

Alison Ross

Introduction

In his 1995 book *Homo Sacer: Sovereign Power and Bare Life*, Giorgio Agamben presents his philosophical project as the attempt of a genealogy of the occidental conception of “life.” More than this, his project aspires to a new conception of the determination of the political in modernity, which would bring to a fundamental level of articulation the incomplete reflections on biopolitics in the work of Hannah Arendt and Michel Foucault. His articulation of the biopolitical paradigm calls on a far more extensive range of considerations than either of his precursors had envisaged. The reason for this must be sought in his definition of *life* as a politically determined concept. In this vein, he cites the definitions of life in medical practice alongside those categories explicitly located in the domain of political contestation, such as the refugee, as already political determinations.

As made clear in his criticisms of Foucault in the introduction to *Homo Sacer*, in Agamben’s view biopolitics has its origins in the thinking of the political in the West and is not fully comprehensible when it is understood either as a distinctive feature of the modern period or as modernity’s prevailing set of institutional opera-

tions. His view that thinking today needs to return to the path of “first philosophy” or “ontology” defines the orientation that shapes this perspective. His preference for “ontology” indicates the extent of his departure from the approach to biopolitics taken by Foucault, which was skeptical of the resources of philosophical discourse to grapple with historical problems and especially of its capacity to instruct political action. In contrast, it is clear that from the first formulations of his project Agamben had anticipated its significance as far more than a diagnosis of the fundamental tendencies in the politics of occidental modernity; it is, in fact, more like the promise of “an answer to the bloody mystification of a new global order.”¹ Indeed, despite the historical purview of his project, it is Agamben’s position that the significant tendencies of occidental biopolitics reach an unprecedented degree of intensification today, and he accordingly calls on particular features of the contemporary political scene to give his project force and urgency.

This project has since been developed in successive publications, including *Means without End: Notes on Politics* (1996), *Remnants of Auschwitz: The Witness and the Archive* (1998), *The Open: Man and Animal* (2002), and *State of Exception* (2003). One of the central problems in this collection of works is the definition of “bare life” or “naked life” (*nuda vita*).² In *Homo Sacer* it is the political determination of bare life that occupies his attention. Like Foucault, Agamben thinks that modernity is characterized by an increasingly more radical tendency to take control of “life.” For Agamben, the significance of this tendency can be measured against the distinction that classical political philosophy (Aristotle) maintains between *zōē*, bare or naked life, and *bios*, the life constituted in the *polis*. In what is now a characteristic gesture, he wishes to foreground the dire consequences of the *zōē-bios* distinction for the life that is naked or bare, the latter understood in terms of its complete exposure to sovereign action. Like Arendt’s concept of a human being completely stripped of his or her rights, Agamben’s notion of bare life wishes to put in view the disposable status of such life when it is utterly exposed to political calculation. In other words, bare life is human life that is completely exhausted in its status as the correlate of sovereign action. He argues that the two separate spheres of naked life and politics defined by Aristotle have become fused in the modern period. Politics is now increasingly defined as an era of biopolitics, in which power is exercised as rule over life. The frequent references Agamben makes to “aporia” and “zones of indistinction” are ways of marking this feature of the modern

era, which he finds in the stateless refugee in the camp, the shifting definitions of life in medical practice, and the bare life of the prisoner in the concentration camp.

In *Remnants of Auschwitz*, Agamben takes his genealogical project into the Nazi death camps to examine how the camps produce bare life. Although this work presents itself as an account of the ethical aporia and imperatives of witnessing in which the capacity to accommodate the extremity of the death camps would provide the test for any elaboration of ethical precepts, the analysis has a political dimension, given Agamben's view, articulated in a number of places, that it is the camp and not the state that is "the fundamental biopolitical paradigm of the West" (*HS*, 181). It is in *The Open*, however, that he attempts to explicitly render as a subject of analysis the biopolitical discourse of the Occident. This discourse, which Agamben phrases as the "anthropological machine of humanism," aims at the separation of the human from the animal in humans themselves and leads toward the production of (available) bare life.³ The significance of this work is not just its account of the production of bare life but the way it raises the critical question of the stakes and effects of Agamben's own project: namely, whether knowledge of the functioning of the anthropological machine may aid in stopping it. The same question is pursued from a different angle in *State of Exception*, in which Agamben states that he wants to lift "the veil covering this ambiguous zone . . . between law and the living being" in order to "answer the question that never ceases to reverberate in the history of Western politics: what does it mean to act politically?"⁴

Like the question of whether knowledge of its functioning could stop the anthropological machine, the political benefits of his analysis of the machinic functioning of the law are presented in terms of the promise of the future deactivation of the law as a "disused object" to be "played with" and "studied" (*SE*, 64). Aside from this type of utopian gesture that prophesies the destinal suspension of the effects of law and seems to make any action superfluous, what these studies share is their methodology. It is no exaggeration to state that Agamben's reasoning always proceeds from extreme cases or threshold states, such as the patient in intensive care, the inmate in the concentration camp, or the juridical aporia of the state of emergency.⁵ These extreme examples provide far more than material for Agamben's theses on the biopolitical determination of the West. They are, in his view, both the provocation to an explanation for contemporary theory and the definitive test against which the explanatory claims of other ethical

and political theories are found wanting. Hence, the following criticism of Karl Otto Apel in *Remnants of Auschwitz* makes the incontestable point that a number of theories find their limits of application in the death camps:

Years ago, a doctrine emerged that claimed to have identified a kind of transcendental condition of ethics in the form of a principle of obligatory communication. . . . According to this curious doctrine, a speaking being cannot in any way avoid communication. Insofar as, unlike animals, they are gifted with language, human beings find themselves, so to speak, condemned to agree on the criteria of meaning and the validity of their actions. Whoever declares himself not wanting to communicate contradicts himself, for he has already communicated his will not to communicate. . . . Let us imagine for a moment that a wondrous time machine places Professor Apel inside the camp. Placing a *Muselmann* before him, we ask him to verify his ethics of communication here too. At this point, it is best, in every possible way, to turn off our time machine and not continue the experiment.⁶

In this passage Agamben identifies in the figure of the *Muselmann* a limit case able to stand as a counterproof to those attempts, typified by Apel, to hold apart the human and the animal not just on the distinguishing criteria of linguistic pragmatics but in terms of the “agreed” parameters that govern the ethical value of meaning and action. Many of the contributors to this issue take up these key themes of his work. What concerns us here, however, is the thesis regarding the explanatory scope of his own project, implied by this criticism of Apel. Leaving aside for the moment the corollary of his analyses—that the point of distinction between what is exceptional and normal is itself blurred and that it is the presumed integrity of this distinction in the functioning of legal and political institutions that conceals the contemporary normalization of the exception—Agamben wants to show how certain power relations generally thought to be only exceptional provide the key for understanding normal institutions and practices.⁷ At the end of *Homo Sacer*, he acknowledges that the “lives” he lists in support of his theses on bare life at stake in biopolitics, which include the comatose patient, the neomort waiting for his organs to be transplanted, the figure of the *führer*, the *Muselmann* from the camps, the bandit, and Flamen Diale (“one of the greatest priests of classical Rome”), “may seem extreme, if not arbitrary” (*HS*, 182, 186). However, he insists that these lives all occupy “difficult zones of indistinction” between “law and fact, juridical rule and biological life” and that it is from their analysis

that “the ways and forms of a new politics must be thought” (*HS*, 187). The mode of his approach to these lives is also telling, however, in that he wants to phrase, from the evidence of these examples, the ontological question, what is bare life? or what is a camp? and seeks to derive insights into contemporary politics from this approach (*ME*, 36). Indeed, Agamben goes so far as to suggest that the thinking of new political categories is somehow a condition for political activism today.



It helps to form an overall picture of Agamben’s thought if we place it next to some of the concerns and problems that motivate the work of Foucault and Jean-Luc Nancy. The extent of Agamben’s departure from Foucault’s ascending model of analysis—which builds its tentative general picture by systematic reference to the analysis of how particular institutional practices operate rather than the ontological question of what they are—is instructive. Foucault’s criticisms of political philosophy proceed from his contestation of their explanatory utility. In *The History of Sexuality*, he emphasizes, for instance, that the postulates of Marxist theory may be used to arrive at mutually contradictory explanations of the same phenomena and thus are unable to adequately explain anything.⁸ He observes in his lectures on political philosophy that ideas from the modern tradition of contract theory, such as “legitimate power” and its conceptual partners “consent” and “the subject,” block from view some important features of modern political life, especially the ways in which disciplinary practices operate. The fault, in his view, is that traditional political philosophy wants to find out what power is rather than how it functions.⁹

As a point of departure for a critical examination of Agamben’s project and its political claims, we might submit his project to the dual test that Foucault sets up for political philosophy: on the one hand, it must be able to speak across “a population of dispersed events” or, in other words, not impose a reductive explanatory principle on complex phenomena; and, on the other, to its explanatory capacity to render legible a field of “dispersed events,” it must add a willingness to test its hypotheses against real situations.¹⁰ The contrast between Foucault’s approach to biopolitics and Agamben’s claim that the camp is the biopolitical paradigm of modernity is telling in this context. Gilles Deleuze has identified the novelty of Foucault’s work not just in its break with the terminology of traditional political philosophy but in the operative distinction in his approach to power between the microanalysis of a specific institution or setting and the abstract

machine or diagram, immanent to the entire social field, that this analysis suggests. Although these two aspects of Foucault's approach pose a problem of complementarity in *Discipline and Punish*, Deleuze argues that in the first volume of *The History of Sexuality* they work in concert as microdisciplines (specific institutional structures such as the arrangement of sleeping quarters in boarding schools) that are also biopolitical (immanent to the social field). Biopolitics describes the logic of the administration of life that underpins the specific disciplines but also escapes being a globalizing mode of explanation because it is arrived at by the analysis of local aims of power whose effects are not confined to a specific locale. In this context, Deleuze praises Foucault's ability to grid or map a social space from the microanalysis of its local disciplines.¹¹

The status of Agamben's thought qua political philosophy may be interrogated from this perspective. In his focus on bare life, Agamben provides a set of normative terms from which it becomes possible to interrogate diverse sets of institutional practices from the perspective of the direction they take. It is precisely this normative dimension whose absence in Foucault's work critics often had cause to lament and which Agamben's work may be seen to provide. However, Agamben's claim regarding the camp as the biopolitical paradigm of modernity needs to be considered in view of its conceptual consistency as an explanatory postulate; but because it purports to form an element of political philosophy, it must be brought into relation with a testable field in which the cogency of its characterization of the modern period can be assessed. Finally, given its messianic tone, it is important to examine as well the promissory dimension that Agamben attempts to derive from his analysis of the functioning of legal instruments and categories. His approach reverses Foucault's ascending methodology and leaves us to ask what the reasoning from extreme instances tells us about the hold of Agamben's analysis on the phenomena it wishes to decode. Why does he think it necessary for a "first philosophy" (i.e., an ontology) to be the entry point into the analysis of politics? Do these distinctive elements of his approach succeed in identifying otherwise obtuse elements of political modernity? Can such insights be gleaned from or supported by other sources? How do the elements of his mode of argumentation support the nature of the claim he makes for his project's political relevance? And where do his key theses locate him in relation to other major theories of modernity?

At issue in each of the essays in this collection are the difficulties of defining the Agamben effect, especially when the analyses of his recent

suite of works invest so emphatically in the motif of “inoperativity.” There is the important problem to consider of whether the concepts Agamben formulates are equal to the task of providing an intellectually compelling picture of our contemporary ethical and political situation and problems as well as possible responses to these. What possibilities do his analyses foreclose in respect to praxis and the conceptualization of forms of life (Andrew Benjamin, Claire Colebrook, Jean-Philippe Deranty, Penelope Deutscher) and which ones do they open (Adrian Mackenzie, Ewa Płonowska Ziarek)? It is because Agamben’s discussion of topics such as bare life is conducted through his confrontation with a number of themes and figures from the history of philosophy that many of the contributors to this issue also ask after the adequacy of his handling of these themes and figures (Deranty, Krzysztof Ziarek) or elaborate and interrogate his accounts of such themes and figures with reference to the lines of communication they open with other contemporary thinkers (Eleanor Kaufman, Catherine Mills) or genres of writing (Mackenzie, Lee Spinks).



It is possible to be clearer about the import and value of Agamben’s ambitious project if we separate its diagnostic from its promissory claims. These are the two distinct registers in Agamben’s recent writing, which are distinguishable at the level of the questions they pose and the types of imperatives they respond to. The diagnostic task responds to the problem of how to understand some of the compelling features of our contemporary political space and to bring to a level of reflection the experiences they shape. Here, Agamben calls on the resources of a “first philosophy” in order to identify the high stakes the category of life carries in the West and to show how the modern period represents an intensification of a tendency already present, especially in the ancients’ juridical inscription of life onto the field of sovereign power. From this perspective, Agamben may be described as bringing into view specific features, or better, tendencies, of the present by situating them in relation to the previous practices and thinking from which they derive and against which they may also be distinguished. The tools he uses to conduct his analysis are also worth mentioning. In general, the outlines of his commentary are taken from a philological discussion of legal statutes and practices. (His analysis of the category of life is an obvious case in this regard, although similar etymological attention is given as well to concepts such as the sacred, the exception, and the sovereign.)

It is important to distinguish the main elements of this register from the

promissory dimension of Agamben's recent writing. In this latter mode, his writing calls into question the conventional vocabulary and conception of political action and implies that his biopolitical diagnosis could instruct an adequate conception of the political for the West today. To be sure, neither this claim nor the range of activist practices he calls into question is novel. Foucault made the claim in his seminars in the early 1970s that the material of contemporary politics was impervious to the analytical hold of the tools of political philosophy and that politics had to be reconceived along the lines of a response to contemporary power relations. Moreover, he, too, was critical of the legal instruments and categories carried in human rights discourse, although unlike Agamben he tried to dissect the bases of the emerging claims to "rights," which he saw as legible from the perspective of the interstices of sovereign and disciplinary power. Neither did he believe, as Agamben often seems to suggest, that one could steer political activism by theoretical categories.¹² Thus, unlike Agamben, Foucault does not take the step of invalidating appeals to human rights as an effective tool, however limited, of political opposition and resistance.¹³

The radical perspective Agamben adopts on such topics may be understood as a consequence of the urgency he sees in our contemporary situation and the promissory implications he draws from this. Many of the signal tropes of his writing are invested with the sense that a juncture of enormous import has been reached today. The emphasis he places on the present moment sets him apart from the approach to the "history of the present" in Foucault's work and the cautious epochal approach to the era of technology in Martin Heidegger.

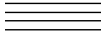
In terms of the themes and topics he brings to bear on his understanding of the present moment, he shares much with Nancy. Nancy's work is preoccupied with the question of what it means to live today, and he attempts to write an ontology that could accommodate this question. His starting point for the understanding of the present is Friedrich Nietzsche's diagnosis of Western nihilism, according to which "even the highest values have devalued themselves."¹⁴

Nancy adds to this perspective on nihilism an account of what he takes to be the signal features of the operations of contemporary capitalism in order to explain the real impetus and the urgency of changes that are occurring today, which would have no hold over life practices were they conceptual constructs elaborated solely in the philosophical tradition. In his view the operations of capital bring the groundlessness of the values of the West

to a state of general awareness today. In a significant parallel to Nancy's thought, Agamben focuses on the increasing awareness of the declining semantic hold of the vocabulary of modern politics and juridical institutions (community, citizen, human rights, rule of law, etc.) but does so especially to draw attention to the "protracted eclipse" politics is undergoing in this era of "accomplished nihilism" (*ME*, i).¹⁵ Whereas Nancy wishes to draw attention to the sources of meaning that are, on account of the prevailing operations of capitalism, for the first time seen to be made rather than given, Agamben offers something distinctly different: the need to think a new vocabulary for politics now that the categories of the citizen and the worker and the very understanding of political contestation have lost their original meanings. Hence, he refers to "pure means," "pure violence," and "the gesture" as the terms from which the new understanding of politics may be developed (*ME*, 59).

Although such suggestions remain vague and undeveloped in his work, it is clear from the settings he gives to this "new politics" that it will emerge as a result of the waning hold of what, to his mind, are the founding divisions that structure life in the West. Unlike Nancy, who sees many possible paths for a response to the waning of traditional existential regimes of meaning, none of them certain in their final outcomes or effects, Agamben focuses his attention on describing the direction he thinks our present institutional practices are taking. Indeed, the dark picture he paints of the present situation is at least partly motivated by the goal of elaborating on the theme of exhaustion, which he argues typifies our current legal institutions and practices and presages their passing. This characterization supports his contention that the founding distinction between *bios* and *zoē* is reaching an end from which a new politics will emerge. This style of analysis, which draws together the rhetoric of his diagnosis of the West with his prophetic statements regarding a new era, is coupled with the tendency to describe his analyses as "lifting veils," discovering "inner secrets," and laying "bare" the logic of the Occident (*SE*, 2, 86). In this respect he is closer to the tone of theorists of modernity such as Guy Debord and Paul Virilio, each of whom focuses on a single defining trait of the modern. In Nancy's writing, the prophetic and utopian tone of such post-Marxist theory is often criticized for its tendency to rely on a dualist style of analysis in which the present is viewed from the perspective of a more "authentic" reality or mode of human existence. Agamben's critique of the humanist mirage covering the anthropological logic of the West necessarily depends on such

dualist thinking; equally, his “new politics” of “pure means” is the perspective from which the present is condemned and the link between his diagnosis of the twentieth century and his promissory tone is at its strongest.



For a writer who aspires to present a compelling picture of our contemporary situation and of possible responses to it, it is noticeable that in many ways Agamben’s writing remains captivated by the classical categories and terms that thinkers like Nancy and Foucault, in radically different ways to be sure, have shown to be figments of the “past” and in which they identify obstacles to the rigorous thinking of the present. The status of art in Agamben’s work is particularly telling in this respect. At crucial points Agamben calls on works of visual art to forge the link that would otherwise be missing to his view of the ending of our present darkness. He reads in Titian’s painting *The Three Ages of Man* (1513–14), and especially in its depiction of the postcoital scene between nymph and shepherd, the halting of the anthropological machine and its characteristic separation of animal and human. Alternatively, he fills in the gaps of his account of the juridical aporia of our era with citations from Franz Kafka. The following passages from *The Open* and from *State of Exception*, respectively, are exemplary of these two tendencies:

In their fulfillment the lovers learn something of each other that they should not have known—they have lost their mystery—and yet have not become any less impenetrable. But in this mutual disenchantment from their secret, they enter . . . a new and more blessed life, one that is neither animal nor human. It is not nature that is reached in their fulfillment, but rather (as symbolized by the animal that rears up the Tree of Life and of Knowledge) a higher stage beyond both nature and knowledge, beyond concealment and disconcealment. . . . As is clear from both the posture of the two lovers and the flute taken from the lips, their condition is *otium*, it is workless [*senz’opera*].¹⁶

Kafka’s most proper gesture consists not (as Scholem believes) in having maintained a law that no longer has any meaning, but in having shown that it ceases to be law and blurs at all points with life. (*SE*, 63)

His reference to Titian in *The Open* to present the concept of messianic time may be queried in terms of the meaning context in which a painting

of a mythological scene may operate a claim of this type. Similarly, while it is true that Kafka is often appealed to as a diagnostic and prophetic writer, his suggestive literary accounts of the experience of being subjected to law cannot be cited as a source of sociological authority, nor can they stand in for an analysis of prevailing juridical codes. Although it is legitimate to ask whether elements of Agamben's analysis of the present may be used to clarify and expound on the insights of literary genres, it is important also to ask what work Agamben expects literature and art to perform for his project of characterizing the present and defining the task of forming an adequate response to it. This point is not limited to literature narrowly conceived. It is clear that Walter Benjamin's references to "pure violence" in his "Critique of Violence" require explication and cannot be called on to clarify or support Agamben's statements regarding "pure acts," "pure means," "pure violence," and "the gesture" as the idiom of the new politics.¹⁷ Indeed, such statements call on religious faith in order to sustain and convey their meaning, and as such they demand critical analysis. One is inclined to view his handling of the artwork as the other side of a sociologically reductive conception of art: in his work, art is treated as providing real insight into social conditions and the tools to assist their passing.¹⁸ This presumption may be valid, but in this case, as in the other cases studied by the contributors to this issue, it is important to ask for an argument that would be able to support and defend it.

Notes

- 1 Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, trans. Daniel Heller-Roazen (1995; Stanford, CA: Stanford University Press, 1998), 12. Hereafter cited parenthetically by page number as *HS*.
- 2 English translations of Agamben's work render *nuda vita* as either "bare life" (as in Heller-Roazen's translation of *Homo Sacer*) or "naked life" (as in Vincenzo Binetti and Cesare Casarino's translation of *Means without End: Notes on Politics* [1996; Minneapolis: University of Minnesota Press, 2000]; hereafter cited parenthetically by page number as *ME*).
- 3 Giorgio Agamben, *The Open: Man and Animal*, trans. Kevin Attell (2002; Stanford, CA: Stanford University Press, 2004), 37–38.
- 4 Giorgio Agamben, *State of Exception*, trans. Kevin Attell (2003; Chicago: University of Chicago Press, 2005), 2. Hereafter cited parenthetically by page number as *SE*.
- 5 His reference to the "poetic state of emergency" in his essay "The End of the Poem," first published in Italy in the same year as *Homo Sacer* (1995), uses a tone that coincides with the suite of works that belongs to the biopolitical project. See Giorgio Agamben, *The End of the Poem: Studies in Poetics*, trans. Daniel Heller-Roazen (Stanford, CA: Stanford University Press, 1999), 113. See his discussion of the *iustitium* provision in Roman law as an example of the light thrown by extreme cases (*SE*, 49).

- 6 Giorgio Agamben, *Remnants of Auschwitz: The Witness and the Archive*, trans. Daniel Heller-Roazen (1998; New York: Zone Books, 1999), 64–5.
- 7 He uses this view, for example, in *Homo Sacer* as a mode of argumentation. There he writes, “If today there is no longer any one clear figure of the sacred man, it is perhaps because we are all virtually *homines sacri*” (HS, 115).
- 8 Michel Foucault, *The History of Sexuality*, vol. 1, *An Introduction*, trans. Robert Hurley (New York: Vintage Books, 1978), 5–7.
- 9 See Foucault’s “*Society Must Be Defended*”: *Lectures at the Collège de France, 1975–1976*, ed. Mauro Bertani, trans. David Macey (New York: Picador, 2003), especially 26–28.
- 10 Michel Foucault, “On the Archaeology of the Sciences: Response to the Epistemology Circle,” in *Aesthetics, Method, and Epistemology: Essential Works of Foucault, 1954–1984*, trans. Robert Hurley et al. (New York: New Press, 1998), 2:297–333, 2:303.
- 11 Gilles Deleuze, *Michel Foucault*, trans. Séan Hand (Minneapolis: University of Minnesota Press, 1988).
- 12 In 1971, Foucault, along with Daniel Defert, founded an activist group for prisoners, Groupe d’Information sur les Prisons (Prison Information Group). This group was unusual for having no goal beyond the documentation of what was intolerable in the system of penal incarceration; it explicitly detached itself from the reformist program of lobbying for an “ideal prison.” Although the group had disbanded by 1974, Foucault saw its importance in terms of the experiment of removing activism from the justification of higher values. Are the terms of Agamben’s future politics—the inoperativity of the law, the conception of gesture, and so on—“higher values” in this sense? Do they orient a particular understanding of the stakes of political action that suggests what should prevail beyond current conditions? That said, it seems to me that there is an important distinction to be made between Foucault’s identification of the gap between the concepts of political philosophy and the modes of political activism and Agamben’s thesis that the categories of political thought have become semantically impotent and that it is the process of this semantic exhaustion that takes precedence over political activism. The latter view is closer to quietism because of its destinal view of politics.
- 13 See Agamben’s discussion of human rights in *Homo Sacer*, 126–36. The reasons for Agamben’s position on human rights discourse must be seen as a consequence of the generality of his position on biopolitics. For a critique of Agamben that focuses on the proximity he shares with Arendt’s view of a “pure” political domain, see Jacques Rancière, “Who Is the Subject of the Rights of Man?” *SAQ* 103.2–3 (Spring/Summer 2004): 297–310, especially 301–2.
- 14 See, for instance, Nancy’s discussion of “Nietzsche’s Age,” in *The Gravity of Thought*, trans. François Raffoul and Gregory Recco (Atlantic Highlands, NJ: Humanities Press, 1997), 44.
- 15 In many places Agamben acknowledges his use of Nancy’s understanding of the relation of the ban. However, there is also a shared diagnosis of our epoch as one of “accomplished nihilism,” although the consequences each draws from this diagnosis are different. See Jean-Luc Nancy, *Birth to Presence*, trans. Brian Holmes (Stanford, CA: Stanford University Press, 1993), 44, and Agamben’s use of the ban and discussion of nihilism in *Homo Sacer*, 29, 53.
- 16 Agamben, *The Open*, 87.

- 17 Agamben uses a discussion of Walter Benjamin to support his position in each of the cited passages.
- 18 I think one would need to look at Agamben's discussion of language in *The End of the Poem* and *Language and Death: The Place of Negativity*, trans. Karen E. Pinkus with Michael Hardt (Minneapolis: University of Minnesota Press, 1991), as well as his criticisms of philosophical aesthetics in *The Man without Content*, trans. Georgia Albert (Stanford, CA: Stanford University Press, 1999), in order to sketch out the position that supports this use of the arts.