her') body. With the power of the monarch, such substantial power is bestowed or distributed. It is an absolute right over life and death. Foucault's understanding of power is a curious one. His concerns have been with the transformations, particularly during the seventeenth to nineteenth centuries, of this ontology of power to a completely different ontology. At times he will say he is totally uninterested in defining what power is and in this sense the whole thing does not interest him at all. But by this he means that power is not a substance that one has or does not have, and hence a substance that requires definition.<sup>5</sup> By the nineteenth century, power is not a

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mechanisms. Firstly, he suggests two general schemas of power, the "contract-oppression schema" we associate with sovereign judicial-political power, and "domination-repression" or "war-repression" schema that Foucault began to develop in working with Nietzsche. He goes on to suggest the need to abandon both schemas altogether, and thereby rethink how the question of freedom might be thought other than by way of an original right given up in the establishment of sovereignty (91-92). In the second of the lectures, Foucault introduces what he terms a "non-sovereign power" (105). It is this positive exercise of power that constitutes what Foucault terms "a society of normalization" that comes increasingly into conflict with judicial systems of sovereignty, requiring an arbitrating discourse that constitutes itself as neutral. This is the role of science in the discourses of the human sciences (107). Medicine principally takes up this role: "The developments of medicine, the general medicalization of behaviours, conducts, discourses, desires etc., take place at the point of intersection between two heterogeneous levels of discipline and sovereignty." With this, Foucault comes to recognize that freedom coincides with the productive techniques, strategies and discourses of disciplinary normalization more so that with a notion of an inalienable freedom that sovereign power curtails or represses or makes available.

<sup>5</sup> By 'substance' we are suggesting a very particular understanding. Foucault wants to move away from considering power as something one possesses or holds. Again in "Two Lectures" (1980), he notes in the context of orthodox Marxist understandings of power: "By that I mean that in the case of the classic, juridical theory, power is taken to be a right, which one is able to possess like a commodity, and which one can in consequence transfer or alienate, either wholly or partially, through a legal act or through some act that establishes a right, such as takes place through cession or contract. Power is that concrete power, that which every individual holds, and whose partial or total cession enables political power to

substance that can be held or not held even if orthodox political theory maintained continuity with this sovereign understanding. Thus, for example, Foucault's troublesome relation to Marxism, which maintained a substantive ontology of power, as with the working class seizing control of the State.<sup>6</sup> If power is not something that one has or does not have, then what is it? Foucault emphasises, even as early as 1970, it is something exercised, not held.<sup>7</sup> This means its existence does not and cannot precede productive action. Moreover, power is invisible and unknowable except through the counter-forces of resistances. If there are no resistances, then the exercise of power is unknowable. Is it any wonder that the philosopher Hubert Dreyfus suggested that what power is for Foucault, being is for Heidegger (Dreyfus, 1992)?<sup>8</sup> Foucault notes in "The Subject and Power," an afterword to Dreyfus and Rabinow (1982)

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sovereignty to be established" (88). It is this 'substance' that Foucault will dissolve. The whole question of 'substance' becomes complicated when we engage in a broader discussion of Foucault in relation to the political engagements by Deleuze, Deleuze & Guattari, as well as by theorists such as Antonio Negri. The complication stems from the latter's engagements with the philosophical writings of Baruch Spinoza and especially with what is understood by Spinoza as 'substance'. In Deleuze and Negri's terms, Foucault's ontology of power may be said to engage a Spinozian understanding of substance (Deleuze, 1990; Negri, 1991).

<sup>6</sup> With Marxism, Foucault recognizes the extent to which political theory makes a decisive break with orthodox understandings of judicial-sovereign relations of power. Yet, what replaces that model equally engages a substantive understanding of power, reduced not to the role of the sovereign but to the role of the economy: "The economic functionality is present to the extent that power is conceived primarily in terms of the role it plays in the maintenance simultaneously of the relations of production and of class domination which the development and specific forms of the forces of production have rendered possible" (Foucault, 1980: 88-89). He goes on to ask whether we today have available non-economic analyses of power, to which he answers: "there are very few" (89). What would such an analysis mean? What would be its parameters?: "We have in the first place the assertion that power is neither given, nor exchanged, nor recovered, but rather exercised, and that it only exists in action" (89)— which is to say, in force against force, in what a body does, in a body's resistances.

<sup>7</sup> Though Foucault does emphasise in "The Order of Discourse" (1972) a prohibitive and exclusionary exercise of power, rather than strictly a productive one, crucially, that exercise is not reducible to a judicial structure or an economic determinant in the last instance. Rather, these substantive structures are explicitly problematized in a delivery that emphasizes more so the anonymity, dispersion and non-place that constitutes the locus of power's exercise.

<sup>8</sup> At a colloquium on Foucault in January 1988, the American philosopher Hubert Dreyfus presented what proved to be a controversial and disputed paper, aimed at exploring a possible alignment between Heidegger's notion of being and Foucault's understanding of power: "Heidegger offers a history of Being (*Seinsgeschichte*) in order to help us understand and overcome our current technological understanding of Being; and Foucault analyses several regimes of power in the course of his genealogy of the biopower which, he claims, dominates modern life" (Dreyfus, 1992: 80). Dreyfus reminds us of Foucault's late admission: "For me Heidegger has always been the essential philosopher. ...My entire philosophical development was determined by my reading of Heidegger" (Foucault, 1985: 8, cited in Dreyfus, 1992: 80).

The exercise of power is not simply a relationship between partners, individual or collective; it is a way in which certain actions modify others. Which is to say, of course, that something called Power, with or without a capital letter, which is assumed to exist universally in a concentrated or diffused form, does not exist. Power exists only when it is put into action, even if, of course, it is integrated into a disparate field of possibilities brought to bear on permanent structures. This also means that power is not a function of consent. In itself it is not a renunciation of freedom, a transference of right ... (219-220)

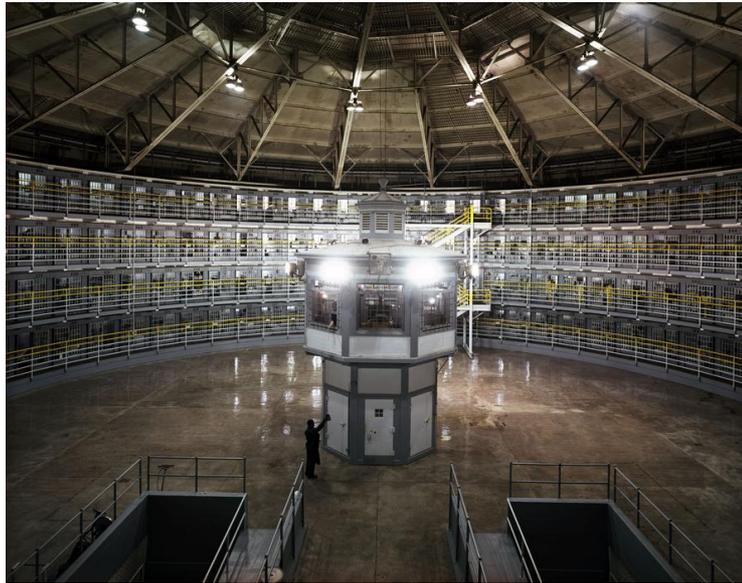
In this text, Foucault emphasises the notion of “conduct” as a way to discuss power: “Perhaps the equivocal nature of the term *conduct* is one of the best aids for coming to terms with the specificity of power relations” (220). By this he means power is a way of “acting upon an acting subject ... a set of actions upon other actions” (219). This notion of the “action on action” or the conduct of conduct is precisely how Foucault develops his understanding of governmentality, that emerges from his *Collège de France* lecture course of 1977-78, *Security, Territory, Population* (2007). We will discuss in more detail how Foucault develops an understanding of the problematic of governmentality from his work on disciplinary mechanisms towards the end of this chapter. But we note at this point the extent to which the very problem field of governmentality takes up for Foucault a continuation of the enigmatic difficulty of discussing power as a non-substantial relation.

## Discipline

The central chapter of *Discipline and Punish* is titled “Panopticism.” That chapter commences with a spatial problem concerning what happens to the town, the spatialization of the urban, when it is invaded by Plague.<sup>9</sup> At once we have the codifications of a medical gaze,

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<sup>9</sup> For a detailed discussion of Foucault on the plague in terms of power / knowledge, see “Foucault, Plague, Defoe,” McKinlay (2009). The text reads across Foucault’s accounts of disciplinary measures with plague towns and Daniel Defoe’s fictional Journal account of the London Plague (1722). These are further contrasted to the 1830 Cholera epidemic in Europe, and a repeat epidemic in the 1850s. McKinley notes that as late as the 1830s, procedures were still as Dafoe reported from the eighteenth century and Foucault analyses in his lectures. However by the 1850s we see a comprehensive statistical approach to medicine for epidemics. Political medicine displaces the model of a city under siege, when population becomes a governable object: technologies of population. By 1860 social mathematics displaces ‘miasma’ as a diagnosis and the basis of disease control, with the regulation of water supply, sewerage and regulation of food supply as key techniques of social control, that is, biopower: discipline and pastoral care. In this the city becomes a site for statistical accumulation, a laboratory for rethinking power / knowledge, while the market fills up the space of positivity left in the annulling of epidemic as the centralizing locus of social mathematics. We discuss this in detail in Chapter Four of this thesis.



*Figure 4. DuBois, D. & Goldberg, J. (2002). Stateville Prison, F House, Illinois. Cell House based on Jeremy Bentham's 1787 plan of the Panopticon. Magnum Photos.*



*Figure 5. DuBois, D. & Goldberg, J. (2002). Stateville Prison, F House, Illinois. Prisoner. Magnum Photos.*

but also the acuteness of spaces of pathologies, brought to a general question of the conduct of conduct. How are the actions of subjects, individually and collectively affected and effected by actions or conducts that Foucault will call disciplinary? Hence Foucault's detailed descriptions of confinement: "Firstly, a strict spatial partitioning: the closing of the town and its outlying districts, a prohibition on leaving the town on pain of death, the killing of all stray animals; the division of the town into distinct quarters, each governed by an intendant. ... Inspection functions ceaselessly. The gaze is alert everywhere" (Foucault, 1977, 195). Foucault contrasts the management of Leprosy and the management of Plague. The leper was banished from the town, an outside exile; the plague victim was constricted and confined according to a meticulous order of surveillance: "The leper and his separation; the plague and its segmentations ... The first is that of pure community, the second that of a disciplined society" (198).

Hence, through accounts that are primarily those of the required spatial ordering of emerging urban habitation during the seventeenth century, Foucault develops his understanding of discipline and disciplinary mechanisms (Stein & Harper, 2003; Kornberger, 2012; Gallagher, 2008; Jessop, 2007; Lemke, 2010, 2011; Collier, 2009; Dupont & Pearce, 2001; Donzolet, 2008). They are not simply the application of a judicial order, the enforcement of law. Rather, they concern fundamentally something that is productive, despite what appears a negative connotation with the word discipline. Foucault begins here to recognise how social constructions of normativity, that engage the exercise of power, fundamentally engage different aims and procedures than juridical discourses that determine the subject of right (Lemke, 2011).<sup>10</sup> Between the discourse of right and procedures of normalisation Foucault will increasingly find a fundamental division that required accounting for. This would coincide with our understanding developed in the last chapter between spaces of configuration that define rational discourses and spaces of localization that constitute practices of and on bodies. Disciplinary mechanisms engage bodies, not in the form of legal subjects of right vested with a stake in a social contract and sovereign power, but as more or less resistive entities subject to pathologies and amenable to

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<sup>10</sup> Lemke (2011) emphasizes that Foucault does not abandon a discourse of right, that is, a sovereign discourse of power, but rather provokes and invokes a singularity and not a universality of rights, a contingency of the universal. He invokes what he terms a 'right of the governed' understood as an imposition of rights and not their elimination but with a focus on difference rather than identity, giving rise to deviations linked to behaviours rather than to legal formulations, as in law-norm relations. Rights are thus immanent and not transcendent to power relations. See *The Birth of Biopolitics*, Lecture 7 March 1979, note 11 for mention of the first time Foucault theorizes the "right of the governed (...) more precise and more historically determined than human rights" (Foucault, 2008: 208-209).

techniques of normalization. Between norms and rights there lies a third space of strategies or strategic practices that mobilize techniques such as disciplinary procedures at times adhering to juridical rights and at times becoming indifferent to them or working against them.

Foucault suggests that there was the emergence of a single architectural figure, a technique or technology of spatial confinement that more or less summed up this complex relation between the distributions of sovereign rights and the normalization of pathologies. This was Jeremy Bentham's Panopticon.<sup>11</sup> If I can provide an extended passage from Foucault:

The constant division between the normal and the abnormal, to which every individual is subjected, brings us back to our own time, by applying the binary branding and exile of the leper to quite different objects; the existence of a whole set of techniques and institutions for measuring, supervising and correcting the abnormal brings into play the disciplinary mechanisms to which the fear of the plague gave rise. All the mechanisms of power which, even today, are disposed around the abnormal individual, to brand him and to alter him, are composed of those two forms from which they distantly derive.

Bentham's *Panopticon* is the architectural figure of this composition. We know the principle on which it was based. ... All that is needed, then, is to place a supervisor in the central tower and shut up in each cell a madman, a patient, a condemned man, a worker or a schoolboy. ... The panoptic mechanism arranges spatial unities that make it possible to see constantly and to recognise immediately. (199-200).

As I have emphasised, essential to discipline as an exercise of power, as an action on actions, is its producing of subjects precisely as subjects of normalization, which is to say 'subjects' understood bodily and not as juridical entities. While the architecture is a corrective apparatus, a machine, it works bodily; it individuates and corrects body abnormalities. Foucault recognises that broad and diffuse social functioning happens as a complex series of such 'machines' that enact an exercise of power, which means they engage human actions, as potentials, within correctional or normalizing procedures, techniques and milieus. We cannot localize power in any one place. It does not reside in the central guard tower; after all, as Foucault stresses, the guards are as much caught in the architectural mechanism as the prisoners. They too are productively normalised by the technology or apparatus.<sup>12</sup>

<sup>11</sup> For a particularly detailed discussion on Foucault's engagement with Bentham's panopticon and on Bentham's original plan, inspired by his brother's factory in Russia, see Paul Patton, "Of Power and Prisons," (Patton, 1979).

<sup>12</sup> The Foucault interview "The Eye of Power" (Foucault, 1980: 146-165) concludes with the following exchange between Michelle Perrot and Foucault: (Perrot) "In other words, coming back to the

We quickly recognise the extent to which Foucault's discussions of disciplinary mechanisms, the twin measures against the leper and the plague victim, and the emergence of panopticism are able to become powerful analytical tools for rethinking the structuration of the city.<sup>13</sup> We do not say there is a simple correlation between what one might call a 'structure' of power and a structuring of the urban, or even the ontology or ontological grounds for how the urban begins to be thought. The mediating or intermediary requires us to emphasise that power is practiced in order to be knowable and its practices are spatialising. In the chapters that follow, a key concern is to correlate practices with an exercise of power coterminous with urban formation. This begins, though, with a fundamental reorientation to an understanding of power and how power and space construe their relations, and therefore how power, space, knowledge and self have radically new determinations. These issues are briefly introduced in a short interview with Foucault, "The Eye of Power," translated in Gordon's *Power/Knowledge* (1980). In particular, Foucault here emphasises the relative importance of engaging with questions of space in his research:

Among all the reasons which led to space suffering for so long a certain neglect, I will mention just one, which has to do with the discourse of philosophers. At the moment when a considered politics of spaces was starting to develop, at the end of the eighteenth century, the new achievements in theoretical and experimental physics dislodged philosophy from its ancient right to speak of the world, the cosmos, finite or infinite space. This double investment of space by political technology and scientific practice reduced philosophy to the field of a problematic of time. Since Kant, what is to be thought by the philosopher is time. Hegel, Bergson, Heidegger. Along with this goes a correlative devaluation of space, which stands on the side of the understanding, the analytical, the conceptual, the dead, the fixed, the inert. (Foucault, 1980: 149-150)

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Panopticon, Bentham doesn't merely formulate the project of a utopian society, he also describes a society that actually exists." Foucault replies: "He describes, in the utopian form of a general system, particular mechanisms which really exist." (Perrot) "And there's no point for the prisoners in taking over the central tower?" To which Foucault responds: "On yes, provided that isn't the final purpose of the operation. Do you think it would be much better to have the prisoners operating the Panoptic apparatus and sitting in the central tower, instead of the guards?" (164-165) We note, on the one hand, a certain interchangeability of guards and prisoners in as much as the anonymity of the architectural machine 'captures' everyone within its exercise of power, producing the normalizing regimes of prisoners and guards. On the other hand, we note the extent to which Foucault returns, albeit obliquely, to the heterotopic in the context of defining with Bentham's invention a general system of the utopic with mechanisms that really exist.

<sup>13</sup> In fact, in a 2006 unpublished lecture, titled *Metropolis*, Agamben draws precisely on this distinction between the *exclusion* of those with leprosy and the confinement of those with plague in order to develop an analytics of the governmentality of biopolitical modernity. We discuss the Agamben text in detail in Chapter Five.

We get the sense from this comment that Foucault did not see himself as an historian, or even political analyst of a history of systems of thought. Rather, he is invoking an ontological displacement of thinking the essential grounds to philosophical enquiry with respect to ‘history’, ‘ideas’, ‘systems’, ‘thought’ and so on. If, for Heidegger, being is ecstatic temporality (Heidegger, 1996); if, for Bergson, matter and memory are essentially duration in its differentiations (Bergson, 2007); if, for Hegel, the hard working negative constitutes actuality (Hegel, 1977), then for Foucault, it is not that space is a residual and resulting topos or locale of repetitions or thrownness (Heidegger), or the congealing of duration in matter (Bergson), or the boundedness of return in identity’s dialectical tussle with difference (Hegel). Spatiality presents an order of discourse with an essential exteriority of thought, such that cogitation recognises that movement that is neither synchronic nor diachronic but perhaps an essential relation that makes each discernible in its difference. That is to say, for Foucault there is a thinking of space that construes and makes possible a more fundamental relationality than either structure or genesis, that yet provides the space for their encounter and differentiation. That spatiality, essentially a politics and an ethics, construes the philosophical less as a question of securing and determining what is truth, than in demarcating the spacings within which games of the true and the false are played, a philosophy that is less a formal and universal determination than it is a way of life, an *askésis* and care of oneself, or the determinations, outside all discourses of right and technologies of normalization, as to what the stakes of oneself might be, oneself as an open possibility (Foucault, 1988a, 1988b; McGushin, 2005).<sup>14</sup>

### Genealogy.

Foucault’s later works are typically described as genealogical, in particular from *Discipline and Punish* (1977), which explored the shifting understanding and implementation of power during the seventeenth and eighteenth centuries, with regards to Foucault’s reading of Bentham’s panopticon. While Foucault’s archaeological method focused on historical frames, *genealogy* focuses on the shift from one period to another as a history of the present. Foucault’s aim is to illustrate various historical processes emphasising contingency rather

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<sup>14</sup> McGushin (2005) emphasizes the extent to which Foucault’s 1982 course at the *Collège de France* was concerned with a renewed reading of Descartes in relation to *askésis*: “As Foucault sees it, Descartes’ *Meditations* are a spiritual exercise, an *askésis* meant to transform the subject in order to gain access to being as truth. At the same time, Descartes, as a result of this *askésis*, is able to define an essentially non-spiritual form of subjectivity. ... This new subject possesses in its being qua subject the right and the capacity to know the truth” (638).

than inevitability or a simple causality, in effect exposing a mesh of complex and underlying historical affects which continue to effect the present (Gutting, 2003). There is thus a shift from Foucault's previous work on archaeology with its literary concerns of "quasi-structuralism" and "aestheticism," towards a more explicit reading of power. Gutting hypothesises that this movement to a question of power with Foucault's later genealogical work coincides with the events of May 1968. In the interview "Truth and Power" Foucault notes: "I ask myself what else it was I was talking about in *Madness and Civilisation* and *The Birth of the Clinic*, but power" (Foucault, 1980: 115).

Foucault is responding in that interview to a question concerning his innovation in analyses of discourse beyond those particularly of structuralism that predominantly asked questions as to how meanings are constructed. Rather, he asks questions as to how power and discourse relate, and his response is important. Foucault initially says he did not consider himself the first to pose this and, in fact, is surprised at how difficult it was for him to actually formulate such a relation.<sup>15</sup> He continues: "Yet I'm perfectly aware that I scarcely ever used the word and never had such a field of analyses at my disposal. I can say that this was an incapacity linked undoubtedly with the political situation we found ourselves in. It is hard to see where, whether on the Right or the Left, this problem of power could then have been posed" (115). If Gutting mentioned May 1968 as a key moment, this would be linked to the massive upheaval in France, particularly Paris, but also reverberating elsewhere in Europe, whereby the fundamental questioning of the role of the political party, and the difference between the Right and Left were brought into question. In fact the very stability of the State, government, legislative authority and party politics was made to tremble. Within this space of upheaval, there were possibilities for the radicality of Foucault's understanding of the political, power, and the social to find their sites of adherence and relevance.<sup>16</sup>

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<sup>15</sup> It is important to note the significance Foucault gives to Marx with respect to such a formulation of relations between power and discourse. We note that in *The Archaeology of Knowledge* (1972), Marx is given a pivotal role in Foucault's orientation to discontinuities: "This epistemological mutation of history is not yet complete. But it is not of recent origin either, since its first phase can no doubt be traced back to Marx" (11-12). But also in Foucault's "The Meshes of Power" (Crampton & Elden, 2007), we recognise the extent to which Foucault recognises in *Capital Volume II* Marx's own differentiations between a judicial-sovereign power and a non-judicial normalizing regime (156).

<sup>16</sup> I am not sure these comments adequately express the impact of May '68. The role of the political party was never as crucial an issue as the disappointment of the students and their supporters, in the face of what they saw as a betrayal by the Unions when deals were struck with de Gaulle to end the strikes. This sense of bewilderment forced many changes to left French thought, particularly in repudiation of such things as the logic of Marxism, the importance of the working class as agents of change, and the

Foucault's interest in *panopticism* stems from his study of the development of disciplinary procedures that emerged with the Enlightenment, traditionally lauded as the period when modern freedoms were born (Foucault, 1984: 15). For Foucault, the Enlightenment is paradoxical. It is a period when new freedoms develop but also marks a pervasive shift in terms of power's relation to subjects (15).<sup>17</sup> This shift replaces practices of power on individuals, conceived as symbolic displays of sovereign or monarchical power, to new mechanisms of power in surveillance and legislative governance (239). As Rabinow explains in his Introduction to *The Foucault Reader* (1984): "Michel Foucault in the manner of his critique explores the functions of institutions, which appear neutral and independent; and to critique them so that political violence that is obscure is unmasked so that it is made visible" (Rabinow, 1984: 6).

The figure of Jeremy Bentham (1748-1832) sits well in such a critique. As an English Utilitarian philosopher and Enlightenment thinker, his work typifies this period's internal contradictions. He wrote on liberty and the reform of political rights, though very few of his writings appeared in his lifetime. He argued for equal rights for women and advocated humane treatment for animals (20). As mentioned above, Bentham also developed the *Panopticon*, a type of prison that sought to bring order via constant surveillance, rather than by torture or symbolic violence. The *modus operandi* for the *Panopticon* was its working as an auto-disciplining machine, a kind of primitive surveillance system, as discussed above (Foucault, 1977: 200). The formal structure was that of a circular building which was to be divided into levels and individual cells, which faced out toward an inner circular courtyard with a circular viewing tower in the centre (200). The cells, in contrast to earlier prison types, were designed to be well lit and not dark, with two windows per cell. The exterior

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relevance of Hegel and the resolution of fragmentary thought. These all come under attack after this. It is not so much the difference between the Right and the Left, but rather who now represents the Left. Definitely we confront the question today (what is the difference between Left and Right), but perhaps not so directly as in the immediate aftermath of '68. There was, more importantly, the sense that something significant had broken the link between philosophy and action, wrought by the practical failure of the uprisings. The question might be "How to think anew," in other words, that would account for the failure of more accepted versions of revolution. The collapse of Marxism, prefigured in Foucault's theory (but also in the '56 denouncement of Stalin), was very significant in France because it had been the only method for linking thought and action. Even Sartre had to adopt Marxism as a supplement to existentialism if it was to have political agency. This long comment is really just suggesting that May '68 might be treated more as rupture, and then rallying point around Foucauldian, Derridean and Deleuzian positions.

<sup>17</sup> Foucault does not deny that the Enlightenment developed modern liberties; however, it also constituted the development of modern disciplinary practices (Foucault, 1984: 211).

window allowed light in and the other faced the central tower. Thus the prison cell in effect becomes a “...small theatre, where each actor is alone, perfectly individualised and constantly visible” (200). The individual in a cell is unable to have contact with neighbouring cells, making the inmate’s relation solely with an observation tower. The supervisor in the observing tower, however, is not visible to inmates. Hence inmates are never sure whether they are under observation (201). They must modify their behaviour to act as if surveillance was continuous and total, thus they become their own supervisor (1984: 19). Key to this for Bentham is that the principle of power should be both visible and unverifiable (1977: 201). The *panopticon* operates its surveillance continuously and anonymously, allowing anyone to either operate it or be subjected to it, via constant self-modification of behaviour (Foucault, 1984: 19):

In short, to substitute for a power that is manifested throughout the brilliance of those who exercise it, a power that insidiously objectifies those on whom it is applied; to form a body of knowledge about these individuals, rather than to deploy the ostentatious signs of sovereignty. (Foucault, 1977: 209)<sup>18</sup>

### Power and Knowledge

The panopticon can be thought to operate via knowledge and power. As a mechanism its aim is to limit resistance and to normalise behaviour by observation rather than violent means. The inmates in effect are made observable or knowable due to the undisclosed and consistent surveillance that has the effect of normalising behaviour. The role of discipline moves from a violent spectacle of symbolic power towards new techniques of control:

Discipline may be identified neither with an institution nor with an apparatus; it is a type of power, a modality for its exercise, comprising a whole set of instruments, techniques, procedures, levels of application, targets; it is a ‘physics’ or an ‘antinomy’ of power, a technology. (Foucault, 1984: 206)

Thus the exercise of power is the producing of techniques, via disciplinary mechanisms for inscribing or mapping subjects, as well as forming a body of knowledge or collection of

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<sup>18</sup> It is again important to stress Foucault’s recognition of a certain kind of anonymity that operates in the assemblage of panopticism and the processes of subjectification that operate in the locales that may be occupied in the machine. This anonymity of power’s exercise has its direct correlate with the anonymity localized in the statement, understood in Archaeology’s discursive formations.

information about individuals.<sup>19</sup> Individuation is a productive effect of discipline. Writing later in 1978 for his lectures at the *Collège de France*, Foucault re-evaluates the figure of the panopticon:

The idea of the panopticon is a modern idea in one sense, but we can also say that it is completely archaic, since the panoptic mechanism basically involves putting in the centre—an eye, a gaze, a principle of surveillance—who will be able to make its sovereignty function over all individuals placed within the machine of power. To that extent we can say that the panopticon is the oldest dream of the sovereign: None of my subjects can escape and none of their actions is unknown to me. (Foucault, 2007: 66)

The panopticon, here revised by Foucault, does not operate simply as the blueprint of modern disciplinary society. Rather, it is more complex. On the one hand, it operates as the “oldest dream of the sovereign,” that is, the sovereign knows and sees all. The modern aspect of the panopticon is not that of an all knowing, all seeing sovereign. It is a *diagram* of modern political technology and an idealised one at that (Foucault, 1977: 205). What is important when considering the panopticon is that it operates for Foucault as a *strategy* that both universalises and individualises at the level of individuals and populations. The panopticon, rather than being a concrete example of prison design at the time of the Enlightenment, is an example of a strategy for how individuals and populations can be ordered, measured, made productive or normalised.<sup>20</sup> The shift from the symbolic violence of the sovereign, to productive power of the Enlightenment is key for Foucault’s critique. The Enlightenment, which in the course of orthodox history is the point where humanism prevails and liberalism emerges, is re-evaluated as a shift in the strategy of power (Foucault, 2007: 66). Foucault’s critique of the Enlightenment and of modernity is that, though humanism and liberalism emerge at this period, so too do normalising disciplines across a

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<sup>19</sup> In “The Eye of Power” (1980), Foucault differentiates between a sovereign symbolic exercise of power in architectural monuments, and modern mechanisms of power: “The point, it seems to me, is that architecture begins at the end of the eighteenth century to become involved in problems of population, health and the urban question. Previously, the art of building corresponded to the need to make power, divinity and might manifest. The palace and the church were the great architectural forms, along with the stronghold. Architecture manifested might, the Sovereign, God. Its development was for long centered on these requirements. Then, late in the eighteenth century, new problems emerge: it becomes a question of using the disposition of space for economico-political ends” (148).

<sup>20</sup> Foucault summarizes: “But the Panopticon must not be understood as a dream building: it is a diagram of a mechanism of power reduced to its ideal form; its functioning, abstracted from any obstacle, resistance or friction, must be represented as a pure architectural and optical system: it is in fact a figure of political technology that may and must be detached from any specific use” (205).

broad series of institutional sites.<sup>21</sup> That is to say, people became interested in what constituted normal behaviour, aligning with development of statistics as a collection of data that begins in the late-eighteenth to early-nineteenth centuries, and its formation into a modern governmental tool. Those who did not fit these norms were placed under a series of *normalising practices*, such as *dividing practices* separating the sick from the healthy, the educated and uneducated, the mentally ill, homeless, unemployed and so on.

### The *Dispositif*

I introduced earlier, when discussing “The Order of Discourse,” that Foucault initially considered the complexity of relations between discourses and power in terms of institutional sites.<sup>22</sup> Institutions were precisely the spaces where an exercise of power produces forms of knowing. Within more conventional understandings of the relations between power and knowledge we suppose that those who are powerful, or who are able to exercise power are so, or do so, because of the knowledge they command. Knowledge produces power. Hence, the doctor exercises a medical gaze because she is medically qualified to speak; a philosopher arbitrates on the conditions of truth because she has grappled with philosophical knowledge. Already in *The Archaeology of Knowledge* Foucault dispelled this arrangement with his understanding of enunciative modalities, the subject-positions one can take up or not take up in already prescribed institutional spaces of the clinic, school room, church, prison and so on.<sup>23</sup> One’s ‘expertise’ as a knowing subject is

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<sup>21</sup> A common example of this is the intelligence quotient, better known as the IQ test, initially named the Stanford-Binet test. The test was developed by Alfred Binet (1858-1911) and Théodore Simon (1872 - 1961) in 1904. They were commissioned by the French government to develop a system for testing the intelligence of school children to identify ‘slow learners’. The IQ test in effect brought intelligence into the arena of scientific “normal distribution” by using a Gaussian bell curve, to scientifically understand and observe behaviour of subjects, as well allowing for dividing practices. Binet divided these on a scale of intelligence to classify people, the “Binet Scale.” There were, for example, the categories: Moron: IQ 51 – 70, Imbecile: IQ 26-50, and Idiot: 0-25. See Barlow, D. & Durand, M. (2008). We may add to this the early twentieth century practices of Eugenics and the forced sterilisation of those who were outside normal distribution. The most scandalous was that of Nazi Germany whose Eugenics programme became the basis of the Holocaust, especially the practice of separating and gassing the mentally infirm, which later was applied to “the final solution.” See also Foucault’s 1974-75 lectures at the *Collège de France, Abnormal* (2003).

<sup>22</sup> Foucault’s initial interlocutor is the “Institution” which suggest that it is the institution that constitute the space where the ephemerality of an “it is said” finds its materiality “as a written or spoken object” in the anxiety of the aleatory, the uncertainty or risk of discourse’s transitory existence (Foucault, 1972: 216).

<sup>23</sup> Hence, in the formation of enunciative modalities, Foucault (1972) establishes three crucial arenas that determine the law operating behind the anonymity of a statement: (a) who is speaking? This is not a

itself subject to the institutional locus one can occupy and the exercise of power that produces this knowing subject so localized. I always speak from the locus of a site or space of enunciation and it is this site, at once concrete and defined, that bestows, so to speak, the authority of my voice. This is re-enforced in Foucault's discussion on panopticism, where those positions of cell and guard's tower may be occupied interchangeably, though such capability of occupation is not contingent on a subject who knows but on relations of force that define such a subject already inscribable within the normalised space of an institutional locus. Hence, there is something complex that operates between power and knowledge, a complex Foucault names "*dispositif*."

Concerning this complex relation of power and knowledge, Agamben suggests in his short text, "What is an Apparatus?" (2009): "The hypothesis that I wish to propose is that the word *dispositif*, or "apparatus" in English, is a decisive technical term in the strategy of Foucault's thought. He uses it quite often, especially from the mid 1970s, when he began to concern himself with what he calls "governmentality" or the "government of men." (Agamben, 2009: 1). Agamben cites directly from a key interview by Foucault in 1977, "The Confession of the Flesh," appearing in translation in Gordon's *Power/Knowledge*. Foucault is responding to a question by Alain Grosrichard, asking what is the methodological function of the term *dispositif*, translated by Gordon as apparatus. Foucault replies:

What I'm trying to single out with this term is, first and foremost, a thoroughly heterogeneous set consisting of discourses, institutions, architectural forms, regulatory decisions, laws, administrative measures, scientific statements, philosophical, moral, and philanthropic propositions — in short, the said as much as the unsaid. Such are the elements of the apparatus. The apparatus itself is the network that can be established between these elements ... by the term "apparatus" I mean a kind of a formation, so to speak, that at a given historical moment has as its major function the response to an urgency. The apparatus therefore has a dominant strategic function ... I said that the nature of an apparatus is essentially strategic, which means that we are speaking about a certain manipulation of relations of forces, of a rational and concrete intervention in the relations of forces, either so as to develop them in a particular direction, or to block them, to stabilize them, and to utilize them. The apparatus is thus always inscribed into a play of power, but it is also always linked to certain limits of knowledge that arise from it and, to an equal degree, condition it. The apparatus is

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return to authorial subjectivity but to the status or expertise that a statement requires in order that it has veridical consistency (50); (b) what are the institutional sites from which a discourse emerges? It is the site that confers the legitimacy on discourses and their points of application (51); and (c) What are the possible positions a subject can occupy in relation to a domain or group of object: a questioning subject, a listening subject? (52).

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precisely this: a set of strategies of the relations of forces supporting, and supported by, certain types of knowledge. (1-2)

With this quotation, Agamben assembles broadly from Foucault's replies to more than one question in order to comment on this definition. We note, from Gordon's translation of the interview, something important concerning the ontology of space that we mentioned earlier. Earlier, I had suggested in the context of Foucault noting the neglect of space as a philosophical category since Kant, in favour of time, that Foucault, perhaps, discerns a spatiality that is an essential relation preceding the synchronic and the diachronic, that makes their thought in its difference possible. This would be a space prior to the division of the very notions of genesis and structure. From his response to Grossrichard, more or less cited by Agamben, above, Foucault is asked a subsequent question by Gerard Wajeman: "So an apparatus is defined by a structure of heterogeneous elements [and thus a synchronic dimension], but also by a certain kind of genesis [and with this a diachrony of emergence]?" (Foucault, 1980: 195). Foucault responds by suggesting two moments of genesis: "There is a first moment which is the prevalent influence of a strategic objective" (195). Foucault's previous quote gives emphasis to this strategic functioning. The second moment concerns what he terms a "strategic elaboration." Between 'objective' and 'elaboration' there is nothing suggesting homology, cause and effect, origin and telos and so on. Rather, what Foucault is emphasising here is that strategic elaboration engages precisely unforeseen outcomes that may appear irrational with respect to strategic objectives, or may be completely counter to those objectives.<sup>24</sup> It does so in a fundamental recognition of contingency and risk—a non-homology of elaboration and objective—and thus an inventing in concrete practices of strategic completions. We can again recognise something in *this* triad with respect to that earlier triad of configurations, localizations and practices (or gestures), concrete spacings of procedures and techniques.

Foucault gives the example from *Discipline and Punish* where the apparatus of the modern prison, entailing not just an architecture but also a complex series of procedures,

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<sup>24</sup> This non-homology between objectives and elaborations, between what may have been seen as strategic aims and their operational outcomes, brings into question the rationality of strategy as such. Foucault emphasizes contingency, risk or the aleatory, unforeseen outcomes that are then incorporated or folded back into objectives and elaborations. It is this unforeseen risk that concerns Foucault as the question or problematic of event, or eventalisation, the open question of the space between jurisdictions and verdictions. In this sense, event evades the rationality of structure and the causality of genesis. It is this space of contingency that constitutes the *espacement* of language's void and the anonymity of power's mechanisms. The 'self' becomes a problem or open question to the extent that it becomes the hollow of the non-coincidence of these two anonymities.

governmental approaches, police measures and judicial interventions, led to the constitution of a delinquent milieu as a more or less stable population, leading to a new strategy that engages this delinquent milieu “for diverse political and economic ends” (195-196). Foucault calls this “strategic completion” (196). The apparatus, then, is a network of heterogeneous elements that has a concrete strategic function and is embedded in relations of power. This network is summarised by Agamben as a: “set that includes virtually anything, linguistic and nonlinguistic, under the same heading: discourses, institutions, buildings, laws, police measures, philosophical propositions, and so on. The apparatus itself is the network that is established between these elements” (Agamben, 2009: 2-3). It comprises the discursive and the non-discursive, what we know as well as the procedures by which we act. It is in this sense that the milieu of the apparatus brings into relation two heterogeneous series of relations, those of power and those of knowledge.<sup>25</sup>

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<sup>25</sup> Agamben, in *What is an Apparatus?* (2009), examines the origin of Foucault’s use of apparatus in his work:

At the end of the 1960s, more or less at the time when he was writing *The Archaeology of Knowledge*, Foucault does not yet use the term “apparatus” in order to define the object of his research. Instead, he uses the term *positivité*, “positivity,” an etymological neighbour of *dispositif*, again without offering us a definition. (3)

Examining Foucault’s silence on positivity, Agamben suggests that Foucault’s use of the term could have its origins with his former teacher, Jean Hyppolite, who taught him at both the *khâgne* at the Lycée *Henri IV* and at the *Ecole Normale Supérieure* (2009). Hyppolite, an Hegelian scholar, was influential on a generation of French thinkers such as Derrida and Deleuze, the latter dedicating his first book to him. In fact the relationship between Foucault and Hyppolite is stronger than Agamben acknowledges in *What is an Apparatus?* as Hyppolite was Foucault’s supervisor of his secondary thesis on Kant. Agamben’s discussion points to Hyppolite’s *Introduction à la philosophie de l’histoire de Hegel* [*Introduction to Hegel’s philosophy of history* (1996)] alerting us to the third section “III. Reason and History: The Ideas of Positivity and Destiny” in which Hyppolite analyses the use of the term positivity in the work of Hegel. What is specifically of interest to Agamben is Hyppolite’s analysis of the early works of Hegel, at Berne and Frankfurt (1795-96), *Life of Jesus*, *Positivity of the Christian Religion* and *Spirit of Christianity and Its Destiny*. For Hyppolite, Hegel’s earlier concerns regarding the notions of *Reason* and *History* are during this period complicated by the key notions of *Destiny* and *Positivity* (Hyppolite, 1996).

As Hyppolite explains, the notion of positivity for Hegel had its origin in its opposition of “natural religion” a then popular concept at the time of Hegel’s writing, with that of “positive religion.” As Agamben summaries: “While natural religion is concerned with the immediate and general relation of human reason with the divine, positive or historical religion encompasses the set of beliefs, rules, and rites that in a certain society and at a certain historical moment are externally imposed on individuals” (2009: 4). Thus, as Hyppolite succinctly puts it: “A positive religion is therefore a historical religion” (1996: 21). As Agamben puts it: “Hyppolite shows how the opposition between nature and positivity corresponds, in this sense, to the dialectics of freedom and obligation, as well as of reason and history” (2009: 5). It is precisely the problem of the historical, with regard to reason, that Hyppolite points to:

In other words, in a positive religion there is an externality for practical reason. Man is not free but submits to a law that he has not given to himself. In the same way as for theoretical reason, the positive represents what is imposed outside of thought and what thought ought to receive passively. (Hyppolite, 1996: 21)

## The *Dispositif* and The City

In Chapter One I made brief reference to a 2008 article by the Danish planning theorist, John Pløger. I made particular reference to Pløger's discussion of the *Birth of the Clinic* and, in a further reference to Osborne and Rose (2004), how aspects of that Foucault text may be useful in thinking structural aspects of social science and urban planning. The key theme of the Pløger text was the relation of Foucault's understanding of the *dispositif* for urban planning. I want to introduce some of this discussion, along with addressing another series of reference material concerning planning, the city and environmental concerns that

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While Agamben gives a relatively short account of a potential link between Hyppolite's analysis of Hegel, in particular Hegel's use of the concept of positivity, and Foucault's use of the term, linked to his later use of *dispositif* or apparatus, we can build on Agamben's analysis, again coming from Hyppolite, in particular, how Hegel thinks positivity:

The positive, in the pejorative sense of the word, will not be the concrete, historical element that is intimately connected to the development of a religion or a society, which makes contact with them and, therefore, is not imposed outside of them. It will be only the dead element, which has lost its living meaning and is no more than a residue of history." (1996: 24)

The later part of the quote here is important for us as, what is seen as "positive" is precisely that which is no longer recognised by a particular tradition or discursive formation. This parallels with Foucault's use of the term in the *Archaeology of Knowledge*:

I'm afraid you are making a double mistake: about the discursive practices that I have tried to define and about the role that you yourself accord to human freedom. The positivities that I have tried to establish must not be understood as a set of determinations imposed from the outside on the thought of individuals, or inhabiting it from the inside, in advance as it were; they constitute rather the set of conditions in accordance with which a practice is exercised, and in accordance with which that practice gives rise to partially or totally new statements, and in accordance with which it can be modified. These positivities are not so much limitations imposed on the initiative of subjects as the field in which that initiative is articulated (without, however, constituting its centre), rules that it puts into operation (without it having invented or formulated them), relations that provide it with support (without it being either their final result or point of convergence). It is an attempt to reveal discursive practices in their complexity and density; to show that to speak is to do something – something other than to express what one thinks; to translate what one knows, and something other than to play either the structures of a language (*langue*); to show that to add a statement to a pre-existing series of statements is to perform a complicated and costly gesture, which involves conditions (and not only a situation, a context, and motives), and rules (not the logical and linguistic rules of construction); to show that a change in the order of discourse does not presuppose 'new ideas', a little invention and creativity, a different mentality, but transformations in a practice, perhaps also in neighbouring practices, and in their common articulation. I have not denied—far from it—the possibility of changing discourse: I have deprived the sovereignty of the subject of the exclusive and instantaneous right to it. (Foucault, 1972: 230)

For Foucault, here responding to his interlocutor regarding the freedom from positivities in which a particular discourse is situated (229), like Hyppolite's reading of Hegel, positivity prefigures the ground of both the subject and the discursive formation. What is of particular note is that Foucault's understanding of positivities is defined by *actual* practices, in that it is not to deny that subjects are incapable of modifying a particular discourse. Rather it is to offer a view and to complicate the subject as that which can only be the sole ground of its freedom.

particularly engage Foucault's notions of disciplinary mechanisms, and power/knowledge relations. Pløger, in fact, commences with a concern for the poverty of thinking that happens when the term '*dispositif*' is translated to the English 'apparatus'. This poverty concerns an emphasis on then thinking *dispositif* functionally and technically, as one normally would think of an apparatus. Pløger suggests this significantly limits our understanding of how Foucault's work might be applied to issues of urban planning. He initially turns to Deleuze's short book, *Foucault* (1988). Deleuze uses his own notion of "assemblage" in order to more or less translate Foucault's notion. Through the notion of *machine*, 'assemblage' is developed by Deleuze in collaboration with Felix Guattari, in their *Anti-Oedipus: Capitalism and Schizophrenia, Volume One* (1977).<sup>26</sup> Initially we will say something about Deleuze's extraordinary reading of Foucault and then return to Pløger's analyses. We have mentioned already something pivotal to Foucault's archaeology concerning verbalizations and spatializations. Deleuze reads these two as Foucault's concerns with the discursive and the non-discursive, with the articulable and the non-articulable, with statements and visibilities, ultimately with language and light.<sup>27</sup> But archaeology's concerns were with how these two great forms of knowing, in their heterogeneity, determine the problem of truth.<sup>28</sup> For the most part we assume a homology between seeing and saying, between language and visibilities or, with the question of truth, each amounts to finding that common space of their appearance. For Deleuze, the originality of archaeology was that Foucault precisely defined the problem of speaking the true as the problem of the impossibility for a coincident space of seeing and saying.<sup>29</sup> If the radical exteriority of their

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<sup>26</sup> From the first chapter of *Anti-Oedipus* (1977) Deleuze and Guattari emphasise that their use of the notion of 'machine' is not metaphoric or allusive to the social as an industrial mechanism. It is literal: "It is at work everywhere, functioning smoothly at times, at other times in fits and starts. It breathes, it heats, it eats. It shits and fucks. What a mistake to have ever said *the id*. Everywhere it is machine—real ones, not figurative ones: machines driving other machines, machines being driven by other machines, with all the necessary couplings and connections" (1).

<sup>27</sup> Deleuze (1988) recognizes with this division a peculiar relation that Foucault has to Kant, a "neo-Kantianism unique to Foucault" (60). He recognizes how for Foucault visibilities, or light, constitute the historical a priori of a Kantian receptivity and statements, or language, a spontaneity: "But if there is any neo-Kantianism, it is because visibilities together with their conditions form a Receptivity, and statements together with their conditions form a Spontaneity. The spontaneity of language and the receptivity of light" (60).

<sup>28</sup> Deleuze (1988) emphasizes that for Foucault there is a fundamental difference between the visible and the articulable, that they do not coincide as the locus or guarantor of truth: "Perhaps this is the first area in which Foucault encounters Blanchot: 'speaking is not seeing'. But while Blanchot insisted on the primacy of speaking as a determining element, Foucault, contrary to what we might think at first glance, upholds the specificity of seeing, the irreducibility of the visible as a determinable element" (61).

<sup>29</sup> Deleuze (1988) goes on to suggest, regarding this non-coincidence of seeing and saying: "Of course we can always *dream* of isomorphism, either in the form of an epistemological dream—as when the clinic

coincidence determines the spaces of jurisdiction, the accounting for a possible determination of relations between words and things constitutes the terrain of veridictions: “A system of light and a system of language are not the same form, and do not have the same formation. We begin to understand now why Foucault studies these two forms in his earlier books: the visible and the articulable, as he called them in *The Birth of the Clinic ...*” (Deleuze, 1988: 32).

Deleuze emphasises that “Form” has two meanings in each case: organizing matter and finalizing functions. Organizing matter constitutes the forms of visibilities: receptivities of light as horizons of disclosure as to what can be knowable. Finalizing functions is more concerned with what is articulable, spontaneity rather than receptivity, as with the regularity of statements in the articulation of new objects.<sup>30</sup> If, as Deleuze notes, there is no correspondence or isomorphism between statements and visibilities, how are they yet related? “So how can we explain such a coadaptation? The reason lies in the fact that we can conceive of pure matter and pure functions, abstracting the forms which embody them” (33). This horizon of unformalized matter and non-finalized functions is how Deleuze understands Foucault’s ontology of power. He suggests Foucault gives the name “diagram” to this:

What can we call such a new informal dimension? On one occasion Foucault gives it its most precise name: it is a ‘diagram’, that is to say a ‘functioning, abstract from any obstacle [...] or friction [and which] must be detached from any specific use’ (Foucault, 1977: 205) [Deleuze notes that Foucault considered the Panopticon a deficit exemplar when it was reduced to a piece of architecture and a purely optical device, which is to say a form of organized matter and a finalized function]. The *diagram* is no longer an auditory or visual archive but a map, a cartography that is coextensive with the whole social field. It is an abstract machine. It is defined by informal functions and matter, and in terms of form, makes no distinction between

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affirms a structural identity ‘between the visible and the articulable’, the symptom and the sign, the spectacle and the word—or in the form of an aesthetic dream, as when a ‘calligram’ gives the same form to both text and drawing, to the linguistic and the plastic, to the statement and the image” (62-63). Perhaps it is the case that our encounters with mapping, knowing and planning the city exist perennially between these two dreams, that of an epistemological dream of knowing the forms and formations, symptoms and signs as coincident relays to the identity of things. Or there is an aesthetic dream engaging the free play of differences, as if image and imagination found their coincident horizon of composition in the invention of new formations.

<sup>30</sup> “Knowledge concerns formed matters (substances) and formalized functions, divided up segment by segment according to the two great formal conditions of seeing and speaking” (Deleuze, 1988: 73).

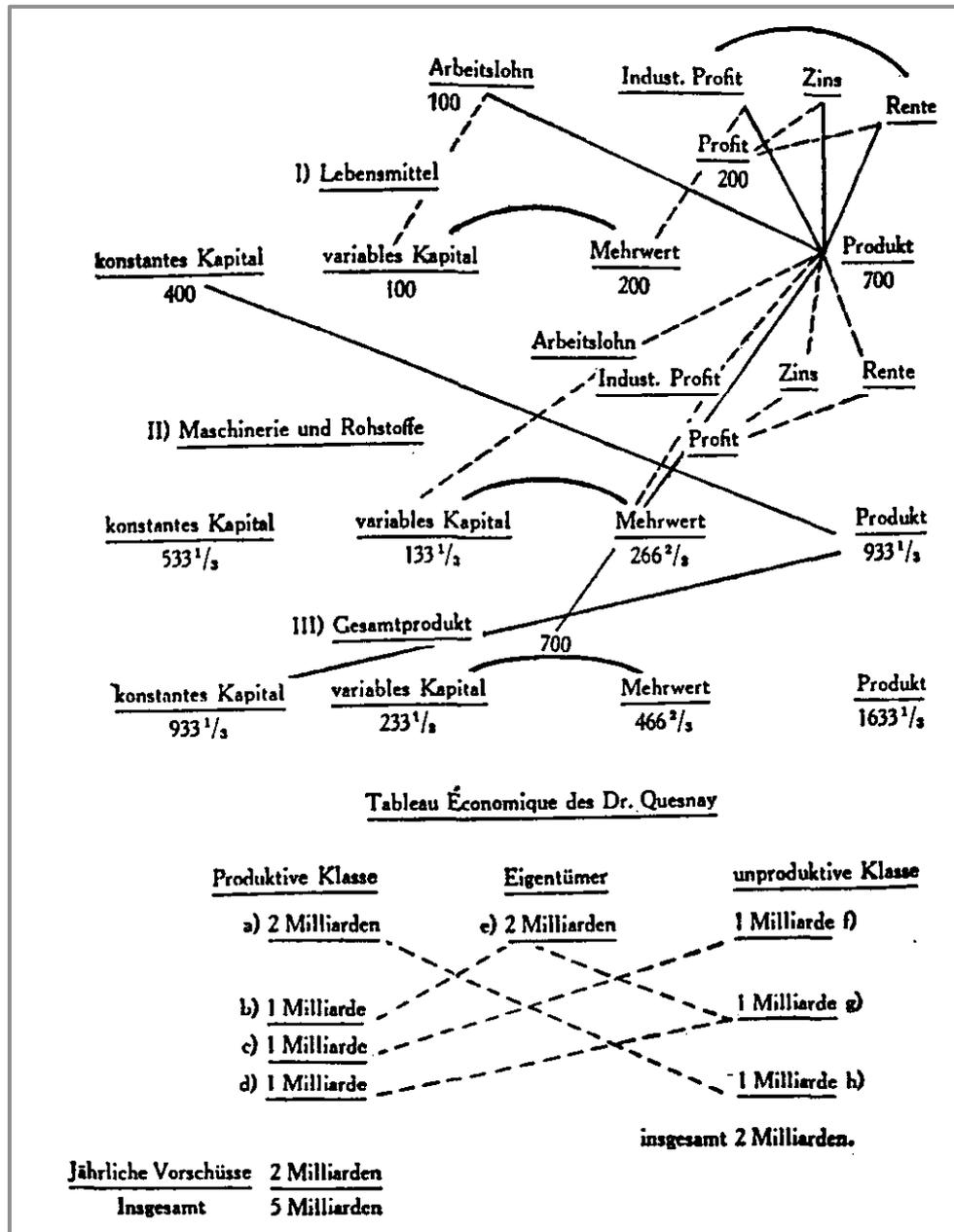


Figure 6. Gehrke, C. & Kurz, H. (2006). Marx's Diagram of Quesnay's Tableau Économique. Karl Marx on Physiocracy. *The European Journal of the History of Economic Thought*, 2, 1, 53-90.

content and expression, a discursive formation and a non-discursive formation. It is a machine that is almost blind and mute, even though it makes others see and speak.  
(34)

Power is nothing other than relations of forces as they traverse the social field. Diagrams or assemblages (Deleuze uses the words interchangeably) map these relations outside of the strata of knowing in its two forms, as unstratified matter and functions that, within relations of force are productive of strata or forms of knowing. In this sense power, for Deleuze, is an immanent cause “coextensive with the whole social field” (37). In the realization of the relations of functions and matter there are the concrete assemblages of organized matter: schools, homes, factories, shopping malls that integrate resistant bodies in a normalizing functioning: education, domesticity, production, consumption and so on. For Foucault, Panopticism is to be gauged not so much as that which names a particular realization but rather as exemplary of a diagram of power. We recognise that “diagram,” “assemblage” and “apparatus” are each articulating what Foucault might have implied by *dispositif*. Important for Deleuze, and for Pløger, is the non-instrumentalizing understanding of this notion, and the non-deterministic articulation it implies. Rather, there is a common immanent cause that Deleuze understands as Foucault’s ontology of power, or what he will call an “abstract machine” (38).

Pløger suggests that Deleuze, as well as Osborne and Rose (1998), engage the notion of ‘diagram’ in Foucault’s sense in terms of a fundamental spatiality that manages or governs the city, a “spatial milieu of immanence” (Pløger, 2008: 63; Osborne and Rose, 1998: 1). Pløger discusses what he terms two Foucauldian spatial *dispositifs*: the healthy city and the Panopticon. He cites Foucault’s discussion with Paul Rabinow, “Space, Knowledge, Power” (1984): “from the eighteenth century on, every discussion of politics as the art of government of men necessarily includes a chapter or series of chapters on urbanism, collective facilities, on hygiene, and on private architecture” (240). If Agamben, in his discussion of the *dispositif*, quotes Foucault on strategy as that which responds to an urgency, Pløger defines this urgency in terms of a series of dangers or risks for which a spatial *dispositif* responds with a spatializing order:

As Foucault makes clear, the emergence of this politics of urban health and its subsequent spatial mechanisms, is not due to care for the population, but a matter of maintaining power through socio-spatial order; that is security. The city was seen as a threat to politics, because of the existence of a poor population, or proletariat, that increased tensions in cities. The regime of health illustrates this point. ... The family became the prime responsible actor in developing a healthy work force, but cities also

underwent a spatial purification process and diagrammatization through health regulations on public life and living conditions” (Pløger, 2008: 64).

While we tend to agree with the gist of Pløger’s analysis and commentary on Foucault’s *dispositif* and the city and will discuss this further at the close of this Chapter, there is a tendency in his approach to causally hypostatize or totalize many of the ‘objects’ of analysis that for Foucault and Deleuze are effects of a *dispositif* rather than the conditions of its application. Hence, for example, Pløger opens his own analysis to accusations of reintroducing a proletariat as a causal agent, or reducing power to “regimes” understood as formalized strata, in a sense returning the “apparatus” precisely to a “functional” emphasis he was so careful to critique in others. As the *dispositif* engages both unformalized matter and non-finalized functions, it encounters relationally a discursive domain of the sayable, a signifying *dispositif* of possible statements opening to meanings conveying values and norms. But equally the *dispositif* engages domains of the seeable or visibilities, a non-discursive domain of procedures, techniques and practices. We see with panopticism how, on the one hand, there are institutionalized disciplines and the concrete assemblages of their practices but, on the other hand, a panoply of competing normative understandings as to what constitutes the discursive field of a discipline and its procedures for determining the true and the false, a whole signifying procedure that does not simply fall into a problem of linguistic constructions: “Foucault’s interest was not the word and meaning in itself, but their being part of a greater ensemble of the discursive and non-discursive in space” (66). But again, “in space” is not a simple hypostatizing of spatiality as if “space” is waiting there in advance for things to fill it. Rather “space” is at once an immanent cause of the *dispositif*’s network of heterogeneities and at the same time an effect of the putting into action of the *dispositif*’s assemblage.

If we are wary of ways in which Foucault’s work becomes hypostatized where, for example, power regimes or class differences become causal agents in determinations of conduct, thereby returning Foucault to some of the ‘continuist’ concerns he was aiming to avoid, we note the extent to which such revisions return a questioning of the governance, order and planning of the city back to questions of the State, its formal governmental relations, procedures, legitimizations, legalities and procedural implementations. In such a focus on the State and the sanctions it has, the territory it commands and the population it surveys, we return as well to a sovereign understanding of power, centralized as State power with the ensuing problem field of modalities of legitimate distribution of this power through democratic, socialist or totalitarian functioning. The city is then understood in its

monumental sense as something designed, ordered and maintained principally from above with its own series of problematics of a downward distribution of legitimate power and the ensuing contestations of forms of knowing that supposedly legitimise decision processes. Jessop (2007) addresses this directly in his analysis of Foucault's work on governmentality and the State:

In addition to his general antipathy to Marxism, Foucault also claimed that “I do, I want to, and I must pass on state theory—just as one would with an indigestible meal” (Foucault, 2004b: 78, my translation). This is reflected in his well-known hostility to general theorizations about the state—whether juridico-political, Marxist, or realist—and his grounding of power and control in the modern state, to the extent that the latter exists, in social norms and institutions and distinctive forms of knowledge rather than in sovereign authority. (Jessop, 2007: 35)

As the study of power begins from below, what is studied is not the processes of legitimization of power but its actual practices of subjection where it is exercised; one studies practices and procedures that are diffuse and networked rather than centres or precise locales of power (36). In this respect, the State is not a grand causal agent for the governance of its territory and maintenance of its ordering but rather it is a “mobile effect,” and one among many, of a “regime of multiple governmentalities”:

For, in rejecting various essentialist, transhistorical, universal, and deductive analyses of the state and state power, Foucault created a space for exploring its “polymorphous crystallization” in and through interrelated changes in technologies of power, objects of governance, governmental projects, and modes of political calculation. Indeed, he argues that “the state is nothing more than the mobile effect of a regime of multiple governmentalities.” (36)

We would suggest that orthodox analyses of the city, or urban planning, have followed an understanding of governance and power entirely within conventional modes of thinking State power, with primary concerns beginning with the legitimization of civic administrative power with respect to State legislative control, and the manner of distributive economies of control from such centralized institutional matrices, governed by a juridico-political concern about city ordinance legislations, legal challenge to development consent, codification of expert practitioners in city planning, and planning implementation and legitimate modes of citizen participation in planning decision processes.<sup>31</sup> We have already noted the extent to

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<sup>31</sup> We can take a broad range of books and journal articles on the city, the urban, urban planning, and so on, and recognize at once three primary coincident concerns: (i) emphasis on form-making or design and planning as re-formulation of formal patterns and arrangements; (ii) a humanism with respect to agency and ethics in the role of design and planning, that is, an assumption of an implicit *good* derived from and supported by ‘good’ (i.e., correct) planning; and (iii) the role of expertise in design and planning decision processes and in this the derived judicial-political understanding of power as that invested in expertise. We

which Kwinter, in his *Requiem for the City* (2010), makes a fundamental break with such a deductive analysis, producing rather a heterogeneous array of “polymorphous crystallizations” or *dispositifs* that construe our understanding of a diffuse exercise of power and its productions of visibilities and statements, what can be seen and what can be said in the event or becoming of a city’s matter and functions.<sup>32</sup> This is not to say the State, or the city, does not exist in some way as an object of political rationality. While the State is not an essence or source of power, it is an effect of a complex array of governmental procedures, practices, strategies that produce a terrain that is anything but fixed, unified or unchanging. Thus Jessop suggests: “In this sense, while the state is pre-given as an object of governance, it also gets reconstructed as government practices change” (37). By “government practices” we need to ensure we are not simply referring to legislative or elected democratic practices of government; rather, in a micro-physics of power, governmentality turns such legislative and juridical understandings of governmental right into a problem field for normalizing procedures that work in relation to juridico-political structures but are not coterminous with or necessarily strategically aligned to such structures.

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see this in publications as varied as Ian Bentley’s *Urban Transformations: Power, people and urban design* (1999), which shuttles between the epistemological dream of the expert form giver and the aesthetic dream of the artist form giver, Engin Insin’s edited collection, *Democracy, citizenship and the global city* (2000), notwithstanding its reference to Foucault’s work on governmentality, or a work like *Readings in Planning Theory*, edited by Campbell and Fainstein (1996). More recent work such as the September 2011 issue of the journal *Urban Studies*, devoted to the “new urban politics,” significantly complicates the discussion on State-driven judicial structures in contexts of any State support to de-stratified brown-field urban cities such as Detroit or Pittsburg. While concern here is with the post-political and post-democratic processes of infrastructural management outside of government regulation, there is a renewed concern for finding a humanist good within the scope of destitution coupled with the invention of a new panoply of ‘experts’ whose agency defies any existing disciplinary structures, such as those who find themselves the instigators of self-help collectives and communities.

<sup>32</sup> In this regard it is instructive to contrast a book such as Rob Shield’s *Places on the margin: Alternative geographies of modernity* and many of the concerns of those writing on the new urban politics of post-democracy. In one respect both engage with a recognition or crisis of the margins of cultural systems, carrying “the image, and stigma, of their marginality” as Shields notes (Shields, 1991: 3). Shield’s project is one of a counter-memory to the official sites, locales, icons and histories of spatial modernity, architectural history and planning rationality. Hence, his margins coincide a little with some of Foucault’s heterotopic concerns: the seaside resort and dirty weekends, honeymoon destinations, regional dialects of spatial understandings and so on, a countering of canons with other spaces whose political investment is disturbing. However, Macleod’s concern in his overview to the new urban politics, “Urban politics reconsidered” (2011), is engaging with something other than reinvesting in an historico-political imaging of canonical modernity. Rather, concerns here are with (relatively) sudden and irreversible destruction of entire communities, the subsequent displacement and abandonment of entire suburban regions and the drifting of displaced and ‘blighted’ communities into ghettos of unsubsidized existence. There is no counter-memory to monumental history here and no wry reinventing of an alternative modernity. There is rather an engagement with what MacLeod names the participatory post-politics of neo-liberalism.

## Governmentality and Security

In his 1977-78 *Collège de France* lecture course, *Security, Territory, Population*, Foucault developed three understandings of government: sovereignty, disciplinarity and governmentality, concerned more or less successively with sovereign control over territory as the legitimate concern of government to post-Enlightenment liberalism, welfare economics and neo-liberalism of the twentieth century. We associate Sovereign power with medieval government up until the sixteenth century treatise on government by Machiavelli, *The Prince*. Much of the first half of the 1977-78 lecture course is taken up with, initially introducing “governmentality” as a new problematic, and then discussing Machiavelli as well as Christianity and the pastorate as a mode of governmentality. In the latter part of the lecture course, Foucault devotes a series of lectures to the emergence of *Raison d’État* during the seventeenth century with Mercantilism and Cameralism and, particularly in the last two lectures, a discussion of the emergence of what he terms a “technological assemblage characteristic of the new art of government according to *Raison d’État*: police” (Foucault, 2007: x). Though this entire lecture course has compelling pertinence for understanding the developments and transitions Foucault makes in the late 1970s that open quite new directions in his research, I want to place particular emphasis on the opening and closing lectures which each provide a genuine centrality to questions of the urban as the site where much of Foucault’s analyses have the most pressing application.

The introductory chapter opens to an analysis of what Foucault names as “bio-power,” whereby he offers a series of proposals for how he will go about engaging this notion as an analytics for mechanisms of power. And, importantly, he then goes on to introduce the general themes of the lecture series, particularly introducing the notion of “security” in conjunction with the notion of “apparatus” or *dispositif* and hence the term “apparatuses of security” (4). In fact this understanding of security, in relation to his formulation during the early lectures of the notion of governmentality, becomes the major concern of the series. He does not really engage fully with bio-power, to the extent that his 1978-79 lecture series will be titled *The Birth of Biopolitics*, though he admits at the conclusion of that series that he has not really addressed the biopolitical at all even there. We will be discussing Foucault’s work on the biopolitical and engaging with the 1978-79 lecture series in detail in Chapter Three of this thesis. However, it is here that Foucault introduces an understanding of what he means by “security,” and its emergence during the eighteenth century as central to a new

problematic of governing the State, security and its attendant concern with risk become the key problematics for this thesis with respect to how the urban or city becomes a problem of governance. It is Foucault's introduction of apparatuses of security that opens a space for him to introduce a sustained analytics of the emergence of liberalism in *Security, Territory, Population* (2007) and, with *The Birth of Biopolitics* (2008) for him to focus on the emergence, in the twentieth century, of neo-liberalism. As we will see, much current critical literature on the city addresses both governmentality and neo-liberalism from a Foucauldian perspective or, at least, addresses his contributions to contemporary debates around the political economy of urban governance (Osborne and Rose, 1999; Barry, Osborne and Rose, 1996; Brenner and Theodore, 2002; Brenner, 2004; Brand, 2005; Crampton and Elden, 2007; Miller and Rose, 2008).

I have suggested above, with Jessop (2007), that there are three moments of an exercise of power in government that Foucault identifies with sovereignty, discipline and governmentality or, rather, what he introduces initially as security. In the opening chapter of *Security, Territory, Population*, he outlines these three as mechanisms of power, with a caveat on any simple notion of progression from one to the other, substitution of one for another or erasure of one by a subsequent other. Foucault offers two contextual examples to delineate the relations between these three mechanisms of power; the initial one he suggests is “very simple, very childish” (4). The second is an extended discussion on town planning in the eighteenth century according to three conditions or problematics coincident with each of these three mechanisms of power. But his aim is really to develop an understanding of what he means by security, as he emphasises that both sovereignty and discipline have been well discussed in previous lecture courses. Briefly, the “childish” example is a simple one. Someone steals something. Sovereign mechanisms of power, from the Middle Ages, or even before, up to the seventeenth century construct the problem field as a simple juridico-sovereign matter that instigates a simple legal or juridical mechanism: “laying a law and fixing a punishment” (5). The second mechanism has the same law but now something that accompanies the punishment concerns a whole range of surveillance measures: “The disciplinary mechanism is characterised by the fact that a third personage, the culprit, appears within the binary system of the code, and at the same time outside the code, and outside the legislative act that establishes the law” (5).<sup>33</sup>

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<sup>33</sup> Though I am not aware of Agamben making specific reference to this passage from Foucault, there may well be an interesting line of analysis that considers this peculiar spatiality of offender with respect to

Hence the panoply of normalizing or corrective procedures is put in place. No longer is punishment a spectacle of sovereign will or right but a series of techniques for normalizing a body that involves a whole series of disciplines and disciplinary mechanisms. With the third, what Foucault comes to call security, things are quite different. Though there is still the penal law, punishment, panoply of surveillance measures and correctional techniques available, there are also a whole other series of questions to ask and procedures to follow: “What is the average rate of criminality of this type? How can we predict statistically the number of thefts at a given moment? ... How much does this criminality cost society; what damage does it cause? ... What is the cost of repressing these thefts? ... What, therefore is the comparative cost of the theft and its repression? What will it cost to punish [the culprit]?” (4-5). Foucault emphasises that unlike juridical mechanisms of power or disciplinary mechanisms, apparatuses of security places the phenomenon within a series of probable events (6). The legal system has functioned from archaic times, discipline from the seventeenth to eighteenth centuries, and the security emerged from the end of the eighteenth century, constituting the threshold to the developments of liberalism and political economy. Foucault goes into some detail as to how juridical mechanisms did have their considerations of discipline and judgements over effects of punishment, just as discipline hardly eliminated juridical measures; while concerns with probabilities and statistics with respect to crime, its effects, costs and likelihood has never moved entirely beyond the confining and surveillance of discipline:

So, there is not a series of successive elements, the appearance of the new causing the earlier ones to disappear. There is not a legal age, the disciplinary age, and then the age of security. ... In reality you have a series of complex edifices in which, of course, the techniques themselves change and are perfected, ... but what changes ... is the system of correlations between juridico-legal mechanisms, disciplinary mechanisms, and mechanisms of security. In other words, there is a history of the actual techniques themselves.” (8)<sup>34</sup>

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the Sovereign and the Law, constituting what Agamben develops in *Homo Sacer* (1998) as the state of exception.

<sup>34</sup> Collier (2009: 78-108) engages a close analysis of Foucault’s work on sovereignty, discipline and governmentality, suggesting that from *Security, Territory, Population* (STP) there is a break or innovation in Foucault’s work. However, that break is not the introduction of governmentality, as most commentators suggest. Rather, governmentality is a notion already inscribed in Foucault’s work on the power/knowledge *dispositif* in *Discipline and Punish*. What the later work develops is a new approach to understanding the spatial assemblages in their multiple connective possibilities that would best be understood by the notion of ‘topology’ borrowed from spatial mathematics. The shift is from epochal understandings of breaks, seen in the early works, to patterns of correlations. Hence, in STP there is no longer a concern with epochal shift from sovereign to discipline to regulation but rather systems of

Foucault introduces four key themes by which he will engage with apparatuses of security, commencing with spaces of security, which we will address in terms of Foucault's discussion of town planning. Second is what we intimated above as key to security's fundamental shift as a mechanism of power, that is, the notion of uncertainty, what Foucault calls the "aleatory" (11). This attention to risk or uncertainty becomes our key concern later in this thesis and it is by way of the work of Foucault that we initially introduce it.<sup>35</sup> While Foucault has emphasised the normalizing regimes that are affected by disciplinary mechanisms, the normalizing procedures of security take a completely different direction. This becomes a key theme for Foucault in determining the emergence of liberalism as a problem for government in the eighteenth century and the question of how the art of government manages the milieu. The fourth concern is the correlation between security and population. But, crucially, population becomes not the object of security so much as an effect of the application of a new mechanism of power: "Population is undoubtedly an idea and a reality that is absolutely modern in relation to the functioning of political power, but also in relation to knowledge and political theory, prior to the eighteenth century" (11). If discipline's target was individuating bodies, security maintains its mechanisms at the level of the milieu, and with the techniques of statistics invents a new horizon of knowing for the agency of those mechanisms in what it comes to name population.<sup>36</sup>

Foucault introduces his discussion of town planning basically in terms of the three frameworks we have identified: that of the sovereign and his territory, or *Raison d'État*;

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correlations where all three intersect but remain heterogeneous to one another (95). In this sense, biopolitics is not a governmental logic but a problem of space to be analysed, while neo-liberalism is not a kind of governmentality or a diagram of power or technology of power but rather a form of thinking, a *mentalité*, aimed at critiquing existing ways of life, or one's existence (100).

<sup>35</sup> To refer to Collier (2009) again, he suggests that for Foucault there is a "contingent relationality" that is implicitly linked to his understanding of strategy. Quoting Foucault from *The Birth of Biopolitics*, he notes: "A logic of strategy does not stress contradictory terms within a homogeneity that promises their resolution in a unity. The function of strategic logic is to establish possible connections between disparate terms which remain disparate. The logic of strategy is the logic of connections between the heterogeneous and not the logic of the homogenization of the contradictory" (103). We have previously discussed Foucault's notion of the event, or eventalising as a contingency or chance we cannot dissociate from his concerns with anonymity, the 'what matter who speaks' of the statement or the anonymity of power's exercise, coupled with the non-homology and non-causality of visibilities and statements, the irreducibility of seeing to speaking and the question of truth that arises only due to this impossible contingency, this heterogeneity that is itself irreducible in strategic logic.

<sup>36</sup> See particularly the work of Ian Hacking on Foucault's engagement with risk, contingency and probability, from his 1981 "How should we do the history of statistics" to his books on the history of probability (Hacking, 1976, 1984, 1990, 2001, 2006).

disciplinary mechanisms and the techniques of police; and that of security with its questioning of probable events and a future that is not definable. The three planning arrangements concern that of the sovereign survey of territory and the siting of a territory's capital; secondly, that of constructing during the eighteenth century new towns or artificial towns according to mechanisms of segmentation, surveillance and control. The third is the re-modelling or alteration to existing towns to accommodate new political and economic imperatives, growth of population, increases in trade and industry and, crucially, attempts to account for future growth that cannot itself be clearly predicted. It is not as if the fundamental concern with mechanisms of power and spatiality fully dislodged the question of a territory's capital with the advent of discipline, nor the rigid series of spatial demarcations and containments of discipline were overcome with security. Rather, mechanisms of security continue to adopt precisely these problems but according to new concerns with respect to the aleatory rather than the symbolic display of sovereign power.

In discussing sovereign territory Foucault references a seventeenth century text by Alexandre Le Maître, *La Métropolitée*, that discusses the placement of a territory's capital. The capital must have a geometrical relation to its territory; it must be in the centre. As well: "The capital must be the ornament of the territory ... also a moral role ... [and] must be the site of luxury so that it is a point of attraction" (14). This Foucault reads in terms of a fundamental concern with circulation: "... an intensity of circulations: circulation of ideas, of wills, and of orders, and also commercial circulations" (15). Le Maître's concerns are those of Mercantilism, which addresses how to maximise commerce within a rigid and disciplinarian framework of sovereignty. Hence, we see the superimposition of three states, that of the sovereign, that of the territory and that of commerce, with the aim to maximise circulation within the rigidity of segmentations and surveillance. We will discuss these contradictory forces when we address Foucault's concluding chapter to *Security, Territory, Population*, regarding the development of planning under Mercantilism that led precisely to the emergence of liberalism, apparatuses of security and the problematic of population defined via new 'technologies' or procedures of statistics.

The second example is that of the new towns developed in the eighteenth century "built from scratch" (15).<sup>37</sup> The axial grid of the Roman camp was invariably employed in these

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<sup>37</sup> Foucault (2007) gives the example of the little French town of Richelieu, though he emphasises he could have taken a broad range of examples from a sweeping geographical region, from Holland to

schemes. The form of the Roman camp was revived along with the structuring subdivision of troops in northern Europe in the sixteenth and seventeenth centuries in a process of instigating disciplinary mechanisms for standing armies (16). If La Maître's concern was with the town as a microcosm of the territory, with these new towns there is an inverse concern. The town itself is a macroscopic repetition of its smallest partitioning. Or rather, the town is a systematic and rigid segmentation based on a minimal differentiating order, that of the square or rectangle. Differentiations as to commerce, habitation and circulation are made by simply defining and redefining the resolution of the grid of rectangles, commerce requiring a denser grid of compartmentalisation, and habitation a lesser density.

The third example concerns the development of existing towns in the eighteenth century, again with a fundamental concern for circulation but also for new relations of a city to its surrounding region and with future accommodation of economic and population growth: "in other words, it was a matter of organizing circulation, eliminating its dangerous elements, making a division between good and bad circulation, and maximising the good circulation by diminishing the bad" (18).<sup>38</sup> If discipline worked on an empty and artificial site of the new towns, security had to manage a complex series of givens, not in order to perfect them but to maximize their possibilities and minimize their costs, their risk: "One will therefore work not only on natural givens, but also on quantities that can be relatively, but never wholly reduced, and, since they can never be nullified, one works on probabilities" (19). In short, Foucault suggests that sovereignty capitilizes a territory, discipline structures and addresses hierarchies of function and distributions of elements, while security plans a milieu "in terms of events or series of events or possible elements, of series that will have been regulated within a multivalent and transformable framework" (20). We recognise with this articulation of security the extent to which Foucault's own

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Sweden, for example, Kristiania [Oslo] or Gothenberg, "so important in the thought and political theory of the seventeenth century" (15).

<sup>38</sup> Foucault (2007) is discussing the river town of Nantes, with its quay and docks. With Nantes it was a matter of transforming the closed town in order to accommodate a new milieu of circulations. Foucault identifies five: (i) hygiene and ventilation, dispersing too densely developed spaces; (ii) ensuring circulation of trade within the town, thereby eliminating the barrier of city walls and thereby, thirdly, connecting streets to external roads with continued maintenance of customs control. Fourthly, there was surveillance and control of an influx of a floating population since there was no longer a city wall. Finally, there was the invention of a new field of concerns, what we would come to name planning: "This was a problem of the commerce of the quays and what was not yet called the docks. The town is seen as developing: a number of things, events, elements, will arrive or occur. What must be done to meet something that is not exactly known in advance?" (18-19).

understanding of power as action upon action, and as practices within networks and mechanisms increasingly coincides with an articulation of security as a mechanism of power.

While he does not leave behind the notions of discipline and the judicial-political as mechanisms of power, we also see the extent to which both mechanisms are fully integrated into security, or transformed by security's new problematic, such that *dispositif* or apparatus becomes the prerogative of security articulable across the triple register of the juridical, discipline and the aleatory.<sup>39</sup> We will presently engage more closely with that transformation during the eighteenth century of discipline's regimes of order and surveillance, into a field that would forever escape the possibility of discipline's capture. In this, the art of government and the definition of the sovereign and the sovereign State, coupled with the exclusive role of police in the formation and governance of towns, also undergo fundamental transformations, as does a concern with what the space of government entails. It is here that governmentality emerges for Foucault and with it a new understanding of the civic, of the social and the urban, the emergency of civil society and the science of political economy.<sup>40</sup>

### *Raison d'État*

When we look at the different objects thus defined as relevant to the practice, intervention, and also reflection of police, and on police, the first thing we can note is that they are all essentially what could be called urban projects. They are urban in the sense that some only exist in the town and because there is a town. These are roads, squares, buildings, the market, commerce, manufacture, the mechanical arts, and so on. Others are objects that are problems falling under police inasmuch as they are especially significant in towns. Health, for example, subsistence, the means for preventing scarcity, [the] presence of beggars, [the] circulation of vagrants—vagrants only become a problem in the countryside at the end of the eighteenth century. Let's say that all of these are therefore problems of the town. More generally they are problems of coexistence, and of dense coexistence. (Foucault, 2007: 334-335)

<sup>39</sup> We may note the extent to which urban planning adopts this triple register from its inception as a professional discipline at the turn of the twentieth century. See, for example, the historical surveys of the emergence of urban planning in a series of urban planning 'readers' that appeared in the mid-to-late 1990s: Campbell and Fainstein (1996); LeGates and Stout (1996); Miles, Hall and Borden (2000).

<sup>40</sup> We may note the extent to which much Foucauldian literature on the city now emphasizes the post-civil and post-political as the coincident milieu of neo-liberalism. We have already made reference to Dehaene and De Clauter's book on the heterotopic city, with its sub-title: *Public space and postcivil society* (2008). We have also mentioned contemporary concerns with governmentality of the urban in contexts of the post-democratic and post-political (Cox, 2011; Boyle, 2011; Brand, 2007; Donzolet, 2008; Fairbanks, 2011; Kornberger, 2012; Lemke, 2010; MacLeod, 2011; MacLeod and Jones, 2011; Murdoch, 2003).

As I mentioned earlier, Foucault's concluding chapters to *Security, Territory, Population* are concerned with a definition of *Raison d'État* [Reason of State] its development at the end of the sixteenth century, consolidation during the seventeenth century, and transformation and surpassing by the end of the eighteenth century. If the sixteenth century's concern was principally with the manifestation of the power of the sovereign over territory, which included all that happened in that territory, with the seventeenth century a new art of government emerges that still has the sovereign's power and gaze at its centre, but the mechanisms for strengthening the sovereign's rule are seen to coincide with an ever more refined engagement with what happens in the territory, such that disciplinary mechanisms compound for the sake of making the State strong and wealthy. In a disciplinary focus on the State, the sovereign too would become stronger: "More than the problems of legitimacy of a sovereign's rights over a territory, what now appears important is the knowledge and development of a state's forces" (365). Foucault outlines two broad arenas. The first concerns establishing a standing army and diplomatic strategies, which he terms a "military-diplomatic technology" that manages external relations of a State to other States; the second concerns the constitution of police, aimed at a multiplicity of regulatory functions for the internal order or reason of a State. They both coincide with the great strategic aim for maximizing monetary circulation and commerce.

Hence we recognize the effort at increasing population, and thereby increasing a productive workforce, increasing consumption and export, with concomitant increase in external revenue, and enabling the support for a larger standing army. The primary aim of the regulatory mechanisms of police was growth of the State's productive forces in the establishment of relations between population and production of commodities (338), constituting the emergence of the market town as intensive site for productive circulation. It is in this sense that Foucault is able to echo contemporary literature at the time: "to police and to urbanise is the same thing" (337).<sup>41</sup> Crucial for Foucault developing an understanding of liberalism, as that which overtakes 'police', is his emphasis on the fact that police is not a judicial apparatus, but rather a complex regulatory network of disciplinary

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<sup>41</sup> Foucault (2007) is referencing in particular a compendium by Delamare in the early eighteenth century that constituted a collection of ordinances, statutes and regulations pertaining essentially to the urban, that dated back at least to the three previous centuries: "That is to say, the practices and institutions of police often only take up these earlier urban regulations that developed in the Middle Ages and concerned forms of living together, the manufacture of goods, and the sale of food-stuffs. So seventeenth and eighteenth century police carries out a sort of extension of this urban regulation" (335).

mechanisms that locate themselves adjacent to the law, but directly invested by the sovereign.<sup>42</sup> Police is not judicial but it is juridical, which is to say the refined network of regulatory procedures take the form of the law but are outside of the judicial institution: “Commerce, town regulation, and discipline are, I think, the most characteristic elements of police practice as it was understood in the seventeenth century” (341).<sup>43</sup>

This separation of a complex regulatory mechanism and a judicial apparatus, or two fundamentally different relations to and expressions of sovereign power, will constitute the transformation of police’s disciplinary coercions to what Foucault names apparatuses of security, with the emergence of liberalism. This becomes the fundamental division that cleaves a space of separation between the State as a legal and judicial entity and what came to be known as civil society, or the social. The emergence of governmentality from *Raison d’État* is the emergence of a fundamental question as to whether there is too much government or too little government, whether the State requires the complex of regulations we associate with police, where there could never be enough regulation, or the recognition

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<sup>42</sup> Foucault emphasizes the heterogeneity of law and the regulative mechanisms of police. In this he cites an eighteenth-century *Instructions* by Catherine II: “Police regulations are of a completely different kind than other civil laws. The things of police are things of each moment, whereas the things of the law are definitive and permanent” (340). Foucault suggests that in relation to the judicial-political sovereignty of the State, police was a permanent *coup d’État* that yet is authorized by royal power, a mobile, detailed and permanent regulatory mechanism. Hence discipline is not reducible to legalities and illegalities, and we distinguish the myriad of regulatory details of urban living from criminality, its causes, effects and treatments. It was not until the surpassing of discipline by security that police and policing became the exclusive prerogative of criminality and the sovereign juridical apparatus.

<sup>43</sup> Hence the development of regulations on hygiene and building whose maintenance was separated from concerns with criminality, though whose enforcing was guaranteed by sovereign decree. To infringe civil laws pertaining to building ordinance, though resulting in legally enforceable actions, would remain an open arena of contestation with respect to criminality. We may note the recent political theory of Jacques Rancière, who has introduced a contemporary notion of ‘police’ that bears an interesting relation to the political philosophy of Foucault. Rancière contrasts the agencies of ‘police’ and ‘politics’ (Rancière, 1998). See also his “Ten Theses on Police” (2001): “*Thesis 7*: Politics is specifically opposed to the police. The police is a ‘partition of the sensible’ [*le partage du sensible*] whose principle is the absence of a void and of a supplement” (n.p.). We may further comment on the question of sovereignty, law, criminality and civil codes constituted on biopolitical norms. The architect and political theorist Eyal Weizman notes that international law pertaining to war crimes has not kept pace with the increasing role of extra-military or civilian expert advisors in military campaigns. Weizman has researched and documented the role of architects and planners in Israeli attacks against Palestinian settlements and camps: “Architects and planners are and have always been service providers working for all sides. Some architects engage with urban warfare to develop elaborate tools for the military, others to understand, expose and oppose their methods” (Weizman, 2003: 192). Weizman goes on to suggest that in time we may well see an architect or planner before the International Tribunal for War Crimes. We discuss Weizman’s text in more detail in Chapter Five.

that civil society is a self-regulating entity that requires little or no intervention by the State's regulatory mechanisms. What was the process of this transformation?

### Political Economy

Foucault offers four theses in developing an understanding of the dismantling of the State regulatory mechanisms of police. That dismantling, apart from demonstrating another reason completely opposed to the *ratio*, or reason of sovereign will exercised through police, also rethought the urban as the locale invented or made possible by police, and in doing so reinvented an understanding of the problem field that the urban primarily constituted, that is to say, how density of habitation is maintained, and what constitutes the proper approaches to the governing of that milieu. If the regulating mechanisms of police had a principal concern with circulation, that new reason that installed itself in an understanding of the art of government displaced 'circulation' in favour of a fundamentally new understanding of economy, established on the basis of the natural sciences.<sup>44</sup> Hence, economy was to be mathematically precise and based on probability and statistics; but as well, it was ultimately governed by a fundamentally new understanding of nature and natural law, a new understanding that constituted the urban mass no longer as a population to be individuated through discipline, but population as a new entity in itself with its own laws of distribution. In this, the human was to be considered as a species along with other species. And, in this we recognise genealogically the birth of the biopolitical, as Foucault will come to introduce that term in a series of texts in the 1970s, that include his 1975-76 lecture course, *Society Must Be Defended*, and Volume One to his *History of Sexuality: Will to Knowledge* (1978). We will significantly engage with developments in an understanding of the biopolitical in the following chapters of this thesis. In an abbreviated way, we would say that biopower develops its cogency in an understanding of the political fundamentally based on the human as biological species.

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<sup>44</sup> Foucault (2007) compares the emergence of the late eighteenth century governmentality of the *économistes* with *Raison d'État*, emphasizing that the *raison*, the reason of the State was not eclipsed but transformed: "Economic reason does not replace *Raison d'État*, but it gives it a new content and so gives new forms to state rationality" (348). Those new forms will be an economic science understood as a natural science, or a science of the nature of things that fundamentally implicate the human, in particular population and the market.

The emergence of political economy as a science, at the end of the eighteenth century, establishes its particular jurisdictions and veridictions, its spaces of the said and the seen and the procedures for determining the true and the false. It occurs as a double movement that defines the human as at once an economic being, whose actions have a logic or ratio that is intrinsically self-interested. But, also, the human is a being to be fundamentally understood at the level of its species. What emerges in the nineteenth century with liberalism, and its concerns with governmentality and with welfare, will be the constant strategic and tactical endeavours made on the basis of these twin poles of the individuated self and the multitude, but no longer within an understanding of the individual produced via discipline, and population as that requiring segmentation. Rather, the individual is an autonomous freedom, and population is a natural entity to become a study in its own right.

I'll enumerate the four theses proposed by Foucault on the transformation of Mercantilism's art of government into the governmentality of security. These theses were introduced earlier in the lecture series, in the context of discussing the role of Physiocratic thought during the eighteenth century, in the emergence of security as a new problematic. The focus was on the regulation of grain and a comparative engagement with the regulative mechanisms of police and the new mechanisms proposed in the literature of the *économistes* (342). *Raison d'État* regulated grain production and sales to ensure the maximum amount of production at the lowest cost, resulting in policies for the maximum population, producing the maximum labour force at minimum wages. This results in maximising the cheapest grain with greatest export advantage, thereby returning hard currency in gold to the sovereign. The Physiocrats have a fundamentally opposed rationality: "If you want to avoid scarcity, that is to say, if you want abundance of grain, first and foremost, it must be well paid for" (342). Thus the system implies good agricultural profit, good wages for agricultural workers and the value of the land cultivated: "This governmentality not only takes the land into consideration, but it must no longer focus on the market, on the buying and selling of products, on their circulation, but first of all on production" (342). Hence we recognise an emphasis on production rather than marketing, along with the de-regulation of the disciplining mechanisms that segregated the rural from the urban at the level of production, and that segmented, in a hierarchy, agricultural labour and mercantile labour.

The second thesis continues the logic of the first. What price, then, to pay for grain if regulation does not aim to minimise it? The *économistes* argued that price would not rise indefinitely but would find an optimum if the market was allowed to adjust freely, thereby

maximising the scale of production, price, profit and wages for all. In this Foucault recognises that what is under attack is not the urban as the specific site of invention of police, as is implied in the first thesis, but the very object of police as an agency, which is to say, regulation per se: “It is no longer the urban object, which was the privileged object of police, which is called into question. It is something else, namely regulation, the main means of the police system, which, as I was just saying, [in the form of] a generalized discipline, was the essential form in which one conceived the possibility and necessity of police intervention” (343). For police everything was, in a sense, flexible and modifiable according to the will of the sovereign. Hence one could intervene at will in the market via disciplinary mechanisms. What the *économistes* demonstrate is that everything is not open to intervention. There are forces that must be left to themselves, that are self-regulating, as the laws of physics prove for natural bodies. There is a fundamental nature to the market that can be scientifically expressed in physical laws and that will each time produce the optimal outcomes for all. It is not so much that the sovereign will is deposed, but rather it is nullified, as its optimization at the same time necessarily becomes the optimization for all. Moreover, this sovereign will must coincide with a fundamental nature that is external to it, or the sovereign will results in ruin for the State.<sup>45</sup> Thus police regulation, as the agency of sovereign will, that is, disciplinary mechanisms of *Raison d’État*, differentiated from sovereign politico-judicial mechanisms of power, becomes pointless as regulated intervention results in more harm to the State than does allowing events to unfold ‘naturally’.

A corollary to theses one and two is that the very understanding of population must change. With police, population was a central strategy, but it was simply understood as maximizing the amount of labour power, increasing population such that there would be minimal wages, maximum local consumption, lowest costs of production and so on. The Physiocrats recognised that population must also be allowed to rise and fall naturally. It will rise when labour is well paid; hence it cannot be too large. It is not an absolute quantity but a complex variable whose governmentality must be accounted for, primarily by statistical inference:

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<sup>45</sup> Again, although I am unaware that Agamben makes explicit reference to this passage in Foucault’s *Security, Territory, Population*, we may fruitfully trace out how Foucault locates sovereign power as a dislocating location, to use a term Agamben employs in describing the state of exception. While Foucault’s concern is particularly with how, in the voiding of the functioning of a sovereign gaze, or the developing of a space of opacity, this precise spacing opens to the possibility of new regimes of power/knowledge that usher in liberalism and the formation of civil society. Under the guise of this opacity to a sovereign gaze, the State will be cleaved between sovereign law and its police, and the panoply of normalizing techniques associated with the birth of the human sciences, the regulating functioning of civil society and the birth of the liberal subject.

“In fact the number of people will adjust itself. It will adjust itself precisely according to the available resources” (345). Again, population is not a quantity to be regulated by the State. To do so will produce disequilibriums. Rather, one suspends the rationale for police and allows population to govern itself. Again, sovereign will is placed into a framework whereby this ‘nature’ that acts must do so external to the sovereign or, rather, in ways that cannot be brought under a sovereign gaze or disciplinary mechanism. Police and its regulatory networks do not disappear from the functioning of the State, just as sovereign politico-judicial power in the form of the judiciary does not disappear. However, with the effects of a new understanding of the art of governance, which produces a *raison*, or reason that is scientific and economic, and essentially biopolitical, judicial and disciplinary mechanisms fall into a new relation to a freedom understood at once as individuated, in the relaxation of the effectiveness of discipline, but equally under the normative and regulatory understanding of the human as a species.

If the first three theses primarily concern adjustments to the governmentality of the State, with respect to sovereign law and police regulation, the fourth thesis concerns the relation of the State to other States, in the degree of regulation of trade. Police demanded the logic of maximising the export of commodities in return for maximising currency in the form of gold payment. Such regulation would be defeated without measures to limit imports and the pricing of imports. Again the *économistes* argued that maximising profit, production and foreign exchange happens when there is free and unrestricted trade between States. Their argument is that it is far superior to integrate foreign States into regulating functions that happen in each State (346). There is a fundamental shift in an understanding of competition. No longer is it competition between sovereigns who command a territory; nor is it competition between nation states regulated by police, whose complex web of regulations aim to maximise circulation of commodities and production with the State as its own end, though a State understood fundamentally as emanating from the will of the sovereign. Rather, there is a fundamentally new agency of competition, linked precisely to the emergence of a new understanding of freedom and a new entity to be the principal target for that freedom:

Competition will be allowed to operate between private individuals, and it is precisely this game of interest of competing private individuals who each seek maximum advantage for themselves that will allow the state, or the group, or the whole population to pocket the profits, as it were, from this conduct of private individuals, that is to say, to have grains at the just price and to have the most favourable economic situation. ... It is now a matter of ensuring that the state only

intervenes to regulate, or rather to allow the well-being, the interest of each to adjust itself in such a way that it can actually serve all. The state is envisioned as the regulator of interests and no longer as the transcendent and synthetic principle of the transformation of the happiness of each into the happiness of all. (346)

Individual interest can no longer come under the gaze of a sovereign will and hence cannot be regulated by police in the form of disciplinary mechanisms, whose arbitrary interventions happened according to the ratio of a sovereign capability. Individual interest yet follows a regulatory mechanism no less exacting for it being all the more ‘natural’. The governing or governmentality of decision happens at the level of a micro-physics of power whose exercise happens through a panoply of new techniques and technologies, but primarily those concerned with understanding the future outcomes of one’s immediate and private interests and actions in competition with those of all others.<sup>46</sup> In short, the question becomes: what does one risk by acting in this way or that? Outside of the regulatory discipline of police there is nothing prohibiting the freedom of one’s actions. That is to say the sovereign will that commands the welfare of the state is suspended even if regulation of a judicial nature is still managed by a fundamentally new understanding of police. The new technologies of power come in the form of amassing statistical and probabilistic calculations that inform decision processes concerning market investments, implementation of hygiene measures, inoculation against disease, applying building regulations, registering and licensing professionals and so on.

These are techniques or technologies of power that bring to light a ‘naturalness’ invented at the end of the eighteenth century to which Foucault gives great emphasis: “Society as a specific field of naturalness peculiar to man, and which will be called civil society, emerges as the vis-à-vis of the state. What is civil society if not, precisely, something that cannot be thought of as simply the product and result of the state” (349-350). Hence, from the point of view of governmentality, the State becomes a problem field with respect to the relative autonomy of civil society but a civil society composed of or composing a complex

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<sup>46</sup> We may recognise in this understanding of interest, self-interest and enterprise, some key or fundamental concerns of Foucault: (i) strategic logic as a logic of the contingent relationality of heterogeneous elements in an assemblage that does not seek to bring about an homogeneity or unity but rather aims at a dispersion; (ii) something essential to Foucault’s understanding of the heterotopic, and in this to Blanchot’s understanding of space, language and self, in that the heterotopic aims at maintaining a relation to all other real spaces outside of a project of totalization or unification; and (iii) Foucault’s concern with eventalisation as the aleatory and uncertain encounter of a visibility irreducible to a statement, and hence recourse to a question of an outside to stratifications of knowing as a question of the anonymity of language’s unfinalized functioning and visibility’s unformalized matters.

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multiplicity of competing private interests. For this reason, the State requires what I have just mentioned as the technologies of power of this naturalness that produce scientific knowledge indispensable for good government. This is not a science of government but a science external to and absolutely essential for government, what becomes the discipline of economics, upon which government will model its decisions (351). This dependence on science for governmental decision extends to the science of population, demographics, the invention of public medicine and social hygiene: “the population as a collection of subjects is replaced by the population as a set of natural phenomena” (351).

A whole new set of concerns become visible for government, opposed directly to the application of disciplinary mechanisms of *Raison d’État*. Now it was necessary for government to determine the extent of the naturalness of the entities it governs and absolutely limit its interventions in those fields, such that it allows for those natures in their freedom. Its role, if any, is to recognise those natural processes, get them to work where they are not functioning well, and to work with them. Hence government becomes an art of management and not a mechanism of control: “That is to say, it will be necessary to set up mechanisms of security. The fundamental objective of governmentality will be mechanisms of security or, let’s say, it will be state intervention with the essential function of ensuring the security of the natural phenomena of economic processes or processes intrinsic to population” (353). This will be what Foucault develops as ‘biopower’.

Earlier we discussed Foucault’s engagement with three conditions of town planning during the eighteenth century. Initially we noted a concern with sovereign power and territory in the maintenance of an understanding of the politico-judicial functioning of power, recognised in urban planning firstly with an understanding of the display and distribution of power embodied symbolically in the monumental with, for example, the question as to where the seat of power should reside within a territory. This extends to further frameworks for understanding the display of power: the degree of luxury a territory’s capital displays, the amount of land that may be productive or left fallow as a display of wealth and privilege and the degree of fortification or protection afforded a town as a correlate with the protection of the sovereign’s interest. Foucault recognised that this archaic and medieval understanding of the urban, at least until the seventeenth century, undergoes a transformation with Mercantilism’s concern with disciplinary mechanisms and a planning order that systematically segments the urban to maximise circulation of commodities, of people, wealth, productivity. What we recognise as the wholesale development of the urban in

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Europe, with its regulations on hygiene, population, markets and production, ostensibly the collection into regulatory manuals of laws relating to dense habitation from the fourteenth century on, constitute a fine network of disciplinary mechanisms whose aim is to individuate an urban mass into ordered productivity. Foucault made particular note of the development of new towns in the eighteenth century, artificial towns, which we might today call ‘green-field’ sites, based on the Roman camp with its orthogonal axes and regularity based on the square or rectangle. Foucault made further reference to something new that was happening in the eighteenth century with the redevelopment of existing towns whose arrangements had become a hindrance to circulation, production and growth. With these developments, Foucault notes that, for the first time, a question is posed as to how one might plan for future production that cannot be at all anticipated in the present. As we have just discussed above, this questioning of the openness of a future emphasises not the over-regulation of a production process but rather the aleatory, or open possibility to a future more difficult to predict that thus carries risk associated with present investment.

We recognise with the coincident concerns of these three mechanisms of power the fundamental conditions or forces that have determined an understanding of the urban for the past two hundred years: metropolitan centres as seats of power, open displays of wealth and power through the monumental, finely grained regulating mechanisms that determine what can and cannot be done, and speculative development, risk and individuated self interest in the determinations of the public and the private within urban planning. In this chapter we have developed an understanding of the emergence of Foucault’s own articulation and understanding of power as a relation rather than a substance. With *Security, Territory, Population* Foucault presents a complex discussion of transformations of relations of force or mechanisms of power that have a particular engagement with the urban, such that we come to recognise in a genealogy of the present how our modern understanding of the governmentality of the urban emerged. With Chapter Three, we will be introducing a more detailed discussion of the biopolitical in relation to the governmentality of the urban, coupled with a more detailed understanding of the emergence of neo-liberalism during the twentieth century and, with Chapter Four, the impact of this on planning approaches. Much current planning literature, referencing Foucault, pays particular attention to the confluence of neo-liberalism and governmentality. We will also introduce the work of Agamben on biopolitics and discuss the divergences and convergences of Agamben’s work to Foucault’s, along with a number of critiques of Agamben that are further developed in Chapter Five.

# Chapter Three

*Subjects of Power*

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## Chapter three

### *Subjects of Power*

#### Power, Strategy and Freedom

We are in a generalized crisis in relation to all the environments of enclosure—prison, hospital, factory, school, family. The family is an “interior,” in crisis like all other interiors—scholarly, professional, etc. The administrations in charge never cease announcing supposedly necessary reforms: to reform schools, to reform industries, hospitals, the armed forces, prisons. But everyone knows that these institutions are finished, whatever the length of their expiration periods. It’s only a matter of administering their last rites and of keeping people employed until the installation of the new forces knocking at the door. These are the *societies of control*, which are in the process of replacing disciplinary societies. ... For example, in the crisis of the hospital as environment of enclosure, neighborhood clinics, hospices, and day care could at first express new freedom, but they could participate as well in mechanisms of control that are equal to the harshest of confinements. There is no need to fear or hope, but only to look for new weapons. (Deleuze, 1992: 3-4)

This opening quote comes from a short text by Gilles Deleuze, “Postscript on the Societies of Control,” first published in 1990 in the French journal *L’Autre*, translated and re-published in 1992 in the American journal, *October*. Though short, the text is complex, folding multiple concerns at many levels on how we currently take up and work with the critical and political writings of Foucault, particularly his work on shifts in forms of societal administration from discipline to what Deleuze names *control*.<sup>1</sup> In Chapter Two, we referenced in some small detail the penetrating insights Deleuze has for Foucault’s work and the manner whereby he translates Foucault into Deleuzian thinking. It is no less the case here, and this “translating” presents us with a curious approach to Foucault offered by

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<sup>1</sup> As has been emphasized, the Deleuze text is a short one that deals in a compact way with a series of complex analyses. To gain a perspective on Deleuze’s approach one would necessarily need to go to the work Deleuze has done with his colleague, Felix Guattari, under the general title, *Capitalism and Schizophrenia*, comprising the two volumes, *Anti-Oedipus* (1977) and *A Thousand Plateaus* (1987). With the latter we are able to recognize, particularly with the twelfth and thirteenth plateaus, “1227: Treatise on Nomadology:—The War Machine,” and “7000 B.C.: Apparatus of Capture,” the modes of engagement with relations of force, governmentality and subjectification that forms a basis for Deleuze’s engagements with “control societies.”

Deleuze, one we need to make some sense of in discussing a number of the issues we raised in the latter part of Chapter Two, on governmentality, and in introducing Foucault's work on the biopolitical.

The Deleuze text is broadly in three sections, under three headings: "Historical, Logic, Program." The first briefly outlines the sequencing for Foucault, or succession from sovereignty to discipline to control: "But what Foucault recognized as well was the transience of this model [of discipline]: it succeeded that of the *societies of sovereignty*, the goal and function of which were something quite different ... But in their turn the disciplines underwent a crisis to the benefit of new forces that were gradually instituted and which accelerated after World War II" (3). The second, "Logic," contrasts the differing agents and agencies with respect to discipline and control. With discipline one moves from one mode of enclosure, one mould, to the next as if one is starting over: from school to barrack, from barrack to factory. With control, there is "perpetual training." Discipline moulds whereas control enacts continuous modulations: "Enclosures are molds [sic], distinct castings, but controls are a modulation, like a self-deforming cast that will continuously change from one moment to the other, or like a sieve whose mesh will transmute from point to point" (4).

With discipline subjects are constituted in relays between an individuated self with a signature and a mass, differentiated in administrative numeration. With control there is no longer the unique signature opposed to population as administered mass. There is the unique code and regulation by databases: "The numerical language of control is made of codes that mark access to information or reject it. ... Individuals have become '*dividuals*,' and masses, samples, data, markets, or '*banks*'" (5). Control construes a continuous social network. Discipline constitutes humans as essentially being-enclosed; control constitutes humans as essentially exposed-to-debt. The third category, "Program," suggests that at the level of technologies, or programmatic practices, everything changes. Perpetual training suggests a smoothing to a degree of non-differentiation between enclosure and exposure, capture and release. Hence prison systems with electronic collars, or school systems with continuous forms of control, the corporation-model established into every institutional form: "Many young people strangely boast of being 'motivated'; they re-request apprenticeships and permanent training. It's up to them to discover what they're being made to serve, just as their elders discovered, not without difficulty, the telos of the disciplines" (7). While Deleuze succinctly and effectively describes a transition, particularly one occurring in the



*Figure 7. Hurn, D. (1998). Learning Computer Skills, Job Training in South Wales - This credited to lowering unemployment in South Wales Valleys.*

Magnum Photos.

latter half of the twentieth century, of mechanisms of societal stratification, in many respects he does not engage or reference the familiar terms employed by Foucault nor the same periodicities, nor even the same discerning of the mechanisms or relations of power, as he defines them in sovereignty, discipline and security. Moreover, where Deleuze seems to emphasise succession, though possible resuscitation of older forms of power under new mechanisms, Foucault emphasises a peculiar maintenance of juridical sovereignty, disciplinary civil-judicial procedures and liberal or neo-liberal apparatuses of managing risk in relay with one another. Their differences open a useful space for engaging with questions of political understanding of the urban as complex site of power, control and management. In introducing this chapter that discusses more fully governmentality and its relation to biopolitics, I want to contrast salient aspects of Deleuze's *control societies* to the questioning of power and subjectivity that Foucault presents in 1982, with his "Afterword" publication to Dreyfus and Rabinow's *Michel Foucault: Beyond Structuralism and Hermeneutics* (1982).

### A Pre-emptory Afterword

We need to keep in mind a somewhat skewed unfolding of Foucault's work for Anglo-American audiences, including those in Australasia. Two years separate the publication of Colin Gordon's major contribution to the availability of Foucault's essays on power, *Power/Knowledge* (1980) and Dreyfus and Rabinow's book, with its "Afterword." The writings on power, in the former, stretch from 1972 to 1977, while the "Afterword" is a decade later (1982). While Foucault's books were translated relatively quickly from the mid-1970s on, it is only in the past five years that Foucault's lecture courses at the *Collège de France* from the late 1970s have appeared translated, with French editions only a short time prior.<sup>2</sup> Hence, between the writings in Gordon's edited collection on power and the writing of the "Afterword" there are the significant developments in Foucault's thinking on the emergence of liberalism and the biopolitical that we have previously noted, from *Security, Territory, Population* (1977-78) and *The Birth of the Biopolitical* (1978-79). His lecture courses in the early

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<sup>2</sup> Adding to this temporal dislocation was the decision to publish Foucault's 1975-76 lecture course at the *Collège de France*, *Society Must Be Defended*, prior to others in the overall series. Hence, *Society Must Be Defended* appeared in French as early as 1997, and in English in 2003, well in advance of those subsequent lecture series of 1977-78 and 78-79, jointly published in French in 2004 and in English in 2007 and 2008. The French and English publications of *Society Must Be Defended* also preceded French and English publication of the 1973-74 and 74-75 lecture series.

1980s shift to a focus on the question of the subject of freedom and of truth, as in fact we see in the essential aspects of the 1982 “Afterword” texts, and coincident with the *Collège* lecture course of 1981-82, *The Hermeneutics of the Subject*. The final two lecture courses, prior to Foucault’s death in June 1984, maintain this close examination of the subject, particularly through Greek and Roman texts dealing with *parrhesia*, understood as ethical attitude and technical procedure of a self.

The “Afterword” is comprised of two texts, “Why Study Power: The Question of the Subject,” written by Foucault in English for the publication, and “How is Power Exercised?” written in French and translated by Leslie Sawyer. These texts emphasise something quite different from the texts of the early to mid-1970s. In those earlier texts, there is a particular concern with an anonymous exercise of power productive of forms of knowing, one of whose effects is the producing of knowing subjects. In this sense, power’s knowing, manifested in resistances and power’s agency, in a reference to Nietzsche, is corporeal. Power inscribes bodies. In a continued legacy of his archaeology, the question of the subject is preceded by the “it speaks” or “what matter who speaks” of enunciative modalities, again with the subject as a truth effect of discourse. It was not that the subject or question of the subject is absent from Foucault’s archaeology and genealogy. However, it is subordinated to the anonymity of enunciative modalities, and the relations of force productive of their stratifications. A somewhat different emphasis emerges in the “Afterword” texts, an emphasis explicitly on the subject and on a freedom coincident with the subject that necessarily precedes, in a sense, the exercise of power. In this account, an understanding of power is greatly refined, if not significantly modified from earlier accounts. Indeed, just as we note in Foucault’s 1977 interview, “Truth and Power” (1980) in which he asks himself, what was he studying if not power through all of his engagements with archaeology, so here in 1982, Foucault suggests: “I would like to say, first of all, what has been the goal of my work during the last twenty years. It has not been to analyse the phenomena of power, nor to elaborate the foundation of such an analysis. My objective, instead, has been to create a history of the different modes by which, in our culture, human beings are made into subjects. ... Thus it is not power, but the subject, which is the general theme of my research” (Foucault, 1982a: 208-209).<sup>3</sup>

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<sup>3</sup> In the 1977 interview, “Truth and Power,” Foucault notes regarding his concern with the question of power: “When I think back now, I ask myself what else it was that I was talking about, in *Madness and Civilization* or *The Birth of the Clinic*, but power?” (Gordon, 1980: 115). Just as he goes on to note here that he seemed to “scarcely ever use the word” (115), so we might also say with his revelation that he was

Foucault proceeds to note that the human subject is placed in three essential relations, those of production and of signification, and that of power relations. While there are disciplinary fields of economics and linguistics to engage the first two, there is no theory of power to define the third, outside of juridical legal frameworks or institutional models of the State. Foucault then asks: “On what basis would we claim that we now need a theory of power, and how would we proceed with its conceptualisation?” (209). It is for this reason that he turns to an analysis of the links between rationalisation and power, beginning with Kant and the *Aufklärung*: “I think the word *rationalization* is dangerous. What we have to do is analyse specific rationalities rather than always invoking the progress of rationalization in general. Even if the *Aufklärung* has been a very important phase in our history and in the development of political technology, I think we have to refer to much more remote processes if we want to understand how we have been trapped in our own history” (210). Specific rationalities refer to empirical modes of resistance as antagonisms of strategies: “to find out what our society means by sanity, perhaps we should investigate what happens in the field of insanity” (211).<sup>4</sup> These antagonisms are not simply considered as anti-

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always concerned with the question as to how human beings become subjects, that he seemed hardly ever to use that word, “subject,” and in fact seemed to prefer to speak of the anonymity of a structuring relation, or the corporeal effects of relations of force, than broach a freedom that essentially constitutes a subject.

<sup>4</sup> The discussion of Kant and the *Aufklärung* needs to be read in conjunction with Foucault’s “response” to Kant’s “What is Enlightenment” with his own text of the same name, “What is Enlightenment” (Foucault, 1997: 303-319). Though he recognises the radicality of Kant’s question and the manner of its exposition, Foucault at the same time refuses the essential constitution of obligation and responsibility that Kant unfolds. Hence, it was indeed radical that a philosopher asks the question, and asks it in a newspaper: what is our present concerned with, or as Foucault poses it: “What difference does today introduce with respect to yesterday?” (305). Kant’s concern was essentially with the question of his society’s maturity to think, to be awakened from the slumbers of dogmatism and “dare” to self-knowledge and self-freedom. As Rabinow (1997) suggests in his “Introduction” to *The Essential Works of Michel Foucault, 1954-1984, Vol. 1* (1997): “Kant proposed a political contract with the “rational despot” Frederick II: an exchange of political subservience for the free use of the rational faculties.

However, this contract was not something Foucault was willing to endorse” (xxxix-xxxii). Foucault’s response, in contrast to Kant, involves looking precisely at this question of one’s present, one’s self and one’s freedom from the work of the French writer, Charles Baudelaire, and his seminal text, *The Painter of Modern Life* (1964). Perhaps most famous in this text is Baudelaire’s definition of modernity as composed of two halves, the eternal and the fleeting though, crucially, the eternal was to be found not as that which annulled the fleeting, but rather as that which was essentially the freedom of the present. In this sense, Baudelaire’s artist, like Kant’s thinker, aims to seize the present, but not in order to hold and assay it, but to “transfigure” it. It is this “transfiguration” that preoccupies Foucault: “Baudelaire’s transfiguration entails not the annulling of reality but a difficult interplay between the truth of what is real and the exercise of freedom” (311). As Rabinow notes: “Foucault sought in Baudelaire the means to invent a

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authoritarian, as if resistance and power are in continual confrontation. These struggles are more diffuse, more localised, and constitute not the other to power but an elucidation of power effects themselves. Struggles are neither for nor against the individual: “they are struggles against the ‘government of individualization’” (212). Equally, they are neither for the certitude of truth nor question the possibility of truth, but rather struggle against local and particular circulations and functioning of knowing, or how knowing and power find their relations.

Foucault identifies three ways to understand these struggles in historical frameworks and, coincidentally, in complex ways, with making sense of what we are in our present. These are struggles against forms of domination, whether those be of ethnicity, religion or sociality; struggles against exploitation, particularly in relations of economic production whereby individuals are severed from what they produce; the third is struggle that divides a self, or ties an individual to the submissions of others (212-213). Foucault suggests we can see an emphasis of the first kind in feudal societies, which predominantly understand power relations in terms of juridical sovereignty, and where territory finds its equivalence in frameworks of racial, religious or civil inclusivity and exclusivity. The second predominates in the nineteenth century’s expansion of labour markets and struggles with exploitation, though imperialism hardly lets up on struggles with forms of domination. The third, perhaps, emerges particularly in the twentieth century in struggles against forms of subjection, coincident with liberalism’s government of individualisation. It is also, perhaps, in this classification, rudimentary though it might be, that we see a correlate with Deleuze’s sovereign rule, discipline and societies of control. However, Foucault now focuses the remainder of this text on what he sees as an essential articulation of struggle, particularly from the sixteenth century, in “a new political form of power [that] has been continuously developing” (213), the State, with its twin roles: “The state’s power (and that’s one of the

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different attitude toward the world and the self, one more respectful and ultimately more difficult to achieve.

Just as he drew from Kant an attention to the historical singularity of reason as a practice, so, in a parallel way—and one closer to the original text he was interpreting—he drew from Baudelaire a stylization of the self as an exercise ‘in which extreme attention to what is real is confronted with the practice of a liberty that simultaneously respects this reality and violates it’” (xxxii). We may note the extent to which Foucault problematizes Baudelaire’s ‘eternal’ and ‘fleeting’ in his own terms rather than undertaking a hermeneutics of Baudelaire’s “painter.” That painter’s existence or, at least, the work of art was fleeting, as the painter was a man of the crowd, the one inscribing the everyday in its banality and curiosity, one Constantine Guy, a newspaper illustrator, whose ‘eternal’ was constituted in the fleeting movement and motile temporalities of his creation.

reasons for its strength) is both an individualizing and a totalizing form of power ... individualizing techniques, and totalizing procedures” (213). Foucault sees in this the resuscitation of an “old power technique,” pastoral power originating in early Christian institutions.<sup>5</sup>

We recognise that what Deleuze analyses in “Postscript” is a new articulation of the relay between individual and totality (in “dividuals” and “banks”) that Foucault aims to discuss in the modern Western State, from the eighteenth century in particular, in terms of transformed precepts of pastoral power. However, as we have seen in our previous chapter, the emergence of apparatuses of security and governmentality of the State, that problematize the relations between the government of individuation and the forms that can be taken in State-power, emerge at the end of the eighteenth century rather than predominantly after the Second World War.<sup>6</sup> What emerges in the 1950s in Germany and the United States is a modification of the functioning of security such that a new question of freedom (rather than domination) emerges. Indeed, and as a response to Kant’s invocation to *Aufklärung*, Foucault suggests a strategy or struggle that aims at moving beyond the

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<sup>5</sup> As we mentioned earlier, we can turn to Deleuze and Guattari’s *A Thousand Plateaus* for a detailed discussion on the State and its relation to complex arrays of forces of governmentality, perhaps most succinctly expressed in Deleuze and Guattari’s notions of territorialisation and de-territorialisation with respect to nomadism’s “war machines” and the State’s “sedentary apparatuses”: “The problem is that the exteriority of the war machine in relation to the State apparatus is everywhere apparent but remains difficult to conceptualize. It is not enough to affirm that the war machine is external to the apparatus. It is necessary to reach the point of conceiving the war machine as itself a pure form of exteriority, whereas the State apparatus constitutes the form of interiority we habitually take as a model, or according to which we are in the habit of thinking. What complicates everything is that this extrinsic power of the war machine tends, under certain circumstances, to become confused with one of the two heads of the State apparatus. Sometimes it is confused with the magic violence of the State, at other times with the State’s military institution” (Deleuze and Guattari, 1987: 354). We recognize the difficulty at one level of working between Foucault and Deleuze, as their articulations, the strata of their concerns and the expressions of relations of force take divergent paths. One simply does not find this kind of analysis, level of articulation or method of exposition in Foucault. Nor does one find with Deleuze or Deleuze and Guattari a return, again and again, to the key period in European history commencing with the late sixteenth century and up until the emergence of the nineteenth century.

<sup>6</sup> One may more generously read Deleuze’s essay as an updating of Foucault rather than a rereading. In other words, an acknowledgement of the work Foucault did around nineteenth-century institutions but marking a shift towards a more diffused understanding of institutionalised power in the post World War Two period in Western-capitalistic societies. In this sense, perhaps, Deleuze was trying to account for the collapse of these forms of control into less visible ones, for example, in market terms, mass production to niche marketing, from institutions that define normality, by incarcerating abnormalities, to forms of medicalisation within the community, or de-institutionalisation that occurred across the Western world.

impasse of individual and totality, in a way that Deleuze's text does not seem to offer. Foucault suggests: "Maybe the target nowadays is not to discover what we are, but to refuse what we are. We have to imagine and to build up what we could be to get rid of this kind of political 'double bind', which is the simultaneous individualization and totalization of modern power structures" (216). It is in the second text in the "Afterword," "How is Power Exercised" (1982b), that Foucault most clearly discusses, in ways significantly different to his mid-1970s discussions on power and in ways quite different to Deleuze, the question of freedom.<sup>7</sup>

### Power Over Others

Foucault's question now becomes: "What happens when individuals exert power over others?" (217), and he immediately makes a distinction between power as a capacity to act, a capability, and power as an action inducing others. He makes a further necessary distinction between power relations as actions inducing others and communication: "no doubt communicating is always a certain way of acting upon another person or persons ... whether or not they pass through systems of communication, power relations have a specific nature" (217). He thus notes that power relations should not be confused with relations of communication or capacities or capabilities to act. Certainly they interlink: "It is a question of three types of relationships which in fact always overlap one another, support one another reciprocally, and use each other mutually as means to an end" (218). Indeed it is here that we encounter Foucault's summary or essential formulation of what otherwise develops as three relations or articulations of power: discursive and rational strategies, as communications of power; technologies or rational techniques, as capabilities or capacities

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<sup>7</sup> There are a number of urban studies research engagements that look to the writings of Deleuze and Guattari for methodological directions, for example, Buchanan and Lambert, 2005, Ploger, 2006, Ballantyne, 2007, Shields, 2008, Wood, 2009, Fry, 2011, Hillier, 2011 and Legg, 2011. The focus for Wood is on a large dockland urban redevelopment project in the Australian city of Melbourne, using the work of Deleuze and Guattari to analyse the manner whereby the planners "departed" from "normal" planning paradigms (Wood, 2009: 191). The text considers "what this analysis entails for understandings of urban planning practices; planning's relationship to capital and desire; the exercise of power in planning; the 'discursive turn' in urban studies; and the relevance to planning of Deleuze and Guattari's privileging of 'immanence' over 'transcendence'" (191). Jean Hillier (2011) in "Encountering Gilles Deleuze in Another Place," develops, from the work of Deleuze, new approaches to cartography and spatial planning. She equally works with Foucault's understandings of genealogy, and applies this methodological approach to a cartographic investigation of the locale of Anthony Gormley's Crosby beach installation, "Another Place."

of power; and practices of power that are, in contrast, irrational, wild and aberrant.<sup>8</sup> With this text, Foucault is keen to distinguish between and link up what he defines as relations of strategy and relations of power. Crucially, in distinguishing power relations from strategy or technique, Foucault emphasises that power is not a renunciation of freedom, nor the transference of right. In this he distinguishes between the exercise of power and violence. With violence, there is direct action on others, corporeally, as restraint, coercion, and control. By contrast power is action, not on others, but on the actions of others. Relations of power require the pre-supposition of one who acts or may act autonomously, freely:

A power relationship can only be articulated on the basis of two elements which are indispensable if it is really to be a power relationship: that “the other” (the one over whom power is exercised) be thoroughly recognized and maintained to the very end as a person who acts; and that, faced with a relationship of power, a whole field of responses, reactions, results, and possible interventions may open up (220).

Such recognition of a pre-emptory freedom-to-act does not exclude either violence or consent as modalities by which relations of force are engaged, separately or in unison. Though crucially, the exercise-of-power itself is constituted in neither violence nor consent, but via action on the actions of others. Foucault suggests the notion of “conduct” in its active and passive senses—to lead or orchestrate and to behave or compose oneself—that is, one conducts and there is also one’s conduct, a more or less open field of possibilities in which to act: “Power is exercised only over free subjects, and only so far as they are free” (221).<sup>9</sup> Hence power and freedom are not in confrontation, are not directly opposed. Freedom is not the elimination of power but rather its supposition, its point of articulation and possibility. Freedom is in this sense power’s immanent cause, recognised by power’s effects. Power relations are not a phenomenon to be encountered in addition to the formation of social relations or a social nexus. They constitute, in their diffuse and capillary circulations, the very relationality of the social. Since the eighteenth century we have seen

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<sup>8</sup> See Gordon’s discussion of this in “Other Inquisitions” (1979). In this comprehensive essay that introduces Foucault’s work on governmentality from the *Collège de France* lecture series of the previous year, and publishes his lecture on governmentality from that series in English, Gordon traces Foucault’s development of power/knowledge rationalities into “the concepts of *strategies*, *technologies* and *programmes* of power” (Gordon, 1979: 35). Their functioning happens in relation to rational discourses, institutional practices and “*effects* in the social field” (35). Towards the conclusion of the following chapter, we will see Thomas Osborne (Osborne, 1996) have recourse to this series of relations in order to characterize the operations of liberalism as a governmental rationality whose effects in the social field engage the perennial failure of the discourses and practices of liberalism with respect to its conditions of possibility.

<sup>9</sup> The translator of this Foucault text notes on this point: “Foucault is playing on the double meaning in French of the verb *conduire*—to lead or to drive, and *se conduire*—to behave or conduct oneself, whence *la conduit*, conduct or behavior” (Foucault, 1982: 221).

transformations, consolidations and increasingly centralised forms of power relations articulated in terms of the governmentality of the State. What Foucault emphasises here, and in terms of the work he has done on the emergence of liberalism and the freedom of a self immanent to the exercise of and expressive capabilities of power relations, is a necessary and rigorous differentiation between relations of power and relations of strategy.

They offer two vantage points by which we can read-off events, either from strategic accounts of histories of struggles, or from the viewpoint of relations of power (226). Foucault emphasises the disparities between these two readings and how such disparity makes domination visible:

Domination is in fact a general structure of power whose ramifications and consequences can sometimes be found descending to the most inalcitrant fibres of society. But at the same time it is a strategic situation more or less taken for granted and consolidated by means of long-term confrontation between adversaries (226).

For the most part those who analyse power in terms of confrontation between historically constituted and institutionally inscribed opponents (class, ethnicity, belief systems), who see power as a form of domination to be reversed and who see freedom as release from all domination mistakenly collapse relations of strategy and relations of power. For certain, relations of strategy may well be thought in terms of adversarial confrontation, though relations of force have an agency that necessarily commences with the immanent capability of the targets of power's exercise to be freely acting and therefore immanently resistive. Analyses of societies of control, as those engaged by Deleuze, necessarily require us to recognise and differentiate strategy from power in this sense, whereby control's "domination" while strategic, also requires an immanent capacity or capability for the 'dividual to act otherwise than as coded. As Foucault suggests towards the close of the "Afterword":

Every power relationship implies, at least *in potentia*, a strategy of struggle ... every strategy of confrontation dreams of becoming a relationship of power and every relationship of power leans toward the idea that, if it follows its own line of development and comes up against direct confrontation, it may become the winning strategy (225-226).

This distinction being drawn here between strategy and power, carefully defined in 1982, underlies, though in less obvious ways, the analysis Foucault undertakes during the mid-to-late 1970s of the bio-political.

## Bio-Power and Bio-Racism

The principle underlying the tactics of battle—that one has to be capable of killing in order to go on living—has become the principle that defines the strategy of states. But the existence in question is no longer the juridical existence of the sovereign; at stake is the biological existence of a population. If genocide is indeed the dream of modern power, this is not because of a recent return of the ancient right to kill; it is because power is situated and exercised at the level of life, the species, the race, and the large-scale phenomena of population. (Foucault, 1978: 137)

The above quote comes from the final section of Foucault's *History of Sexuality Vol. 1: Will to Power as Knowledge*, "Right of Death and Power over Life." With this conclusion, Foucault draws out the essential concerns he sees between sexuality as a power/knowledge formation, and hence as a technique of power, and a fundamental concern with how life, the biological and power have become entwined, commencing with the end of the eighteenth century. In this text he gives the name "bio-politics" to this technique of power in a discussion that engages the complex of relations that emerged at the end of the eighteenth century concerning the maintaining of disciplinary mechanisms of the body, along with regulatory functioning at the level of population:

In concrete terms, starting in the seventeenth century, this power over life evolved in two basic forms; these forms were not antithetical, however; they constituted, rather two poles of development linked together by a whole intermediary cluster of relations. One of these poles—the first to be formed, it seems—centered on the body as a machine: its disciplining, the optimisation of its capacities ... all this was ensured by the procedures of power that characterized the *disciplines*: an *anatomo-politics of the human body*. The second, formed somewhat later, focused on the species body, the body imbued with the mechanisms of life and serving as the basis of the biological processes: propagation, births and mortality ... effected through an entire series of interventions and regulatory controls: a bio-politics of the population. (139)

As mentioned earlier in this chapter, concerning the reception of Foucault's work on power, there has been a skewing with respect to the emergence and reception of Foucault's research that has favoured his specific book publications at the time over his lecture material that in many cases defined the locus and details for these publications. Hence, the *History of Sexuality Vol 1* was published in French in October 1976, after the conclusion of Foucault's 1975-76

lecture course at the *Collège de France*, *Society Must Be Defended* (2003).<sup>10</sup> *Society Must be Defended* was delivered in the interval separating the publication of *Discipline and Punish* in France in 1975 and *Will to Knowledge*, in 1976. It marks a transitional moment for Foucault in taking disciplinary techniques of power in a new direction, with his research on the eighteenth century Physiocrats and the emergence of population, statistics and liberalism as three new conditions upon which the image of the State may be configured. These will become the preoccupations for his research until the early 1980s. The 1975-76 lecture series and the overall issue of the bio-political have had a strong impact on critical engagements

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<sup>10</sup> The lecture course was published in French in 1997, and in English translation in 2003. It is principally in the concluding lecture to the 1975-76 series, delivered on 17 March 1976, that Foucault most fully develops his understanding of bio-politics. He does so in a detailed discussion on the form the State takes during the nineteenth century, and continues to take into the twentieth century, a form that Foucault terms State-Racism. In fact, although Foucault returns to the concerns of bio-power and the bio-political in his later lecture series, as we have mentioned in Chapter Two, indeed even naming the 1978-79 series *The Birth of Biopolitics*, he never does engage as fully or in as analytical a way on this technique of power, as he does in the 17 March 1976 lecture. It is important to recognize that this final lecture runs a little against the grain of the lecture course as a whole. More generally the lectures have a particular focus on battle, or on relations between sovereignty, territory and a governmental rationality of war, with Hobbes taking up a central locus in the middle lectures. In his series-editor introduction to the English translation, Arnold Davidson suggests: “In studying the historico-political discourse of war in this course, Foucault shows us one way to detach ourselves from the philosophico-juridical discourse of sovereignty and the law that has dominated our thought and political analysis” (Davidson, 2003: xvii). We find with the final lecture a transitional movement that squarely opens, via engagements with the bio-political, the key themes that come to preoccupy Foucault for the next five years or so.

There are a number of critical texts that address the importance of the 1975-76 lecture course on Foucault’s development of “governmentality” as a political rationality that accounts for juridical sovereignty as a problem-field of the State, rather than as that which governs a State. See, in particular, Collier (2009) and the writings of Thomas Lemke, (Lemke, 2010, 2011). Collier (2009) broaches three key themes: (i) Foucault’s analysis of bio-politics as a local (topological) problem of space whose diverse topologies of power may be observed; (ii) a changing conception of *thinking* to situate practices of critical reflection, which may be compared to, for example, the concerns of Lemke (2011) on critique and experience in Foucault’s work; and (iii) an emphasis on governmentality belonging to the period of *Discipline and Punish*, and not an invention emerging in *Security, Territory, Population*. It should not be considered a master theme in his late work. Collier discusses the emergence of a normalizing society depicted in *Society Must Be Defended*, and with its sequel, *Security, Territory, Population*, discussion on the artificial town, dovetailing regulation and discipline, the intersecting of norms of disciplining and norms of regulation. From *Society Must Be Defended* to *Security, Territory, Population* this regulating power is now named “security.” Bio-politics is not a governmental logic but a problem space to be analyzed.



*Figure 8. Fusco, P. (2004). Elderly man receives free 'flu shot' as he qualifies under guidelines set by US Department of Health. Magnum Photos.*

with urban theory and planning (Stein and Harper, 2003, Murdoch, 2004, Ploger, 2004, Genel, 2006, Dillon, 2007, Collier, 2009, McKinlay, 2009, McNay, 2009, Blencowe, 2010, Lemke, 2011, Kornberger, 2012). We have already referenced some of these texts in Chapter Two, and will discuss aspects of McKinlay (2009) in detail in this chapter, as well as Genel (2006) and Blencowe (2010) in Chapter Four. Alessandro Fontana and Mauro Bertini suggest, in the contextualising postscript to the 1975-76 lecture course, that the series may have given Foucault a pause to re-evaluate his current research and thought (2008:273).

Foucault's thesis on State racism unfolds from an initial premise that wars in the eighteenth century were predominantly wars between races or, at least, between peoples who recognised that their biological and territorial rights coincided. With what he terms a "national universality" we can associate with Enlightenment thinking, coincident with the precepts of the French Revolution, the nature of war changes along with an understanding of race (Foucault, 2003: 239). Increasingly race becomes that which a nation manages and that which a State regulates. Race becomes no longer what is external and an adversary, but what essentially defines the internal coherences of a State. It is this to which Foucault gives the name "State racism."<sup>11</sup> Its emergence coincides with the first demographers and first statisticians of population, those who began to measure birth and morbidity rates.<sup>12</sup> It is here that biology came under State power. Foucault's aim is not to develop a political theory of bio-power, nor to examine in detail those then current theories of the State. Rather, he is interested in studying the functioning and mechanisms of a new form of power

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<sup>11</sup> Foucault notes: "It seems to me that one of the basic phenomena of the nineteenth century was what might be called power's hold over life. What I mean is the acquisition of power over man insofar as man is a living being, that the biological came under State control, that there was at least a certain tendency that leads to what might be termed State control of the biological. And I think that in order to understand what was going on, it helps if we refer to what used to be the classical theory of sovereignty, which ultimately provided us with the backdrop to—a picture of—all of these analyses of war, races, and so on" (Foucault, 2003: 239-240). We suggest that this State control of the biological, emerging especially during the nineteenth century, has its particular governmental rationality on the city as its milieu of circulations, and liberalism as its emerging governmental rationality. Hence this chapter engages especially concerns with governmental management of the bio-political in the circumstance of urban epidemic and endemic disease, and approaches to managing disease within increasingly liberal concerns with what Foucault has termed the "movement of freedom" of individuated subjectivities.

<sup>12</sup> Foucault particularly discusses early statistical accounts of a population's health in his Lecture of 25 January 1978 in *Security, Territory, Population* (2007). See especially n. 8 on Bernouilli's 1760 mathematical justification for inoculation, and n. 10 on Duvillard's early nineteenth century work on population statistics (81). Foucault also notes (n. 11) that it was in the City of London that some of the earliest published demographic statistics were produced, in the 1530s (82).

that is no longer the exercise of a sovereign right to kill, to take life or spare it, but rather a technique or technology for making life—something the sovereign was unable to do—or to let die. This new power, emerging particularly in the nineteenth century does not overtake or supersede sovereign right but rather permeates it:

And I think that one of the great transformations political right underwent in the nineteenth century was precisely that, I wouldn't say exactly that the sovereign's old right—to take life or let live—was replaced, but it came to be complemented by a new right which does not erase the old right but which does penetrate it, permeate it ... the power to 'make' live and 'let' die (241).

As we intimated above with respect to Foucault's articulation of bio-politics outlined in *Will to Knowledge*, in *Society Must Be Defended* he goes into some detail outlining the two levels or "poles" of techniques or technologies of power that emerge at the end of the eighteenth century, a continuation of the disciplinary mechanisms that emerged with *Raison d'État*, and security mechanisms that developed with the Physiocrats and liberalism. It is important to note that, while Foucault provides some detail here, in this one concluding lecture to the 1975-76 series he introduces, in summary fashion, the critical genealogical context for his 1977-78 lectures, *Security, Territory, Population*, which trace in great detail, across the whole series, the establishment of the techniques of discipline and the later establishing of the techniques of regulation of population:

What does this new technology of power, this biopolitics, this biopower that is beginning to establish itself, involve? I told you very briefly a moment ago; a set of processes such as the ratio of births to deaths, the rate of reproduction, the fertility of a population, and so on ... together with a whole series of related economic and political problems ... which, in the second half of the eighteenth century, become biopolitics' first object of knowledge and the targets it seeks to control ... the first demographers begin to measure these phenomena in statistical terms. (243)

Going into the nineteenth century, there are predominant concerns with the medicalization of a population, and with public hygiene. Medicine takes on a new object of study, moving from a deciphering of the causes of epidemics, which seemed, from the Middle Ages to the end of the eighteenth century, to strike at random. This new object was no longer epidemic but endemic, those illnesses that a people seemed to harbour, live with and never be able to eradicate, "the form, nature, extension, duration, intensity of the illnesses prevalent in a population" (243). Biopolitics' techniques of power pervaded other fields of intervention including a broad range of concerns about productivity and labour, from defining childhood to defining old age and infirmity, as well as accidents and anomalies. Biopolitical techniques led to the development of insurance schemes, individual and collective savings as well as the

development of ordinances and codes related to public safety (244).<sup>13</sup> Foucault also emphasises a field of interventions of the biopolitical when the human as race or species is understood in relation to its milieu or environment. As previously mentioned, the essential notions of milieu and norm that are at the heart of apparatuses of security are themselves notions that emerge in the developing relations of disciplinary techniques and biopolitical regulations. During the first half of the nineteenth century there was a significant emphasis given to techniques of control over the milieus that populations inhabited, in particular developing an understanding of the relations between swamps and epidemics.<sup>14</sup> However, the major concern was with developing an understanding of a biopolitics of artificial environments, the rapid development of towns and the rapidly increasing densities of metropolitan centres and national capitals. Foucault identifies three kinds of phenomena when engaging the human at the level of population, those phenomena that only appear at a level of the mass and are relatively constant, those phenomena which are serial though predictable, whose modulations need to be studied over time, and those phenomena that are aleatory and thus unpredictable when taken as individuated events but collectively display constants: “The phenomena addressed by biopolitics are, essentially, aleatory events that occur within a population that exists over a period of time” (246).

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<sup>13</sup> Duvillard’s work on population statistics was related directly to developing a statistical theoretical basis for insurance and risk management (Foucault, 2007: 61). We note the extensive work done by Ian Hacking on a Foucauldian understanding of statistics, as well as the important work by François Ewald on insurance and risk. The 1991 edited collection, *The Foucault Effect*, has essays by Hacking, Ewald, Daniel Defert and Robert Castel on statistics, insurance and risk.

<sup>14</sup> There are many accounts of nineteenth-century swamp draining in the U.K., Europe and the United States, as technological innovations in hydraulic engineering improved. Swamp drainage may be linked to two biopolitical registers. One is an emphasis in the nineteenth century to develop programmes for the eradication of endemic disease, also known as fevers. A prevalent one was Malaria, primarily transmitted by mosquito. Drainage of swamps eliminated the breeding milieu for mosquitoes. The other register is the increase in agricultural land with significant population growth in the nineteenth century. Swamplands were marginal, or considered unusable though, when drained, were rich in agricultural yield. Today we refer to these topographical features as wetlands, and recognize the essential roles played by wetlands (or swamps) in sustainable eco-systems, particularly those that produce high nitrogen yields into sub-soils, as with livestock and agricultural production. New Zealand has one of the worst records for the destruction of endemic wetlands, having drained approximately eighty-five to ninety percent of its pre-colonial wetland regions. See, for example, Park (2002) for a discussion on colonial practices of swamp draining and their ecological consequences.



*Figure 9. Zachmann, P. (2002). Museum of Urban Planning Shanghai. Magnum Photos.*

## Bio-political Urbanism

In summing up the two poles of technologies or techniques of power, Foucault offers an extended example of the development of the model town. The two series are, firstly a body–organism–discipline–institution series, as a legacy from the disciplinary mechanisms of the seventeenth and eighteenth centuries; and a population–biological processes–regulatory mechanisms–State series, that emerges at the end of the eighteenth century and forms, for Foucault, the core of a question of how the State figures in the complex of relations of power it supposedly names and contains. He notes: “I am not trying to introduce a complete dichotomy between State and institutions, because disciplines in fact always tend to escape the institutional or local framework in which they are trapped. What is more, they easily take on a Statist dimension in apparatuses such as the police, for example, which is both a disciplinary apparatus and a State apparatus. ... [regulations] are also found at the sub-State level, in a whole series of sub-State institutions such as medical institutions, welfare funds, insurance, and so on” (250). In discussing how these two series do not work at the same level, and can thus dovetail or overlap, Foucault discusses the example of town planning:

Take, if you like, the example of the town or, more specifically, the rationally planned layout of the model town, the artificial town, the town of utopian reality that was not only dreamed of but actually built in the nineteenth century. What were working-class housing estates, as they existed in the nineteenth century? One can easily see how the very grid pattern, the very layout, of the estate articulated, in a sort of perpendicular way, the disciplinary mechanism that controlled the body, or bodies, by localizing families (one to a house) and individuals (one to a room). The layout, the fact that individuals were made visible, and the normalization of behaviour meant that a sort of spontaneous policing or control was carried out by the spatial layout of the town itself. It is easy to identify a whole series of disciplinary mechanisms in the working-class estate. And then you have a whole series of mechanisms which are, by contrast, regulatory mechanisms, which apply to the population as such and which allow, which encourage patterns of saving related to housing, to the renting of accommodation and, in some cases, their purchase. Health-insurance systems, old-age pensions; rules on hygiene that guarantee the optimal longevity of the population; the pressures that the very organization of the town brings to bear on sexuality and therefore procreation; child care, education, et cetera, so you have [certain] disciplinary measures and [certain] regulatory mechanisms. (251)

We may contrast this description of a nineteenth century working-class estate to Foucault's descriptions of town planning he developed in the subsequent lecture series, *Security Territory Population* that we discussed in the last chapter.<sup>15</sup> There Foucault aimed at contrasting an understanding of the development of the town according to the successive regimes of sovereign right, disciplinary measures in the artificial towns and security's concern with the aleatory and the future in the case of Nantes. Of course, Foucault emphasises that these three regimes or techniques of power do not supersede one another. The example above suggests how in the nineteenth century discipline and security overlap in a double series of concerns with individuated bodies and their institutional disciplining as well as a State's population and its regularizing. No doubt, there is still a sovereign discourse of the State, as a juridical discourse of right that will link this body and population to territory and law. Sexuality can be understood as that precise point where the disciplinary and the regulatory, where bodies and populations are articulated, while the norm is precisely what circulates between the disciplined body and the regulated population. The norm is applied to both: "A normalizing society is a society in which the norm of discipline and the norm of regulation intersect along an orthogonal articulation" (253).<sup>16</sup>

But what is the specific role of race in the biopolitical regulation of populations? Foucault introduces this concluding theme to the lecture (and the series) with a paradoxical inference stemming from the emergence of biopolitical mechanisms for the maintenance and regulation of life. "How, under these conditions, is it possible for a political power to kill, to call for deaths, to demand deaths, to give the order to kill, and to expose not only its enemies but its own citizens to the risk of death? ... It is, I think, at this point that racism

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<sup>15</sup> See particularly the work of architectural historian, Robin Evans, on the development of model working class housing in the UK during the nineteenth century (Evans, 1997). For a discussion on Evans's essay, see Mann (2008).

<sup>16</sup> One of the most thorough Foucauldian studies that engage the complex of relations between the State, judicial procedures, norms and sexuality is Jacques Donzelot's *The Policing of Families* (1979). Donzelot was a student and colleague of Foucault and developed a comprehensive study of the governmentality of the family, from the eighteenth century to the Keynesian Welfare State of the early to mid twentieth century. Donzelot suggests in his Preface that his target audiences or target discourses are those of Marxism, feminism and psychoanalysis, as he brings a critical genealogy to the specific objects of those discourses in the modern construction of the family as a sociopolitical entity. In this respect the family is neither a point of departure nor a monolithic social formation. Rather, it is considered: "as a moving resultant, an uncertain form whose intelligibility can only come from studying the system of relations it maintains with the sociopolitical level" (Donzelot, 1979, xxv). See also Donzelot (2008) for his detailed discussion on Foucault's work on the emergence of neo-liberalism, and discussion on *Security Territory Population* and *The Birth of Biopolitics*.

intervenes” (254). Racism functions to fragment a species, to differentiate it so as to differentiate superior and inferior, who must live and who can die. More crucially, it functions to construe a relation between my life and the death of others. This relation is not war-like; it is not one of belligerence or enmity. Racism establishes a nature, at the level of population, concerning species that are stronger, fitter and more susceptible to survival and those whose nature is to die out. Survival makes a species healthier and purer: “When you have a normalizing society, you have a power which is, at least superficially, in the first instance, or in the first line a biopower, and racism is the indispensable precondition that allows someone to be killed, that allows others to be killed. Once the State functions in the biopower mode, racism alone can justify the murderous function of the State” (256). From the first half of the nineteenth century, racism develops with colonization and colonial genocide, and from the second half of the nineteenth century to the present war has been concerned with destroying an enemy race, a war of populations opposing populations, with increasingly less differentiation between a standing army and a citizenry as target. The urban becomes increasingly the target of military campaigns.<sup>17</sup> A racial strategy also includes the purification of one’s own race through loss. The strong survive: “Racism is bound up with the workings of a State that is obliged to use race, the elimination of races and the purification of the race, to exercise its sovereign power” (258).<sup>18</sup>

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<sup>17</sup> Perhaps no urban theorist has done more work on developing an understanding of military tactics and urban development than the French architect and urbanist, Paul Virilio. From his initial publications Virilio recognized the complex of relations between technology, politics, territory and the State. See his *Speed and Politics: An Essay on Dromology* (1977), *War and Cinema: The Logistics of Perception* (1989), *Bunker Archaeology* (1994), *Pure War* (1997), *The Lost Dimension* (1991), *Strategy of Deception* (2000). He suggests in *Strategy of Deception*: “For want of being able to *abolish the bomb*, we have decided, then, to *abolish the state*, a nation state which is now charged with ‘sovereignist’ vices and ‘nationalist’ crimes, thereby exonerating a military-industrial and scientific complex which has spent a whole century innovating in horror and accumulating the most terrifying weapons, not to mention the future ravages of the information bomb or of the genetic bomb that will be capable not merely of abolishing the nation state, but the people, the population, by the ‘genomic’ modification of the human race” (57). His more recent works, such as *City of Panic* (2005), *The Original Accident* (2007) have a greater focus on questions regarding the human as technological prosthetic.

<sup>18</sup> There is a close correlation between the governmentality of the urban and the complex issue of race, colonialism and urban settlement. A broad literature exists in post-colonial studies concerning European impositions of urban formations, the taking of land, and dispossession of indigenous peoples with respect to property, family structures and languages. Rabinow (1989) engages these issues directly in his Foucauldian study of the colonial urbanism of Algiers, in *French Modern: Norms and Forms of the Social Environment*.

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### Bio-politics and discursive events: Some methodological considerations

The first two chapters of this thesis, “Jurisdictions” and “Veridictions,” aimed at introducing key aspects of Foucault’s critical contexts and methodological processes in relation to how an archaeology and a genealogy of our present would be approached with respect to an understanding of the urban: the concern of this thesis. I want to return momentarily to some aspects of that discussion on archaeology and genealogy, as well as Foucault’s understanding of “event,” in order to introduce a discussion on a discursive field of the bio-political that centres on two Cholera epidemics in London, in 1831 and 1854. The two epidemics, separated by a little over twenty years, are paradigmatic of the two poles of modern techniques of power. The former was primarily approached as a problem of confinement and containment. The latter was approached as a problem of circulation and regulation. Crucial to our discussion, though, is re-introducing key understandings of archaeology, archive and discursive formations along with some of the structural modalities introduced in *The Birth of the Clinic*, and the development of an understanding of a power/knowledge *dispositif* central to Foucault’s genealogical enquiries.<sup>19</sup> While my aim is to maintain an elucidation of governmentality and bio-politics, in activating an archive of these Cholera outbreaks in the first half of the nineteenth century I also aim to bring into a discussion of governmental rationalities and bio-politics what are yet primarily still in place from Foucault’s approach to archaeology. I commence, in a sense, with what could well be a primordial disclosure of Foucauldian methods, an elucidation developed in Giorgio Agamben’s *The Signature of All Things* (2009), on Foucault’s method. *The Signature of All Things* presents a complex argument on method, across separate, though thematically linked essays.<sup>20</sup> There are three aspects to Agamben’s complicated discussion that I want to draw

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<sup>19</sup> We earlier discussed the work of Osborne and Rose on Foucault’s *The Birth of the Clinic* and the structural framework they develop in relation to that text. This was mentioned in relation to the work of Ploger on a Foucauldian engagement with the city. Osborne and Rose (2004) suggest three spatializations, in keeping with Foucault’s engagements with eighteenth century medical practice: a primary spatial modeling that finds its equivalence in Foucault’s understanding of a clinical discursive formation; a secondary realization of a spatial ordering, relating to the field of the gaze in which a patient becomes perceptible; and thirdly, the demarcation of a site, again finding a relation to Foucault’s tertiary moment when a specific illness is localized, which is to say when a discursive realm and a spatializing gaze find their moment of conjunction in a patient with a specified disease. For Ploger, this translates to how, primarily, urban life is thought in politics and planning; how secondarily a strategic plan is formulated for a ‘thought-representation’ of urban life; and thirdly how a plan’s materialization occurs in the establishing of a locale or place (Ploger, 2008: 60-61).

<sup>20</sup> Agamben has had an extensive engagement with the work of Foucault, principally from his 1998 *Homo Sacer: Sovereign Power and Bare Life*. There has been considerable discussion on the degree to which

out, and draw on in order to suggest something essential in how archaeology, power, freedom and the biopolitical can be thought together. This aims to elucidate how accounts of action on the actions of others in the context of a Cholera epidemic, amounting to techniques of power, governmental rationalities, bio-political regulations, and fundamentally a problematic of circulation, milieu, and freedom concern not so much an anthropology of empirical human phenomena but an ontology of modal existence—how human beings become subjects.

The first aspect of Agamben’s text to draw out is his brief discussion on Foucault’s first published essay, a 1954 Preface to Ludwig Binswanger’s *Le Rêve et l’existence/Dream Existence* (1954/1963), “Dreams, Imagination and Existence” (Agamben, 2009: 103).<sup>21</sup> Key to Foucault’s concern in his Preface is to develop an understanding of what comprises an image that distances itself from notions of representation, or making present to oneself an absent thing. Important for Foucault is developing an understanding of a self’s relation to itself and what he terms a “movement of freedom.” It is this notion of a “movement of freedom” that I want to particularly draw out from this initial discussion, in relation to our concerns at the beginning of this chapter on power and subjects, where power’s immanent cause is a freedom of the actions of others, productive of subjects as power’s effects. In this, power and freedom are not opposed but suppose one another. What kind of freedom is this? In his text on Binswanger, Foucault is effecting a transition from anthropology to

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Agamben extends Foucault’s project, stymies it or radically misinterprets it (for example, Genet, 2006; Blencowe, 2010; McNay, 2009). This reception of Agamben will be discussed more fully in Chapter Five, in relation to the work of Antonio Negri and his reading of both Foucault and Agamben on the biopolitical.

<sup>21</sup> Foucault’s “Dreams, Imagination and Existence,” can be criticized at the outset for its concern with essences and origins, a problem encountered in his first book publication, *History of Madness* (2006), wherein “unreason” was held to be an essential ground, a position which Foucault himself would later come to criticize. See, for example, his brief comment, in *The Archaeology of Knowledge* (1972): “[*The Archaeology of Knowledge*] also includes a number of corrections and internal criticisms. Generally speaking, *Madness and Civilization* [*History of Madness*] accorded far too great a place, and a very enigmatic one too, to what I call an ‘experiment’, thus showing to what extent one was still close to admitting an anonymous and general history” (16). Hence, while it is acknowledged that Foucault is working in a philosophical milieu from which he will later distance himself, it is significant to note the extent to which specific Heideggerian themes appear, particularly in relation to those aspects of this text which will clearly appear in his last works on the care of the self. This gives some recognition to that final comment by Foucault on the significance of Heidegger as a crucial thinker for him, and a discovery of the extent to which Heidegger’s reading of Kant was itself crucial for Foucault thinking the possibility of the historical a priori. On Heidegger’s own comment on the work of Binswanger, developed under the name *daseinanalysis*, see Heidegger (2001).

ontology.<sup>22</sup> Existence's ontological foundation is constituted in the fundamental direction of the imagination and not in a relation of imagination as originating as a residue of perception. That is, the image of imagination is not to be defined by reference to the real.<sup>23</sup> Foucault discusses an example where Jean Paul Sartre provides a description of imagining, an image of Peter, where Peter presents himself as absent.<sup>24</sup> Foucault opposes the Sartrean reading, indicating that this imagination of Peter, this dream image, is not the imaginary making present of an absent Peter, a real absence, nor an absence in the real, but, more radically, a derealisation of self or presence in this world to configure an entirely new presence of self to *this* world:

I undertake to adopt once more that mode of presence in which the movement of my freedom was not yet caught up in this world towards which it moves, where everything still denoted the constitutive possession of the world of my existence. To imagine what Peter is doing today in some circumstance that concerns us both is not to invoke a perception or a reality; it is primarily to try to recapture that world where everything is conjugated in the first person. (Foucault, 1984: 67-68)<sup>25</sup>

Thus, in this imagination of Peter, it is not that one looks on or watches from the outside. Rather it is to become that world where he is: "I am the letter he is reading ... I am the walls of his room that watch him from all sides and hence do not "see" him ... I am what he is doing. I am what he is" (69). This imaginary does not add anything new to what I know but it does constitute a new relation of the self to the self. There is transcendence here—in imagination I do not obey myself, but rather come to recognise my freedom and direction—

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<sup>22</sup> The transition from anthropology to ontology is a crucial theme in this discussion, particularly in Foucault's relation to Kant and Heidegger. We stress again Heidegger's reading of Kant in *Kant and the Problem of Metaphysics* (1962). Heidegger's reading on Kant, with its pivotal focus on Kantian Imagination and the Faculty of Judgement, enacts precisely this transition from anthropology to ontology.

<sup>23</sup> As we have discussed, Foucault problematizes the very notion of a correspondence between perception and knowing. His "visibilities," the problem of what can be seen, never correspond to "statements," the "it is said," in some isomorphism. Indeed, the problem of truth is itself the very irreducibility of visibilities to statements.

<sup>24</sup> Agamben also makes reference to Foucault citing the Sartre text in his discussion of the 1954 Preface to Binswanger's *Dream Existence*. Agamben notes, concerning the Foucault text: "The text where Foucault perhaps most precisely described—or foresaw—the strategies and gestures of archaeology is the first essay he published, the long 1954 preface to *Le Rêve et l'existence* by Ludwig Binswanger. Even though the term itself is obviously absent, "the movement of freedom" that Foucault attributes to the dream and imagination shares the meanings and aims of archaeology" (Agamben, 2009: 103).

<sup>25</sup> In this context we gain an insight into what Foucault means ontologically by the notion of a history of the present.

what Foucault calls here “destiny” (68).<sup>26</sup> To imagine is “to intend oneself as a movement of freedom which makes itself worldly and finally anchors itself in this world as its destiny ... At the very heart of perception it can throw into bright light the secret and hidden power at work in the most manifest forms of presence” (68-69). This movement of freedom constituting a self’s relation to itself is at the heart of Foucault’s late writings on the self and these need to be recognised in the manner whereby Foucault’s historical concerns with the emergence of liberalism are equally concerns with how we come to understand a notion of a self’s self-interest in relation to techniques or technologies of power understood as bio-political. We are aware that Foucault mentioned on a number of occasions that his concern is not with a history of past events but with a history of the present.<sup>27</sup> To what extent do we need to understand his project in its entirety as a concern with a movement of freedom in un-concealing a power at work in the most manifest forms of presence? When, for example, Foucault suggests at the beginning of the *Archaeology of Knowledge* “I have tried to define this blank space from which I speak, and which is slowly taking shape in a discourse that I still feel to be so precarious and so unsure” (Foucault, 1972: 17), or when he suggests concerning a revising of Kantian Enlightenment thinking that perhaps the point is not to find who we are but to refuse or become otherwise than who we are, we recognise this concern with a self’s relation to a self. We mentioned this earlier in this chapter in discussing Foucault’s essay, “Why Study Power: The Question of the Subject” (Foucault, 1982: 216).

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<sup>26</sup> Foucault notes: “But the imaginary gives itself as a transcendence where, without learning anything unknown to me, I can ‘recognize’ my destiny” (68). We may read here a Heideggerian problematic of imagination and projection, in this notion of destiny, bringing the ontic to “be” ontologically present — the agency of the metaphysics of presence. See Heidegger (1962): “All projection—and, consequently, even man’s ‘creative’ activity—is *thrown*, i.e., determined by the dependence of *Dasein* on the essent in totality, a dependence to which *Dasein* always submits. This fact of being thrown [dereliction] is not restricted to the mysterious occurrence of the coming-into-the-world of *Dasein* but governs being-present as such. This is expressed in the movement which has been described as lapsing. This idea of lapsing does not refer to certain negative events of human life which a critique of culture would be disposed to condemn but to an intrinsic character of the transcendental finitude of man, a character which is bound to the nature of projection as ‘thrown’” (244).

<sup>27</sup> For example, in his essay “Why Study Power: The Question of the Subject” (1982), Foucault suggests: “The first thing to check [as an ongoing critical thought] is what I should call the “conceptual needs.” I mean that the conceptualization should not be founded on a theory of the object—the conceptualized object is not the single criterion of a good conceptualization. We have to know the historical conditions which motivate our conceptualizations. We need historical awareness of our present circumstances” (209).

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## Freedom and Historical Ontology

We also recognise how it would not be possible to totalise the Foucauldian project, as its *presence* at any time is a dissimulating play of masks. But why, then, does Foucault locate so much of his research in a transformative moment during the eighteenth century? How do we understand this dissimulating presence *and* the historical and archival dimension to Foucault's research? I want to address this with a second aspect of Agamben's thinking to draw on. It begins with Foucault's 1971 essay on Nietzsche, "Nietzsche, Genealogy, History." We see immediately from this essay that Foucault is not in search of origins (*Ursprung*). Rather, the genealogist is in search of descent and emergence.<sup>28</sup> Agamben cites Foucault on this:

If Nietzsche refutes the pursuit of the origin it is because *Ursprung* names 'the exact essence of things, their purest possibilities, and their carefully protected identities; because this search assumes the existence of immobile forms that precede the external world of accident and succession. This search is directed to "that which was already there," the "very same" of an image of a primordial truth fully adequate to its nature, and it necessitates the removal of every mask to ultimately disclose an original identity. (Agamben, 2009: 83)

We recognise in this passage a concern with genealogy and a reading of Nietzsche that coincides with the earlier concern we outlined, with presence and the image. With both, there is a derealisation of my world, not in order to present a world imagined as authentic origin, but in order that this world that is mine might be thought otherwise than as it is. Descent and emergence ultimately concern a relation of a self to itself in order that it does not secure its identity in an ideal origin. As Agamben suggests: "It is always a matter of following the threads back to something like the moment when knowledge, discourse, and spheres of objects are constituted. Yet this 'constitution' takes place, so to speak, in the non-place of the origin" (84). That "non-place of the origin," like the "blank space from which I speak" is the dissimulating "place" of a present whose relation to a self is the derealisation of

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<sup>28</sup> In an interview with Gérard Raulet, "Structuralism and Post-Structuralism," initially published in English in 1983 in the journal, *Telos*, Foucault responds to a series of questions directed at his engagement with Nietzsche and the importance of Nietzsche in his thinking. Foucault notes that he had read Nietzsche in 1953, in relation to the question of how one elaborates a history of reason. Then, on encountering phenomenology, the question becomes renewed: "Is the phenomenological, transhistorical subject able to provide an account of the historicity of reason? Here, reading Nietzsche was the point of rupture for me. There is a history of the subject just as there is a history of reason; but we can never demand that the history of reason unfold as a first and founding act of a rationalist subject" (Foucault: 1998: 438).

that self's fixed relation to itself, the immanence of a movement of freedom, immanent to any action on the actions of others constitutive of power.

How, then, do we understand Foucault's repeated return to the eighteenth century, as if this is an originary historical moment through which we come to see the appearance of the liberal subject of self-interest and a population regulated by an artificial nature defined by the market as well as the emergence of the bio-political in the twin poles of a disciplinary mechanism of individuated welfare and a governmental regularity at the level of species or race? Agamben stresses here not so much the thinking of Nietzsche but the work of Nietzsche's close friend, Franz Overbeck and the development by Overbeck of the notion of pre-history.<sup>29</sup> Pre-history does not designate what is most ancient or primitive:

The fundamental character of prehistory is that it is the history of the moment of arising, and not, as its name might lead one to believe, that it is the most ancient. Indeed, it may even be the most recent, and the fact of being recent or ancient in no way constitutes a quality that belongs to it in an original way. Such a quality is as difficult to perceive in it as any relation to time that belongs to history is attributed to the subjectivity of the observer. Like history in general, prehistory is not tied to any specific site in time. (Overbeck, cited in Agamben, 2009: 85)

That "moment of arising" or the "pre" of prehistory refers to what must already be in place in terms of historical consciousness such that the intelligibility of monuments or the veracity of testimony happens. Overbeck calls this "tradition": "prehistory, too, has to do with the past, but with the past in a special sense ... the veil that is suspended over every tradition darkens to the point of impenetrability" (86). Every history has its pre-historical structures or frameworks of intelligibility, its tradition that is so ingrained that it is completely concealed. Hence the need for critique of tradition or critique of sources: "the mode in which the past has been constructed into a tradition" (87).<sup>30</sup> Such critique concerns itself not with historical origins or beginnings but with the structure of historical enquiry (87). Agamben references

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<sup>29</sup> Franz Overbeck, while a close friend of Nietzsche, and, perhaps, especially known for this, was a radical nineteenth century theologian whose work eventually influenced the philosophical and theological work of Karl Barth, Karl Löwith and Heidegger. His major theological contribution was in a radical understanding of the historicity of Christianity in terms of a fundamental distension between dogmatism of the Church and early Christianity's opposition to all forms of history. It is in this radical theological sense that the notion of "pre-history" is developed. There is very little published in English by or on Overbeck. See Overbeck (2002) *On the Christianity of Theology*, Trans. J. E. Wilson. Eugene, Or.: Pickwick Publications; and Overbeck's major text (2005) *How Christian is Our Present-Day Theology?* Trans. M. Henry, T & T Clark. London: Continuum.

<sup>30</sup> This is a concern with neither structure nor genesis, in a conventional sense, nor with dichotomy as such, as we earlier discussed with respect to Foucault's archaeology.

Heidegger from *Being and Time* (1986) on the “destruction of tradition,” Heideggerian echoes of Overbeck:

When tradition thus becomes master, it does so in such a way that what it ‘transmits’ is made inaccessible, proximally and for the most part, that it becomes concealed. Tradition takes what has come down to us and delivers it over to self-evidence; it blocks our access to those primordial ‘sources’ from which the categories and concepts handed down to us have been in part genuinely drawn. Indeed it makes us forget that they have had such an origin, and makes us suppose that the necessity of going back to these sources is something which we need not even understand. (Heidegger, cited in Agamben, 2009: 88)

Destruction of tradition has the genealogical aim to disrupt the self-evidence and rationality of a source, such that, in a movement of freedom another relation of self-to-self as precisely another rationality or reason may encounter *this* world in which that source lives differently. It is in this sense that we need to recognise Foucault’s return time and again to the seventeenth and eighteenth centuries, not as a fixing or fixture of the self-certainty of tradition or self-evidence that comes with a tradition concealed but quite the reverse.<sup>31</sup> These are techniques on the historiography of tradition itself, to un-conceal how the functioning of history happens in the derealisation of rational self-certainties such that the present too, as the living situatedness of history, may be thought otherwise and, in turn, present what is yet un-thought.

This takes us to the third concern of Agamben that we aim to draw on. It is in terms of a movement of freedom he sees in Foucault’s articulation of a relation of imagination to the present, and a recognition of a deliberation on pre-history, discernible in both Nietzsche

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<sup>31</sup> We might consider in this archaeology and destruction an essential Benjaminian theme from the one who gave us the short text on the destructive character, the one who “reduces to rubble” what exists, “not for the sake of rubble but for that of the way leading through it” (Benjamin, 1985: 158). This is the same Benjamin whose method was than of archaeo-mondaology, an archaeology of returning again and again to the same place: “Memory is not an instrument for the reconnaissance of what is past but rather its medium. It is the medium of that which has been lived out just as the soil is the medium in which old cities lie buried. Whoever seeks to gaze more closely at one’s own buried past must proceed like a man who excavates. Above all, he must not shy away from coming back time and time again to one and the same object —scatter it just as one scatters earth, root it up just as one roots up the soil” (Benjamin, cited in Frisby, 1985: 223). Anna Stüssi echoes and extemporizes on this: “Pathways to remembrance lead downward —they lead into the past, into the depths of the earth. The past never lies merely ‘behind’—it has not been disposed of—but rather ‘below’ in the depths. The city still stands in whose ground its own past lies hidden. The present day city transforms itself in the light of remembrance into an excavated one that bears testimony to the time of the past. Archaeology takes place on the showplace of modernity” (Stüssi, cited in Frisby, 1985: 225).

and Heidegger, that Agamben characterises such historical inquiry by the name “archaeology”:

Provisionally we may call ‘archaeology’ that practice which in any historical investigation has to do not with origins but with the moment of a phenomenon’s arising and must therefore engage anew the sources and tradition. It cannot confront tradition without deconstructing the paradigms, techniques, and practices through which tradition regulates the forms of transmission, conditions of access to sources, and in the final analysis determines the very status of the knowing subject. (89)

Foucault’s archaeology, its concern with the “it is said,” or positivities of statements is thus a concern with destructing the self-evidence of forms of historical transmission in order to determine how our present might otherwise think descent and emergence, how a self’s worlding is anything but the coincidence of an ego and an identity. However, in my close deliberation on this Agamben text, or some small portions of it, I have aimed at keeping in continuous movement the heterogeneous yet radically linked concerns of archaeology, genealogy and operations of the subject. These are not “phases” of Foucault’s “evolving” career. Or rather, to frame them as such would be to invoke a notion of subject, archive, tradition and source completely at odds with Foucauldian thinking. But, more crucially, this discussion has not taken place in order for us to get to know Foucault a little better. Rather, our concern is to ask: what do we do in our research on the city or urban conditions? To what extent do we need to engage with the “prehistory” to these phenomena, the self-evident traditions and assured sources from which we construe our historical imagination? The importance of the work of Foucault, as well as Agamben and others we reference in this thesis, is that they provide methodological procedures for that essential transformative movement from historical anthropology to ontology, from an empirico-rationalist encounter by a subject of an object to a more complex questioning of the certainty and stability of either. As Agamben suggests, concerning archaeology: “The moment of arising is objective and subjective at the same time and is indeed situated on the threshold of undecidability between object and subject. It is never the emergence of the fact without at the same time being the emergence of the knowing subject itself: the operation on the origin is at the same time an operation on the subject” (89).

This discussion on Foucault’s method leans to an ontological disclosure essential to a self’s relation to itself in the determining of how *this* world is for that self, in its historical dimension, which is to say, how history is nowise other than a dissimulating presencing.

Such a discussion has seemed to be a necessary preamble to the presentation of my archival research on the Cholera epidemics of 1831 and 1854 in London. I am not recounting newspaper reportage that appeared on a daily basis in order to reconstruct as accurately as possible an historical account of things in the early nineteenth century. While such an account is within the orbit or ambit of my research frameworks on the urban, I aim at foregrounding what I have above emphasised as the pre-history of such an account, a certain destructing of the self-evidence of such historical enquiry, its modes of transmission and the veracity of the sources in their empirical certitude. We need to commence with the empirical self-evidence of the newspaper archive, as if so much history was simply embedded there waiting to be exhumed by an attentive researcher.<sup>32</sup> We need to approach the early nineteenth century newspaper itself as a technique or technology of power, its circulation as the construing of a milieu, its reading as a function of discourse, its production as something other than simply an emergent medium of communication. Equally we need to consider the condition of the archive, its accessibility, its legibility, systematicity and structure as more than a fortuitous aid to the vigilant historian. It too is a technique or technology of power that easily aims to make both tradition and source self-evident, as if our forms of knowing were already formed empirical certitudes awaiting the glance of our attentive eye. Andrew Barry shows similar concern in developing a Foucauldian approach to the development and introduction of the telegraph service in the United Kingdom, and then in the British Empire and globally, in the latter half of the nineteenth century.

### **Destructing Historical Sources: Liberal Governmentality of News**

In his essay, “Lines of Communication and Spaces of Rule” (1996), Barry develops a reading of the telegraph as a technology of power that brings into relations, or a milieu, territory, architecture and communications. He emphasises, as we have done, Foucault’s own writings on the governmental rationality of the eighteenth century that focused on cities as a model to be applied to the whole of a territory (126). Barry also suggests,

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<sup>32</sup> It is useful to be reminded of how Foucault developed his understanding of “archive” which cannot be dissociated from his understanding of historical *a priori*s: “Instead of seeing, on the great mythical book of history, lines of words that translate in visible characters thoughts that were formed in some other time and place, we have in the density of discursive practices, systems that establish statements as events (with their own conditions and domains of appearance) and things (with their own possibility and field of use). They are all these systems of statements (whether events or things) that I propose to call *archive*” (Foucault, 1972: 128).

concerning the emergence of biopolitical techniques in the nineteenth century: “At the centre of the concerns of the forms of political rationality that developed in the nineteenth century was not the city or the territory but society. The governmental State was no longer defined in relation to its physical territory, its surface area, but in relation to its social geography, its population and its economy” (126). However, the problem for liberal government in the nineteenth century was how to effectively regulate the social such that society was yet autonomous from the State (127). If urban space was the privileged milieu for discipline’s mechanisms of power, urban space understood in terms of a physical architecture of enclosure, segmentation and control, another technique of power and another milieu enabling circulation began to dominate nineteenth century concerns with biopolitical regulation within a governmental rationality of liberalism: “However, from the nineteenth century onwards it was not architecture but communications technology that came to have a critical role in regulating the flow of objects, information and persons, thereby facilitating the development of a liberal political and economic space” (127). Barry defines two dimensions to such a relation between the emergence of liberalism and the development of communications technologies.

The first concerns the degree to which public authorities were able to inform and be informed with respect to the dispersed space of a territory. *Raison d’État*’s disciplinary measures aimed precisely at cancelling out circulation in a sovereign gaze that was all encompassing. Liberalism’s control aimed at maximising circulations and hence the free movement of the social. Yet it required a capability to quell disturbances or intervene in social relations. An emphasis on communication techniques operated a regulating function at the level of population, non-targeting of individuated bodies and thereby minimizing State interventions. Barry notes: “From the nineteenth century onwards public agencies have sought to make rapid response to any apparent risk to the wellbeing of the population, whether this risk be military, economic or biomedical” (128). The second affect of increasing emphasis on communication networks for nineteenth century liberalism is the correlate emphasis it gives to self-governing capacities of society itself, with the individuated subject recognised as its own self-governing enterprise: “In effect, the communication infrastructure came to function as perfect embodiments of the liberal political imagination: maximising density, intensity and spatial extension of interactions within the social body itself while, at the same time, minimising the direct demands made by the State on the people. They enabled society to come to know itself and to govern itself on the basis of its own knowledge” (128). We need to clarify what Barry means by “communications networks” as

techniques or technologies of power. To do this we need to remember the distinction that Foucault made in his “Afterword” essays concerning power and subjects. There he made a distinction between three kinds of relations between peoples constituting the social, defined as action on the actions of others. Not all of them concerned relations of power. One of those was communication:

It is necessary to distinguish power relations from relationships of communication which transmit information by means of language, a system of signs, or any other symbolic medium. No doubt communicating is always a certain way of acting upon another person or persons. But the production and circulation of elements of meaning can have as their objective or as their consequence certain results in the realm of power; the latter are not simply an aspect of the former. Whether or not they pass through systems of communication, power relations have a specific nature. (Foucault, 1982: 217)<sup>33</sup>

Clearly, Barry has not collapsed or confused these two sets of relations, as if suggesting that the flows of communication themselves construe decisively, in their empirical givenness and intelligibility, how relations of force play out. This would invert what Foucault has stressed with respect to power/knowledge.<sup>34</sup> It is not knowledge that defines the superiority of force but rather the relations of force that produce the truth effects of our forms of knowing. Hence, as Barry suggests, it is the very technology that is constitutive of relations of force. Who is inserted into the blank spaces of its mechanisms is an open question. We need to regard the development of newspaper journalism in the early nineteenth century according to such an analytics of the exercise of power.<sup>35</sup> Daily newspapers operated in close relation

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<sup>33</sup> In his 1979 overview essay on Foucault, “Other Inquisitions” (1979), Gordon further articulates three modalities or concepts of power: “Foucault employs three concepts of general forms of rationality pertinent to the study of power/knowledge: the concepts of *strategies*, *technologies* and *programmes* of power” (Gordon, 1979: 35). He goes on to distinguish rational *discourses*, non-discursive *practices*, and *effects* produced in the social field. There is no specific correlation between each of these, no “watertight ontological compartments: the same events can be considered in turn under each of them” (35). However, generally we recognize programmes of power engaging rational discourses, technologies of power enacting non-discursive practices that seek legitimacy in rational programmes, while strategies may well be aberrant effects produced in the social field, as programmes and technologies are wielded in order to undo their own specific rationalities, as counter-movements or resistances. One finds this complex relay between modalities of power in Barry’s account of the development of the telegraph, and its bearing on the solidification of the relations of force enabling the securing of the British Empire in the late nineteenth century.

<sup>34</sup> As Foucault emphasized in *The Archaeology of Knowledge*, knowing cannot be reduced to a subject and truth preceding the field of forces in which that subject is inserted and construed. The knowing subject is an effect of enunciative modalities and enunciative formations, which are local and produced within a microphysics of power.

<sup>35</sup> For an engagement that details a Foucauldian approach to the development of mass media, see Mathiesen (1997). Mathiesen coins the notion of synopticism, as a parallel to panopticism, in order to

with the development of forms of liberalism as a means for regulating the social in a manner that defined the social itself as a self-regulating entity. With the biomedical crises of Cholera outbreaks in the early nineteenth century in London, newspapers played a considerable role in defining the constitutive agency of public authorities, medical expertise, public responsibility and individual action. They also provided an advocacy and resistive discursive framework that could voice opposition to the State when it was recognised that State intervention exceeded liberal freedoms. Newspaper accounts provide competing rationalities, disperse events into myriad and conflicting accounts of emergence. As discourses of power and techniques of power, their appeal is to a defined and consistent Reason. Their authority hails from such rationality, which we are able to align with a coincident understanding of tradition and source as self-evident certainty. However, as practices of power, newspapers are aberrant, wildly inconsistent, countering their own self-assumed rationalities.

In the following chapter, I initially work through an archive of competing discursive accounts of the Cholera epidemics of 1831 and 1854 in the U.K., as accounts of biopolitical governmentality of the urban in a crisis of endemic disease. Not only competing medical rationalities, verbalizations and spatializations, but also techniques or normalizing technologies are presented that stratify or designate the City of London in competing or dispersed relations of power and regimes of truth. The chapter develops further accounts of nineteenth-century biopolitical planning of metropolitan London in terms of sanitation planning, as sanitary engineering is to be interpreted in relation to Foucault's understanding of the developments of liberalism, particularly as developed in his 1978-79 lectures, *The Birth of the Biopolitical* (2008). The chapter concludes with discussion of the emergence of twentieth-century neo-liberalism, and especially neo-liberal understandings of self-enterprise in the United States from the mid-1970s. Discussion of some of the effects of neo-liberal governmentality on urban planning regimes concludes the chapter.

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undertake a genealogy of surveillance and the growth of mass media from the eighteenth century. He suggests: "The growth of the newspaper presupposed a comprehensive scientific and technical development which took place at the same time—the train and the steam ship, which facilitated the distribution of newspapers as well as the interchange of news, and the telegraph, which made rapid communication of news possible. It also presupposed important social conditions: a changed political role of the citizens and the development of a large middle class followed by the growth of trade and consequently of large markets" (Mathiesen, 1997: 220).

## Chapter Four

Strata *of* the Biopolitical

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## Chapter Four

### *Strata of the Biopolitical*

#### The Cholera Epidemics

Finally, the examination is at the centre of the procedures that constitute the individual as effect and object of power, as effect and object of knowledge. It is the examination which, by combining hierarchical surveillance and normalizing judgement, assures the great disciplinary functions of distribution and classification, maximum extraction of forces and time, continuous genetic accumulation, optimum combination of aptitudes and, thereby, the fabrication of cellular, organic, genetic and combinatory individuality. With it are ritualized those disciplines that may be characterized in a word by saying that they are modalities of power for which individual difference is relevant. (Foucault, 1977: 192)

The city became a site of primitive accumulation, not just of wealth, but of statistical data. The city became a laboratory in which power and knowledge were not simply exercised but rethought, applied and re-evaluated. [In] the mid-nineteenth century, the 1832 epidemic was a seminal moment in the state's assumption of a pastoral role over its population that Foucault termed biopower, the successor to disciplinary power/knowledge. Before 1832, the rules that governed local responses to epidemics had remained unchanged for generations. The open-ended nature of biopower, its relentless accumulation of data and comparisons of the efficacy of different forms of interventions, meant that there could be no equivalent of Defoe's *Journal*. The administrator, not the author, was the only figure who *could* write the authoritative account of plague from the mid-nineteenth century onwards. (McKinlay, 2009: 181)

Various discourses that surround hygiene, or the best ways to manage disease outbreaks, emerged from competing discourses around disease—in particular Cholera—that ravaged Europe during the nineteenth century. If we are to seriously heed that Foucault never broke with archaeology, then we must reconfigure our analysis of governmentality and bio-politics to an understanding of discursive events. If we look at the various discursive formations of Cholera in the nineteenth century, how the disease was described in newspapers and by medical experts, we see that far from being a simple succession of historical events, there is a

wide range of quite different ways of understanding the spread and cause of the disease.<sup>1</sup> If we examine the various discourses that existed at the time of major Cholera outbreaks in the United Kingdom in 1831 and 1854 we can see that there is no clear understanding of the disease. Much of the understanding is largely speculative, with heavy emphasis on personal experience and this includes the medical profession of the time. While the nineteenth century is regarded as the birth of modern sciences, the discourses of the time regarding Cholera are not yet dominated by techniques that we would today regard as medical science.<sup>2</sup> For example, the Edinburgh newspaper, *The Caledonian Mercury* (June 30, 1831), records how a Special Committee of the Royal College of Physicians on “Cholera Morbus” recommended the use of quarantine. What is notable is that, with quarantine, most of the treatments are speculative, the main proposals involving the use of super-oxygenated air, ammonia, and blood letting, all of which were thought therapeutic. The London paper, *The Morning Chronicle* (June 23, 1831), speculates that Cholera is caused by “filthy smelling vapour” that is accompanied by “swarms of green flies,” and these “filthy little beasts” spread the disease. The Dublin Newspaper, *The Freeman's Journal and Daily Commercial Advertiser* (June 30, 1831), recognises that Cholera originated in India, and provides some discussion on the merits or otherwise of bloodletting. Four months later in the same

<sup>1</sup> We may here consider the analyses earlier discussed with respect to *The Birth of the Clinic* (1973), with its triple register of constitution, localization and practice, establishing a series of discontinuous moments of analysis, or radical procedures for adjudicating on how discourses of medicine find their coincidence with the localizations of individuated bodies, and *correct* practices that supposedly coincide with discourse and body. As we will see, it is precisely the heterogeneity of discursive regularities concerning the disease, assumptions about which bodies would and would not be affected, producing subjects of disease, and a threshold moment with respect to discipline and security, or confinement and normalising techniques, or conduct on bodies and conduct on conducts, that mark the following accounts of the incidence of Cholera in London between the early 1830s and the 1850s.

<sup>2</sup> Barry (1996) notes Ian Hacking's emphasis on the growth of statistical measures, as part of a more general scientific pursuit of exact calculation: “Statistics, as has been noted elsewhere, became an important technical feature of liberal forms of government. However, interest in greater quantification was not confined to the social sciences. Charles Babbage, for example, in his *Economy of machinery and manufacture*, argued that: ‘it is the science of calculation—which becomes continually more necessary at each step of our progress and must ultimately govern the whole of the application of science to the arts of life.’” (132). Those techniques of medical science grew out of a new space developed in the late nineteenth century, that of the scientific laboratory that combined the pursuit of accurate data and surveillance of things as a technique that extended to social management and moral order (133). Along with an emphasis given here to the invention of the late-Victorian laboratory, we also need to emphasize Canguilhem's recognition of the formalization of the biological sciences at the end of the nineteenth century, in terms that will determine their fundamental irreducibility to physics and chemistry. As Foucault suggests: “Canguilhem would no doubt accept that the moment which one must consider as strategically decisive in a history of physics is that of formalization and the constitution of theory; but the moment to be privileged in a history of the biological sciences is that of the constitution of the object and the formation of the concept” (Foucault, 1980: 59).

newspaper, there are suggestions that Cholera is spread by either poisoned air, bad water, or infected rice, the later caused by insect infestation causing rice to change to black or brown.

Similarly in the 1854 outbreak, much of the discussion of cause and treatment of the disease suggests that such causes are undetermined. However, there are signs of different techniques in understanding the disease. For example, the London paper, *The Daily News* (August 2, 1854), recorded the numbers of people who were either sick or had died from the disease, along with their symptoms. In each case, the state of the house is described, with a particular concern for odour, as well as the state of sewers, cesspools, privies, and whether or not there is poor drainage. The same newspaper records, a few days later (August 14, 1854), that Lord Jocelyn M.P. had died from Cholera. There is recognition that the disease did not just affect the poor and that Cholera could affect all classes, warning of the dangers of “bad air” and “bad diet.” The next day there is a suggestion that prevention of the spread of disease could be enhanced by the use of a deodorant using “chloride of lime” (August 15, 1854). A few days later a special “Court of Sewers” is convened, allowing for special powers under the Nuisances Removal and Diseases Removal Act (1848) to force the removal of waste and draining of sewers or cesspools. While there is developing an understanding of a link between sewage and Cholera, the specifics of that link are not known. Herbert Randolph speculates, in a letter to the Editor of the London paper, *The Morning Chronicle* (August 22, 1854), that Cholera is caused by “fungoid matter floating in the air.” Again there is a suggestion of insects as carriers of the disease, or “some minute substance” and electricity or oxygen should be used to treat the sick. Though Randolph recognises these are “without giving proof,” he sees benefit in experiments being undertaken. Three days later, in *The Daily News* (August 25, 1854), the suburb of Bermondsey is profiled: heavily affected by the 1849 Cholera epidemic, described as “poverty-stricken,” having poor living conditions, and one of the “ill-ventilated quarters of the town.”<sup>3</sup>

A week later in the same newspaper, in a letter to the Editor, titled “Cholera: Its Cause and Cure,” A. Mayhew defined a link between Cholera and high levels of ozone that correlate with areas of high levels of damp: “It is well known that the cholera ether follows the courses of rivers, or declares itself in damp districts” (September 4, 1854). This is further developed

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<sup>3</sup> See further discussion below on urban projects for the eradication of endemic fevers. This is especially discussed in relation to Osborne (1996).

in other articles: “Ozone is destroyed by heat. The cholera disappeared suddenly from Berlin after a fire which consumed many houses.” The article additionally suggests that with the burning of sulphur there is oxidisation of the ozone, transforming it into sulphuric acid, thus allowing for a possible treatment of the disease. An example is given of an American slave-owner who “fumigated his negroes with sulphur, and no one of them suffered from cholera, although in the surrounding plantations the men died ‘like flies’.” A possible treatment would then be using a mixture of Sulphuric acid and opium or keeping a patient in a room of sulphuric acid gas. In this same edition is an announcement from the General Board of Health that there is a widespread epidemic in London. There are “Metropolitan Boards of Guardians” implementing the General Board’s directions with the aim of limiting the spread of disease and “placing of medical aid and general information within the reach of all” (*The Daily News*, September 4, 1854). In the parish of St. James’, Westminster, where there was a particularly severe outbreak, there were door-to-door visitations, and a scientific investigation being directed by the Board “to embrace both microscopical, meteorological, chemical and medical branches of inquiry.” The Board also lists a range of precautions, ranging from recommendations to avoid poor food or getting wet, avoid damp, fasting too much or too little, drinking in excess, taking un-prescribed medicines or salts, keeping clean and dry. Rooms were to be cleaned, lime-washed, and well ventilated. The public was to “apply to a medical man” if there occurs “looseness of the bowels.”

A further recommendation addresses the strategic interlacing of liberal self-regulating with State functioning control: “If there are any dust or dirt heaps, foul drains, bad smells, or other nuisances in the house or neighbourhood, make compliant without delay to the local authorities having legal power to remove them.” Two days later, (September 6, 1854), the same newspaper reports that the President of the General Board of Health visited St. Anne’s parish in Soho, and the neighbouring St. James’ parish, inspecting a number of streets, including Broad-street. Of particular interest was water supply, namely the state of the water, and whether it was filtered or not. There was recognition that in very similar neighbourhoods, there were quite a different number of incidences of the disease, and that a report was to be made whether previous drainage and general improvements had made a difference. On the twenty-first of September, *The Daily News* (September 21, 1854), reported on a study by the Medical Council to the General Board of Health, of the effectiveness of Castor Oil in treating Cholera. The Medical Council tabulated results from various clinics around London to find that Castor Oil was largely ineffectual in the treatment of the disease.

Perhaps one of the more interesting articles came from the London paper *Lloyd's Weekly Newspaper*, (September 17, 1854), which compares the epidemic of 1854 with that of 1831, quoting heavily from an unnamed article in the *Quarterly Review*, which the author argues is an “organ of a great party of the most rich and powerful of the community.” The author emphasises the “moral results in the belief in contagion.” He cites an 1831 report on the Cholera epidemic that recommended the isolation of houses like a “*lazaretto*” (an isolation hospital for the treatment for plague). In the event of a Cholera outbreak in London, the government needs to “paralyse” commerce. The 1831 text clearly is arguing for the use of quarantine, that “nothing” should stand in the way of flight to country-houses, and advocates the use of surveillance by the “health-police” to manage populations. The author of the 1854 text clearly takes exception to the use of the word “nothing”: “Nothing? Not the demands of Christian charity? ... The principle of cowardly and brutal selfishness was recommended because Cholera was thought to be contagious.” The author of the 1854 text, however, stresses that the point of the article is not to “cast odium upon the writer” but to “point out the prodigious change which twenty-three years have made in the feelings in society.” He sees the visitation by the President of the Board of Health to poorer neighbourhoods indicative of this moral change: “We were told, in 1831, to meet the Cholera by self isolation. We have learned, in 1854, to meet the Cholera, and most other social evils, by unselfish brotherhood.”<sup>4</sup>

The next day, in the London paper, *The Morning Chronicle* (September 18, 1854), an article presents the findings from a weekly report given to the Register General. In it there is a concern for the state and safety of the water supply from the main London water companies. The report is in many respects more recognisably modern than the then haphazard speculations from the medical profession and other well-meaning amateurs.

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<sup>4</sup> In *Dreaming the Rational City* (1997), M. Christine Boyer introduces an important shift from eighteenth to nineteenth century planning in terms of morality, production, circulation and discipline. She suggests, in opening a chapter on “The Rise of the Planning Mentality”: “To be exposed to the influence of nature, to the order of classical architecture, to the example of moral philanthropy: these were the problems to which the architecture of picturesque parks, civic centres and public buildings, and the inspection of charity organizations and tenement departments responded. The need of industrial production, however, posed another type of metropolitan problem. How could the rules for efficient capital expansion and circulation be internalized in the fabric and form of the city—not as exemplary architectural sitings, spectacular fairs, or uprighteous individuals but by introjecting a disciplinary order within and under the surface of urban form in the most efficient and economical manner?” (Boyer: 1997: 59). It is here she refers to Foucault’s work on plague towns in terms of disciplinary interventions of rational order.

There is significant use of statistical analysis tabulating data from different time periods and comparisons to other places to extrapolate trends. For example, the report compares the death rates of the 1849 outbreak of Cholera with those of 1854, illustrating how the various upgrades at the Lambeth Water Company had led to lower mortality rates in the parish of Lambeth in comparison to the suburb of Bermondsey where the water supply had not been improved from the earlier outbreak. There is also mention of a “Dr Snow” who the article describes as having “devoted much time to the investigation.” John Snow is of particular interest to the birth of the biopolitical for two reasons. The first is his use of scientific methods and, second, is the conclusion that he drew from them. Snow was not particularly well known during the period, better known for his work with anaesthesia. Today he is best known for putting forward the idea that Cholera was not an airborne miasma, but a disease spread by polluted water (Chave, 1958: 347). And while he had published his theory in a small pamphlet in 1849, later developed into a book, *On the Mode of Transmission of Cholera* (Snow, 1855), what is clear is that at the time of the 1854 epidemic, Snow and his ideas about Cholera were not particularly well disseminated or accepted in medical or public hygiene literature (Chave, 1958: 347). Several authoritative medical organisations reviewed Snow’s concept—that Cholera was transmitted by water. Few, however, were convinced as it ran counter to the prevailing view of the time that Cholera mostly likely emanated from damp or bad air.<sup>5</sup> Chave points to an 1849 review in the medical journal *The Lancet*, where Snow’s thesis was regarded on the whole as being far from conclusive. At the time of the 1854 Cholera outbreak centred on Soho, The General Board of Health largely disregarded Snow’s position, arguing there was no reason to accept Snow’s views. And in a later official investigation, led by The Royal College of Physicians, following the 1854 epidemic, Snow’s thesis was rejected outright as completely untenable.

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<sup>5</sup> Osborne (1996) discusses eighteenth-century and early nineteenth-century understandings of disease and contagion in relation to closed or confined spaces and the resulting stagnation of air. Research particularly focused on institutional spaces: hospitals, prisons, barracks, ships, fortifications, or more generally strategic institutional spaces of order, particularly within colonial frameworks of military conquest and usurpation. Hence we recognize the predominant emphasis on miasmas, or foul air in contexts of public health in more open urban settings. It was with the Cholera outbreaks in London and other metropolitan centres in the early nineteenth century that other kinds of spaces were researched as causal in contagion, as with, for example, Snow’s emphasis on the public spaces of water pumps. See Osborne (1996), especially 108 ff.

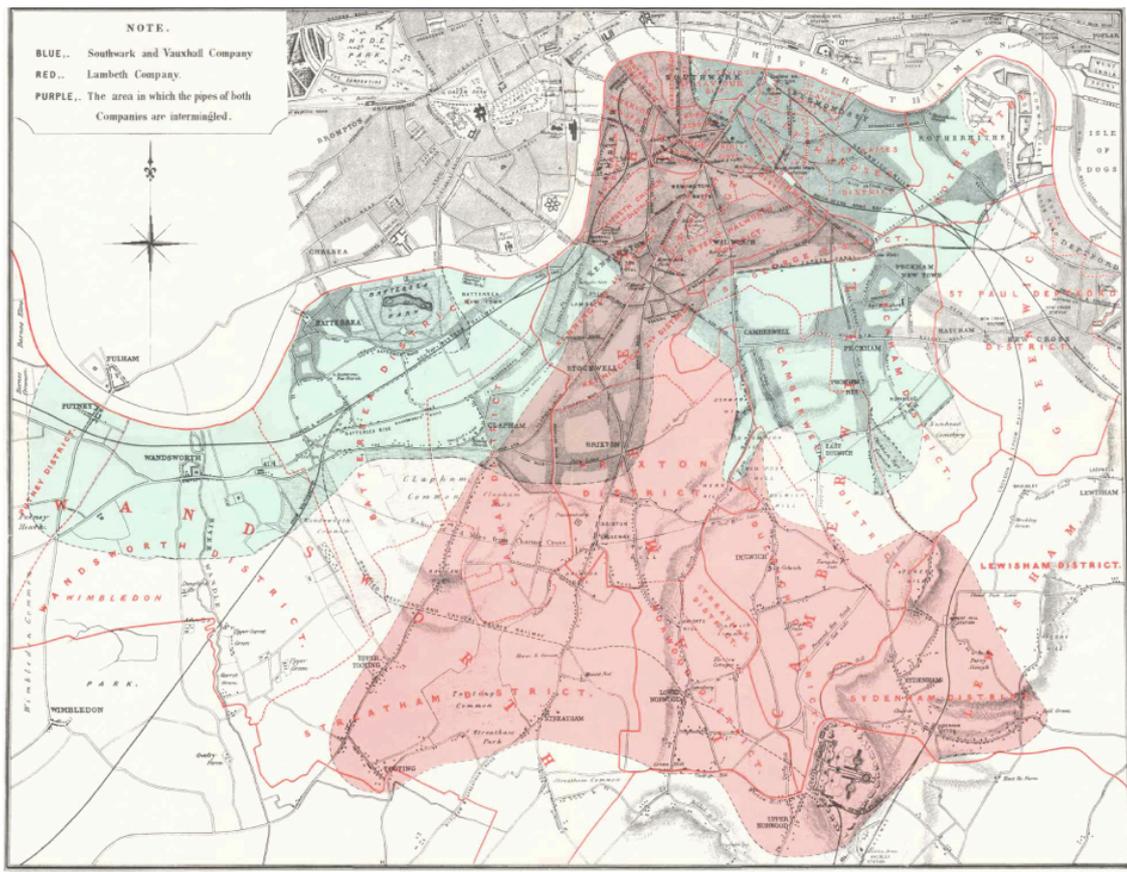


Figure 10. Snow, J. (1854). Map 2. [Illustrating the Water Supply of South London], p.74 (Insert).  
 In *On the Mode of Communication of Cholera*. London: John Churchill.

## Treating Disease and Managing Risk: Differential Foci

Today John Snow is best known for his investigations of the Broad Street water pump and the Cholera outbreak that was centred around it, in St. James' parish, Soho—see, for example, *The Daily News*, September 4 and 6, 1854. The water in London at that time was of quite varying quality. Water provided by water companies was often discoloured and unpleasant to drink, whereas water from the Broad Street pump was well known for its quality, being clean, clear, and slightly effervescent. The liveliness of the water, as Chave indicates, was caused by “the presence of carbonic acid and nitrates, the end products of organic contamination” (Chave, 1958: 348).<sup>6</sup> Snow was at this point co-opted by the committee investigating the outbreak's origins, along with a local doctor, Edwin Lankester, and the local curate, Henry Whitehead. The curate had discovered that just prior to the outbreak a baby had died of symptoms very similar to that of Cholera and the discharges from the child had been dumped in a poorly-lined cesspool, less than three feet from the Broad Street well, thus making a fairly conclusive link that this was the source of the outbreak. It would take another thirty years before there was recognition of Snow's insights into the role of polluted water as principal medium of the transmission of Cholera. It was only the discovery that Cholera was caused by the bacteria *cholera vibrio* by Robert Koch in 1884 that belief in miasmas was conclusively ended (348). Official recognition of Snow's work first came from the British Medical Officer of Health, John Simon, in 1890, who acknowledged Snow's work on the prevention of the spread of epidemics (Snow, 2008: 23). Snow's work, however, was largely unknown until the 1930s, when there was a republication of his 1855 book by Wade Hampton Frost, a professor of epidemiology and public health at The Johns Hopkins School of Hygiene in the United States.

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<sup>6</sup> One of the most conclusive pieces of evidence for Snow's findings that the outbreak centred on the Broad Street pump was the death of a widow from Cholera in Hampstead, in the West End of London. Hampstead is roughly an hour's walk northwest from Broad Street. Thus there was no causal agent due to any close proximity to the infected water supply. The son of the deceased widow informed Snow that she had not been to Broad Street for several months. However, as Snow reports: “A cart went from Broad Street to the West End every day, and it was the custom to take out a large bottle of the water from the pump in Broad Street, as she preferred it” (Snow, 1855: 44). The widow was the only death from Cholera in Hampstead during the 1854 epidemic. Similarly, her niece had died from Cholera and was the only death of its kind in Islington where she lived. The link was that she had recently visited her aunt and drank the same Broad Street water. This led to Snow petitioning the local board of guardians at St. James' parish for the removal of the handle from the Broad Street pump on the seventh of September 1854. By the morning of the next day the epidemic had already declined sharply. Chave speculates that the handle's removal may not have had much effect, though it may have prevented another outbreak occurring (Chave, 1958, 348).

What is of particular interest to us is the scientific methods Snow undertook—microbiological examination of the water from the Broad Street pump, and use of statistical analysis. He chronologically tabulated the number of deaths and fatal attacks of the disease in the vicinity of Broad Street (Snow, 1855: 48). In subsequent tables, Snow lists various suburbs of London, population, deaths from Cholera, deaths per 10,000, and the principal water supplies (58-59). He produced what has become known as the “spot map” used to illustrate topographically where the main concentrations of deaths had occurred during the 1854 outbreak (44-45). The map shows the main water pumps in the vicinity of Broad Street and, where there had been a confirmed death from Cholera, the map was marked with a black mark or bar (44). Brody, Rip, Vinten-Johansen, Paneth, and Rachman (2000) emphasise that the spot map was not used by Snow to provide the likely source of the outbreak, as some have suggested, but rather to visually illustrate his thesis on the pathology of Cholera (Brody *et al*, 2000: 65). That is to say, while Snow was clearly thinking in a spatial manner, the map was largely used to confirm or test his thesis rather than being instrumental in producing it (68). As Brody *et al* suggest, it is best not to project our contemporary understanding of disease and modern medicine onto debate existing at the time of the 1854 Cholera epidemic. Such projection, they suggest, misconstrues Snow’s achievements, by turning Snow’s work into an hagiographic account of history, where, for example, Snow is a “... clear-eyed modern thinker who saw the facts, and was opposed by defenders of ancient preconceived theories” (68). They emphasise the tendency to undertake historical accounts by projecting our own discourse onto historical events.<sup>7</sup>

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<sup>7</sup> We recognize in this point the emphasis given by Agamben to an understanding of Overbeck’s destructing of tradition in his notion of the pre-historical (Agamben, 2009). Those categories of descent and emergence, emphasized by Foucault in his account of Nietzschean genealogy (Foucault, 1977), are precisely the figures we need to adopt in order to recognize the historicity of Snow as an event, or eventalisation within the twin frames of jurisdiction and veridiction. This event has its situatedness in the present of its archaeology. We recognise this as well in Foucault’s famous opening accounts of medical or penal practices in *The Birth of the Clinic* and *Discipline and Punish*. His emphasis is not that former practices of medical treatment or punishment were barbaric, irrational and inhuman with respect to a universal notion of Reason, but that specific rationalities, or reasons are themselves historical and thus, genealogically speaking, fragile and transformative. Hence all of those treatments for miasmas, with blood-letting, sulphur-oxidization of the air, lime-washing of walls and so on, were not so much irrational and misguided as they were disclosive of horizons of specific relations between constitutions, localizations and practices.



Figure 11. Snow, J. (1854). Map 1. [Detail]. Snow's 'Spot Map' Illustrating the Number Deaths from Cholera in 1854 Surrounding the Broad Street Water Pump. In *On the Mode of Communication of Cholera*. London: John Churchill.

The 1854 Cholera outbreak was in real terms only one historical instance in the development of a bio-politics of health. Many other examples could be given as equally valid points of emergence in the development of contemporary forms of urban health management, hygiene campaigns, pollution controls, or zoning for particular activities. We could look to governmental efforts into the promotion of health, medical hygiene and epidemiology. What we can recognise from the 1854 Cholera outbreak is that there are three principal concerns. The first is that there is a governmental response and this response is largely modern in form, and largely operating in terms we recognise in Foucault's accounts of nineteenth-century practices of bio-politics within a framework of liberal governmentality. The 1854 epidemic differs from the earlier 1831 outbreak where the disease was dealt-with mainly by quarantine. This, in part, was necessitated by the surge in growth of the general population, which was increasingly becoming an urban population. Within the United Kingdom, between 1801 and 1901, the urban population grew from twenty per cent to eighty per cent of the general population (Smith, 2007: 264). Edwin Chadwick, in his 1842 Report on *The Sanitary Condition of the Labouring Classes*, recognised there were fundamental problems with sanitation in urban settings, in particular with respect to the urban poor (279). Secondly, there was a moral concern with health and cleanliness. Biopolitical techniques of regulation extended to discursive ensembles and techniques of power developed by a range of religious organisations dedicated to moral cleanliness, clean clothes, emphasis on bathing and good manners (265). Religious societies undertook charitable work, and there was the growth of middle-class and upper class philanthropy with the aim of helping the poor and their uncleanliness.

Thirdly, we can recognise from newspaper accounts that surrounding the discourse of Cholera in 1854 there was a wide range of medical speculation—theories of miasma proffered equally by a general public and the medical professionals; speculative theories based on vague scientific concepts though lacking clear scientific methodology; and Snow's own theory of water being the main form of transmission of the disease. As Brody *et al* suggest, there might be a temptation to historicise Snow's actions crudely against those who advocated miasmatic theories, but even a so-called balanced historical analysis is problematic, as Foucault notes in *The Archaeology of Knowledge* (1972).<sup>8</sup> Tracing Snow's

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<sup>8</sup> To continue the point being made in the previous footnote, we see in *The Archaeology of Knowledge* (1972), Foucault referring to Nietzsche's genealogy: "To the decentring operated by the Nietzschean genealogy, it opposed the search for an original foundation that would make rationality the *telos* of mankind, and link

research into the history of hygiene, though important, glosses that fact that Snow's theories were ignored or rejected, and in many ways insignificant to the production of public sanitation, roughly what coincides with the production of bio-politics. What is important from a Foucauldian perspective is not whether Snow's theory was correct or not, but the milieu from which it emerges. And as a rejoinder, our present milieu, or *episteme*, effects how we now appropriate Snow's work, thus locating Snow as a function or truth effect in how we view the events of the 1854 Cholera epidemic. In a similar way, Foucault's analysis of Panopticism rips Bentham's concept from a predominantly humanist and utilitarian project, and into how the nineteenth century saw the formation of new power relations. It largely does not matter whether Bentham's prison was novel or the most influential, but rather that it is indicative of a wider shift in the milieu that allowed for the formation of the panopticon to be thought in the first place.

### Plague as Allegory in Civic Perfection

McKinlay (2009) also engages the 1830s and 1850s Cholera epidemics in the context of contrasting accounts of these events to an account offered by Daniel Defoe in the eighteenth century. "Foucault, Plague, Defoe" (2009) focuses on Foucault's discussion of plague in terms of power/knowledge relations and Defoe's fictional journal account, written in 1772, of the London Plague of 1665, chronicled over the space of a year.<sup>9</sup> This is contrasted to the 1830s account of the Cholera epidemic in Europe and the 1850s approach to the treatment of Cholera. McKinlay initially outlines Foucault's contrast of the treatment of leprosy, with banishment, and plague's containment and segmentation, something we have mentioned in Chapter Two. Thus plague becomes an historical bridge between the Classical and the

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the whole history of thought to the preservation of this rationality, to the maintenance of this teleology, and to the ever necessary return to this foundation" (13). There is no historical analysis that does not pass through this systematic encounter with the continuous and with human consciousness.

<sup>9</sup> We have previously mentioned Boyer's *Dreaming the Rational City* (1997) and her reference to Foucault's work on plague towns. However, we note the need for a possible corrective to a simple over-generalisation of Foucault's understanding of discipline that Boyer employs. Thus, although she appropriately cites Foucault on the plague being at once "real and imaginary" and a disorder with its "medical and political correlative discipline," (60) this is quickly transposed to a scale of urban understandings that would require more nuanced engagements with Foucault's understanding of relations between discipline and security. It is the case that Boyer would not have had available the *Collège de France* lectures that provided such a nuanced understanding of the birth of liberalism and the biopolitical. Her discussion of "state regulative mechanisms and public welfare provisions" (60) requires a further discussion on Foucault's understanding of governmentality and the emergence of liberalism.

Modern ages, between discipline and bio-power (McKinlay, 2009: 168). Discipline's partitioning grids are not devices for including/excluding but means for determining distributions of the sick and the well. With plague there is a moment of confusion of order contrived as utopian perfection of a governed city: "Plague, then, was the moment in which the 'ideal' of disciplinary power can be thought and, perhaps, approached in practice. For law-makers and administrators, 'plague' need not be real but a metaphor for confusion and disorder that allows them to imagine 'perfect disciplines'" (169). *The Birth of the Clinic* suggests that epidemic constitutes a new object of knowledge discoverable somewhere between an historical individuality and a collective phenomenon. We recognise this doublet of an individuation and a collectivisation reappear as the twin poles of bio-power's regulating of population and discipline's confining of bodies.<sup>10</sup>

In *The Birth of the Clinic*, Foucault suggests: "... an epidemic has a sort of historical individuality, hence the need to employ a complex method of observation when dealing with it. Being a collective phenomenon, it requires a multiple gaze; a unique process, it must be described in terms of its special, accidental, unexpected qualities" (Foucault, 1973: 25). Accounts of the 1832 Cholera epidemic were little different to the accounts offered by Defoe in the eighteenth century, though by 1859 there is a comprehensive statistical approach to medicine for epidemics. Defoe's *A Journal of the Plague Year* (1722) was a fictional, though "historically accurate" account of the London plague, written under the pseudonym of HF, a London cobbler (170). The *Journal* was also an instructive manual, engaging in the literary techniques of everyday reportage—a humanitarian narrative—in the simple descriptions of a journal record of impressions.<sup>11</sup> For a hundred years the account was considered as a

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<sup>10</sup> In this respect we may consider bio-power more as a spatializing rationality than as a governmental regularity, in the sense that we have discussed above, with respect to *The Birth of the Clinic*, the three spatializing registers of a discursive field, a medical gaze and a site of individuated disease. Thus, as Genel (2006) emphasizes, in *Society Must be Defended* and *History of Sexuality, Volume One*, Foucault discusses bio-power but not bio-politics, where the overriding theme concerns technologies of the self. It is more the case that Agamben introduces a key concern of the biopolitical in Foucault's work as an extension to the discussion of bio-power.

<sup>11</sup> Of course, this question of fiction and veracity, anonymity and authorial voice is the concern of Foucault's important essay, "What is an Author," appearing initially in the Bouchard edited collection, *Language, Counter-memory, Practice* (1977). One thinks of Defoe principally as a political allegorist, who produced fictional writings such as *Robinson Crusoe* (1719). Important for Foucault is that author-function is not a constant, that what required the truth-effects of a text were not always or necessarily an author-inscription. The Defoe account of the seventeenth-century London Plague, written in the century following as a journal account that was taken to be an accurate record, inscribes precisely the plays of truth and fiction, the "what matter who speaks" and anonymity, even in signature-works, that are the

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genuine memoir, and only in the latter nineteenth century was it recognised as a curious mixture of fact and fiction. McKinlay stresses the paradox that the *Journal* offered its readers, concerning liberal freedom and its costs: “This, in extremis, is the paradox of the liberal individual, free to choose but constantly anxious about the wisdom and efficacy of his choice. Each closed house spoke of the exile of the individual by and from his peers. HF was, of course, as isolated by this process as those confined to their houses. His freedom of movement [for Foucault, movement of freedom] was used to bear witness to terrible tragedy and to the alienation of the individual in emerging urban society” (174).

While the 1832 Cholera epidemic was national in scope, approaches to its control and treatment focused on the city as the primary administrative unit, and within the city, the parish or district as the bio-medical milieu targeted for quarantine, segregation and confinement. McKinlay emphasises the twin rival problematics that resulted in the disease being treated much as plague had been treated in the eighteenth century. One of these was the considered link between poverty and disease: “For a medicine that could understand poverty as pathological, epidemiology was simply impossible” (176). Genuine approaches to cause and effect were forestalled. The second was debates between the Benthamites and liberal governmental rationalists. Edwin Chadwick, a Benthamite, recognised that there were no substantial causal links between Cholera and poverty. However, opposed to the medical policing tactics of Benthamites, as minimum effective State intervention, were those who advocated political medicine as foundational to public health policies, extending the scope of enquiry well beyond specific disease outbreaks (Chadwick, 1843/2009). However, those who wanted to maintain a decentralised polity particularly favoured the latter public health policies rather than having centralised administrative procedures. Hence, State administrative interventions were thwarted, resulting in local and piecemeal measures. The conduct of medical administrators during the 1832 outbreak was treated with grave mistrust:

Visiting inspectors and doctors travelling to plague towns were treated with a suspicion that occasionally turned violent. For towns on the verge of quarantine, visitors could carry the plague, and, in extreme cases, were suspected of being cynical Malthusians culling the population. The doctors of 1832 were as powerless to relieve the suffering of Cholera victims as their predecessors in 1665. (McKinlay, 2009: 178)

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stakes of any text. We note that *Robinson Crusoe* is also something of a journal account that opens in the seventeenth century and written in the century following.

Doctors were as suspect as the plague itself. The 1832 preventative measures were unable to operate with the severity of plague control in the seventeenth or eighteenth centuries. The governable entity was no longer individual conduct centrally administered. While in 1832 disciplinary mechanisms remained, they were increasingly able to be resisted requiring another governable entity to emerge, that of population, statistically diagnosed:

Within two decades the disciplinary had been replaced, or rather, overlaid by a primitive ‘technologies of population’ based on national infrastructure of inspection, measurement, and statistical comparison. This nascent ‘technology of population’ was as much a grassroots movement as a state-centred process. Local statistical studies of poverty and mortality, for instance, remained wedded to moral, rather than material categories. This conflation of social description and theological prescription did not result in statistical confusion. Rather, we see moral cartographies of cities develop sophisticated methodologies and measures of relative depravity. (179)

By 1860 social mathematics has displaced “miasma” as a diagnosis and the basis of disease control, with the recognition of water supply, sewerage and regulation of food supply as key techniques of social control, which is to say in Foucault’s terms, bio-power and pastoral care. Plague was managed through disciplinary control while Cholera was deciphered and managed through biopolitical techniques. The failure of disciplinary forms of control provides discipline with its inherent dynamism (181). If discipline emerged in the seventeenth century as a condition, if not defining constraint of the city, its failures expose the city, its forms and understandings to other modalities of expression: “Closing the city, dividing it into administrative unity—each responsible for certain actions—and collecting data to be collated and compared centrally, allowed the city and its governance to be imagined in new ways. The city became a site of primitive accumulation, not just of wealth, but also of statistical data. The city became a laboratory in which power and knowledge were not simply exercised but rethought, applied and re-evaluated” (181).

### **Governmental Rationality of the Bio-political: Liberalism**

What should now be studied, therefore, is the way in which the specific problems of life and population were raised within a technology of government that, without always being liberal, far from it, has been constantly haunted by the question of liberalism since the end of the eighteenth century. (Foucault, 2008: 323-324)

With this citation above, Foucault concludes the course summary to his 1978-79 *The Birth of Biopolitics*. Keeping in mind that *Security, Territory, Population* and *The Birth of Biopolitics* were both published in French at the same time in 2004, the “Course Context” offered by Michel Senellart for the former discusses the contexts of both volumes in relation to the earlier lecture series, *Society Must Be Defended*. Foucault had a year’s sabbatical in 1977 and hence we find that the concluding lecture of the 1975-76 course and the first lecture of the 1977-78 course are a continuation. The first lecture opens: “This year I would like to begin studying something that I have called, somewhat vaguely, bio-power” (Foucault, 2007: 1). In his concluding “Course Context” to the 1977-78 course, Senellart suggests: “So it would seem the two courses [*Security, Territory, Population* and *The Birth of Biopolitics*] do nothing else but retrace the genesis of this “power over life,” in whose emergence in the eighteenth century Foucault saw a “major mutation, undoubtedly one of the most important in the history of human societies” (369). Senellart goes on to outline the swerves and detours taken by Foucault over these two lecture courses in developing a genealogy of the bio-political as a power over life.

Initially, in *Security, Territory, Population* Foucault introduces the notion of security in a history of technologies centred on the emergence of statistics and management of risk. A biopolitical concern with the State, understood in 1976 in terms of State racism, becomes by the fifth lecture of *Security, Territory, Population* a concern with what Foucault introduces as governmentality of the State, with a preponderant concern with the complex of relations between disciplinary mechanisms and apparatuses of security, as the twin poles earlier identified in terms of an anatomo-politics of the body and a bio-politics of population. The questions of sovereign right and juridical-legal mechanisms also remain. As Senellart suggests, Foucault’s detailed engagements with governmentality more-or-less eclipse discussion of the bio-political entirely: “Breaking with the discourse of the “battle” [the key thematic of *Society Must Be Defended*] employed from the start of the 1970s, the concept of “government” would mark the first shift, becoming more pronounced from 1980, from the analytics of power to the ethics of the subject” (370). We opened the previous chapter with a discussion of Foucault’s 1982 writing on power and the subject and recognised the extent to which Foucault had not abandoned the question of power but had posed it in terms of how human beings become subjects. Between Foucault’s detailed discussions on governmentality in *Security, Territory, Population* and his ethics of the subject of the early 1980s, there is the crucial development of his work on neo-liberalism.

With *The Birth of Biopolitics* (2008), Foucault describes how he would like to explore bio-politics, which centres on the problem of population, linking the bio-political to governmental reason, which centres on “economic truth” and the problem of the State and liberalism (22).<sup>12</sup> What is noticeable in the 1978-1979 lecture series is how little time Foucault devotes to the topic of bio-politics: “I would like to assure you that, in spite of everything, I really did intend to talk about biopolitics, and then, things being what they are, I have ended up talking at length, maybe for too long, about neo-liberalism, and neo-liberalism in its German form” (2008: 185). Foucault explains this change of direction, with regard to the previous research done on governmentality, in that he wants to explore “concrete content” to the exercise of power. He emphasises that power cannot be considered as a principle in itself or an explanatory value outside of its concrete manifestations (2008: 186). Second to this, Foucault sought to explore how governmentality as an analytical grid of power relations could operate at a series of differing scales. He gives the name “governmentality” to such a grid of power relations, and his analyses especially of the emergence of neo-liberalism in Germany provides a paradigmatic example of such analyses.<sup>13</sup> Foucault was criticised by many, especially Marxists, on a lack of an analytics of the State and a perceived over emphasis on micro-powers but here we may reference again

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<sup>12</sup> We have already made brief reference to a number of theorists who have taken up Foucault’s work on biopolitics and governmentality. Chapter Five will focus particularly on how Agamben and Negri have approached this issue. For the moment, it is worth mentioning a range of differences in approach. Thus McNay (2009) offers an excellent account of Foucault’s discussion on German and American developments of neo-liberalism. However, she sees an impasse with Foucault where he aims to engage the self-interest of neo-liberal enterprise in relation to the ‘self’ explored in his late work on the care of the self. She suggests that Foucault’s development of the relation between law and norm, Sovereign Right and Liberal normativity to be a more fruitful though underdeveloped avenue. This may be contrasted with McGushin (2005) who takes special focus on Foucault’s final two lecture courses at the *Collège de France* on *askêsis*, as a practice of the care of the self, and suggests a way to think radical resistance and transformation of the individuated subject of self-interest of neo-liberalism. Perhaps the most sustained engagement comes from the book-length study by Miller and Rose (2008). *Governing the Present* is one of the most thorough analyses of Foucault’s understanding of governmentality, in contexts of asking fundamental questions of the social and the economic. In their consideration of political power beyond the State, they refuse the entrenched binaries of State and civil society, public and private, government and market, coercion and consent, sovereignty and autonomy (53). They suggest: “Power is not so much a matter of imposing constraints upon citizens as of ‘making up’ citizens capable of bearing a kind of regulated freedom. Personal autonomy is not the antithesis of political power, but a key term in its exercise, the more so because most individuals are not merely the subjects of power but play a part in its operations” (53-54).

<sup>13</sup> We take particular note of Agamben’s discussion of “paradigm” in the work of Foucault, the particular way this notion is accessed and used by Foucault. This concern with “paradigm” is central to Agamben’s short book, *The Signature of All Things* (2009) discussed earlier in this chapter, and forms the major theme of the book’s first chapter, “What is a Paradigm?” (9-32).

the reception of Foucault in the late 1960s precisely in the context of widespread disillusionment with Marxism as it had become institutionalised in party politics and seemed to be inoperative at the critical moment of revolution:<sup>14</sup> “The analysis of micro-powers, or of procedures of governmentality, is not confined by definition to a precise domain determined by a sector of the scale, but should be considered simply as a point of view, a method of decipherment which may be valid for the whole scale, whatever the size” (2008: 186). In his “Course Summary,” Foucault, somewhat typically, apologises for not delivering what he initially intended: “This year’s course ended up being devoted entirely to what should have been only its introduction. The theme was to have been “biopolitics,” by which I mean the attempt, starting from the eighteenth century, to rationalize the problems posed to governmental practice by phenomena characteristic of a set of living beings forming a population ...” (317). Senellart suggests, in his “Course Context,” that the aim of the lectures was “to show how this liberalism constitutes the condition of intelligibility of biopolitics” (2008: 327). Foucault’s analysis explores the emergence of political economy, with the development of governmental practice, shifts from contractualism to the management of population by government (328).

### Urban Sanitation: The Bio-politics of Liberalism

I want to now draw together a number of the strands I have been developing in this chapter concerning the emergence of a question of the subject and freedom in Foucault’s work of the late 1970s, coupled with his discussion of State-racism and bio-power emerging at the conclusion of *Society Must be Defended*. Foucault’s on-going development of an understanding

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<sup>14</sup> In their extended introduction to Henri Lefebvre’s *Writings on Cities* (1996), Eleonore Kofman and Elizabeth Lebas emphasize that Lefebvre did not engage in any sustained way with Foucault’s writings on space and the urban. They note: “Foucault is an obvious though not stated link with Nietzsche, for whom Lefebvre had, on the other hand, little sympathy, calling him, at the height of his invective against structuralism in the 1960s, the ideologue of the system. As with many other Marxists, as well as with Sartre, *Les mots et les choses* [*The Order of Things*], published in 1966, was read as a right-wing book, that denied politics and represented a work of Gaullist technocracy” (25). In *Lefebvre, Love and Struggle* (1999), Rob Shields cites Lefebvre on Foucault’s *The Order of Things*: “The ‘lived’ reference to objects and to the world of objects to situations should fall such that only a system of signs without substance or determination other than their transparency exists. This transparency is not surprising; we have evacuated their contents. To present this as a victory of the intelligible—a mortal victory, the victory of Death—it is this attitude which can be surprising” (124). Shields also notes, in relation to Foucault: “Fundamental to Lefebvre’s hesitation is his difficulty in spatializing power in the manner proposed by Foucault, for example, where power is embedded as force (*puissance*) in a dense network of bio-powers. For Lefebvre, power is ‘political’ rather than ethical; it is sovereign and conceived from above” (156).

of the emergence of liberalism necessarily requires these two overarching frameworks. The third strand is the particular focus given by Foucault to the urban as the central milieu for understanding the governmentality of liberalism, and an urbanism that particularly inflects to questions of the management of hygiene and disease. In drawing together these threads, I would like to emphasise two of the main aspects of liberalism engaged by Foucault. One concerns the close developments in the nineteenth century of State racism, along with the emergence of bio-political strategies, within a governmental rationality that strengthened liberalism. I aim to do this primarily through a discussion of the developments during the early nineteenth century of Victorian regulatory mechanisms for city sanitary engineering, to be understood as a bringing into concert liberal governmental rationalities and bio-political apparatuses of security. The second aspect I want to touch on is to briefly introduce some of the precepts Foucault offered for an understanding of *neo-liberal* governmentality, emerging in Germany during and after World War Two, and in the United States after the War. In discussing neo-liberal rationalities I will be offering some further discussion on contemporary neo-liberal governmental policies on regulating the urban, particularly with respect to emphasis on the eliminating of direct State administration and diverting regulation and responsibility to individual self interest recognised in terms of an agency of self as enterprise.<sup>15</sup>

Osborne (1996), in researching the sanitary interventions in Britain's Victorian cities in the nineteenth century, commences with a Foucauldian question: "How might medical regulation be analysed under the rubric of political technologies and rationalities of government?" (Osborne, 1996: 99). Earlier in this chapter, when discussing Foucault's 1982 writing on power and the subject, we noted a distinction Foucault makes between relations of struggle and relations of power. When we study power through relations of struggle we look to institutional antagonisms, as if power's exercise is a direct correlate and consequence of their struggles. Rather, for Foucault, to engage an analytics of power we need to look elsewhere and see such institutional antagonisms and struggles as effects of power's productive capacities. Hence, Osborne distinguishes between what are most often taken as the starting points for analysing the power relations with respect to medicine and health. These normally start with the antagonisms of a medical profession or medicalization of the State and a social body as its target. Osborne's starting point is rather the specification of

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<sup>15</sup> On this latter perspective, see, for example, with respect to urban politics, Murdoch, 2004, Ploger, 2004, Genel, 2006, Brand, 2007, Donzolet, 2008, McNay, 2009, Lemke, 2010, MacLeod, 2011, Kornberger, 2012.

the varied fields of application and modes of objectification of medical discourses, that is the practices of power and its effects, rather than its aims. He brackets out the self-certainties, received traditions and security of sources by which the medical and the social find their spaces of arrangement. He aims to replace the axes of medicine and the social with those of the “vital” and the “political” (99). The bio-political in Foucault’s sense is not merely medical. It encompasses a broad and strategic panoply of domains including health, welfare, security, old age, worked on by social technicians: statisticians, engineers, governmental bureaucrats, architects as much as doctors (100).<sup>16</sup>

As we have emphasised already in this chapter and in the previous one, liberalism, with its technologies of security, is a continual encounter with the domains of its own normativity. For liberalism, society has natural laws and norms proper to those laws. As a governmental rationality, knowledge, such as that of medical hygiene, informs governmental administration as to the norms proper to this domain.<sup>17</sup> Such knowledge does not provide a direct rationale for government action in itself. A space necessarily remains between what can be known and what may be done. Liberal circulation of freedom occupies that open space, ultimately understood as a relation of a self to itself such that it is always already resistive to the conduct exercised on its own conduct. In this sense, liberalism constitutes its

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<sup>16</sup> A pertinent text on nineteenth century hygienist approaches to the city is Didier Gille’s “Maceration and Purification” (1986). We recognize aspects of analyses familiar to Foucault, but also to Deleuze. Gille’s essay opens with the following: “Health reports concerning the city in the 19<sup>th</sup> century are alarming. The city is strewn with stinking wastes from putrid homes, entire neighborhoods exhale poisonous miasmas, people and objects move about with difficulty, and there is a considerable likelihood of accident. The hygienist movement, which actually began in the late 18<sup>th</sup> century, exhaustively details this troubling picture of a congested, infected, putrescent city, the poisoned legacy of our ignorant ancestors” (228). Key to hygienist literature, as Foucault also suggests, are emphases on circulation and differentiation, bringing order and movement to the stagnations that constitute overcrowded and infested milieus. Gille’s analysis emphasizes a complex relation between diagnosis of the social and diagnosis of the economic. Stagnation and lack of differentiation is also the root cause of economic crisis, again something emphasized in Foucault’s early lectures in *Security, Territory, Population*. The free circulation of gold and differentiations established in economic competition constitute a ‘hygienist’ engagement with capitalist growth. In this Gille entwines the conditions for urban development with the consolidation of capitalist enterprise. As we will see in concluding this chapter, contemporary neo-liberalism’s self-as-enterprise coincides with an urban environmentalism that suggests a self earns its citizenship through the duty of care to one’s self-as-one’s-milieu.

<sup>17</sup> See especially Miller and Rose’s “The Death of the Social: Refiguring the Territory of Government” (2008) for a sustained discussion on the very notion of the social as such. Citing Jean Baudrillard’s diagnosis of the end of the social, they suggest there is something important in his analysis: “It reminds us, if we should need reminding, that ‘the social’ is invented by history and cathected by political passions: we should be wary of embracing it as an inevitable horizon for our thought or standard for our evaluations” (85). Hence, ‘the social’ is not an existential horizon, nor is it a field governed by its own intrinsic nature.

own governmental rationalities on agonisms over the regulation of life. Public health became integral to mechanisms of security that were able to maintain such a liberal order. Osborne asks: “But where might one look for empirical evidence of such a liberal format in the regulation of life? There are good grounds for seeing the British nineteenth-century revolution in public health and urban sanitation in just such terms; that is, as something of the order of an “event” within the development of liberal technologies of government” (102). Of crucial concern was the link between poverty and disease, whether endemic or epidemic. As we noted in the above discussion on the Cholera epidemics, it was not until the mid-century that conclusive evidence suggested there to be no direct causal relation between the poor and disease, a premise we may understand on the basis of State-racism.<sup>18</sup> Osborne suggests that major change was instigated by reform of the Poor Law that coincided with the Cholera epidemic of the 1830s. This precipitated the necessity to begin to map the dynamics and characteristics of population, a differentiating tactic we earlier discussed in terms of racial differentiations. Osborne also mentions the instituting of a series of Inspectorates: of factories, prisons, schools, railways, and mines, as well as Chadwick’s 1842 report on the urban poor also mentioned earlier. There were also instituted the Health of Town Commission reports, and the Public Health Acts of 1848, 1866 and 1875 that emphasised the regulatory procedures for provision of sewerage and water. These measures were not *laissez-faire* liberalism, strictly speaking. But nor were they the developing of State medicalization, as a centralising mechanism of control.

In fact, it was not medicine or medical techniques that were even at stake in these reforms. Rather it was the application of statistics based on a medical problematic, a technical development of public health that in a real sense eliminates disease per se as its primary target and instead targets the minimizing of risk of disease. This is in direct contrast to eighteenth-century approaches to minimizing disease. If we look at the application of statistics in the eighteenth-century we see that they were applied for direct State control. They were a component of State administrative procedure and were thus not publically available. The nineteenth-century marks the massive publication of statistics, and a shift in how their governmental rationality was affected: “... liberalism conditioned the ‘mode of

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<sup>18</sup> Simply put, and in relation to Foucault’s discussion of State racism, a ‘natural’ relation between fevers and the poor would be in Liberalism’s general interest. Through an attrition that was entirely natural, the poor would be systematically eliminated from society, thus alleviating the burden they otherwise cause and the incessant need for State intervention to afford their protection. The enactment of new Poor Laws in the early to mid nineteenth century, coupled with the establishment of a dispersed series of Fever Hospitals were met with opposition and resistance from London’s middle and upper classes.

existence' of statistics. The exercise of statistical reason seemed to point to a natural domain resistant to *coup d'autorité*, a domain with its own inertia, an autonomous dimension of existence, and one to be investigated not just by State bureaucrats but, at its leading edge by amateurs separated from the direct exercise of government" (104). Liberalism recognised a natural relation between disease and economic management. Disease was waste, and mechanisms of security with respect to public hygiene needed to be recognised as entrepreneurial activities and not social philanthropy (105).<sup>19</sup>

A distinction needs to be made in the emphasises given by Foucault to European developments in the seventeenth and eighteenth centuries with respect to *Raison d'État* and police and their subsequent transformations at the end of the eighteenth century to liberal rationalities of security. That distinction is in a somewhat different development in Britain during the seventeenth and eighteenth centuries and their subsequent transformations to Victorian liberalism. Britain had a much stronger tradition of liberalism even in the seventeenth century. I made brief reference to this in Defoe's account of the London plague of 1665. I noted the underlying concerns with liberalism, even with the strict regimes of quarantine and enforced house enclosure, boarding up of all house opening and strict control over individual movements. Osborne emphasises the extent to which liberal hostility to plague quarantine procedures were a commonplace in Britain. He mentions objections to quarantine measures enforced for the 1830s Cholera epidemic: "One may witness too the disapproval with which the Privy Council greeted recommendations of the Cholera Board (dominated by the elite of the medical profession), which in 1831 proposed strict police-style powers based upon a rigorous quarantine; 'it may be necessary to draw troops or a strong body of police around infected places', and to apply 'a set of regulations approaching nearly the martial law'" (107).

However, by 1853 vaccination against smallpox became compulsory and itself became a dominant issue of political liberty. Approaches to the eradication of endemic disease followed a different trajectory to combative approaches to epidemics, though we may note a

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<sup>19</sup> This point is emphasized by Gille in "Maceration and Purification" (1986). The "purification" he refers to happens in the transformations of human relations into social relations in the process of transforming labourers into wage earners and capitalists into gold producers (surplus profit). That is to say, circulation and differentiation constitutes the hygiene of the social. From another viewpoint we also recognize this in Boyer (1997). Her account of the emergence of the rational ordering of the American city emphasizes in its own terms a fundamental shift from early nineteenth century emphasizes on the moral philanthropy of church organizations, to economic pragmatism (59ff.).

strict break in spatial understandings of endemic disease—fevers—from the eighteenth to the nineteenth centuries. The incidence and critical concern with endemic disease, its study and aims at eradication, focused on enclosed spaces, especially hospitals, but also naval vessels, military camps and prisons, all spaces of confinement though constructed for public good.<sup>20</sup> These well-ordered and disciplined authoritarian communities became experimental sites for medical intervention. However, such intervention was more concerned with conduct and order on individuated bodies as techniques for cure, rather than investigative approaches to knowledge of the disease, the establishment of right conduct and discipline. This is to be contrasted with nineteenth-century discourses that focused not on confined or closed spaces but with open or general spaces of cities or neighbourhoods, and with a correlate concern, not with conduct and discipline, but with a knowledge of the aleatory conditions of disease, its milieu, circulation and risk. Thus there was not so much rules to preserve health in a governmental rationality of individual conduct but “... the provision of an infrastructure that would provide the individual and collectivity with security in the face of threats to vitality ... the nineteenth century posed the problem in terms of water and the proper government of towns and cities” (110), a governmentality of population understood as conduct on the conduct of others in ameliorating risk and uncertainty.

The urban becomes a general environment recognised for positive measures of security, constituting a range of milieus of fever, establishing “fever districts” as bio-racial differentiations of a population. Breaking the link between disease and poverty, such mapping also separated the management of disease from the management of poverty while maintaining a governing rationale on an understanding of the susceptibility to disease and poverty. However, this required a better concept of disease itself. There developed a new technology of confinement, completely different to eighteenth-century concerns with

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<sup>20</sup> We may consider the earlier discussion on Foucault’s understanding of the heterotopic in relation to these real spaces of otherness, the ship, the prison, the hospital, and the barracks—sites explicitly mentioned in Foucault’s “Of Other Spaces,” as heterotopic, with their particular spatial and social orders that separate them off from but also relay them back to spaces of normalcy. It is not simply coincident that Foucault produced his essay on heterotopias and his essay on Blanchot, “The Thought from Outside,” in the same year. Foucault would have been familiar with Blanchot’s remarkable novel, *The Most High*, written in 1948 (and translated to English in 1966), concerned with a city under siege from an epidemic or plague, whose sites seem to be peculiarly linked as if a series of discontinuous heterotopic locales. Indeed, this extraordinary three-hundred page Blanchot text, concerned with the city, with otherness, with a disciplinary order and explicitly with a governmentality of the State, can be read as an encapsulated engagement with the entire body of Foucault’s work from the 1960s to the 1980s.

individual conduct in the putrid conditions of closed spaces. The London Fever Hospital's fever-wards followed meticulous recording procedures with respect to incidence of disease, diagnosis, and autopsy, developing statistical accumulation of data on fever victims, and new technologies of analysis (112).<sup>21</sup> Coupled with this was a stronger spatial understanding of the milieus and environmental effects on fever incidence: "... the location of the most fevered sectors of a city could be predicted from a glance at a map of the water supply. Hence we see the extraordinary emphasis in the nineteenth century on the spatial mapping of disease across urban environments" (113).

As mentioned earlier, with liberalism there is a direct emphasis on natural mechanisms and natural laws, a nature that precludes the intervention of artificial mechanisms of governmental interference. Sanitary surveys were understood as natural mechanisms, fundamentally organic, notwithstanding the enormous artificial engineering interventions they required. Reticulation of water and sewerage was understood as an organic coupling: "In short, in this model, the environment has ceased to designate an exterior, the hydraulic city has become a regulated milieu along with the body and the economy" (114). Crucial to the governmentality of liberalism is the manner whereby this infrastructural assemblage conducts conduct entirely in an indirect manner, and thereby affords not only an autonomy for the individuated conduct of bodies but institutionalizes a space of privacy that is sanctioned outside the reach of direct government. Pipes, drains and sewers function to establish sanitary integrity of the private home, without recourse to direct intervention—a strategy of indirect government—that without disciplinary measure or rule of conduct induces moral and physical hygiene through the efficacy of continuous running water. It is the neutral anonymity of pipes and drains that constitute a technology of power capable of

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<sup>21</sup> The London Fever Hospital was established in 1802, as an auxiliary to the Smallpox Hospital that had been established some sixty years earlier, in 1746. Fevers, a general name for endemic disease, as distinct from epidemic disease, included smallpox, typhus and enteric fever. With the significant increase in urban density in London in the early nineteenth century, fevers were one of the greatest problems for city governance. By 1815 the Fever Hospital had moved to amalgamate with the Smallpox Hospital. In 1848 both facilities were moved to new premises and the new facility amalgamated with the Royal Free Hospital. Fever hospitals became the first centrally planned hospital service in London. The systematicity of their urban planning is worth noting: "The maximum distance it was thought wise to transport patients in an exhausted state from smallpox was three miles. As the diameter of London was about six miles a triangular system was devised with hospitals at the apices, six miles apart. A circle of half a mile was drawn around each angle, and sites were sought within these near Elephant and Castle, Victoria Park and Regent's Park. ... Sites had to meet several criteria. They had to be as near as possible to the great mass of population without being within it, so that they enjoyed clean air; and the ground had to be about eight acres in extent" (Rivett, 2013: n.p.).

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conducting the conduct of others, a technology of power as security from risk of health nuisance, security of home and family for itself, its self-interest.

Hence, the aim was to regulate sanitary norms as a non-coercive agency, regulation of normativity via the medium of environmental regulation, establishing nothing more than minimum standards of environment. This, in fact, constitutes biological normativity whereby living beings construe environmental norms as political rule. Hence we see the series of mechanisms whose rationale converges on naturalism: the natural domain of sanitary laws, separation of organic disease and poverty, organic principles of sanitary infrastructures, naturalisation of the family and private dwelling to be separated from direct government and its inspecting techniques. Osborne makes a concluding point on liberalism itself. Liberalism, even the most virulent *laissez-faire* rationality did not suppose no governmental regulation, no governmentality of the State. Rather, we see with liberalism no diminution of interventions but rather the directness or indirectness of conduct on conduct. Mechanisms of security that are always intervening in some way are threats to integral liberalism. But this is nothing more-nor-less than a perpetual tension or agonism immanent to liberalism itself. The very dynamism of liberalism is constituted in the rationalities and technologies it generates as a principle for the criticism of reality: “Liberalism fails endlessly, and generates interminable oppositions, but the solution to such failures tend to be a reconfiguration of liberal rationalities and principles themselves; liberalism, as a rationality of government, thrives upon its own failure” (117).<sup>22</sup>

### Neo-liberalism and Environmental Responsibility

Foucault’s analysis aims to counter the false ideas which have spread about neo-liberalism and, increasingly, about the relationship between the economic and the social. At the forefront of these erroneous claims about neo-liberalism should be placed, Foucault says, that which would see it as no more than a reactivation of old liberal theories in their original harshness. This is a major misinterpretation since the problem the neo-liberals confront is no longer that of introducing an

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<sup>22</sup> Again, we draw attention to Gordon’s discussion of Foucault on technologies of power and on the extent to which practices of power engage the rationality of discourses and technologies in order to account for failure, reverting to a reformulating of discursive reason or techniques of power in order to rescue, revise or revive practices. See Gordon, “Other Inquisitions,” (1979) especially 34-36. We also refer to Mouffe’s understanding of the governmentality of agonism (Mouffe 2005, 2010), rather than consensus, of radical and non-reconcilable difference, as discussed, for example, in Ploger (2004).

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unregulated space in order to make way for *'laissez-faire'*, but is to work at producing the conditions for competition, without which the market is only an empty word. (Donzelot, 2008: 130)

Foucault's *The Birth of Biopolitics* is broadly structured in three series of lectures. The first series, up until the fourth lecture, repeats many of the themes that were amply discussed in *Security, Territory Population*, the themes of *Raison d'État* and emergence of liberalism towards the end of the eighteenth century, governmental naturalism, the management of liberty and so on. From the fourth lecture to the eleventh, the majority of the lecture-course is divided between an introduction and discussion of the emergence of German neo-liberalism before, during and after the Second World War, and the development of American neo-liberalism after the War. The final two lectures address an understanding of the governmental rationality of the self in terms of what Foucault names "*homo oeconomicus*," retracing from the seventeenth and eighteenth centuries the emergence of Civil society, and species differences between English, French and German problematics with respect to an understanding of interest and self-interest coincident with the emergence of liberalism. My aim in concluding this chapter is to focus on some of the most salient aspects of neo-liberal governmental rationality and how we come to re-inscribe the urban in terms of their specific technologies of power. Foucault asks in his fourth lecture of the 1979-79 series: "So, let's take things as they stand now. What is the nature of today's liberal, or, as one says, neo-liberal program?" (Foucault, 2008: 78).

He proceeds to briefly outline the two neo-liberal traditions he aims to study: the German form, developed in response to Nazism and the need for post-war reconstruction; and the American form, emerging in criticism to the New Deal, Federal interventionism and Democrat aid programmes of Truman, Kennedy and Johnson. What they share is the "common enemy," Keynes and "the same objects of repulsion, namely, the state-controlled economy, planning, and state interventionism on precisely those overall quantities to which Keynes attached such theoretical and especially practical importance" (79).<sup>23</sup> At the centre

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<sup>23</sup> John Maynard Keynes developed a fundamentally new understanding of economic systems in a series of key publications in the 1930s (*A Treatise on Money* (1930) and *The General Theory of Employment, Interest and Money* (1936)). Specifically, he advocated State intervention in micro-economic activity, necessitating an emphasis on developing macro-economic parameters of economic performance. See Donzelot (1979) for an extraordinary discussion of the impact of Freud and Keynes on French governmental policies on families in the mid twentieth century: "Freud like Keynes, we said. Perhaps there is something more than a simile in this juxtaposition. Keynes theorized about the characteristic ways in which Western societies combined the social and the economic ... he made it possible to integrate the social sphere into the

of German neo-liberalism was the emergence of ordo-liberalism during the 1930s as opposition to the interventionist planning of National Socialism. Foucault notes three major consequences with the development of ordoliberalism and its implementation immediately into post-war Germany. Firstly, there is a fundamental shift in understanding economy from a concern with exchange to a concern with competition. Where liberalism saw the market as site of exchange, as a nature of free exchange in which the State was not to intervene, ordoliberalism saw this “nature” to be concerned with competition rather than with exchange.<sup>24</sup>

What constituted the market was not exchange between equals but competition between inequalities: “They take up this classical conception and the principle that competition and only competition, can ensure economic rationality” (119). But this emphasis on competition was already a precept of nineteenth-century liberalism. However, eighteenth-century emphasis on exchange and nineteenth-century emphasis on competition each drew the same fundamental conclusion, that at the heart of either was the mechanism of *laissez-faire*, that there is a naturalness to exchange or a naturalness to competition that must not be interfered with by a third party, the State (120). Foucault emphasises the influence of the philosopher Edmund Husserl on the development of ordoliberal thinking, in his phenomenological destructuring of “naïve naturalism.” Hence, competition is not a given nature, not a natural law. In this, ordoliberalism determines the limits to economic rationalism: “Economics analyzes the formal processes and history will analyze the systems in which the operation of these formal processes is either possible or impossible” (121). This is the second consequence. The third is, in a sense, its corollary. Because there is no pure,

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general regulation of the market. ... Could we not say that Freudianism made a similar operation possible by offering a flexible mechanism of adjustment of the juridical sphere and the medical sphere? There too it was a matter of escaping a dangerous alternative between, on the one hand, a statist consecration of privileges through the power of juridical assets ... and on the other, the setting up of a central mechanism of coercion ... undertaken in the name of health norms” (231-232). For Keynes it was a matter of steering between the tenets of pure liberalism and authoritarian centralism. For psychiatry, it was a matter of steering between neo-liberal State right to wealth and welfare interventions and control of the dispossessed.

<sup>24</sup> As Foucault points out, in the discussion that follows, while ordoliberalism does reverse Classical eighteenth-century liberalism’s sole concern with maintaining pure and open exchange, nineteenth-century liberalism itself had already concerned itself with the question of the relation of the social to the market, and hence the permeation of the social by the market. Ordoliberalism recognizes the social as a stratification of inequalities open to competition and hence the State’s intervention was to ensure all inequalities were able to compete. American neo-liberalism recognizes the social not so much as stratification of inequalities but rather as a stratification of enterprises in competition.

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rational and natural law of competition, but rather the historical exigencies of inequities that constitute markets, the role of the State is not to demarcate its agency as that which refuses to interfere with the market, but rather the obverse.

The State is that instrumentality that continually engages the market to ensure that entrepreneurial games are competitive games: “There will not be the market game, which must be left free, and then the domain in which the state begins to intervene, since the market, or rather pure competition, which is the essence of the market, can only appear if it is produced, and if it is produced by an active governmentality. ... One must govern for the market, rather than because of the market” (121). It is for these reasons that ordoliberalism reverses a fundamental understanding of political economy. Eighteenth-century emergence of the discourse and practices of political economy were founded on the fundamental question of how the State is to manage economic relations, and the extent to which economic rationality is a product of State governmental rationality. With ordoliberalism, the State itself is a product of economic rationality, to the extent that the State is that governmental rationality that is primarily there to ensure market competitiveness. It does this via social intervention, via an omnipresent interventionist social policy. Crucially, this intervention must not eliminate or attenuate any anti-social effects of the market. It is not protectionist or welfare-centred. Rather intervention aims at eliminating or avoiding any anti-competitive mechanisms of society (160).

The American form of neo-liberalism has similarities and differences to the emergence, development and taking root of ordoliberalism in Germany, and then in France. The similarities concern similar twentieth-century concerns about the growth of State instrumentality with respect to Civil-society. In the United States it was the Keynesian welfare approaches of Roosevelt’s New Deal, along with post-war social policies of Truman, Kennedy and Johnson. The differences, though, are marked and historically framed. Where European liberalism emerged from *Raison d’État* or from *Polizeiwissenschaft*, science of police, American liberalism was a founding principle at the War of Independence, analogous for Foucault to the role of liberalism in Germany in 1948 (217). Secondly, liberalism has been throughout American political history the central principle of governmentality and political debate. In European history such debate, at least in the nineteenth century, concerned more questions of national unity, independence and Rule of Law (218). A third difference is open hostility, on the Left as much as the Right, to any governmental rationality seeming to invoke socialist policies, be they Keynesian economic planning, or policies suggesting an

imperialist or military State (218). Foucault stresses that American liberalism is not considered at an individuated level as a governmental rationality for the delivery of services. Rather, it is a way of being and a way of living. It is for this reason that American liberalism takes neo-liberal market competition into domains of Civil-society, extending economic analysis into domains that were previously un-thought as pertinent to economic analysis. In his lectures, Foucault considers two such domains, that of human capital and that of delinquency and criminality. The arena for our discussion, urban environmental responsibility, may in some ways be adjunct though closely linked to such approaches to human capital and delinquencies within neo-liberal ethico-political frameworks. Foucault notes: “I think the interest of this theory of human capital is that it represents two processes, one that we could call the extension of economic analysis into a previously unexplored domain, and second, on the basis of this, the possibility of giving a strictly economic interpretation of a whole domain previously thought to be non-economic” (219).

In brief, neo-liberalism radically reconsiders classical economic theory, which has three fundamental elements, land, capital and labour. The reconsideration focuses on a fundamental understanding of what constitutes labour in economic terms. Labour was either ignored or, for Marx, it was converted to labour time. That is to say, labour was abstracted. Neo-liberal economics begins with the concretization of labour, as a real product of capitalism: “The fundamental, essential problem, anyway the first problem which arises when one wants to analyse labour in economic terms, is how the person who works uses the means available to him. ... we will have to study work as economic conduct practiced, implemented, rationalized, and calculated by the person who works” (223). The worker is not an abstracted object with respect to supply and demand but “an active economic subject” (223).

In this sense, wages, as income, are now considered as return on capital investment, where that capital is one’s own capacities but also the source for future income. Hence this capital-self is something that needs to be invested in as well, in order to accrue a greater return on capital. The self is a set of abilities, a skill, a “machine,” as well as an “earning stream” (224): “We should therefore view the whole as a machine/stream complex ... at the opposite extreme of a conception of labour power sold at the market price to capital invested in an enterprise” (225). Rather, each individual self is its own enterprise, its own self-enterprise. Economies are ensembles of enterprise-units. This is somewhat different to classical economic understanding of economic-man, as that equal partner in exchange.

With neo-liberalism, *homo oeconomicus* is an entrepreneur of herself. Human capital is an assemblage of innate elements, hereditary, and what can be called educational investments, “investments that form an abilities-machine” (229):

This means that we thus arrive at a whole environmental analysis, as the Americans say, of the child’s life which it will be possible to calculate, and to a certain extent quantify, or at any rate measure, in terms of possibilities of investment in human capital. ... In the same way, we can analyse medical care and, generally speaking, all activities concerning the health of individuals, which will thus appear as so many elements which enable us, first, to improve human capital, and second, to preserve and employ it for as long as possible. Thus, all the problems of health care and public hygiene must, or at any rate, can be rethought as elements which may or may not improve human capital. (229-230)<sup>25</sup>

We are able to recognise in this the extent to which neo-liberal understandings of economic activity extend to domains that were intrinsically thought to be non-economic. This is in the sense that classical economic theory and liberalism that emerged at the end of the eighteenth century and during the nineteenth century recognised a distinction between the domain of economic laws and the domain of the social. As Foucault suggests, at stake was an inversion of the relation of the social to the economic (240). In this he draws a further distinction between the neo-liberalism of German ordoliberalism and the neo-liberalism in its more radical American form. The ordoliberals recognised the permeation of the social by the market, that enterprise, at whatever level constituted the competitive nature of the social. However, they also recognised that the social was composed of elements that exceeded economic rationality, and that the governmentality of the social precisely required a rationality that recognised the limits to economic agency: “In short I would like to emphasize the following: in this idea of a *Gesellschaftspolitik* there is what I would call an economic-ethical ambiguity around the notion of enterprise itself” (241). The role of State intervention was not with the market, as competitive enterprise, but with the relation of an individual to the enterprise such that no individual, household, firm or family became alienated from her environment. There was an ethico-moral dimension to addressing the

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<sup>25</sup> Foucault’s translator, Graham Burchell, notes especially this reference to “machine” in the Foucault text. Burchell notes: “The word ‘machine’ seems to be Foucault’s, an allusion or wink to *L’Anti-Oedipe* of Gilles Deleuze and Felix Guattari (Paris: Minit, 1972). Indeed, this mention of the human as an “abilities-machine” by Foucault opens an interesting space of engagement between the work of Deleuze and Guattari on capitalism and those key neo-liberal theorists (Schultz and Becker) who Foucault discusses in detail. It seems that Foucault and Deleuze part company in many ways at this cusp of the 1980s, though there is potentially, in a reading across Foucault’s governmentality of neo-liberalism and the schizo-analyses of Deleuze and Guattari, another kind of rapprochement.

calculative aspects of the market. While enterprise economics permeates the entire social field, there is a “compensating” aspect for the impersonal operative characteristics of the market. In short, the individual bears a relation to competitive enterprise (242). With the American model, the individual is that enterprise, and cannot be extracted from it or determined as a relation to it.

For this reason, and in its radicality, American neo-liberalism extends economic analysis to every domain of the social, such as education, marriage, criminality, all forms of consumption. Economic activity, to be engaged in terms of self-enterprise, extends to any activity whatsoever, deemed rational or irrational, whose consequences are determinable through some degree of systematicity. Foucault refers here to Gary Becker’s radical version of neo-liberalism: “That is to say, any conduct which responds systematically to modifications in the variables of the environment, in other words, any conduct, as Becker says, which ‘accepts reality,’ must be susceptible to economic analysis. *Homo oeconomicus* is someone who accepts reality” (269).<sup>26</sup> Thus, for Becker, criminality is solely defined in terms of actions taken by an individual calculative of the risks of punishment. Punishment is conduct to induce negative demand on crime. Crime is undertaking profitable action that risks the economic loss associated with penal risk. One no longer really deals with crime or criminals, with psychological or moral types, but with calculative action, risk, elasticity and inelasticity of demand and supply with respect to the human capital of self-enterprise, as well as with negative demand incentives of law enforcement. All of these bear costs and benefits. The aim is never to eliminate criminality but to measure the cost/benefit of actions or the avoidance of actions. It is in these terms that we are able to recognise current governmentality of environmental responsibility with respect to issues of sustainable

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<sup>26</sup> In his discussion on American neo-liberalism, Foucault emphasizes in particular with work of Theodore Schultz and Gary Becker. He notes that both economic theorists published books at about the same time (1971) that aimed at fundamentally challenging Keynesian economic theory by introducing labour into the field of economic analysis (Foucault, 2008: 220). Both books were titled *Investment in Human Capital*; Schultz: *Investment in Human Capital: The role of education and research* (1971); Becker: *Human Capital: A theoretical and empirical analysis with special reference to education* (1971). Schultz was a professor of economics at the University of Chicago from 1946 to 1974, receiving the Nobel Prize for economics in 1979. Gary Becker, some thirty years younger, taught at Columbia University until 1968 and then at Chicago, and received a Nobel Prize for economics in 1992. More recently there are a series of writings on Becker and Foucault, wherein Becker, who was aware of Foucault’s writing at the time, engages with and reflects on Foucault’s commentary and analysis of his neo-liberalism (Becker, Ewald and Harcourt, 2012; Gordon, 2013)

communities.<sup>27</sup> I want to contrast two arenas of neo-liberal agency with respect to environmental regulation, one concerning environmental sustainable management at urban levels, and the other what we could term post-political urban practices in communities that appear to be completely unsustainable.

### Greening the Entrepreneurial Self

Brand (2007) recognises two predominant scales of environmental management that appear to be incommensurate with respect to their respective governmental rationalities. On the one scale, there has been, for decades, increasingly vociferous concern with global environmental problems, generally under the rubric of “climate change.” Strategic measures for addressing global environmental management tend to be national and Brand emphasises the difficulty or reluctance of national governments to act with “international development policies and agencies in disarray” (Brand, 2007: 616). In comparison at an urban level, local administrative policies have had a different uptake: “... the procrastinations of national governments contrast strongly with the performance of city administrations, which embraced the environmental agenda and the ‘clean-green’ city idea with surprising enthusiasm and some effectiveness” (616). Brand emphasises the critical articulation between neo-liberalism and environmentalism, especially developed in sustainable-cities discourses.<sup>28</sup> Much of the literature on neo-liberalism and environmental

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<sup>27</sup> Foucault notes the extreme form of analysis developed by Becker, which fails to differentiate between types of criminality, or seriousness of particular crimes: “The regulatory principle of penal policy is a simple intervention in the market for crime and in relation to the supply of crime. It is an intervention which will limit the supply of crime solely by a negative demand, the cost of which must obviously never exceed the cost of the supply of the criminality in question. ... Consequently, good penal policy does not aim at the extinction of crime, but at a balance between the curves of supply of crime and negative demand” (Foucault, 2008: 256).

<sup>28</sup> The literature on neo-liberalism, or liberal economic and political practices and the environment is vast and ranges through a series of political, philosophical and ecological paradigms. The journal *Environmental Politics* is, perhaps, exemplary for its ongoing debate on the governmentality of environmentalism. For example, with “Deconstructing Risk Society” (2002) engaging the political consequences of the work done by Ulrich Beck on risk and social theory, Mark Lacey suggests, concerning a politics of time-analysis in economic risk assessment: “For instance, the seemingly contradictory development strategies of sectors of the fossil fuel industry requires such an approach if it is to be explained; climate politics has been shaped by corporations that—at the same time as they tentatively drive forward to colonise new *ecologically modernized* markets (BP becoming Beyond Petroleum, car companies developing advertising campaigns—often coded with globalist imagery—that suggest driving can induce a Zen-like state of being, a vital space of personal security and tranquility in a dangerous world)—they attempt to *slow* down the pace of eco-modernist transformation through networks of organizations such as The Global Climate Coalition (and



Figure 12. Sanguinetti, A. (2012). *Rochester, New York*. [*Recycling as Self as Enterprise*]. Magnum Photos.

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its mutations), an organization that has worked hard to construct climate change as an illegitimate risk, in order to sustain regimes of accumulation for the longest possible period, overcoming all limits to growth” (Lacey, 2002: 57).

issues emphasise the shift that has taken place, under neo-liberal planning, from emphasises on environmental policy to environmental management, which is to say, from a governmental rationality of normative prescription of the social, to an emphasis on an individuated agency in self-managing responsibility (Keil and Graham, 1998; Brenner and Theodore, 2002; Peck and Tickell, 2002; McCarthy and Prudham, 2004). Brand references Laurie (2006) on neo-liberal governmental techniques aimed at individuating environmental agency in terms of “active living”:

The debate on urban form is illustrative in this sense, as for example discussed by Laurie (2006) in relation to the urban programmes emerging across the US and Europe to promote ‘active living’ by modifying the built environment. She argues the ‘ethical superiority’ of sustainable arguments as against traditional public health rationale as supportive devices for such urban policy, while also observing the potential stigmatization of the overweight and physically imperfect. More explicitly political considerations may concern, for example, government interest in controlling health expenditure by enforcing the ‘duty-to-be-well’ (Greco, 1993) on environmental grounds. (Brand, 2007: 619)

We have earlier discussed the extent to which neo-liberalism in either its German or American form, emphasises an understanding of the individuated self as enterprise and with American neo-liberalism as human capital, with an economic rationality permeating all aspects of a self’s life, in the sense that a self’s existence is its competing as enterprise for current and future income on the basis of its self-capital investment. And, at the opening of the previous chapter, we discussed Foucault’s developments in the early 1980s concerning relations between power and subjectivity, a notion of a self as a movement of freedom immanent to power’s exercise, or in as much as power constitutes a conduct on conduct or on the actions of others, those actions are not fully determinable and are open to resistive measures constitutive of a self’s relation to itself. We recognise in Brand’s Foucauldian approach to neo-liberalism and environmentalism the extent to which the question of subjection and subjectivity, as a question of governmental rationalities and techniques of power, leads to an essential issue of the governmentality of everyday life, life in its anonymity as the micro-capillary circulation of power, whose effects are subjectivities and counter-movements of resistance: “As argued earlier, the issue of governance and the self-governing citizen converge decisively on that area of social existence which is increasingly the focus of urban environmental management: everyday life” (626).<sup>29</sup>

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<sup>29</sup> In a quite extraordinary assessment of Foucault’s short text on the heterotopic, James Faubion brings into relief how the arc of Foucault’s movement from anthropology to ontology approaches precisely

In this Brand distinguishes between the rationalities of environmental policy discourses, developed through scientific and technical interventions, and practices of power understood as individual interests or personal decision processes, micro-economic rationalities of the human capitalist. In terms we earlier recognised in Osborne's recognition of liberalism's constitution on its own failures, and Foucault's distinctions between discourses and technologies of power and aberrant practices of power, Brand notes: "This raises the question of how 'irrational modes of behaviour' can be mobilized in support of 'rational urban policy', and with what political effect" (627). Hence we recognise processes of subject-identity and subject-formation, relations of a self to itself, as an "ecological identity' through urban environmental management practices, and their demands, influences and effects on everyday life" (627). The constitution of civic identity, or citizenship, undergoes transformation, from being a judicial instantiation of sovereign right at the level of the individuated subject, the subject of right, to an altogether different form that cannot be simply accounted for by the previously discussed understanding of the relation between rights and norms, or the normativity of security, as rights of the governed, and sovereign right. What is suggested by neo-liberal understanding of the self as human capital, and hence its own enterprise, is the constitution of citizenship as an enterprise task to be earned, where the everyday, constituting the milieu of the personal and domestic, becomes the focus for an environmental management that becomes the responsibility of the self-governing citizen. As Brand suggests: "My point is that the way in which this has been realized represents a gross distortion of the alternative development and libertarian aspirations of early environmental thought, to such a degree that green awareness has been converted into a form of subjection, minor in its social locus and inconsequential in its broader ecological

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question of subjectivity and the everyday as a particular kind of question of the work of art. Faubion notes that in the 1980s Foucault returns to a theme of his earliest writings on Hölderlin, Rousseau, Roussel, Klossowski, Blanchot and Mallarmé (Faubion, 2008: 38). However that theme of the subject and the aesthetic is approached somewhat differently: "The subject is instead concrete [rather than utopic] — the adult citizen male of the ancient polis, Baudelaire's dandy, but also the unnamed men exploring new 'modes of relationship' in their bedrooms and cafés of Castro Street" (38). What Faubion emphasizes is how, for Foucault, the heterotopic opens a moment of encounter with the everyday that does not put into opposition an anthropology and an ontology inflecting towards the binary of the utopian and the quotidian: "[His conception of the heterotopia] is also the dark divination of a conceptual cartography of the cardinal categorical site of a concrete anthropology and sociology of the embedded possibilities of an always already socially and culturally conditioned imagination—this daemon—that threaten the quotidian as much as they bore the utopian" (39). This is what Faubion names "that real space between threat and boredom" that constitutes the governmental possibilities of everyday life.

significance, but politically powerful for the management of neoliberal urban economic and social change” (628).

### Post-political Welfare<sup>30</sup>

This understanding of a “green subjectivisation” tending to constitute a middle-class appropriation of urban norms, via risk management that becomes the prerogative of the human-capitalist, may be starkly contrasted with another version of urban neo-liberal techniques of self-enterprise, that point to vanguard movements in a broadening polity of post-democratic and post-political governmental rationalities.<sup>31</sup> Fairbanks (2011) presents contemporary frameworks for urban management in the city of Philadelphia, in neighbourhood zones of brownfield industrial wastelands and vast tracts of vacant housing. In these zones there are no local welfare measures at all for the dispossessed, unemployed, addicted or alcoholic itinerants who tend to converge on available vacant dwellings. Fairbanks notes that Philadelphia has sixty thousand vacant homes, including about thirty thousand abandoned row houses. As Fairbanks notes: “In the neighbourhood of Kensington, street-level entrepreneurs have reconfigured hundreds of former working-class row homes to produce the Philadelphia recovery house movement: an extra-legal poverty survival strategy for addicts and alcoholics located in the city’s poorest and most heavily blighted zones” (Fairbanks, 2011: 2555). We recognise in the agency of informal operators

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<sup>30</sup> We can now find many text references to the notion of the “post-political” and “post-democratic.” This thesis references a number of them. However, there are also a number of authors who do not find either of these terms accurate or particularly useful in as much as we are not over with or finished with “politics” in those situations described as post-political or the question of democracy is not buried in post-democratic milieus (Swyngedouw, 2009, 2011; Barnett, 2012; Dikeç, 2012; Gill, Johnstone and Williams, 2012). We will discuss these issues more fully in Chapter Five that engages with chronic urban situations where normal governmental structures have collapsed.

<sup>31</sup> See in particular the work of Chantal Mouffe (Mouffe, 2005, 2010; Laclau and Mouffe, 2001) in developing radical approaches to political democracy and the contemporary Nation State. In “The Importance of Engaging the State” (2010), Mouffe draws a fundamental difference between her work and that of Negri and Hardt. The difference, in her terms, is between an activism of withdrawal from the State, and an activism of antagonisms: “Radical politics today is often characterized in terms of desertion, exodus and refusal to engage with existing institutions. Whereas I believe that radical politics should instead be concerned with building political engagement, through developing competing, antagonistic political claims” (Mouffe, 2010: 230). Mouffe’s work on political agonism is discussed within urban contexts by Ploger in “Strife: Urban Planning and Agonism” (2004). Ploger notes: “Although strife is indicated or mentioned in planning studies, it is not discussed in its own terms. ... Following Chantal Mouffe’s (2000) theory of agonism, I will argue that ‘the art of strife’ is what is expected in public planning in a world of agonistic pluralism” (Ploger, 2004: 72).

and a politics of self-help, political rationalities that have taken up the space of governmental action vacated by welfare politics, under neo-liberal economic planning. These are new forms of political agency in circumstances where civic authorities are no longer willing or capable of providing welfare support in communities that have been totally devastated by economic restructure: “Street level entrepreneurs began to transform dilapidated row homes into unlicensed, unregulated recovery houses at a break-neck pace. They were given room to manoeuvre through a variegated regime of city indifference, marked by a conspicuous absence of an official licensure or regulatory board for recovery houses in Pennsylvania” (2557). We are able to recognise in these somewhat ready-made and illicit spaces of confinement, a technology of recovery whose power/knowledge circuits pass through what might be termed the post-welfare state (Valverde, 1998). Neo-liberal governmental rationality establishes the frameworks for industrial transformations leading to brownfield sites and vacant working-class housing, well beyond the aspirational desires of urban greening sensibilities. The same neo-liberal rationalities have ensured the disestablishment of functioning welfare programmes, and thus open spaces for post-political entrepreneurial illegalities, whose approval ambiguously meets an open political question as to whether they instigate closed spaces in order to effectively concentrate illegalities or in order to overcome them: “Recovery has emerged as the post-welfare anti-poverty mechanism par excellence; assuring subjects that they can change, achieve self-mastery, control their own destiny and transform into the oft-repeated phrase, ‘productive members of society’. By maximising self-interest and empowerment in service of a recovery lifestyle, the conduct of everyday existence is recast as a series of problems to be managed in the informal realm of civil society” (2566).<sup>32</sup>

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<sup>32</sup> It is useful to contrast the political critique of post-industrial Philadelphia by Fairbanks with other kinds of texts that reinstate a more orthodox form-driven urban design approach. With the latter there is a palpable erasure of what could be called an accountability for the concrete social practices that seems to be a primary concern of Fairbanks. Hence, a text such as Andrea Hansen’s “FLUXscape: Remapping Philadelphia’s Post-Industrial Terrain” opens with a mythologizing of urban destabilization by recourse to the notion of the ruin, explicitly a “romancing the ruin” (Hansen, 2012: 206). Opening with a short epigraph by Georges Simmel on the ruin, Hansen suggests: “FLUXscape provides the solution to Philadelphia’s problem of post-industrial vacancy by networking ruined sites along infrastructural corridors into catalytic, productive ribbons of flexible, hybrid program that will course life through Philadelphia’s long-dormant veins. In this network, the ruin is given new life within a contemporary context through the insertion of hybrid program, which can dynamically respond to the need of a city in flux” (206). We may note the overt romanticism that couples the ruin to new life, a bio-politics of un-reflected formalism. We also can contrast Fairbanks to Hansen in terms of developing an understanding of how the governmentality of a city brings about “vacancy,” and produces not just sites for renewal but a concatenation of ethico-political accountabilities concerning dwelling.

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We thus return to the question of subjects and power, and a movement of freedom immanent to power's conduct on conduct. Appeal to a "healthy free will" (Sedgwick, 1993), assumes a self whose agency is presumed. This biopolitical self has now become its own biopolitical enterprise, whose risks are measured in terms of the calculable return to oneself of expenditure of one's own human capital, whether than be consumption of narcotics or moving onto a twelve-step plan for recovery. In this chapter I commenced with a discussion of a revised object of study developed by Foucault at the beginning of the 1980s, the movement of freedom constitutive primordially of the human being as subject. This shift from discipline to liberalism is traced in the work Foucault particularly undertook in developing his understandings of bio-power and the bio-political. The chapter engages once again methodological concerns of Foucault in determining how an archaeology of the biopolitical is considered in terms of questioning the unsaid in historiographical sedimentations, in this case newspaper accounts of the Cholera epidemics of the 1830s and 1850s. With an analytics of these accounts we are able to recognise shifts in the early nineteenth century from discipline to security, via the deployment of statistics and liberal governmental measures. Further analyses of the urban as site of implementation of liberal government are undertaken in reference to accounts of the engineering of sanitary and water management for nineteenth century English cities.

I return to Foucault's discussion in *The Birth of Biopolitics*, to the emergence of neoliberalism in Germany and America during the twentieth century. This account especially aims at distinguishing the discontinuity between nineteenth century liberalism and twentieth century developments of general oppositions to welfare economics in neoliberal governmental frameworks. The chapter concludes with discussion of application of neoliberal approaches to the subject, understood as a 'movement of freedom', and equally understood as a competitive self-enterprise, in two contemporary urban scenarios: that of middle class urban policies for 'green cities' that inscribe good citizenship as that which a self earns by green responsibility. This operates primarily as a management of population precisely in order to conceal the genuine crises of global ecologies. The second scenario concerned what is termed post-political urban 'development' in locales decimated by economic catastrophe ushered in by stringent neoliberal policies. Here populations of unemployed and unemployable addicts and homeless are moved into illegal self-help programmes established by entrepreneurial groups, outside of State welfare schemes or instrumentalities, in what may be termed post-democratic programmes of urban survival.

We continue in Chapter Five with further discussion of the biopolitical governmentality of modernity in critically engaging the work of Giorgio Agamben on biopolitics in relation to Foucault. Though Foucault does not really develop the notion of bio-politics after the final lecture of *Society Must Be Defended*, and in *The Will to Knowledge*, notwithstanding its mention in the two subsequent lecture series, it is primarily the work of Agamben and Antonio Negri that has maintained an on-going debate, developing an understanding and application of this notion. Chapter Five engages the work of Agamben in some detail, as well as critical responses to Agamben. These are discussed in terms of continuing concerns with a political understanding of the city, especially as the city constitutes a paradigmatic locale for Agamben's analyses. In Chapter Six, I engage further critiques of Agamben, via the work of Jacques Derrida, and introduce the political writings of the Italian political philosopher, Antonio Negri, that develops aspects of the work of Foucault and Agamben in the direction of a Spinozist ontology.

# Chapter Five

*Cities & States of Exception*

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## Chapter Five

### *Cities & States of Exception*

#### Post-political Urbanism

The nature of warfare has always affected the organization of politics and power. In this case, I think that the relationship between city and sovereign territorial states will radically change. While states define themselves by means of internationally recognized borders, urban warfare will render this physical border redundant. When the line of the border and the surface of the state ceases to matter strategically, the political order will cease to be line-based—i.e., dependent on an homogeneous state territory—and become increasingly point-based, dependent on a network system of cities. This is obviously going to help in accelerating the erasure in the economic vitality and spatial coherence of the state. The city model already dominates the global markets. With the influence of urban violence and warfare, we might find ourselves back with the political system of the city-state. (Weizman, 2003: 199)

No, everything isn't for the best, but for you and for you alone. For the State will know how to use your insubordination, and not only will it take advantage of it, but you, in opposition and revolt, will be its delegate and representative as fully as you would have been in your office, following the law. The only change is that you want change and there won't be any. What you'd like to call destruction of the State will always appear to you really as a service to the State. What you'll do to escape the law will still be the force of the law for you. And when the State decides to annihilate you, you'll know that this annihilation doesn't sanction your error, doesn't give you, before history, the vain arrogance of men in revolt, but rather that it makes you one of the modest and correct servants on the dust of whom rests the good of all—and your good as well. (Blanchot, 1999: 137)

Toward the end of the last Chapter we discussed some instances of recent disintegration of urban structures in various guises, with increased introductions of neo-liberal models of urban governmentality, especially with respect to the wholesale collapse of welfare frameworks, and the implementing of post-democratic or post-political agencies for the maintenance of welfare programmes. The example we briefly discussed was a rehabilitation

self-help initiative in Philadelphia. We are able to understand such examples, within a Foucauldian perspective, in terms of relays between disciplinary mechanisms and security apparatuses, and particularly with the latter, an increasing understanding of the self as an autonomous agency of itself as capital-enterprise. I want to extend this discussion of urban planning regimes, what Weizman (2003) terms ‘urbicide’ or ‘design by destruction’, in a number of directions, initially offering some further concretions, and then extending discussion to some of the key political writings of the Italian philosopher, Giorgio Agamben and, further along, to another important Italian political philosopher, Antonio Negri. While the writings of Agamben and Negri may be engaged in their own right, considerable perspective is gained when they are encountered within a genealogy of the biopolitical as this notion emerged in the considerations of Foucault concerning the governmentality of populations, and particularly within contexts of the urban. Initially I want to briefly return to a text by Blanchot, *The Most High* (1996), first published in 1948 in French, that serves in a prescient way to many of the developments undertaken by Foucault with respect to the juridico-medical understanding of population within disciplinary mechanisms and the subsequent emergence of governmentality as a political understanding of the State. I then want to engage with a series of writings from an edited collection by Aaron Levy and Eduardo Cadava, *Cities Without Citizens* (2003). However, before either of these, I want to comment briefly on a short text on the current state of the city of Detroit, a city whose recent urban planning would aptly be described as ‘design by destruction’ or ‘urbicide’, though those directly commenting (below) on its situation use the term ‘genocide’.<sup>1</sup> Following is an extended citation of the ‘newsletter’ e-mail from the Citizens Electoral Council (CEC) of Australia, affiliated with a counter-part political organization in the United States. Following the citation, I qualify the context of the CEC and pertinence for this chapter’s analyses:

**Detroit bankruptcy—the horror of ‘bail-in’**

For a live example of the new “bail-in” policy that Australia’s banking authorities are preparing to legislate here, look at America’s once-great industrial city of

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<sup>1</sup> The term “urbicide” comes from Steve Graham, Professor of Cities & Society at the University of Newcastle in the U.K (Graham, 2010a, 2010b). Graham is a leading researcher in relations between military technologies, strategies and security, and contemporary urban development. Weizman notes: “Steve Graham, Professor of Urban Technology at the University of Newcastle mentions the term ‘urbicide’—the destruction of the condition of plurality that defines a city—in this context. He claims that the main objective behind the destruction of Palestinian cities was to deny the Palestinians access to an urban modernity, and that the deliberate destruction of the central district of the Jenin camp was carried out with the preconceived ideological background of Israeli fear of the refugee camps” (Weizman, 2003: 190).

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Detroit, which declared bankruptcy on 18 July.

“Bail-in” essentially is the policy of stealing from the people to prop up banks, and the model is being applied to Detroit with a vengeance. By declaring bankruptcy, the financial manager appointed to run the city’s finances is able to renege on the city’s obligations to its retired police, firemen and other workers who for their entire working lives paid into city pension funds. The financial manager, Kevyn Orr, had earlier failed to convince the pension funds to accept major cuts; now, in bankruptcy, he is offering them pennies on the dollar. But just two days before declaring bankruptcy, Orr struck a deal with the huge Wall Street and City of London banks whose derivatives gambling bets with the city had caused its bankruptcy, such as Bank of America, AIG and UBS, to pay out 75-80 cents on the dollar on the interest rate swap derivatives the banks had sold to the city!

Those swaps had been rigged against the city by City of London banks which were caught out last year manipulating the benchmark LIBOR—London Inter-Bank Offered Rate—interest rate. The President of Detroit’s Board of Education, LaMar Lemmons, said of Kevyn Orr in a 21 July interview with LaRouchePAC, “He is in effect a dictator. In the city of Detroit, we have a fascist state... The bankers are being taken care of, the wealthy, the lawyers ... have attorneys that are billing the city \$1,000 an hour. They’re making *millions* of dollars off the misery of the City of Detroit, and they are being paid, while they threaten the pensioners.”

Between its peak in the 1950s and 2010, Detroit’s population collapsed by more than one million people, from 1.8 million to 700,000, and the decline has continued since. Lemmons reports that the number of students in Detroit’s public schools has fallen from 200,000 to 50,000 in the last four years, and 200 schools have been closed, decimating neighbourhoods. In the remaining schools, 40-60 kids are crammed into classrooms. Real unemployment in Detroit is 50%; the crime rate is sky-high, because the underfunded police department can’t respond to emergency calls; the street lights are out in much of the city; and there are more abandoned buildings and properties in Detroit than in any other city in the world. “The misery index for the city probably eclipses most places in the United States, and in some cases, on the planet Earth,” Lemmons said.

Now, with its pensioners being gutted, and other cuts that will be imposed under bankruptcy, Detroit is about to get even worse, all in keeping with the new bail-in model enshrined in law in the U.S. *Dodd-Frank Act 2010*, already applied in Cyprus, and also being prepared for Australia. Citizens Electoral Council leader Craig Isherwood declared today, “Detroit is a crime against humanity, unfolding in front of our eyes. Under the bail-in policy, it is the new standard for what will be imposed worldwide, including in Australia. “The fight against bail-in is much bigger than just a fight to save our bank accounts; it is a fight to save our lives—a fight for the principle that the economy serves people, not elite financial interests. “Join the fight against bail-in, and for a Glass-Steagall banking separation that will protect the real economy from financial gangsters, by joining the CEC,” he said. (CEC, 2013)

The ‘Report’ cited here comes from an Australian political organization, The Citizens Electoral Council, whose political underpinnings are fundamentally welfare-driven and align with Labour governments we associate particularly with the early twentieth century in Britain and Australia, and with New Deal Democratic policies in the United States. In Australian political history, for example, the CEC considers that the reformist Labour leaders, Robert (Bob) Hawke and Paul Keating, abandoned Labour’s traditional working class base and, with deregulation, ‘sold’ Australia to the City of London global banking regime. The CEC is alarmist, extreme in its political pronouncements, and deserving of critical scrutiny. The organisation is aligned with a counterpart in the United States, led by Lyndon LaRouche, who has been vociferous in calling for the re-introduction of Glass-Steagall legislation since 2007 to separate investment banking from commercial banking, to prohibit affiliations between commercial banks and security firms.<sup>2</sup> My purpose for introducing the CEC/LaRouche account of the infrastructure collapse of the city of Detroit is not to un-questioningly accept this account, but more so to emphasise the intimate connections that their account draws between post-democratic urban governmentality, global financial collapse and biopolitical accounts of genocide as the outcome prognosis for the future of American and Central European cities. Further, their prognosis is that the only reversal is via the re-introduction of Glass-Steagall and the re-introduction of massive public works programmes, associated with Keynesian economic policies globally, as recovery measures formerly adopted in the Great Depression. That is to say, Detroit is no longer a problem for planners and for improved urban governance. At the moment there is no financial viability for renewal or a structure that makes governance possible. What is happening to Detroit?

Turning to Blanchot’s 1948 novel, *The Most High*, there are coincident concerns with a city undergoing massive ‘design by destruction’. The novel somewhat allegorically describes European cities in ruins after the 1939-1945 conflict, along with the disintegration of governmental reason.

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<sup>2</sup> This legislation was introduced in the United States in 1933, after the Great Depression, in order to bring greater control to the speculative risks of the banking sector. The legislation’s repeal in 1999 is in part held responsible for massive escalation in derivatives trading that brought about global economic collapse in 2008, primarily instigated in the housing market of the United States. Though many economic analysts note that Glass-Steagall did not have any jurisdiction or control over derivatives trading and its repeal had little to do with the mid-2000s global financial collapse. I return to a detailed analysis of the U.S. housing market collapse in Chapter Seven of this thesis.



*Figure 13.* Soth, A. (2008). *Detroit's Now-Derelict Michigan Central Station.* Magnum Photos.

Though the State seems to have been perfected, it is disintegrating everywhere, with proliferation of prisons, enforced hospitalisations, over-policing. The novel presents the State as that fragile entity subjected to complex accounts of its governmentality, from confinements and their disciplinary mechanisms to the law, its suspension, or re-inscriptions. These concerns, all of them, seem to have concerned Foucault, from his writings in the 1960s on Blanchot and the anonymity of language and a self, to his book on the clinic and the co-occurrence of medical and juridical practices that normalise populations, to his research on the great confinements, plagues and endemic diseases, and finally to his writings on apparatuses of security, the urban and the governmentality of the State, and then to his research on an ethics, or aesthetics, of the self, on ‘care of the self’. Blanchot’s novel opens with the prophetic: “I wasn’t alone, I was anybody. How can you forget that phrase?” (Blanchot, 1999: 1). The main character, whose illness we trace throughout the novel and through the city he occupies, is named Sorge. This name is also the German for ‘care’ and is the key notion for Heidegger in *Being and Time* (1996), for the primordial disclosure of Da-sein’s being.

Cadava and Levy introduce their edited publication, *Cities Without Citizens* (2003), with the following series of questions:

What is a city? What are the laws or constitutions that make a city a city, that prevent it from becoming something else, even as it inevitably undergoes transformation and change? ... How is a city lost, destroyed, abandoned, and then perhaps rebuilt from its ruins, sometimes in other places and in memory of its name and patrimony? ... What is the relation between a city and its inhabitants, between a city and its citizens, or between a city and all the people from which it perhaps withholds its protection? What is citizenship and how is it established or lost, asserted or taken away? ... These questions have become more urgent than ever, if not more melancholic or eschatological, since today’s city—because of its permeability, because of its relation to the expanding forces of capital, globalization and information technologies—can no longer be said to name the geographical unity of a habitat, or an insulated network of communications, commerce, sociality, or even politics. (Cadava and Levy, 2003: xv-xvi)

The title of the collection recalls the fact that cities were founded on the coincident right to citizenship of their inhabitants. There are no cities without their citizens. The space of a city affords rights, obligations and protection of its inhabitants. Thus, for Cadava and Levy, cities can only exist where there are citizens, which also means where citizens and foreigners are distinguished, constituting a belonging and non-belonging fundamental to the polis.

Though, there are limits to citizenship, a complex of limits that articulate nativity, language, and culture (xvii). Thus, there have always been cities without citizens, inhabited by those without patrimony, birth-right, language or culture: "... any assertion of citizenship can only take place by simultaneously defining the limits and conditions of citizenship—by defining, that is, the non-citizen, the foreigner, the alien, the stranger, the immigrant, the refugee, the criminal, the prisoner, or the outsider—and, similarly, that any definition of border of a city must mark what remains within the city but also what is excluded from it" (xvii). We may recognise current developments in cities in the United States, such as Philadelphia or Detroit, as developments in redefining the border-regions of belonging and non-belonging, of redefining citizenship, its rights and obligations such that inhabitants are transformed into aliens, refugees, without legal protection once afforded to them. The short text by Agamben, "Beyond Human Rights," commences with reference to Hannah Arendt's 1943 essay on refugees, "We Refugees." Agamben's focus is on the political status of the refugee as a status defined by the suspension of sovereign citizenship, and thereby constituting a being whose rights are voided.

The direction of Agamben's argument and prognosis is not towards a restitution of rights of the refugee, a repatriating right inalienable to birth itself. Rather, his argument is the obverse, to disestablish any notion of right at all constituted on citizenship, nativity or patrimony: "Before extermination camps are reopened in Europe (something that is already happening), it is necessary that the nation-state finds the courage to question the very principle of the inscription of nativity as well as the trinity state-nation-territory that is founded on that principle. ... Only in a world in which the spaces of states have been thus perforated and topologically deformed and in which the citizen has been able to recognise the refugee that he or she is—only in such a world is the political survival of humankind today thinkable" (Agamben, 2003: 9, 11). It is to the work of Agamben we turn in some depth, particularly in responding to Agamben's understanding of the biopolitical frameworks of modernity developing from the work of Foucault.

### States of Exception—Beyond Human Rights

Instead the decisive fact is that, together with the process by which the exception everywhere becomes the rule, the realm of bare life—which is originally situated at the margins of the political order—gradually begins to coincide with the political realm, and exclusion and inclusion, outside and inside, *bios* and *zoē*, right and fact,

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enter into a zone of irreducible indistinction. At once excluding bare life from and capturing it within the political order, the state of exception actually constituted, in its very separateness, the hidden foundation on which the entire political system rested. (Agamben, 1998: 9)

In an abbreviated way, this is the basic thesis presented in Agamben's political philosophy. He suggests his fundamental premise relating bare life to the state of exception has developed from a 'double bind' in Foucault's late political writings on power, subjectivisation and the State. We are aware of the extent to which Foucault aimed to significantly redefine the question of power from out of its localization in juridical and institutional discourses that construed the State and its sovereignty as the seat and origins of power. Rather, as we have outlined in some detail, Foucault sought to determine the mechanisms of power's exercise in terms of the political techniques of discipline, the agency of police as a productive force and, with the emergence of liberalism, apparatuses of security that concerned the governmentality of populations, a whole register and panoply of techniques, commencing with statistics, demographics and regulations concerning hygiene and the medicalization of a population. If discipline tended to inscribe an individuated body, liberalism sought for an autonomous principle at the level of individuated selves such that the normalizing techniques inscribed in security manage individuated affects, thereby maintaining the semblance of freedom, or an inalienable self whose conduct is acted upon or sanctioned as conduct on conduct of others. Between the political techniques of the science of police and technologies of the self, Agamben emphasises that for Foucault there is this 'double bind' or what he refers to as a non-unitary theory of power: "Clearly these two lines (which carry on two tendencies present in Foucault's work from the beginning) intersect in many points and refer back to a common centre. ... Yet the point at which these two faces of power converge remains strangely unclear in Foucault's work, so much so that it has even been claimed that Foucault would have consistently refused to elaborate a unitary theory of power" (Agamben: 1998: 5).

It is Agamben's project to find that moment of intersection, that unitary centre in a radical distending of Foucault's writings on bio-power. Agamben's thesis, developed in *Homo Sacer* (1998), and extended in a series of subsequent publications, has been thoroughly critiqued, at times condemned, and at times praised for its acute development of aspects of Foucault's work.<sup>3</sup> We will briefly engage with some of these responses to Agamben. However, what is

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<sup>3</sup> Agamben's work since *Homo Sacer* has developed in complex ways, at times complicating his initial arguments, at times qualifying them, at times seeming to respond to those who have critiqued him. In one

clear is the extent to which the prognosis offered by Agamben for our global humanity appears to be bleak as we work through *Homo Sacer*, and this bleakness inflects expressly on the design of our metropolitan centres, our cities, and increased urbanization of the planet. We recognise in accounts of Detroit or Philadelphia, but also the settlements in Palestine, or refugee settlements in Pakistan or, in a more sinister way, our well-functioning and seemingly untroubled ‘first-world’ metropolitan centres, the functioning of a biopolitical regime essentially founded on the production of bare life and the state of exception.<sup>4</sup>

As a very broad summation of his analysis, Agamben seeks to extend Foucault’s reading of the biopolitical, particularly around an understanding of life. He argues from a classical notion of life that maintains separation of sovereign power and biological life, to a redefinition marking a threshold to modernity, where this difference or distribution has become increasingly blurred. The bleakness of *Homo Sacer* comes from Agamben regarding this indistinction as placing considerable risk on life itself. *Homo Sacer* thus seeks to explore a genealogy of life with regard to sovereign power and biopolitics. Agamben argued that

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sense, Agamben has built on an even earlier publication, *The Coming Community* (1993), which enigmatically sets about a philosophical and ethical project on how a future politics is to be enacted. It is as if all of his following publications establish frameworks for a thinking of such a coming community. Dean (2012), in a feature review article of Agamben’s *The Kingdom and the Glory* (2011) develops a comprehensive account of the publishing history of Agamben: “[T]his volume [*The Kingdom and the Glory*] presents itself as a successor to [*Homo Sacer*] and, as its title indicates, a second part of Book Two of the series it initiates. Thus *Homo Sacer* (I) is now followed by *State of Exception* (II, 1), and the present volume (II, 2). In the sense that *State of Exception* drew upon German philosopher Carl Schmitt to examine the state of exception as a permanent technique of government rather than temporary suspension of the law, the present volume brings that project to an end by seeking to open Schmitt’s political theology to questions of governmentality and by drawing upon theologian Erik Peterson’s closure of political theology. The present volume is followed by the recently published *The Sacrament of Language: An Archaeology of the Oath* (II, 3), a small and dense work on the relationship between the performative uses of language and the production of truth within rituals of power characteristic of law and religion. This is then followed by *Remnants of Auschwitz: The Witness and the Archive* (III), which was first published in English in 1999, and an as yet unpublished volume on ‘the forms of life’. While the first three volumes might be read as focusing on the genealogy of power relations in Occidental thought and politics, the next volume promises to amplify Agamben’s thinking on resistance” (Dean, 2012: 146). In this chapter we discuss some critical reception to Agamben’s developments from Foucault’s work on biopower. Some important responses include: Patton, 2007; Ojakangas, 2005; Mills, 2003, 2008; Leps, 2012; Genel, 2006; McNay, 2009.

<sup>4</sup> See Graham (2012) on an engagement with a ‘state of exception’ coincident with the London Olympic Games. Graham’s text opens: “As a metaphor for the London Olympics, it could hardly be more stark. The much-derided “Wenlock” Olympic mascot is now available in London Olympic stores dressed as a Metropolitan police officer. For £10.25 you, too, can own the ultimate symbol of the Games: a member of by far the biggest and most expensive security operation in recent British history packaged as tourist commodity. Eerily, his single panoptic-style eye, peering out from beneath the police helmet, is reminiscent of the all-seeing eye of God so commonly depicted at the top of Enlightenment paintings. In these, God’s eye maintained a custodial and omniscient surveillance on His unruly subjects far below on terra firma” (Graham, 2012: n.p.).

Foucault seriously overlooked aspects of modern politics in his understanding of the biopolitical (1998: 1-3), beginning his critique with analysis of the classical notion of life, and how this has shaped conceptions of human nature and politics. He orientates his critique around the two classical Greek words for life, *zōē* and *bios*, which he argues have distinct though overlapping meanings: "...*zōē*, which expressed the simple fact of living common to all living things (animals, men, or gods), and *bios*, which indicated the form or way of living proper to an individual or a group" (1998: 1). This difference is located in an essential spatial division of *life* between the *polis* or city-state and the *oikos* or home: "In the classical world, however, simple natural life is excluded from the *polis* in the strict sense, and remained confined—as merely reproductive life—to the sphere of the *oikos* 'home'" (1998: 2).<sup>5</sup> This spatial division Agamben relates to the Aristotelian notion of man as political animal, and with this classical notion—political animal—he infers or argues for a biopolitics, thus critiquing Foucault's formulation of the biopolitical as the emerging threshold of modernity. He thus refines Foucault's understanding in order to build on his conceptualisation of the modern notion of power.<sup>6</sup> Agamben finds this in Foucault's *The Will to Knowledge* (1978) where Foucault describes the shift from sovereign power to where practices of government start to be concerned with the biological processes of the individual's body and to a general or specific population.<sup>7</sup>

Quoting Foucault, Agamben points to the threshold of modernity, where "For millennia, man remained what he was for Aristotle: a living animal with the additional capacity for

<sup>5</sup> Agamben's reference is Aristotle's *Politics*, (1252a, 26-35). See Agamben (1998: 2).

<sup>6</sup> Agamben discusses the use of *zōon* to describe the political animal opposed to *bionai* "It is true that in a famous passage of the same work, Aristotle defines man as a *politikon zōon* (*Politics*, 1253a, 4), But here (aside from the fact that in Attic Greek the verb *bionai* is practically never used in the present tense), "political" is not an attribute of the living being as such, but rather a specific difference that determines the genus *zōon*." (1998: 2).

<sup>7</sup> Agamben thus notes: "[Foucault] summarises the process by which, at the threshold of the modern era, natural life begins to be included in the mechanisms and calculations of State power, and politics turns into *bio-politics*." (Agamben, 1998: 3). Of course, one wonders if Foucault would agree, disagree or, himself, wonder why Agamben needs to demonstrate his classical philology, as if his observation on an Aristotelian 'biopolitics' is not in a sense self-evident. In fact, this will be Derrida's point (as we discuss in the following chapter), along with Aristotle also being a little uncertain on the distinction of *zōe* and *bios* as such. For Foucault, in a sense, the claim was more humble: "'game openings' where those who may be interested are invited to join in ... not dogmatic assertions that have to be taken or left en bloc," as he said in 1972 (Foucault, 1981: 4). 'Population' as statistical demographics finds its threshold of emergence at the end of the eighteenth century, precisely as a technology or technique, among others, for a normalizing exercise of power. It figures the human as species to be managed via a range of techniques, bio-racism being one. For Agamben, it is not the 'eventalising' of population as ontology, but the eclipsing of a distinction between corporeal existing and maintaining an ordering intrinsic to the *polis*, circumscribed in the political.

political existence; modern man is an animal whose politics calls his existence as a living being into question” (Agamben, 1998: 3).<sup>8</sup> Agamben sees this is, for Foucault, forming a rupture in the classical episteme, around the “two-fold problematic” of life and man (1998: 3). Agamben, through Foucault, sees this Aristotelian conceptualisation of life shift to where: “The ‘threshold of biological modernity’ is situated at the point at which the species and the individual as a simple living body become what is at stake in a society’s political strategies” (1998: 3). No longer is the human a living animal plus the capability of the political; now the living body as species *is* the target of political strategy.<sup>9</sup> With this, Agamben links Foucault’s biopolitics to Arendt’s *homo laborans* from *The Human Condition* (1998), where in similar fashion she describes the shifting nature of modern politics so that “...biological life as such gradually comes to occupy the very centre of the political scene of modernity” (1998: 3). Agamben considers that similarity between these two thinkers has not been explored, Foucault making no mention of Arendt when discussing the bio-political (3). Yet he sees a lacuna in the work of both thinkers with respect to modern politics. Arendt does not make any crossovers between *The Human Condition*, with its concern with the biopolitical, and her earlier work on totalitarianism (Arendt, 1958). Equally Agamben questions Foucault’s neglect in not discussing the Holocaust, “...that Foucault, in just as striking a fashion, never dwelt on the exemplary places of modern biopolitics: the concentration camp and the structure of the great totalitarian states of the twentieth century” (1998: 4). While Foucault does make reference to Nazism in *The History of Sexuality*, he later questions this general thematic of linking the bio-political with its *telos* in the concentration camp, as he notes in *The Birth of Biopolitics* (2008: 187-188).<sup>10</sup>

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<sup>8</sup> The 1978 English translation differs slightly to Agamben’s version: “...modern man is an animal whose politics places his existence as a living being into question.” (Foucault, 1978: 143). There is a subtle though definite difference between the agency of a ‘call’ and a ‘placement’ or ‘*espacement*’ that, perhaps, would direct us to Heideggerian ontological difference.

<sup>9</sup> Agamben here reads Foucault and the bio-political, as tracing the shift that occurred in Foucault’s work at the *Collège de France* from 1977 onwards from the territorial State, to the State of population, and then to the government of men (Agamben, 1998: 3).

<sup>10</sup> Foucault is momentarily ‘defending’ the State against a series of inflationary tendencies that make of it a “cold, cold, monster” (to quote Nietzsche), a supposed zeal on the part of the State to expand and control. One of these is to align, in a form of “state-phobia,” the administrative State, the Welfare State with the fascist State or totalitarian State (187): “As soon as we accept the existence of this continuity or genetic kinship between different forms of the state, it then becomes possible not only to use different analyses to support each other, but also to refer them back to each other and so deprive them of their specificity. For example, an analysis of social security and the administrative apparatus on which it rests ends up, via some slippage and thanks to some play on words, referring us to the analysis of concentration camps” (187-188). Many critics of Agamben cite this passage in precisely accusing Agamben’s ontological or fundamental grounding of biopower in the “camp” as losing all specificity of situated difference. This is as well the argument Foucault brings against the Freiburg ordoliberalists who, in the early 1930s, refused to

### Threshold: Zoe, Bios, and Intrusion of the State

Agamben sees this blurring of the distinct natures of *zōē* and *bios*, in both Arendt's studies into totalitarianism and Foucault's analysis of the biopolitical, as a fundamental moment in Western political thought. This blurring of categories of life meant there is no return or recourse to the classical *polis* in modernity:

...the entry of *zōē* into the sphere of the *polis*—the politicization of bare life as such—constitutes the decisive event of modernity and signals a radical transformation of the political-philosophical categories of classical thought. It is even likely that if politics today seems to be passing through a lasting eclipse, this is because politics has failed to reckon with this foundational event of modernity. (1998: 4)<sup>11</sup>

make a distinction between the welfare politics of National Socialism in Germany, Soviet Communism with Stalin, British Welfare economics or Truman's New Deal. All welfare economics led to fascism. Foucault recognised the failure to read the specificity of the techniques and practices (Foucault, 2008: 110). One imagines Foucault recognising Agamben's proclivity for ontological grounding as equally a slippage, a loose footing when it comes to specificity.

<sup>11</sup> *Bare life* is a translation of Agamben's term *vita nuda* by Daniel Heller-Roazen who translated *Homo Sacer: Il potere sovrano e la vita nuda* (1995) into English. Note that the term *vita nuda* is used in the subtitle and is used throughout the Italian version of the book. However, as Vincenzo Binetti and Cesare Casarino in *Means without End: Notes on Politics* point out, they chose not to follow Heller-Roazen's translation but rather they translate *vita nuda* as "naked life" (2000: 143 n.1). *Vita nuda* can also be translated as "mere life" (Murray & Whyte, 2011: 30). Furthermore *nuda* can be also translated as nude, stripped, or plain. In this work we will use the Heller-Roazen translation of *vita nuda* as *bare life*, while noting the implications of later translations. It should also be noted that Agamben's analysis of Walter Benjamin's *Critique of Violence* (1978) examines Benjamin's "divine violence" and "bare life" as two categories that Agamben explores by the "limit figure" of *homo sacer*—the sacred man, whose liminal existence is both bare life and paradoxically sacred (1998: 65-66). We note the 2011 Agamben book, translated by Kishik and Pedatella, is titled *Nudities*. While this is not the place for a detailed examination of the link between Agamben's book and Benjamin's *Critique*, Agamben's reading might plausibly originate from Benjamin's text. Benjamin's "mere life", as it appears in the English translation, echoes Agamben's use of term *bare life* (1978: 297).

In the English translation of *Homo Sacer*, Agamben translates Benjamin's German (*bloßes Leben*) as *bare life* (1998: 65); *Bloße* in English can be translated as mere, sole or naked. *Bare life* operates in Agamben's usage as a separate and third category to *zoe* and *bios*. If *zoe* and *bios* somewhat refer to animal and human life (*zoe* as biological life, *bios* as ethical or political life), the term *bare life* is modern political thought's reduction or blurring of the animal/human relation so that life becomes reduced to biological processes (Murray & Whyte, 2011: 30). Agamben gives the example of the "werewolf" whose indistinct nature is neither quite human nor animal, which he describes as dwelling in both categories, however not belonging to either (1988: 107). Agamben's study is fundamentally concerned with this indistinct nature of *bare life*, which is problematic with respect to an ethics and politics of subjectivity, where exist instances of human life denuded of ethical and political imperatives, such as instances where sovereign law strips any right from subjects, as was the case with State-led eugenics, the Holocaust, and the Bosnian War's ethnic cleansing.

Agamben sees the biopolitical as that which may allow for a reinterpretation of the traditional categories of modern politics, such as those traditional binary pairs, which dominate political discourse: left/right, private/public, absolutism/democracy. These have withered and dissolved: "...to the point of entering today into a real zone of indistinction—will have to be abandoned or will, instead, eventually regain the meaning they lost in that very horizon" (1998: 4). The biopolitical, Agamben argues, dominates contemporary political thought despite the various polymorphs that it may take. The fundamental logic of biopolitics is the nexus between "bare life and politics" (1998: 4): "One of the most persistent features of Foucault's work is its decisive abandonment of the traditional approach to the problem of power, which is based on juridico-institutional models (the definition of sovereignty, the theory of the State), in favour of an unprejudiced analysis of the concrete ways in which power penetrates subjects' very bodies and forms of life" (1998: 5).<sup>12</sup> As we outlined earlier, for Agamben these two lines of inquiry—the intersection between the juridico-institutional and the biopolitical—constitute a problem due, in part, to Foucault's early death whereby he was never able to entirely resolve them. Agamben interrogates these two modalities of power in *Homo Sacer* with the aim of synthesising Foucault's reading of power (1998: 5): "... the inclusion of bare life in the political realm constitutes the original—if concealed—nucleus of sovereign power. *It can even be said that the production of a bio-political body is the original activity of sovereign power*" (1998: 6).<sup>13</sup>

<sup>12</sup> Agamben suggests that the linkage of *bare life* and politics comes to us via Foucault and Benjamin (1998: 4). He does not directly reference Benjamin's concept of "state of emergency" although it is key to thinking this relationship [c.f., Benjamin, 1968: 257]. By interrogating bare life and politics Agamben sees that it is possible "...to bring the political out of its concealment and, at the same time, return thought to its practical calling" (1998: 4-5). Agamben's language is strongly reminiscent of Heidegger, echoing Heidegger's reading of the concealed nature of Being. Heidegger remains a major influence for Agamben; he was an attendee at Heidegger's *Le Thor* seminars, and in a subsequent book, *The Open: Man and Animal* (2004), returns to the question of bare life from a Heideggerian perspective. Returning to Agamben's quote, we see that he regards the essential nature of the political as hidden by the biopolitical, hence the possibility of rethinking politics, or at least ontologically questioning the nature of the political. In doing so, Agamben hopes to reveal biopolitics as the dominant modality of contemporary political thought.

<sup>13</sup> We recognise the extent to which Agamben has a decided focus on an individuated self, the biopolitical body. In contrast, as we will be discussing later, Antonio Negri has a focus on the collective, in Marxist terms, class interest and in Spinoza's, the multitude. Foucault problematizes security and the biopolitical, in a sense, as the eclipsing of a finalised or finalising distinction between individuated self and population, in that population is governed statistically and normatively, but no less coercively than individuated selves precisely in as much as this governmentality opens a space for the liberalisms of a self's freedom. Hence his rigorous distinction by 1982 between violence and an exercise of power, in terms of a conduct on bodies with discipline and a conduct on conducts with governmentality and security. Agamben does not particularly recognise these limits Foucault places on his own understanding of biopower and the political.

For Agamben, contra Foucault, bio-political and sovereign powers are equally old and the modern nation-state places at its centre the biological-species-nature of humanity to “... bring to light the secret tie uniting power and bare life” (6), and this modern nation-state combining bare life and politics poses a significant ethical and political danger to the individual, thus causing the bio-political to be a fundamental and profound danger to Being (1998: 6-7).<sup>14</sup> This shift of the political into the realm of *bare life* is the fundamental problem of the modern State. Agamben’s strategy, for want of a better word, is to locate bare life back into the Aristotelian reading of the *polis* with its concerns for life (*zēn*) and the good life (*eu zēn*), allowing the essential nature of the modern State to come to light (1998: 7). He interrogates the Aristotelian definition of the good life (*eu zēn*) and, in doing so, aims to move past the assumed reading of the *telos* of the political as the “good life” (7). This leads to a simultaneous double move of inclusion and exclusion of bare-life in Western politics. Through reading the essential nature of the classical *polis* we see that the “... fundamental categorical pair of Western politics is not that of friend/enemy but that of bare life/political existence, *zoē/bios*, exclusion/inclusion” (1998: 8). It is with the *zoē/bios* relation that Foucault’s reading of the bio-political needs “...to be corrected or, at least, completed, in the sense that what characterizes modern politics is not so much the inclusion of *zoē* in the *polis*—which is, in itself, absolutely ancient—nor simply the fact that life as such becomes a principal object of the projections and calculations of State power” (9). By extending or at least modifying Foucault’s original thesis we will be able to analyse bio-politics with respect to the “exemplary places” of modern bio-politics—the concentration camp (4). This relation, predicated on the folding of sovereign power onto the biological, is both ancient and uniquely modern in the blurring of *zoē/bios*, as with the blurring of the realms of the *oikos* and the *polis*, producing a third term, *bare life*, that exists as indistinct to either (9).<sup>15</sup> Hence, for “modern politics”:

<sup>14</sup> For Foucault bio-power is part of the decisive break in modernity from the vestiges of Medieval thought. Agamben, while recognising the decisive shift that occurs in modernity, sees this as linked to the problem of life and sovereign power, which he regards as having a classical origin. The shift in modernity obscured the original nature of the political and the essential role of the good life. In short, Agamben’s concerns just don’t seem to be those that preoccupied Foucault.

<sup>15</sup> This leads Agamben to suggest that modern democracy has a specific paradox of freedom and happiness with respect to bare life (*zoē*): “...it wants to put the freedom and happiness of men into play in the very place—“bare life”—that marked their subjection. Behind the long, strife-ridden process that leads to the recognition of rights and formal liberties stands once again the body of the sacred man with his double sovereign, his life that cannot be sacrificed yet may, nevertheless, be killed” (1998: 9-10). By this Agamben means that modern politics, in its pursuit of happiness and necessary freedom, introduces an antinomy whereby the subject is reduced to a state of *bare life* (10).

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[T]he decisive fact is that, together with the process by which the exception everywhere becomes the rule, the realm of bare life—which is originally situated at the margins of the political order—gradually begins to coincide with the political realm, and exclusion and inclusion, outside and inside, *bios* and *zoē*, right and fact, enter into a zone of irreducible indistinction. (9)

### Bio-power and the Sacred Man

As we have seen, Agamben regards that the political is grounded on the indistinct nature of *zoē/bios*, which produces a condition of *bare life* in modern subjectivity. The bio-political is not reducible to a series of disciplinary mechanisms, whether medical practices or welfare techniques as we would find with Foucault. Rather, Agamben sees the blurring of categories of sovereign power and disciplinary mechanisms.<sup>16</sup> Sovereign power becomes the defining factor in determining what is life, such that the State itself becomes the guarantor of life (11-12). This conceptualisation he links to the German philosopher and jurist, Carl Schmitt: “The Sovereign is he who decides on the state of exception...” (1998: 11). Agamben sees this as so enshrined in political thought that it has become the “limit concept” of the Law and State, so much so that “the sphere of life becomes indistinguishable from it” (11) and, as such, the State defines our communal lives (11-12). Agamben sees a paradox in sovereignty, as it is both internal and external to the juridical order. To remain sovereign, one must be external to the law but, conversely, simultaneously internalising the law (15).<sup>17</sup> The state of

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<sup>16</sup> As we have seen in earlier chapters, Foucault reads the shifting logic of government in *Security, Territory, Population* (2007) somewhat differently to Agamben. For Foucault, rather than the blurring of sovereign and disciplinary power, he sees shifting interrelations between these two categories, as well as a third category in apparatuses of security (Foucault, 2007: 107). As a number of commentators have pointed out, Agamben’s *Homo Sacer* did not have Foucault’s late 1970s lectures at the *Collège de France* to reference, as these lectures had not as yet been published. However, Agamben redresses this in *The Kingdom and the Glory*, with what Dean suggests as one of his closest readings of a Foucault text (Dean, 2012) in working through *Security, Territory, Population*. In doing so, Agamben broaches in ways that are absent in *Homo Sacer*, Foucault’s central movements from discipline to security and governmentality.

<sup>17</sup> There is a possible avenue of analysis to be done on the question of sovereignty that, to date, Agamben does not particularly seem to have broached, notwithstanding its close connection to the work of Foucault. This is the important understanding Georges Bataille give to sovereignty in his writings, and key reference to this in Foucault’s important 1963 essay on Bataille, “A Preface to Transgression” (1977), precisely on an ontology of law. Indeed, Foucault’s engagement with the radical interiority of Bataille’s “inner experience,” in relation to Blanchot’s radical outside, presents the dislocating localising of Agamben’s “state of exception” as the prerogative of sovereign suspension of law. This text, as well, localises a series of themes that will become crucial for Foucault’s archaeology and genealogy, concerning an exteriorizing of the gaze in an eye that must be thought from the outside, resonant with his articulation of a medical gaze or with an eye of power. Of course, his reference point is Bataille’s 1928 novella, *Story of*

exception thus operates by suspension of law: “It has often been observed that the juridico-political order has the structure of an inclusion of what is simultaneously pushed outside” (18). Thus, law internalises the “outside” but rather than simply becoming the neutralisation of what is external, it produces its own space in which to operate (19). The state of exception is neither the external nor internal, but the threshold itself between normal and chaos (19), so that the sovereign exception as juridical suspension allows for a “... *zone of indistinction between nature and right*” (21).<sup>18</sup> Put simply, the state of exception suspends law thus allowing for the transgression of itself so, paradoxically, at the same instance it operates internally and externally to itself (21).<sup>19</sup> Agamben gives the example of homicide where, under normal circumstances, killing another is forbidden. In the state of exception (war/execution) this can be suspended (21). This operates like a Möbius strip where sovereign power does not distinguish internal or external relations, or difference between nature and law (37).

The book’s title comes from Agamben’s analyses of what he calls the “limit-figure” (17) of the classical Roman *homo sacer*, the sacred or cursed man, who is both internal and external to law (81).<sup>20</sup> The Roman *homo sacer* was a form of punishment, a curse falling on an outcast or banned man (79). As a *limit-figure* the life of *homo sacer* could not be sacrificed but could be killed with no repercussion. *Homo sacer* is doubly excluded from both sacred and profane realms (82), placed under a sovereign ban, located within an indistinct zone between both categories: “What is captured in the sovereign ban is a human victim who may be killed but not sacrificed: *homo sacer*” (83).<sup>21</sup> It is in contra-distinction to this ban that Agamben

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*the Eye* (1982): “The eye, in a philosophy of reflection, derives its capacity to observe the power of becoming always more interior to itself. Lying behind each eye that sees, there exists a more tenuous one, an eye so discreet and yet so agile that its all-powerful glance can be said to eat away at the flesh of its white globe; behind this particular eye, there exists another and, then, still others, each progressively more subtle until we arrive at an eye whose entire substance is nothing but the transparency of its vision ... offering to this absence the spectacle of that indestructible core that imprisons the dead glance ... the philosophizing subject has been dispossessed and pursued to its limit; and the sovereignty of philosophical language can now be heard from the distance, in the measureless void left behind by the exorbitated subject” (Foucault, 1977: 45-46).

<sup>18</sup> Original emphasis.

<sup>19</sup> We again think of Foucault’s Blanchot, always on the exterior of exteriority, where neither law nor nature is denied but nor are they affirmed. Identity politics becomes strangely suspended between the anonymity of an ‘it speaks’ and the anonymity of power conceived as conduct on conducts.

<sup>20</sup> The Bandit or Outlaw has similar meaning in English. Coming from early Germanic law, the *Utlagr*, was placed outside of the law, being banished and having life made forfeit (1998: 104).

<sup>21</sup> Again, there is a complex trajectory in discussing the ‘sacred’ that takes us to Foucault’s writing on Bataille, but also Sade and Klossowski, as well as Agamben’s later writing on the sacred in *Profanations* (2007). Agamben draws a complex argument around the passage from the sacred to the profane (and its reversal), such that the profane marks the free use of things, a “pure” use, that is free of sacred names

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questions the notion of the *social contract*, wherein the concept of “ban” might well be of greater analytical use: “The understanding of the Hobbesian mythologeme in terms of *contract* instead of *ban* condemned democracy to impotence every time it had to confront the problem of sovereign power and has also rendered modern democracy constitutionally incapable of truly thinking a politics freed from the form of the State” (109).<sup>22</sup>

The concept of the ban more clearly defines the role of sovereign power than Hobbes’s contractual understanding of power that acts as the guarantor of individual rights: “The ban is the force of simultaneous attraction and repulsion that ties together the two poles of the sovereign exception: bare life and power, *homo sacer* and the sovereign” (1998: 110). The ban, for Agamben, like *homo sacer*, reduces our life to a sovereign power predicated on the guarantee of right under the law of that sovereign power itself, thus internalising us to it:

We must learn to recognize this structure of the ban in the political relations and public spaces in which we still live. *In the city, the banishment of sacred life is more internal than every interiority and more external than every extraneousness.* The banishment of sacred life is the sovereign *nomos* that conditions every rule, the originary spatialisation that governs and makes possible every localisation and every territorialisation. And if in modernity life is more and more clearly placed at the centre of State politics (which now becomes, in Foucault's terms, biopolitics), if in our age all citizens can be said, in a specific but extremely real sense, to appear virtually as *homines sacri*, this is possible only because the relation of ban has constituted the essential structure of sovereign power from the beginning. (111)

*Bare life* as the indistinct nature of the division of *zōē* and *bios*, leads to the spatialisation of

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(Agamben, 2007: 73-74). We need to locate this notion of “use” in the sense that Agamben understands a means without finality or telos, a non-instrumentalising of a fundamental relation to things, inasmuch as Agamben suggests, after Benjamin, that capitalism is religion and capitalism’s things, its commodities are in this sense sacred, constituting a world of the un-profanable (80-86): “The profanation of the unprofanable is the political task of the coming generation” (92).

<sup>22</sup> The *Social Contract* has a long history in Western philosophy stretching as far back as the pre-Socratics of Protagoras, Hippias, and Lycopphron, though it is best known by the early modern political philosophies of Hobbes, Pufendorf, Locke and Rousseau. Contemporary thinkers include John Rawls (Mautner, 1996: 577-578). The theoretical underpinning of the *Social Contract* sees individuals who are, in their very nature, free and equal, agreeing to abandon part of their natural liberty by entering into a contract with civil society such they become part of the body-politic and in so doing subject themselves to political authority such that they gain benefit from it (577-578). Hobbes saw that humans in their nature were naturally equal. However, there is a constant state of conflict that would not allow for the common good, as Hobbes famously describes: “the state of man [is] solitary, poor, nasty, brutish, and short” (Hobbes, 2005: 96). By entering into the social contract and renouncing and transferring certain rights, the individual is obligated by a duty to others within the commonwealth (98-101). This is similarly echoed by Rousseau: “Man is born free, and he is everywhere in chains...” (Rousseau, 1987: 49). There is nature to man; however, we are capable of transforming the social order around us, and the natural order is no longer referred to as a theologically derived conception of political organization.

sovereign power that is totalising and thus able to produce large scale *spaces of exception* (122). For Agamben, the figure of the concentration camp takes this *space of exception* to the farthest degree. As we noted in our earlier discussion of Agamben’s understanding of “paradigm” (Agamben, 2009), the camp becomes for Agamben paradigmatic as a diagram of power precisely in the sense that Panopticism became for Foucault a paradigmatic diagram of power of disciplinary regimes. Just as panopticism was *not* to be understood as a formal diagram of spatial distributions but an abstracted diagram of power that left formal considerations open and circumstantial, so too for Agamben, by ‘camp’ he does not infer a formal configuration of segmentations but an open diagram of potentialities or powers. As with *homo sacer*, the ‘camp’ exists as a state of *bare life*, a condition produced by the folding of bio-politics into thanato-politics as the camp is a total bio-political space, constituted by the state of exception (122-123).<sup>23</sup>

### The Indistinct Political

Again, paradoxically, Agamben sees the movement to *bare life* as being driven largely by the legislative movements of sovereignty to determine rights and liberties of subjects who have produced these spaces. An example is *habeas corpus*, defined in the 1679 *Magna Carta*, that requires the indicted body of the subject to appear before the court (123-124).<sup>24</sup> This Agamben contrasts to earlier Medieval-law that similarly required a person to appear before the court. However, this did not address the body (*corpus*) but, rather, person as *homine* (123).<sup>25</sup> A further example is *The French Declaration of Rights of Man and Citizen* (1789), in which

<sup>23</sup> Agamben moves very quickly between an ontological category of spatial modality—exception—that would, for Blanchot, be voided, no-place, or exteriority, and an ontical spatializing of exceptional locales in concentration camps. How do we recognize in this movement a shifting ontological difference, as differentiator of being and beings? Here I find a close resonance with Foucault’s diagram, and especially in Deleuze’s articulation of it in its peculiar Kantian formulation of unformalized matter and non-finalized functions, as assemblage-machines, in Deleuze’s sense, that cut the flows of matter.

<sup>24</sup> Agamben points out that while the *Magna Carta* is the origin of English legal rights of the individual, giving the example of the guarantees that a freeman (*homo liber*) cannot be made into an outlaw (*utlagetur*), it paradoxically reduces the individual to *bare life* (123).

<sup>25</sup> The corpus, Agamben argues, is central to the shift of bare life into the political, from Descartes, Newton, Spinoza, Leibniz, and becomes the key metaphor in Hobbes’s *Leviathan* or Rousseau’s *The Social Contract* (125): “The great metaphor of the Leviathan, whose body is formed out of all the bodies of individuals, must be read in this light. The absolute capacity of the subjects’ bodies to be killed forms the new political body of the West.” (125) Agamben links Arendt’s thought in *Origins* (299), in particular the *Rights of Man*, with bio-politics. Again, this is paradoxical in that, for Foucault, biopolitical modernity, or biopower, emerges precisely when the corpus—individuated body—no longer becomes the specific target of an exercise of power, but rather “population.” In the sense that Agamben activates the corporeal,

there exists an ambiguity in the relation of *Man* and *Citizen*, namely whether they are co-existent or separate and autonomous (126-127). This, too, followed a legalistic shift in conceiving of life and, hence, is problematic as it arises from the folding of a juridico-legal framework onto the subject, thus reducing the subject to *bare life*. During the *ancien régime* the subject was conceived of in relation to the sovereign; its status was interconnected to the crown. However, this was not grounded by birth. In effect, *zōē* and *bios* remained separate (127-128). Contrast this to the *Declaration of Rights* that specifically grounds citizenship on birth, and the rights that it confers are predicated on nativity. This forms a link between *birth* and *nation*—they are no longer separated. The subject as citizen-body is now part of the State itself, blurring the relation of sovereignty and life as such, and constituting movement toward contemporary bio-politics and *bare life* (128). The *Declaration of Rights* had other unintended and unforeseen consequences in placing a birth quotient onto citizenship, leading to the especially modern problem of identity, in particular with respect to an *ethnos* (129-130).

The French Revolution with its aims toward *liberté, égalité, fraternité* will lead, for Agamben, to a situation whereby the State begins to define identity via citizenship. This sets forth a problematic relation of the political to birth such that nativity becomes key for identity. This further complicates an entangled relation to the nation-state, leading to the modern political problem of who is and who is not a citizen. Agamben suggests that the *National Socialist* ideology of “Blood and Soil” (*Blut und Boden*) is well known in its aim at determining who is German, especially with respect to birth. Prior to this, an earlier juridical framework existed in Roman law “...*ius soli* (birth in a certain territory) and *ius sanguinis* (birth from citizen parents) [that is in fact determined from earlier Athenian law]” (129). This relation was not an essential one but merely a type of category. By the French Revolution, this is no longer the case, in that the facts of birth and citizenship become the fundamental ground for identity and are internal to the nation-state (130). Agamben sees this as a key for *Nazism* and *Fascism* as they redefine “... the relations between man and citizen, and become fully intelligible only when situated—no matter how paradoxical it may seem—in the bio-political context inaugurated by national sovereignty and declarations of rights” (130). It is

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Foucault might well say that power has always been biopolitical in the sense that living things were always targets. What makes a movement, though, is not bare life—already discipline’s Nietzschean emphasis—but population that becomes a problem of nation-stock and techniques for its management—national State and civil society—sovereignty constituted on citizen-right coupled with demographic technologies of power. In this sense, the maintenance of bare life is a political technique, a management problem of demographic definition and scientific calculation.

the political designation of citizenship by sovereign power that allows for the production of *bare life* in modern bio-politics:

One of the essential characteristics of modern biopolitics (which will continue to increase in our century) is its constant need to redefine the threshold in life that distinguishes and separates what is inside from what is outside. Once it crosses over the walls of the *oikos* and penetrates more and more deeply into the city, the foundation of sovereignty—non-political life—is immediately transformed into a line that must be constantly redrawn. Once *zoe* is politicised by declarations of rights, the distinctions and thresholds that make it possible to isolate a sacred life must be newly defined. And when natural life is wholly included in the *polis*—and this much has, by now, already happened—these thresholds pass, as we will see, beyond the dark boundaries separating life from death in order to identify a new living dead man, a new sacred man. (131)<sup>26</sup>

Agamben's thesis is that the growth of legislative rights also led to the expansion of sovereign power into the arena of human life, so that juridical administration of sovereign power now had a concern with the biological life of the human. We see from this quote above that classical notions of power and its domains no longer have distinction in modernity. Separation of *oikos* and *polis* is non-existent, spatially undecidable (131).

This differs from the Roman concept of the political where, like the Greek model Agamben describes, there are separate domains: the space of home (*domus*) and the power of the father *patria potestas* do not coincide with the political space of the city (*urbs*) and the power of *imperium* (90). This shift from distinct political domains in classical politics to modernity where there is a state of “indistinction” between the home and the city allows for “bare life, which dwells in the no-man's-land between the home and the city” (90).<sup>27</sup> This operates spatially in a *state of exception* whereby the “normal juridical ordering” is suspended and placed outside of its order (169-170). Paradoxically, this is not a simple externality to the law or external even to spatial ordering. Suspension of judicial ordering produces a new norm and hence a new type of space (170). The *state of exception*, like *bare life*, produces a new indistinct category that is neither internal nor external, where the rights of the subject and juridical projections no longer are intelligible (170). It is the camp for Agamben that is most

<sup>26</sup> That “redefinition” suggested by Agamben is not a sovereign pronouncement but a management process indifferent to sovereignty, a technique more-or-less efficient, rather than a discourse more-or-less true.

<sup>27</sup> We have a sense of this indistinction of *oikos* and *polis* in Foucault's elaboration of American neo-liberalism, especially in his discussion of Becker's radical version, where the self-as-enterprise, becoming its own human capital, makes indistinguishable a personalized existence of corporeal existence and a public world of political agency (Foucault, 2008: 226-233).

demonstrably the paradigm of contemporary politics, as its operation as a *state of exception*. Its inhabitants, if Jewish, were stripped of their rights as citizens under the Nuremberg Laws and later denationalised, so that they were reduced to a state of *bare life*. Hence the camp is “...the most biopolitical space ever to have been realised, in which power confronts nothing but pure life, without any mediation.” (171). The camp allows anything to happen; it is the loci of *indistinction*, place of pure possibility, where fact and law are confused (170). For this reason, Agamben uses the example of the concentration camp: “This is why the camp is the very paradigm of political space at the point at which politics becomes biopolitics and *homo sacer* is virtually confused with the citizen” (171).

Throughout *Homo Sacer* this thematic of the indistinguishable is repeated, between *zoē* and *bios*, right and nature, the blurring of the zones of internality of lived life and externality of political life. The camp, as a *state of exception*, produces a space whereby the distinction of bare life and juridical rule no longer exists (174). Agamben suggests rather than exploring an ethical question of why it was that humans can commit such heinous crimes against others, a more honest investigation would be to look at the “... juridical procedures and deployments of power...” that allowed for the removal of rights, such that any act against those within the space of the camp no longer appeared as a crime, so that there was a state of open potential: “At this point, in fact, everything had truly become possible” (171). This open possibility is grounded in the ambiguity of political categories. The camp “...is the space of this absolute impossibility of deciding between fact and law, rule and application, exception and rule, which nevertheless incessantly decides between them” (173). The political now makes decisions on the non-political (173).<sup>28</sup> This has spatial ramification, inasmuch as the state of exception is a localisation whereby the law is suspended allowing for a new potentialities:

The state of exception, which was essentially a temporary suspension of the juridico-political order, now becomes a new and stable spatial arrangement inhabited by the

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<sup>28</sup> Agamben develops this from Schmitt’s notion of *Führung*, which he compares to Pythagoras’s conception of the sovereign as living law (*nomos empsuchon*), that in the body of the *Führer* there is no distinction between the body and the political (173). There is something of a parallel here between Heidegger and Agamben on what Heidegger calls the ‘greatest danger’ and the ‘saving power’. In his 1950 essay, “The question concerning technology” (1977), Heidegger recognizes the devastating implications of technology for the twentieth century in what he terms *Ge-stell*, an enframing of beings such that their horizon of disclosure is solely limited to a standing reserve of raw materials for production. This *Ge-stell*, as planetary enframing is the ‘greatest danger’. However, its recognition affords the possibility of a ‘saving power’, in construing another ontological disclosure of the being of beings as *poiesis*. Agamben, too, sees a planetary enframing in the camp, which discloses the greatest danger, though the camp, as dislocating locating, equally discloses the greatest open possibility for another disclosure of how beings are essentially appropriated in their being.

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bare life that more and more can no longer be inscribed in that order. The growing dissociation of birth (bare life) and the nation-state is the new fact of politics in our day, and what we call *camp* is this disjunction. To an order without localisation (the state of exception, in which law is suspended) there now corresponds a localisation without order (the camp as permanent space of exception). The political system no longer orders forms of life and juridical rules in a determinate space, but instead contains at its very centre a *dislocating localisation* that exceeds it and into which every form of life and every rule can be virtually taken. The camp as dislocating localisation is the hidden matrix of the politics in which we are still living, and it is this structure of the camp that we must learn to recognize in all its metamorphoses into the *zones d'attentes* [waiting areas] of our airports and certain outskirts of our cities. (175)

It is the *dislocating localisation* of the state of exception that Agamben sees multiplied throughout contemporary political space, and consequently throughout our urban centres. *Dislocating localisations* of states of exception may be compared with Foucault's *heterotopias* or the notion of *non-place*, developed by Marc Augé.<sup>29</sup> These offer descriptions of particular locales that operate on a dislocating principle whereby power dynamics shift, or where there is a modification of normative practises, as with Foucault's *heterotopias*.<sup>30</sup> In our earlier discussion on heterotopias, there was an emphasis given to the importance of its reading in relation to the publication of Foucault's text on Blanchot, "The Thought from Outside." There are similar concerns with an ontological disclosure of a radical otherness to spatiality that are all too easily missed in the specificity of examples Foucault offers in his text on the

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<sup>29</sup> Augé's concept of *non-place* is to be contrasted with his notion of *place* as that which is caught within history and identity; *non-place* has an essential anonymity with respect to historicity or identity, or a transiency or modulation with respect to a fixity of formal arrangements. *Non-place* is a late-modern phenomenon which Augé links to the ubiquity of mass transportation and commodification and the spaces that they promote such as airports, supermarkets, and cash machines (Augé, 1995: 77-79). This reading of *non-place* is influenced by Michel de Certeau's distinction between space and place (Augé, 1995: 79). *Place* is that which de Certeau regards as "delimited" or bounded spatiality, which he links to planning practices; whereas *space* is lived, de Certeau noting: "...*space is practiced place*" (de Certeau, 1984: 117). De Certeau, in turn, is influenced by Merleau-Ponty's distinction between "geometrical space" and "anthropological space" (Augé, 1995: 79-80; de Certeau, 1984: 117).

<sup>30</sup> We should note that Foucault does not see *heterotopias* as either exclusively modern or Western, arguing that it is probable that most cultures have had some forms of *heterotopias* cf. "Different Spaces" (Foucault, 2000b: 178-179). This text is also known as "Of Other Spaces" or "Heterotopias." Agamben and Augé make their respective readings, which take modern or contemporary spaces as their point of inquiry. As Augé notes, *non-places* present a set of contractual relations to a user, who is individuated, by a set juridical procedures and disciplinary apparatuses (1995: 101). Augé gives an example of processing through customs at airports whereby individuals present a series of documents, such as tickets, visas, passports, which both act as identification of the individual and as a contract to allow the individual to move into the *non-place* of the airport (101-102).



*Figures 14 & 15. Zachmann, P. (1988). Kowloon Walled City – Due to its undefined territorial status between China & Hong Kong this facilitated illegal settlement & Construction – demolished in 1994. Magnum Photos.*

heterotopic, again emphasising an ontology and not an anthropology or psychology of spatiality. Though Agamben's pronouncements on the paradigm of the camp seem to be more pressing, more politically insisting and more violently bleak, we again need to recognise the ontological dimension to Agamben's enquiry, an ontological engagement with power, force and subjectification through which the camp becomes an exemplar.<sup>31</sup> Returning to the above quote, Agamben says: "what we call *camp* is this disjunction," that is 'camp' is the name given not to the well-formed historical sites of Nazi internment or Stalinist repression, but the name given to an ontological open, or open possibility to be, instituted in the dislocating localisations of dissociations of birth and nation-state. As with panopticism for Foucault, the camp is diffuse, localised, and open. However, where panopticism established a continuous relay between a normalising gaze and a subjectivised body as a disciplinary procedure, the 'camp' established a continuous relay between the conditions of a securing apparatus and its suspension. We earlier briefly introduced Blanchot's novel, *The Most High* (1999). In a curious way, this text folds those concerns of Foucault's with the Outside and with the heterotopic, along with Agamben's inscriptions on the camp.<sup>32</sup> While it would be erroneous to collapse the heterotopic, Augé's non-place and Agamben's 'camp', there is some urgency in recognising how each of these modalities of spatial dislocating/locating engages the others and finds its limit.

While Agamben sees there are particular locations of the *state of exception* in these *dislocating localisations* he will expand from these specific locales the paradigm of the camp. He suggests to airports or "outskirts" of our cities.<sup>33</sup> There is something important to contemporary politics, such that the camp now constitutes an essential element for what Agamben sees as the traditional triad of political belonging in the nation-state, namely the State, the Nation

<sup>31</sup> The ontological dimension to Agamben's work becomes the locus for some of his most strident critics inasmuch as they are able to accuse him of a kind of ontological "alibi," perhaps in the sense that Derrida uses this notion in an auto-critique of deconstruction, in *Without Alibi* (2002). Thus, Agamben is able to mention within a single paradigm both the Fuehrer and the victims of the Holocaust as exceptions. Their ontic specificity becomes indistinct. We discuss criticism of Agamben's work in more detail later in this chapter and in the chapter that follows.

<sup>32</sup> Clearly, this is an interpretative encounter with the novel, as Blanchot's writing of it in 1948 precedes any of these political and philosophical writings by Foucault or Agamben. One might want to read the implications in the other direction, in terms of the extent to which Blanchot's own understanding of the 'open' to use Agamben's Heideggerian term, and in the circumstance of engaging the 'design by destruction' of Europe that world war brought about, finds the city precisely the milieu where Foucauldian power/knowledge *dispositifs* have their strongest articulations, where the heterotopic's *espacements* abound, and where the 'camp' in Agamben's sense seems ever present.

<sup>33</sup> One such example was the former Kowloon Walled City in Hong Kong.

(as linked to birth), and Land (175-176). ‘City’ comes to mean more than a spatial relation or proper name for a built environment. Rather it constitutes a form of political relation wherein, effectively, politics has reduced us to *bare life*: “The camp, which is now securely lodged within the city’s interior, is the new bio-political *nomos* of the planet” (176). There are three consequences or ‘theses’ for Agamben:

1. The original political relation is the ban (the state of exception as zone of indistinction between outside and inside, exclusion and inclusion)
2. The fundamental activity of sovereign power is the production of bare life as originary political element and as threshold of articulation between nature and culture, *zōē* and *bios*
3. Today it is not the city but rather the camp that is the fundamental biopolitical paradigm of the West” (181)

Agamben’s first thesis questions the value of theories of State power that are based on contractual origins. Furthermore, it questions the validity of those theories that seek to base notions of political communities on “belonging,” whether based on national, racial or religious forms of identity (181). His second point contrasts with Foucault’s analysis of biopower that originates with a shift in governmental logic at the end of the eighteenth century. Agamben sees that Western politics, inscribed in Aristotelian philosophy and the Athenian City-State, has always had a biopolitical concern. Agamben reads the transformations during the eighteenth century, so important for Foucault, somewhat differently with respect to the emergence of liberalism, civil society, citizen rights and the social contract. Every attempt to ground liberty on the rights of the citizen has being inherently problematic. With the final point Agamben considers the camp, coterminous with the city, as the paradigm of contemporary bio-politics, which poses a radical problem for those who work in the human sciences and, importantly, for this study, the built environment. Agamben goes so far as to claim that this political model based on *bare life*:

[T]hrows a sinister light on the models by which social sciences, sociology, urban studies, and architecture today are trying to conceive and organise the public space of the world’s cities without any clear awareness that at their very centre lies the same bare life (even if it has been transformed and rendered apparently more human) that defined the biopolitics of the great totalitarian states of the twentieth century. (181-182)

Urban studies and architecture, generally grounded on a humanist agency or concern, are already caught up, whether cognisant or not, in a political agency with *bare life* (182). That is, architecture and urban design are already caught in reductions of individuals to *bare life*, shaping space so that space is caught in biopolitical concerns of the management of the

living. The example we cited in opening this chapter, with its graphic and alarmist portrayal of the “genocide” of Detroit may, in Agamben’s analyses, be more cogently or soberly approached in terms of the systematic defining or redefining of citizenship in terms of a state of exception. In design terms, we may recognise the forces that led to the closure of two hundred schools, the decimation of neighbourhood cohesions, the systematic devolution of incomes, housing occupancies and welfare programmes constituting the transforming potentials for making the urban poor into citizen-refugees. A further example is offered by Eyal Weizman in *Cities Without Citizens*. In his text, “Military Operations as Urban Planning,” Weizman traces a history of urban planning based on military strategies for occupying urban centres, commencing with nineteenth century strategists in the occupation of French Algeria. Those strategies were later imported to metropolitan Paris and adopted by Haussmann in planning of the Parisian boulevards. The strategy is primarily that of destroying entire neighbourhoods in order to bring control by reshaping:

During the colonial wars, Western powers’ understanding of colonial cities was very rudimentary. All complexities were flattened out, intellectually and physically. Attempts to “understand” local cultures were distorted by an Orientalist and Romantic vision of the Mediterranean Kasbah—a place that can be considered aesthetically fascinating, but that remains suspect, deceptive, treacherous, and violent. It was the double-edged fear and fascination that led to a desire to flatten and rationalize it. (Weizman, 2003: 175)

Weizman emphasises that military approaches to controlling a city are very similar to those of planners. Increasingly, surveillance and reconnaissance intelligence relating to urban conflicts requires specialist urban and architectural readings. Weizman suggests: “‘Design by destruction’ increasingly involves planners as military personnel in reshaping the battle environment to meet political and strategic objectives. Bombing campaigns rely on architects and planners to recommend building and infrastructure as targets and in order to evaluate the urban effects of their removal” (182). He details in particular the operations of the Israeli military in their systematic destruction of Palestinian settlements or camps and notes that International Humanitarian Law pertaining to war crimes and atrocities is out of step with the contemporary agency of non-military architect and planning advisors in extreme military actions. Weizman suggests: “Crimes relating to the organization of the built environment call for placing an architect/planner for the first time on the accused stand of an international tribunal” (195).

Weizman emphasises the direct involvement of planning professionals in destruction of cities. We want to extend what might be called a corporatization of ‘design by destruction’

to include banking sector professionals and finance administrators whose investment scenarios and strategies bring about equally significant urban destruction. In my concluding chapter to this thesis I aim to focus precisely on the relations between global economic forces over the past decade and forces on the design of the urban in the context of U.S. government welfare policies on public housing in their progressive dismantling under pressure from increasing emphases on neoliberal social policies at all levels of government. Agamben's prognosis is that the now-stable spatial arrangements of the state of exception make possible the opening of scenarios concerning the human, such that it is the bare life of being human that falls in the balance. That life is now as easily dispossessed as possessed, found useful or useless, given identity or anonymity, bestowed with rights or have them relinquished. There is nothing, no ground or substance that decides on these things. All is risk with respect to this being, as its becoming-its-own economic risk. Indeed, this is the "Open," in an ontological sense, that Agamben references.

### Agamben: Space, Politics and Metaphysics

Thus Agamben relates *bare life* to Being, which he further refers to the Greek *haplōs*, in a sense corresponding to 'bare', with a potential parallel between *bare life* and the how Western metaphysics defines *pure Being*, its primary object and concern.<sup>34</sup> Agamben notes: "What constitutes man as a thinking animal has its exact counterpart in what constitutes him as a political animal" (182). This has two consequences. Firstly, it isolates *pure Being* as "*on haplōs*" from the multiple meanings of Being and, secondly, it separates *bare life* from other types of "concrete life" (182): "Pure Being, bare life—what is contained in these two concepts, such

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<sup>34</sup> The relation of Agamben's ontological dimension to Heidegger is important, especially Heidegger's understanding of Da-sein, from *Being and Time* (1996), as openness to being, and as its ownmost possibility to be. Importantly, Da-sein is not anthropological, an ontical being-conscious. It is an ontological structure of possible modalities to be. The openness that opens with exception is precisely that possibility that cannot be accounted-for by either sovereign juridical structures nor by normalizing techniques, as both have made this existent exceptional, abnormal and extra-legal. In one way, Foucault opens such an open in his formulation of the rights of the governed, a notion of "right" that proliferates rather than homogenizes identity correlate with right and that points to a complex of relations between a subject of right and a subject of interest (Foucault, 2008: 296). McNay comments on this: "... contra many democratic theorists (e.g., Habermas), civil society is not a quasi-natural space or spontaneous entity where citizens freely associate. Rather, like madness and sexuality, Foucault regards it as a discursive construct or "transactional reality" which represents a pivotal moment in the emergence of increasingly sophisticated governmental technology that must be juridically pegged to an economy. Civil society is the mechanism in which the reconciliation between the subject of right and the subject of interest is effected and new techniques of governmental control refined" (McNay, 2009: 75).

that both the metaphysics and the politics of the West find their foundation and sense in them and in them alone?” (182).<sup>35</sup> Agamben reads metaphysics and politics, limited by *pure Being* and *bare life*, as hollow and vague concepts, that yet, paradoxically, “[They] safeguard the keys to the historico-political destiny of the West” (182).<sup>36</sup> Agamben suggests that there is a type of praxis to such an analysis. That is, by examining both *pure Being* and *bare life* we can shape metaphysics such that it can affect political reality, and politics can move “beyond itself” into theory.<sup>37</sup>

Agamben concludes his analysis by exploring a series of different “lives,” which reveal the different ways that the dislocating locating of political relations efface and invest into the bodies of individuals particular relations of power: *Flamen Diale*, *Homo Sacer*, *Führer* in the Third Reich, *der Musselmann*, *Wilson* the biochemist, *Karen Quinlan*, each of whom has a different relation of *bios* and *zoē* inscribed onto her or his body (182-187).<sup>38</sup> Agamben questions Foucault’s discussion of bio-politics, in *The Will to Knowledge* centring on sex and sexuality where they are not simply seen as caught in a deployment of power but are

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<sup>35</sup> Agamben provides an un-sourced paraphrased comment by Aristotle regarding his reading of Being “which, according to Aristotle, ‘is said in many ways’” (Agamben, 1998; 182). Agamben would have been well aware of the utmost significance of this short phrase by Aristotle for Heidegger’s whole philosophical directions. Heidegger explicitly explores Aristotle’s “ways” of saying being, in his 1924-25 lecture course, *Plato’s Sophist*. The lectures open with Heidegger citing and discussing Aristotle’s five ways of saying being (Heidegger, 1997: 15). We also note that the question of life, of a living situatedness, was crucial for Heidegger from his earliest lectures, and a biopolitical engagement became crucial in the 1930s. Perhaps the best engagement with Heidegger’s complex relation to *bios* is David Farrell Krell’s *Daimon Life: Heidegger and Life Philosophy* (1992).

<sup>36</sup> In developing a relation between ‘bare life’ and ‘pure Being’, Agamben argues that these terms reach an unthinkable limit: “Yet precisely these two empty and indeterminate concepts seem to safeguard the keys to the historico-political destiny of the West. And it may be that only if we are able to decipher the political meaning of pure Being will we be able to master the bare life that expresses our subjection to political power, just as it may be, inversely, that only if we understand the theoretical implications of bare life will we be able to solve the enigma of ontology. Brought to the limit of pure Being, metaphysics (thought) passes over into politics (into reality), just as on the threshold of bare life, politics steps beyond itself into theory.” (182). This seems a Heideggerian and Nietzschean question of life and being, irreducible to a biologism or vitalism.

<sup>37</sup> This suggests two things: firstly, an ethos or ethics of the political and, secondly, that the human sciences and construction practices are already caught up in *bare life*, or what in Heideggerian terms would be related to the essential disclosure of the technological in *ge-stell* (Heidegger, 1977: 19-22). In his 1950 lecture “The Question Concerning Technology” (1977), Heidegger introduces the ontological dimension to what Becker in the 1970s will define, progressively, as “Human Capital.” Heidegger, in discussing the fundamental or essential ontological disclosure of technology, suggests that *ge-stell* or “enframing” constitutes this ground, which is to say that whatever is in as much as it is an existent, is understood in its essential being as resource for production. Heidegger suggests that humans, too, are “standing reserve” for production (24-25).

<sup>38</sup> Enormous exception is taken to Agamben flattening out these disparate examples to a singular paradigm (Leps, 2012).

aberrant and resistant. Foucault allows for the possibility of a “...different economy of bodies and pleasures...” and therefore allowing for the open possibility for a new type of politics (1978: 159; Agamben, 1998: 187). Agamben sees that sexuality and the body are already caught up in deployments of power due to the origins of a politics of *bare life*. The *body* is “... already a biopolitical body and bare life...” and sex, sexuality and pleasure are incapable of resisting sovereign power (187). ‘Body’ becomes, or is the name we give to, that locale of power relations of *zoē* and *bios*: it is the bio-political body of the individual, irreducible to anthropology—it is ontological disclosure—which Agamben admits in its extreme is the most contemporary form of the classical *homo sacer*, where the threshold of distinction of law and fact, juridical control and biological life become increasingly blurred. Individuated manifestation differs as, for example, the bodies of the Führer and camp inhabitant experience the transformation of law and biological life in diametrically different ways. With the former, *bare life* transforms to become law.<sup>39</sup> For the latter, law coincides with biological life such that it is indistinguishable to it (187). There can be no return to the classical *polis* that would renew Western politics: “Every attempt to rethink the political space of the West must begin with the clear awareness that we no longer know anything of the classical distinction between *zoe* and *bios*, between private life and political existence, between man as a simple living being at home in the house and man's political existence in the city.” (187)<sup>40</sup>

Agamben argues that the return to earlier Classical categories, argued by Leo Strauss and Hannah Arendt (both in different ways), can only have critical utility (187) “There is no return from the camps to classical politics. In the camps, city and house became indistinguishable, and the possibility of differentiating between our biological body and our political body—between what is incommunicable and mute and what is communicable and

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<sup>39</sup> Though he constantly draws on an indistinction that no meta-determination would define, there is no outside to sovereign power. Nothing resists it. One is immediately reminded of Derrida’s notion (in quite a different context) of a radical undecidability in relation to the text—while there is no origin other than an absenting trace-structure-spacing—there is nothing outside the text. What is this “outside” that is not, and cannot be construed as opposed to a simple inside, nor a spatial in-between rind or threshold? We return to Derrida’s critique of Agamben’s multiplication of thresholds as a deconstruction of Agamben’s unquestioning binaries in the following chapter.

<sup>40</sup> There develops a peculiar logic with this “we no longer know anything of the classical distinction ...”. While Agamben necessarily has recourse to this classical distinction in defining the political animal—a return of sorts—in order to present the locus of his explanation concerning the threshold to modernity and our present, it seems as if there can be no return of the kind he makes. His very demarcations are, strangely and, at once, in play and out of play, put into play in order to make them voided. It seems we are not permitted to make the return, have the memory, history or categories that constitute the very basis for the differences we would want to make.



*Figure 16.* van Agtmael, P. (2013). *Children play in a Refugee Camp in Wurzburg, Bavaria.* Magnum Photos.

say-able—was taken from us forever.” (188) For Agamben, the space between the camp, city and the house is no longer distinguishable in that the bio-political movement to *bare life* operates in such a way as to no longer distinguish between various political realms and the body. It is in this context that we can recognise, for example, the disaggregation of community, dwelling, family and civil society in collapsing economic infrastructures of cities such as Philadelphia or Detroit, or refugee cities such as Jenin in Palestine. Agamben’s point, however, is to recognise the ubiquity of the camp, not simply in the dystopic or collapsing urban structures in the United States, Middle East or Africa, but also in the well-functioning middle class gated suburban communities that do not perceive a threat to civic community, individuated autonomy or exposure to economic risk. Agamben argues that the bio-politics of the West cannot be returned to natural life by a return to the *oikos* nor can it be given a new body to allow for overcoming the intertwined relationship of *bios* and *zoē*:

This biopolitical body that is bare life must itself instead be transformed into the site for the constitution and installation of a form of life that is wholly exhausted in bare life and a *bios* that is only its own *zoē*. Here attention will also have to be given to the analogies between politics and the epochal situation of metaphysics. Today *bios* lies in *zoē* exactly as essence, in the Heideggerian definition of Dasein, lies (*liegt*) in existence. Yet how can a *bios* be only its own *zoē*, how can a form of life seize hold of the very *haptos* that constitutes both the task and the enigma of Western metaphysics? If we give the name form-of-life to this being that is only its own bare existence and to this life that, being its own form, remains inseparable from it, we will witness the emergence of a field of research beyond the terrain defined by the intersection of politics and philosophy, medico-biological sciences and jurisprudence. First, however, it will be necessary to examine how it was possible for something like a bare life to be conceived within these disciplines, and how the historical development of these very disciplines has brought them to a limit beyond which they cannot venture without risking an unprecedented bio-political catastrophe.” (188)

If the camp is *nomos* of the present age, we recognise from the above quotation the extent to which Agamben aims to raise the Heideggerian understanding of ontological difference to an essential realm of ethical life. That is an horizontal disclosure of what Agamben calls a field of research beyond the terrain defined by the intersection of politics and philosophy or bioscience and jurisprudence, which is to say beyond regional definitions of essential domains. This would be anything but a universal or totalising or absolute knowledge grounded on the substance of ‘bare life’ as if that preliminary question posed by Agamben—how it is possible for something like bare life to be conceived within these disciplines—suggests a totalizing ground. There are two directions we will pursue with

respect to this question, in the next chapter. One is a philosophical response by Derrida to Agamben's thesis, and a highly critical one at that. The other is a response and extension by the political philosopher, Antonio Negri, whose Spinozist framework inflects Agamben's ontology in specific articulations of understanding a radical polity of individuated and collective subjects. Prior to both of these, and in concluding this chapter, I want to briefly refer to another critical response to Agamben's 'correction' or 'extension' to Foucault on the bio-political.

### Foucault—Agamben

There are certainly coincident or overlapping concerns in the writings of Foucault on biopower and Agamben's extension or development of this notion into a thesis on the bio-political. However, are their projects coincident with respect to what they appear to have essentially in common, a fundamental articulation of relations between power and life? Genel (2006) commences her critique of Agamben with this question. We recognise that for Foucault, at least from the emergence of genealogy as a key concern, the question of power, what it is, was an elusive one, and approached in a manner that always avoided a substantive notion of power. Initially, and for the most part, it was something practiced before knowable, becoming in his work on governmentality understood elusively as conduct on conduct. Foucault introduces a threshold moment at the end of the eighteenth century, in his writings on biopower, as another technique for foregrounding practices in terms of designating the question of power. What he terms the "threshold of biological modernity" (Foucault, 1978: 143), concerns practices of the management of life at the level of populations. Foucault's enquiry would not be concerned with an essential ground, origin or unified field to power. Genel emphasises that, for Foucault, biopower and biopolitics are an hypothesis. For Agamben, biopower is a thesis:

In Agamben's work, biopower functions as a thesis rather than a hypothesis, a thesis concerning the very structure of power, the origin of which is directly related to life. The logic of sovereignty is a logic of capturing life, a logic of isolating a "bare life" as an exception. This life is exposed not only to the sovereign's violence and power over death but also, more generally, to a decision that qualifies it and determines its value. Sovereign power establishes itself and perpetuates itself by producing a "biopolitical body" on which it is exercised. ... The question of biopower, which is not Agamben's central concern, is annexed to another problematic that animates all of his writings: the perpetual definition or redefinition of the human. (Genel, 2006: 43-44)

This last point made by Genel is crucial, and is the starting point for her critical response to Agamben's thesis. For the most part, critical response to Agamben has focused precisely on how biopower or the biopolitical is articulated and practiced in the relays established between bare life and the state of exception. Where Foucault seemed to radicalise a question of understanding power in modernity precisely by moving beyond a paradigm of sovereign power, Agamben seems to resuscitate the figure of the Sovereign precisely at the point where it is eclipsed in Foucault's account. Though, in fact, Agamben's thesis in effect eclipses every paradigmatic understanding of sovereignty. Genel poses the issue in these terms:

Biopower is a uniquely modern mechanism that, even if it is bound up with the 'old sovereign power' at various times and in various modalities, remains distinct with respect to it. Insofar as it functions through technologies of power, biopower must be analyzed in the concrete operations of its most localized procedures as well as in the manner in which it interrogates itself into the more general processes of sovereignty and the law. Is it therefore legitimate or even pertinent for Agamben, who locates the concept of biopower at the very nucleus of the concept of sovereignty, to transpose biopower into sovereignty's original architecture? Agamben invokes biopower in order to think political space in its entirety, which thus functions according to the matrix of the camp—the paradigm of biopower in the extreme insofar as it is the space of a radical decision on bare life. (44-45)

In effect, as Genel notes, Agamben inverts Foucault's 'hypothesis' in developing his 'thesis'. Where for Foucault "modern man is an animal whose politics places his existence as a living being in question" (Foucault, 1978: 143), Agamben's thesis is that we are "citizens whose very politics is at issue in their natural body" (Agamben, 1998: 188). We emphasised in the last chapter the extent to which Foucault, by the early 1980s had reconsidered the question of power, seemingly central to his work in the 1970s, to a question of the subject, which he suggests was always at stake in his work. This might suggest that while Foucault introduces the notion of biopower and the biopolitical, his genuine concerns are with a question of life, its maintenance, distributions, controls and regulations in developing a hermeneutics of the self, or a care of the self as a project concerning an essential freedom in a governmentality of life whose technologies are 'massifying' at the level of population and individuating at the level of enterprise. His approach to an analytics of the biopolitical does not concern directly the juridical-institutional structures of the State, legal models or practices of power, but rather micro-strategies or diffuse regimes of normalizing practices and techniques or technologies of normalization. Though, crucially in relation to Agamben's uptake, Foucault does not entirely abandon the legal-institutional structures of the State articulated in discourses of right. Rather, he aims to precisely proliferate such discourses of right, invoking

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the traces of sovereign discourses of power, in terms of what he called the rights of the governed, while recognising that such right does not constitute nor is its origin secured by the governance of a State, but rather is subject to the complex biopolitical spacings of the governmentality of the State. We have developed and discussed this in previous chapters of this thesis.

If, as Genel suggests, Agamben's pivotal concern is not biopower but the question of being, or becoming, human, to what extent does Agamben's extension of Foucault's work on the biopolitical coincide with Foucault's own transforming concern with a question of an essential freedom of the subject? Equally, to what extent does Agamben's radical understanding of sovereignty enable us to better recognise where Foucault's unfolding project on an ontology of the self might have gone? Essential to Agamben's rethinking of sovereignty is his own ontological reading of Schmitt's understanding of sovereignty and exception. Genel suggests:

Agamben then investigates the topology inherent to the paradox of sovereignty: it is the logic of the exception in the etymological sense—"taking of the outside." This logic focuses precisely on life, which is legible in the sovereign's right over life and death, the moment in which power has taken control of life either by exploiting it or by suspending its right to kill. It is a question of inscribing exteriority within the body of the *nomos*—which is to say, the law as conjunction of right and violence in the sovereign or even, as with Schmitt, as the imposition of an order on a location—by which the former animates the latter. It is a question, in short, of the interrogation of those things that had escaped. As a result, the relation between power and life is called a "relation of exception" ... the sphere of bare life is produced by this very exclusion. Production of bare life, therefore, is the originary activity of power. (Genel, 2006: 51)

To what extent is this remote from Foucault's work and to what extent is there a resonance? Genel suggests in her concluding remarks: "If Agamben's understanding of sovereign power was already quite removed from the attention given by Foucault to the techniques and to the play of power, the project of grounding politics in life is entirely foreign to Foucault's hypothesis" (60-61). Throughout the thesis we have been suggesting a possible radical approach to Foucault's work that inscribes in an ongoing way the responses he made in the 1960s to the work of Blanchot, and a radical engagement with what he called, in relation to Blanchot, the "outside." We noted a repetition of this rapprochement with Blanchot in Deleuze's reading of Foucault on exteriority and the self as an interior. We emphasised, as well, an emphasis Foucault gives, aligning with a Heideggerian reading of Kant, to a shift from anthropology to ontology. It is in this Blanchotian and Heideggerian orientation that

we ask what separates Foucault and Agamben on the state of exception, and an unconcealing of the human as bare life. It is certainly the case that Agamben had Heidegger in his sights where he draws out the doublet of bare life and pure Being, a Heideggerian concern with the question of life that opposed biologism or crude vitalism, that asked for a reading of Nietzsche that broke from the worst disservices presented by apologist thinkers of National Socialism. This Heideggerian concern was essentially one of coinciding the question of *polis* with the question of a people.<sup>41</sup> Agamben and Foucault were both keenly aware of the devastating pronouncements made by Heidegger in the early 1930s concerning both. Agamben's project is to squarely unconceal what those pronouncements failed to recognise. Foucault, too, asks what brings the *polis* and a people into relations of power and life. While Genel's critical engagement with Agamben and Foucault is precise in its analysis, it perhaps understates the ontological dimension to both Foucault and Agamben, perhaps nowhere more so than in asking how inscription of a radical exteriority in Foucault's ontology of the self might in fruitful ways be resonant with precisely how Agamben questions the exception, and poses bare life as the open possibility to be human.<sup>42</sup>

In the following chapter I continue with discussing critical reception to Agamben's writings on the biopolitical and the city. In particular, I focus on a sustained response by Derrida from his final lecture series, prior to his death, *The Beast and the Sovereign* (2008). I also engage in some detail with Negri's responses to Agamben, as well as the work by Hardt and Negri on biopolitical modernity in its current phase of global capitalism. Finally, I return to one of the texts that opened our discussion in this chapter, Cadava and Levy's *Cities Without Citizens* (2003), as well as a 2006 lecture by Agamben on the metropolis.

<sup>41</sup> We note particularly Heidegger's lecture courses of the early 1930s (Heidegger, 2000; 2010) and his 'opus magnum' with the lectures on Nietzsche, 1936-40/41 (Heidegger, 1982/87). The former have been especially focused-on by the Heidegger translators and scholars, Gregory Fried and Richard Polt. The latter was primarily translated by Krell. We have already mentioned Krell (1992) for the best discussion on Heidegger and *bios*.

<sup>42</sup> This is the starting point for a series of critiques of Agamben's recourse to ontology (Ojakangas, 2005; Mills, 2008; Leps, 2012). Leps notes: "Once again, the similarities with Heidegger are striking. Just as the former member of the Nazi Party saw the annihilation of beings as one more symptom of the abandonment of Being, Agamben describes the camps as biopolitical experiments on 'the operators of Being'. After cogently presenting Agamben's argument, Catherine Mills demonstrates its limits and silences. The double argument about desubjectification elides the intersubjective nature of both language and ethics: "given these silences within Agamben's argument, it appears that his text ultimately betrays that which he is attempting to establish: the unassumable yet unavoidable responsibility of ethics" (Leps, 2012: 30). Leps contrasts Foucault's care with singularities to Agamben's lofty pronouncements on fundamental grounds of being: "Multiple, polymorphic and transversal, Foucault's historically and materially specific practices of the self might well constitute more promising strategies of resistance to biopolitical forces than Agamben's promise of a coming community of whatever being" (31).

# Chapter Six

*Politicity & Empire*

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## Chapter Six

### *Politicity & Empire*

This argument of Schmitt's, and this is all I want to retain from it for now, is that there is no politics, no politicity of the political without affirmation of sovereignty, that the privileged if not unique form of that sovereignty is the state, state sovereignty, and that such a political sovereignty in the form of the state presupposes the determination of an enemy; and this determination of the enemy can in no case take place, by definition, in the name of humanity. (Derrida, 2009: 77)

So, there is an essential link between politicity and the disposition to the *logos*, they are indissociable. (Derrida, 2009: 347)

Our basic hypothesis is that sovereignty has taken a new form, composed of a series of national and supranational organisms united under a single logic of rule. This new global form of sovereignty is what we call Empire. (Hardt & Negri, 2000: xii)

#### The Political Animal

I concluded the previous chapter with a critique of Agamben's 'corrections' and 'extensions' to Foucault's understanding of biopower. My particular focus came from Katia Genel's 2006 article, "The Question of Biopower: Foucault and Agamben." In discussing this text and Genel's own critical approach, I noted that Genel does not emphasise the ontological dimensions to Foucault and Agamben. If Genel understates an ontological dimension to Agamben and Foucault, this cannot be said of Jacques Derrida in his somewhat strident critique of Agamben in *The Beast and the Sovereign, Volume 1* (2009).<sup>1</sup> Derrida is especially critical of Agamben's analysis of sovereignty, his understanding of *zoē* and *bios*, and his reading of Foucault's understanding of the biopolitical (2009: 92). Derrida is a philosopher

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<sup>1</sup> Derrida delivered the first half of *The Beast and the Sovereign* in 2001-2002 as a seminar and it forms the basis of the publication *The Beast and the Sovereign, Volume 1* (2009). *The Beast and the Sovereign, Volume II* (2011) is based on the seminar delivered in 2002-2003. *Volume 1* is the first of a planned series of Derrida's complete teaching seminars.

of deconstruction and deconstruction essentially concerns a radical and undecidable questioning of origins, grounds, or foundations. In this regard, deconstruction is nothing founded or invented by Derrida. His ‘claim’ would have been more modest—perhaps that he unconcealed that deconstruction is and has been at work within metaphysics, is inscribed in the text of philosophy and is the necessary supplement that aims to undo its textual housing, parasitically living on those very texts, undoing them in those precise locales where they appear secured. Except for the consternation it would pose for Derridean readers, one might have recourse to Agamben’s very terminology of dislocating location and an ontology of the exception and the camp in order to circumscribe the spatialising or dehiscence of deconstruction. Derrida hones deconstruction in honing in on claims to origins, originary disclosures, first principles or first inventions. As we will see, for Derrida, Agamben’s text *Homo Sacer* (1998) had too many ‘firsts’, too many origins and originary disclosures. He commences with the founding of sovereignty as a first founding. Derrida is not sparing. In introducing *Homo Sacer*, Derrida invokes his students to read the section on wolves, and werewolves. It is a lecture course on the animal and the human. He then goes on to mention a couple of wolves that Agamben neglected, those of Plautus and Rousseau. He mentions with irony this overlooking:

His [Agamben’s] most irrepressible gesture consists regularly in recognizing priorities that have supposedly been overlooked, ignored, neglected, nor known or recognized, for want of knowledge, for want of reading or lucidity or force of thought—priorities, then, first times, inaugural initiatives, instituting events that have supposedly been denied or neglected, and so, in truth, priorities that are primacies, principalities, principle signatures, signed by Princes of Beginning, priorities that everyone, except the author of course, has supposedly missed, so that each time the author of *Homo Sacer* is, apparently, the first to say who will have been first. Derrida, 2009: 92)<sup>2</sup>

In this way he critiques the authorial position of Agamben with respect to sovereignty (92).<sup>3</sup> Derrida questions Agamben’s reading of ‘life’ by questioning how valid it is to see *zoē* and

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<sup>2</sup> An example of Derrida’s at times scathingly critical reading of Agamben’s use of the phrase “firsts”: “If there are ‘firsts’, I would be tempted to think on the contrary that they never present themselves as such. Faced with this distribution of school prizes, prizes for excellence and runners-up, a ceremony [at which] the priest always begins and ends, in princely and sovereign manner, by putting himself first, that is by occupying the place of priest or master who never neglects the dubious pleasure to be had by sermonizing and handing out lessons...” (2009: 95).

<sup>3</sup> Derrida’s argument centres on Agamben’s determination of who is *first*, such that it “prioritizes that everyone, except the author of course, has supposedly missed, so that each time the author of *Homo Sacer* is apparently, the first to say who *will have been* first.” (2009: 92). Derrida indicates that it is precisely this ‘firstness’ that is essential to sovereignty, the claim to inaugurate. Thus his criticism stems from how Agamben centralises his role as author, as he who can claim to *be* first to recognise and by doing so institutes himself into a position of sovereign. Another example is Agamben’s reading of Levinas’s 1934

*bios* as separate categories. Philologically, in many languages, there are often two separate words for *life* and *living*. How is it possible to untangle these terms? (305).<sup>4</sup> Here Derrida questions the veracity and validity of Agamben's reading of Aristotle's *Politics*, in particular, an ontological concern with life, *zōē* and *logos*. He turns to Agamben's analysis in *Homo Sacer* of the differentiation of *bios* and *zōē* that structures the entire problematic or 'thesis' of Agamben's book (314-315). Is Agamben correct in emphasising the difference between *zōē* and *bios*? (316).<sup>5</sup> As Derrida points out, the distinction between the two terms is "never so clear and secure" and there are a number of exceptions which Agamben himself admits, as with Aristotle's *Metaphysics* (316; Agamben, 1998: 1): "Such an insecure semantic distinction cannot serve to determine a historical periodization ..." (Derrida, 2009: 316). Briefly, Agamben's thesis holds that the clear Aristotelian distinction is blurred at a certain historical juncture or threshold that marks the modern period, entering "a zone of irreducible indistinction" (Agamben: 1998: 9). Derrida thus comments: "What is difficult to sustain, in

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text on the rise of Hitlerism, *Reflections on the Philosophy of Hitlerism* (1990). Derrida critiques Agamben for his reading of the Levinas's text as if it is, in some way, responding to Heidegger's relationship to Nazism, as well to modern biopolitics (Derrida, 2009: 95). It is factually inaccurate or at least based on dubious assumptions (95). Derrida points to a note made in 1991 in Levinas's reprinted article that relates to Heidegger and Nazism (this is not found in the English version by Séan Hand). In *Homo Sacer* Agamben claims "...an attentive reader would nonetheless have had to read between the lines..." to see an allusion to Heidegger and Nazism (2009: 95 Derrida's emphasis; c.f., Agamben, 1998: 152). However, as Derrida points out, Levinas never mentions Heidegger in the article, further criticising Agamben for his claim of firsts and positioning himself in an authorial or sovereign position as to what Levinas did or did not say (95-96).

<sup>4</sup> See Derrida's comments on the problem of trying to separate out *zōe* and *bios*, or "life" and "living": "Will we ever manage to untangle, in our tangles, will we succeed in unravelling, disintricating, as it were, unscrambling things between *zoology* and *biology*? Between the zoological and the biological, between these two Greek words, which are more than words, and are both translated as 'life', *zōe* and *bios*? Isn't it too late to try, and aren't all efforts in that direction doomed, essentially, to failure? Especially in French, but also in German and English and many languages in which there is no distinction between the two words, or even the two concepts, for saying 'life' and 'living'? And isn't philology too poorly equipped, too unequal to the task, in spite of the grand airs that the lesson givers and the pseudo-experts in this domain sometimes take on? Too unequal to the task, philology, not up to this question, which is more than a question as to meaning and word, between *zōe* and *bios*, between *zoology* and *biology*, the logic of the *logos* fixing nothing and simplifying nothing, as we shall see, for whoever cares to try to untangle things. And in French, what are we saying when we say 'life' (ah, *la vie!*), and the living? Are we talking of the zoological or the biological? And what would be the difference? To what are we obstinately signalling here with the word 'life'?" (2009: 305). Derrida, too, has more than a passing preoccupation with the question of life and the living. For example, there is his early text, "Living On/Borderlines" (1979) and a text late in life, *HC for Life, That is to say ...* (2006). As the question of performativity was central for deconstruction, that question extended to a question of a non-original originary encounter with *physis* in its supplemental disclosures in *teckne*.

<sup>5</sup> "All of Agamben's demonstrative strategy, here and elsewhere, puts its money on a distinction or a radical, clear, univocal exclusion, among the Greeks and in Aristotle in particular, between bare life (*zōe*), common to all living beings (animals, men, and gods), and life qualified as individual or group life (*bios*: *bios theoretikos*, for example, contemplative life, *bios apolaustikos*, life of pleasure, *bios politikos*, political life)." (Derrida, 2009: 316)

this thesis, is the idea of an entry (a modern entry, then) into a zone of irreducible indifferentiation, when the differentiation has never been secure (I would say Agamben furtively admits as much); and, above all, what remains even more difficult to sustain is the idea that there is something modern or new” (Derrida, 2009: 316).<sup>6</sup>

Derrida’s criticism of Agamben’s reading of *zōē* as “bare life” is withering. He labels it as “audaciously translated as ‘bare life’,” and trying to force the difference of *zōē* and *bios* in the writing of Aristotle (326). Derrida points to the obvious, that for Aristotle *zōē*, when it comes to being human, is never unqualified, never without qualities, never ‘bare’. It is, essentially, *zōon politikon*, or *zōē* inscribed in the sphere of the polis, what precisely was to mark the threshold of modernity. Already, that threshold is founded on Aristotle’s *Poetics*. In effect, suggests Derrida, for Aristotle: “the attribute of bare life *of the living being called man* is political, and that is his specific difference [to other living beings]” (330). Derrida sees Agamben’s constant differentiation of *zōē* and *bios* as artifice and tenuous:

Here the choice is a tough one: you must *either* demonstrate, which is indeed what Agamben would like to do, that there is a tenable distinction between an attribute and a specific difference (it isn't easy, I think it's even impossible), *or else* admit (which Agamben doesn't want to do at any price, because it would ruin all the originality and supposed priority of what he is saying) that Aristotle already had in view, had already in his own way thought, the possibility that politics, politicity, could, in certain cases, that of man, qualify or even take hold of bare life (*zōē*), and therefore that Aristotle might already have apprehended or formalised, in his own way, what Foucault and Agamben attribute to modern specificity. (327)

In this Derrida makes two main observations: firstly, there is not sufficient evidence to support Agamben’s claim of differentiation of *zōē* and *bios* in Aristotle’s political animal (329). He questions whether this difference is in fact the chasm being proposed, potentially seeing it more as a reciprocal relationship defining our being-human: “The specific difference or the attribute of man's living, in his life as a living being, in his bare life, if you will, is to be political.” (330). Secondly, Derrida questions the threshold moment of the development of biopolitics (330). This questioning of periodization, Derrida stresses, does not mean that he is suggesting that “new” things do not occur, but questions when this threshold moment did occur; or, did it occur? Here Derrida questions whether it is contemporary or at the emergence of modernity. Derrida contends that rather than thinking about the biopolitical in this strictly periodic manner, the conceptual legacy is far

<sup>6</sup> See Agamben’s discussion on *zōēs* inclusion into the polis (Agamben, 1998: 9).

earlier than either Foucault and Agamben acknowledge: “So I am not saying that there is no ‘new bio-power’, I am suggesting that ‘bio-power’ itself is not new. There are incredible novelties in bio-power, but bio-power or zoo-power are not new.” (330). Derrida recognises that Agamben acknowledges that biopolitics is not simply a product of modernity.<sup>7</sup> However, at the same moment, Agamben claims, in *Homo Sacer*, that biopolitics is the “...decisive event of modernity” (330).<sup>8</sup> Thus a contradictory double move, stating that the bio-political is historically an “arch-ancient” thing, and then conversely stating that the bio-political is the decisive move of the contemporary political field (330-331).

Derrida recognises that the series of critiques by Agamben, Foucault and Arendt on power, life and politics are interesting and relevant to his seminar *The Beast and the Sovereign*: “They go to the heart of what matters to us in this seminar: sovereign power, life and death, animality, etc.” (331). Though he questions some of the assumptions made with respect to the emergence of biopolitics by both Agamben and Foucault, namely that there should be a tidy correlation between biopolitics and early forms of sovereign punishment at the threshold of modernity. He cites Foucault’s example of the correlation between the decline of the death penalty and the rise of strategies of the biopolitical management of life (Foucault, 1978: 137; Derrida, 2009: 332).<sup>9</sup> At the centre of this is essentially the problem of how one undertakes a reading of the historical: “All of those things compel us, and we have to be grateful to them for this, to reconsider, precisely, a way of thinking history, of doing history, of articulating a logic and a rhetoric onto a thinking of history or the event” (332).

<sup>7</sup> Namely, Agamben recognises the historical nature of the biopolitical as well as seeing it as caught up in notions of sovereignty. But Derrida questions Agamben’s efforts in arguing that the bio-political is the decisive event of modernity (330).

<sup>8</sup> Derrida comments: “What surprises me most, incidentally, and constantly disconcerts me in Agamben’s argumentation and rhetoric, is that he clearly recognizes what I have just said, namely that bio-politics is an arch-ancient thing (even if today it has new means and new structures). It is an arch-ancient thing and bound up with the very idea of sovereignty. But then, if one recognises this, why all the effort to pretend to wake politics up to something that is supposedly, I quote, ‘the decisive event of modernity?’” (330).

<sup>9</sup> Again, Derrida comments: “So he does not take it, but explains that, if he had, he would have related the decline of the death penalty to the progress of bio-politics and a power that ‘gave itself the function of managing life’. Supposing that things are this way, and that some decline of the death penalty is principally to be explained by the new advent [of bio-politics] (which Foucault dates to the end of the classical age) (which calls for another discussion with Agamben as to the concept of *threshold*, precisely, of what Agamben, referring to Foucault, calls ‘the decisive event of modernity’ or again the ‘founding event of modernity’, having in mind above all the genocides of the twentieth century, the concentration camps and the Shoah)—[Supposing, I was saying, that things are this way, and that some decline of the death penalty is to be explained principally by the new advent [of bio-politics] (which Foucault dates to the end of the classical age)], we have to wonder what politico-judicial consequence should be drawn, and whether we should regret this decline of the death penalty.” (332)

Thus develops a criticism of the understanding of historicity, event, temporality, historical analysis as such.<sup>10</sup> Derrida critiques their understanding of the historical event as essentially synchronic.<sup>11</sup> Further we note their “temptation” to linear history as successive ruptures in *epistēmēs* (332-333).<sup>12</sup>

Then Derrida points to the Heideggerian legacies in the work of Foucault (unacknowledged)

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<sup>10</sup> An extended citation from Derrida: “To call into question not only the concern to periodise that takes such forms (a modernity about which we don’t know when it begins or ends, a classical age the effects of which are still perceptible, an Ancient Greece whose concepts are more alive and surviving than ever, a supposed ‘decisive event of modernity’ or ‘founding event of modernity’ which only reveals the immemorial, etc.)—[to call into question this concern to periodise that takes such forms] is not to reduce the event-ness or singularity of the event: on the contrary. Rather, I’m tempted to think that this singularity of the event is all the more irreducible and confusing, as it should be, if we give up that linear history which remains, in spite or all the protests they would no doubt raise against this image, the common temptation of both Foucault and Agamben (the modernity that comes after the classical age, the *epistemes* that follow on from each other and render each other obsolete, Agamben who comes after Aristotle. etc.)—if we give up this linear history, the idea of a decisive and founding event (especially if we try to rethink and re-evaluate the enduring and aporetic experience of what “decision” means in the logic of sovereign exception), if we give up the alternative of synchronic and diachronic, an alternative that remains presupposed in the texts we have just been reading. To give up the idea of a decisive and founding event is anything but to ignore, the event-ness that marks and signs, in my view, what happens, precisely without any foundation or decision coming along to make it certain. Which explains, moreover—at least a supplementary sign of what I am putting forward—that the texts from Aristotle’s *Politics*, for example, or Bodin, or so many others, and texts that are not always books of philosophy or political science, or even books at all, are to be read, difficult as they may be to decipher, indispensable in all their abyssal stratifications, be they bookish or not, if we want to understand politics and its beyond, and even the bio-powers or zoo-powers of what we call the modernity of “our time.” (332-333)

<sup>11</sup> Hence, Derrida deconstructs the threshold to threshold as such: “The fact that there is neither simple diachronic succession nor simple synchronic simultaneity here (or that there is both at once), that there is neither continuity of passage nor interruption or mere caesura, that the motifs of the passage of what passes and comes to pass [*passé et se passe*] in history belong neither to a solid foundation nor to a founding decision, that the passage has no grounding ground and no indivisible line under it, requires us to rethink the very figure of the *threshold* (ground, foundational solidity, limit between inside and outside, inclusion and exclusion, etc.). What the texts we have read call for is at least a greater vigilance as to our irrepressible desire for the threshold, a threshold that *is* a threshold, a single and solid threshold. Perhaps there never is a threshold, any such threshold. Which is perhaps why we remain on it and risk staying on the threshold forever...The abyss is not the bottom, the originary ground (*Urgrund*), of course, nor the bottomless depth (*Ungrund*) of some hidden base...The abyss, if there is an abyss, is that there is *more than one* ground [*sol*], more than one solid, and more than one single threshold [*plus d’un seul seuil*]...More than a single single; no more a single single (footnoted: as “plus d’un seul seul” in Derrida’s original typescript)...That’s where we are” (333-334). There is, perhaps, more in common with Derrida, Foucault and Agamben than what supposedly separates them, or a being-in-common constituting a disseminating play of differences, an always more-than-one threshold of resonating comparison—more than the point-scoring play of firsts that Derrida, too, plays at.

<sup>12</sup> This, perhaps, might be true of Foucault during his earlier archaeological analyses. However, as I have discussed in the previous chapter, Foucault’s reading of the event, in particular as the discursive event, is thought itself, construed as ‘outside’, undecidably synchronic and diachronic whereby the event maintains a latency as phantasm-interpretation or engagement.

and Agamben (well inscribed). He notes that there are several key Heideggerian texts which Agamben might well have referenced, and would be aware of, that ultimately would have weakened Agamben's thesis. Derrida accuses Agamben of selective appropriation of Heidegger and Levinas (324).<sup>13</sup> He notes:

And yet it goes without saying that when Heidegger *on the one hand* condemns biologism (and clearly modern biologism), and *on the other hand* denounces as metaphysical and insufficiently questioning the zoologism of a definition of man as *zōon logon ekhon* or, a fortiori, as *zōon politikon*, he is going exactly in the direction of this whole supposedly new configuration that Agamben credits Foucault with having inaugurated, even if the same Agamben proposes to 'reconsider' Foucault's 'formulations' or to 'complete and correct' his theses. (324)

Hence, Derrida clarifies that, firstly, Foucault's analysis never discusses Heidegger's critique of modern biologism and, secondly, Agamben similarly does not discuss Heidegger explicitly on this point, but rather follows Foucault's reading of Aristotle's *zōon politikon*, the human (Man) as living animal with the capacity for political existence (2009: 325; Agamben, 1998: 7). Furthermore, Agamben (as we have seen earlier) claims to correct and complete Foucault (Derrida, 2009: 325; Agamben, 1998: 9). Derrida contends that the problematic of the bio-political for Agamben is conflicted, between how to define specific characteristics that belong to modern politics or bio-politics—which owe their heritage to Foucault, in particular, the last chapter of *The History of Sexuality Volume One: The will to knowledge* (1978)—and a Heideggerian reading. Agamben seeks to link in a concrete manner *zoē* to his conception of "bare life" which is in opposition to *bios*, something that was "... supposedly missed" by Foucault (Derrida, 2009: 325). Perhaps, the only 'correcting' left for Agamben, with respect to his legacy in Foucault's reading of Aristotle, would be for him to prefer "Zoo-politics" or "*Zoon*-politics" than Bio-politics (325). We could suggest Derrida, too, is selective in his reading, as we could equally draw out the complexity of temporalising for both Foucault and Heidegger, and *pace*, Agamben. A simple accusation of "synchrony" or "diachrony" is not sustainable. Nor are rupture, threshold, epoch and episteme totalizing categories.

Derrida deconstructs all of the binaries we see inscribed in Agamben's text, locating their

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<sup>13</sup> "But on all the texts we have just read about the *logos*, about *zoē*, the zoological interpretation of man, about metaphysics and technology and Christianity as prevalent interpretations of *logos* and *zoē*, about the condemnation of biologism, absolute silence from Agamben. I'm sure he knows these texts, even if he seems to have omitted them or needed to omit them, as he well knows that he wouldn't have been the first to read them, which no doubt discouraged him from looking at them again more closely." (Derrida, 2009: 324)

undecidables at the very moment they supposedly demonstrate their strategic supports. Hence, commencing with *zoe* and *bios*, moving to the historical periodicity and its threshold privilege of an inside and outside of modernity, of exception, of the ‘bare’ and inscribed as such, of life and power, life and the political, the synchronic and diachronic, ultimately, and in relation to Derrida’s Heideggerian legacies, *physis* and *techne*, life as living life, *daimon* life, living thing, and technology, supplement, prosthesis, *ge-stell*, the standing reserve, *techne* and *logos*, ‘Man’ as *zoon-logos*, *zoon-politikon*, *bios*. These space an originary trace-structure of the bio-political that already haunts Western metaphysics, inscribed in the canon of political philosophy, with the problem of life, politics, control, contracts and sovereignty. While Foucault’s bio-power is a politico-technical and practical analytic, it is a naming of a phenomenon that occurs (though Derrida does not discuss it in *The Beast and the Sovereign*) with the Heideggerian formulating of *gestell*, where practices of the living and, hence, the political (and the individual) become en-framed by the techno-institutionalisations of the State. I specify, *contra* Agamben, not so much corrective or extended readings of the bio-political. Rather, I recognise an open and undecidable question as to how and from what vantage point power and life would come into a relational view. The question is otherwise than corrective: would we be able to name that relationality that opens the disclosive possibility of power and life—how would that, at the same moment, not be the essential or primordial possibility of living.<sup>14</sup> Hence, and with respect to *bios/zoe* and its powers, how would life and power, or the living and power, *name*? Power *is* power-to-name. To this question of a name, Agamben offers, provisionally and for a while, the name ‘camp’. Other names will, in turn occur. Foucault, with similar provisionality, and for a while, and in a changing series of concerns, names it—living and power—an essential freedom of the self. Derrida is too circumspect on the very question of the name to broach a syllable.

This essential question of living and power is broached somewhat differently by the Italian political philosopher, Antonio Negri. From his considerations of a Spinozist ontology, the questions of power, ontology, *theos*, *physis* and *anthropos* are radically reconsidered, since there

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<sup>14</sup> The great irony of Agamben’s fidelity to Foucault, his aligning resonances with Foucault, is his very choice of terminology he gives to his work with the political philosopher of normalization and technologies or apparatuses of correction. Agamben corrects Foucault, without for a moment adjusting his task, in a reflection on the very Foucault who determines a biopower that works instrumentally on that substance that is open to adjustment, corporeal humanity. His is a normalizing technique. But one is reminded of Foucault’s wry comment in “The Discourse on Language” (1972), where he suggests that the moment one feels assured of freeing oneself from Hegel, there Hegel is, standing behind, waiting for you to look back over your shoulder, laughing. One expects more than one laugh from Foucault, looking on at Agamben starring transfixed in the mirror of his own simulacrum.

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is an absolute immanence constituting power and the living—radically changing the question that would otherwise have required a transcendent/transcendental analytics. I now discuss Negri’s Spinozist immanentism in terms of a key differentiation Negri develops between constituent power and constituted power.

### Spatialities of Capital

Marx’s metaphysics of time is much more radical than Heidegger’s. Time is for both a matter of beings. Social time is the apparatus through which the world is quantified and qualified. But here we are one again, always at the same point: Marx frees what Heidegger imprisons. Marx illuminates with praxis what Heidegger reduces to mysticism. Heideggerian time is the form of being, the indistinctness of an absolute foundation. Marxian time is the production of being and thus the form of an absolute procedure. Marxian temporality represents the means by which a subject formally predisposed to being adequate to an absolute procedure becomes a subject materially capable of becoming a part of this process, of being defined as constituent power (Negri, 1999: 30).

Antonio Negri, in his 1999 publication, *Insurgencies*, opens us to a confrontation between Karl Marx and Martin Heidegger. In case we might think this an arcane clash, a quibble between what might be considered incommensurable paradigms, Negri makes things clear. Referring to Benjamin and Arendt or Sartre as opposed to Foucault and Deleuze, he suggests: “Through the same clash, one might say, the whole political-constitutional debate of our time takes place as well” (30). But, in fact, Marx and Heidegger are themselves the backdrop for Negri’s articulation of what he suggests as the most viable understanding of the dynamics of contemporary democracy. His key terms are “constituent power” and “constituted power.” Michael Hardt notes in his introductory remarks to Negri’s text: “The first key to understanding constituent power is to contrast it to constituted power. Constituent power names the democratic forces of social transformation, the means by which humans make their own history” (vii). Constituted power, understood in relation to sovereign power, references the apparatuses of power of a State, institutions and regulations for the more-or-less stable exercise of power. Traditional or orthodox theories of the political recognize both of these notions. Generally this recognition is in terms of the predominance of constituted power as the ongoing stability of a State, at times and for brief episodes thrown into upheaval, to be reconstituted with renewed institutions and legalities. Negri fundamentally differs here. He recognizes that constituent power is continuous and ongoing as the transformative life of political process, while constituted power is not a stable

threshold but rather one that always already activates resistances, rebellions and innovations in the political. As Hardt notes: “Constituent power thus requires understanding *constitution* not as a noun but as a verb, not an immutable structure but an open procedure that is never brought to an end” (viii). The book *Insurgencies*, sub-titled, *Constituent Power and the Modern State*, details five revolutionary transformations of States in Western history: Machiavelli’s Italy, England of the mid-seventeenth century, the American revolution, the French revolution and the Russian revolution. The chapter on Machiavelli draws out a notion of time crucial for Negri in siding with Marx over Heidegger. However, constituent power and constituted power are for Negri the putting into political philosophy what he had been developing for at least ten years, a contemporary theory of the Republic based on his close reading of the philosophical system of Baruch Spinoza. Crucial for Negri is the innovation in the political philosophy of power identified in Spinoza’s work, coupled with Spinoza’s own understanding of republicanism.<sup>15</sup>

Spinoza developed a practical philosophy, an ethics, and engaged at length with the political milieu of republicanism and Dutch capitalism of the seventeenth century. How does Spinoza’s system get applied? And what made it interesting for Marx? Is application even the right word here? Does one *apply* Spinoza? I will restrict my comments to his understanding of political process. We need to emphasise the widespread acceptance of contractualism or social-contract theory in Europe in the seventeenth and eighteenth centuries, culminating, in a way, with Rousseau in its legitimization. Fundamentally, the contract is the mechanism that transfers natural right to juridical right, providing the basis for the juridical concept of the State (Negri, 1991: 221). Power is here understood as authority, institutionally codified and coercive, power that implicitly signifies alienation of freedom in the exercise of right. In the seventeenth century those who sought alternatives to social contract theory were looking to alternatives to the absolutist State, generally through republicanism and Protestant democratic radicalism. In Negri’s terms, they sought to subordinate the contractual transfer of power (as juridical) to material determinations of the social, multiplying the specificities of power: absolutism no longer of the State but of the social. In both scenarios, right and politics immediately participate in the power of the

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<sup>15</sup> Ten years prior to the publication of *Insurgencies*, Negri had published his major research on the political philosophy of Spinoza. While in prison for his links with the Italian militants, The Red Brigades, Negri researched and wrote his first major work on Spinoza, *The Savage Anomaly: The power of Spinoza’s metaphysics and politics* (1991). On publication, it was immediately translated into French with no less than three prefaces or introductions from key French Spinozan intellectuals: Pierre Macherey, Gilles Deleuze and Alexandre Matheron.

absolute (223-224). The fundamental question for practical philosophy became: in the absence of the intervention of contractual theory as a formal system of distribution with respect to the absolute, how does one reconcile the absolute with freedom? How can an absolute form of power be compatible with freedom? As Kant (1964) was later to emphasize in his practical philosophy, absolute freedom is chaos and war. The efficacy of Spinoza's system is that he tackles this head-on from the beginning. His system is developed to precisely eliminate the tautology of absolute and power. Power is an open determination whose absolute is existence. The existent is the realization of power as its essence. Power's degrees of capability are a measure of the attributes of Substance. Power and freedom are in this sense not opposed but rather are expressions each of the other from the viewpoints of modalities of being.

Hence the question of power's tenure and exercise, the stuff of juridical codes, is always already implicit in the intrinsic and extrinsic relations of an existent to its capacity to be. Power is not a Substance to be transferred, but an intensive multiplication of potentials. It is in these terms that Spinoza proposes a "democratic absoluteness" as the highest form (which means the most capable, open and potential form) of natural society as political society (229). The political absolute is what Spinoza names as the *multitudo*, the multitude, the mass. Though commentators have collapsed this to what Rousseau will come to define as the general will, Negri emphasizes this radically diminishes Spinoza's thought as to the agency of the political. The general will cannot be thought outside the transcendental juridical nature of the social contract. The multitude is not a transcendent unity of the many, but the immanent collectivity of singularities. It is an elusive juridical subject, creating civil right and constitution as an unsolvable and un-resolvable relationship. The instability of power as potential, the radical incompleteness of the actuality of existents, makes the *multitudo* the very material necessity of what is (232). This is notwithstanding the multitude's recognition as the absolute of power. This absolute "is" its actuality as continuous movement in its power, which is to say in its essence as degrees of power, capabilities as attributes of Nature. There is no transcendent principle to right. It is fundamentally a subversion of the social. One can see how Marx, in thinking an understanding of forces of production to relations of production might be drawn to a philosophy of force as open potential, living labour as constituent power.



*Figure 17.* Van Agtmael, P. (2011). *Occupy New York, Protestor, Zuccotti Park.* Magnum Photos.

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Relations of production, themselves, while the constitution of existents in their civil right, are essentially incomplete and in constant motility, perpetual revolution. Though we might speculate on Marx's reading of Spinoza, perhaps the greater effect has been contemporary theory construing Spinoza as Marxian *avant la lettre*, in a reading of Marx in the milieu of a Spinozan critique of Hegel as well as critique of Marx's dialectic and teleology.

In the concluding chapter to *Empire* (2000), co-authored with Hardt, Negri discusses directly two breaks that are necessary from Aristotle's understanding of time. One of the breaks is from transcendence, reducing to a measure of the same the collectivity of the multitude, measure as transcendent order. He suggests Kant and Heidegger are located in that Aristotelian legacy. However, by 2006 Negri, perhaps, recognizes Heidegger's break with transcendence as a standard of measure:

Heidegger is not merely the prophet of the destiny of the modern; just as he divides, Heidegger is also a window that can open onto antimodernity. Heidegger, in other words, points to a conception of time as ontologically constitutive, which radically breaks the hegemony of substance and the transcendental and opens it onto a certain kind of power. ... Time aspires to be power, it alludes to its productivity, it brushes up against its energy. And when it falls back on the nothing, time does not in any way forget this power. Spinoza reemerges in this articulation and forms a paradoxical relation with Heidegger (Negri, 2011: 310-311).

The second break is coterminous with this. The collective, or multitude, for Negri ontologically, the bio-political, is thought as an immanent process of constitution. Negri (2011) discusses this in terms of what Heidegger calls being-with, *mit-Sein*. The strongest correlation Negri finds with Heidegger and Spinoza is precisely the emphasis each gives ontologically to the constitutive power of "the people." This correlation between them is a being-in-common that does not work from the viewpoint of transcendence or a transcendental principle: "Mind you, this *mit-Sein* should not be banalized: it towers over every contingent relation as well as over various figures of linguistic circulation" (313). Negri reads this as multitude, and as the bio-political. It seems as if there is a fruitful Heideggerian path that could fold with Spinoza. Yet, Heidegger and Spinoza seem to be antithetical: "Heidegger goes toward the nothing; Spinoza goes toward fullness" (313). For Negri, both are concerned with "presence" but with Spinoza it is presence as excess, for Heidegger, presence as void. Again, we see the separation: Spinoza, on the side of "life" and Heidegger on the side of being-for-death. Moreover, "the qualification of being in Heidegger is as scandalous and perverse as it is radically powerful and hopeful in Spinoza. In the latter, being is qualified as ontological capacity for production" (314).

That concluding chapter to *Empire* (2000) concerning the Multitude, is followed up by Negri and Hardt's second volume, *Multitude: War and Democracy in the Age of Empire* (Hardt and Negri, 2004). *Multitude* concludes with a curious reference to time, to a "before" and an "after" of Aristotelian time, rather than (say) to an ecstatic temporality we more readily associate with Heidegger or the complexity of a Spinozan sense-event, or even Marx's capital-time: "We can already recognize that today time is split between a present that is already dead and a future that is already living—and the yawning abyss between them is becoming enormous. In time, an event will thrust us like an arrow into that living future. This will be the real political act of love" (Hardt & Negri, 2004: 358). We would need to understand "love" in the significance given it in Spinoza's God, as emanating powers of the attributes of Substance as modal powers of an existent, capabilities of being. We can read this Spinozan love in Schelling's *Treatise on human freedom*, in Schelling's absolute as love, where Hegel made knowledge absolute. And we may read Heidegger's affirmation of Schelling surpassing Hegel in this regard, in his 1936 lecture course on the treatise (Heidegger, 1985).<sup>16</sup>

We recognise the extent to which Negri's understanding of the bio-political is contingent on an ontological disclosure of "multitude," as that ontology is itself developed from the immanentism of Spinoza's philosophy. This marks the affinity of Spinoza, Negri and Deleuze, and also marks in a fundamental way a schism that will develop between Agamben's ontology of the bio-political and the articulations of Negri as well as the collaborative writings of Hardt and Negri. It would be too reductionist to suggest that Agamben's ontology of the biopolitical, in its recourse to Heidegger, is marked by Heideggerian reservations concerning Spinoza. Though one could go part way to understanding the dispute between Agamben and Negri following this line.

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<sup>16</sup> But this "love" may well be Hardt and Negri's name, at least for a while, for the biopolitical constituting of modernity, that confluence of bare life and exception, that camp or movement of freedom, that open, essentially describing love, at least in Schelling's Spinozist terms, to be appropriated into psychoanalysis by Jacques Lacan precisely as the exception—what I demand of the Other that the Other does not have to give. In this respect, on the question of a demand for what cannot be given, bare life, exception and the open are what Agamben is perhaps most indebted to with Aristotle, as an ethics of *potentia*, an ethics as a potential to not be (Agamben, 1999): "Contrary to the traditional idea of potentiality that is annulled in actuality, here we are confronted with a potentiality that conserves itself and saves itself in actuality. Here potentiality, so to speak, survives actuality and, in this way, *gives itself to itself*" (184).

To follow on from our earlier reverie on the function of names, with respect to a question of a relation that opens power and life as entities to be related, the political philosophers Negri and Hardt provisionally and for a while offered the name “Empire.” We have noted that Agamben’s reading of biopolitics, with its Heideggerian and Benjaminian legacies, sees modernity as a moment where sovereign power intersects with politics, thereby problematizing life, such that life is conceived as *bare life*, forming a risk to what is proper to the human with respect to ethics and politics. In contrast to Agamben, Negri and Hardt, from a Marxist tradition, see biopolitics as essentially an aspect of modern capitalism. If Agamben sees that modernity’s paradigm is the camp rather than the *polis*, Negri and Hardt suggest that contemporary politico-economic frameworks have replaced earlier forms centred on the nation-state, due to the increasing economic and political liberalisations of *neo-liberalism*, constituting a new hegemonic totality they call *Empire* (2000: xi).

Movement to this new political formation of *Empire* is driven by the increasing ease of transportation of goods, capital, people and technology between nation-states, in part due to the removal of trade-tariffs and other mechanisms to modify production that were once associated with Keynesian and Marxist economic management (xi). Negri and Hardt see that weakening of the nation-state affects sovereign power—once solely the preserve of the nation-state—it is now diminished. However, sovereign power has not disappeared; rather, it has undergone transformation (xi).<sup>17</sup> The sovereign power of *Empire* is not bound to a nation-state and is thus able to glide to and from the scales of the national and supranational (xii).<sup>18</sup> *Empire* becomes an ordering logic that regulates global exchange (xi).<sup>19</sup> Negri and Hardt see *Empire* as a political formation having significant implications for understanding geo-spatiality, with a different spatial logic to earlier nation-states, conceived as spatially bound, correlative with Western conceptions of sovereign territory. In Negri and Hardt’s thinking this conception of bounded territory of the nation-state was fundamental to European colonialism and economic expansion that sought to internalise itself and to exclude anything external to its own stability (xii).<sup>20</sup> European colonialism also imported its

<sup>17</sup> As Hardt and Negri note: “*The decline in sovereignty of nation-states, however, does not mean that sovereignty as such has declined*” (2000: xi – original emphasis).

<sup>18</sup> Thus they suggest: “Our basic hypothesis is that sovereignty has taken a new form, composed of a series of national and supranational organisms united under a single logic of rule. This new global form of sovereignty is what we call Empire.” (2000: xii)

<sup>19</sup> “Empire is the political subject that effectively regulates these global exchanges, the sovereign power that governs the world.” (2000: xi).

<sup>20</sup> On imperialism and colonialism Hardt and Negri suggest: “The territorial boundaries of the nation delimited the centre of power from which rule was exerted over external foreign territories through a

own conception of territory onto the colonised, sectioning what it occupied, with its ordering procedures, techniques and regimes of veridictions guaranteed by the sovereign law of an imperial nation-state-colonizer. In contrast *Empire* cannot be correlated to an ordering regime of imperial nation-states, with their trading blocks that disregarded other blocks to maintain their specific regimes, based on a centre/periphery model of capital of empire and distributed colonies.<sup>21</sup> Nor is *Empire* concerned at all with space ordered according to boundaries; rather, *Empire* operates as a de-territorialised environment that makes the older imperial order largely meaningless:

In contrast to imperialism, Empire establishes no territorial centre of power and does not rely on fixed boundaries or barriers. It is a decentred and de-territorialising apparatus of rule that progressively incorporates the entire global realm within its open, expanding frontiers. Empire manages hybrid identities, flexible hierarchies, and plural exchanges through modulating networks of command. The distinct national colours of the imperialist map of the world have merged and blended in the imperial global rainbow. (xii-xiii)

Negri and Hardt suggest a geo-spatial reconfiguring, whose analysis is influenced by the writings of Deleuze and Guattari, concerning flows of capital between first, second and third worlds. In the terminology of Deleuze and Guattari, these flows have become *smoothed* with the advent of globalised free-market economies, such that demarcations between *first world* and *third world* are *scrambled*, with *second world* now virtually non-existent (xiii).<sup>22</sup>

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system of channels and barriers that alternately facilitated and obstructed the flows of production and circulation. Imperialism was really an extension of the sovereignty of the European nation-states beyond their own boundaries. Eventually nearly all the world's territories could be parcelled out and the entire world map could be coded in European colours: red for British territory, blue for French, green for Portuguese, and so forth. Wherever modern sovereignty took root, it constructed a Leviathan that overarched its social domain and imposed hierarchical territorial boundaries, both to police the purity of its own identity and to exclude all that was other." (2000: xii)

<sup>21</sup> This can be seen in the rapacious strategising of imperial powers in the nineteenth century for territory and resources, such as the so-called "scramble for Africa" where European States divided much of Africa among themselves. This was seen as key to maintaining stability and security within Europe. Empires formed a reciprocal relationship with their colonies. With the case of the British Empire, the colonies produced raw materials and goods for Britain, while Britain sold back finished goods. They formed their own free-trade blocks that tried to exclude other imperial trading-blocks, and led to the exclusion of raw material supply to other imperial nation-states. This limiting of trade, in part, led to tensions for those outside the orbit of existing imperial blocks, explaining, to some extent, the imperial ambition of pre-war Japan, who saw itself excluded from the raw materials it needed for economic growth.

<sup>22</sup> Hardt and Negri are referencing some of the 'technical' language developed by Deleuze and Guattari in *A Thousand Plateaus* (1987). They—D & G—introduce the notions of smooth and striated towards the conclusion of their work (474-500), though this couple cannot be separated from earlier dyads developed in the work, such as nomad and sedentary, territorialized and deterritorialized, the Royal State and the



Figure 18. Berry, I. (2000). *Passenger restaurant, Monterrey Airport, Mexico*. Magnum Photos.

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War Machine. Guattari introduced these notions to Deleuze in their collaborative writing of *Schizophrenia and Capitalism, Volume I, Anti-Oedipus* (1977).

We now have: “a world defined by new and complex regimes of differentiation and homogenisation, de-territorialisation and re-territorialisation” (xiii). These spatialising modifications are coupled with technological developments in economic production whereby industrial labour-power is less prioritised, and “communicative, cooperative and affective labour” becomes more valued (xiii). This shift from a *striated* nation-state and industrial modes of production to *Empire*, ordered on *smooth* space, and technological changes in production and labour now thought in terms of distribution and flows, these new forms of economic production Negri and Hardt link to the biopolitical which they regard as blurring boundaries between the economic, the political and the cultural in the production of social life (xiii).<sup>23</sup> This *blurring* means that there is not one dominant cultural, political or economic centre and, while Negri and Hardt regard the United States as the dominant contemporary political and economic power under the political formation of *Empire*, there can be no privileged centre of political power. This contrasts markedly with nineteenth-century models of European empire. With *Empire*, power is based on distributed networks (xiv).<sup>24</sup> They regard *Empire* as having three fundamental conditions, in addition to its spatial determination of not being limited by territorial boundaries. Firstly, it is or is near to being a global totality (xiv). Secondly, *Empire* is unbounded by temporality. That is to say, *Empire* is not bound to historical *event* in the sense, for example, that it is not framed or determined by conquest; it is outside of history or at *the end of history* (xiv-xv). Thirdly, they argue that *Empire* expands through social relations: “Empire not only manages a territory and a population but also creates the very world it inhabits. It not only regulates human interactions but also seeks directly to rule over human nature. The object of its rule is social life in its entirety,

<sup>23</sup> “In the post-modernisation of the global economy, the creation of wealth tends ever more toward what we will call biopolitical production, the production of social life itself, in which the economic, the political, and the cultural increasingly overlap and invest one another” (2000: xiii).

<sup>24</sup> Negri and Hardt recognise as problematic a reading that presumes the United States as the dominant global power and key example of contemporary economic and political imperialism, overtaking former European empires (2000: xiii). This view, they suggest, figures the United States replacing the United Kingdom as principal global superpower. Such analysis often demarcates the nineteenth century as the “British century” and the twentieth century as the “American century” (2000: xiii). Both proponents and opponents of American economic and political supremacy often hold this view, regarding hegemonic types of power as either ethico-morally positive or negative (xiii). Negri and Hardt argue conversely, that it is indicative of new forms of sovereignty: “*The United States does not, and indeed no nation-state can today, form the centre of an imperialist project. Imperialism is over. No nation will be world leader in the way modern European nations were*” (xiii-xiv). Negri and Hardt outline how the United State did not have the same privileged position as the European empire-states of the nineteenth century. Rather, the United States has remarkable differences. In particular, they link this to its *Federalism* and the importance of Thomas Jefferson, where power is based on distributed networks (2000: xiv).

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and thus Empire presents the paradigmatic form of biopower” (xv).

We may well see the Spinozism in this formulation of Empire. Nineteenth-century models of empire are seen as transcendent models, whose relations of force are constituted, rather than constituent, whose regulatory mechanisms are contractualist rather than immanentist, whose peoples are distributed by the designation citizen or non-citizen correlative with the distribution of right, recognition of nativity, inheritance and sovereign power. Empire is Spinozist in its bearing; it is peopled with a multitude, which is more than just a re-naming exercise. It is an ontological disclosure of another thinking of power as exercised, power as emanating and power as productive. If they see in our political contemporary new flows and distributions, they still see these in terms of what Foucault suggests as a threshold to modernity, a new relation of life and power. Negri and Hardt circumscribe a radical ontology of power thereby mobilizing in their own way this term of Foucault’s, biopower. It is the political ontology of *Empire*. They thus see *Empire* as bio-power, stable and a-temporal (xv). Power and authority have shifted from the nation-state to a supra-national globalisation, constituting the principal form of political power: “This is really the point of departure for our study of *Empire*: a new notion of right, or rather, a new inscription of authority and a new design of the production of norms and legal instruments of coercion that guarantee contracts and resolve conflicts” (9).<sup>25</sup> Thus they see this as a paradigm shift in terms of political power and in terms of global capital, arguing against the position that takes capitalism as an inherently global phenomenon (9-10). This has led to a shift in perspective from traditional international law, defined by contracts and treaties, to “a new sovereign, supra-national world power” allowing for the totalising social processes of *Empire* (10) such that: “juridical transformation functions as a symptom of the modifications of the material biopolitical constitution of our societies. These changes regard not only international law and international relations but also the internal power relations of each country” (10).<sup>26</sup> *Empire* is paradigmatic of bio-politics, just as the camp was paradigmatic of bio-politics for Agamben. *Empire* is a transformation of international and supranational law, questioning sovereignty at the level of the supranational and questioning the very grounds of

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<sup>25</sup> Negri and Hardt see *Empire* as a global political formation that is polymorphous. They link *Empire* with globalisation, which they recognise as being multiple processes that are not “unified or univocal” (2000: xv). Rather than simply resisting these forces, forces of *Empire* can be subverted so to “reorganize them and redirect them toward new ends,” to allow for alternative political forms (xv).

<sup>26</sup> Negri and Hardt are playing on several terminologies: *constitution* does not only mean a juridical framework of law codified in a *formal constitution*, but it is also what they call a *material constitution*, which is the formation and de-formation of social forces (2000: xiv).

its legitimisation, which they see as “bringing into focus political, cultural, and finally ontological problems” (10).

### Empire and Biopower

For Negri and Hardt the conceptualisation of *Empire* is based on three principal influences, namely Foucault’s analysis of the biopolitical, which is further complicated by Deleuze’s conceptualisation of the shift of *episteme* from *disciplinary society* to *societies of control* (22-23).<sup>27</sup> And lastly, there is the role of Spinoza’s understanding of politics in Negri’s thought, and as such we see the differentiation in how Negri comes to read *biopolitics* and *biopower* (Casarino & Negri, 2004: 152). This difference between biopolitics and biopower, is not initially so apparent in English, as we have one word for *power*. However, this difference does exist in a number of European languages, with Negri distinguishing in Italian between *potere* and *Potenza* (1999: 2n. 3).<sup>28</sup> These two terms shape how he will come to understand the difference between biopolitics and biopower, each having a somewhat different emphasis. *Potere* is closest to how power is thought conventionally in English, with Negri conceiving it as being linked to authority, such as pre-existing and centralised power structures typically of institutional apparatuses, such as the *State* (2). *Potere* is linked to *constituted power* with its concern with how power shapes and is modified by political and State institutions. Contrasted to this *potenza*, while translated as ‘strength’ in *Insurgencies* (1999), is also

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<sup>27</sup> Hardt and Negri comment: “We should understand the society of control, in contrast, as that society (which develops at the far edge of modernity and opens toward the postmodern) in which mechanisms of command become evermore ‘democratic’, ever more immanent to the social field, distributed throughout the brains and bodies of the citizens. The behaviours of social integration and exclusion proper to rule are thus increasingly interiorised within the subjects themselves. Power is now exercised through machines that directly organise the brains (in communication systems, information networks, etc.) and bodies (in welfare systems, monitored activities, etc.) toward a state of autonomous alienation from the sense of life and the desire for creativity. The society of control might thus be characterised by an intensification and generalisation of the normalising apparatuses of disciplinarity that internally animate our common and daily practices, but in contrast to discipline, this control extends well outside the structured sites of social institutions through flexible and fluctuating networks. ... Disciplinary society is that society in which social command is constructed through a diffuse network of *dispositifs* or apparatuses that produce and regulate customs, habits, and productive practices. Putting this society to work and ensuring obedience to its rule and its mechanisms of inclusion and/or exclusion are accomplished through disciplinary institutions (the prison, the factory, the asylum, the hospital, the university, the school, and so forth) that structure the social terrain and present logics adequate to the “reason” of discipline. Disciplinary power rules in effect by structuring the parameters and limits of thought and practice, sanctioning and prescribing normal and/or deviant behaviours” (Hardt & Negri, 2000: 23).

<sup>28</sup> The Italian *potenza* and *potere* correspond to the French *puissance* and *pouvoir*, the German *macht* and *vermögen*, and the Latin *potentia* and *potestas*.

etymologically closer to the English for ‘potential’ and ‘potentiality’. These correspond to Negri’s concern in *potenza* for future possibilities and transformative effect, linked to what he terms *constituent power*. *Potenza* in contrast to *potere*, is decentralised and is linked to the radically democratic forces and desires of the *multitude* (2, n.3). Here *potenza* is an open potential, alluding to Spinoza’s conception of potentiality. If we describe this in a Deleuzian sense, *potere* would be thought as that which territorialises, while *potenza* deterritorialises.

These three influences on Negri’s conceptualisation of the biopolitical thus develop different emphases to Foucault’s understanding; yet Negri’s sees parallels and equivalencies in Foucault’s engagement with the subject as a movement of freedom (liberalism) in contexts of State racism, leading to a question of biopolitics articulating a process of productive force (*potenza*), in humans producing themselves as subjects. We cannot underestimate the importance of this for Negri, who is able to recognise “humanism” after the end of Man, in a positive sense (Casarino & Negri, 2004: 165). This “humanism,” as discussed in *Empire*, rejects a transcendental humanism, and thus “reaffirms human power [*potenza*] as a power [*potenza*] of the artificial, as the power to build artfully [*la potenza del costruire con arte*].” (165). This humanism Negri links to the emergence of Renaissance anthropocentrism, as the moment when being-human was seen as productive force (*potenza*): “a humanism that understands and defines human beings at once as artificers and tools” (165). Negri sees the productive force of *potenza* with respect to subjectivity. Yet, in his extended interview “It’s a Powerful Life: A Conversation on Contemporary Philosophy” (2004), his interlocutor, Cesare Casarino, questions his lack of discussion concerning Foucault’s reading of biopolitics in terms of sexuality as a key technology of power in modernity. For Foucault, sexuality is organised and managed via a series of apparatuses instituted in modern government and by capital (165-166). Negri disagrees with Casarino, seeing discourse on sexual difference as over-determined, and Foucault never reducing sexuality to this. Yet, his response still neglects to recognise Foucault’s reading of sexuality as part of a series of apparatuses that have their concern with the management of health and population (166). Negri would rather account for this relation of sexuality and biopolitics in Marxian terms, as conditions of production, where there is a coinciding of reproduction with production (165-166). His reading of biopolitics develops more so from Deleuze’s reading of Foucault, important for his conceptualisation of, as well as deviation from, Foucault (167).

Negri moves in a different direction, with a concern for labour and, in doing so, clarifies something in Foucault that he considered undefined, namely, the difference between or

relation of biopolitics to biopower: “Biopolitics, on the one hand, turns into biopower (*biopotere*) intended as the institution of a dominion over life, and, on the other hand, turns into biopower (*biopotenza*) intended as the potentiality of constituent power” (167). The relations of biopower as *biopotenza* or *biopotere* therefore further complicates Negri’s reading of biopolitics, such that biopolitics, conceived as biopower (*biopotenza*), is life (*bios*) that creates power, whereas biopolitics as biopower (*biopotere*) is power that creates life (*bios*) and thus tries to “determine or annul life, that posits itself as power against life” (167). Negri’s reading of biopolitics and biopower moves from a Foucauldian reading to one that “attempted to turn it into a fully Spinozist concept” (167). This Spinozian reading of politics, as immanent action, distinguishes Negri’s from more orthodox Marxian readings whose political theory is typically defined by transcendent categories. Casarino suggests that Negri’s thought is mediated by a series of dualisms in a similar way to Deleuze’s dyad of the *virtual* and the *actual*, itself linked to Deleuze’s reading of Spinoza (Deleuze, 1990) and Henri Bergson’s binary relations to be found in Deleuze’s *Bergsonism* (1991) (160-161). But, then, Negri stresses that his reading of *potestas* and *potentia* does not coincide with Deleuze’s Bergsonism, seeing it as irrelevant to his Spinozian reading (160-161).

### Agamben and Negri

Agamben’s *Homo Sacer* was published some years after the appearance of Negri’s *Insurgencies* and Agamben offers a brief and curious critique of it in his book. It amounts to an extraordinary valuation of Negri’s thinking in its potential to eclipse, *in toto*, Agamben’s entire thesis on the sovereign ban—but not yet. Agamben emphasises the far-reaching implications of Negri’s articulating of constituting power: “the praxis of a constituting act, renewed in freedom, organized in the continuity of a free praxis” (cited in Agamben, 1998: 43). Agamben’s question is: what determined the difference between constituting power and sovereign power? (43). Constituent power is not determined by constituted power nor does it determine it. As “free praxis” it is, as Agamben might say elsewhere, a means without end. Yet Agamben cannot find in Negri’s account how constituent-constituting power would be exterior to the sovereign ban. Though the corrective Agamben immediately applies to this critique of a kind of totalizing bind of the sovereign, is that Negri himself moves all too assuredly from political concepts to ontology, “from political philosophy to first philosophy” (44). Negri abandons his constituency! Constituting power is the articulating of an ontological question of constituting potentiality, which is to say a question

of potentiality and actuality. The problem is that there is currently an insufficiently coherent ontology of potentiality for a political ontology of actuality to displace the paradigm of the sovereign ban:

Only an entirely new conjunction of possibility and reality, contingency and necessity, and the other *pathe tou ontos*, will make it possible to cut the knot that binds sovereignty to constituting power. And only if it is possible to think the relation between potentiality and actuality differently—and even to think beyond this relation—will it be possible to think a constituting power wholly released from the sovereign ban. (44)

This is the case notwithstanding the good work done already in this direction by Spinoza, Schelling, Nietzsche and Heidegger (44). One wonders though, given that Agamben is pronouncing on potentiality, constituting powers, power as possibility to be, and actuality, that he has pronounced on the possibility of the “knot” of the sovereign ban being “cut,” and therefore on the possibility of an actuality such that an outside to the paradigm of sovereignty would happen.<sup>29</sup> Of course, the moment one thinks the sovereign and sovereign ban in Spinozist terms, as we have addressed earlier, there is no antimony between the absolute and freedom. Thus Negri points out that Agamben’s main objection actually resides in the juridical-legal basis of this difference (Negri and Casarino, 2004: 176). Negri is not even concerned that there is no clear divide between these terms, as his reading of power is not reducible to the problem of Law (177). Casarino references Agamben’s position in his *Means without End*, concerned with the predominant ontological tradition that determines potentiality as means to an end, subordinating potentiality to act.

In fact, in *Homo Sacer*, immediately following his discussion on Negri, Agamben will reference the classical philosophical text on the matter, Aristotle’s Book *Theta* of the *Metaphysics*, on *dynamis* and *energia*, though he does not refer to Heidegger’s 1931 lecture course on the topic that seems to thoroughly inform Agamben’s position (Heidegger, 1995). Agamben seeks to conceive of potentiality as removed from the teleological question of action or event, thus potentially severing it from the question of the act as such, producing a “means without ends” (179). Casarino agrees up to a point with the “enslaving effect” of conceiving of a *telos* of potentiality as act. Yet, in breaking this relation, it does not necessarily mean that the whole question of actualisation is dissolved or becomes irrelevant (179). Perhaps there is a radical re-conceptualization of potentiality and act: “as being immanent to each other, that is, as distinct yet indiscernible from each other. It is only by

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<sup>29</sup> It is also the case that Agamben has made it one of his philosophical tasks to engage with Aristotle on potentiality. We note his 1999 collection of essays, *Potentialities*, whose varied and polymorphous themes take us back repeatedly to Aristotle’s fundamental relations of *dynamis* and *energia*.

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rethinking both at once in such a way that ‘a new and coherent ontology of potentiality’ can at all come into being.” (179). Casarino emphasises that Agamben is discussing an ontology to-come, and suggests that Deleuze offers possible clues to such an ontology of potentiality in the dyad of virtual and actual as way of thinking potentiality and act (179).<sup>30</sup> The actual is not eliminated though is suppressed to the virtual. Equally, the virtual is not theorised in isolation to the actual as they constitute an immanent circuit (179 n.15). The virtual and actual allow us to apprehend the same event just as the actualization of the virtual never constitutes an impoverishment or mortification of the virtual, because such an actualization always produces in its turn still other virtualities (179).

### Cities Without Citizens

Foucault’s theorisation of the biopolitical, as with his other political analyses, questioned the way power is organised. Rather than seeing power as a static series of relations, as in hierarchical structures or as a substrate, power was seen as exercised, fluid, affective force, whose processes interact in a complex manner. The biopolitical is just one governmental strategy, whose principal concerns are the health of populations. As we have seen, this operates on various registers and was linked to the growth of the biological sciences in the seventeenth and eighteenth centuries. As we discussed in Chapter Two, health is conceived not just as a moral and individuated good, but as vital for the stability of the State and the economy. Hence we recognise the importance of Foucault’s comments on the role of the biopolitical in capitalist society. Rather than it being an egregious strategy by industrialists, it is both a by-product of strategies for growth in population, as well as the need for security, as the management of risk, averting epidemics, endemics and evaluating the economic cost of the ill. While Foucault may not have anticipated the various reapplications of the biopolitical, or even the continued longevity of that word in its circulation, the theorists we have discussed each find similarities, differences or fault with Foucault, each in his or her appropriation of shifts in terms, or shifts from politics to ontology, that open new horizons in its usage.

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<sup>30</sup> We would suggest that Deleuze encounters Foucault’s ontologies of power and knowledge precisely in these terms, as immanent planes of receptivity of unformalized matter and spontaneity of non-finalized functions, along with the receptivity of formed matter and spontaneity of finalized functions. And, in this sense, for Foucault, an ontology of self—thought—is an event of an outside: an open possibility to become (Deleuze, 1988).

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Earlier in this chapter we introduced the edited collection by Cadava and Levy, *Cities Without Citizens* (2003) and its politically radical project of inventing new paradigms for a politics of belonging. Such a move for the reinvention of the city, contingent on its own future possibility, allows for a radical shift in how we define both the city and citizen. By doing so, the city would shift from Agamben's position in *Homo Sacer*—that relation of the city and citizen that has been reduced to *bare life*, such that there is no longer a difference between camp, city, and house and no longer a difference between the biological body and the political body (Agamben, 1998: 188): “It is becoming increasingly impossible for it to function, and we must expect not only new camps but also always new and more lunatic regulative definitions of the inscription of life in the city. The camp, which is now securely lodged within the city's interior, is the new biopolitical *nomos* of the planet” (176).

Agamben, writing in *Cities Without Citizens*, examines the status of the refugee with regard to the weakening of the nation-state and the breakdown of traditional juridical-political categories within it (2003a: 4).<sup>31</sup> For Agamben, this means that the refugee is more than a displaced individual. Rather, the refugee becomes central to the re-conceptualization of the political such that traditional classifications are no longer operable. The refugee becomes pivotal for thinking the future of political community (4). Agamben relates emerging crises of refugees and stateless peoples—as a “mass phenomena”—to the dissolution of European empires after World War I, radically changing the relation of individuals to the State (4). No longer was the relation based on what Foucault called in *The Will to Knowledge* a “society of blood” as a non-temporal and non-spatial relation of sovereign to subject (Foucault, 1978: 147). This relation was replaced by nation-states constituted on demographics and based on language, ethnicity (*ethnos*) and a relation to territory. This meant that citizenship could be taken or replaced, determining an individual as refugee or stateless. The former has a State but ‘chooses’ not to reside there for whatever reason—threats of violence or persecution—the latter is based on legal denaturalisation and denationalisation, which served as a dividing practice, designed to remove those deemed not to be part of the nation-state (Agamben, 2003a: 4-5). Agamben recognises that throughout the twentieth century there were a series of international organisations created to protect the rights of displaced persons, though he sees their overall effectiveness to be limited, due to issues arising from the nature of the nation-state and its juridical ordering (6).

Here is especially a crisis moment with respect to the *Rights of Man*, which relies on a

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<sup>31</sup> Agamben bases his analysis on Hannah Arendt's 1943 article “We Refugees” (2003a: 3).

symbiotic relation with the nation-state.<sup>32</sup> As such, the figure of the refugee highlights the weakness of this relation as this is predicated on the rights of the citizen rather than what might be called an inalienable right to being human, or even to being life.<sup>33</sup> Hence, the status of the refugee is seen merely as a temporary condition—once naturalised or repatriated the refugee is reintegrated into the nation-state (6-7). Human rights were, paradoxically or incongruously, fundamental for the movement of juridical-legal production of *bare life* in the nation-state (7). Agamben argues that the growth of refugee populations, rather than being marginal, in fact unbinds the tripartite relationship of “state-nation-territory” such that it forms a “limit-concept” for rethinking community (8).<sup>34</sup> Thus he argues that conceiving of political ontology, the refugee must be set apart from the conception of both human rights and asylum (8). The status of the refugee or stateless individual is also complicated by the growth of permanent non-citizens or “denizen” who do not desire to be naturalised in the countries where they reside or be repatriated to the State of their nativity. However, they do wish to benefit either economically or socially from the State in which they live (9).<sup>35</sup> In doing so, they raise the question of rethinking the nation-state and the role of the “native” or who is “native” with regard to a “state-nation-territory” triad (9).

<sup>32</sup> Agamben’s critique is advanced from Arendt’s chapter, “The Decline of the Nation-State and the End of the Rights of Man,” in the section “Imperialism” in *The Origins of Totalitarianism* (1958). It explores the link between these categories, understanding the weakening of the nation-state homologous with a decline in the Rights of Man (Agamben, 2003a: 6).

<sup>33</sup> Agamben gives the example of the 1789 *Déclaration des droits de l’homme et citoyen*, which embeds an ambiguity as to whether the categories Man and Citizen are distinct or coexistent (Agamben, 2003a: 6).

<sup>34</sup> The refugee camp, Agamben points out, was designed for controlling movements of refugees and he makes the link between the refugee internment camp and the concentration camps of Nazi Germany. In contrast to Agamben’s example, we must not see a direct causal link, or not overly stress this link, between the two. We need to be aware of this as Agamben tells us of the problematic danger of predicating human rights on the “state-nation-territory” triad, especially when caught up (as was the case in Nazi Germany) with pseudo-scientific notions of *ethnos*. This is what Foucault describes in *The Will to Knowledge* (1978) with the shift from a “society of blood” to a “society of sex,” based on the biological concern for *race* (Foucault, 1978: 147). This “danger” is the danger of thought that reductively collapses ethics into a calculative framework or a way of thinking that does not take ethics into account.

<sup>35</sup> At the risk of sounding a pedant, Agamben credits Tomas Hammar with coining the term “denizen” for non-citizen residents. This seems not to be the case, as the word has been in English usage since the fifteenth century, meaning either an inhabitant of a place, or foreign non-citizen resident. Interestingly the latter meaning, in the U.K., described a granting by letters-patent of denization directly by the Sovereign, as opposed to naturalization legislated by the Crown (State), as outlined in *The Naturalization Act of 1870*. The same Act stripped citizenship from British women who married foreign nationals, indicative of the same juridical process of de-nationalization that Agamben describes.



*Figure 19.* Goldberg, J. (2011). *US/Mexico Border, near El Paso.* Magnum Photos.

Agamben suggests that while it is problematic to conceive of or predict how this might be actualised, there are examples where these categories are blurred. Jerusalem, with respect to the question of territorial ownership and control, is simultaneously the capital of two States. Its condition is based on “reciprocal extraterritoriality (or... aterritoriality)...” (9). Agamben argues that this could, paradoxically, become a new model for the re-conceptualization of territory and boundary conditions, rather than current models that produce large scale dividing mechanisms such as the growth of wall constructions in Israel/Palestine or the Mexico/United States borders. Agamben imagines an arrangement where different political communities (States) could exist via a state of reciprocal extraterritorialities (9).

One may read here the ontology of the “camp” from *Homo Sacer*, that dislocating locating of the exception, a radical outside or exteriority as the internality or essential conditions of being. However, this resonance with the exception, in the extra-territorialities, has a different modulation, a different modifying of the question of power and freedom than we saw in the bleak portrayal of every city paradigmatically a camp. One might even say, in an aftermath to *Homo Sacer*, Agamben has learnt to hope. Unlike embassies or territorial oddities such as the Bangladeshi-Indian enclaves or those of Belgium-Netherlands communities of Baarle-Hertog/Baarle-Nassau, (as embassies or enclaves exist as territorial pockets within another State), Agamben’s *aterritories* would not coincide with the territory but co-exist simultaneously as if territory is no longer operational. Perhaps an example of this can be seen in the fictional novel *The City and the City* (2009) by China Miéville, which parallels Agamben’s *aterritory*. In the novel, there are two completely separate cities *Besźel* and *Ul Qoma* that share exactly the same urban space whilst having completely independent and separate citizens and juridical systems. However, unlike Agamben’s *aterritory*, citizens in the novel live as if they inhabit two completely separate cities. They have *trained* themselves to “unsee” the citizens of the respective other city while inhabiting the same urban space. This would be a peculiar panopticism, a curious disciplinary encounter with blindness. Though, one does see this kind of training or perspectivalism on a daily basis as one encounters, in any and every city, the homeless, the begging poor and disabled who often confine themselves to civic squares or parks at the centre of cities.

With the novel, such practices of separation are enforced so that inhabitants are punished if they recognise “other” citizens, or recognise that the two cities they inhabit are the same. Agamben’s *aterritory*, unlike Miéville’s overlaid political communities, operates not according

to juridical practices based on Right (*ius*) or based on citizenship, but based on the refugee (*refugium*). Agamben sees this as a state of ongoing and open exodus, operating spatially not in homogenous trans-national territory, such as is the case with the 1997 *Schengen Agreement* that allows free passage for citizens of the European Union within Europe. Rather, the spatiality is radically distending, in a shifting manner, which likens the spatial locating to the topological movements of a möbius strip (10). This state of exodus would mean the dissolution of citizenship based on birth, further confounding the notion of *people* that would have to be reconceptualised beyond traditional political categories (10). This would mean two things: firstly, that the refugee *is* the political figure par excellence, as Agamben suggests: “Only in a world in which the spaces of states have been thus perforated and topologically deformed and in which the citizen has been able to recognise the refugee that he or she is—only in such a world is the political survival of humankind today thinkable” (11).

Secondly, this offers hope for renewal of political categories that seem to be missing from *Homo Sacer*. Certainly if we stop reading at the point where Agamben declares: “The camp, which is now securely lodged within the city's interior, is the new biopolitical *nomos* of the planet” (1998: 176), we would fail to recognise that for Agamben the *camp* only *seems* inescapable in his reading of contemporary politics, and is problematized by the conceptualisation of *people*. This would, for Agamben, allow for a “fundamental biopolitical fracture within itself.” (1998:178). One wonders to what extent Agamben’s “people” owes a conceptualizing debt to Negri’s rigorous thinking through the legacies of Spinoza’s *multitudo*. It is this “biopolitical fracture” that offers hope of a future community to-come so that: “Only a politics that will have learned to take the fundamental biopolitical fracture of the West into account will be able to stop this oscillation and to put an end to the civil war that divides the peoples and the cities of the earth” (1998: 180).

The figure of the refugee allows for the possibility to rethink political categories of the citizen. However, it also allows for a re-conceptualization of the city, whereby the condition of reciprocal extraterritoriality would allow cities to “rediscover their ancient vocation of cities of the world” (2003a: 10). Notwithstanding the antagonisms we have outlined on the part of Derrida to the political writings of Agamben, Agamben’s conception of the refugee may be considered in relation to Derrida’s reading of the *foreigner* in *Of Hospitality* (2000) that explores the problem in classical thought of the role of hospitality and foreigner. Derrida teases out a paradoxical set of relations between these two categories and, in doing so, he

complicates their interrelationship. He does this via analysis of the key notions initially undertaken by the French Structuralist, Émile Benveniste.<sup>36</sup> Derrida explores the relation of the Latin for foreigner “based on the two Latin derivations: the foreigner (*hostis*) welcomed as guest or as enemy. Hospitality, hostility, *hostpality*” (2000: 45). Derrida explores how this ambiguity affects our contemporary “techno-political-scientific mutation” (45). In classical thought the terms “foreigner” and “hospitality” were complicating, and mutually non-contradictory. Whereas we now find with contemporary political frameworks, as Derrida points out, there is “a rigorous delimitation of thresholds or frontiers” between what is foreign/non-foreign, or the citizen/non-citizen (47-48). Here Derrida makes a link between the logic of Law and Kant’s juridical thinking in “Perpetual Peace: A Philosophical Sketch” (Kant, 2006). For Kant, the role of hospitality is assured and the foreigner is accepted as a human being. However, this is located within the Law. That is to say, it is conditional: “Hospitality is due to the foreigner, certainly, but remains, like the law, conditional, and thus conditioned in its dependence on the unconditionality that is the basis of the law” (71). This would be a point not lost on Agamben who would see, on the one hand, the violence at work in the law inscribing the welcoming of the foreigner and, on the other hand, the unconditionality of law as precisely that which founds exceptionality.

Though, here Derrida distinguishes between two types of hospitality, which are based on two differing forms of *law*, setting up a paradoxical situation or antinomy between conditional and unconditional hospitality (77).<sup>37</sup> Thus two laws: the law of welcoming the foreigner; the other a normative condition that sets space for the foreigner (79-80). This forms an ethical problem for Derrida, namely: how do we, as hosts, respond to the foreigner? (131): “The problem of hospitality was coextensive with the ethical problem. It is always about answering for a dwelling place, for one’s identity, one’s space, one’s limits, for the *ethos* as abode, habitation, house, hearth, family, home” (2000: 151). While both thinkers engage with different approaches to the question of the refugee or the foreigner, each

<sup>36</sup> These notions are found in Benveniste, (1973), *Le vocabulaire des institutions indo-européennes / Indo-European Language and Society*.

<sup>37</sup> Derrida’s use of the term “antinomy” while actually meaning “paradox,” plays a double-move, in that the etymology of the word comes from the Greek *antinomos*, literally meaning “against-law,” playing out his concern with *Law*. With this antimony there is a curious resonance precisely with Foucault, and the Foucault found in need of correcting—or extending—by Agamben. Derrida emphasizes, on the one hand a legal provision, sovereign law, and on the other hand, a normalizing regime, sovereign juridical procedures and techniques of normalization. These are precisely the two modalities of power that Foucault emphasized undergoing significant modification at the end of the eighteenth century. And it is these two, now determined by Derrida to be antinomal, that Agamben found requiring a unifying theory of power in the sovereign ban.

proposes a type of ethics or ethos of trying to engage beyond categories of law and territorial demarcations that are by-productions of juridical thought. Each returns to the foreign, but as home, in a sense refusing categories of interior and exterior, belonging and not belonging. The foreigner is not reducible to the refugee or stateless until that moment when every being is stateless as originary possibility to be, at which point every belonging is the dispossession of a refugee and every condition is that of becoming-foreign.<sup>38</sup> Agamben, in *The Coming Community* (1993) asks if there could be a community without any conditions of belonging, or operating in the absence of conditions, an unconditional community (1993: 84). In rejecting all conditions of belonging and identity, inhabitation problematises the key juridical aspects to the State (87). This would be a politics to-come:

Language opens the possibility of not-being, but at the same time it also opens a stronger possibility: existence, that something is. What the principle properly says, however, is that existence is not an inert fact that a *potius*, a power, inheres in it. But this is not a potentiality to be that is opposed to a potentiality to not-be (who would decide between these two?); it is a potentiality to not not-be. The contingent is not simply the non-necessary, that which can not-be, but that which, being the *thus*, being only its mode of being, is capable of the *rather*, cannot not-be. (Being-thus is not contingent, it is necessarily contingent. Nor is it necessary; it is contingently necessary.) (1993: 105)

### Biopolitics of Risk

From this range of engagements with the biopolitical comes a series of differing concerns that move themselves from an initial affiliation to Foucault's reading of biopower. How do we now locate these frameworks for understanding the biopolitical within studies of the built environment? In an unpublished lecture given in 2006, titled "Metropolis," Agamben, in following Foucault, explores how the contemporary city has undergone a series of governmental mutations, from the classical Greek *polis*, which he contrasts with the metropolis, through to various changes in governmental logic, from sovereignty to biopolitics. This new configuration of the city, as *metropolis*, is itself an apparatus or group of apparatuses that emerge when government becomes concerned with life. Agamben sees two critical analyses from Foucault as being essential for the development and characterisation of this urban space, namely the interrelation of apparatuses for the management of leprosy and plague. We have previously discussed these in terms of the different strategic

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<sup>38</sup> The key Heidegger text for both Derrida and Agamben would be his 1942 lecture course on Hölderlin's hymn, "The Ister," on the Chorus to Sophocles' *Antigone* (Heidegger, 1996). Heidegger explores the perennial task of humans to becoming homely in the unhomely (115-122).

approaches to the management of each, as well as an extended discussion on plague as epidemic along with endemic disease as a major structuring agent in the formation of urban spacings. Leprosy, Agamben argues, was based on the logic of restriction and exclusion, aimed at an extra-territorial movement of lepers, while plague operated within a different paradigm. As it was not feasible to remove plague victim, their management took the form of surveillance, control, and internal planning of urban spaces and other forms of disciplinary hygiene technologies, an intra-territorial movement. The convergence of these two paradigms, Agamben contends, allowed for contemporary urban governmental management. There is no longer a simple binary oppositions to borders, walls, and spatialisation, due to the complicating relations of power and the various apparatuses that operate on them. Agamben suggests, in resonance with Negri and Deleuze, the possibility of a Spinozian approach to government and subjectivity, namely the capacity, in terms of potentiality to act, to become “ungovernable.” Though there is yet no return to the *polis*.

This suggests two major considerations: cities as apparatuses of control, and the problematic of potential and change. Negri engages these in his essay on the architectural theory of Rem Koolhaas (Negri, 2009), discussing Koolhaas’s concept of *junkspace* (Koolhaas, 2002). Junkspace suggests that contemporary architecture is produced by and produces an unending milieu of urban space defined by bland characterless architecture and devoid of meaning. Architects operate as “disenchanted accusers” (2009: 48). Negri agrees, in a sense, that the junkspace Koolhaas describes does exist, though disagrees with Koolhaas’s analysis that *junkspace* is somehow meaningless. Rather “Junkspace is biopolitical.” (48). It is the by-product of capitalist production (49). This Negri relates to Agamben’s assessment of the metropolis as an apparatus that we can no longer push against: “The sciences of the urban bow to biopower.” (50). Negri argues the need to overthrow the forces and relations of capitalist production constituting urban-junkspace-biopolitics, though he is unsure whether Agamben’s metropolis is able to be a place of resistance. And he is certainly unsure whether he can offer assurances to architects: “Will it be possible to open up the chance for encounter and struggles in the metropolis?” (50). Negri does not seem to think so, as he is derisive of alternative forms of architecture that have been suggested as forms of resistance: “communes, self-managed gardens and city allotments, multifunctional squats, cultural and political ateliers, enterprises in the common *Bildung*” (50). Negri sees the city as entangled within an exercise of biopower, suggesting a return to thinking the metropolis as biopolitical production via reengaging with communism and democracy (50). Negri’s suggestion is more than simply rethinking communism and democracy. It is, in part, shaped by the distinctions

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he makes between biopower as *potestas* and the biopolitical as *potentia*, distinctions that ground his political understanding of constituent power, Spinozist in its formation, and opening to a panoply of critical approaches to governmentality in terms of a fundamental rethinking of that which is governed and the agencies of the governable.

Both chapters five and six have sought to introduce how Foucault's development of the biopolitical has been appropriated and extended, and how this has potential for conceiving practices that shape the urban. Agamben, Negri and Hardt, and Derrida provide differing emphases to the question of the biopolitical, though each draws on something fundamental to how questions of power and life effect a movement from anthropology to ontology. Agamben's ontological concerns are with the open potentials he names as the 'camp.' This Heideggerian open may be contrasted with Negri's Spinozist ontology of potential, and Derrida's relentless deconstruction of the terms by which life and power become metaphysical terms. Foucault's own pronouncements on the biopolitical, like much of his work is provisional and shifting, and ought to be considered within the wider analyses of his theorisations of power and governmental practices. Rather than aim for rectitude of the conceptualisations of the biopolitical, whether we agree with Agamben or whether we follow Derrida on the untenable separation of *bios* and *zoē*, or even whether we ought to trace the emergence of the biopolitical as such, we should aim at resonance or at least some fruitful correspondences. For this thesis, linking these theorists concerns questioning how governmental practices, of the State, or urban post-political self-help initiatives or post-democratic trans-national banking and securities firms have become instruments for a governmentality of the State as normalizing techniques or technologies of power, at once diffuse and productive. As this chapter indicated, Derrida emphasised a Heideggerian thinking to the biopolitical, implicit in Foucault and explicit in Agamben. Derrida does not broach the role of Heidegger's *Ge-stell* in discussing Foucault's biopolitical, State instrumentalities of biologism and racism, or Agamben's own Heideggerian analyses. I have suggested where a possible resonance may be thought between Heidegger's *Ge-stell* and Agamben's ontology of the camp. Yet, in an intriguing way, Derrida's deconstruction of the binary *zoē* / *bios*, bare life—life as such—and living, or *zoo-logos* and *bio-logos*, complicates such a resonance where we simply accept or go along with *zoē*—bare life—and the essentializing of *Ge-stell*. The Foucauldian notion of dispositive, apparatus, assemblage, machinic assemblage, as determined by Agamben, Deleuze and Negri, are all candidates for resonating with *Ge-stell*, and the disclosure of nudity, naked or bare life as the dispossession of the human in Heidegger's epoch of technicity. They all have their 'saving power'

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especially in modes of re-conceptualizing potentiality itself. Yet, as Negri notes, it will require more than architectural alternatives for the inventing of other potentialities. While the biopolitical might seem totalising, these theorists also point to ways to reconfigure traditional political categories to other open possibilities: Agamben's analysis of the refugee, and Derrida's deconstructing of the host and foreigner, or the various counter-practices of post-democratic welfare.

In my concluding chapter, I trace, in some detail, the issues of governing the “ungovernable,” or the rise of a constituent and destabilizing power within the urban, in the difficult contexts of the collapse of the American housing market, deregulation of banking, neo-liberal drivers to what are termed post-political and post-democratic assemblages of governmental agents. It is not the architects or planners we turn to for exemplars of new modes of urban governmentality but rather crisis communities inhabiting some of the largest metropolitan centres in the most disproportionately wealthiest country on earth. Communism and democracy, in Negri's terms, may, in fact find its models where least expected. The thesis has developed its Foucauldian engagement by especially emphasising how the aleatory or question of risk became central for Foucault's work on the emergence of liberalism from the policing practices of *Raison d'Etat*. In this final chapter there is a particular emphasis on how welfare measures for housing in the U.S. ushered in radically new horizons for how risk would be assayed, measured and fundamentally eliminated—at least for a time—from calculations on economic profit. This chapter, tracing the collapse of the global economy in 2008, commences innocently enough with the key drivers in the U.S. for urban renewal and equity in housing in the 1930s. Analysis shifts between concerns with urban dwelling form and function and the underlying financing of low-income housing. It is the financing parameters, as I will show, that completely eclipse concern for design and amenity with respect to housing policy.

# Chapter Seven

*Space Security & Risk*

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## Chapter Seven

### *Space Security & Risk*

*Iacta alea est*

This chapter seeks to explore the manner whereby housing, particularly welfare housing since the late nineteenth century, has become, in Foucault's terms, a technology of security that essentially concerns the management of risk (Massey, 2012). It is hoped that by exploring shifting governmental responses to uncertainty and risk, this chapter will give insight into a range of twentieth century crises in the governmentality of habitation that utilized divergent strategies, both welfare driven and market driven, for housing the poor. My aim is to trace through to the present, from post Great Depression legislation in the United States, the extent to which governmental policies on welfare housing, its financing and accessibility, were crucial for determining macro-structural forces in urban development. We are able to currently emphasise the extent to which neo-liberal policies on housing the poor coincided with the liberalisation of the banking system in the United States, and were, in part, instrumental for both the 2007-2008 Sub-prime Mortgage Crisis, and the 2008-2009 Global Financial Crisis. Undertaking a genealogical approach, this chapter seeks to explore the shift from State-centric approaches to social housing that had become predominant especially after World War Two, to new strategies for housing the poor, that occurred with the move from Keynesian economics to neo-liberalism. These offer two distinctly different approaches to the problem of uncertainty and risk. The former takes an interventionist approach that collectively governs through techniques of social insurance, such as health, income guarantee and housing. Neo-liberal approaches sought to individualise these risks with an acceptance of or belief in the efficiency of the market, actively encouraging via a series of incentive or disincentive strategies to switch from State services to private enterprises. Private enterprise concerns with individual freedom and self-

responsibility aim to minimise what is termed ‘moral hazard’, such that individuals can set their own level of risk.<sup>1</sup>

These changing governmental rationalities opened those affected to new uncertainties and new risks. Deregulation of the banking system, coupled with governmental policy that aimed to encourage home ownership, created the ‘sub-prime’ market, essentially a form of higher-risk mortgage lending. The invention of non-vanilla derivatives, such as ‘collateralised debt obligations’ [CDOs], allowed higher-risk activities that were vulnerable to economic change.<sup>2</sup> I conclude this chapter with a brief discussion on two points that engage the predominantly Foucauldian perspective of the thesis: firstly, how governmental rationalities of risk and uncertainty effect and affect the built environment, such that risk and uncertainty are spatialising forces. Secondly, and in taking up concerns of the post-political and post-democratic we more associate with Agamben and Negri, how the question of right and its exercise is to be understood in those provisions that were established for minority groups to access housing finance in the lead-up to the failure of the U.S. banking system.

In a Postscript following this chapter, I conclude the thesis with a further emphasis on how calculability, risk and probability have preoccupied my approach to Foucault, in tandem with an emphasis on an especially Blanchotian Foucault, for whom language and spatialization invokes a radical outside thought in terms of a doubling anonymity of an ‘it

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<sup>1</sup> *Moral Hazard* is the concept that risky behaviour can actually be *caused* by insurance. As insurance mitigates the problem of the occurrence of risk or its negative impacts, the insured may engage in further risky behaviour. This further increases the probability of negative-occurrence in turn leading to knock-on effects whereby individual risky behaviour can cause increased cost to society (Rutherford, 1992: 273). See Baker (1996) for a genealogy of the term, which has both a technical insurance meaning and a larger cultural meaning, the former originating in nineteenth-century fire insurance, itself based on earlier marine insurance and the growth of probability theory (240). The latter, Baker suggests, frequently appears in op-ed articles in American news media, which take social welfare (as State funded insurance) as a form of moral hazard. Baker suggests these ‘truisms’ led to a counterfactual position where the general argument is that less welfare leads to less poverty (238).

<sup>2</sup> *Derivatives* are complex financial instruments such as *options* or *futures*, which derive value from other financial assets. These are traded on *Futures Markets* where traders ‘hedge’ against future movements in shares or commodities, as a way to minimise uncertainty of future prices such as *options*, which give the trader the option of setting an agreed price that “matures” in the future even if the actual price drops in doing so, thereby minimising risk (Pass, Lowes, & Davies, 2005). Vanilla derivatives or *Credit Default Swaps* [CDS] typically swap credit risk associated with an entity that may be either corporate or sovereign, which is to say, from one party to another. Exotic derivatives are more complex, moving between different entities and dividable into different levels of risk. These “tranche” groups extend from an AAA rating to the lowest, which is unrated. We will explore the impact this had on the subprime market later in the chapter (O’Kane et al, 2003).

speaks' and an exercise of power. I briefly introduce the writing of Elie Ayache, *The Blank Swan: The end of probability* (2010), as the most contemporary account of the global financial crisis thought in terms derived from Blanchot, in terms of an equivalence between pricing and writing as pure contingency, which is to say, practices for which the determination of risk is unfathomable. This constitutes nothing less than a paradigm shift in what Foucault saw emerging at the end of the eighteenth century as political economy and a governmentality of risk as apparatuses of security. It is the urban in its political and planning deployments that continues to be the locus or milieu for such transformations.

### Subprime: Urban Determinants of the Global Financial Crisis

On the 9<sup>th</sup> August 2007, *The New York Times* reported that France's largest bank, *BNP Paribas*, suspended three of its hedge funds that had exposure to U.S. subprime housing lending markets. This was due to the concern *BNP Paribas* had with defining accurate calculations of these assets, caused by problems in the subprime market, noting that "complete evaporation of liquidity" within parts of the U.S. securitisation market made it impossible to accurately value certain assets regardless of nominated value or credit rating.<sup>3</sup> It further noted that several large U.S. companies had made losses due to exposure to subprime loans, explaining that subprime mortgages were the riskiest types of property loans, often extended to people with payment difficulties or bad credit histories. This relatively short and somewhat innocuous article, recording the suspension of trading of a number of hedge funds, marked the start of what would become the worst financial crisis since the Great Depression of the 1930s.

What marks the actions taken by *BNP Paribas* as significant is the signal they immediately sent concerning a localised or contained problem in U.S. subprime markets, escalating to a global crisis.<sup>4</sup> "Contagion" rapidly spread this 'problem' to overseas capital markets (OECD, 2012).<sup>5</sup> Barely six weeks after the suspension by *BNP Paribas*, on 14 September

<sup>3</sup> *Liquidity* refers to the characteristic of assets such that they can be exchanged with little change in value, in price, or with minimum loss of value. Money is typically the most liquid of assets, whereas housing has low liquidity as it is not easily convertible into another asset. For an asset to be liquid, it must be able to be exchanged. Securities are liquid so long as they can be traded in an organized market (Rutherford, 1992: 239).

<sup>4</sup> The *United States Senate Permanent Subcommittee on Investigations* [USPSI] concluded in its 2011 report into the Global Financial Crisis that while there are potentially a number of candidates for the cause of the crisis, the "most immediate trigger" was the decision by credit rating agencies Moody's and



Figure 20. Jordan, L. (2007). *Customers queuing to retrieve funds from Northern Rock bank, Birmingham.* Flickr.

Standard & Poor [S & P] to downgrade “...hundreds of RMBS and CseDO securities ...” In doing so, the USPSI believed that these credit agencies acknowledged these high risk and poor quality mortgages were investments that had the potential to make losses, leading to the collapse of the value of these types of securities (2011: 45-46). While not disagreeing with USPSI’s conclusion, I point to *BNP Paribas’* action as the point where the subprime “contagion” became a global crisis.

<sup>5</sup> C.f. Robert Peckham’s analysis of the usage of the word “contagion” during the Global Financial Crisis and how it is used analogously to disease. By this, Peckham is not suggesting a simple correlation between pandemics and financial crises. Rather, the analogy suggests a similitude in understanding ‘risk’ in financial and market analysis, since the 1997 Asian Financial Crisis (2013: 227). Peckham sees this analogy as problematic, leading to potentially false impressions or expectations for the wider public as to how markets and risk operate (243). In this regard we might reconsider Dider Gille’s developed relations between the emergence of urban hygiene as a key concern of the nineteenth century, along with the emergence of capitalism, in terms of both having crucial concerns with flows, the flows of waste, and the blockages and free regulation of capital (Gilles, 1986). This would lead us to a Foucauldian concern precisely with disciplinary mechanisms and apparatuses of security in the governmentality of flows with respect to contagion, and the risks associated with its avoidance or occurrence.

2007, the British bank, *Northern Rock*, experienced the first bank run in the U.K. since 1866, with long queues of depositors forming to withdraw their savings from the troubled bank (Shin, 2009: 101). While not directly caused by subprime lending, *Northern Rock* was heavily reliant on non-retail funding, making heavy use of short-term borrowing, effectively the same funding pool as that for subprime lending (102). Furthermore, the bank was highly leveraged, making *Northern Rock* especially vulnerable to changes in funding conditions (113). Such was the concern of the potential failure of *Northern Rock* that the British Government intervened later that day, with a government bailout guaranteeing all deposits. However, this was not sufficient to guarantee the stability of the bank, ultimately leading to the bank's nationalisation by the British government a year later, on 22<sup>nd</sup> September 2008.<sup>6</sup> Similarly, Iceland, which had liberalised its banking system, was equally vulnerable to “contagion” from external markets.<sup>7</sup> Iceland became the first developed country to request assistance from the International Monetary Fund (IMF) in thirty years, after three of its main banks collapsed in the same week in October 2008, leading to the collapse of its economy (Danielsson, 2009: 9).

Throughout 2008 markets struggled with collapse of major financial institutions, forced mergers, or bailouts, such as *Bank of America*, *Bear Stearns*, *IndyMac Bank*, *Fannie Mae*, *Freddie Mac*, *Lehman Brothers*, *Merrill Lynch*, *AIG*, *Goldman Sachs*, *Morgan Stanley*, *Washington Mutual*, *Wachovia*, among others. In their report into the financial crisis by the United States Senate, the *Permanent Subcommittee on Investigations, Committee on Homeland Security and Governmental Affairs* [USPSI] (2011) noted that within a two-week period in September 2008 half-a-dozen significant U.S. financial institutions failed, leading to them being either forcibly sold or bailed out by the U.S. government to prevent a collapse of the U.S. economy (USPSI, 2011:

<sup>6</sup> Cf. Banking (Special Provisions) Act (2008) which paved the way for the nationalisation of several U.K. banks.

<sup>7</sup> In April 2007, prior to the crisis, the OECD released an economic working paper on the financial markets in Iceland. The paper was generally optimistic about Iceland's banking liberalisation, regarding it as largely beneficial and successful. It noted that there were concerns raised regarding Iceland's banking stability, though the overall assessment given was one of stability: “the system is broadly sound” (Tulip, 2007: 2). The paper noted that three large financial institutions in 2006, *Fitch Ratings*, *Merrill Lynch*, and *Danske Bank*, had raised concerns about the high level of debt and exposure in Iceland's banking system (14). This was mitigated by the Icelandic government's willingness to guarantee its banking system, to the point where the paper questioned whether “... the position of some financial institutions are too secure ...” (15). This paradoxically led to banks engaging in excessive risk-taking practices, in turn causing exposure to the Icelandic public if there was failure (15). The paper warned that banks “considered ‘too big to fail’ ... may soon become ‘too big for the government of Iceland to rescue’” (16). This risk would be realised in 2008.

45-47; Longstaff, 2010: 436). On the 3rd September 2008, the U.S. government introduced the *Troubled Asset Relief Program* (TARP) that was legislated by the *Emergency Economic Stabilization Act* of 2008, which aimed to prevent further collapse and damage to the U.S. economy with \$700 billion being allocated to guarantee the assets of banks, or allow for capital investment or purchase (USPSI, 2011: 43-44). TARP was not solely aimed at financial institutions, with several large American manufacturing companies, namely *General Motors* and *Chrysler*, receiving money to maintain their solvency (44).

“Contagion” started to adversely affect a number of European economies by the middle of 2008, sending their economies into recession. This worsened in late 2008, with the collapse of *Lehman Brothers* into early 2009, by which point the crisis was affecting most global economies. In Europe, for 2008-2009, there was little concern with sovereign debt, but with how best to ‘wade out’ of the global recession (Lane, 2012: 55). This changed late in 2009. Concern with recession shifted to a focus on sovereign debt crisis, whereby nation-states were no longer capable of servicing their debt, either by repayment or re-financing. For a variety of reasons that would take too much space to define in their complexity, Portugal, Italy, Ireland, Greece, and Spain all had economies on the verge of collapse (Lane, 2012: 55-56).<sup>8</sup> The defaulting economies were given bailouts by the E.U. and IMF though these contained a series of conditions that included structural reforms and fiscal austerity aimed at encouraging growth (57). These measures, in turn, have affected employment levels, bringing on higher unemployment or under-employment, destabilised ruling governments, and leading to large protest movements. Throughout the crisis there have been anti-banking and anti-austerity protests. Other events, some global, having their origins in anti-capitalist protests as a response to the crisis, such as protest movements associated with G8 meetings or meetings of the IMF or World Bank, but notably the *Occupy Movement* in 2011 (Adbusters, 2011; Juris, 2012). While not directly connected, the *Arab Spring* in 2010, originating in Algeria, had its roots in the political and economic dissatisfaction that was in part caused by

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<sup>8</sup> The economies of Portugal, Italy, Ireland, Greece, and Spain were referred to by the acronym PIGS or PIIGS, economies during the crisis; however there have been efforts within the financial industry to discourage the use of the term. The use of the acronym predates the crisis, and originally referred to the Eurozone’s southern economies, and not Ireland. Roberto Dainotto suggests that it originated during the mid-1990s when the southern economies joined the Schengen Treaty that removed border checks and passport requirements for member States (2007: 2). Lane suggests that this is partly due to inherent structural weaknesses of the Euro and Eurozone member States to weather negative macroeconomic changes (2012: 49).

the changing economic climate (Joffé, 2011).<sup>9</sup> These protest movements have been characterised by the lack of central organisation and the heavy use of social media. (Bennett & Segerberg, 2011; Joffé, 2011; Juris, 2012)

### Architectural Agency—The Crisis of Modern Architecture

To understand the causes of this global financial crisis and its repercussions for architecture and urban theory, we must turn to analyses of three key issues in the 1970s: firstly, a shift from Keynesian economics to neo-liberal economic policies; secondly, governmental management of and perceived effects and efficiencies of social housing; and thirdly, the perceived failure of modern architecture. As we introduced in Chapter One of this thesis, the latter two are discussed by the architectural historian, Charles Jencks, whose famous and decidedly precise declaration ironically suggests: “Modern architecture died in St. Louis, Missouri on July 15, 1972 at 3.32 pm (or thereabouts) when the infamous Pruitt-Igoe scheme... [was] given the final *coup de grâce* by dynamite” (Jencks, 1984: 9). The Pruitt-Igoe housing scheme, authorised by the St. Louis Housing Authority, commissioned the architectural practice of Leinweber, Yamasaki & Hellmuth in 1950 (Bristol, 1991: 164).<sup>10</sup> As Jencks tells us in his 1977 book, *The Language of Post-Modern Architecture*, in 1951 the American Institute of Architects honoured the housing project with an award for design.<sup>11</sup> By the early 1970s, the scheme had become ‘blighted’ by vandalism and high crime rates to the extent that it was considered more efficient to remove the buildings by demolition than repair them. While the scheme was not honoured with an award by the Institute of Architects, it was honoured and highly commended in a 1951 issue of the important American architecture journal, *Architectural Forum*, for its modernist, rational and functionalist response to housing needs, reflecting the principles exemplified by *The Congress of International Modern Architects* [CIAM]. Its demolition was also a rationalist and functionalist and, in many respects, a modernist response. In fact, Jencks attributes this decision to the rationalist ideals held by modern architecture and urban planning, in particular those of CIAM.

<sup>9</sup> Both *Adbusters* (2011) and Juris (2012) note the *Arab Spring*, in particular Tahrir Square, as a direct influence on the Occupy Movement.

<sup>10</sup> Minoru Yamasaki also designed the World Trade Centre’s Twin Towers, which were destroyed on September 11, 2001 in a terrorist attack.

<sup>11</sup> As Bristol points out Jencks’s belief that Pruitt-Igoe was an award-winning design was, in fact, incorrect (1991: 168).



*Figure 21.* US Department of Housing and Urban Development. (1972). *Demolition of Pruitt-Igoe.* HUD.

For Jencks, the failure of modern architecture stems from its rejection of traditional built forms and the supplanting of more “rational” forms, often at variance to familiar and recognizable “architectural codes” of inhabitants (8).<sup>12</sup> He argues that such codes have a didactic value whereby: “Good form was to lead to good content, or at least good conduct; the intelligent planning of abstract space was to promote healthy behaviour” (9). Jencks makes no qualms in describing his critique of modern architecture as a caricature or polemic, to advance his reading for an alternative architecture, namely post-modernism (Hay, 1998: 308).<sup>13</sup>

However, in doing so, Jencks largely skirts over the causes of Pruitt-Igoe’s failure (1984: 9). The idea that Pruitt-Igoe represented the death of modern architecture has become broadly recognised as part of the discourse of late twentieth-century architectural history, associated with the failure of Modernism, as well as, more locally, the scheme’s insufficiency as an approach to liveable social housing for the poor (Bristol, 1991). Katherine Bristol, in her essay “The Pruitt-Igoe Myth” (1991), explores this predominant reading of the Pruitt-Igoe scheme, whereby the architectural approach or design philosophy was seen to be a contributing factor to the failure of the scheme. She suggests that this particular reading originated soon after the demolition of Pruitt-Igoe, starting in 1972, when it had been widely covered by both architectural journals and the wider press (167). In contrast to earlier criticisms of the scheme, which had focused on particular design features rather than the project’s design philosophy, the critique that emerged at the time of demolition largely focused on architectural style as cause for failure (166-167). This popular reading was advanced in Oscar Newman’s 1972 book, *Defendable Space*, which used Pruitt-Igoe as a case study for his analysis of the build environment, and its affects on human behaviour (Bristol, 1991: 167; Newman, 1995; Newman, 1996). Newman’s design criticism attacked design principles in their adherence to Modernism (1995: 150; 1996: 9-10). He also drew out particular design flaws of the project, identifying Pruitt-Igoe’s multi-story construction, long corridors, lobbies, and entry and egress points as weaknesses and cause of high levels of vandalism (Bristol, 1991: 167; Newman, 1996: 11). What is interesting about Newman’s

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<sup>12</sup> Jencks only makes mention of one key reference in his analysis of Pruitt-Igoe, namely Oscar Newman’s 1972 book, *Defendable Space* (1984: 8).

<sup>13</sup> Jencks recognises that his reading is a caricature of modern architecture and does not aim to develop a more finely grained reading of more generally recognized failures of rationalist thought, particularly in instrumentalist technological frameworks, and how this might have relevancy for certain ideologies in modern architecture (1984: 9).

analysis is that he, in fact, recognises that multi-story construction can be successful, even giving the example of middle-income housing, recognising that economic forces rather than an exclusive concern with design features are significant to a project's success (Newman, 1996: 12-13). His focus is on building services and service personnel: “doormen, porters, elevator operators, and resident superintendents” (12), rather than design features, recognising that such services were impossible to afford or sustain with public housing that struggled to fund even full-time maintenance (13). Newman does not ostensibly recognise that it is precisely these services that maintain and secure the housing scheme, providing a secondary function of surveillance for the building (12). In addition, Bristol suggests that Newman's environmental behaviourism largely overlooked the economic realities that had affected the communities living in St. Louis and, in particular, at Pruitt-Igoe (Bristol, 1991: 167).

By the time Jencks wrote *The Language of Post-Modern Architecture* there was already a large extant body of literature that reinforced the view that the Pruitt-Igoe scheme had failure due to its adoption of and the subsequent failure of Modernist design principles, with much of this literature overlooking the changing economic climate (167). Part of the appeal of Pruitt-Igoe, Bristol suggests, is that it provides an expedient example for new architectural movements that were critical of Modernism, namely post-modernism and environmental behaviourism (170).<sup>14</sup> In doing so there was a tendency to overplay the role of the architect as the central agent with respect to architecture and public policy. This shifted the perception of problems that actually existed in housing policy, to the domain of the architectural profession (170).

### Urban Housing Crisis—The Interventionist City and Truman's Fair Deal

If we critically consider Pruitt-Igoe from discursive frameworks other than architectural design history, we find that its origins, along with much of American social housing, to be in welfare and Keynesian economics, introduced with Franklin D. Roosevelt's *New Deal* that were, in part, a response to the Great Depression. Crucial to the New Deal policy was the

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<sup>14</sup> Pruitt-Igoe became iconic, an emblem standing in for public housing as the whole. As one of the largest social housing projects constructed in the United States, and one that never achieved more than 60% occupancy, it was *the* celebrated failure of CIAM's fundamental methodology for equity in social living. This failure was compounded by the narrow focus of critical analysis that predominantly engaged formal concerns rather than the political economy of design.

need for adequate housing for low-income families (Pritchett, 2008: 268).<sup>15</sup> Pruitt-Igoe, like other social housing schemes, was created under the *United States Housing Act* (1949) that made funds available for city slum clearance, urban redevelopment and social housing (Bristol, 1991: 163). This was, in part, a response to two factors that occurred in American housing post-World War Two. Firstly, we witness the rapid growth of suburban housing, especially among middle-class Americans, predominantly European Americans. The viability of suburban living was a result of availability of affordable automobiles and efficient motorways that opened up cheap rural land for redevelopment (Mees, 2010: 12). Secondly, as a consequence of the shift to suburban housing, older inner city stock provided cheap housing for the rapid migration of lower-income African-Americans moving from rural to urban centres (Pritchett, 2008: 270; Bristol, 1991: 163). These inner-city suburbs, as with what was to become the Pruitt-Igoe site in St. Louis, deteriorated into slums due to under-investment (Bristol, 1991: 164). This, in turn, had flow-on effects onto surrounding neighbourhoods. As with many other American urban centres in immediate post-war development, slums in St. Louis moved closer to the downtown business district, which led to local business anxiety about depreciation of property prices (164). Quality public housing was seen as response to ameliorate such concerns, aiming to reverse the spiral of

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<sup>15</sup> See Massey “Risk and Regulation in the Financial Architecture of American Houses” (2012), for a more comprehensive overview of the history of home ownership and mortgage lending practices in the U.S., from the late nineteenth century to the 2000s. Massey argues that American home ownership has gone through four principle phases since the late 1800s to the present (22). The first period extended from the late 1800s to after the First World War, with home ownership rates being far lower—46% of Americans owning their own home—with the rest in rented accommodation. This period was marked by limited opportunities for mortgage lending, restricting growth of the housing market (22). The second period, from the end of World War I to the Great Depression, saw the start of State intervention into the housing market and the development of more modern mortgage lending practices, with “Home and Loan Associations” that lent a higher proportion of the debt (26). This led to growth in the housing market, with a housing boom that peaked in 1925 (35). However, after 1925 there was increase in home loan foreclosures that worsened with the 1929 stock market crash. The home lending market crashed with dropping property values and lending became more restrictive (26). The liberalization of credit lending practices during this period allowed for higher home ownership rates, but it also meant that, in instances of financial collapse, it exposed borrowers to risks of fluctuating asset prices (36). The third period was a response to the Depression and saw greater government intervention and the establishment of a secondary mortgage market to guarantee loans, in the 1934 National Housing Act that established the *Federal Housing Administration* (FHA), providing mortgage insurance to housing and low-cost housing projects (36). The FHA established national Mortgage Associations with the aim of guaranteeing loans and to allow for greater liquidity for mortgage markets by reducing risk to lender and borrowers. The first Association, set up in 1938, was the *Federal National Mortgage Association* (Fannie Mae) (36). The last period Massey identifies is from 1970 to the collapse of the American sub-prime market in 2007, that saw the development of new mortgage lending practices, liberalization of banking regulations and the growth of housing speculation and significant exposure to risk (38-41).

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deteriorating inner city development, and to encourage back middle-class families who had left for the suburbs (164).

However, this is not to say that such strategic welfare-driven responses were universally regarded as positive, with on-going conservative political opposition to social housing. This opposition used the specific circumstances of early 1950s America as a further foil to the broader adoption of public housing. There were material shortages caused by the Korean War that meant budgets for social housing administered by the Federal *Public Housing Administration* (PHA)—later merging with HUD—were severely curtailed. As a consequence, budgetary constraints meant that schemes such as Pruitt-Igoe were subject to design changes as part of an “efficiency drive” (164-165). In the case of Pruitt-Igoe, there was the elimination of certain amenities and poorer-quality hardware and fixtures (Schwartz, 134-135, cited in Bristol, 1991: 164-165). These exacerbated the rate of deterioration of the housing stock, as was the case with more widespread funding policies of such schemes. Under the 1949 Housing Act, there was an expectation, if not economic imperative, for local authorities to derive ongoing funding for maintenance and upkeep of these projects from tenant rentals. While Pruitt-Igoe initially enjoyed popularity and was much publicized, it soon became underfunded in maintenance levies, due, for the most part, to significant decline in lower-to- middle-class occupation rates as the oversupply of suburban housing and its clearance rate meant that lower socio-economic groups were now able to afford private housing (Bristol, 1991: 165-166). This drop of occupation rates resulted in a lack of funding for the scheme. Cost-cutting measure led to delays in basic repairs, combined with poor quality materials used when repairs were actually done. This led to further dilapidation (166). Thus developed what could be termed a death-spiral for Pruitt-Igoe, a thanatopolitics of exceptional acts in the sense that Agamben activates the term. With ever-increasing deterioration, those who could move tended to move away, resulting in even less funding for maintenance. Those remaining were the most economically vulnerable, witnessing an increasing encounter with the destitution of bare life (166). It is here we begin to approach the question of urban habitation from the vantage point of the governmentality of housing, the complex of agents, public and private, State-sanctioned and eventually post-political, whose competing interests opened a series of games of truth that were also the fortunes of urban minorities.

These two flows or forms of migration—an extensive migration of the middle-classes to sprawling suburbs and an intensive migration of the poor to deteriorating inner cities—

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placed new pressures on American cities. The multi-layered American political system of Local, State and Federal legislatures, legal Constitutions and taxation systems—whose jurisdictions tended to be, at times, wildly divergent and, at others, coincident—was seen as an additional aggravating factor. It was widely recognised that some form of Federal intervention was required (Pritchett, 2008: 268). A wide range of Federal programmes were instigated throughout the 1940s and into the 1950s that expanded FDR’s *New Deal* housing policies (269). The administration of John F. Kennedy in the early 1960s proposed a Federal government agency for housing and urban affairs, though the Kennedy administration was not particularly focused on urban problems. However, his successor, Lyndon B. Johnson, due to increasing problems associated with many American inner cities, and in widespread and urgent political contexts of addressing Civil Rights for African-Americans, established the *Department of Housing and Urban Development* (HUD) in 1965. HUD sought to reform local government and region-wide solutions to urban problems, promote racial integration, as well as expand the role of the Federal government in affordable housing (267). We recognise the extent to which this crucial period in American Civil Rights history has its political rationalities so well inscribed in biopolitical governmentality, and surviving discourses of what Foucault termed State Racism.

This cusp of a revolutionary fervour, at the convergence of civil liberties issues driven by a mass-educated middle-class baby-boomer generation, and a politicized and militant black activism, fighting conscription, American war efforts in Vietnam, civil rights abuses with African-Americans and other minority groups, counter-culture philosophies, dropping-out, drug and commodity cultures aimed precisely at this demographic, this upheaval in America coincides with the most radical formulations in economic terms, of harnessing the flows of massive change. What emerged, from this mass of social and political activism, was not an American communism-democracy of the people, as some indeed thought possible, but the grounding logic of neo-liberalism—striving for superlative betterment, according to one’s means, in alignment with one’s goals. By the time of HUD’s conception in the Johnson administration, serious misgivings had already had been raised around the effectiveness of social housing, especially with evaluations of schemes such as Pruitt-Igoe, blighted by violence and vandalism (267). These concerns were coupled with long-term trends in suburban growth and de-industrialization of traditional manufacturing cities and regions that became known as the “rustbelt” (Hobor, 2012: 1). In addition were increasing inner-city racial tensions and riots—for example, the Watts riots in South Central Los Angeles in 1965—that complicated the task of developing a comprehensive approach to

urban American social housing policy (Pritchett, 2008: 267). Though by 1968, the scope of HUD had grown in size and complexity, with a broad set of programmes that were highly divergent in nature, from urban redevelopment projects, oversight of the Federal Housing Authority (FHA) that had an expanded role for low-income rental accommodation, and the regulation of housing markets (278). Such was the institutional and bureaucratic complexity of HUD, that reflected the irresolvable complexity of housing policy, as intimated above, that by the early 1970s the organisation was seen as a failure (Pritchett, 2008: 267). Richard Nixon, campaigning for president in 1968, targeted HUD as ineffective and unsatisfactory to deal with the wide range of urban problems that were assigned as its remit. Nixon, in Republican fashion, wanted to decrease Federal governmental mandate. He wanted to return ‘power’ back to State and Local governments (278). By ‘power’ is meant the exercise of a governmental rationality that mobilises more-or-less timely, more-or-less relevant, more-or-less local agencies, normalising techniques, spatializing practices, interventions and regulatory frameworks.

With Nixon elected in 1969, though he had attacked Johnston’s “*Great Society*” housing policies in his election platform, he initially maintained them and even expanded some (279). However, by 1971 such was the broad range of concerns with the Federal housing programmes, that Nixon froze all urban funding (279). He was heavily criticised for this by the Democrats, primarily for usurping Congressional intent. Though, due to widespread dissatisfaction with the existing urban policy, there was bipartisan support for change (279). In his 1973 *State of the Union* address, Nixon emphasised the importance of “self-reliance” and reaffirmed his commitment to devolving the role of Federal government programmes to State and Local mandates (280). In 1974 Nixon sought to reduce the high-cost spending of HUD, then evaluated as a poor performer that had little in the way of results (280). That same year the Senate passed the *Housing and Community Development Act* (1974), which merged most of the Federal housing programmes into a single grant, the Community Development Block Grant (CDBG), leaving HUD with an overseeing role for urban development projects (280). This carried wide bipartisan support in the House of Representatives and the Senate, even gaining support from the former Vice-President, Senator Hubert H. Humphrey, who helped implement the *Model Cities* and *Great Society* initiatives between 1965 and 1969 (281). Nixon, famously, did not survive 1974 as president, and no doubt had his own concerns about the social and political integrity of another paradigm of housing, that in America goes by the name “The White House.” President Gerald R. Ford signed the Act into law later in 1974, which simultaneously increased funds to local governments for urban development

and removed Federal involvement in urban policy (281). The CDBG has been in place for forty years and has been used for a range of urban development programmes including housing developments, such as the HOPE VI scheme, based on Oscar Newman's concept of *defensible space*, and Section 8, a housing rent subsidy voucher scheme. We discuss HOPE IV and Section 8 in some detail in what follows.

### Housing the Poor: Self-as-Enterprise

There is no question that many American social housing schemes have been blighted by crime, violence and vandalism, similar to what occurred at Pruitt-Igoe. However, an evaluation suggesting that the majority of American social housing suffered from such problems would be an incorrect one. In 1989 the U.S. Congress established *The National Commission on Severely Distressed Public Housing*, to evaluate social or public housing stock. It found that the vast majority of U.S. social housing was well maintained and managed, with only six percent all U.S. social housing stock suffering from those problems generally associated with social housing: crime, poverty, unemployment, and drug dependency (Bennett, Smith, & Wright: 2006: 32). However, there were intensive localities, such as in Chicago, where the majority of social housing suffered disproportionately from crime and poverty.<sup>16</sup> Of particular notoriety were Chicago's Cabrini-Green and Robert Taylor Homes that had been given a national reputation for high crime-rates and poverty (32).<sup>17</sup>

<sup>16</sup> In Chicago social housing suffered from severe mismanagement, leading to Federal government intervention, taking direct control from the *Chicago Housing Authority* during the 1990s (Schwartz, 2006: 136).

<sup>17</sup> One particularly tragic example of the violence in social housing in Chicago was the death of Ruthie Mae McCoy who was murdered in her apartment in the Grace-Abbott Homes, which was part of the wider CHA run housing project known as the ABLA in the near-south-side of Chicago (Borgia, 1987). The social housing project was blighted by high crime and drug addiction; furthermore it was poorly managed and severely dilapidated. Grace-Abbott Homes was largely regarded as being the most dangerous within the ABLA complex. When McCoy called the police regarding an attempted break-in, there was confusion regarding her description of her assailants trying to breaking through the medicine cabinet in her bathroom. This led to further confusion when the police arrived, finding a locked door and her neighbours unaware of any commotion. As a consequence, her body was not found for several days. Prior to McCoy's murder, it was common knowledge in ABLA that one could break into apartments through the built-in medicine cabinets. These were loosely fastened into a small pipe chase that led to an adjacent apartment's medicine cabinet. Intruders could move through multiple apartments without being noticed, via systematic removal of the medicine cabinets and in some instances moved vertically between floors. This had been utilised by local gangs for selling drugs and evading police. This tactic of moving through walls is paralleled in Eyal Weizman's analysis of the *Israeli Defence Force's* [IDF] use of critical and architectural theory to rethink urban warfare tactics, such as in their use of Deleuze and Guattari's concepts of *smooth space and striated space*, as well as D & G's understanding of *swarming*, offering practical

While only a small percentage of social housing has suffered from problems more generally associated with such schemes, as we have seen, perception that U.S. social housing was a failure existed for a significant period, at least since the Nixon administration. One may speculate on media perpetuation of such perception, which would extend to both news media's over-reporting on criminality linked to social housing, as well as fictionalised, particularly cinematic, media whose narratives of ghetto-betterment overcoming of one's born-to-die roots are a staple of Hollywood film and television serialisations. In spite of this widespread perception, there was no cessation of social housing construction and, as Schwartz notes in *Housing Policy in the United States* (2006), in fact social housing development continued to grow to the 1980s. As noted earlier, social housing was legislated in the Housing Act of 1949, with the Act having a goal of building 810,000 units, a goal reached in 1968 (126). From the 1980s, concern about the quality of housing stock grew, in part due to the perceived problems of violent crime and vandalism, as well as perceived or reported issues arising from poor quality construction and amenities, along with mismanagement and corruption in some social housing schemes. These issues, whether pertaining to the six percent evaluated in the Commission's 1989 report or a widespread and propagated *belief* in the evils of social housing in general, led to a policy shift in favour of the removal of blighted schemes, resulting in the widespread demolition of social housing. As a consequence of this, the total housing stock of American social housing has contracted since the mid-1990s (126). One clearly reads here the usurping by neo-liberal economic imperatives of genuine inroads into the crisis of egalitarian housing markets in the U.S. That belief in the social evil of the social as such, the socialism that cannot be pronounced with every public housing project, marks truly the peculiarity of American democracy, just what *by*, *for* and *of* mean when it comes to the "people."

The failure of certain American social housing projects has little to do with modern architecture as a design aesthetic or rationalised form-and-function couple. We cannot attribute failure to weaknesses in design philosophy, or even to an essential variance of modern architecture to the spatial and formal codes, the sign-systems and semiotic

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tactics for moving through densely built-up Palestinian towns or camps (Weizman, 2006: 16). Murder in the ABLA project, as Borgia notes, was far from uncommon, averaging a murder a week and up to two to three in warmer months (Borgia, 1987). McCoy's murder was not widely reported. We note the importance of Newman's "defensible space" in Borgia's 1987 article, with its emphasis on isolation in modernist social housing correlating crime rates with building height. This still largely overlooks the pressing problem of lack of adequate security in projects like Grace-Abbott. Corridors and stairwells were completely enclosed, allowing for no natural light and were poorly lit. Residents were terrified of taking the stairs when lifts were out of order—what goes unforeseen in design and resistive in bodies.

structures, of inhabitants (Jencks, 1984). Rather, what affected these schemes, in terms of our earlier analyses in this thesis, is a biopolitical governmentality of habitation, the complex interplay of a range of different forces, such as government policy, the role of economy, the biopower of race, and especially the management of risk, the aleatory or contingency of practices, no better gauged than in the shifting regimes of discipline and security, welfare and liberalism whose small and local games of truth, as Foucault might say, lead to an openness to resource, which is to say, to a future as possibility: prosaically put, this means a general lack of funds for initial construction and for ongoing maintenance. Throughout the 1990s, the demolition of many high-rise, high-density social housing blocks transformed how the U.S. government sought to house the poor, a shift in the logic of governmental rationality, following Foucault's analysis (2007; 2008). We will survey two key American policies, firstly, HOPE VI, based on a "New Urbanism" model, itself based on Newman's concept of *Defensible Space* and, secondly, the introduction of welfare-vouchers to subsidise rental accommodation for the urban poor, the "*Section 8 Housing Subsidy*" (Schwartz, 2006).

## HOPE VI

In 1993, U.S. Congress established "The HOPE VI Federal Programme," in following the recommendations of *The National Commission on Severely Distressed Public Housing*.<sup>18</sup> HUD administers the HOPE VI grant, which aims to ameliorate severely distressed social housing by the demolition of problematic schemes, allowing for redevelopment (143). HOPE VI housing aimed to be built at a higher standard of amenity than the social housing it replaced. Furthermore, it is designed to be lower-density as well as mixed-income (143-144). Dwellings were designed specifically not to look like social housing. Rather than taking the formal language of "stripped-down modernism" eschewing decoration or ornament, as was the case with earlier schemes, HOPE VI features design elements commonly found in vernacular American middle-class suburban housing, such as front porches, bay windows and gabled rooflines (144; Newman, 1995: 153). Whereas earlier schemes tended to be physically isolated from their surrounding neighbourhoods, in part due to the perceived amenity of high-rise blocks sitting in open green space, this surrounding public space often

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<sup>18</sup> HOPE is acronym for *Housing Opportunities for People Everywhere* (Bennett, Smith, & Wright: 2006: 31-32).



*Figure 22.* Valdez, D. (2007). *HOPE VI Housing, Memphis, TN.* HUD Public Affairs.

being nominated as parkland, HOPE VI sought to blend social housing into surrounding neighbourhoods such that it was less possible to recognise a difference between social housing stock and private housing stock (Schwartz, 2006: 144). Key to HOPE VI's design approach has been Newman's concept of *defensible space*. As I noted earlier in this chapter, this was his critique on modern architecture as having failed to provide adequate housing for the poor, due to use of design features that were "indefensible." By this Newman argues that the heavy predominance of public space in and around modernist housing schemes complemented by a lack of private space, did not allow for protection of individuals or family groups (1995: 150). We recognise a simple correlate between public welfare and private security, the indefensibility of social space and the apparatus of contingency management with space-of-the-self. Though I question the veracity of Newman's critique of modern architecture when he implies that schemes such as Pruitt-Igoe failed due to modernism's inadequate design philosophy. His analyses seem to be far from what we consider pertinent to questions of urban governmentality. Yet, Newman does recognise, without specifically stating or correlating directly, that a critical dimension to higher-density, low-income housing was the issue of security (150). Newman's design 'solution' for social housing is its invisibility, its inconspicuous presence within its milieu, its surrounding neighbourhood, its asocial sociality that relies on the insularity of individuals and family groups, as with private property ownership and housing, providing security for social housing precisely by de-socialising it. This is no doubt an ironic 'hope' for HOPE VI (150-151, & 154). HOPE VI, in trying to reconnect and merge into its surroundings, also sought to reduce high concentrations of poverty in mixed-income and mixed-class schemes, encouraging self-sufficiency for inhabitants, perhaps through emulation of their more affluent neighbours or aspirational drivers in desiring their neighbours' lifestyles. Encouragement was also given to seek support beyond central government funding, by trying to make connections for financing schemes through local government, non-profit organisations, and the private sector (Hanlon, 2010: 80-83).

The HOPE IV process is two-fold. Firstly, there is the demolition and removal of previous social housing blocks, "urbicide" of existing social housing formations and their milieu of networked interrelations. These are replaced by a gentrified version of social housing, whose current models aim to normalise prospective inhabitants according to perceived norms of American suburban dwelling. Secondly, there is the promotion of self-as-enterprise as a form of governmental rationality or governmentality. This, I argue, occurs on several different levels in the HOPE VI scheme. I have noted the shift from Federal government

levels of funding to Local government, non-profit and private sectors. A similar shift occurs with the administration of HOPE VI, which is largely independently administered by State or Local government *Public Housing Agencies* (PHAs).<sup>19</sup> In the past, PHAs would have been centrally administered at a Federal level. Under HOPE VI, this is often “contracted out” to the private sector (Schwartz, 2006: 144). This engagement with the private sector goes beyond subcontracting administration, with mixed-financing being regarded as having a key role in the funding of HOPE VI schemes, actively promoted by HUD in the form of Public-Private Partnerships as a way to make up for the shortfall of government funding due to higher amenity of the schemes (Schwartz, 2006: 144; Hanlon, 2010: 83). Lastly, the role and expectation of individuals shift substantially in the HOPE VI scheme. Whereas older social housing typically insured individuals against lack of housing and often carried a secondary role, as we noted earlier, as a planning technique for transforming deteriorated inner-city housing stock, HOPE VI still maintains an aspect of this latter technique of urban regeneration, though with a considerably different target in social housing as such. A key difference lies in the extent to which the role of individuals significantly differs to that in previous social housing. Governmental disciplinary techniques of examination and self-responsibility are actively encouraged. HOPE VI makes no guarantee for housing those displaced from the demolition of older social housing schemes.<sup>20</sup> This leaves individuals either applying to be housed in new HOPE VI housing, or to be moved onto other social housing projects. Alternatively, they can move to private housing markets, utilising *Section 8* housing vouchers, or leave social housing entirely (Schwartz, 2006: 146).

The scheme introduces a series of requirements for applicants, such as undergoing screening tests as potential tenants in new schemes (146). HOPE VI also gives discretionary power to individual schemes for devising their own eligibility criteria, typically higher than other forms of social housing. This results in those applying for housing potentially being rejected due to poor credit histories, for having a criminal record or lack of suitable housekeeping skills (147). The *Chicago Housing Authority* (CHA), a local government provider of HUD’s HOPE VI scheme, has as policy requiring tenants to work a minimum of thirty hours per

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<sup>19</sup> Note that there is a distinct difference between the Federal *Public Housing Administration* [PHA] and *Public Housing Agencies* [PHAs] (also called *Housing Agencies* [HAs]). The former administered social housing at Federal level and was merged with HUD in 1965 (Bristol, 1991: 170). The latter are either State or Local government agencies that manage housing for low-income residents. These *Housing Agencies* receive Federal aid distributed through HUD, which also offers technical support.

<sup>20</sup> By September 2008 only 24% of original tenants had been rehoused in HOPE VI schemes (Schwartz, 2006: 147).

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week or be enrolled in full-time study (147). This ties into Federal government policy, outlined in *The Quality Housing and Work Responsibility Act of 1998*, which sought to reduce the concentration of poverty in social housing. One controversial aspect of the Act was that it required all tenants in HOPE VI developments to undertake eight hours of community service (150). This governmental process of actively promoting responsibilities with tenants has been one defining feature in contemporary American social housing. One of the simplest, though effective, policies has been the *One Strike Eviction Policy*, introduced by the Clinton administration in 1996 to tackle perceived rates of high violent crime and drug dealing associated with social housing (150-151). The zero-tolerance tenancy policy made it possible to evict tenants from public housing who had committed just one offense. In some cases, even if they had not been convicted of a crime, under the policy anyone evicted becomes ineligible for readmission into other social housing schemes (150). The policy bans anyone from social housing who has a sex offence or is a current drug user, regardless of conviction. This especially includes those who have manufactured methamphetamine in social housing projects (151). In addition to these requirements, the policy also gives PHAs three options for discretionary exclusion: firstly, those evicted from social housing for drug related offences for up to three years; secondly, indefinite exclusion of persons who have engaged in antisocial behaviour caused by serious drug or drinking problems; and, thirdly, a general category that excludes anyone engaged in drug-related crime, violent crime, or any criminal activity that could be deemed a potential risk by the PHA (151).

This policy, while noted for its effectiveness against criminal activity, resulting in decrease in violent crime, is also noted for negatively affecting family members, including children, of those who have broken the one-strike policy and who are subsequently evicted. A further consequence of this policy is the limitation imposed in housing former prisoners (151). We recognise in this panoply of concerns fundamental questions about identity politics and discriminatory politics that go essentially to the questions raised by Foucault concerning the rights of the governed as opposed to citizen rights, and Agamben's ontological critique of individuated right in the biopolitical exercise of power over life itself. One recognises in this the transformational moments from the inalienable sovereign citizen right of welfare politics to the self-enterprising earning of citizenship through normalising social agency.

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## Section 8 – Housing Choice Vouchers

*Section 8* is America's largest scheme for housing low-income individuals and families. In contrast to HOPE VI or other social housing schemes, it has no built form nor does it have a design aesthetic that it is trying to pursue or emulate. It requires no government funding for construction, and utilises the existing private housing market to house low-income households by the use of vouchers to subsidise housing rents (177). In contrast to social housing, which is typically fixed to a particular scheme and location or even in comparison to HOPE VI that actively has a mixed-income scattershot approach to decentralise concentrations of poverty, Section 8 is completely decentralised and distributed, as it is open to any local rental housing agent who accepts the vouchers within areas that fulfil requirements of local PHAs, generally requirements relating to rental costs not exceeding that allowable for the voucher scheme (177). Section 8 is often cited as less expensive—it has no start-up costs as is the case with the construction of social housing and it has no on-going maintenance costs associated with public housing projects (Orlebeke, 2000: 505). Furthermore, it offers flexibility for tenants to access a wider range of neighbourhoods and housing types (Schwartz, 2006: 177).

While current U.S. voucher based rental subsidises have their origins in American housing policy of the 1970s, the discourse surrounding the use of rental vouchers or “certificates” as they have now been named, existed as far back as the 1930s, where the real estate industry actively tried to promote a scheme similar to Section 8 as an alternative to government social housing (Schwartz, 2006: 177; Orlebeke, 2000: 502). However, with the passing of the *Housing Act of 1937*, also known as the *Wagner-Steagall Act*, social housing became the dominant technique for housing low-income Americans with rental vouchers for existing housing playing a relatively minor role at the time. Voucher rental housing was covered in Section 8 of the *Act*, hence the name (502). Nixon's 1973 memorandum on social housing construction saw the need for new strategies in housing low-income households. Several trials were conducted to test the feasibility of rental-voucher-based schemes as an alternative to social housing. Such was the popularity within the U.S. Congress for a voucher scheme that these trials were cut short and the rental voucher scheme was implemented within a year (Schwartz, 2006: 325-326n.1). The scheme was further expanded after the election of Ronald Reagan in 1980. His administration established a Commission to review social housing. In its findings, the Commission recommended against the further construction of social housing as “unfeasible,” suggesting further broadening the scope of Section 8 as the

most efficient way to house low-income Americans (Orlebeke, 2000: 505). Regan petitioned Congress to repeal subsections of Section 8 that were concerned with housing production. When passed into law, this left Section 8 as the sole form of Federal housing subsidy. The *Act* was further amended in 1985, whereby it became possible for tenants under the scheme to pay more than the HUD assigned market rent with the difference being the sole responsibility of the tenant (505). There were initially several different types of vouchers under the Section 8 scheme, though these were merged and subsequently renamed in 1999 as the *Housing Choice Voucher* with the passing of the *Quality Housing and Work Responsibility Act of 1998* (505). We recognise the no-government neo-liberalism of welfare housing, that leaves it more-or-less to the market to adjust demand and supply for minority and disadvantaged groups, translating government subsidy in the most direct ways possible into private enterprise decision processes.

Since its implementation in 1974, Section 8 has grown significantly. Many have moved into the scheme with the contraction of U.S. social housing stock, particularly since the mid 1990s, with demolition of deteriorated Projects. While there is some construction of social housing through HOPE VI, these do not come close to replacing the number of units destroyed. It is likely that rental vouchers will remain the dominant way to house low-income Americans for some time (Schwartz, 2006: 180). While vouchers are promoted as cost-effective and offer more choice to low-income Americans, concerns have been raised that vouchers might place inflationary pressure onto the rental market and, as a consequence, erode the ability of those in rental voucher schemes to find quality housing (205). While most of these concerns have not been borne out, other concerns have been raised. Firstly, there is an issue of possible racial discrimination and segregation as many voucher users are located in predominantly minority neighbourhoods (206). Secondly, there is vulnerability of the scheme to changes in political or budgetary climate. An example of this is the administration of George W Bush, which tried to limit the growth of the scheme by implementing a series of policies with the effect of making it more difficult to access (207).

### **De-concentrating Poverty—Disciplinary Technology and Apparatuses of Control**

Both HOPE VI and Rental Vouchers as government policy aim to decrease concentrations of poverty from social housing and their surrounding milieu, by HUD's introduction of mixed-income requirements, via encouraging higher-income households to enter lower-income housing schemes, as in HOPE VI or, conversely, by promoting lower-income

households to move to higher income areas via the use of rental vouchers. In both case, these are seen as ways to racially integrate those who were living in social housing (143, 195, 304; Varady & Walker, 2003: 18; Bennett, Smith, & Wright, 2006: 9). In both schemes there is evidence that this shift to mixed-income has had positive effects as the neighbourhoods typically have better access to and provision for public services and tend not to have the concentrations of poverty or high levels of criminal activity, both of which have positive effects on learning outcomes for low-income children (305). From a Foucauldian perspective, these combine elements of disciplinary technologies and apparatuses of control. The former is probably more the case with HOPE VI than with Section 8 rental vouchers, as HOPE VI places greater requirement for inhabitants to engage in forms of self-examination. Overt procedures requiring self-responsibility seek to shape conduct, preventing negative behaviours for those in social-housing or assisted voucher schemes. These policies seek to shape the actions of individuals, such as the requirement to fulfil work obligations and commitments with respect to crime.<sup>21</sup> Section 8, in contrast, has a governmental rationality we associate with self-as-enterprise, a government of individuals by their own hands. To avoid a residual inference of welfare, Section 8 voucher recipients ‘choose’ the housing that best suits them, and the neighbourhoods they wish to live in, using vouchers as subsidy or full-rental coverage, depending of their sense of social mobility. Both schemes provide compelling emphasis on the shifting logic of governmental agency that has occurred since the 1970s, from welfare approaches of the immediate post-war period to what is typically called neo-liberalism. In the next section we explore how this shifting policy on social housing affected two key sectors that led to global financial crisis by the end of the first decade of the twenty-first century. These sectors were the liberalisation of the U.S. banking industry, and the explicit role of housing markets and financing in deregulation processes.

The political and economic change that occurred during the 1970s had unforeseen consequences in terms of current ongoing and seemingly intractable global debt and exposure to major bank collapses, due to derivatives trading on housing mortgage loans, what ultimately affects the present in ways never possibly predicted by those original policy producers. We recognise the strategic turn from Keynesian economics to supply-side economics, accompanied by deregulation commonly associated with neo-liberalism. Though much of the economic structure in housing markets we are discussing here are

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<sup>21</sup> See Flint (2004) for similar analyses of the role of self-responsibility as conduct on conduct for tenants in the U.K. Social housing, in this respect, acts as a ‘technology of self’.

unique to the U.S., the turn to supply-side economics was global, what we associate with Thatcher's Britain, Reagan's America, Keating's Australia and the fourth Labour government in New Zealand. My aim is to explore the role that policy played in securing home ownership opportunities for low and moderate incomes in the U.S., and how this ultimately led to predatory lending practices precisely on those that such policy aimed to protect, both in terms of a banking industry and prospective home-ownership. Finally, I aim to explore how the secondary mortgage market that originated in the U.S. to encourage lending between banks and the maintaining of a healthy mortgage market, ultimately led to the development of complex derivatives that would crash the global market.

### Economic Welfare to *Laissez-Faire*

This chapter has been principally engaged with American housing policy with respect to social or public housing since the 1930s, and has touched on, though not in an explicit manner, developments in economic policies of the U.S. government in the late 1970s. American economic policy from the end of World War Two was shaped according to Keynesian economic principles, though governmental action was not exercised in an *explicitly* Keynesian manner, as with the use of demand-management aimed at stimulating the economy. It took a more passive approach, based on growth modelling through Federal government expenditure on goods and services to maintain aggregate demand. This policy was maintained in particular through military spending and ensuring high levels of employment as stimulants to economic growth (Rosenberg, 2003: 63).<sup>22</sup>

Internationally this was maintained by the Bretton Woods system, named after the American town where a key economic conference or 'summit' was held, in New Hampshire in 1944. The conference had representation from forty-four nations, and aimed to developing a new monetary and financial framework for the post-War period (83). Key representatives included John Maynard Keynes from the U.K., and Harry Dexter White from the U.S. (84). The goal of the conference was to prevent depressive economic forces, a repetition of what had occurred in the 1930s, prior to and in the wake of the Great Depression. Consensus between the American and U.K. positions argued for relatively open international trade, determined by the market, overseen by a supra-national monetary body

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<sup>22</sup> Aggregate demand is the total spending in the economy from households, companies and government. Keynesian economic policy seeks to balance aggregate demand against savings, taxes and imports to maintain full employment, avoid inflation and promote economic growth (Pass, Lowe, & Davies, 2005)

to maintain international currency stability based on both the *gold standard* and the pegging of international currencies with the U.S. dollar. This latter marked a significant benefit to the U.S. economy. While there were disagreements in the detail of how such a supranational body would operate, this ultimately led to the formation of the *International Monetary Fund* [IMF] and the *World Bank* (84-86; Skidelsky, 2009: 120; Skousen, 2007: 147). For the subsequent twenty-five years, the Bretton Woods system saw remarkable growth in countries directly affected by massive destruction in Europe and Japan, as well those who were not directly devastated, such as America, Australia, and Sweden (Skidelsky, 2009: 120). However the structure of the Bretton Woods agreement also contained significant weaknesses that would put the international monetary arrangement under stress, principally from the growth of international liquidity. This was manifested in America running large balance of payments deficits, and in the “gold pledge,” a guarantee by the U.S. to exchange dollars held by foreigners for gold at a fixed price at \$35 (U.S.) per ounce (Rosenberg, 2003: 98). This presented the U.S. economy a challenge. The U.S. dollar effectively became internationally used as a reserve currency. Coupled with this, foreign currencies continued to exchange their U.S. dollars for gold, resulting in the depletion of U.S. gold stocks. This, in turn, undermined confidence in the U.S. being able to maintain the gold pledge. Intervening in this vicious circle would mean decreasing the U.S. balance of payment deficits, ultimately leading to new ways in developing liquidity for international trade. Conversely, if the U.S. continued running these large balance of payment deficits, it would have to devalue the dollar in relation to gold (98).

Through the first half of the 1960s the U.S. economy grew with little inflation or major industrial disputation. Unemployment dropped and wages grew along with increases in productivity (104). The on-going Vietnam War, particularly from the mid-to-late 1960s with massively increasing deployments of ground troops and its accompanying military spending, combined with increases in welfare spending during the Johnson Administration associated with Federal Civil Rights address, such as the *Great Society* policies, had an inflationary effect on the economy. While unemployment continued to fall there were increases in industrial disputes and productivity and profits fell (98). By the early 1970s, international trade had increased and American consumers were more willing to purchase imported products, in part due to America losing some of its industrial competitiveness along with higher labour costs as U.S. made products became more expensive relative to foreign products. Rosenberg (2003) suggests this was indicative that the U.S. no longer dominated an international economy (174). These on-going pressures on the American economy, coupled with the structural flaw with Bretton Woods’ “gold pledge,” led to the situation where American gold

reserves were inadequate to maintain the status quo. On 15<sup>th</sup> August 1971, Nixon ‘unmoored’ the dollar from the gold standard and introduced *Fiat currency*. In doing so, he effectively dismantled the Bretton Woods system (162). This changing economic fortune led to the U.S. experiencing a relatively new phenomenon, *stagflation*, throughout the 1970s with the combination of high inflation, high unemployment and low economic growth (Rutherford, 1992: 386; Rosenberg, 2003: 183). With the weakening of the American economy, the *Oil Producing Exporting Countries* [OPEC] found themselves in a position where they were able to leverage higher prices for petroleum. This had an immediate inflationary effect and also meant the outward flow of capital from the U.S., which crucially meant such capital could not be locally invested for economic growth (184). Attempts were made at regulatory reform as a strategy to deal with the problems of high inflation in the late 1970s. However by 1979, there were fears of the collapse of the U.S. dollar (193), though this did not eventuate, and there was a further shift from Keynesian economics with the introduction of *monetarist* policies at the U.S. Federal Reserve, under Paul Vocker (193).

While this switch to monetarist policy led to more confidence in the dollar, this did little to stop stagflation (194).<sup>23</sup> By the late 1970s and early 1980s, Keynesian economic policy was widely discredited, and with the election of Margaret Thatcher as British Prime Minister in 1979 and Ronald Reagan as U.S. President in 1980, they both sought to end stagflation that was wrecking their respective countries. Both saw government intervention into the economy as inherently problematic (237). Thatcher and Reagan adopted what might be termed *laissez-faire* policies in that they sought the liberalisation of monetary policy (deregulation), the determination of greater limits to the influence of unions, and deregulation of industry, agriculture, and resource extraction (Harvey, 2005: 1). Reagan’s administration introduced tax cuts for all income tax, implementing “supply side” economic policies, which aimed to ‘incentivise’ people to work harder and to save (Rosenberg, 2003: 237). The liberalisation of regulations aimed to reduce compliance costs, lowering the price

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<sup>23</sup> Monetarism is closely associated with Milton Friedman. It seeks to control monetary supply as its key objective, taking the position that governments should control the amount of money in circulation. Vocker’s shift in U.S. monetary policy from the Keynesian fiscal and monetary policies that aimed at full employment as their fundamental objective, to concentrate on simply limiting inflation, lead to higher rates of unemployment (Harvey, 2005: 23). Unlike Keynes’s fiscal policy, which advocates government involvement in the management of the economy to soften the excesses of the business cycle, such as stimulating economy by government spending during depressions, and contracting during booms, Skidelsky points out the growing scepticism in Keynesian policies when dealing with the stagflation of the 1970s, citing British Prime Minister, James Callaghan’s “spending our way out of recession” was no longer an option as in the past. It produced high levels of inflation. Callaghan’s position, Skidelsky contends, marked the end of the Keynesian era (2009: 125-126).

of goods and services and thus improving productivity (238). Social welfare was cut back (247). Overall the Reagan administration believed that government had grown too large and that the private sector would be better managed by the private sector (238). These policies became known in the U.S. as *Reaganomics* and are largely associated with what has now come to be called neo-liberalism (Harvey, 2005: 2). Internationally, the series of policies associated with neo-liberalism is often referred to as the “*Washington Consensus*,” outlined in a series of ten key economic points by the British economist, John Williamson, in 1989 that are associated with neo-liberalism (93; Skidelsky, 2009: 120; Williamson, 2000: 251).<sup>24</sup>

### Subprime – Liberalising Home Ownership and the Markets

These 1980s adjustments to U.S. economic policy echo the shifts we have seen in policy strategies for low-income housing, from Federal welfare approaches of the 1960s, to neo-liberal approaches such as HOPE VI and Section 8 that emphasise decentralisation, public-private relationships, and stress the roles and responsibilities of individual recipients.<sup>25</sup> With regard to the more recent Subprime crisis, we will examine the unforeseen consequences and complex interactions that led to collapse of the housing industry, namely the role Federal policy had in encouraging home ownership among low to moderate-income owners, as well as removing barriers to home ownership for minorities groups. There are also factors associated with the growth and transformations that happened to the U.S. secondary mortgage market from the post-war period to the subprime crisis, the liberalisation of banking practices, the growth of predatory mortgage lending, poor risk-

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<sup>24</sup> Williamson (2000) outlined how his concept has been appropriated from his original intention that specifically referred to the largely technocratic policy recommendations coming out of Washington D.C. regarding Latin American countries. He outlined ten key policies, in 1990:

- Fiscal discipline – A redirection of public expenditure priorities toward fields offering both high economic returns and the potential to improve income distribution, such as primary health care, primary education, and infrastructure.
- Tax reform (to lower marginal rates and broaden the tax base)
- Interest rate liberalisation
- A competitive exchange rate
- Trade liberalisation
- Liberalisation of inflows of foreign direct investment
- Privatisation
- Deregulation (to abolish barriers to entry and exit)
- Secure property rights (252-253).

Williamson argues that term as become a catchall phrase to describe free market fundamentalism that is associated with Reagan’s first term (255).

<sup>25</sup> Though not discussed here is the significant role that rental housing plays for housing low-income households along with the role tax credits play in U.S. housing. The later is discussed by Schwartz (2006), where he outlines the impact of the Low-Income Housing Tax Credit [LIHTC], which was established by the *Tax Reform Act* of 1986 (103-124).

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modelling and poor oversight both at government and corporate levels that led to the peculiar situation where predominately suburban housing markets broke the global financial market.<sup>26</sup>

As we have already stressed, the origins of many of America's home financial institutions and financial structures lie in governmental responses to the economic crisis of the Great Depression. Prior to this, America had experienced a housing boom in 1925 with home loans peaking in 1928. This boom was helped, in part, by the liberalisation of credit lending practices. While more restrictive than today's standards, loans often only covered sixty percent of property value. Nevertheless, they allowed greater numbers of ordinary Americans into home-ownership (Massey, 2012: 35). The 1929 stock market crash placed strain on both borrowers and lenders. Borrowers during this period often needed to have two or more mortgages to cover property values. With the crash leading to large scale unemployment and dropping property values, this meant borrowers often could no longer afford to cover mortgage payments, leading to widespread foreclosures (Massey, 2012; Schwartz, 2006). Banks became increasingly reluctant to lend money, often unwilling to refinance mortgages and requiring borrowers to pay back the principle (Schwartz, 2006: 52). The collapse of the housing market led to a lack of liquidity, with banks increasingly unwilling to lend. This placed further strain on the economy, requiring the Federal government to respond to the crisis and to encourage lending. In doing so, it transformed the American housing financial system and expanded home-ownership rates to the majority of Americans (52). The initial response was the passing of *Federal Home Loan Bank Act* (1932) by the Hoover administration to encourage mortgage lending and to provide liquidity for other types of banking institutions, namely for *Savings and Loans Associations* known as "Thrifts," which held most of American home loans (52). As we have detailed, the subsequent Roosevelt administration established the *Federal Housing Administration* [FHA] under the *National Housing Act* (1934) and sought to encourage employment through house construction (52). Under the *Act*, it introduced a key aspect to the American home finance system, namely the development of a secondary mortgage market to guarantee loans that provided mortgage insurance to housing and to low-cost housing projects, that protected lenders from default if borrowers could no longer keep up with mortgage repayments (Schwartz, 2006: 52; Massey, 2012). The FHA encouraged home construction and made home-ownership more available to Americans after the Great Depression. However, they

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<sup>26</sup> We note that due to the varied and complex nature of these interactions that led up to the subprime crisis, the account presented here is highly abridged, and can only be covered in a limited way.

also introduced risk-based modelling that we would define as biopolitical or State-racist governmentality. It was constituted on race, ethnic composition and location, effectively making inner city and predominantly African-American neighbourhoods ineligible for mortgage insurance (Schwartz, 2006: 55). This underwriting practice was not unique to the FHA. “*Redlining*,” as the practice was called, got its name from high-risk neighbourhoods being mapped in red. It was effectively a combined form of risk-based geography and institutionalised racial discrimination (56).

In 1938 the Roosevelt administration set up the *Federal National Mortgage Association* [FNMA] to purchase FHA insured loans, aimed at providing a new source of funding and liquidity for the U.S. mortgage market. Eventually this would become a key element of the U.S. housing system, where it later became known by its much more colloquial or popular name, “*Fannie Mae*” (Massey, 2012: 36). “Fannie Mae” achieved its centrality in the housing finance market by being authorised to issue bonds to raise capital that could then be used to purchase FHA-backed mortgages (Schwartz, 2012: 57). While Fannie Mae initially had a relatively minor role to play in the American housing market, it would become progressively more important with the growth of the secondary mortgage market (57).

### **The Savings and Loans Crisis—Growth of the Secondary Mortgage Market**

This system that has its origins in the crisis of the Great Depression worked well and has been a structural part of the U.S. housing financing system. However, disruption to the stability of the then existing housing system came about with more recent challenges placed on the U.S. economy. From the 1960s through to the 1980s, as we have already seen, the U.S. economy became more volatile, with growing stagflation, leading to instability in interest rates that, in turn, affected the viability of Savings and Loan Associations (Thrifts) to raise funds for mortgages (58). This situation deteriorated through the 1970s, when inflation reached double digits. In this economic environment, Thrifts struggled, worsened by a Federal-imposed interest rate cap placed on mortgage repayments, aimed at limiting increasing costs to savers. By 1980 the situation had severely affected the profitability of Thrifts, and their ability to supply funding for new mortgages. The Federal government sought to remedy this situation by a series of deregulatory measures that aimed to increase the profitability of Thrifts. Effectiveness of these changes was limited, and led to a situation, in 1989, where the Federal government was required to bailout the Thrift industry after a series of Thrifts collapsed. Under the *Financial Institutions, Reform, Recovery, and Enforcement Act*

of 1989 [FIRREA], Thrifts were required to take on a more marginal role in home lending and in the growth of the secondary mortgage market (59). What became known as the “*Savings and Loans Crisis*” significantly changed home lending practices in the U.S., and effectively changed who became designated as the main lenders and originators of mortgages.

### Securitisation—Increased Complexity in Secondary Mortgage Markets

Throughout the 1990s the secondary mortgage market came to play a much larger role in the U.S. housing system with Thrifts becoming less significant. This meant a substantial transformation from localised lending institutions to globalised credit practices. Up until this time, the U.S. housing system had been deliberately insulated from global financial markets by Federal government interventions. That market now became fully integrated into the volatility of global finance (61). The secondary mortgage market grew from initially being the preserve of government organisations such as FHA-backed mortgages and Fannie Mae, to now include private-sector institutions. With this inclusion, these new private-sector banking and investment firms revolutionised the home financial market through the development of complex derivatives called mortgage-backed securities (61). These “securities” are created from mortgages that are on-sold by mortgage banks to secondary mortgage markets, to be re-packaged into securities (61). As the mortgage market changed, so also did mortgage-lending practices, leading to the development of new categories of high-risk loans in the climate of highly competitive housing markets (62). In 1968, Fannie Mae was transformed from a government agency into a government-sponsored enterprise [GSE], a private company guided by government regulation and oversight (62). This change in its economic and regulatory status meant that it was no longer required to just buy government-backed FHA-insured mortgages and could buy mortgages from the private market as well (62). This change meant that some of the functions that Fannie Mae formerly was required to undertake, such as the purchase of certain FHA-insured mortgages and mortgages for government-backed housing schemes, needed a new organisation to undertake them. So the Federal government established the *Government National Mortgage Association* or *Ginnie Mae* (62). In 1970, the Federal government established a third organisation for the second-mortgage market, the *Federal Home Loan Mortgage Corporation* or *Freddie Mac*. In 1989, under FIRREA, Freddie Mac was made into a GSE, with the aim of shoring-up the secondary mortgage market for mortgages issues by Thrifts, and that had not been insured by FHA (62).

As the secondary mortgage market grew, so too did the complexity of securities that were made up of on-sold or insured mortgages. Initially these securities were simply pooled-together mortgages, and investors bought shares thus receiving a dividend on the interest and principal accumulated from individual borrowers (63). These were not a particularly attractive investment for most, due to the risk of default by the debtor, and in some instances fiduciary responsibilities meant investors could not purchase these types of securities due to their high-risk status (63). Recognising these issues and the development of new technologies to facilitate new forms of securitisation, Fannie Mae, Ginnie Mae, Freddie Mac and other private secondary mortgage firms created new types of bonds made up of collateralised mortgages (63). Rather than owning a share of the pool of mortgages as with the earlier securities scheme, these bonds collected mortgages together into an entirely new entity. Profit came from the interest from the total pool, which was further divided into bonds of different maturities, such as short-term, medium and long-term, as well as variable levels of risk that investors were willing to take. These were typically divided into three “tranches”: the lowest “equity tranche,” typically unrated with the highest risk, has the highest payout; the second “mezzanine tranche,” with a lower risk and commensurate lower payout; finally, the “senior tranche” with the lowest risk and with the lowest payout (O’Kane et al, 2003: 13). While the three GSEs initially controlled the secondary mortgage backed securities market, they aimed to limit the risk of default. In this sense, they had “...strict eligibility standards for the mortgages they acquired and securitised” (Schwartz, 2006: 63). For example, mortgages could not exceed the current value of a property. Mortgages that were within the criteria of GSE guidelines could then be sold off into the secondary market. This situation would not last. Private investment banks quickly saw the potential gains from less secure loans.

### **Bad Credit I—Discrimination and Government Response**

If we temporally suspend the discussion on the securitisation of the secondary mortgage market and return to mortgage lending practices leading up to the Subprime crisis, from the 1960s in the U.S., there have been a series of legal and policy changes that aimed to remove discriminatory practices in the real-estate industry, such as ‘redlining’. Further-more, throughout this period the Federal government enacted or implemented policies to encourage home-ownership among low-income and minority households, by lowering the loan-to-value rate for mortgages (Schwartz, 2006: 84). These policies would come to play an unforeseen role in the 2007-2008 Subprime crisis, especially when combined with an

exuberant housing market, deregulation in the banking industry and predatory lending practices by some lending organisations. Since the Subprime crisis, some American commentators have placed the blame of the collapse wholly on these ‘welfare’ or ‘social’ Federal government housing policies, further contending that these policies led to the collapse of financial and banking institutions (Littrell, & Brooks, 2010: 418).<sup>27</sup> Evidentially there is little to link such policies (such as CRA lending) to the Subprime collapse, which suggests that such policies were unlikely, in themselves, to be in any way the principal cause for the collapse (423).<sup>28</sup> However, this is not to suggest that U.S. Federal policy did not play a role in the Subprime crisis, part of which was exacerbated by the weakening of home lending policies, such as lowering the loan-to-value threshold and the deregulation of the banking industry. Both had the intention to encourage home ownership among low-income and minority households and to lower transaction costs to home ownership (Schwartz, 2006: 84). Other factors were the weakening or lack of government oversight and regulation in the home lending industry (84). While both the Subprime crisis and the subsequent global financial crisis occurred largely due to private sectors actions, they operated within an environment shaped by the public sector. Here the U.S. Federal government’s role is significant, as it has been the shaper of key institutions and instruments of housing finance (84).<sup>29</sup>

The U.S. housing system, introduced by the New Deal, helped make home ownership affordable for a majority of Americans. Though it was not until the late 1960s that this would extend to minority groups, with the passing of the *Fair Housing Act of 1968* that aimed to remove discrimination from the U.S. real estate industry (Schwartz, 2010: 253), specifically FHA underwriting practices of ‘redlining’ (55; Littrell, & Brooks, 2010: 418). Anti-discriminatory measures were further extended with the 1975 *Home Mortgage Disclosure Act* [HMDA] that sought to remove prejudicial behaviour in home lending, requiring lenders to disclose information about their loans and applications (265). HMDA was extended in 1992 to include lenders other

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<sup>27</sup> The focus of such critiques has been, in particular, the *Community Reinvestment Act* (1977) [CRA] (Littrell, & Brooks, 2010: 418). This Act seeks to remove discriminatory underwriting practices such as ‘redlining’ that were used by banks and the FHA. The Act tried to foster an equitable and open relationship between the FHA, banks and community groups, aiming to help individuals in low-income neighbourhoods to access home or business loans (418-419).

<sup>28</sup> For a fuller assessment, see Littrell, & Brooks’ (2010) defence of the *Community Reinvestment Act* (1977) against such arguments and a useful series of comparative studies of the impact of CRA lending on foreclosure when contrasted to subprime lending (422-423).

<sup>29</sup> In many respects the U.S. Federal government policy, whether directly or indirectly applied, had effects wholly unforeseen by initial policy makers, due greatly to the deregulated, profit-driven agencies of private sector institutions.

than banks and thrifts, though significantly *not* mortgage brokers (265; Gruenstein-Bocian, 2006: 26). Thanks to this succession of legal acts and new policy implementation that aimed to remove bias, in particular the passing of the *Community Reinvestment Act* of 1977 [CRA], the passing of FIRREA, and GSEs changing their criteria to allow for affordable housing in 1992, the 1970s, 1980s, and 1990s saw more minorities move into home ownership (Schwartz, 2010: 253). While these policies greatly increased minority households moving into home ownership, a new problem arose. It was no longer access to credit *per se* but access to equitable and fair-trade credit that became an issue (270-271). In effect, from the early 1990s to 2006 a significantly greater number of minority households were able to access credit for home loans. Yet their ability to access home loans that had fair terms in pricing and structure increasingly pointed to widespread discriminatory practices. Many seeking credit looked for, or were offered, new home loans such as *subprime* or *exotic mortgages* (272).

### Bad Credit II—Subprime Mortgages and Predatory Lending

Throughout the twentieth century the standard down payment in the U.S. for a mortgage loan had been twenty percent of the value of the property. Prior to the 1990s, those who were unable to reach this target of twenty percent loan-to-value were required to secure private mortgage insurance or a FHA insured loan (Immergluck, 2008: 64-65). However, from the 1990s and in an effort to encourage home-ownership, government and non-profit organisations sponsored zero-down-payment loans. In 1994 Fannie Mae introduced a three percent equity loan, followed by Freddie Mac in 1998. In 2000 both offered *zero-down-payment loans* (64-65). These loans were typically aimed at lower income borrowers. In the period 2000 to 2005 there was significant growth, from thirty-five to fifty percent, in FHA-back loans that were under an initial down payment of five percent (65). As the secondary mortgage market became increasingly more complex, and through the development of securities that were designed to endure higher levels of aggregated risk, the conditions emerged for the development of new types of mortgage loans that did not conform to GSE underwriting regulations (64). This saw the large growth of new high-risk mortgages, namely *Zero-down-payment loans*, *Subprime mortgages*, and *Exotic mortgages* throughout the 1990s, and until 2006 (60). *Subprime mortgages* initially were intended for refinancing existing mortgages (Schwartz, 2010: 67, 272), namely for those who had poor credit histories or erratic employment and, as such, carried higher levels of risk than would be expected by a conventional mortgage, or *Prime mortgage* (hence *sub-prime*) (272). Due to the higher levels of risk that subprime loans carried, the rate that borrowers were charged tended to be higher,



Figure 22. Robertson, C. (2009). *\$0 down, \$0 closing costs*. Flickr.

to balance this risk (Immergluck, 2008: 60). While this resulted in loans being offered to those who typically would have been rejected in the past, this did not guarantee that underwriting practices were fair. Minority groups tended to suffer from unequal lending practices.<sup>30</sup> Unlike conventional prime mortgages, typically issued by orthodox lenders such as banks and savings organisations, subprime loans tended to be offered by mortgage-brokers or non-depository mortgage banks (Schwartz, 2010: 65-67). While originally intended for refinancing existing mortgages, subprime loans throughout the early 2000s became increasingly used for home loans (67). Due, in part, to a highly competitive market, subprime loans increasingly were offered with incentives, such as artificially low interest rates for the first two years of the loan, or flexible payment options that meant payments could be delayed to a later date. Mortgages could temporarily become interest only (67-68). These types of loan incentives and options grew from comprising seven percent to twenty-six percent of the market, from 2004 to 2006. This illustrates how widespread these practices had become in a very short period (Schwartz, 2010: 68). At the same time conventional prime loans, that conformed to GSE underwriting, steadily decreased their market share throughout the 2000s from fifty percent of loans in 2001, to less than twenty-three percent in 2006 (69).

Along with subprime mortgages, other *exotic mortgages* emerged in the market place. These offered a raft of different options to borrowers, such as “...interest-only loans, payment-option loans, negative-amortisation loans, piggy-back mortgages, and Alt-A loans” (Immergluck, 2008: 60).<sup>31</sup> These exotic loans typically carried less risk than subprime mortgages and were offered at or near to prime mortgage interest rates. Borrowers of *Alt-A loans* would normally have been able to receive a conventional prime loan. However, this

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<sup>30</sup> Minorities generally were a third more likely than American Europeans to be offered higher cost loans such as subprime mortgages even when having comparable credit histories. As such, many minorities missed out on receiving more conventional loans with lower interest rates (Gruenstein-Bocian, et al, 2006: 3). Subprime mortgages were held disproportionately by a higher number of minority households who were often vulnerable to predatory lending practices, namely where the ability of borrowers to repay loans was not regarded by the lender (Schwartz, 2010: 65).

<sup>31</sup> *Interest-only loans* pay only the interest on the mortgage for a select number of years. *Payment-option loans* offer the borrower a range of options of solely paying the interest on the loan, a combination of interest and principal, or another agreed minimum payment. With *Negative-amortisation loans* or graduated payment mortgages, the borrower initially pays a lower rate that defers paying the full interest on the loan for an agreed period. Over time this means that repayments grow, once the grace period ends. A *Piggy-back mortgage* is a second mortgage, that while having a higher interest rate allows the borrower to reduce down payments so as to avoid having to pay secondary mortgage insurance. *Alt-A loans* require little or none of the documentation usually required, such as statements of income and assets. Borrowers pay a higher rate to compensate for potential higher risks they pose (Immergluck, 2008: 60n.2).

exotic mortgage was aimed at borrowers who, for whatever reason, did not want to disclose some or all of their income, their assets, or debt (60; Schwartz, 2010: 63-64). The most extreme form of these low documentation Alt-A loans were the *Stated Income Loans*, also called “liar loans,” where borrowers would simply state their income without a requirement to verify it to the lender (USPSI, 2009: 24). These too came in a range of options. The most notorious of these were the *NINA*—no income, no assets—and *NINJA* loans—no income, no job, no assets—(24; Randall, 2007: 20).<sup>32</sup> These types of loans were originally rare and typically aimed at wealthier borrowers, but became increasingly more common leading up to the crisis. With one lender, the *Washington Mutual Bank*, these types of loans became increasingly predominate. By 2007 fifty percent of its subprime loans were ‘stated income loans’ (USPSI, 2009: 24).

The growth of the subprime and exotic mortgage market was also fed by demand for securitisation of secondary mortgages for *Mortgage Backed Securities*. This led some lenders to engage in *predatory lending practices* that occur when the ability of a borrower to repay a loan is not taken into account at all (65, 75). This effectively became a form of moral hazard. Importantly, for the lender the ability of a borrower to repay the loan is of little concern. These lenders were typically mortgage-brokers who personally benefitted from the initial fees for the subprime and exotic mortgage. They faced little in the way of risk of default due to the on-selling of that risk to the secondary market (65, 75). Minorities were particularly vulnerable to predatory lending from the 1990s onwards. These loans tended to be subprime mortgages, though not all subprime loans were predatory loans. Though most predatory loan were typically subprime mortgages (272). Freddie Mac estimated that ten to twenty-five percent of subprime borrowers in fact could have qualified for a prime loan. Hence borrowers were paying significantly more than needed for the risk they carried (276). As mentioned, in 1994 congress had passed the *Home Ownership and Equity Protection Act* [HOEPA] to protect borrowers from predatory lending. It required lenders to fully disclose their terms and conditions and the real costs to borrowers. The law was largely ineffectual as, for example, it only covered about one percent of all subprime loans issued in 2002 (285-285).

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<sup>32</sup> Along with *NINA* and *NINJA* loans other stated income loan options included - *SISA* (stated income, stated assets), *NISA* (no income, stated assets), *NEVA* (no income, no job, verify assets) (Randall, 2007: 20).

## Forever Blowing Bubbles: Housing Market Exuberance

Through 1997 to 2005 the U.S. homeownership rates rose in every category according to region, age, racial group, or income bracket (Schiller, 2008: 5). Not only were homeownership rates booming, so were house prices. From the late 1990s the housing market in the U.S., as elsewhere in the world, seemed to be a guarantee to financial security (5). Increases in housing prices also made residential housing construction lucrative, which can be seen in the growth of the construction industry in the U.S. economy, prior to the subprime crisis. During the last quarter of 2005, housing construction made up a little over six percent of U.S. *Gross Domestic Product* [GDP]. This was the highest level since the 1950-51 housing boom that peaked prior to the Korean War (7). Not only were homeownership numbers up, houses too were growing bigger, with the average floor area in a single family dwelling growing forty-seven percent from 1,525 square feet (141.7 m<sup>2</sup>) in 1973, to 2,248 square feet (208.8 m<sup>2</sup>) in 2006 (70). This change cannot be explained by the size of an average American family. Since 1960 the average American household has been steadily decreasing at a rate of 0.7% per year. There were 3.29 persons in the average U.S. household in 1960, 2.63 in 1990, and 2.57 in 2000 (71; Nasar et al, 2007: 340). Massey suggests that this increase in the size of American housing could be partly attributed to the development of new styles of housing in the 1980s, that have been disparagingly called *McMansions*, in part due to their “super-sized” scale and their use of generic signifiers of wealth (2012: 41). Stylistically, McMansions are largely a pastiche, imitating a variety of historical and vernacular house types, often incorporating elements that would not typically be found together. Overall McMansions mimic what might be conceived of as cultural capital or symbolic wealth. While they may have, for example, high ceilings and glass chandeliers we associate with palatial aristocratic homes or those of the very wealthy, they lack quality of detailing, material composition and construction methods associated with the dwellings they aim to mimic (41). While McMansions imitate a mansion-type, they share key design elements of earlier conventional suburban housing. They are typically built on greenfields sites as detached suburban *tract housing*.<sup>33</sup>

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<sup>33</sup> ‘Tract’ housing discussion often references Levittown, the locale generally considered as the first suburban planned community designed in the United States on New York’s Long Island, just after the Second World War. Commenced in 1947, it became a model for mass-produced suburban housing. The building firm, Levit & Sons, utilized mass-production manufacturing techniques developed for war production in applications for a mass-produced building industry, incorporating standardisation of components and high repetition of forms. Hence the detrimental and pejorative associations with suburban tract housing developments that were modelled on Levittown construction methods.



*Figure 24. Normal, C. (2007). McMansion, South San Gabriel. Flickr.*

The fundamental difference is scale, as McMansions are far larger than earlier suburban housing, as we have noted, and can be typically 3,000 square feet (280 m<sup>2</sup>) and up to 5,000 square feet (465 m<sup>2</sup>) (41). With a trend towards reducing house-site size, McMansions often take up much of the section they occupy (41; Nasar et al, 2007: 340).<sup>34</sup> A similar trend toward larger sized housing was the development of the *teardown* during the 1990s, where existing housing on valuable inner-city sites was demolished, to be replaced by larger and more expensively finished housing, much like the McMansion-type. This was driven more by housing speculation than physical obsolescence or building fabric deterioration (Massey, 2012: 41; Nasar et al, 2007: 356). Teardowns became part of a wider popular-cultural trend of real-estate speculation that occurred during the 1990s and early 2000s, which saw the development of numerous Reality Television shows based on the concept of *house-flipping* such as, “...Flip This House, Flip That House, Property Ladder, Designed to Sell, Flipping Out, Curb Appeal, The Stagers, and Extreme Makeover: Home Edition” (Massey, 2012: 41). These Reality TV shows share the basic premise of house flipping, where houses were bought, renovated, and quickly on-sold for a profit. Homeowners became positioned no longer simply as owners or even investors in the housing market, but as aspirational property speculators who aimed to maximize return on their investment by the use of renovation, and their ability to judge the likely trends in inflation, and to anticipate changes in demand in property locations (41).

Teardowns and house-flipping were just two examples of the trend in U.S. real estate markets from the 1990s, driven by the popular belief that house prices would continue to rise and that this perpetual growth constituted a “new normal.” Robert J. Schiller, a Noble Laureate in Economics, suggests that speculative booms are largely driven by human behaviour, running counter to orthodox economic theory (2008: 41).<sup>35</sup> He suggests that the subjective experiences of rising house prices helped to fuel the growth of the U.S. housing market, what he terms the “social contagion” of “boom thinking,” where a significant proportion of society believes that the market will to continue to grow in an exuberant manner (2008: 41). Schiller suggests that the housing bubble cannot be explained by problems of supply, as there had been no significant change in population, construction costs, or interest rates leading up to the subprime crisis (39). He notes that an overly

<sup>34</sup> Between 1987 and 2002, the average U.S. housing section has decreased 6.5% (Nasar et al, 2007: 340).

<sup>35</sup> Schiller is well known for developing, with Karl Case, Standard & Poor’s *Case-Schiller Home Price Index*, which analyses long-term trends of the U.S. housing market. When developing the index, Schiller was surprised by how little data existed on long-term housing trends, not just in the U.S. but internationally, especially considering how housing speculation can affect the economy (2008: 29-31).

optimistic view of the housing market could explain this change, which was in part driven by observation of the growth of property values, inter-subjective analysis of change in the housing market, and its discursive mediation via news media (45). The combination of these three factors, he suggests, forms a type of *feedback loop* that further reinforces the perception of market optimism, leading to further demand (46). This market exuberance was in part facilitated by the liberalisation of credit and the development of new forms of mortgage lending.

### Deregulation—The Repeal of Glass-Steagall

Through the early 2000s the subprime and exotic loans became increasingly important to the secondary mortgage market, as these loans were on-sold, combined into *mortgage-backed securities*. With this significant development local real estate became part of the global investment market (Schwartz, 2010: 63). As we have noted earlier in the chapter, these securities were bought and sold like more conventional government or corporate bonds. Due to their higher return they became increasingly popular, thus further feeding the demand for the secondary mortgage industry to ‘securitise’, leading to further growth in the sector (63). This process was a relatively recent financial innovation and was facilitated by the repeal of the *Banking Act of 1933* (Glass-Steagall) by the *Financial Modernisation Act of 1999* (Gramm-Leach-Bliley Act) during the presidency of Bill Clinton. This 1999 Act allowed, for the first time since the Great Depression, for banks to undertake investment *and* depository banking (Littrell & Brooks, 2010: 425). The rationale for the original separation, enacted by Glass-Steagall, was to keep high risk trading, associated with investment banking, from depository banking. The 1933 Act also removed a potential conflict of interest that might occur, namely that banks act in their own interest, rather than in the interest of their customers (USPSIC, 2011: 321).

Similar deregulation had occurred earlier in countries outside the U.S., with most major Western European economies removing the restriction between investment and retail banking during the 1980s (Ferrara, 1990: 329).<sup>36</sup> The repeal of Glass-Steagall was driven by

<sup>36</sup> This separation enforced by *Glass-Steagall*, however, did not affect financial institutions outside the *formal banking system*, known as the *shadow banking system*. As Ferrara notes in his 1990 article, some sixteen years prior to the subprime crisis: “banking is already combined with securities, other financial activities, and even general commerce, all of which are outside the formal banking system.” (335). Ferrara stresses that corporate borrowers were able to raise funds by going directly to the market by the creation of securities rather than borrowing from banks. Other non-bank corporations were also able to provide credit and loans in a similar manner to banks by pooling loans and issuing securities (335).

the *American Banking Association*, a lobby group representing the U.S. banking industry. It had been able, through a series of legal challenges, to remove many restrictions placed on the banking sector by Glass-Steagall. One effect of ongoing lobbying prior to the 1999 repeal was that banks had already made inroads into securities and insurance (United States Financial Crisis Inquiry Commission. [USFCIC], 2011: 54). This deregulating manoeuvre was initially resisted by the securities and insurance industry that sought to maintain Glass-Steagall. However, they were unable to halt these changes (54). In 1996 the *Securities Industry Association* [SIA], representing Wall Street securities firms such as *Goldman Sachs* and *Merrill Lynch*, changed to support the repeal of Glass-Steagall, in part due to ongoing partial deregulating of the Act that had occurred slowly over the ten years prior to 1996 (54). What ultimately forced the U.S. Congress to repeal Glass-Steagall was the proposed merger of America's then largest bank *Citicorp* with the insurance giant *Travellers* to form *Citigroup* in 1998 (54). As the USFCIC notes, this was technically possible under Glass-Steagall legislation at the time.<sup>37</sup> However, it would have required the new institution to strip much of its *Travellers* assets within a five-year period. Congress had to deliberate on whether it would maintain Glass-Steagall and break up America's then largest financial institution or repeal the Act, allowing financial institutions to engage in insurance as well as both commercial and investment banking (54). As we are well aware now, Congress chose to repeal Glass-Steagall, fundamentally changing the organisation and operational frameworks of American financial institutions. This also made Federal oversight more difficult as transactions became increasingly opaque for regulators to determine the risks and activities as a whole (55-56).

We are reminded of the point Foucault stresses concerning visibility and opacity of the market that ushered in a paradigm shift in the governmentality of the State during the eighteenth century, and fostered the philosophical and economic thinking of the Physiocrats. What precisely became opaque was given the name 'population' and this opacity was with respect to the blindness of a monarch or sovereign. Security became central, as did the management of risk precisely because *Raison d'État* could not develop its purview over exchange, or rather its purview and controls were counter to the necessary flows of capital, goods and labour. Hence we recognise the emergence of political economy and the paramount concern of governance becoming a deciphering of the laws of those flows. We see, perhaps ironically, a moment in the first decade of our new millennium, when the State, precisely the liberal State, too becomes unable to recognise the flows, that

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<sup>37</sup> Namely, the *Bank Holding Company Act of 1956*

the economic structures have a double, and a shadow structure comes in a deregulated fashion to overtake the State's instrumentalities. By the end of the first decade of this millennium it appears no one could decipher the flows, neither the State's instrumentalities, nor the regulatory mechanisms of the regulated financial institutions, nor the predatory instruments of the deregulated shadow banking system.

### **The End of Risk I: Securitisation of Securitisation of Securitisation.**

As we have discussed earlier in the chapter, Fannie Mae and Freddie Mac initially controlled the securitisation of secondary mortgages. However, new actors in the secondary mortgage market would emerge in the 1980s, with the private sector starting to engage in similar activities to the GSEs. Unlike Fannie and Freddie, they were willing to secure home loans that the GSEs regarded as carrying too much risk (USFCIC, 2011: 42). This had a significant benefit for commercial banking. With securitization of mortgages and the on-selling of risk as bonds, commercial banks could transfer existing mortgages off their books, resulting in an important adjustment for these banks in the capital equity-to-debt ratios they needed to have. These banks no longer needed to carry as much capital as they would normally be required to carry, in order to cover losses due to bad loans. This had the net effect, on paper, of improving their profits (43).

There is a further crucial factor to note in the development of mortgage securities. The growth of the securitisation of mortgages in the secondary mortgage market loan industry was facilitated by the development of computational advances that allowed sophisticated risk modelling to be used, derived from automated credit scores and underwriting (Schwartz, 2010: 70). Without advanced computational technologies and algorithm modelling, the sheer volume of data required to package and on-sell risk derivatives would have made the process infeasible. The growth of subprime and exotic mortgages in the secondary mortgage market led to further growth of Mortgage Backed Securities [MBS]. For private institutions, the offering of these MBS securities was particularly attractive as they delivered higher returns than comparable securities that carried a similar amount of risk (Schwartz, 2010: 71). These were particularly attractive to foreign investors such as "sovereign wealth funds, foreign owned banks, and national governments," as they paid higher yields than securities such as U.S. Treasury Bills. By 2006 mortgage backed securities held thirty percent of all U.S. mortgages (71). Although MBSs originated in the 1980s, by the late 1990s these became increasingly more complicated (71). By the early 2000s the

initial MBS type of security underwent further innovation, where it was further securitised by grouping it with other MBSs to form a new bond, called a *Collateralised Debt Obligation* [CDO]. CDOs could be divided much like original MBSs into new risk-based tranches that offered what was thought, at least at the time, to be reliable levels of risk (72). While eighty percent of MBSs comprised the senior tranche category, that typically carried a AAA credit-rating, the lower-rated mezzanine and equity tranches, despite giving a better return due to their higher level of risk, were harder to market due to lack of demand for such investments. CDOs offered an attractive way to sell these lower-rated tranches (USFCIC, 2011: 127). By bundling these lower-rated tranches together from many MBSs, typically those of BBB or A ratings, a new CDO could be created with a transformed *AAA credit rating* based on the existing risk models (127-128).

These financial developments led to further innovation, where an existing CDO could be bundled with another CDO to form a new financial product called a *CDO squared*. Similarly, when three CDOs were pooled together these formed a *CDO cubed* (Schwartz, 2010: 72). Perhaps what encapsulates the financial (and indeed final) alchemy that occurred in the secondary mortgage market was the development of *Synthetic CDOs*. These were derivatives that mimic “cash” CDOs but do not actually contain any actual mortgages. Instead, these CDOs reference other existing assets, which allowed investors to use *Credit Default Swaps* [CDS] to hedge on potential growth of the referenced assets (USPSI, 2011: 29).<sup>38</sup> Through the development of these new financial products, a single mortgage could have multiple linkages to a raft of different derivatives. While designed in such a way to mitigate risk from these financial products, the increasingly complex and complicating structure of these derivatives meant that while they appeared secure and risk-adverse—that risk had ‘disappeared’—in fact this was merely a mirage. Crucially, these derivatives were

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<sup>38</sup> An employee at J.P. Morgan, Blythe Masters, developed CDSs in the mid-1990s. They were a revolutionary financial product and they were to change how risk was treated in banking and finance (Tett, 2009: 51). Historically, financial agencies had been constrained by the problem or risk of default and, prior to these new products, banks minimized risk by trying to make prudent loans, or to diversify a stock portfolio, or to limit how much credit would be lent to a particular sector (51). CDSs are, in effect, insurance on a bond. As bonds carry a risk of default by the bond issuer, the buyer of a CDS pays a third party a fixed fee and, in turn, the buyer is paid out if the bond issuer defaults (321). Though, unlike insurance, CDSs are unregulated derivatives and buyers can speculate on the potential default of the CDS. Another difference is that CDS sellers are not required to have reserves in case of default, as is the case with insurers. This was the situation with America’s largest ‘insurance’ company, which carried \$500,000,000,000 of credit risk without having to have any collateral or reserve (USFCIC, 2011: 50). The use of CDSs helps to disperse risk, which had been a problem in the Savings and Loans crisis. Many regulators, including Federal bodies, saw this as positive (Tett, 2009: 57). In 2000, the U.S. passed the *Commodity Futures Modernization Act* that prevented any regulation of swaps such as CDSs (USPCI, 2011: 16).

structurally vulnerable to change due their interconnected nature (Bluhm & Overbeck, 2007: 299).<sup>39</sup>

### The End of Risk II: Bad Ratings

As the securitisation of secondary mortgages became more complex, actually understanding how these derivatives were structured and how to price them accurately became increasingly more difficult. Because of this, the credit rating agencies known as the “*Big Three*”—*Standard & Poor’s* [S&P], *Moody’s*, and *Fitch Ratings*—came to be integral to the entire process (USFCIC, 2011: 43). This relationship between rating agencies and the securitisation industry was fundamental as, without the rating agencies, the selling of mortgage-based derivatives would have been a significantly more difficult proposition. It would have required every investor to undertake *due diligence reporting* into every financial product purchased. Furthermore, such sales would then have been subject to a series of different Federal and State regulations that restrict the scale of risk investment that certain institutions are able to carry (USPSI, 2011: 29). Through the use of letter-grade credit ratings on investments like bonds and securities, these restrictions were removed, thus making derivative bonds much easier to sell. Credit ratings are typically scaled from most secure and least at-risk of default, AAA, AA, A, BBB, BB, B, CCC, CC, C, to D or *unrated ratings*, the least secure or in default. Generally AAA to BBB ratings are regarded as *investment grade*, whereas those under BBB are regarded as *below investment grade* or *junk investments* (27). Because credit agencies were integral for the marketing of these financial products, and the potential profits that these credit rating agencies stood to make for offering favourable ratings, this led to the very real situation where conflicts of interest could arise (31).

The financial innovation of CDOs transformed and repackaged *below investment grade* MBS tranches into AAA-rated CDO tranches. This transforming capacity, along with the potential for conflict of interest between investment banks and rating agencies, led Moody’s CEO to declare: “Everything was investment grade” (31). All tranches were regarded as investable. Effectively, risk was no longer a factor. It did not exist (31). In 2007, such was the

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<sup>39</sup> Bluhm & Overbeck (2007) note, in their book on structured credit and CDOs, that due to CDOs’ interconnectedness, they can be problematic for CDO investors. They term this *cross dependencies*. If one referenced asset or portfolio defaults, it affects many other CDO reference pools, as in the example of Enron’s default that had a catastrophic ripple effect. We note that this book was written prior to the Global Financial Crisis, though the authors clearly recognized potential problems should CDOs default (299).



*Figure 22. Pellegrin, P. (2008). New York Stock Exchange. Magnum Photos.*

growth in securitisation and subsequent credit ratings of MBS and CDO type derivatives that sixty percent were AAA rated according to Fitch Ratings. In comparison, less than one percent of corporate bonds were AAA rated (Lawson, 2009: 770).

### The End of Risk III: Risk Models and the Rise of Quants

The growth of the derivatives market was shaped by highly complex mathematics that helped to facilitate these new financial products and risk models. Prior to the 1980s, investment-banking risk was measured in a largely ad hoc manner, based on past experience and subjective interpretation of data. However, this changed with the development of risk models that sought to analyse credit and market risk through quantitative techniques (Tett, 2009: 37). The 1987 stock market crash had led to significant losses for most investment banks, prompting some in the investment industry to explore the potential for accurate risk management. The first investment bank to do so was *J.P. Morgan*, who introduced a daily risk report in 1989 (38). It was called the *4-15 Report*, after the time of release, at 4.15 PM when markets closed. The 4-15 risk report sought to give an overview of levels of quantified risk that the bank was carrying in all areas of its trading business (38). Initially these reports gave a basic synopsis of potential risk, becoming increasingly sophisticated, with quantitative analysts or *Quants* being employed to accurately measure potential losses if markets were to drop (38). The Quants were key to many of the innovations leading to development of more complex financial products. They had become increasingly important to Wall Street from the 1970s, with the use of complicated mathematical modelling and with increases in computer power, allowing for greater complexity in the type and risk modelling for securitisation (USFCIC, 2011: 44). Key to this was the development of *Value-at-Risk* [VaR] that modelled existing data of past market behaviour. Typically this would model a standard deviation of past gains and losses, forming a bell curve, familiar to normal or Gaussian distribution. For J.P. Morgan this was set at ninety-five percent probability, predicting how much money the bank might lose if market prices changed (Tett, 2009: 38; USFCIC, 2011: 44).<sup>40</sup> VaR was utilised to measure potential losses and the probability of those losses within

<sup>40</sup> As Tett points out, VaR was designed to exclude the lowest 5% probability of failure. This was due to the decision by J.P. Morgan's CEO, Dennis Weatherstone, and the "quant" team, that there were always unforeseen risks in the market (2009: 38). By choosing 95% this represented "bad-to-normal" distribution rather than worst-case scenarios. Had they included these unforeseen risks, it was thought this would unnecessarily limit the bank's activities. Tett notes, concerning Weatherstone's thinking on the 95% VaR: "What Weatherstone wanted to know was what levels of risk the bank was running in a bad-to-normal

a given timeframe, at the ninety-five percent probability level. This was usually the dollar amount that could potentially be lost every twenty trading days or once a month (USPSI, 2011: 383). VaR made it easier for investment banks to manage risk, with the additional benefit for the banks in VaR showing regulators that banks could act responsibly, and without the need for governmental oversight (Tett, 2009: 39).

However, the increased reliance on mathematical modelling brought with it additional problems, not fully recognised until *after* the subprime collapse, namely that these risk models relied on assumptions based on often-inadequate historical data, and that these models were predicated on the fundamental microeconomic axiom of the rational constancy of human behaviour. Thus the model assumed that the market relied on constants, rather than modelling the variable nature of human behaviour (USFCIC, 2011: 44).<sup>41</sup> Along with the investment banks, *the big three* credit rating agencies had developed advanced risk models for MBSs and CDOs. Moody's developed and even released its risk model CDOROM for public use. However, this openness had the unintended effect of allowing banks, which also had access to these models, to design new financial products that exploited weaknesses within the credit rating agencies' models. These new financial products aimed to maximise the returns for investors while maintaining the highest credit ratings possible and, at the same time, aimed to carry the highest levels of risk possible on these new products (Tett, 2009: 119). That is not to say that the credit agencies were not aware that their models were being exploited. As we have seen, the interdependent relationship between investment banks and credit agencies meant they were not in a position to challenge the banks, as the rating agencies risked losing the valuable rating fees. This became known as *ratings shopping* (119; USPSI, 2011: 287).

One challenge that remained for both the credit rating agencies and the investment banks was how to accurately measure the risk of mortgage default on MBSs and CDOs. While both developed models, problems remained with the limited amount of historical data that existed, and the particular concern was the correlation between a single isolated default and the potential ripple or domino effect onto other securities whereby it caused further defaults, as a single mortgage had been bundled in multiple ways in accruing MBS and CDO derivatives (120). This was seemingly overcome in 2000 by a researcher at J.P. Morgan,

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state of affairs, like a farmer who steels himself to expect periodic floods, snowstorms and droughts, but doesn't worry about an asteroid impact that might bring on Armageddon" (2009: 38).

<sup>41</sup> Tett notes that when J.P. Morgan developed VaR, it was recognized that these new quantitative models had limitations in real world situations and they should not be solely relied on. This cautionary advice would be ignored in the lead up to the subprime crisis (2009: 39).

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David X. Li, who developed an algorithm that modelled correlations between a default and the potential repercussions of this event, based on an existing statistical technique, called the *Gaussian copula model*. It was able to measure the normal probability of an event occurring, in this case the default of a CDO (120; Li, 2000). The model allowed CDOs to be accurately measured for their potential risk of default, which in turn led to banks producing more CDOs at a faster rate (Tett, 2009: 121). The success of Gaussian Copula as a risk-predictive measure meant that this technique was quickly implemented by other banks. The widespread application of the model brought with it new risks to the industry that would make it vulnerable to changing economic conditions. The model structured risk in exactly the same way whether it was one CDO that failed or all CDOs failed (121). That is to say, while the Gaussian Copula measured the normal range of risk well, the model was not suitable for predicting behaviour in the case of radically unforeseen events, such as total systemic failure of CDOs (121). This weakness is due to Gaussian probability being based on existing historical data that tracks past events and derives a normal range from that data.

This forms an *inductive fallacy* whereby the assumption is made of consistency in change, or structural constancy in change, that future events unfold in the same way they have in the past. Typically to mitigate this problem of inductive fallacy in statistics, modellers utilise large data sets, as prediction is less likely to be effected by anomalies or outliers. But due to the speed of innovation that occurred in the securitisation industry such extensive data simply did not exist (121). Some have gone so far to say that the Copula caused the subprime collapse (Salmon, 2009). However, this claim is doubtful and grossly simplifies the various contingencies and the highly complex nature of the subprime collapse and subsequent financial crisis (USFCIC, 2011: xxii-xxv). Furthermore, many within the finance industry recognised the limitations of mathematical modelling (USPCI, 2011: 296-297). Li, who developed the use of the Gaussian Copula for measuring potential derivatives defaults, recognised this too (Tett, 2009: 122 & 154). Though, due to large profits being made at the time, these concerns were often simply overlooked or sidelined (122). There were additional factors to the sheer complexity of what these models were determining or predicting. Not only were the models complicated but there was an over-reliance on them. They became known by some at credit rating agencies as *black boxes*. Data was inputted and the model would output the result. Often there was little or no understanding of how the model actually worked by those relying on it for investment decisions (USPCI, 2011: 296-297). This reliance on models that were often based on insufficient historical data, posed significant risk to already existing weaknesses in the secondary mortgage market, while at the same time the models gave predictive confidence to those using them.

### The Return of Risk: The Subprime Collapse.

As the mortgage finance system became more complex, it became more vulnerable to shocks such as events that would be described as ‘abnormal’ within the range of historical data constituting the Gaussian Copula. While some raised questions of its stability, many in the system thought they had in some way removed risk and uncertainty from it entirely, or at the very least were prepared to overlook weaknesses for potential financial benefit. The rapid growth of both the subprime market and the securitisation of MBSs and the various financial products derived from them had formed what I suggest, following Schiller (2008), to be a *confirmation bias*, or what Schiller calls a positive feedback loop. There was a belief among those within the mortgage financial system that house prices would continue to grow upward, or that if there was a decline that it would be manageable and short-term, not structural (Schwartz, 2010: 74; USPCI, 2011: 197). However, this stability was maintained by the housing bubble, that in turn fuelled high risk lending, the key driver for the securitisation market (25). As we have seen, with the speed of innovation in the securitisation industry, there was little in the way of testing complex financial products with limited historical data. While there was a long history of GSE-conforming loans being tracked through various economic conditions, the same could not be said for exotic mortgages, such as subprime and alt-A loans (Schwartz, 2010: 74). This abnormal historical variance was exacerbated further by poor quality underwriting due to the proliferation of exotic mortgages by predatory lenders who were not concerned with borrower ability to pay or afford mortgages (74). The housing finance industry was weakened by conflicts of interest and moral hazard, known as the *principal agency problem*, namely exotic mortgage lenders and those in the securitisation industries had no interest in acting responsibly, as the risk was borne by others (75). Effectively those involved in the system bore no risk. Hence there was no interest in limiting high-risk behaviour. Similarly, homeowners who received exotic mortgages, in particular NINA or NINJA loans, could theoretically—and in practice—walk away from their loans as they had little to lose if they defaulted. Subprime lenders or mortgage brokers also carried little risk from default mortgages, as they sold mortgages quickly off to the secondary mortgage market, meaning they had little concern for the long-term performance of these loans. Likewise, the investment banks carried little risk. Financial innovation and risk modelling allowed them seemingly to spread the risk out and minimise it such that these potential high-risk securities could be on-sold to investors for a profit.

Investors received high returns on these collateralised securities, which were thought to be relatively stable as they were AAA-rated from credit rating agencies. Additionally, the credit rating agencies, which could question the soundness of these securities, did not do so as they were paid by investment firms and did not want to lose valuable income (75).

With the mid-2000s cooling of the housing market, the belief was that mortgage foreclosure would not be a major problem, even for those with high-risk loans. House prices would continue to rise, allowing for mortgagees to refinance, based on increased asset worth or, in the worst-case scenario, to sell the asset to pay off the mortgage (75). Throughout 2006, as interest rates rose, the numbers of those defaulting on mortgage repayments grew substantially, as did the number of foreclosures. This would only worsen throughout 2007 and again through 2008 and 2009 (75-76). By 2007, house prices started to fall. This led to significant increases in defaults on subprime loans and foreclosures. What quickly followed was the evaporation in investors in the subprime and alt-A MBSs markets. This in turn led to investment banks radically cutting the number of exotic mortgages they were purchasing. Mortgage banks were now in the situation where they could no longer on-sell their high-risk mortgages, quickly leading to unexpected bankruptcy or closure (75). This put huge strains on the American financial system, with the cessation of subprime and alt-A loans being sold to secondary mortgage markets. Large numbers of lenders offering these types of loans ceased operating—167 in 2007. All, except for two, were independent mortgage banks or lenders. Along with this there was a large number of mergers (76). The high numbers of housing mortgage foreclosures resulted in a further depressed value of MBSs, which brought about a lack of liquidity in the large financial institutions. Investors in subprime loans were often highly leveraged in borrowings to purchase MBSs, where they gained profit from interest rate changes on futures. The rising numbers of foreclosures forced the large U.S. investment banks to seek massive *margin calls* to cover their losses.<sup>42</sup> The large financial institutions were no longer willing to provide short-term loans for investors for MBSs, choosing not to renew them or requiring more collateral (77).

As we noted in the beginning of this chapter, this led to the collapse of America's major financial institutions. They had lost billions of dollars on the repackaging of exotic alt-A and

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<sup>42</sup> Typically, investment brokers make margin calls when the price of a derivative drops. The broker seeks money from investors to cover potential losses. And typically, investors maintain an agreed set ratio on their investment. When margin calls are made, investors have the choice of topping up their investment to the agreed level or they might sell their derivatives on. In the subprime crisis, as MBS and CDO prices dropped and investment bank VaR rates increased, firms such as Goldman Sachs, in mid-2007, made margin calls (USFCIC, 2011: 237).

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subprime loans into MBS and CDO financial products. The U.S. housing finance industry had been devastated due to high-risk lending practices, a lack of governmental oversight, and credit ratings that did not accurately reflect the real level of risk on the collateralised securities. Deregulation of the banking industry via the repeal of the Glass-Steagall Act made conflicts of interest and moral hazard more prevalent. As noted earlier in the chapter, with very large losses by these financial institutions, leading to a series of bankruptcies and mergers, the entire financial industry was so volatile that the U.S. Federal government intervened, passing TARP in September 2008. The Act provided \$700 billion of Federal money to shore-up the entire finance industry, giving credence to the idea that these financial institutions had grown so large and so vital that they were “too big too fail” (USPSI, 2011: 43-44; USFCIC, 2011: 37). As we have seen, the effect of the subprime “contagion” on the global markets had led to the global financial crisis, and as of 2013 the on-going sovereign debt crisis in several Eurozone countries, such as Greece and Cyprus (Longstaff, 2010).

This chapter has aimed at providing a highly detailed account of the governmentality of the housing market in the United States, with particular emphasis on governmental measures introduced to support minority groups and those on low incomes to achieve housing. Instigated in the early twentieth century as a welfare measure, by the early twenty-first century this same sector of the housing market had become the most predatory field for corporate greed. The U.S. regulatory measures, with respect to a second-mortgage insurance market, are relatively unique. Certainly governance of the housing markets in the U.K., Australia and New Zealand has followed different paths in mortgage security. However, the U.S. housing finance industry and the devastation its collapse has wrought on the development of U.S. cities is an exemplar for understanding how Foucauldian analyses of governmental procedures can be understood. The chapter has aimed at bringing to some of our most recent events in the governmentality of the urban, the emergence of post-democratic and post-political processes, and frameworks for articulating how disciplinary mechanisms and apparatuses of security engage a governmental reason. We also note that as of 2013, finance banking has grown considerably, despite the catastrophic collapse in the U.S. in 2008, as has national debts in derivatives, currently estimated globally at 3,000 trillion dollars. Governments in the G8 grouping are all preparing legislation to enforce national ‘bail-in’ measures should the banks too-big-to-fail become insolvent. The question of the future of the urban is more decisively made in the de-regulatory policies of shadow banking than in public/private mechanisms for regulating growth, development, building or

dwelling types, public open space and infrastructural support, the panoply of agendas for the staple and stable disciplines of urban design.

With the concluding Postscript that follows, I bring Foucault's work, in a summary way, back to the explicit concerns of Chapter Seven as well as with the key themes and issues that have traversed this thesis, concerning fundamental relations between risk and uncertainty, spatialization and language, power and life. I introduce the writing of Elie Ayache on the end of probability, noting Ayache's engagement with Blanchot, in his understanding of the relation between spatialization and language in his ontology of market pricing and writing as both constituting pure contingency. The thesis concludes on the Foucauldian legal theorist, Pat O'Malley, and a convergence of concern with the relation between risk and uncertainty in the writings of Ayache and O'Malley.

Postscript

*Blank Swans*

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It is necessary to be clear about what the word designates: “attraction,” as Blanchot means it, does not depend upon any charm. Nor does it break one’s solitude or found any positive communication. To be attracted is not to be beckoned by the allure of the exterior; it is rather to suffer [*éprouver*]—in emptiness and in destitution—the presence of the outside and ... in the fact that one is irremediably outside the outside. Far from calling on interiority to draw close to another, attraction makes it imperiously manifest that the outside is there, open, without depth, without protection or reserve ... but that one cannot gain access to that opening ... (Foucault, 1998: 154)

That souls grow with the world forms, however, in the steppes, the cities, and the empires, is one of the facts from which philosophy began; it could still point it in the right direction during metamorphosis necessitated by the global situation. At the time of the polis, Aristotle held the view that only someone to whom “greatness of soul” (*megalopsychia*) had become second nature could be a citizen. Why should this no longer apply to the contemporaries of the global and the nation-state era, simply because they now speak of “creativity” rather than “greatness of soul”? The creative people, one hears now and again, are those who prevent the whole from being bogged down by harmful routines. Perhaps the time has come to take the catchphrase at its word. (Sloterdijk, 2013: 264)

This is a book about writing, pricing and contingent claims. I hold that the writing process and the pricing process are two special kinds of processes that do not take place in possibility or in probability, like the traditional stochastic processes. They fall completely outside prediction. As processes, they keep re-creating themselves and differentiating themselves, yet they do not unfold in chronological time. For this reason, their Swan bird, or the event that gives them wings, is BLANK. It is neither Black nor White; it is neither loaded with improbability nor with probability. It can only be filled with writing, as when we say ‘to fill in the blanks’. (Ayache, 2010: xv)

### The Market Place of the Thesis

The previous chapter developed a detailed genealogical unfolding of the events that led to the Global Financial Crisis. It sought to demonstrate the shifts that occurred in both discourses and practices of the urban, in particular, American social housing from the end of the Great Depression. It further delineated, from the 1980s, the eventual deregulation of social housing, along with the promotion of neo-liberal self-as-enterprise models of

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subjectivity. This analysis aimed at amplifying Foucault's writings on the biopolitical and governmentality, from his lectures at the *Collège de France* in the late 1970s. This period marked the beginnings of neoliberalism as a global economic order. Chapter Seven's tracing of the global financial crisis calls neoliberalism's discursive dominance into question. By tracing various popular and institutional discourses in social housing, the roles and practices of financial markets within the milieu of housing, growth of derivatives markets at a global scale, along with governmental practices, we see that the urban is not reducible to a collection of built forms, but is a complex and diverse milieu of overlapping practices and discourses of competing governmentalities. What is at stake in Chapter Seven is a continuing resonance that has been slowly unfolding throughout the thesis, with its concerns with knowledge and power, life and the milieu, and how we come to know them and their relations.

As I emphasised in Chapter Six, there can be no return to the classical *polis*. Two primary considerations come to the fore: that cities are shaped by governmental apparatuses, not reducible to the State, and that problematics of potential and change, risk and uncertainty drive the relations of force that are productive of those forms of knowing we name 'urban'. It is these twin concerns that we trace in this conclusion, perhaps what could be named as a biopolitics of risk or the twin concerns of power and life at the heart of Foucault's and Agamben's discussions of biopower. I turn briefly to the philosophical economist, Elie Ayache, who wrote a remarkable work on economic theory and philosophical geography in the aftermath of the global CDO failures, and the Eurozone national economy defaults. That work, *The Blank Swan: The End of Probability* (2010), targets the fundamental errors of the major financial institutions who devised derivatives packages, in terms of two ontological determinants: the very use of probability theory as that which determines the event of pricing and the ontological disclosure of the locale or place of the event of exchange that becomes determinable via probabilistic models. His thesis essentially concerns a fundamental ontology of place and of exchange, to which he gives the originary name "market." Ayache's argument, or hypothesis, at the outset, is a curious one: pricing, like writing, is outside the domain of probability. It is pure contingency, pure chance. It is for this reason, perhaps, he has as epigraphs to the book, two short quotations from French literary and literary-philosophical figures, Valéry and Blanchot. From Blanchot, he quips: "The necessary book is subtracted from chance" (Ayache, 2010: iv).

My aim, here, is not to introduce yet another major engagement in this thesis on the city, but to gather this thesis into its key concerns and findings in order to bring it to conclusion.

In doing so, there is something strongly resonant with the peculiar ontology that Ayache brings to bear on what he would define as the place of the market, and what we bring to bear on a defining understanding of the city. It is not for nothing that Ayache draws closely, in his own concluding, on the philosophical writings on place by the Heideggerian, Jeff Malpas, in order to develop for himself a disclosive ontological horizon for understanding place, self, and event in terms other than those of transcendent-transcendental structures, what Malpas adroitly draws out in Heidegger's work up to his 1936-38 *Contributions to Philosophy* (1999), as attempts to arrive at an ontological disclosure of place from the horizontal disclosure of temporality. Ayache recognises uncanny resonance between Malpas's emphasis on the failures of transcendent/transcendental ontologies and the ontologies of derivatives as probabilistic calculability and the event of the market as temporal disclosure, what Malpas identifies in Heidegger as deficiencies in thinking through 'projection' and 'derivation'. Both Malpas and Ayache emphasise an ontological disclosure of immanence, whereby place becomes a milieu of its own non-originary differentiations, as intensive multiplier of the contingent and non-predictable. In a short-hand way, the city as an 'object' for disclosure, for the ways in which its being-in-a-world becomes disclosable, has been the 'object' of this research, in research trajectories that continuously negotiate the transcendent/transcendental disclosure of this object, along with the immanence of non-originary intensive milieus that reveal a city happening.

If we open this concluding chapter with an epigraphic comment from Foucault on what for Blanchot defines 'attraction', we do so because it is perhaps the case that no research happens, in any field whatever, without this somewhat blind or opaque, this contingent and impossible attraction already thwarted in any ontology that suggests for a minute that desire is what gets quenched, that research tracks down and captures its quarry, that we get, eventually, to the inside of things. The 'city' as 'object' heightens this impasse at the same moment that it quickens the heart. It is, perhaps, the model, *par excellence*, of the very impossibility of arriving at a satisfactory understanding of interiority and exteriority, of a totalising gaze, a transcendent account, a snapshot summation or defining calibration. The 'city' escapes all of our attempts. Perhaps for this reason, like the sirens Blanchot recalls, it beckons us to its shoals. This thesis aimed, from the beginning, and via some expert city travellers, to search for that route to an interior. It squarely began with Foucault, and Foucault's concerns from the beginning with writing, with the aleatory, risk, chance and the order by which language and things find their common bearings. It began with a degree of systematic unfolding of Foucault's research, particularly as that research engaged the city as the habitability of more-or-less disciplined and free agencies, defined especially by a medico-

juridical discourse that increasingly, from the sixteenth to the nineteenth centuries, implemented new horizons of procedures defined by the emerging science of statistics, defining individuals in terms of normalcy, and defining actions in terms of techniques of normalization.

In some concerted sense the thesis unfolds a political and ethical philosophy of Foucault in tandem with the concerns he brought to defining the disciplinary mechanisms and then the governmentality of cities and States, or relational relays between cities and States, engaging the emergence, by the nineteenth century, of State Racism and the biopolitical and, in the twentieth century, neo-liberalism. The thesis engages a wide range of critical literature accessing the works of Foucault, both theoretically and thematically in providing historical accounts, for example, of the outbreak of plague or nineteenth century development of sanitation in the UK. The concluding chapter traces in considerable depth the effects, on the one hand of the usurpation of neo-liberal policies over Keynesian welfare politics and, on the other hand, the extension of probability modelling to the fundamental structure of the housing market in the United States that led to catastrophic outcomes for national economies throughout the world.

Ayache indicates briefly just how fundamental is the notion of ‘locale’ or place, at once tied up with the frameworks carefully recounted in Chapter Seven, and with the political and ethical horizons developed in this thesis, in its elaborating on the philosophical and ethical dimensions to Foucault’s thinking of the biopolitical, in the writings of Agamben, Negri and Derrida. Ayache notes in his Introduction:

It was during the period in which I was option market-maker on the floors of LIFFE (London International Finance Futures Exchange) in 1990-95, and MATIF (Marché à Terme International de France), in 1987-90, that I learnt what it really meant to be a market-maker, or a ‘local’ (as we say), and how far the open outcry market (which is the only true form of market to my eyes and the only place where contingency, as a meta-probability, can truly strike) can be from the masquerade and total degeneration of probability to which we were recently led by the Collateralized Debt Obligation (CDO) blunder and subsequent rout, and will be led by any other form of complex derivative that we cannot calibrate to the market. I believe this whole branch is going to drop off the tree, and the only way to reconstruct a market and return to the market is to go back to the place (and probably the time) where individuals (locals) *make* the market, as opposed to big institutional players who never understood how to make money in the market in the first place. (xv)

We note that since the book's publication in 2010, those financial institutions have not "dropped off the tree." In the most ironic sense, they have consolidated as wealth centres globally, and as the largest welfare recipients in the history of governmental regulation of State economies. Derivatives debt exposure globally has grown significantly since 2010, along with increasing government legislation to salvage potential bank collapse through partial-confiscation of depositor savings. The market-maker, locale-maker that Ayache discovers as creative singularity of the market, out of the intensive event of the contingent, coincides, for Malpas, with an ontology of taking place, of place itself, as disclosive of being, of the truth of being and the meaning of being. This is to say, ontologically, there is something essential here, with the 'here', that alludes to the trajectory we aimed at establishing, via Foucault, Agamben, Negri and Derrida, on an essential disclosure to the city. Do we reconcile, or can we make sense of the city as at once that creative encounter, what Sloterdijk suggests as latter-day Aristotelian '*megalopsychics*', or Ayache suggests as market-makers, and the mass anonymity that marks the massive escalation, since 2008, of derivatives debt that will eventually have its margin calls, 'urbicide' effects and biopolitical micro-rationalities of control?

### Open City

But is this what this thesis has asked? Is this its question? Does this thesis ask research questions in that manner, tracing hypothetical contours of the city-problem in order to test out via critical assay the viable and non-viable, advances in thinking from retrograde movements? Or does the thesis, in its writings, find itself following some of the labyrinthine pathways, more-or-less intensive or extensive locales, not quite wanting to totalise the overview, mis-reading terrains in a psycho-geographic babbling? Does the thesis fall on the side of a question of possible worlds, the side of black or white swans, or on the side of contingent worlds, the side of blank swans?<sup>1</sup>

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<sup>1</sup> The 'black swan' is the subject of book by Nassim Taleb, a former derivative trader and 'quant', regarding the problem of probability and uncertainty in the market with respect to statistical analysis. In *Black Swans* (2007), Taleb's central thesis takes aim at certain assumptions based on technologies or rationalities of probability, as implications of the fragility to frameworks of knowing (xvii). The example of the *black swan*, for Taleb, is a paradigmatic example of the limitations to empirical and statistical analysis. Prior to the first encounter by Europeans of Australia in the eighteenth century, it was believed that swans could only be white. For Taleb, the black swan is a contingent event that radically reconstructs our knowledge of things, in particular, the market. Hence the limitations to empirical analysis in Western thought. Taleb figures that 'black swan' events are outside of normal probability, outside prediction, and shaped by uncertainty. Such events have an "extreme impact," reconstructing our epistemological horizons. Fundamentally, their occurrence can only be described by *a posteriori* explanations (xvii-xviii).



Figure 26. McCurry, S. (2011). *Ruins of March 11<sup>th</sup> Tsunami, Japan*. Magnum Photos.

Taleb heavily borrows this concept from the philosopher Karl Popper who, in *The Logic of Scientific Discovery* (2005), criticises empirical science's reliance on *inductive methods*, which draw conclusions in migrating from *singular statements* to *universal statements*. Prior to the discovery of black swans, from the empirical evidence of white swans, a universal hypothesis was drawn that *all swans are white* (3-4). Popper's issue with inductive logic and empirical knowledge is that despite numerous observations, one cannot guarantee a universal conclusion. This leads to the point where knowledge—assuming belief that the *principle of induction* is empirical—becomes an *infinite regress* (251). Popper's target is the belief in science's claim to absolute certainty through demonstration (280). For Popper, all scientific knowledge must remain provisional forever (280). He includes in this "imperfect certainty or probability" (281), and regards a disposition within science as "craving to be right; for it is not his *possession* of knowledge, of irrefutable truth, that makes the man of science, but his persistent and recklessly critical *quest* for truth" (281). We note a correlation with Heidegger's differentiation between truth as unconcealing, *aletheia*, and truth as correctness, a difference primordial to ontological difference, ontical disclosure of beings and ontological disclosure of the horizontal meaning of being (Heidegger, 1996a).

The blank swan for Ayache is that possibility or contingent open that radically reconfigures existing categories, much like Agamben's refugee problematizes the traditional triad of state, nation, and territory. The blank swan and the refugee are not a third option, a middle ground, or an each-way bet, offering us something other than the repetition of either/or scenarios of the white or black swans. Instead, they change the 'game' entirely, in the sense, for example, that Malpas emphasises that the later Heidegger offers a completely new ontology of event, place, topology, temporality, and self.

I think Ayache, Foucault and Blanchot might well agree, along with Deleuze, Agamben and Negri, that there is an aporia *there*, between the possible and the contingent, not a small aporia but a politico-ethical imperative to consider how ontology happens from the vantage point of possible and contingent worlds. This thesis engages via particularly a Foucauldian trajectory the extent to which a question of political agency with respect to power and resistance is a question of opening a space of contingency in relation to technologies of power whose normalizing principle is to produce the possible. The city considered as designed outcome is essentially thought in terms of one of many possible worlds, or coincident and competing worlds whose calculability is not without reason or outside of reason. We learn, from the beginning with Foucault, to think reason otherwise than as that opposed to madness, and to consider essential relations of rationality and rationalization, not as the careful sifting of a range of possible worlds, but as contingent and unreasonable practice, wild and aberrant in relation to the micro-rationalities of discourses and the technical rationalities of instruments of practice.

Ayache suggests in his Introduction that this relation of the possible to the contingent is the hinge to his thinking: "Perhaps, the main distinction on which the whole book hinges is the one between possibility and contingency, or, correlatively, between the (theoretical) value of a derivative and the (market) price of a contingent claim" (xviii). For Ayache, derivatives are *technologies of the future*: "Thus we write those derivatives contracts and in their writing (the 'If ... then, else if ... then' formula) there is nothing even remotely related to possibility. It is the pure, material writing of contingency. It is pure difference. Writing is difference, as Derrida would say" (xix). We note in passing—and this is not a small matter—for Derrida, there is no 'pure' difference; there is no 'pure' but an always already contamination. Indeed the 'pure' would return us to a metaphysics of the pure and impure, of interiority and

exteriority, of the ideal and world of appearances. Derrida never forgets to remind us of the pure and the *pur*, an incandescent, holocaustic and originary fire, and the originary trace-structure of *différance* that he will allegorize—literalize—in terms of cinders and ash, white-mythologies of the texts of philosophies.

There is, perhaps, something we are suggesting here, that happens in the first decade of the twenty-first century, that suggests a movement, paradigm shift even, bringing to a close a governmental rationality inaugurated with the Physiocrats, whose invention of population and political economy rendered, or attempted to render transparent, what was opaque to the governmental reason of *Raison d'État*, sovereign surveillance over the territories and disciplined agencies of a State and its subjects. Political economy, biopolitics and governmental techniques of democratic States all emerge and are developed and enhanced with increasing sophistication of techniques of statistics, probability modelling and planning. The State, its mechanisms and procedures, discourses and agencies become the privileged domain of a series of new design agencies, emerging in the nineteenth century, as the human sciences. The city is their privileged object of empirical enquiry, concentration of potential archives of quarried fact, from which manifold models for development and totalising rationality could be developed. Does this first decade of the twenty-first century take us to the zenith of this metaphysical construct of idealizing worlds, only to demonstrate that the only necessity is contingency, that the end-game of algorithmic calculation of probability modelling of derivative packages was the utter dislocation of a real world and an apparent world? As Nietzsche might say, both worlds have been abolished. Would we want to suggest, in the sweep of a Foucauldian gesture, that a new erasing trace of the human is happening on the shoreline of metaphysical certainty, that becoming-human is currently thrown somewhere between the absolute instrumentalism of a market's demands for a self to be its own capital and a self as a work of art, courageously and fearlessly inventing the contours of its existence? If I suggested above the disconnect between Ayache's market-maker as creative political place-making, and the anonymity of a derivatives debt driver that no-one seems to find stoppable, are we able to respond, which is to say, are we responsible for making our cities, randomly, contingently with a political ethics of the unworkable, or are we unable to respond, response-less, as free self-economic enterprises whose agency is ongoing calculation of the possible? In what manner can we say the city is open to its derivatives, its technologies of the future? The thesis, when posed in the manner I have just defined, between contingency and possibility, as if these are the options, precisely repeats the either/or optional scenario of the black or the white swan. Again, the blank swan is not a third option, a middle ground, or an each-way bet. *The blank swan changes the game entirely.*

### Future S/states: Future Cities

In concluding his small book, *Constructions* (1999), with its Deleuzian inflection, John Rajchman develops two short chapters, “Future Cities” and “The Virtual House.” Both resonate with this thesis, and its concerns with the city, the State, governance and the work of Foucault. Rajchman notes: “The relation of cities to the future belongs to the conditions, the very idea of critical thought. Maybe there can be no thought without some critical relation to the future, some resistance to the present.” (Rajchman, 1999: 109). To ask, along with Cadava and Levy that naïve question we earlier posed, “*what is a city?*” is to open a primordial questioning of our critical relations to a future, to a becoming-city. We recognise the extent to which this question to futures, risk and prediction has driven a global vulnerability inextricably linked to a fundamental understanding of cities as agglomerations of dwelling in its multiple registers. This can be thought as being a practical question of how might a city be managed, planned for, and designed. Certainly, for the futurity of the city this is key for architecture and those working in design for the built environment. This practical question, or question of practices extends to governance of efficiencies or effectiveness: how best to design policy and how to advance particular political programmes. With the last chapter we saw how American housing policy shifted from policy concerns with housing low income households to concerns with how a self governs its modes of conduct, that followed Foucauldian approaches to governmentality of the State, in *Security, Territory, Population* (2007). These techniques of governing populations echo the shift from Keynesian economic intervention to neo-liberal economics, from State-centric approaches post-World War Two, to late 1970s liberalised housing policy models. Key concern, for either paradigm, was minimising risk in future events while maximising potential effects. This is not to suggest I am adopting Ulrich Beck’s thesis that we live in a totalised *risk society*, but rather that Foucault’s analyses of governmentality emphasise risk as a governmental rationality concerning the legitimising of the State as such (O’Malley, 2004: 7).<sup>2</sup> How

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<sup>2</sup> Beck’s thesis is that we are moving toward a *risk society* whereby the social is fundamentally shaped by risk management, what Beck calls *reflective modernization*: how modern government comes to manage risk and hazards (1992: 20-21). Beck’s thesis assumes a collapse in modernity of calculable risk into non-calculable threats, which become the “dominant force in history and society” (22). Managing and averting risk allows for the reorganization of the political, somewhat echoing Agamben, in how Beck defines the social: “Risk Society is a *catastrophe* society. In it the exceptional condition threatens to become the norm” (22). For an account of Beck’s analyses of risk society, see Mythen (2004), also Dean (2010) and O’Malley

governments treat risk varies; welfare States seek to minimise risk through collective approaches in housing, health and employment as forms of social insurance. Neo-liberal models seek to transform individuals into embodied capital potentials (11).

While it is tempting to see the series of transformations that occurred in a range of discourses in America concerning politics, economics, architecture, housing, and finance industries, as a ubiquitous shift from one model of governmental logic to another, suggesting thereby that these shifts were totalised or unified, we would be overlooking a series of contradictions that entails such a view. We would be significantly overlooking Foucault's analyses of discursive and non-discursive formations and the role of the continuous and discontinuous with respect to the above targets of analysis. As Foucault warns in his lecture course, *Security, Territory, Population* (2007), the emergence of liberalism did not see the disappearance of sovereignty or discipline. It rather transforms them such that they are deployed in new ways (107). Similarly, the emergence of neo-liberalism did not see the disappearance of juridical or welfarist mechanisms of control (Lemke 2013). Throughout the last chapter we emphasised that governments tried to minimise or mitigate negative events and promote positive outcomes through a series of political actions, such as the promotion of social housing to limit homelessness or to economically reinvigorate neighbourhoods blighted by slum housing. With developments of high crime rates in social housing project, and with the aim to constrain poverty and potential criminality, governmental rationality led to de-concentrating populations in social housing by opening social housing to the private market. These policies, concerns with how best to govern and how best to manage risk, define the differentials to the political, understood as governmental practices and governmental technologies. *Security, Territory, Population* (2007) and *The Birth of Biopolitics* (2008) both concern governance as managing the probable and the calculable, linked to a series of technologies of power, recognised as well in Foucault's earlier *Discipline and Punish* (1977), where discipline is a technology of power (23, 89, 102, 215, 221). The lecture series enumerates a range of political and economic developments that coincided with developments in the contemporary nation-state: *utilitarianism* as a technology of government (2008, 41); welfarism, along with scientific rationalities of State management (115); Civil society; *homo oeconomicus* and liberalism seen as technologies of liberal governmentality (296-297). Foucault stressed the role that calculation played in the transformations in governmental logic during the sixteenth and seventeenth centuries, where power is not longer "adjusted" to "wisdom," but "according to calculation" (311). This in many ways coincides with Heidegger's

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(2004) for a Foucauldian perspective on Beck's analysis. Both Dean and O'Malley are critical of Beck's totalizing of risk and the ubiquity of its effects on society.

understanding of the shift in the understanding of *Being* with the emergence of the Cartesian *Cogito*, emergence of the human as subject and as substance, scientific rationality, and what he called truth-as-correctness (Heidegger, 1977). Foucault's concern is how government is no longer concerned with truth but with rationality:

One no longer tries to peg government to the truth; one tries to peg government to rationality. It seems to me that we could describe the modern forms of governmental technology as control of government by pegging it to rationality. (311)

This shift toward rationality leads to a series of other problematic issues for an understanding of government, and leads to a series of shifts in the rationality of government (312). It is this milieu of how to constitute government that leads, for Foucault, to the birth of modern politics (313). It is this rationality, this ability to govern not by an appeal to wisdom but by calculation, rationalisation, and regulation that is central to contemporary politics. This rationality shaped the various arts of government, particularly in how best to manage risk and to calculate benefit, being more than just an abstract notion that affects politics or the State. It was central to how the city was conceived politically and economically, and its affects are real and far from ephemeral for practices of the built environment. The Foucauldian legal theorist, Pat O'Malley, suggests that while there are a number of discourses on risk, as with the work of Beck, risk's relation to uncertainty should be examined (6-7). While a range of governmental studies are commensurable to quantifiable and statistical understandings of risk (7), O'Malley cautions against potentially deterministic readings of governmentality and risk, with the need to distinguish risk and uncertainty (11). Whilst both risk and uncertainty are concerned with future events, they can be differentiated through their conceptualisation, the former associated with objective analysis and statistical probability, while uncertainty is thought in a non-quantitative manner (13). This returns us to Ayache, and his thesis on the end of probability. And it is on this return that I aim to end this thesis.

### **Post-Glyph: Beyond 'writing'**

The *unforeseen* constitutes a grounding and guiding questioning for politics and for planning, and is fundamental for urban governance, but also fundamental for philosophy, whether or not we agree with the Speculative Realism of the contemporary French philosopher, Quentin Meillassoux and his understanding that the *absolute* is pure contingency, leaving us

in a type of *possibilist* universe that is paradigmatic of the true.<sup>3</sup> While in many ways divergent to the Foucault of previous chapters, the questioning we seem to be here undertaking, of the future event as something to be managed, has been an underlying concern throughout the thesis. This has variously been thought with respect to governmental strategies deployed at the level of circulation with sovereignty, management of individuated bodies in disciplinary mechanisms, the panoply of techniques that take not just the body but its entire milieu as the loci of biological species, typifying the biopolitical, and concern with population that typifies governmentality. These various divergent and overlapping concerns with the conduct of governmental rationalities shape forms of urban governance. Conjoint to this is how an indeterminate future is thought, the shift that occurred on the cusp of modernity from the capriciousness of *fortuna* to rationalisations of politics that seek to limit uncertainty of future events. Through these rationalities, Foucault suggested the birth of modern politics in *The Birth of the Biopolitical* (2008). This does not suggest we should conflate Foucault's understanding of politics with Beck's *risk society* (1992) understood as a society dominated by technocratic risk, leaving us in an uninsurable uncertainty that is too totalising and that does not allow for various actual divergent interplays between tactics of governing. Throughout the thesis we have also discussed other theorists who engaged or sought to extend aspects of Foucault's analyses, particularly in the domain of the biopolitical. Agamben and Negri have concern with the possibility of rethinking communities-to-come, yet this possibility itself they link to *potenza* or potentiality. While the Postscript momentarily mentions a range of thinkers: Ayache, Taleb, Popper, Meillassoux and O'Malley—along with Foucault, Deleuze, Negri, Agamben and Derrida—their various concerns with the future event as *indeterminate* future go to the heart of planning and urban politics that has concerned this thesis throughout.

While working in a Foucauldian framework of legal theory, O'Malley's *Risk, Uncertainty and Government* (2004), undertakes a detailed and genealogical account of how risk and uncertainty, as a series of differential practices, has been thought in terms of governance

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<sup>3</sup> Indeed several other theorists have raised concern regarding the logical implications of Meillassoux's critique, while others have questioned Meillassoux's theological position as potentially a naïve form of humanism (Crockett, 2012), and others question whether Meillassoux's thought fully resolves the problem of correlationism (Brassier, 2007: 89-90, 93-94). Others have found fault with Meillassoux's 'possibilism' or hyper-chaos and the problem of temporality (Hägglund, 2009: 242-243; Hägglund, 2011: 129). Similarly, there is concern as to whether Hume's reading of induction would agree with Meillassoux's absolute contingency (Johnston, 2011: 99-100, 104-105, 108). Caputo questions whether Meillassoux's notion of correlationism in fact correlates with the actual theoretical positions of the post-Kantian philosophers who Meillassoux attacks (Caputo, 2013: 114, 194, 198, 200, 210, 284-286n.10, 287-289n.5). He also questions Meillassoux's analysis of 'ancestrality' or 'arche-fossil' by which he seeks to problematizes post-structuralism (219-220).

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(21-26). O'Malley is close to Ayache with respect to an ontological disclosure to events, probability, risk and uncertainty. For O'Malley, risk and uncertainty are, from governmental perspectives, radically undecidable: "From a governmental standpoint, risks and uncertainties are neither real nor unreal. Rather, they are ways in which the real is imagined to be by specific regimes of government, in order that it may be governed." (O'Malley, 2004: 15). This is what Ayache calls *writing*. In this sense, it is by *this writing process* that urban politics and the build environment are shaped. This inscription process is more akin to Blanchot's ontology of 'attraction' or his spatialising of the 'outside' than it is to the rationalities of urban design's inscriptions. With O'Malley's understanding of how risk and uncertainty are thought as fundamental to decision and political processes, we recognise the centrality of the problematic of temporality as "assumed indeterminate future" fundamental to thinking liberal freedom. Risk and uncertainty are technologies of freedom, just as they are, for Ayache, technologies of the future. Their genealogies show how our freedoms are shaped by those "who paradoxically claim to know the future." (181).

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