

WILL SOVEREIGNTY EVER BE DECONSTRUCTED ?

In “Truth and Power”, an interview from 1977, Michel Foucault declares : “What we need (...) is a political philosophy that isn’t erected around the problem of sovereignty or, therefore, about the problems of law and prohibition. We need to cut off the King’s head: in political theory that has still to be done.” (in *The Essential Foucault*, 309).

Why does Foucault affirm this persistence of Kingship in contemporary political theory? Hasn’t the passage from royal to democratic or popular sovereignty been accomplished for a long time in the West? According to Foucault, this passage hasn’t change the very structure of sovereignty, which is always attached, whatever the polity it characterizes, to monarchy is organized, that is to a system of power with a single center and in which the Law is the only expression of authority. This model is, according to Foucault, that of Hobbes’s Leviathan. To cut off the king’s head means that we “abandon the model of Leviathan, that model of artificial man who is at once an automaton, a fabricated man, but also a unitary man who contains all real individuals, whose body is made up of citizens but whose soul is sovereignty. We have to study power outside the model of Leviathan, outside the field delineated by juridical sovereignty and the institution of the State.”

Western democracies are according to Foucault still depending upon this model because of their juridical structure. They are then secretly inhabited by the remnant figure of the sovereign, that is of the king.

It thus seems that no form of sovereignty can exist independently from the figure of the sovereign. No sovereignty without the sovereign. No sovereignty without a king. This explains why the very notion of sovereignty has to be criticized or, as Derrida declares in his Seminar *The Beast and the Sovereign*, why it has to be deconstructed.

Is such a deconstruction on its way? Does it have any chance to attain its goal? To be accomplished? Have we, after Foucault, after Derrida, and we will also add Agamben, cut off the King’s head? My answer, here, is “no”.

How can I justify such a position? In order to develop my argument, I will first turn toward the concept of biopolitics, forged by Foucault and reelaborated by Agamben and Derrida in two different ways. According to Foucault, sovereignty, as both a structure of power and a polity, has disappeared from the West with the emergence of modernity. A new form of

organization, which has nothing to do with it, substitutes for it. At the turn of the XVIIth, the pyramidal model of the Leviathan, described in political philosophy, appears as what it is in reality: the ideological mask which hides a disappearance, or a void, that of, precisely, sovereignty. Foucault declares that, in the XVIIth and XVIIIth centuries, a new form of power emerges which is “incompatible with sovereignty relationships (incompatible avec les rapports de souveraineté)” (184-185), and which is occulted by the persistent ideological affirmation of sovereignty. This new form of power is constituted by the paradoxical dissemination of power, the existence of multiple networks, sites of control, the supremacy of norm over the law, of discipline and technologies of conditioning over repression.

“One must keep in view the fact that, along with all the fundamental technical inventions and discoveries of the seventeenth and eighteenth centuries, a new technology of the exercise of power also emerged which was probably even more important than the constitutional reforms and new forms of government established at the end of the eighteenth century.” (*Truth and Power, The Essential*, 311).

This new exercise of power is by no means reducible to the structure of sovereignty: “power had to be able to gain access to the bodies of individuals, to their acts, attitudes and modes of everyday behaviours (...) Hence there arise the problems of demography, public health, hygiene, housing conditions, longevity and fertility. And I believe that the political significance of the problem of sex is due to the fact that sex is located at the point of intersection of the discipline of the body and the control of the population.” (*Truth and Power*, 311-312)

The intersection of the discipline of the body and the control of population is constitutive of what Foucault calls, for the first time in 1974, “biopolitics”.

Later, in *History of Sexuality*, volume I, he writes: « For millenia, man remained what he was for Aristotle: a living animal with the additional capacity for a political existence; modern man is an animal whose politics places his existence as a living being in question.” (143, *History of Sexuality*).

Further: “Western man was gradually learning what it meant to be a living species in a living world, to have a body, conditions of existence, probabilities of life, an individual and collective welfare, forces that could be modified, and a space in which they could be distributed in an optimal manner. For the first time in history, no doubt, biological existence was reflected in political existence; the fact of living was no longer an inaccessible substrate that only emerged from time to time, amid the

randomness of death and its fatality ; part of it passed into knowledge's field of control and power's sphere of intervention." (142)

Biopolitics plays a double part. Because it inaugurates a new form of political authority, made of micropowers which produce a "subjugation of bodies and control of populations", biopolitics is already, in itself, a deconstruction of sovereignty. It challenges its structure. At the same time, biopolitics covers its own deconstructive power to the extent that it hides it behind the ideological, traditional mask of sovereignty. If the emergence of bio-power inaugurates the reign of the norm, it conceals the operation of normalization itself behind the old figure of the law. « A normalizing society is the historical outcome of a technology of power centered on life. We have entered a phase of juridical regression in comparison with the pre-seventeenth century societies we are acquainted with; we should not be deceived by all the Constitutions framed throughout the world since French Revolution, the Codes written and revised, a whole continual and clamorous legislative activity: these were the forms that made an essentially normalizing power acceptable." (144, I)

The "right" to life becomes the biopolitical mask which dissimulates the normalization of life.

What, then, does the philosopher's task consist in? The philosopher has to deconstruct biopolitical deconstruction, that is to unveil it and resist its ideological tendency. Such a task requires that we situate the point where biology and history, the living subject and the political subject meet or touch. The issue I am raising here appears precisely at that point. It concerns the philosophical discourse, more precisely the structure of the philosophical critique of biopolitics. How do contemporary philosophers characterize the meeting point between biology and history?

As Foucault affirms in several texts, the emergence of biopolitics is inseparable from the emergence of biology as a science. It is only at the turn of the 17th century, when biology is constituted as a science which replaces natural history, that biopolitics becomes possible. The political subject becomes henceforth the living subject, the individual as it is determined by biology.

The problem is the following: for Foucault, as well as for Agamben or Derrida, even in a different way, biology is always presented as intimately linked with sovereignty in its traditional figure. Biology is always presented as a science which transgresses its limits to repress, domesticate, instrumentalize life, that is as a power of normalization, but a power which precisely occults its essential relationship to the norm, and appears as what

inscribes law within organisms. Function, program, teleology, organism : these are some examples of how biology conceptually and practically imprints the figure of law and of the sovereign at the heart of bio-politics, that is also at the heart of life. An organism has always the form a micro-Leviathan. This explains why a thinker like Deleuze will say that we have to think of dies outside organisms. Biology plays the part of the sovereign, Derrida says : of the king (see *The Beast and the Sovereign*, presentation of Lewis XIV). This explains also why biology always appears, for philosophers, as an instrument of power, never as an emancipatory field or tool.

There can't be any *biological* resistance to *bio-power*.

It means that biology, the biological determination of life, have to be transgressed. As if there were always two concepts of life in life. For the philosophers I am talking about here, there exists a non biological definition of life which transgresses or exceeds the scientific, objective one. This surplus of life is symbolic life. Symbolic life as opposed to biological life. This symbolic life appears as the resource or the potentiality of resistance.

This double sided concept of life is easily noticeable in Foucault's discourse on the body, in Agamben analyzes of bare life, and in Derrida's elaboration of the notion of the animal. I don't have time to detail these analyses here. I will just quote briefly three passages :

In the *History of Sexuality*, Foucault declares : "Hence I do not envisage a 'history of mentalities' that would take account of bodies only through the matter in which they have been perceived and given meaning and value ; but a 'history of bodies' and the manner in which the most material and most vital in them has been invested." (*History of Sexuality*, 152). If biology invests what is the "most material" and the "most vital" in the bodies, it means that there is a less material and less vital dimension. What can it be outside the symbolic body ? The flesh?

In *Homo Sacer*, Agamben writes : "Bare life is no longer confined to a particular place or a definite category. It now dwells in the biological body of every living being." (140) It means that bare life is not reducible to the biological. It is the symbolic part of life which dwells within the biological body. A body within the body.

In the *Beast and the Sovereign*, Derrida characterizes the animal as a poem. The poem is irreducible to an organism. The poetic dimension of the animal is what forever escapes biopower and the instrumentalization of life. This poetic essence constitutes the sacred part of life. In a previous text, *Faith and Knowledge*, Derrida had already declared that : "life has absolute value only if it is worth more than life". More than the "natural" and the

“zoological”. “Th[e] dignity of life can only subsist beyond the present living being.” Life is “open to something and something more than itself.” (*Faith and Knowledge*, 87)

A border remains then, in these approaches, between two notions of life, between two lives. Deconstruction or critique of bio-politics maintains the old relationship between the biological and the symbolic, the discrepancy, the separation that exists between them. This is what prevents such a deconstruction or such a critique to supersede the traditional or metaphysical approaches to life. What do I mean by the old relationship” ? I refer here to Ernst Kantorowicz’ famous book *The King’s Two Bodies : a Study in Medieval Political Theology* (Princeton.1981) The king has two bodies : a natural body and a non material one.

Let me recall the definition of the two bodies : “For the King has in him two bodies, a Body natural, and a Body politic. His Body natural is a Body mortal, subject to all infirmities that come by Nature or Accident (...). But his Body politic is a Body that cannot be seen or handled, consisting of Policy and Governement [...]” (quoted in Santner 35) Eric Santner, in his beautiful book *The Royal Remains, The People’s Two Bodies and the Endgames of Sovereignty* (Chicago : 2011) calls theses two bodies the biological and the symbolic one. It is then striking to notice that the critique or deconstruction of sovereignty is structured as the very entity it tends to critique or deconstruct. By distinguishing two lives and two bodies, contemporary philosophers reaffirm the theory of sovereignty, that is the split between the symbolic and the biological.

Of course, for Foucault, Derrida and Agamben, symbolic does not mean immortal or infinite as opposed to biological understood as finite and destructible. Yet, the partition remains — and it is, in effect, a “royal remain” — between the empirical and the symbolic, between the natural and something which is irreducible to it, whatever its definition. In criticizing sovereignty, philosophy reveals its own sovereignty, that is the two bodies of its discourse.

It has become urgent to deconstruct this deconstructive discourse itself in putting an end to the split between the two bodies. It has become of primary importance to stress on the political force of resistance inscribed in most recent biological concepts. It is time to affirm that biology can play another part than that of a royal remain. Time has come to free continental philosophy from the rigid separation it has always maintained between the

biological, hence the material, and the symbolic, that is the non material, or the transcendental.

The recent biological discoveries reveal the *plasticity of difference*: that is the plasticity of the genome, of cells, of brain development—all elements which challenge the idea of a strict genetic determinism and allow us to go beyond the classical distinction between body and flesh, between a material, obscure, mechanically determined organism on the one hand, a spiritual body or incarnated spirit on the other. What appeared, until recently, as irreversible or unchangeable : the genetic code, cellular differentiation, the phenotype in general, is currently described as plastic, that is mutable and reversible. Until recently, continental philosophers have articulated the notion of difference. We now have to elaborate a theory of what changing difference may mean. The reversibility of difference, brought to light by current biology, opens a new perspective on the relationship between the symbolic and the biological. Their dialectical interplay is inscribed within the body, not outside of it, putting an end to the logic of the two bodies, but consequently also challenging the structure of sovereignty inherent to the philosophical discourse. One of the most important of all current biological concepts, that of epigenetics, is a privileged factor of this total change of orientation.

What I develop here concerning philosophy is valid for any other discourse : in political science, anthropology, law, etc., a fix and rigid meaning of the symbolic is still prevailing, that undermines the deconstruction of the Leviathan. The symbolic is still colonizing all discourses in human sciences. It is as if we still needed to affirm the existence of a beyond or an outside of the real to confer meaning to reality, as if a prior structure, necessarily non material, was requested to give sense to materiality itself. As if we needed the two bodies to kill the king...

What does symbolic here mean ? The contemporary signification of this term, which is different from “symbolism”, has been brought to light, as we know, by Levi-Strauss, mainly in his introduction to the work of Marcel Mauss. The symbolic designates the structural spacing of the different entities which compose a language, a political community or of the ethical values of a society.s

Such a spacing has to do, according to [HYPERLINK "http://en.wikipedia.org/wiki/Claude_L%C3%A9vi-Strauss"](http://en.wikipedia.org/wiki/Claude_L%C3%A9vi-Strauss) Lévi-Strauss, with the existence of what he calls the floating signifier, able “to represent an undetermined quantity of signification, in itself void of meaning and thus apt to receive any meaning”. It is “a signifier with a vague, highly variable, unspecifiable or non-existent signified.” As such, a “floating signifier” may

“mean different things to different people: they may stand for many or even any signifieds; they may mean whatever their interpreters want them to mean.” This floating signifier, which maintains the correspondence between signifiers and signifieds, is said to possess a “value zero”, a *symbolic* value. Here, as we see, the symbolic means this empty space that gives language its mobility. It is because our language is full of these little nonsensical words, like “hau”, “mana”, or all the ones quoted from Lewis Carroll by Deleuze that it can function. So the symbolic here designates the empty boxes, or places or spaces, the value zero which determines the arrangement of any group of significant elements. What Derrida will call the supplement. An excess.

The symbolic, defined as the empty space, has, according to Levi Strauss, a double function : the empty space, as the “mana” for example, is both the sacred and what is offered to sacrifice. The most preserved and the most exposed, both the sacred and the sacrificable. Life, in modernity, appears precisely as what is both sacred and sacrificable. This explains Agamben’s famous book title, *Homo Sacer*. “Sacer” designates something which is neither in nor out, and both in and out at the same time. This is the status of “bare life” : sthg which is nowhere, neither within, nor outside the community. Which is both sacred and offered to murder. As we previously saw, bare life never coincides with biological life. Again : “Bare life inhabits the biological body of each living being”. The space which separates bare life from the biological body can only be the space of the symbolic.

For Foucault, power mechanisms tend to obliterate, reduce or restrict the emptiness of the symbolic, to fill it up with a content, to interrupt its mobility and transforms it into an essence or a fixed entity. This is what sovereignty is: the result of a transformation of the floating signifier into a rigid figure, that of the king, or of the law, or of any central and centralized motif. Biology is thought of as what makes this transformation possible. Biological concepts are for Foucault immediately edible or assimilable by politics : hence, for example, blood, or sex, which are constituted as organic-political values which appear as central and centralized entities which obliterate the dissemination of both power and bodies.

Biology, again, is the ally of sovereignty. It never serves the cause of the symbolic, but always tries to hide it. Of course this eclipse is not a suppression. Politics itself, as well as sovereignty are rooted, like every other reality, in the symbolic economy. Resisting sovereignty then amounts to reintroduce the excess, to unveil it and making it ungraspable by power. Such a gesture necessarily implies a transgression of the biological. The

resisting bodies, with their economy of pleasures (Foucault insists on the plural)

Deleuze, in “How Do We Recognize Structuralism ?” (published in *Desert Island and Other Texts*) shows that the symbolic defined as a prior non material empty space occupies a major role in Foucault’s thought.

Deleuze demonstrates that the empty or floating signifier in Foucault is the notion of subject, or subjectivity, which is not a substance or an essence, but appears on the contrary as a pure void, a gap, which gets its content from its self-formative gesture. The self and the body which are thus formed and transformed are not the biological ones. Even if Foucault insists, particularly in his last seminars, on the importance of the biological body for philosophical discipline, as it appears in Cynism for example, it is clear that the formation and transformation of the self operate on the symbolic body in the first place. It is clear that we have two bodies in one. In all cases, biology is always dependent upon the symbolic. Always derived from it. A secondary phenomenon. Biological life remains obscure, predetermined, genetically programmed, deprived of any meaning. Biology remains attached to control and sovereignty.

As I said to start with, the problem is that this critique of sovereignty is exactly structured as what it criticizes. The split between the biological and the symbolic is the scarlett letter printed by sovereignty on the philosophical body.

If we try to erase this mark, if we can affirm that plasticity inhabits the biological, that it opens, within organic life, a supplement of indeterminacy, a void, a floating entity, it is then possible to claim that material life is not dependent, in its dynamic, upon a transcendental symbolic economy, that on the contrary, biological life creates or produces its own symbolization.

Epigenetics is able to provide us with such a concept of biological supplement. I will briefly explain what epigenetics mean before I insist, in conclusion on its political implications.

The term *epi-* (Greek: *επί-* over, above) - [HYPERLINK "http://en.wikipedia.org/wiki/Genetics"](http://en.wikipedia.org/wiki/Genetics) *genetics*, was coined by Conrad Waddington in 1942: it designates the branch of biology which studies genes expression, that is the molecular processes which allow the formation of an individual structure — the phenotype— out of the primary genome or DNA sequence. Gene expression concerns the translation or transcription from DNA into proteins via RNA. The passage from genome to phenotype involves the molecular mechanisms that constitute cell differentiation, extend genes’ action and give the organism its form and structure. This

implies that certain genes are activated and some others inhibited. These operations of activation and inhibition depend on epigenetic factors, that is factors of change which translate the DNA without altering it. Epigenetics, in other words, studies non genetic changes or modifications. These changes are of primary importance in the biological fashioning of individual identities.

What is extremely interesting is that such changes are both chemical and environmental. Environment, experience, education appear to be epigenetic factors which play a major role in this fashioning. Brain's development for example depends on great part upon epigenetic factors. The anatomy of the brain is genetically determined. But the synaptic innumerable connecting possibilities are not. Synapses formation escape genetic determinism and is indebted to contacts that the organism has established with its environment. Brain's connective development depends, throughout a lifetime long, upon experience and learning. It means that we are for a great part, the authors of our own brains. As a contemporary neurobiologist affirms: "the brain is definitely more than a reflection of our genes".

Plasticity" is in a way genetically programmed to develop and operate without program, plan, determinism, schedule, design or pre-schematization. Neural plasticity allows the shaping, repairing, remodeling of connections, and in consequence a certain amount of self-transformation of the living being.

The difference between genetics and epigenetics can probably be compared to the difference between writing and reading a book. Once a book is written, the text (the genes or DNA- stored information) will be the same in all the copies distributed to the interested audience. However, each individual reader of a given book may interpret the story slightly differently, with varying emotions and projections as they continue to unfold the chapters. In a very similar manner, epigenetics would allow different interpretations of a fixed template (the book or genetic code) and result in different read-outs, dependent upon the variable conditions under which this template is interrogated."

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In their important book *Evolution in Four Dimensions* Jablonska and Young give a very similar definition :

109 "Think about a piece of music that is represented by a system of notes written on paper, a score. The score is copied repeatedly as it is passed on from one generation to the next. (...) The relationship between the score and the music is analogous to the genotype/phenotype distinction."

The becoming obsolete of the notion of programme in biology opens new condition of experience, new thresholds of rationality, as well as new philosophical and theoretical paradigms. If nature and culture are intimately linked in and through epigenetics, it means that nature and history meet within the biological. There is a biological encounter between biology and. In that sense, biology ceases to be a pure deterministic field, with no symbolic autonomy, a simple raw material for political use. On the contrary, epigenetics is a biological notion which resists the political reduction of biology to a pure and simple vehicle of power. What epigenetics reveals is the originary intrication of the biological and the symbolic which never requires a transgression of the biological itself.

I have no intention here to negate the symbolic dimension of life, or to affirm that life has only a biological sense. My contention is that if we admit that history and biology form a dialectical couple within biological life itself, we don't need to overlook the biological from an above structural point of view, but on the contrary discover the structural meaning of the empirical within the empirical, within "vibrant matter..."

If we keep the definition of the symbolic as an empty or vacant space, this empty space is currently becoming what I call the plastic space or the locus of plasticity, something which allows play within the structure, which loosens the frame's rigidity—the frame being biological determinism. The symbolic here appears as what allows the interplay of determinisms and freedom within the frame or the structure. This symbolic biological dimension is the transformative tendency internal to materiality, the self-transformative tendency of life. It is life transforming itself without separating itself from itself. I would like to conceive life as possessing its own modes of self-transformation, self-organization and self-directedness.

What I developed here about life specifically may be extended to other contexts in which the symbolic, defined as a surplus or a supplement, an excess over the real, is conceived of as a political critical weapon. As we know, the structuralist definition of the symbolic was elaborated within the frame of the relationship with primitive societies, as a common feature to all human communities. To challenge the priority of the symbolic thus defined is then not only to touch a particular point, for example that of philosophy and biology, as I have done here, but to address the issue of the political legitimacy of such a priority in general. Do we still have to presuppose a gap between the structural and the material in order to render the material meaningful? Do we have to transcend the empirical organization of the real in order to produce a theory of the real? Or shouldn't we on the contrary

consider such gestures as sovereign acts which re-inscribe, just as kingship, the excess at the heart of meaning ?

I wonder if the categories of excess, surplus, supplement, are still accurate to approach any kind of organization. Bataille used to oppose the excess, the “accursed share,” to the servility of Hegelian dialectics. As we know, for Hegel, energy never comes from outside the system, but from the redoubling of the negative within it. What if he was right? What if the dialectical plasticity of difference was, more than the indifference of the symbolic, the most efficient way to materialize the deconstruction of sovereignty?